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

May 27, 2014
6:00 P.M.

BEFORE:

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

SYLVIA LAZZARI PIRILLO - VILLAGE CLERK
PAUL PALLAS - VILLAGE ADMINISTRATOR
ROBERT BRANDT - VILLAGE TREASURER
(Whereupon, the meeting was called to
order at 6:00 p.m.)

MAYOR NYCE: It being 6 o'clock, I call
this meeting to order. Would you all please
rise and join me for the Pledge of Allegiance.
(Whereupon, all stood for the Pledge of
Allegiance.)

MAYOR NYCE: If you'll please remain
standing for a moment of silence: Barbara C.
Holley, Gregory Conrad King, Penny Wells Knight,
William Henry Manners, Thomas Shedrick, Mary Ann
Thilburg, Ed Swensen.
(Whereupon, all remained standing for a
Moment of Silence.)

MAYOR NYCE: Thank you. You may be
seated.

This is the May 27th regular meeting of
the Board of Trustees. We have a very full
house tonight and a lot to get through. I have
some announcements to get us started off. It is
warm. If it gets any warmer, I'm going to ask
that we try and figure out the air conditioning.
They haven't had it on as of yet, because it
shouldn't be this warm yet.
Also, since we have a full house, and we

are -- we don't have the greatest P.A. in the
world, I would ask that people try and refrain
from side talking, so that they don't interfere
with the other people that are trying to listen.
We will do our best to speak into the
microphones and to use our stage voices.

Under the announcements, the Relay for
Life is going to be here in Greenport this year.
They will be in Mitchell Park. That event is
Saturday, the -- this Saturday, the 31st, from 3
p.m. until midnight. I encourage people to come
down and join in.

The annual In-Water Boat Show that the
Village hosts will be held on June 6th through June 8th in Mitchell Park Marina, and that goes on those days, daily day, from 10 until 6?

MR. ABATELLI: Yeah. It's slightly different each day, but that's the basic.

MAYOR NYCE: Roughly, 10 until 6 on those days.

The East End Seaport Museum will be hosting their Chowder Contest that they usually hold during the Maritime Festival. They're doing it as a fundraiser this year on June 8th in the Chase Bank parking lot. I don't have times on that, but if you go to the East End Seaport's website, I'm sure the information is there. As soon as we have it, we will also post it on ours. It will also be listed on the Village BID website.

The Dances in the Park Program will be commencing July 7th, and will run every Monday through September 1st. That event is on those Mondays from 7:30, Dave?
TRUSTEE HUBBARD: I think at 7:30.

MAYOR NYCE: That part is 7:30 to 9:30 on Monday evenings. It's a free event. I encourage people to go. It's a great -- it's a great public evening, family event, and lots of fun.

Next brush pickup is scheduled for June 10th. There was one today. They will be around again in two weeks.

We will be this year hosting a Skate Park Family Day Event on July 27th, from noon until five. This is likely in place of the Skate Park Festival that has been held in years past. Trustee Hubbard has been spearheading the effort with some local participants, some of the kids that have been participating in past years, trying to change it up a little bit. They seem very excited, and we'll have a couple of months to pull that together. It should be a fun event. I encourage everyone to come down, and George will be grilling, so --
TRUSTEE HUBBARD: There you go.

MAYOR NYCE: Bring some hamburgers, hot dogs, chicken, whatever you want, and George will grill it up for you. No takeaway stuff, though, right?

TRUSTEE HUBBARD: No.

MAYOR NYCE: Okay. The next announcement, many of you may be aware, some may not, there has been an ongoing phone scam in the Village dealing with Village of Greenport Utilities. There has been an organization calling, representing that they are the Village of Greenport Utilities and encouraging people to pay their arrears. They've been telling them to go to a local 7-Eleven, get a money card and then submit the money card to them. Clearly, the Village of Greenport would not be sending you to a 7-Eleven for a money card. If you get -- I have some friends that I consider very bright people that have fallen for this scam. I think it really comes down to any con works if
you're susceptible to it and it hits you at the right time, so please be aware.

If you have any questions at all, please come into Village Hall or call the Village Hall number, 477-0248. But please make sure that if you're going to pay your bill, you identify that it is the Village of Greenport that you're paying, because, unfortunately, if you get scammed, your Village bill is still due. But this scam is out there, and please report it immediately to both the Village of Greenport and to Southold Town Police. We are both working diligently to make sure the person is apprehended.

The next portion -- oh, I'm sorry. Yeah. The next portion, we have a couple of presentations. I think I'm going take them out of order, because they are on the agenda, because I know the Peconic Land Trust one is very brief. And I see Tim Caufield is here. I'd like to invite him up to give us an update. As many will recall, Peconic Land Trust are the stewards for the old ExxonMobil property, and a couple of years ago that land
was given over by ExxonMobil to the Town of Southold's Open Space Program, with Peconic Land Trust as the stewards, and the Village of Greenport as the -- oh, I forget which role.

MR. CAUFIELD: Third Party Enforcer.

MAYOR NYCE: Third Party Enforcer. At the time that this all happened, we agreed that it would progress very slowly. That property is meant to return to its original native state. And that we ask that they give us any updates that happen, and as we go through the process, the public be involved. And with that, I'll turn it over to Mr. Caufield.

MR. CAUFIELD: Great. Thank you. My name is Tim Caufield. I'm Vice President of the Peconic Land Trust, and thanks for the time.

I just wanted to essentially deliver the Draft Habitat Restoration Plan that we're going to start working on, and maybe give you guys a very brief update on what we're planning on doing.

A quick history, just to add to some of
what the Mayor just said. It was December of 2012 that the donation was made to the Land Trust. It was part of two pilot projects that ExxonMobil wanted to do here on Long Island. One was in Cold Spring Harbor, the other is here in the Village. And these are the first two in the country, so it's a great model project for large corporations to participate in conservation.

In Cold Spring Harbor, we hold the conservation easement; the North Shore Land Alliance holds the fee. Here in Greenport, the Land Trust holds the fee and the Town of Southold, because they have an easement program, ended upholding the conservation easement.

Bringing it forward to this point, we want to start working slowly on the Natural Habitat Restoration Plan. We did put out some early design work. It was really just a conceptual plan to get the discussion going. But the bulk of what we want to do over the next few years is
what you see in the plan that we just distributed.

In working closely with the DEC, of course, and Cornell Cooperative Extension, we've worked very well with Cornell over the years on a number of different restorations, and we asked them again to assist us on preparing essentially their recommendations for the restoration plan.

It's a pretty basic restoration plan, it's what you might expect. There are some non-native plants on the property that really should leave over time. There are a few invasive species that will take a little bit more effort, some programmatic work, scheduled work over time to hopefully get them to disappear. It's the common culprits, phragmites, things like that. And then there is some opportunity for some habitat restoration, not a tremendous amount, but there are some nice native grasses in there that would be nice to transplant, maybe bring in some overseeding over
time. There is obviously some salt marsh that
can be enhanced, and there's just the beach
grass community that will -- that is a
restoration work that is worth working on.

Obviously, we're working on the permits.
We want to do some immediate work just on the
beach area. There still is some of the debris
there, a little bit of metal, some of the pipes
coming out of the ground. Exxon actually
cleaned that up, but I think Sandy brought it
back.

The DEC doesn't want us to go too deep, so
I think they went down about four feet, and now
we're going to go back and do it again. That
will be the simple first, the immediate work
that we're going to do. The longer term permit
is going to be comprehensive and just include
all of the invasives, non-natives, and then the
restoration work.

And Dawn McReynolds will be our contact at
the DEC, and, of course, Chris Pickerell and
Steve Schott at Cornell are going to be working along with us all along the way.

Early feedback from both the Town of Southold and the Village was to go slow, listen to the community, so we're going to do that. We heard you loud and clear. We formed a little bit of a local committee. We have Jane Williams, Joe Townsend, Polly Dixon, who is, I believe, on your Tree Committee, Valerie Haller and Dinni Gordon, they're going to be working with us. We need more volunteers and committee members potentially, so we're soliciting some continuing interest on that. And then, of course, staff will be working on it. Denise Markut, who is our primary contact staff, will be working on the project going forward.

Finally, we would like to make this an educational opportunity. I reached out to the School District early on. We would love to work with schools again, work on this project in particular, and any other community groups.
There are, you know, Boy Scouts, Girl Scouts. It could be a nice educational opportunity for simple natural habitat restoration.

So we just wanted to deliver the plan. Any questions, feel free to call me or Denise Markut, and we're happy to come back at any time to give you some updates as we move forward.

MAYOR NYCE: Terrific. I'll make sure that this goes up on our website.

MR. CAUFIELD: Great.

MAYOR NYCE: Whose number should I put with it if they have questions for the Land Trust, should that be Denise or yourself, or both?

MR. CAUFIELD: You could put Denise as our primary contact, and it's the main number.

MAYOR NYCE: Okay.

MR. CAUFIELD: 283-3195.

MAYOR NYCE: Fantastic.
gets up, and they can direct their questions to
you guys or to us, if they wish.

MR. CAUFIELD: Great. Thanks very much.

MAYOR NYCE: Absolutely. Thank you.

TRUSTEE HUBBARD: Thank you.

TRUSTEE MURRAY: Thank you.

MAYOR NYCE: Our next presentation will be
a presentation from Bob Braun of Genesys
Engineering, accompanied by our Village
Administrator, Paul Pallas. This is an update
regarding the Power Plant upgrade, sort of where
we are now finishing up Phase I, and what we're
doing into Phase II. And with that, I'll turn
it over to the two of you.

MR. PALLAS: Yeah. Just by way of
introduction, as the Mayor said, it's really
just a -- kind of a broad overview of what has
been accomplished, and what we're looking to
accomplish in the major systems in the plant,
not to any fine detail, because that would take
way too long to go over all of that. So we're
going to just look at some of the major
components of this next phase. So we'll keep it
relatively brief. And, Bob, if you would.

        MR. BRAUN: Good evening. Can everybody hear me okay?

        (Affirmative response from audience.)

        MR. BRAUN: Paul introduced everything I really wanted to say about the opening statement. What I thought we'd do is announcing to an agenda what we want to accomplish, and get into what has happened so far, and the things that we plan for Phase II of the project.

        As some of you may know, we've been working on a major electrical upgrade over at the Power Plant, which is the Phase I work. I'm going to show you some pictures of the plant. But before I get into that, I'd like to just give everybody background about your plant.

        Some people have seen the background of the facility before. There's a lot of new faces here, so I thought I'd touch upon some -- something about what makes your Village special.

        What you have over there is multiple engines, old, what I would call slow-speed marine engines dating back to the '50s and
'60's. You have the capability of generating five megawatts of power in your plant.

MR. ABATELLI: You're standing in front of the screen.

MR. BRAUN: Oh, okay. Can't have that. Is that a little better?

(Affirmative response from the audience.)

MR. BRAUN: Thank you. These are the existing units that are operational units. The rated capacity units are seven megawatts. Because of their age, we've de-rated them to five megawatts of capacity.

Just for your information, during the hurricane we did push up the capacity of the units in order to be able to satisfy the full load of the Village. That is especially prevalent when the Village load started coming back on. It's typical that when the load comes back on, because everybody's air conditioning was off, and refrigerators were off, the engines have to work extra hard to catch up. So, even
though we did determine that we would run them at five megawatts, in the event of an emergency, we did increase the capacity and we were able to run them up closer to seven.

What you see over here also is there's two additional engines over there and those engines were installed in order to grandfather the plant in. In the event that you want to use them in the future, it grandfathers the plant in so you can get the full benefit that you have of your existing facility into many years into the future as well.

Just to give you a little feel of what the -- what the Village electric load looks like, during the winter, you have a load of about 5.6 to 6.8 megawatts. During the summertime, it goes 5.8 to 7.6. You'll notice you actually have a pretty large load here during the wintertime, which is unusual for most Villages, but that's because you still have a lot of houses that have electric heat in them.
Naturally, during the summertime, you would see more of a demand as a result of air conditioning load. What we have noticed over the years is the load increasing here in the Village as the Village continues to grow.

I had mentioned before, when you do have an outage, that there's going to be a draw upon the system. You have to be prepared for that draw upon the system. A lot of the design work and some of the upgrades we've done is to accept that draw on the system, so that the whole system doesn't collapse. So, if you have an outage and you have to run your plant, we put systems in that allow you to run your plant and be able to accommodate the surge of power required when you do bring the unit on and provide power to the Village in the event of a blackout. So you can see your power goes up as high as eight megawatts in that case.

The facility operates as a load modifier and stand-by operation, which means that
basically in the event of a blackout, you can provide power to the Village. It also has another interesting effect, that if the New York Independent System Operator or the New York Power Authority calls for power, they can call on the Village to help supplement the power. So, if you have any large demand days, you can run this facility to supplement power for the Long Island area, the East Coast -- the eastern end of Long Island. And for that ability, you get something called a LUCAP payment. That's Local Utility Capacity payment, because you have the ability to provide power to the New York Power Authority in the event that they need it.

So, in looking at your facility, we did two things. We looked at what we have to do the near -- the near future to give you the liability to get your facility up to a level of operating efficiency where it gives you reliability and availability, and what do we do for the long-term future.
So there's two aspects of a utility planning program, what are we doing right away, what are we doing for the future. And our objective over here is to provide reliability, availability and maintainability to your plant. In order to do that, what we did was we did an evaluation of the entire complex, the entire facility, and we prioritized work that had to get accomplish.

So what you see over here is basically the beginning page of about 27 pages of task lists that were recommended to upgrade the Village facility, and it was done in a priority order so that you could determine if you had so many -- so many dollars, where should you spend your money to get the best return on your investment.

So, in order to accomplish that, after we determined how we wanted to do the upgrade of the facility, we broke it down into task areas, falling under safety, operation of the transmission distribution system, repair the
enterprise engines and balance of plant work.

So I wanted to show you some of the work that's been done. With this photograph that you see here was one of the old transformers that used to provide power to the Village. The reality of it is, is that transformer couldn't handle the Village load anymore and another transformer was put in. However, you had a single source of primary power to the Village, and the Village that's growing. So it was determined that in order to provide redundancy and backup capability, we would put another transformer in.

This transformer over here was outdated. And I guess the very important part about it was, is we didn't know how much longer it would even operate.

Over here you also see some of the switchgear which operated the plant. This is some of the old switch gear in the facility; very, very difficult to operate, couldn't get parts for it. But just to get it to operate, it
took constant manipulation and playing with it until we could get the switchgear to work.

So here you see the new transformer that was installed. So the Village is in the position where it has redundancy of feed coming into the Village, and they also upgraded the switchgear that I mentioned to you before. It was very difficult to operate. This was all upgraded and rebuilt. As a matter of fact, this was still new and this here was completely rehabilitated.

The other thing that was very important is your primary engines, your engine generators. Those were rehabilitated, they were rebuilt. You have -- this is the Engine #4, 5 and 6. This here is the big work horse of the facility; has a capability of over three megawatts. These engines were completely stripped down and rehabilitated, new bearings, new sleeves, new -- these are very important components that make these engines reliable. So those units, reasonably, 30, 40 years of operating life. This is some of the work that was completed. We tied in some new underground
cables from LIPA, installed an emergency startup

generator, so that the -- from a black start, if there's some -- if the Village is completely out of power, we can start a small engine, which we can then use to start the big engines.

Completed the survey of the electric systems. As a result of that survey, we put some of the upgrades in that I just described to you.

Testing, high voltage testing of the generators, megger testing, motors throughout the plant. That's to determine the reliability with how long those engines can run into the future.

As I mentioned before, Units #4, 5 and 6 were completely overhauled. We replaced all the major switchgear for the power generators. All the Village switchgear was all upgraded, maintained, calibrated and cleaned up, so it's in good operating order.

A new power transformer was installed, so
you have the redundancy of a reliable source of power. I would say your Village here is probably the most reliable on Long Island right now. And we also put the special devices in that allows the Village to parallel the 

utilities, so that you don't experience a blackout when you go back online with the utility. So the upgrades actually bring you into the forefront of modernization.

The next steps that we want to work on is the balance of the plant. The core -- we did the main engines, but there's a lot of systems that support the main engines. So I have some photographs in here that is going to so show you the core of what we want to do in the next phase.

We also want to provide for the operators an operating manual, put together a very comprehensive maintenance and repair routine for the facility, and implement an operator training program, so that as the operators come through
the facility, they can be trained in operation and maintenance of the facility.

Here's some of the photographs of the things that are going to be replaced. Here you see the air compressors. A very important component because that's what starts the engines up. These engines start with high compressed air. The lube oil system has to be upgraded. You'll see some photographs where we're having some deterioration of the lube oil system. So the cooling water system is in dire need of attention, and the physical plant, the exterior of the building. The roof was recently replaced, but there's some additional attention that has to be given to the plant.

Here's an example of what I'm talking about, just years and years. This plant, if you notice, goes back to 1887. It's an old plant, so weather takes its toll. You can see here where the mortar is actually being washed out of the joints, the brick joints.
Another area that really needs attention is the cooling systems. Without cooling, it's like your car, if your radiator breaks, your car doesn't run anymore. Well, this here is like a big radiator for the engines. If the engines don't get cooling water, they stop running.

Here you have photographs of the main cooling systems for the engines. What we're going to be doing is we're going to taking this unit out, we're going to be taking this unit out completely. We're taking this unit out and we're going to replace that big unit over there with one single unit that will do the entire facility. So we're going to simplify piping systems, we're going to simplify the entire cooling system.

There's a lot of work to be done on some of the internal piping as well. That's why we have that photograph here. You can see some of the deterioration of the cooling tower. The brick structure and the
basin is deteriorating. This cooling tower is going to be falling apart pretty soon, it's coming apart. And what I would tell you is that the equipment is operational, and the plan is to do replacement, so we can continue providing reliable power to the Village.

This is the -- you can see on the main cooling tower, this is just one of the patches that we installed on the cooling tower because it's rusting through.

The basin covers are wooden basin covers, falling apart, deteriorating. They're important because it keeps the algae bloom down. It prevents the light transmission, prevents you from falling in. The ladders and the walkways over here are really unsafe. You can't walk on it to operate equipment anymore. You're really in danger of falling into the basin.

You can see piping systems over here that all have to be replaced to operate. The valve operation is difficult. Some of the pumps, you
can see the deteriorating nature of some of the pumps. And, as I mentioned to you before, they do operate, but we have a limited life expectation on this equipment. Without them, the entire plant, the pumps go down, the plant doesn't run. You can see some of the piping systems over here, the deterioration on the piping systems. And because the plant was built in sequence, they would add one engine, add another, add another engine, some of the piping systems are probably more complex than they need to be. So when we do this work, we're going to simplify it all, just put single headers in, so the single system will cool the entire plant.

There again, you can see some of the deterioration of the pumps. A lot of these pumps don't have a lot of life left.

Here, this is the cool and heat exchangers. These here are dripping water here on the bottom, they're starting to leak. Another one of the cool and heat exchangers.
Again, if you run your hand underneath there, they're leaking.

Water pumps have to be replaced. Here you can see one of the pumps that did fail, and the operators were very resourceful, they put a pool pump in to keep the plant running. So that was -- there's two pumps over here. In order to maintain the reliability of the plant to keep it running, they put a swimming pool pump on there, but we don't want to have a plant all full of swimming pool pumps.

Again, I'm just showing you some photographs of pumps that had to be replaced. Another thing that has to be upgraded is the electrical systems in the plant itself that provides power to the auxiliaries. What you see now here is a very, very outdated way of doing it. We're going to put a single control center in that controls all the pumps and motors in the plant.

Again, here you can see a photograph of all the different switches, breaker panels that run the facility. We're going to combine it all into one spot.

I just bring to your attention the
equipment is old, it's hard to get parts for it.
The roof was recently repaired, but some of the
leaking in the plant as a result of the old roof
was dripping down on this equipment and caused
some damage to it. You can see here some of the
water trails where the fellas attempted to cover
it up, and you can see the water trails where it
was dripping.

You have some old plant breakers, minor
upgrade, but that would be what we're doing
also.

This is actually one of the things I think
is beautiful, so we're going to leave that
there, is a collectors items, but we probably
won't use in the future. It's an open copper
panel board that they had in the 1940s, 1950s.
That's actually a beautiful piece. And there's
a lot of components of the plant that we kept
there because they were beautiful, they're
retro, they're retro components. They really
show you the history of the facility, but they
won't be used anymore.

Again, you can see some of the deterioration that's going on there. This is some of the electrical gear that's going to be replaced. Nearly impossible getting parts for it, it's on its last legs.

Another area that the -- we'll be looking, the facility operators will start working on very soon, is upgrading the control panels. Like everything else in the plant, it's old. Some of the gauges don't work, temperature gauges, pressure gauges don't work, so we're going to be replacing a lot of the indicators and some of the controls.

I mentioned to you before we have to change the compressor. This component over here, this is called the governor. That's what modifies, controls the speed. Those are being upgraded by rebuilding. We're going to use the same units; save a lot of money. Instead of buying new ones, we're going to be rebuilding
Outside air, you know how you have a filter on your car, these are all being upgraded also. This filters the air before it gets into the engines. It keeps the engines running lively.

We also are doing some safety work in the plant. Some of the transformers we're going to be replacing. We're going to be putting new guards. If you noticed, a lot of the pumps that I was showing you before didn't have guards on them. We're going to put safety guards on everything. We also are going to be putting a remote camera surveillance system in, alarm system, improve the security of the fencing perimeter system. And I think that the security surveillance system is going in right now. The gates have been automated.

So that brings us to questions and answers. If anybody's interested, I also have a lot of photographs of the overhauls that were
done.

Thank you very much for your time. I enjoyed presenting to you.

MAYOR NYCE: Paul, do you want to expand on that at all?

MR. PALLAS: Just again, most of that work that you saw is going to be bid out, major work.

MAYOR NYCE: Yup.

MR. PALLAS: A few of those items we may be able to do inhouse with the smaller electrical panels, perhaps. And maybe even some of the plant work, the physical structure we may be able to do without a full-blown design. We can't do the work inhouse, but without having to go through a large bid process for those.

MAYOR NYCE: Okay.

MR. PALLAS: So it's a series of smaller projects.

I think everybody gets the idea of what we're looking to do here. I know that you've seen some of this before. And I think we're in
good shape at the moment going forward.

MAYOR NYCE: Right. I would also point out to those that aren't aware, we have two million dollars set aside, a million, roughly, in borrowing that has been authorized already by the Board, and roughly a million in cash that has been set aside by the Board, has been over the past several years, in order to do the -- this portion of the project. So the financing is in place and we're anxious to move forward on it.

So I guess the bid package for the cooling tower is the next --

MR. BRAUN: Yeah, the cooling tower package is finished.

MAYOR NYCE: And that's -- Paul, we said that's likely ready for our June meeting. We're hoping to --

MR. BRAUN: Yes.

MAYOR NYCE: To get that ready to --

MR. PALLAS: To be sent out.

MAYOR NYCE: To be sent out.
MR. PALLAS: Yes.

MAYOR NYCE: Good.

MR. PALLAS: We had made -- the discussion I had with Bob, initially we were going to do just the tower. We decided to expand that to do some of the major piping as a single project --

MAYOR NYCE: Right.

MR. PALLAS: -- rather than to break it into smaller pieces. To me, it doesn't make a lot of sense to do that. It's all connected, rather than to have to connect the old pipes and disconnect them later on.

MAYOR NYCE: Right.

MR. PALLAS: It didn't make a lot of sense, so we're going to do that as a single package --

MAYOR NYCE: Terrific.

MR. PALLAS: -- the piping and the cooling tower.

MR. BRAUN: And I think it will be a very attractive package, and it will actually make
the whole back of the yard there much more
attractive as well, because we'll be cleaning
everything up in the back in the utility yard as
well.

MAYOR NYCE: Cool. Does the Board have
any other questions or comments?

TRUSTEE HUBBARD: No.

MR. BRAUN: If I could just say, the
important part of that cooling is if we have to
run it an extended period of time during the
warm weather, right now you couldn't do it for
an extended period of time --

MAYOR NYCE: Right.

MR. BRAUN: -- in real hot weather. But I
assume you'll be able to do it around the clock
24 hours a day, 365 days a year if you wanted to.

MAYOR NYCE: That's terrific. And, Paul,
did you cringe when he said that we were likely
the most effective utility on -- Paul, Paul
Pallas was the electrical -- ran the Electric
Department for Rockville Centre, and we brought
him here, so now you're working for the best
electric system on Long Island.

MR. PALLAS: Three months ago I might have
argued, but no, I would agree.

    MAYOR NYCE: Terrific. Bob, thank you very much for your presentation. I look forward to getting the bid package out and starting the next phase and --

    MR. BRAUN: As I've said before, I think the Village of Greenport has a real gem here. Just the whole Village is a real gem with the way you built this Village as independent-minded citizens. You have your own utilities, your own wastewater treatment plant. I really enjoyed coming here, and I tip my hat to you.

    MAYOR NYCE: I also want to recognize we have one of our linemen sitting in the back, Doug is sitting there. Thank you for attending, Doug.

    That brings us to the Public Portion of the Board — of the agenda. I would ask if there's anyone from the public that wishes to address the Board? And if so, the process is come up to the podium, state your name and address for the record, and go from there.
MS. MC ENTEE: Good evening. My name is Joanne McEntee. I'm at 242 Fifth Avenue in Greenport.

I've drafted a letter, along with Robert Kehl, the owner of Fifth Avenue, 242 Fifth Avenue. Excuse me. This is a letter of complaint, and I have sent it to the Trustees, as the Trustees are well aware, and I believe the Village Attorney has been forwarded this letter as well.

There have been several issues over the many months with improper actions of Eileen Wingate, the Village of Greenport Building Department and Code Enforcement Officer. Therefore, we are filing a formal complaint.

Many of our neighbors are in agreement with this -- with this complaint, or several.

There are several issues with Ms. Wingate along -- allowing to overlook building codes and procedures pertaining to many of Mr. James Olinkiewicz' approximately 15 to 16 properties
with two and three-family homes in residential areas on one lot in an R-2 -- in the R-2 Zone. R-2 is another issue.

I was told by Ms. Wingate that 75 to 80% of the lots in the Village of Greenport were rezoned to R-2. This is excessive for a small village. Any one-family can be converted into a two-family with a building permit from Ms. Wingate, who also will be issuing the Certificate of Occupancy, no other questions asked. This is all controlled by one person. The exception to the rule would be if the Planning or Zoning Board had to intervene for other issues.

The R-2 zoning needs to be dramatically corrected. The Town of Southold, Riverhead, Shelter Island would never allow the process of the R-2 zoning. R-2 zoning has become a mess. People have found a loophole in our system.

MR. CORWIN: Can't hear. Somebody turned the sound off.
MS. MC ENTEE: Hello.

TRUSTEE PHILLIPS: David, I had to move this because I couldn't hear her. How do you turn it back on?

MS. MC ENTEE: Okay? Can you hear me now?

Is that better, clear?

(Affirmative response.)

MS. MC ENTEE: Okay. I apologize. People have found a loophole in the system. The most recent complaint is the home owned by Mr. Olinkiewicz, or his LLC or corporation,

purchased on May 12th of 2014, located at 236, also known as 238 Fifth Avenue, Greenport.

A Shelter Island 30-yard dumpster was delivered on 5/12. According to -- according to code, a permit is required; also is to be renewed after 14 days, and a policy of casualty insurance is to be on file with the Village.

There was none in the file when I reviewed it on 5/19.

Refer to Article 1, Code 112-1 to 112-7.
The dumpster is in violation of egress -- ingress and egress. The dumpster is blocking the only way to get to the garage apartment in case of a fire -- in case the Fire Department needs to get in. It is the only -- excuse me. It is not only to protect Mr. Olinkiewicz' property, but to protect the surrounding properties as well. No permit has been issued, no penalty issued.

I, Joanne McEntee, visited Ms. Wingate on 5/19, and Ms. Wingate stated no permit is necessary because he is the owner of the property, and it is her understanding that they are only -- they are only there to clean up and remove items. As of yesterday, and as far as I know today, this is -- this is the fourth 30-yard dumpster placed on this property.

I stated to Ms. Wingate that there are bath -- there are no bathroom facilities. She stated there is a bathroom in the house. I stated there is no bathroom in the house. I was
in the house with the prior owner, prior to Mr. Olinkiewicz purchasing the home, and there is no toilet, it had been removed. The floors actually had been removed as well, so -- in that area. She dismissed the issue.

I saw a worker undo his belt, unzip his pants, and began to pull his jeans down as he walked into the backyard behind the garage apartment. This is very unsanitary. There is no port-o-potty, or in the house a toilet as of yesterday. This is a violation of the Suffolk County Department of Health Code.

I asked to see the files on this home. There were approximately -- approximately 10 pieces of paper in this file, seven of which I had FOIA'd. One FOIA I did not receive to date. The rest of the -- the rest were duplicate copies of what was already in the file. On 5/20, I asked to FOIA -- excuse me. I asked for two FOIAs of cash receipts that have been received -- received -- excuse me. I get
nervous when I'm up here, so I apologize.

MAYOR NYCE: Take your time.

MS. MC ENTEE: I asked for two FOIAs of cash receipts and have not received them as of 5/26. There are two receipts prior to Mr. Olinkiewicz' receipt. They are numbers 30771 and 30770. I asked, "Where are the rest of the files?" Ms. Wingate stated, "There are none." I said, "How can that be? There has to be more files on this house." She said in front of the Village employees, "Joanne, why do you keep asking the same question over and over?" I stated to Ms. Wingate that, "There is no need to talk down to me." There is -- there are -- "There has to be more information on this home." I even asked for the prior owner's information. She said there is none.

Then, when I went to Town Hall on 5/20, I saw paperwork that was dated 5/15. They weren't in the file when I asked for the entire file that day. They were -- where were the other files? Ms. Wingate simply did not want to hear of the complaints.
This property had approximately 39 prior occupants living on this property at one given time. Dave Abatelli started having them vacate in approximately 2004, and Ms. Wingate had them all removed in approximately 2008, 2009. Why isn't this in the file of record or somewhere when I asked for all the files pertaining to this property?

On 5/20 I called Ms. Wingate to advise her of another violation in the morning from which I noticed after the Village Office was closed the day prior. The workers -- the workers completely removed an exterior side door, placed plywood over the opening, and put an old refrigerator against the plywood to keep it from falling down, and this was, again, outside. I mentioned there are many children in our neighborhood and the doors have to be removed. She said she would call Mr. Olinkiewicz. The doors were removed. A violation, no fine that I am aware of, and the owner gets a personal phone call.

Then I hear power tools. They had at
least three sawzalls, an air compressor, a machete, hammers, crowbars, several heavy-duty long extension cords, etcetera. The workers were there doing demo of plumbing, walls, countertops, cabinets, studs and removing insulation. The wood, including two-by-fours, had freshly cut ends, so -- and so did the plumbing pipes. I saw wood that looked like it had black mold on it.

I called Ms. Wingate in the afternoon to explain that they are doing demo inside the house and the back of the house. The back of the house was an old shed that a prior homeowner put a roof and walls from the shed to the original rear of the house, leaving a dirt floor between the house and now connected shed. She stated they are only removing items from the house. I said, "Not true, and there is no permit." Eileen said that they -- they don't need a permit. Again, I stated they are doing demo on the house inside. There is no toilet,
no dumpster permit and no permit on the demo. I said, "You need to get down here right now."

She said, "You are" -- "Are you threatening me?"
I said, "No. I just need you to do your job and get down here."

Within 10 minutes, the workers moved from working inside the house to outside the house,
and stood by their vehicles and moved the sawzalls, air compressors, and electrical cords and tools out of the house.

If I were to guess anything, Ms. Wingate called Mr. Olinkiewicz, being as Ms. Wingate was either not coming, or was taking her time.

I called the police to come down to assess the situation. It took Ms. Wingate approximately two hours to arrive to the site.
Ms. Wingate and the police officer arrived at the same time. Immediately, Ms. Wingate went over to the officer and whispered something to him. I went outside and I said to Ms. -- said, "No, Eileen. I called him. I will speak to him
first, then you can speak with him." I explained the situation to him as above. I also told him that similar issues were going on at some of Mr. Olinkiewicz' other rentals; Mr. Olinkiewicz and Ms. Wingate learned how to work around the system and a lot of shady stuff was going on. He went to speak -- the officer went to speak with Ms. Wingate, who was in the house. The officer told me -- told me to get in touch with the Mayor of my complaints. He told me that Ms. Wingate will have the toilet issue straightened out. As of yesterday, it has not been taken care of. He said -- he also told me there is now a permit in the window. I said, "She just put it there," because I know, as a matter of fact, that that was not there prior to the police arriving. That was not in my letter. Since -- since when does Ms. Wingate hand-deliver a permit? And Mr. Olinkiewicz was nowhere to be found, he was not there at all.
After the officer left -- after the officer left, I immediately went down to the Village to FOIA the copy of the building permit application that Ms. Wingate just issued without Mr. Olinkiewicz being there. Suddenly, Mr. Olinkiewicz walks in the door. He wants to see Eileen and began to walk through the gate. I said, "Oh, no, this is a conflict of interest," and I closed -- I grabbed the gate and closed it. Ms. Pirillo asked Mr. Olinkiewicz to go outside the front door. I said, "Is he going in the" -- "around to the back door to sign the application?"

I finally received a copy of the application after a long wait. It was not stamped approved, dated, has no permit number, as the permit -- there is a permit number on the permit at the house. That was not in my letter. Therefore, it appears to be a falsified document. If this is true, this is falsifying Town documents and this is a felony.
Floor beams and two-by-fours were delivered by Mr. Olinkiewicz' workers on Saturday, 5/24. The workers were working inside construction the entire day, and this is structural, which is a violation. On 5/26, which is a legal holiday, Mr. Olinkiewicz and his crew were ripping off parts of the roof and throwing it down into the dumpster from the rooftop, and his crew was working inside ripping down black mold sheetrock and throwing that in the dumpster.

Police were called, as it is a violation to do construction on a legal holiday. Mr. Olinkiewicz did not know this at the time, as is as he explained to the police officer, as this is a construction noise code and there is no and there was no alteration permit.

There was also no plans filed with the Village for the inside alteration construction currently being done. For the safety of Mr. Olinkiewicz'
workers, they should be wearing masks.

A certified lead abatement crew has to come in to seal off and remove lead paint, which is -- which is in the interior and exterior. A certified black mold crew has to come in to seal off and remove the black mold. Both certified abatement crews need to be issued — need to issue a certificate for safety after the work is completed. They wear special protection clothing while removing the black mold and lead paint. All areas are secured until the certificate is issued, or until cleared, really.

The application states -- the Building Department application states repair --

MAYOR NYCE: I don't want to be rude. I think we got the gist of it, and we all did receive the --

MS. MC ENTEE: I'm actually almost done.

MAYOR NYCE: I understand.

MS. MC ENTEE: But I think this is really important to the public. And I apologize, but I will let someone finish reading the rest of
this. But I apologize, because this is very important and for our community.

MAYOR NYCE: I understand. We've all seen the complaint.

MS. MC ENTEE: You have, but these people have not. And I appreciate -- but I would appreciate reading the rest of it.

MAYOR NYCE: Been 10 minutes added already.


The application states repair, so Mr. Olinkiewicz doesn't -- doesn't require regular inspections. It should be alter -- alteration and repair. The part about repairing any hazard areas in or around the structure is incorrect. "In" means inside, which if the doors are closed and secure, which they were, there is no hazard to repair. The hazard issue inside is an alteration, especially if sheetrock is in the beginning -- is being removed, plumbing is being removed, new floor beams and wall studs are being installed at the time.

Mr. Olinkiewicz is avoiding the process of
having to have plumbing and electrical

inspection, as well as many other inspections
that are required by the Building Inspector.

The CO Mr. Olinkiewicz provided me with
was the only one in the file from 1988. It
states 236/238 Fifth Avenue, two-family with a
detached single garage, owner-occupied house.
The detached single-family house is an apartment
above a garage. No -- no person has been living
there since 2004. Being as it is unoccupied for
more than one year, it is no longer
nonconforming use, and no one can occupy this
apartment.

Mr. Olinkiewicz has stated that his son
will be living there. First of all, his son is
not the owner, as far as I know. And the CO
states that owner -- that it's owner-occupied,
not family. But it's no longer nonconforming
use, nor is the property R-3 zoned, which is
what he's trying to do.

Let me also mention Mr. Olinkiewicz has
been showing the property -- showing the
apartment above the garage to several people,
and he's also looking to put in eight parking
spots in this -- on this property.

Mr. Olinkiewicz has been in business for

many years and has purchased and repaired many,
many R-2 homes working along with Ms. Wingate.
Both of them know what is being done and what
was -- what is -- what we consider wrong.
Mr. Olinkiewicz is doing substandard work in
these R-2 homes that he rents. People live in
these homes without the knowledge of the
problems. He is covering up the mold issue and
other similar issues that are substandard. He
has -- he has turned one-family homes into
two-family homes with garage apartments, having
three families living on one property.
Mr. Olinkiewicz has built two-family homes on
lots as well.

He also -- he has also avoided the DC --
the DEC as well. Why hasn't Ms. Wingate
addressed the properties with potential DEC issues? A letter of the DEC -- a letter of DEC nonjurisdiction or DEC permits and approvals should have been in some files.

On one property, a temporary CO was issued, while there were no legal parking areas for the tenants that moved in. There should have been never -- there should have never been a temporary CO issued to a -- on a rental property. In my opinion, this property should have been condemned, which is the property at 238 Fifth Avenue. Squirrels and birds are living in the roofs of the two -- of the two porches. Water has been pouring through the roofs for many years. It contains black mold and lead paint.

Prior to the building being closed down, the Fire Department had been there many times due to a carbon monoxide detector going off. The chimneys were leaking into the house and no longer met code. The mortar is shot and we can
see -- and you can see through from one side of the chimney to the other. Why is no record of this on file when I asked for the information? A Stop-Work Order should have been placed on this property immediately. We would suggest to the Village -- the Village of Greenport reach out to a certified engineer immediately, not a report supplied by Mr. Olinkiewicz, but one of an independent engineer.

In my opinion, Ms. Wingate should be fired from her position. She clearly does not know the construction of a building, nor does she know the building code. This is a big problem.

We would also ask that someone other than Ms. Wingate inspect Mr. Olinkiewicz' properties, possibly an independent at this time. We would also ask that all permits and COs issued to Mr. Olinkiewicz be pulled and reviewed.

We encourage all the Board members and Village Attorney to take a walk down to this property and truly see what is going on. We
cannot have -- we are -- we are -- we are not here to harm anyone in any way. The system is broken and needs to be fixed. The building code is meant to be enforced, not selectively enforced.

Respectfully, Joanne McEntee and Robert Kehl. And I appreciate you listening to me, and thank you for giving me the time.

MAYOR NYCE: Absolutely. Thank you. I would like to address a couple of those issues.

MS. McEntee: Address them?

MAYOR NYCE: That's fine. No, that's fine.

I know that our Village Administrator, Paul Pallas, and I think Trustee Murray went to the site today. Do you want to report as to what -- there's been a permit issued to secure the property, nothing beyond that, as far as I understand. Mr. Olinkiewicz has been told that he's to do no work except securing the property until a permit is issued. Do either of you want
to expand upon that?

TRUSTEE MURRAY: I took a look of the property after we all received your letter, Joanne, and I was curious to see why so many dumpsters were used there.

I did look at the property a few months ago, so I know all the trash that was outside and inside, and I did notice that it was just things removed from the house. Cabinets, plumbing, there were things like that removed. He opened up areas in the floor that the roof was leaking to see what he has ahead of him. He has not done any structural work to this point yet. So I -- there's some -- he hasn't touched any electrical work as of yet. And I know that -- I think he's looking at this property. He's not going to be taking the sheetrock down, only areas that water got to. That's what he removed so far. But it was not a demolition like was -- I'm sorry, Joanne, like you stated. It was not a complete demolition like you saw. So I don't
think he's really pushing the permit issue as of yet.

MAYOR NYCE: I'd also -- I'd like to state that we have received complaints like this in the past. We have investigated every one of them where there is the inference that there might be special treatment being given to certain contractors by our Building Department. To this point, none of those have gone anywhere. I will look into it again, because we need to constantly make sure that that's not what's going on. So that part I will -- I had asked already our Village Administrator to look into last week; he has done that.

There has also been a long history in this Village of asking for forgiveness after the fact, because that's easier than getting the permit. That is not the way we intend to move forward. It's not the way we intend the Building Department to act.

Some of you may have heard that with this new budget, we've already placed an ad for a Code Enforcement Officer, which would give an additional arm of enforcement, so that the Building Inspector is not only also the Code
Enforcement Officer.

I see Ms. Ortiz here. She was a Code Enforcement Officer for the Village years ago on a part-time basis. We had — years ago, we had two separate people doing the job. I think it makes sense for us to go back to that. We are doing that this year.

Obviously, any time we hear that our Building Inspector is not doing the job that they're required to do, we will look into it, and I will -- I will make sure that that gets looked into.

Again, as far as the permit itself, my understanding is the permits that have been issued are proper, no work has been done beyond that. And we -- Mr. Pallas assured me that he spoke to Mr. Olinkiewicz today and told him to make sure that there would be no work done before a permit was issued.

That being said, it is also vitally important for this Village that houses that need
repair and upkeep, that work be done, and we need to find a balance for that, and that's part of -- that's going to be part of the struggle moving forward. We want to see older properties be rehabilitated. It adds to the character of the Village, it adds to the growth of the Village.

We do have a Rental Permit Law, so any rental apartments that are in that -- on that property will be -- will fall under the jurisdiction of the Rental Permit Law.

I would also point out that with the R-2 zoning, I believe, I will look into as well, but I believe we also have an accessory apartment addition to our code, which was adopted in 2007, 2006, which may allow for an additional accessory apartment on an R-2 lot. I will -- again, I will ask the Village Administrator to look into whether or not that apartment was listed as such, as an accessory apartment. If so, I understand your point, that a
nonconforming use, once it's vacated, the nonconforming use cannot be continued. If, in fact, it's an accessory apartment on an R-2 property, it may still be allowed as of right. So I will ask them to look into that as well.

I hope that that addresses the concerns.

I did -- for disclosure I, did speak to you over the weekend about this. I sent an email prior to getting your letter anyhow, so they were down there today looking at the property. And I hope that that addresses everyone's concerns.

And I would like -- I know there was another woman up that wanted to address the Board.

AUDIENCE MEMBER: No, not on that.

MAYOR NYCE: Okay. So on the same topic.

MR. OLINKIEWICZ: Good evening, everybody.

I'm James Olinkiewicz, the man in question.

Just to give my rundown on what happened, so that everybody hears both sides. I went and I purchased the property on May 12th under a
corporate name. Bridgehampton National Bank financed the property.

We went to -- I went to Eileen Wingate on May 15th, asking for a building permit to repair the roof. There was a hazardous area inside where the floor was rotted that the engineer/architect wanted to come in and look at, that I asked that I could stabilize that, cut it open so it could be viewed, so we could figure out what had to be done. And I also in that permit applied to put a fence on the property. So that was applied on the 15th of May.

On the evening, about four o'clock on the Monday night, the 20th of May, I got a call from Eileen that my permit had been issued. I left a check on the 15th of May. Eileen thought that the permit fee would be $250. I wrote the check out to the Village of Greenport. On the 20th, in the evening, Ms. Wingate gave me a call and said that my permit has just been issued, I could stop by and pick it up. At that time,
there were issues that people were saying that I was doing things without a permit.

Yes, there have been, not three 30-yard dumpsters going out of there, but there's been three 20-yard dumpsters going out of there, cleaning the yard, cleaning the inside, everything that was loose. The prior owner had a contractor that brought many items from many jobs out there for storage that he intended to use, which I decided to throw everything out.

We also cut all the underbrush and all the broken and dead trees out of the back, the swing sets, the play sets, everything that was on there that was just a garbage dump. He had done the roof 10 years before. There was a pile of roofing shingles behind the back of the garage that he had never gotten rid of. So we cleaned up the outside of the property and we cleaned up the inside of the property.

And yes, we did cut open the floor on the first floor to see, so our architect/engineer
could review that.

In regards to the lead paint issue, I am lead paint certified. I have taken all the classes. We have all the abatement certificates, everything, so I know what's involved with that.

As for mold, I have a friend of mine who's mold certified, so I had him come in and look. So on that, no, I haven't had him go and do a certificate and do tests, and everything else like that, because the area that has leaked water from the chimney down, when the roof was done 8 or 10 years ago, it wasn't flashed properly and the water leaked into the house. And the lath and the plaster fell off of the wall, the wall and ceiling on part of the -- part of the wall and ceiling in one bedroom on the second floor, and on the wall on two sides on the first floor between the kitchen and the dining room, which we cleaned up. We took out

all the old scuzzy carpets and all the tackless
and everything down, so we're back down to the existing floors.

I met with Dave Murray, and -- I'm sorry, I don't remember the new man.

MR. PALLAS: Paul Pallas.

MR. OLINKIEWICZ: Paul Pallas. Paul Pallas and Dave Abatelli, and Eileen Wingate came down there today, and we all did a walk-through on the project to see that I hadn't done anything more than the building permit that I applied for. When I had applied for it, Ms. Wingate had told me that I needed to get engineer and architect stamped plans for the houses, because the Village has started to ask any job that's being done in the Village that is substantial, that you have plans drawn up.

So I am actually at a standstill, except for my permit is still in force for me to repair the roof, which is -- that's everybody's right on their house. But I went down and got a permit for roof repair and for me to finish my fence. And I assured everybody there that I would not continue with anything else except finishing the roof and finishing the fence until
the plan is through.

As for the garage with the second floor apartment, I haven't even thought about that. It has -- it has lost its capability right now, because it's been sitting dormant for more than a year. I haven't even thought about what to do with it. My main focus is on renovating the house, getting the house fixed up and getting two affordable units for people to rent. After that, if I decide to do anything with the garage, I will have to go through the ZBA, the Planning Board, and every Board permit, and everything else like that, and every neighbor can speak their piece on what they feel about it. But for right now, I have absolutely no intention to do anything with that building; maybe tear it down, maybe apply for a cottage in the back and get rid of that, something. I don't know. I haven't done that, I haven't figured it out, but my main focus is on the house.

So, in my mind, I haven't violated
anything. I know the neighbors aren't happy that they're going to have tenants next door, but the house was preexisting. When I went to

subdivide the other house on Fifth Avenue, they said, "There's plenty of two-family houses on the block, why don't you buy another one?"

Well, I did, and now I'm fixing it and I'm going to put housing there.

So thank you for your time.

MAYOR NYCE: Can I ask you to do me one favor?

MR. OLINKIEWICZ: Sure.

MAYOR NYCE: I've worked on job sites since I was 13 years old. Some of them have sanitary facilities, some of them don't. Can you put in some sanitary facilities?

MR. OLINKIEWICZ: I had -- I have the house two away and four away, so the guys are supposed to go down there. I don't know what happened there, but -- because, when we're going to start the job, it's going to take us a month,
a month-and-a-half, of course there'll be a
port-o-potty in the back of the property. And,
in fact, we're having it delivered tomorrow,
just so that everybody's happy and under
control.

And on Monday, I got up on the roof. It
was a beautiful day. I figured I would fix the
roof on Monday, because I was off because it was
a holiday. I did not know the Village had a
noise ordinance. When Mr. Read and -- I just
can't think.

MR. KEHL: Kehl.

MR. OLINKIEWICZ: What was that?

MR. KEHL: Kehl.

MR. OLINKIEWICZ: Right. Right, Robert
Kehl, brought up to me that it was, I said I
didn't realize it. We looked it up on my cell
phone. "Oh, yes there is. No problem." I took
my guys down off the roof and I put them on
something else. I was sorry about that, I
didn't know. I had never known, so I stopped
immediately when I was told. I'm not trying to cause any neighbor grief, but okay.

Thank you very much. Have a good evening.

MAYOR NYCE: Thank you. There was -- yeah, and as soon as she's done.

MS. PINCUS: Good evening, Mr. Mayor, Members of the Board. My name is Michele Pincus, a partner of the Law Firm of Sahn, Ward, Coschignano & Baker, and I'm here on behalf of Michael Osinski and Isabel Osinski. My remarks are addressed to Resolution 05-2014-34,

regarding setting the matter down for a rehearing.

I submit that this Board has absolutely no power to reschedule a hearing that took place close to five months ago. About six months have passed since that hearing was originally noticed. More than four months have passed, which is the deadline in order to have brought an Article 78 proceeding challenging any issuance related to that hearing. There's,
therefore, absolutely no grounds by this Board
to reschedule.

I know that you're all familiar with the
history, but I just want to go through it for a
moment. You're aware that my client is engaged
in the cultivation of oysters on property that
he owns on underwater lands in Widow's Hole.
All of the facilities currently in the water
have permits from the DEC, the Army Corps of
Engineers and this Village.

This is not an occasion, as you indicated
before, where Mr. Osinski went ahead and built
any docks or anything on the water and then
asked for forgiveness. He asked for permission
every step of the way.

The current property is located within
Agricultural District #1, and the aquaculture
that he performs at the site is protected by
State Law under Section 305-a of the Agriculture
and Markets Law.

In response to the complaints of neighbors
who didn't like looking at the Osinskis and the hard work that they do in Widow's Hole, he applied to this Board for a wetlands permit to build a 140-foot dock with a 26-foot-by-26-foot work platform in Greenport Harbor. That hearing was held on November 25th, 2013, where residents appeared and spoke in favor and against the application. Not a single resident spoke about any ill effects on the wetlands from the construction of the dock and the work platform. In fact, not a single resident spoke about the size of the proposed dock or the work area.

By decision dated December 23rd, 2013, the Board unanimously approved the wetlands permit application with an amendment that was undefined, vague and ambiguous. I'm not going to go into the details of that amendment, but as the Board knows, that's the subject of a lawsuit that was brought by my client. The Village was asked for clarification regarding that amendment; none has been forthcoming. The
matter is currently submitted before the Court and we're awaiting decision from the Court.

In February 2014, my client submitted a building permit to begin construction of the dock and the work platform, consistent with the plans that had been submitted. Since February, this Village has refused to either grant or deny that permit.

Now, in May, it is attempting to reschedule a hearing on this application that was noticed back in November, held back in November, on the grounds that somehow the public notice that the Board and this Village advertised on its own has some sort of ministerial nonmaterial error in that it described the work platform in the notice as a 26-foot square, rather than a 26-foot-by-26-foot square.

The plans on file show the true size of the work platform. The approvals that were submitted — that were rendered by the DEC and the Army Corps of Engineers indicate the correct size of the platform. Any community member that
had any concern about the size of the work platform could have checked the plans in the Office of the Village of Greenport. There was no legal authority in which this Board can require a rehearing.

The whole purpose of this application was to move the bulk of the oyster farming from Widow's Hole, and the Village has left my client with no choice but to continue the work in Widow's Hole. This act of requiring a rehearing, at great cost and expense to my client, is just another effort by this Village to interfere with the Osinski's right to raise oysters, an act of farming protected by State Law.

Any error in the notice was based on the Village's own acts, and the requirement of a new hearing is completely unreasonable.

MAYOR NYCE: Thank you. We -- our Village Attorney is not here, so, as you're an attorney, you have us at a disadvantage. But what I will say is this, that we have not issued the permit because there is legal action being taken
The improper -- improper notice that was done by the Village was a clerical error, and, unfortunately, if they build a 26-by-26-foot platform, it would be out of compliance with what was noticed in the public hearing. Therefore, they would be out of compliance. This is what I am being -- this is what I am being told by our Attorney. So, what we are intending to do is have a new hearing, noticed properly.

We understand all of the comments that have been made. I don't foresee any difference or any change happening in all of that process, but we are -- our Attorney has told us that we are by law not allowed -- I'm sorry. We could permit it to be built, but it would have to be built as per the notification, which is a 26-square-foot platform. If he builds something bigger, he would be out of compliance, he could
not get a C of O. We would immediately have to
tell him he was out of compliance, which is not
what we're looking to do. What we're looking to
do is get the thing built the way it was
supposed to be built.

We have to correct an administrative error on the Village's part. Granted, it's on the
Village's part. We are not looking to cause
anybody any additional harm. We're not looking
to cause anybody any additional grief. We
anticipate that it will be a one-evening
hearing, and we would be able to go right
through — back through the motions that we did
at the hearing in November.

As to the permit, my understanding from
our Attorney is that we still cannot issue that
permit as long as the legal action is being
brought against the Village by the Osinskis. So
until that is settled, we can't move forward on
that, but this portion of it, we certainly can.

At the point that this is adjusted, the
other possibility is that we not -- we do
nothing, in which case, once the platform is
built as 26-by-26, it would be out of
compliance. That's what our Village Attorney
has informed us, that's why we're doing this,
and that's where we are at this point. We are
not looking to hinder anything that the Osinskis
are doing. We are not looking to change
anything that happened other than correct that
the notification was wrong.

MS. PINCUS:  And I've stated my reasons
this evening as to why the advice that --
MAYOR NYCE:  I understand.
MS. PINCUS:  -- you have been given is not
correct.
MAYOR NYCE:  That's your legal opinion
versus our legal opinion, so it's going to have
to -- that's where it's going to go.
MS. PINCUS:  The other thing I want to
indicate is that that building permit
application has been submitted since February,
and as I stand here tonight --

MAYOR NYCE: I understand, you stated that already. I'm giving you what our legal opinion back is. You've made your comments, we'll leave it at that.

MS. PINCUS: I understand, but as I stand here today, this is the first time that anybody has actually even given me a reason why the permit hasn't been acted on. And while I submit that that is not proper grounds not to act on a permit, nobody has ever given me a reason why that permit has not been granted, including Mr. Prokop.

MAYOR NYCE: Then I suggest you contact our Attorney.

MS. PINCUS: I have.

MAYOR NYCE: Thank you. All right. Is there anyone else that wishes to -- I'm sorry.

Mr. Clarke, yes.

MR. CLARKE: I wish to address the same resolution, Resolution 34. And I won't even
begin to try to get into the legal aspect of any of this. Obviously, it's been made clear by you and your Attorney and by the previous speaker.

My name -- I'm sorry. My name is Steve Clarke. I live at 139 Fourth Street, and I run Greenport Yacht and Ship Building at 201 Carpenter Street, where, I might add, we also have the beginning of an oyster operation.

Oysters, as virtually everyone who is not brain dead living in Greenport knows, was a really big deal years ago. My largest customer, my largest fleet customer when I came to Greenport was Long Island Oyster Farms. They were personal friends of mine. And, of course, without going into why, because I still never really quite understood it, they're now -- they were long out of business in the 1980s.

Frank M. Flower and Son, which is the largest oyster company on Long Island, as I understand it, is still a customer of mine. We haul their 90-foot or so steel boat. And
they've gone so far as to say, "Steve, you want to start an oyster operation in Greenport? We'll do everything we can to start you."

So my point is this, and I'm addressing -- I can't even -- wouldn't even dream of addressing the legal aspect to this. Everybody thinks oysters are great. You call up somebody, you buy a couple of thousand, you buy a couple of million oyster seed, you put them in an upweller, or some sort of device to keep them alive for a couple of months until they get big enough to put them in cages, and you're in business. Believe me, I've spent a lot of time this winter on this, it ain't that simple.

Mike Osinski has years involved in this. The guy I work with down at the shipyard from Southold, Town of Southold, has been at it for, I believe, nine years, and hundreds of thousands of dollars.

So my point is this, and I'll just leave it at that. You're voting on this. I can't address the legal aspect of this in any way, but
I just want to leave with the five of you, I don't know how you could -- I don't know how you can get around this. I'm not suggesting anything, it's not my job to suggest it, but what I am suggesting is that to put this off again, and, of course, I guess you're now in Court or headed for Court, whatever you can do to get Mike Osinski growing his oysters the way he wants to and the way it seemed like everybody was in agreement for him to grow his oysters, my suggestion is to -- is to make it happen.

The money is -- the money is just -- it's an endless money pit to get started in the oyster business, and the time itself is years, not just a couple of months, not just a couple of phone calls. It's not like -- I don't know. Does anyone grow chickens around here? You can call up somebody and get a couple of dozen chickens and you're in the chicken business in the backyard. It ain't that way, not that way at all. You get a couple of million oysters and the first thing that happens is they all die, so then you get another couple of million oysters.

As a -- now a new friend of mine has told
me, he said if you really -- if you really want
to hurt somebody, encourage him to start an
oyster hatchery.

There is -- it's just endless. And I
don't know how you're going to get around this,
but Mike has been at it for years. He means to
be here for years. He's got his kids working
with him, his wife working with him. And I
would just submit to the five of you that if
there's some way to make this happen, that you
just simply do it.

Thanks very much.

MAYOR NYCE: Thank you, Steve. I want to
reiterate that that's what this step is about.
But we realize that this was improper, and if we
went through all of the rest of it, this would
still have to be done, because it was noticed
improperly. I cannot apologize more on behalf
of the Village, but that is -- that is the fact
of the matter. In the litigious world that we
live in, at some point this would come back up
and would come back to bite everyone, so this is an administrative step. There's absolutely no intent to change anything, and that the approval would be granted. But, if we allow it to be built as per the hearing, he has to build a 26-square-foot platform, not a 26-foot-by-26-foot platform. That's the problem.

And this, according to our Attorney, is the most logical next step forward to get this thing built, which we understand all the neighbors want, the Osinskis want and we want. So I just want -- I want to reiterate that. This is not meant to be done --

MR. CLARKE: Good luck trying to get that legal stuff.

MS. MCNAMARA: Sarah Mcnamara, 221 Fifth Street, just steps from Widow's Hole, and I'm here to talk about the Osinskis, too. We bought our home here like 24 years ago because we wanted to live in a village where
people worked and lived together. We lived --

John Costello has a huge business just doors away from us. The hospital is in a residential area. Mary Bess' fish store is in a residential area.

And, you know, there's been so much commotion over the Osinskis. They work hard. They have two of the best kids in the world who help them. They make delicious oysters.

It's -- it's appalling to me that a couple of neighbors and the ear of one particular Trustee could just turn this into something it shouldn't have been.

The resolution was to build a dock, it was never a question of what his business should have been, but that was added on and tacked onto that resolution you made five months ago. Yes, it was. I sat in this room and listened to it, and I printed it out today on the computer.

So, you know, you're being disingenuous when you say there's no intent to keep them from
their business. They're being harassed, I think. It's appalling to me.

Julia, we hired you to renovate our bathroom. You worked out of your home. Why can't the Osinskis do the same thing?

TRUSTEE ROBINS: I voted to approve the resolution.

MS. MCNAMARA: You gave them so much trouble, it was appalling, because you were listening to the woman who lived across the creek from them that didn't want them there. They've had people with telephoto lenses. They've had -- the DEC called on them. It's ridiculous, it's absolutely ridiculous.

TRUSTEE ROBINS: My decision was not based on any lobbying from any individual.

MS. MCNAMARA: And it's a beautiful spot.

AUDIENCE MEMBER: Don't justify it, Julia, just listen.

MS. MCNAMARA: And I --

AUDIENCE MEMBER: Don't justify it.
MS. MCNAMARA: You know, I swim along that dock. There's no noise from the upwellers, and they work between normal business hours. And they're decent people and they deserve to make a living at what they're doing.

MAYOR NYCE: Absolutely.

AUDIENCE MEMBER: Dave, can I make a comment?

MAYOR NYCE: We got a line forming. I'm sorry.

MS. RIVARA: Hi. My name is Karen Rivara. I live at 628 Carpenter Street. I'm also the owner of Aeros Cultured Oyster Company, and I'm president of the Long Island Farm Bureau. Mike called me today about Resolution 05-2014-34. I am hoping that it is as you said, that you need to correct a clerical error to dot your I's and cross your T's, because, as far as I know, the work that they're doing is very similar to the work that I do over in Southold at my farm. It's in a residential area.
Oyster farms, there's no smell, there's no noise, and it's generally work that people appreciate. So, you know -- and if there's any -- I've been growing oysters for 30 years. I've spent all the money that Steve Clarke referenced in a couple of times, but -- and I'm certainly willing to offer my expertise if you need to work out anything with the Osinskis in terms of either operation, but it's similar to mine. It's pretty innocuous and it's hard work, and God bless them for doing it. So I'm just -- again, I'm hoping that it's just to correct a clerical error --

MAYOR NYCE: That's all it is.
MS. RIVARA: -- and we can all move on.
MAYOR NYCE: That's all it is.
MS. RIVARA: Okay. Thank you.
MR. WEISKOTT: Hi. My name is Jack Weiskott, 229 Fifth Avenue. I have to refer back to a previous discussion about Mr. Olinkiewicz, not the Osinskis.
I haven't really been privy to what's going on in the new building site or his newest acquisition, let's say, because it's my busy season. So I'm pretty much away from home most of the day, and by the time I come back, I'm in my house and I have dinner and then I fall asleep, so I don't really know what's going on. But I want to say that — and I wish Mr. Olinkiewicz stayed here, because it's a problem of trust and boundaries that has been crossed at all his other properties over and over again, and he always has an excuse that he didn't know what was going on.

And I live next door to one of his properties, the one that he previously has tried subdividing, and who knows, he might decide to continue that again. It's supposed to be a two-family house. There are seven cars in there. One family is two people, they have one of the cars. I don't think the other family has six cars. And if it is another family, they have about six or seven kids as well.

His properties tend to have cars parked in the backyards, not just in the driveways, or in the front yards on the grass, so there's a lack
of trust in what he wants to do. He obviously
is refurbishing some of the properties that need
to be refurbished, but I would hope that the
Trustees and other members of the Village Boards
have a commitment to see that the rules are
followed. They don't seem to be.

There's a -- there's a noncompliant shed
on the building next to my property that he's
been told is not compliant, he doesn't have a CO
for, it's too big, it's still there. When we
complained that there were too many people
living there, there was an inspection, and we
were told, "Oh, there's just five people in
there." And my wife asked, "How do you know?"
The answer was "I was told. I was told there
are five people in there."

Since we did come to all the meetings
about the rezoning or subdividing, there has
been improvement in the amount of noise over
there. I've spent thousands of dollars on legal
fees and a fence so that I have some privacy
again. And it has helped, so I don't get as much garbage blowing into my yard as I was getting before, because there's so many people and all the garbage doesn't get into the garbage cans. It's just frustrating to us.

And if you drive -- I can -- this morning I had to move one of my cars, because my wife rides a bike to work this time of year because it's nice out. I have no place to park. I had to park three houses down to get my car out of the driveway and switch my vehicles, because there's so many cars parked on Fifth Avenue. If this new property has an excess amount of people, the parking is going to be on the street.

It's almost impossible to navigate our street because of the amount of cars parked. Someone always has to pull to one side or the other. I just think it's excessive. And I think that's why Joanne is worried about what's going to happen there. And we're suspicious and
nervous about what's going on, because he has stepped over the line a million times.

His excuse of not knowing that he shouldn't be working demolition or construction, or whatever you call it, with power equipment, and hammers, and loud noise on a legal holiday, he may not know the law, but it's common sense. He wouldn't be doing it at his home in Shelter Island with his neighbors next door. He wouldn't be bringing in a work crew on Memorial Day, but he thinks it's fine to do it in Greenport.

I just think he doesn't care much except to get the properties up and filled up with as many people as possible. I guarantee you, there are not five or six people living in the house next to me, there are at least 10 to 12, and it's been that way for two years, and I'm sure his other properties are similar. And that's why there's so much frustration and passion going on about this issue, because he takes the
ferry back to Shelter Island and he doesn't live on our street, and he doesn't live in our Village, but he's taking the Village in the direction that it shouldn't be going.

It's fine to have two-family houses with two families in them, but to have two-family houses with eight, nine, and ten unrelated people in them is not correct. And I would hope everyone who works for the Village and lives in the Village would want the laws that are on the books to be enforced.

So that's all I have to say. Thank you for listening.

MAYOR NYCE: Thank you.

(Applause.)

MR. READ: Good evening, Board, Mayor. I just got a quick question. In my —

MAYOR NYCE: Sorry, Mike. Just name and address.

MR. REED: Oh. Mike Reed, 430 Front Street.
MAYOR NYCE: Thank you.

MR. REED: A friend of mine told me we can agree to disagree and I took that to heart.

I just got one simple question. Since we pay taxes in Southold Town and we know -- let's face it, you're going to get Code Enforcement. It's a farce, because you can't levy any fines. Use Southold Town. We're already paying taxes, incorporate it.

MAYOR NYCE: We can levy fines.

MR. REED: How? Who's -- you got a Judge?

MAYOR NYCE: No.

MR. REED: They could go to court.

MAYOR NYCE: They go to Southold Town Court.

MR. REED: Town Court does that?

MAYOR NYCE: Uh-huh.

MR. REED: It's not going to alleviate everything. You got one person here. Southold Town has how many? Exactly. And it's what, one square mile of the Village? I mean, sometimes
to even gets stuff with her, it's like pulling
teeth. We pay her salary, you know. We
shouldn't have to beg for them to do their job.
You know, it's hard for you guys to be on that
Board, but, you know, the buck's got to stop
someplace. Thank you.

MAYOR NYCE: Absolutely. Thank you.

MR. MROWKA: Hi. I'm Ralph Mrowka, 323
Fifth Street, Greenport. I'm a taxpayer and a
voter. I want to make just a comment on
Resolution 05-2014-34.

I grew up here as a kid like enjoying
oysters. I'm a professional photographer. I
did my Master's thesis on Greenport, including
your father pumping gas at his gas station. I
have so many phenomenal pictures that I'm
selling to, you know, magazines and all. And I
just don't want the Village to lose sight of his
oyster farm, as well as everybody else.

I'm a member of SPAT also, which is the

oyster organization. It's putting the Town on
the map. The shop owners must be happy, because
everybody stops on my street saying, "Where do I
get oysters?" And I think we should look -- you
know, keep that in mind, because it's really
important for the Town. Thank you.

MAYOR NYCE: Thank you.

(Applause.)

MR. KEHL: How are doing? Bob Kehl, 242
Fifth Avenue, Greenport.

What I have to talk about is the R-2
zoning in this Town. It's kind of a joke. It
was set up with the right intentions originally,
so that you get housing for people, but it's
being exploited to the utmost. Why can't we go
back to an R-1 zoning? I know the ones that are
R-2 would be preexisting and stay that way. But
if we could go back to an R-1 zone like Southold
Town has, everything is R-.1, if you want to go
get a -- make a house R-2 or put an accessory --
it can only be something like an accessory
apartment. An accessory apartments can't be
more than what, 800 square feet, and it has to
be owner-occupied. So you know the people that
are down below are not going to load the
upstairs with 15 to 20 people, so it kind of polices itself.

I mean, we're just getting an influx of people. I mean, I watch them going across on the ferry, they're not working in this town. They're working in Cutchogue, Greenport, Mattituck the south side. They go across, right across to the south side, Shelter Island. Shelter Island is one of the biggest employers of all these people. Why do we have to have them all living here?

I mean, Dave Kapell worked really hard to bring this town up from -- our Village up from -- I remember the '60's, the '70s, the early '80s. It was a real crap hole, is putting it mildly, and he brought it right up to now it's like one of the top 10 vacation spots on Long Island. Do we want it to go back to where it was before?

MAYOR NYCE: For full disclosure, he also brought in the R-2 zoning.

MR. KEHL: Well, nobody's perfect.
MAYOR NYCE: I'm just -- I'm just saying.

MR. KEHL: You know, he got it to one point to begin with. But then, like I said, you

know, that was at the end. But I'm --

MAYOR NYCE: I understand. The first note that I made, Bob, was to look into the R-2 zoning.

MR. KEHL: Okay.

MAYOR NYCE: Okay? Because I'm not familiar as to when it came in, what the -- what the lines -- and what the lines of it are, and when it --

MR. KEHL: There's almost 80% of the Village is.

MAYOR NYCE: I understand. And it may be time that the Board asks the Code Committee to look at that zoning --

MR. KEHL: Okay.

MAYOR NYCE: -- and whether R-2 is proper. But that was the first note that I made during Joanne's --
MR. KEHL: The other question is, is this the 21st Century? What happened to the air conditioning?

MAYOR NYCE: We're saving money.

MR. KEHL: They told us we got plenty of power now.

MAYOR NYCE: We've got plenty of power, we're just saving it.

TRUSTEE MURRAY: Saving money.

MR. KEHL: Okay. Thank you very much.

MAYOR NYCE: Thank you. You know, I appreciate the comments, and that's something to look into.

MS. WALOSKI: Caroline Waloski, 516 Main Street, Greenport. I just wanted to ask if there's any way that the Widow's Hole situation, if there's any way that a clerical error can be corrected before June 23rd? If it's just a clerical error, can't something be done without waiting until June 23rd to reopen the case?

MAYOR NYCE: We would have to call a
special meeting for that hearing. Ordinarily, we do the hearings at our regular meetings because more people attend -- more people attend. We could certainly -- we could entertain the idea of doing it as a special, a special hearing, and set the date for any time.

TRUSTEE MURRAY: Five days?

MAYOR NYCE: Yeah. Well, it's 72 hours for a special meeting, but I think there's a requirement of notification for a hearing --

CLERK PIRILLO: Ten days.

MAYOR NYCE: -- that's at least 10 days. So we could do it 10 days from tonight's meeting.

MS. WALOSKI: Yeah, because we see ourselves --

MAYOR NYCE: If that's something that would be agreeable, we could certainly --

MS. WALOSKI: We see ourselves as a working waterfront, and we talk that up all the time, so we should help people who are in
aquaculture.

MAYOR NYCE: It's a good idea. Thank you.

Is there anyone?

MR. PALLAS: Mayor. Mayor.

CLERK PIRILLO: 10 days from the notice, not 10 days. Ten days from the notice. That would make it the 15th at the soonest.

MAYOR NYCE: Okay.

MS. MC CARTHY: I am here in support of the Osinskis also. I am a fellow oyster grower.

MAYOR NYCE: Name and address for the record, and into the microphone.

MS. MC CARTHY: My name is Laura McCarthy and I live at 200 Fourth Street in Greenport.

And I just want to point out -- and I was going to ask if you could hold the meeting sooner. But I wanted to point out that it was a public meeting, that the application was public record, that anybody could have viewed it before the meeting or at the meeting.

I went through the meeting -- the minutes
of the meeting and I was really surprised that this is even in question, because you talk about the float. And Mr. Hubbard said, I believe that what you -- I believe what you are adding there, if you look at the pictures of the application, it shows the platform -- I called it a float, it's a platform -- with a sorting machine and everything else. I think that you had the application in front of you, you had the plans with dimensions, and I think that anybody and all of the public had great chance to look at it. And I think that it's a technicality, and you're holding an oyster grower up for quite a while.

And I appreciate that you want to expedite the meeting, but it's still a long time, and I'm not really quite understanding this. I think that it's unfair. I think that something should have been said in February or in January. I mean, he -- I think the meeting was held on December 23rd. You would think by right after
new year, he would have been issued an
application, or somebody would have said, "Hey,
Mike, there's a problem," in January, not in
May.

So I am, again, here in support of them.
I appreciate you trying to expedite the meeting,
but I'm disappointed. And I'm, you know,
disappointed for Mike, and I'm disappointed for
the Board. And I think if you just go through
these minutes, it's very clear, because you
cannot put a sorting machine --

MAYOR NYCE: Absolutely.

MS. MC CARTHY: -- and a whole operation
on a five-by-five-foot platform, it's
impossible. And I think that he has community
support, so --

TRUSTEE MURRAY: He's got Board support,

MS. MC CARTHY: Yes.

MAYOR NYCE: Yes.

MS. MC CARTHY: So I see that, but I'm
disappointed.

MAYOR NYCE: So are we.
MS. MC CARTHY: And please expedite this.

MAYOR NYCE: Now let me clear something else up. We were ready to issue the permit. We could not issue the permit because legal action was taken against the Village, which is why the --

MS. MC CARTHY: But that wasn't until February.

MAYOR NYCE: Please, now let me finish. We did not -- we were ready to issue the permit and legal action was taken, so our Attorney said we could not issue the permit. We did not notice --

MRS. OSINSKI: Well, legal action --

MAYOR NYCE: Please. We did not --

MRS. OSINSKI: Legal action was after it.

MAYOR NYCE: We did -- if you're going to interrupt, I'm going to ask you to go, okay?

MRS. OSINSKI: Why don't you just throw me out. Throw me out.

MAYOR NYCE: That's enough.

MRS. OSINSKI: Throw me out of the Village.
TRUSTEE PHILLIPS: Now, come on, everybody.

MAYOR NYCE: That's enough.

TRUSTEE PHILLIPS: Come on. Let's just get this out and get it cleared.

MAYOR NYCE: So the clerical error was not discovered until last month. Okay? That's when the clerical error was discovered, that we had -- that the notice did not match what the plans were. Everyone was fully well aware of what they were trying to build. The problem is we are legally bound to only authorize what was in the public hearing notice. That's what our Attorney is telling us, that's what we're correcting.

MS. PINCUS: Okay, but --

MAYOR NYCE: The rest of it, we did not -- and we're not going to get into a back and forth.

MS. PINCUS: All right. But again, I'm just --
MAYOR NYCE: I'm responding to your comments. I understand you're disappointed, so are we. We had authorized them to move forward. We had approved the application. The application was going to move forward. It didn't because they brought legal action against us.

MS. MC CARTHY: In February.

MAYOR NYCE: They brought legal action against us, so the permit was not issued. And, at this point, the next step forward is to correct the clerical error, because even if all the other stuff clears up, this still needs to be corrected. That's where it is.

MS. MC CARTHY: Well, again, please expedite this meeting. And I think that he has --

MAYOR NYCE: Thank you.

MS. MC CARTHY: -- full support and he has community support.

MAYOR NYCE: Understood.
TRUSTEE HUBBARD: Okay. If I could just clarify. Laura, you brought my name up about that. We had the discussion at the meeting of the size and everything else. I did not read through the whole legal notice, or I did -- I read it. I didn't notice it said 26 square feet. Nobody -- the Osinski's lawyers didn't notice it, the Board didn't notice it.

MAYOR NYCE: Nobody noticed it.

TRUSTEE HUBBARD: The Building Department didn't notice that it said 26 square feet.

MR. OSINSKI: It doesn't say that.

TRUSTEE HUBBARD: None of us noticed that.

MR. OSINSKI: It doesn't say that.

MAYOR NYCE: Mike.

TRUSTEE HUBBARD: Mike.

MR. OSINSKI: Twenty-six square foot --

MAYOR NYCE: Mike, you're out of order.

MR. OSINSKI: You're wrong, square foot.

MRS. OSINSKI: It's a trivial matter.

TRUSTEE HUBBARD: What we looked at and
everything else, what I spoke about was 26-by-26 feet. I understood what I was talking about. The map of the -- everything else laid out --

MS. MC CARTHY: Clearly, it did.

TRUSTEE HUBBARD: Yes, the minutes that you just read.

MS. MC CARTHY: It was clear.

TRUSTEE HUBBARD: Exactly. The legal notice, I did not notice 26 square feet. That's what was on it. So we voted to approve exactly what was in the plans, that the legal notice said square feet. None of us noticed that.

We had a special Village Board meeting on legal matters in April. That's when it came to our attention that the legal notice said square feet, not 26-by-26. That's all -- that's all we did, that's what we voted on. That's when it came up to us. All right? That was in April. We found out about that after our organizational meeting that it said square feet, not 26-by-26. That's what we're trying to correct. We all
approved it, and I believe it's going to be approved again.

MS. MC CARTHY: Just one more quick question. Does that mean that there's another public hearing? We have to go through all this again, even if it's at a special meeting?

MAYOR NYCE: There would be -- we are -- that resolution is to set a public hearing to correct the other public hearing.

MS. MC CARTHY: To correct.

MAYOR NYCE: Yes, that's it.

MS. MC CARTHY: Okay.

TRUSTEE PHILLIPS: Laura, can I ask you a question?

MS. MC CARTHY: Sure.

TRUSTEE PHILLIPS: Okay. On your own property, if you had the resolution that was authorizing for the building permit written incorrectly, would you not want it corrected?

MS. MC CARTHY: Of course I'd want it corrected.
TRUSTEE PHILLIPS: Because down the --
wait, wait.

MS. MC CARTHY: I would have wanted it
corrected a few weeks after.

TRUSTEE PHILLIPS: Down the road, 10 years
from now somebody goes to look at your permit
and says, "Oh, you only built 26" -- "You were
only supposed to build 26 square feet and you
have a different size building." Let us just
get it corrected.

MAYOR NYCE: Thank you.

MS. PINCUS: I just want to address --
MAYOR NYCE: Please, we have --

MS. PINCUS: We don't want an earlier --
okay.

MAYOR NYCE: We have a line of people that
are waiting to address the Board.

MR. DAVIS: Go right ahead.

MS. PINCUS: Can I just address this? I
appreciate the couple of people that asked to
expedite the hearing. I have not asked for an
expedited hearing. We need to prepare for this
hearing. So while we submit that there's no
basis to have this hearing, if there is going to
be a hearing, we would request that the date
remain, so that we could now prepare all over
again for the hearing for this application.

MAYOR NYCE: Prior to us changing that, I
was going to ask what the applicant would like
to do, so thank you for preempting that.

Mr. Davis.

MR. DAVIS: Paul Davis, 235 Linnet Street.

I'm not really privy to all about what's
transferred here, but I know that the Osinskis
are trying to farm oysters, okay, and that they
have a little difficulty here with the Board.

I have had several wonderful relations
with the Board. I did live in the Greenport
Village at one time and did some dock work, and
I realize there's a lot of people involved, the
DEC and that sort of thing. The fact that
there's a clerical problem that has halted this
is almost a shame. And I'm glad you guys are
willing to extend the -- you know, the clover,
whatever, you know, the olive branch, so to
speak. It sounds like you are supporting his
position, although time is of the essence, unfortunately. And I am in favor of them farming oysters.

MAYOR NYCE: Thank you.

MR. DAVIS: Thank you.

MS. MC CARTHY: Yea for farming oysters.

MR. SALADINO: John Saladino, Sixth Street.

First, I would like to support Mike also. I'm here to echo everybody else that spoke in support of the oysters. I was at the public hearing.

I'm going to have to dispute what Trustee Phillips just said. There was no problem with the application.

TRUSTEE PHILLIPS: No, I didn't say there was a problem with the application.

MR. SALADINO: You did.

MAYOR NYCE: A problem with the notification.

TRUSTEE PHILLIPS: The resolution.
MAYOR NYCE: The only problem was with the notification, the only problem.

MR. SALADINO: With the public hearing in the newspaper.

MAYOR NYCE: The notification for the public hearing.

MR. SALADINO: The two words in the public hearing notice for the newspaper.

TRUSTEE PHILLIPS: The resolution --

MR. SALADINO: So what you just said --

TRUSTEE PHILLIPS: The -- excuse me.

MAYOR NYCE: Please.

TRUSTEE PHILLIPS: The resolution.

MR. SALADINO: I thought I was talking.

MAYOR NYCE: Listen, we've all been here a very long time. We'd like to get through this.

MR. SALADINO: I apologize.

MAYOR NYCE: Can we all please --

MR. SALADINO: I apologize for the inconvenience to the Board.

MAYOR NYCE: It's not an inconvenience.
I'm just -- if we could all please maintain, and one at a time.

MR. SALADINO: What I just heard -- what I just heard, and we have the means, we have the technology to go back and check, but it's not that important, there was no problem. There was no problem with the application. There was no problem, except for the amendment that I believe the Mayor proposed to the resolution.

Everybody, I thought, that evening was on the same page.

To have a public hearing in December and then discover a clerical error in May, you're doing a disservice to the people that you represent by doing that.

(Appause.)

MR. SALADINO: That's almost -- when they write it up in the newspaper, the people that read that article aren't going to believe it, because two words in the public notice, when everybody here, everybody here understood
exactly what was happening, and that's what you voted on. That's what you voted on.

So for Mr. Prokop, if Joe is still your Attorney, if he's the guy that said this was wrong, you certainly have the power to overrule that. You certainly have the power to overrule that.

My first question is, is prior to the lawsuit, you chose to hold up his building — hold up his building permit. For what reason? For what reason? We can speculate. You know, we see some happy faces, we see some angry faces. We can speculate why you held up the building permit, but everybody was on the same page. Everybody was on the same page.

The amendment was a little ambiguous, you know, we weren't quite sure. I actually thought it was a good thing, some people didn't think it was a good thing. But for this to drag on for six months, it's -- when you tell your friends this story, they're going to say, "Oh, come on,
that's not true, that didn't happen."

MAYOR NYCE: If you don't think we said
that when it was brought up, we had — that's
exactly what we said. The problem is down the
road. If we don't do this, down the road at
some point that dock is not going to be legal,
and we're --

MR. SALADINO: Let me ask you this,
Mr. Mayor. Where do you think the greater
burden, the bigger, bigger lawsuit is going to
be, after he progresses his now, that the
taxpayers are going to be responsible for, or
the perceived lawsuit that you think is going to
happen down the road? Maybe a neighbor is going
to sue, maybe somebody who found it, maybe this
maybe that. This is an actual danger. There's
a lawsuit in progress.

Whoever put the ad in the paper, like the
electric company, they're not going to pay the
lawsuit. They don't live in the Village.

I'm -- well, me collectively is going to -- is
going to pay that lawsuit. So you're worried about a perceived lawsuit as opposed to one that's -- that was actually caused by an error that somebody in the Village caused.

MAYOR NYCE: We are required to follow the law. We're required to follow the law.

Bill, can you turn off the light switch that you turned on there, please?

MR. SWISKEY: Did I turn something on?

MAYOR NYCE: Yes.

AUDIENCE MEMBER: Right behind you.

MAYOR NYCE: You were an electrician, you should know that.

MR. SALADINO: He's an accountant. Get it right. He's an accountant.

You know, I don't know what else to say about that. I think it's crazy. I think that the guy --

MAYOR NYCE: We all think it's crazy. I think we can all agree that it's crazy.

MR. SALADINO: Well, you know, if it's crazy, you should call up Joe -- I apologize. I
apologize for raising my voice. If we all think
it's crazy, if that opinion is unanimous, then
you should call up Joe Prokop as the Village
Attorney, as the chief guy in the Village and
say, "Joe, fix this today," because crazy
shouldn't deserve to go on for a month or two
months. This guy shouldn't have to put his
business on hold for two or three months about
something that everybody in the room admits is
crazy.

MAYOR NYCE: This isn't what's holding it
up. Once this is corrected, that's still not
holding it up. What's holding it up is the
lawsuit that they brought against the Village.
Okay? There are two items here. Okay? So this
doesn't -- this hasn't held anything up. We
would have had to do this anyhow.

MR. SALADINO: If -- when his dock builder
walked into the Village office and spoke to the
Building Inspector -- I apologize for pointing.
If his dock builder walked in and spoke to the
Building Inspector and his building permit was
issued, there would have been no lawsuit.

MR. OSINSKI: Right.
(Applause.)

MR. SALADINO: There would have been no lawsuit. Somebody decided we're not going to issue this building permit, and it had nothing to do with a notice in the paper that came five months later that --

MAYOR NYCE: And that's not accurate.

MR. SALADINO: That's true.

MR. OSINSKI: That's right, that's what happened. That's the facts. And anybody that tells you different is lying to you. That's the truth. You might not like it.

MAYOR NYCE: If you interrupt again, I'm going to ask you to leave. Please stop interrupting.

MR. OSINSKI: I'll get in line. I'm going to get in line. I have a right, I'm a taxpayer. What are you talking about? I'm a taxpayer. I come into this office and pay taxes.

MAYOR NYCE: Yes, and you're interrupting.
You're out of order.

MR. OSINSKI: Yeah.

MAYOR NYCE: This ought to be fun.

MR. SALADINO: The other -- the other thing I would like to say is I would like to echo the people from Fifth Avenue's complaint about the Building Inspector. I made a complaint to the Building Inspector. A friend issued a formal complaint to the Building Inspector last June. I echoed that complaint in September. I CC'd the Board, every one of you, twice on that complaint. It was never addressed, never the courtesy of an address, never even a courtesy of a phone call. Casual conversation I see here all the time, never once.

I spoke to her in March, and the complaint was one of your resolutions. It was a wetlands permit and the CNOs for a pumpout. And the reason he was granted the wetlands permit was contingent on him putting in a pumpout. Three
years ago this was, three years ago

MAYOR NYCE: And I've seen the email. The Village Administrator has responded.

MR. SALADINO: Listen, Mr. Pallas has more than helped.

MAYOR NYCE: He has responded.

MR. SALADINO: But this is not about Mr. Pallas.

MAYOR NYCE: Understood.

MR. SALADINO: This is about somebody that had that complaint in their hand, my complaint, since last September and didn't address it, and in March told me it will be two weeks it will be resolved, and then it was never resolved. Now, with a new Village Administrator, things seem to be moving a little forward, but it's not about the Village Administrator.

MAYOR NYCE: Understood.

MR. SALADINO: It's not about the complaint, it's about the Building Inspector.

MAYOR NYCE: Understood.
MR. SALADINO: It's about --

MAYOR NYCE: And the -- sorry.

MR. SALADINO: It's about being dismissed. It's about being dismissed with a legitimate complaint that I issued in a civil tone and I was dismissed out of hand. She ignored -- not only she ignored my complaint, she ignored your resolution, your resolution. As far as I know, resolution is the law of the land in this Village. How do you ignore that for three years? If anything, the people on Fifth Street -- Fifth Avenue have a bigger dog in this fight than I do, but I just -- I just can't understand how that's allowed to be tolerated. I just -- I just don't understand it. And it's not something that, "Oh, I was never aware of that," or, "I didn't" -- "I didn't know that." "It's just too big a problem, John, too big a problem. These things take time, John." That's a lie. That's a lie. That's not true. It doesn't take too much time, it doesn't -- here it was
resolved in two weeks.

I'm sorry for ranting. Thank you for listening.

MR. SWISKEY: William Swiskey, 184 Fifth Street.

I'm just going to start on a separate topic before I move on to -- basically, I filed a complaint. Well, I filed a -- I asked for an investigation on whether a boat moored in Stirling Basin was in violation of Article 48, Boats and Boating. The boat doesn't run. You know, it's derelict basically, and the Village Code is pretty strict on that, it just can't be. Anyway, this went on for a month or two, and Mr. Abatelli never responded. Finally, I pushed it over to Mr. Pallas and then they pushed it back, and I never really received a complaint from either Mr. Pallas, which I'm not happy about, or Mr. Abatelli.

But, anyway, what I got from an email is this letter from Sylvia. Basically, it says,
"Mayor and Board," and this is from Mr. Abatelli, "I feel due to the amount of email chatter about this issue, that I should keep you informed of my actions. I do not intend to respond to the complainant or others at this time."

There's something really wrong with that when a citizen files a complaint, and I put it in writing basically, and your Code Enforcement Officer says, "I'm going to do nothing with it." It sounds almost like when I complained about an illegal sign on Monsell Place, and that was a couple of years ago, and basically the Village went through the expense of proving that they owned the property between the sidewalk and the curb to get rid of the sign, and, you know, there was never -- I mean, this is ridiculous.

I mean, you got a Building Inspector here, you got your Village Administrator, I mean, it's a joke. And when these people from Fifth Avenue are speaking, and I was watching, and I noticed
a couple of the Trustees just sort of like, "Who
the hell do they think they're talking to?" I
mean, you people — thank God there's an
election next March, and perhaps we can have
three new faces on this Board, and then maybe
the general public would be listened to, instead
of like, I don't know.

And this thing with Osinski and pulling
his permit, well, it's like his lawyer said, you
can't do it anymore. You are past the time that
you could have done, effectively done anything
with that public hearing.

At the public hearing, I heard there was
disgust, and what was put down and approved was
to start with this big platform, this 26-by-26
platform. This is just -- somebody is mad at
somebody. This lawsuit that you're talking
about has nothing to do with the dock, it has to
do with something else, and you and I and your
Lawyer know that. So that's why Mr. Prokop
isn't here tonight, because he hides when these
hard issues come up.

(Appause.)

MR. SWISKEY: And I'll tell, whoever runs
for the Village Board next time, I'll vote for
whoever says they will fire the Village Attorney
and the Village Clerk, who, basically, you're
saying her mistake is costing Mr. Osinski maybe
$30,000 in delays? There's a price of material
and everything goes up. Is the Village going to
make good on that as the person that basically
made that mistake? Have they been disciplined?
This is calling for an air strike and dropping
it on your own people's head, basically. Are
you going to do something here about, or are you
just going to smile there, Mr. Mayor, like you
usually do and be, "Well, I put one over on
them"?

MR. OSINSKI: I'm Michael Osinski, 307
Flint Street.

Just so the record is straight about what
has transpired after this hearing, we all went
to the hearing, we heard -- everybody here had
the drawings, all the neighbors had the
drawings. There was no question about the size
of that platform. It was discussed frequently,
there was no question.

Mr. Swiskey is right, the statute of limitations is over. No one can challenge that decision, no one. That's over. You're getting bad legal advice.

And let me continue. After that hearing, the hearing, there was a verbal condition. It was never discussed in the work session. You put on a verbal condition on my business operation, not on the dock. It was a hearing about a dock. On my business operation, you put a verbal condition on my business. I asked at the hearing, "Could I have it?" You said, "Get it from the Clerk." Eight business -- eight days later. Eight days later the Clerk hands me a piece of paper that she had stamped eight days prior. She waited eight days to show me the written -- I had no idea what the condition was. It was read out. I didn't know. The lawyer wouldn't read it out. You wouldn't answer any called.
I repeatedly sent you letters, Mr. Mayor. I sent you letters, my lawyer sent you letters. No one replied to me. At the time, I wanted to know what that condition meant. You refused to discuss it with me, a condition on my business.

I applied to build a dock and you put some vague condition about my business. Of course, I'm going to seek legal comfort. Of course, I'm going to go -- if you refuse to discuss this with me, you think I -- you know, you think it's just a joke that I want to discuss this with you? No one would discuss it with me, that's why I went to court.

You have no reason to deny these permits, and this whole nonsense about this is a 30 -- you know, this -- six months later you find a transposition of two words by the Clerk and you think we're going through this whole -- you know, we're going to go out here -- I mean, be ridiculed in public? These people stand up and made all these lies about the dock, they didn't
I invited everybody to come to -- come take a look. It's a beautiful place, it's beautiful. No one would come.

You cancelled the meeting the last day before the work session. You just cancelled it, you know, an hour before the work session. You guys have to take some responsibility. You know, we need to -- this is a small Village, we need to work together.

What are we doing growing oysters? You know, I'm trying to get my children to do this.

We've spent 13, 14 years of our life on the history of Greenport. We've worked night and day on that water. I'm working long for it. I'll tell you what, you know -- you go by every day, don't you, George?

TRUSTEE HUBBARD: Sure.

MR. OSINSKI: You see us working out there every day. Winter, spring, summer, fall, we're out there working. We're not talking about a
working waterfront. We're working with our kids
every day out there all year-round and you're
jerking us around. I don't appreciate it.

(Applause.)

MR. MOORE: I'll be brief. Doug Moore,
145 Sterling Street. I should disclose, I'm
also the Chair of the Zoning Board of Appeals,
but I'm speaking as a resident of Greenport and
a friend of Mike Osinski. This is about
Resolution 34.

I don't want to get into all the legal
issues, you get your advice from Joe Prokop. I
get a lot of good advice from Joe Prokop as
well. Most of it I agree with.

Just common sense I'd like to talk about.
If you're compelled to a legal technicality to

have another hearing, so be it. I would hope
that you would expedite it. I would hope,
because I recall from attending the previous
hearings, they went on and on and on, that you
put extremely tight time limits on public
And I would also suggest that it seems that if you are opening the hearing again, you will also have to resolve and vote to approve this application. I would suggest you consider what your resolution should have in it. And if any discussions you can have with the applicant in this intervening period, it might also expedite the situation, that you can have a comfortable solution to not only part one, but part two, as it was described.

So I'm just recommending take some time to think about it and what you might resolve to approve, because you will have to approve this resolution again, I believe. Thank you.

MAYOR NYCE: Thank you.

MRS. MOORE: Two seconds for me. I'm Mary Moore, 145 Sterling Street, Greenport.

I really think it's -- it isn't right to have another public hearing. We were there in November, we heard everyone speak. And just for
that technicality, I can't understand why you have to repeat it. I really think that it's unfair and it's unjust. But, you know, if you feel you have to do it, I still think it's bad legal advice. I really don't think that it's necessary, everyone knew.

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

MRS. OSINSKI: Well, I didn't think I'd be here again on this topic. My name is Isabel --

MAYOR NYCE: Sorry. Name and -- just name and address for the record.

MRS. OSINSKI: My name is Isabel Osinski. I live at 307 Flint Street. I am an owner/farmer of Widow's Hole Oyster Farm.

You know, we have worked for 15 years on this farm. It's -- it's a long time in somebody's life to work 15 years, and then get up in public and have people telling us that we're skanky, you know, that "We want you gone." Okay. We endured the public hearing. We did not get up and make it personal, because I just -- we just -- that's not how we -- you know, we just don't -- we -- it's morally wrong to get up
and speak about your neighbor.

I would like to invite the Board to look at our house. I have asked you repeatedly, would you like to come look -- see what the situation is, not rely upon telephoto photographs that my neighbors take when we're working, which is truly -- it's upsetting to me, and it's upsetting to my children. We're trying to get it -- we're trying to harvest oysters. It's 30 degrees, 20 degrees. We're working on a dock that's unstable, that's poor footing, and you've got neighbors taking your photograph. And I try to tell the kids, "Oh, they're just taking a photograph because it's so nice here. You know, let's just keep on working." I mean, I can't afford to have everybody morally collapse or get upset emotionally, but of course we're emotionally upset. Okay?

And this transposition of two words, I think if you vote to redo this hearing, it just -- it's a mockery, a mockery of the system. I live -- I mean, if you sit down and you
look at the news, the war in Iraq, you know, economic collapse and you think, well, I can make a difference in the world in the way I

live. I can make a difference in the world because I'm raising good food for people that's healthy, you know, helping the environment. I'm doing everything that's permitted. I'm a part of the community. Well, what do you do when that community turns around and spits in your face? What do you do when they sit there and tell you six months after you put in an application after a public debacle, over an hour, that was over an hour of people running at the back of the podium pointing at me, telling me, "You're skanky," "Get out of here," "Get them out of town." You know, they didn't have to announce their name. You know how you're so careful about the name? They didn't announce the names.

Okay, fine. I'm Ags and Market, I'm protected, hopefully, by, you know, an entity
that, you know, has some conscience. This is unconscionable. What you're doing is unconscionable.

The house that was — the house that I was accused of not causing to sell turned out was nine-nine-nine-nine-nine-nine, one million dollars. And I was told, "The reason they can't

sell that house is because you're skanky."

I have a letter from that woman that says — apologized for not being able to come to this public hearing, that tells me that she bought this house and she loves the oyster farm. She knows what we're doing for the community.

I mean, we have tried to contribute to the community. You look up and down the street, I mean, you know, oysters, we put them on the map. You know, I don't think it was a vanity thing. I think it was a bigger issue at heart that you think you're doing the right thing. You know, we try to do the right thing. For you to sit down and vote this thing through, it's just a
mockery of the system. It's just -- it's just
almost inhumane.

You know, you can drag us through the
dirt, you can scoff at us, you can allow people
to, you know -- I mean, just having your
neighbors turn against you like that, it's
heartbreaking.

We didn't have a Christmas tree. It was
the 23rd of December this thing went through.
Eight days they wouldn't give us the -- tell us
what the notice was. I mean, we really had a

merry, jolly Christmas. You can imagine how
distraught we were. You know, we didn't know
what was going down. Nobody would answer our
calls, nobody would talk to us. Okay, fine. So
it's a holiday, maybe you aren't Christian, I
don't know, you know, whatever. It was a day of
the week, but, I mean, it was just -- it's
destroying our happiness.

It's very hard to go out there and show --
you know, we're trying to market these oysters,
we're trying to raise the oysters. As Steve Clarke said, you know, a lot of people are doing this and they're making mistakes and they're killing the oysters. It's not exactly easy to get a million oysters and come out with -- we're lucky if we get 500,000 out of there. We're lucky to get 250. After the hurricane, we had -- we lost millions. Okay? We didn't go crying to FEMA. We accepted this, it was nature, and we could deal with it. But this isn't nature. This is just a venal attack by some real estate agents upon a family business. And for you to condone it, it's just -- it's just -- it's heartbreaking, it really is.

If I had not spent 15 years on this -- I mean, how would you feel if you spent 15 years in business and your neighbor pointed to you and had the ear of government, saying, "Oh, we're going to get" -- "Oh, ha, ha." 25-by-25, 25 square -- I can't even remember, 25 square foot, 25 foot square, it's just nonsense, you know,
transposing two words. Oh, we're going to be --
oh, 10 years from now somebody is going to sue
us? Nobody is going to sue you about -- we
would never have even gone to a lawyer if you
talked to us. I begged everybody, "Can you
please talk to us? Can you please come to our
house and meet with us? Could we please talk
about this?" Nobody would explain to us what
they were doing. Nobody would talk to us,
nobody would explain to us. It was just, you
know, shunning. The word is shunning, you
shunned us, okay, after what we did.

I mean, Mike worked on the Board. People
that he sat with and worked with shunned him,
you know. What did we ever do to you guys?
Okay. Okay, so I might have called you like
names at one time or something. You know, I
might have that wasn't right, but I never
attacked your business. I never told you you

were skanky. I never said, "I don't care if
you're kids fall in the water," because they
don't have a stable dock to stand on in the middle of winter. I mean, this is dangerous. We were working under dangerous situations, and, you know, it's just ruthless. What you're doing is ruthless.

And I really hope that you don't vote for this resolution, because, I mean, it's just -- it's just heartbreaking. It's just -- it's just ridiculous. I mean, if somebody -- if your child said -- if you your kid was in school and said, "I wrote 24-square-foot instead of 25-foot-square and they're failing me," you would go to that school and say, "Are you kidding me?" You know, you would talk to the teacher and say, "Are you out of your mind?" You know, they transposed two words, and it was your Clerk that did it. I mean, I'm just -- it's just heartbreaking.

And I'm sorry if I got emotional, but we've lived under this situation.

(Appraise.)

MAYOR NYCE: Is there anyone else that hasn't that would like to address the Board?
(No response.)

MAYOR NYCE: Okay. That concludes the Public Portion.

I would offer Resolution #05-2014-1, adopting the May 2014 agenda as printed.

So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: The motion carries.

I'll ask Trustee Murray to read Resolution 2.

TRUSTEE MURRAY: RESOLUTION #05-2014-2,

RESOLUTION accepting the monthly reports of the Greenport Fire Department, Village Clerk, Village Treasurer, Village Administrator, Director of Utilities, Village Attorney, Mayor and Board of Trustees. So moved.
TRUSTEE HUBBARD: Second.
MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?
(No response.)
MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: RESOLUTION #05-2014-3, RESOLUTION accepting with regret the resignation of Mary L. Given as Secretary to the Greenport Fire Department, effective May 28, 2014. So moved.

TRUSTEE ROBINS: Second.
MAYOR NYCE: I'd like to personally thank Lucy for her service to the Department. We got your letter and we are sorry to see you go. I understand that you have to move on.

MS. GIVEN: Thank you.
MAYOR NYCE:  All those in favor?

TRUSTEE HUBBARD:  Aye.
TRUSTEE MURRAY:  Aye.
TRUSTEE PHILLIPS:  Aye.
TRUSTEE ROBINS:  Aye.

MAYOR NYCE:  Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE:  Motion carries.

TRUSTEE ROBINS:  RESOLUTION #05-2014-4, RESOLUTION authorizing the attendance of Village Administrator Pallas at the APPA National Conference in Denver, Colorado from June 13, 2014 through June 18, 2014; at a cost not to exceed $3,000.00 plus all applicable meal and fuel expenses, to be expensed from account E.0781.100 (Executive Department).  So moved.

TRUSTEE PHILLIPS:  Second.

MAYOR NYCE:  All those in favor?

TRUSTEE HUBBARD:  Aye.
TRUSTEE MURRAY:  Aye.
TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: RESOLUTION #05-2014-5, RESOLUTION approving an increase in the hourly wage rate for Derryl Baumer for the assumption of additional duties, pursuant to Article VII, Section 9(a) – Merit Clause – of the current collective bargaining agreement between the Village of Greenport and the CSEA. The hourly wage rate will be increased to $19.24 per hour, from $16.00 per hour. This increase is to be effective beginning June 11, 2014. So moved.

TRUSTEE MURRAY: Second.

TRUSTEE ROBINS: I'd just like to make a comment. I spent quite a number of hours working in Village Hall and I've observed Derryl during the workday. He's a valuable asset to
the Village. He brings a lot of energy and intelligence to the job, and I am very pleased to see him get this merit raise. Thank you.

MAYOR NYCE: I am as well.

All those in favor?

TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstention?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE MURRAY: RESOLUTION #05-2014-6,

RESOLUTION authorizing Treasurer Brandt to perform budget transfer #1098, as attached, to increase the appropriation in account A.1420.400 (Law Contractual Expense) by $3,700.00; account A.1620.400 (Building Contractual Expense) by $300.00; account A.3620.100 (Safety Inspector Personnel) by $1,000.00; account A.5110.432
(Workers Comp) by $6,485.00; account A.5182.400
(Street Lights) by $7,340.00; account A.8010.100
(Zoning Personnel) by $1,000.00; account
A.8020.100 (Planning Personnel) by $900.00;
account A.9030.801 (MTA Tax) by $766.00; account
A.1620.420 (Building Electric) by $1,850.00;
account A.1420.401 (Labor Counsel) by $3,365.00;
account A.8020.400 (Planning Contractual
Expense) by $2,525.00; and account A.8510.200
(Historic Preservation Committee) by $305.00;
and to decrease the appropriation in account
A.9730.660 (BAN Principal) by $14,920.00;
account A.1910.400 (Unallocated Insurance) by
$7,392.00; account A.1320.400 (Auditor Expense)
by $3,224.00; and account A.9730.670 (BAN
Interest) by $4,000.00. So moved.

TRUSTEE HUBBARD: Second.

TRUSTEE MURRAY: We have to read all
these?

MAYOR NYCE: Yeah. So I'll take
Resolution 10.
All those in favor?

TRUSTEE HUBBARD:  Aye.

TRUSTEE MURRAY:  Aye.

TRUSTEE PHILLIPS:  Aye.

TRUSTEE ROBINS:  Aye.

MAYOR NYCE:  Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE:  The motion carries.

TRUSTEE HUBBARD:  RESOLUTION #05-2014-7, RESOLUTION authorizing Treasurer Brandt to perform budget transfer #1099, as attached, to increase the appropriation in account E.0781.300 (Legal Fees) by $2,550.00; account E.0312.000 (Structures) by $4,559.00; account E.0451 (Interest) by $2,234.00; account E.0724.100 (Gas Service) by $971.00; account E.0724.110 (Water Service) by $206.00; account E.0761.300 (Consumer Billing) by $161.00; account E.0997 (Administrative Labor) by $17,600.00; account E.9030.801 (MTA Tax) by $84.00; and account E.9040.800 (Worker's Comp.)
by $606.00; and to decrease the appropriation in
E.0384 (Transportation Equipment) by $419.19;
account E.0783.100 (Insurance-Auto) by
$3,393.48; account E.0783.200 (Insurance-Multi
Peril) by $19,910.33; account E.0785.210
(Employee Training) by $3,800; and account
E.9050.800 (Unemployment Insurance) by
$1,448.00. So moved.

TRUSTEE ROBINS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE ROBINS: RESOLUTION #05-2014-8,
RESOLUTION authorizing Treasurer Brandt to
perform budget transfer #1100, as attached, to
increase the appropriation in account F.8310.100
(Administrative Labor) by $5,735.00; account
F.8310.102 (Labor Outside) by $6,510.00; account
F.8320.400 (Electricity Purchased) by $346.00;

and account F.9040.800 (Workers Comp) by $1,676.00; and decrease the appropriation in account F.9010.800 (Retirement) by $4,309.00;
account F.8310.401 (Small Tool Purchase) by $1,900.71; account F.1910.400 (Insurance) by $6,377.29; and account F.8310.409 (Executive Department) by $1,680.00. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: The motion carries.

TRUSTEE PHILLIPS: RESOLUTION #05-2014-9, RESOLUTION authorizing Treasurer Brandt to perform budget transfer #1101, as attached, to
increase the appropriation in account G.1420.400 (Legal) by $1,337; account G.1680.400 (Computer) by $145.00; account G.8110.100 (Administrative Labor) by $13,236.00; account G.8110.400 (Electric Service) by $7,500.00; G.8110.406 (Phone & Cable Expense) by $100.00; and account G.9040.800 (Workers Comp) by $584.00; and to decrease the appropriation in account G.1910.400 (Insurance) by $3,666.55; account G.8110.700 (Interest) by $15,503.50; account G.8110.408 (Special Services) by $3,500.00; and account G.8110.414 (Transportation Clearing) by $231.95. So moved.

TRUSTEE MURRAY: Second.
MAYOR NYCE: All those in favor?
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR NYCE: Aye.
Any opposed or abstentions?
MAYOR NYCE: Dave, you want to take this, or do you want me to take it?

TRUSTEE MURRAY: Yeah, I got.

MAYOR NYCE: All right.

TRUSTEE MURRAY: RESOLUTION #05-2014-10, RESOLUTION authorizing Treasurer Brandt to perform budget transfer #1102, as attached, to increase the appropriation in account R.7020.100

(Recreational Administration) by $5,495.00; account R.7020.400 (Electric Service) by $3,100.00; account R.7020.406 (Credit Card Fees) by $300.00; account R.7120.402 (Skate Park Expense) by $400.00; account R.7110.100 (Parks Personnel) by $400.00; account R.7120.100 (Rec. Center Personnel) by $1,546.00; account R.7311.100 (Ice Rink Labor) by $585.00; account R.7311.400 (Ice Rink Expense) by $521.00; account R.8160.402 (Public Restroom Expense) by $863.00; account R.9030.800 (Social Security Benefits) by $7,550.00; R.9030.801 (MTA Tax) by
Account R.9040.800 (Workers Comp) by $1,230.00; account R.7050.800 (Unemployment Benefits) by $212.00; account R.9060.800 (Hospital Benefits) by $2,751.00; and account R.9060.801 (Dental) by $918.00; and decrease the appropriation in account R.7020.403 (Billing & Accounting) by $500.00; account R.7020.404 (Office Supplies) by $500.00; account R.7180.400 (McCann Expense) by $1,429.00; account R.7230.425 (Marina Special Events) by $1,400.00; account R.7313.100 (Camera Obscura Labor) by $2,000.00; account R.7313.400 (Camera Obscura Expense) by $2,000.00; account R.9010.800 (Retirement Benefits) by $5,076.00; account R.9710.670 (Bond Interest) by $2,227.00; account R.9730.670 (BAN Interest) by $5,900.00; account R.7180.413 (McCann Refuse) by $800.00; and account R.7312.400 (Carousel Expense) by $4,482.00. So moved.

TRUSTEE HUBBARD: I'll second that. Good job.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: RESOLUTION #05-2014-11, RESOLUTION authorizing Treasurer Brandt to perform budget transfer #1104, as attached, to increase the appropriation in account A.3410.415 (Transportation Equipment) by $2,000.00, and to decrease the appropriation in account A.3410.200 (Fire Department Equipment) by $2,000.00. So moved.

TRUSTEE ROBINS: Second.

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

Any opposed or abstentions?

(No response.)

MAYOR NYCE: Motion carries.

TRUSTEE ROBINS: Resolution #05-2014-12, RESOLUTION authorizing Treasurer Brandt to perform budget transfer #1105, as attached, to increase the appropriation in account G.8130.404 (Sludge Removal) by $12,221.00, and to decrease the appropriation in account G.8110.414 (Transportation Clearing) by $12,221.00. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)
MAYOR NYCE: The motion carries.

TRUSTEE PHILLIPS: RESOLUTION #05-2014-13, RESOLUTION approving the hiring of Monique Summers as an Account Clerk in the Treasurer's Office, at an hourly rate of $12.00, plus all benefits applicable to a full-time employee under the current collective bargaining agreement between the Village of Greenport and the CSEA. The requisite six-month probationary period will begin on the effective hire date of June 11, 2014. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: The motion carries.

TRUSTEE MURRAY: RESOLUTION #05-2014-14, RESOLUTION approving the Public Assembly Permit Application as submitted by the East End Seaport Museum for the use of various Village streets
and facilities, including Mitchell Park, from 9:00 a.m. through 5:00 p.m. from September 19th, 2014 through September 21st, 2014 for the annual Maritime Festival. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: Resolution #05-2014-15, RESOLUTION authorizing the suspension of the open container law of the Village of Greenport, per Sections 35-3B and 35-3C of the Greenport Village Code, for the Festival parameters of the East End Seaport Museum Maritime Festival, from 9:00 a.m. to 5:00 p.m. on September 20th, 2014
and September 21st, 2014; per the Public Assembly Permit Application as submitted. So moved.

TRUSTEE ROBINS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE ROBINS: Resolution #05-2014-16, Resolution approving the Public Assembly Permit Application as submitted by Maranatha Church for the use of a portion of Mitchell Park from 11:00 a.m. through 2:00 p.m. on June 29, 2014 for a Youth Christian Concert. So moved.

MAYOR NYCE: Is there a second?

(No response.)
Mayor Nyce: I'll second it so that it can come up for a vote. All those in favor? Aye.

Trustee Robins: Aye. I'm voting aye upon Legal Counsel.

Mayor Nyce: Opposed?

Trustee Murray: Aye.

Trustee Phillips: Aye.

Trustee Hubbard: Aye.

Mayor Nyce: That motion does not carry; two in the affirmative, three in the negative.

Trustee Phillips: Resolution #05-2014-17, Resolution approving the Public Assembly Permit Application as submitted by Southold Voice for the use of a portion of Mitchell Park from 9:00 a.m. through 4:30 p.m. on June 21, 2014 for a Family Water Safety Day event. So moved.

Trustee Murray: Second.

Mayor Nyce: All those in favor?

Trustee Phillips: Where -- is this going to be located down on -- whereabouts in Mitchell Park?
MAYOR NYCE: I assume it's going to be down near the docks, but I'm not -- I don't think they're specific. They'll work it out with the Marina managers so it's someplace that's out of the way.

TRUSTEE PHILLIPS: I mean, they're not requiring tents or any of the other --

MAYOR NYCE: No.

TRUSTEE PHILLIPS: -- things that go along with it?

MAYOR NYCE: No.

MR. PALLAS: I'll check.

TRUSTEE HUBBARD: But I just have another question on that. Wouldn't this be more appropriate to do this down at the end of Fifth Street --

TRUSTEE PHILLIPS: That's what I was wondering.

TRUSTEE HUBBARD: Where you have parking and access with the dock and everything else, instead of in the Marina? I think that's where
we're -- that's why I voted no on the previous one. The Marina is being -- a lot of outside agencies are asking to use Mitchell Park for everything, and I would rather see this down at Fifth Street Park. You have the parking, you have a lifeguard down there. Well, actually, the lifeguard is not on duty yet on the 21st.

MAYOR NYCE: Right.

TRUSTEE HUBBARD: But I think that should be located down there, not in the center of Mitchell Park.

TRUSTEE MURRAY: I would concur with George on that.

TRUSTEE ROBINS: And I would as well.

MAYOR NYCE: Yeah. I think they're -- the purpose of this assembly is for -- is informational and to get information to boaters and families about water safety. So I don't think it's specific to water safety activities, which is why they're looking to put it in the park, where they can get people that are walking
by. I don't think it's specific, but --

TRUSTEE HUBBARD: Okay. I know parking is a problem down there, and I know they were turned down at other venues that they couldn't go to.

MAYOR NYCE: Understood.

TRUSTEE HUBBARD: And we're like -- everybody's trying to dump everything down at Mitchell Park all the time.

MAYOR NYCE: Understood.

TRUSTEE HUBBARD: And we need to control some of that that's --

MAYOR NYCE: Understood.

TRUSTEE HUBBARD: Okay.

MR. PALLAS: Mayor, we just double-check the application. They're calling it not tents, but pop-ups. I'm not quite sure.

MAYOR NYCE: Oh.

TRUSTEE ROBINS: There were pop-ups on it?

MR. PALLAS: But I'm assuming those are small, but there's actually 12 of them that
they're requesting.

MAYOR NYCE: Okay. So that's larger than what I thought it was.

All right. Is there any further discussion?

(No response.)

MAYOR NYCE: I'll call the vote. All those in favor? I will vote in the affirmative.

All those opposed?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: That motion does not carry.

TRUSTEE MURRAY: Who read that? That was --

TRUSTEE PHILLIPS: That was me.

TRUSTEE MURRAY: Resolution #05-2014-18, RESOLUTION directing Village Clerk Pirillo to schedule, and notice accordingly, a public hearing for June 23rd, 2014 at 6:00 p.m. at the Third Street Firehouse, Greenport, New York, 11944 regarding the Wetlands Permit Application as submitted by En-Consultants, to:

Construct approximately 120 linear feet of
vinyl bulkhead within 18" of (and 6" higher than) existing timber bulkhead and construct approximately 46 linear feet of vinyl bulkhead in place of (and 6" higher than) existing timber bulkhead; backfill with approximately 50 cubic yards of clean sand fill/loam, to be trucked in from an approved upland source; and temporarily remove and replace adjacent 3' x 20' ramp and 5' by 20' float as needed, at 49 Stirling Cove, Greenport, NY, 11944.

And I hope these measurements are correct.

MAYOR NYCE: Yes. Is there a second?

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those --

TRUSTEE PHILLIPS: Wait a minute. I do have a question, okay, and I want a clarification.

When you start this process of the wetland permit, the application goes into the Building Department, correct?

MAYOR NYCE: Yes.

TRUSTEE PHILLIPS: Once it comes to the
Building Department, then it's passed on to the
Village Clerk with the information, correct?

MAYOR NYCE: Yes.

TRUSTEE PHILLIPS: Okay. That's all I --
so it starts in the Building Department --

MAYOR NYCE: Yes.

TRUSTEE PHILLIPS: -- as to what
information is transferred onto the legal
notice?

MAYOR NYCE: Yes.

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

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: The motion carries.
TRUSTEE HUBBARD: RESOLUTION #05-2014-19,
RESOLUTION directing the Conservation Advisory
Council to review the Wetlands Permit
Application as submitted by En-Consultants, and
to provide corresponding comments and/or
recommendations to the Village of Greenport
Board of Trustees by no later than June 13th,

2014. So moved.

TRUSTEE ROBINS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: The motion carries.

TRUSTEE ROBINS: (RESOLUTION #05-2014-20),
RESOLUTION ratifying the Memorandum of Agreement
dated May 5th, 2014 between the Village of
Greenport and an employee. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: The motion carries.

TRUSTEE PHILLIPS: RESOLUTION #05-2014-21, RESOLUTION approving the Standard Work Day and Reporting Resolution Forms #RS 2417-A, #RS 2417-B, and two (2) Forms #RS 2419 as attached, and directing Clerk Pirillo to post the Standard Work Day and Reporting Resolution to the public for a minimum of thirty (30) days. So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstention?

(No response.)

MAYOR NYCE: The motion carries.

TRUSTEE MURRAY: RESOLUTION #05-2014-22, RESOLUTION ratifying the attendance of the following at the annual SCVOA Zoning and Planning Municipal Training session held on May 14, 2014 from 5:30 p.m. through 9:30 p.m. at the Atlantis in Riverhead, New York, at a $55.00 Per Person Fee, plus all applicable Travel Costs: Zoning Board of Appeals Chairman Doug Moore, to be expensed from account A.8010.400 (Zoning Contractual Expense) and Zoning Board of Appeals Board Member Ellen Neff, to be expensed from account A.8010.400 (Zoning Contractual Expense). So moved.

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

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: RESOLUTION #05-2014-23, RESOLUTION ratifying the attendance of Clerk Pirillo at the Nassau/Suffolk Town Clerks Association meeting in Smithtown, New York on May 15, 2014; at a cost of $25.00, to be expensed from account #A.1410.400 (Clerk Contractual Expense). So moved.

TRUSTEE ROBINS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS:  Aye.

MAYOR NYCE:  Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE:  The motion carries.

TRUSTEE ROBINS:  Resolution #05-2014-24, RESOLUTION authorizing the Village of Greenport to add the outstanding water balances in arrears, for a total of $24,169.29, and sewer balances in arrears, for a total of $44,387.28; for any such property, to the Village of Greenport real property tax bills of that property.  So moved.

TRUSTEE PHILLIPS:  Second.

MAYOR NYCE:  All those in favor?

TRUSTEE HUBBARD:  Aye.

TRUSTEE MURRAY:  Aye.

TRUSTEE PHILLIPS:  Aye.

TRUSTEE ROBINS:  Aye.

MAYOR NYCE:  Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE:  That motion carries.
TRUSTEE PHILLIPS: RESOLUTION #05-2014-25, RESOLUTION renewing for one additional year the lease between the Village of Greenport and Eastern Long Island Hospital as landlord for the space occupied by the Village of Greenport known as the Mary E. Smith Recreation Center, with the renewal to continue pursuant to the existing lease terms and conditions. So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye. Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE MURRAY: RESOLUTION #05-2014-26, RESOLUTION ratifying the issuance of a check made payable to David Abatelli, in the amount of $1,112.50, to be used to set up the required cash drawer/banks for the operation of the

TRUSTEE HUBBARD: Second.
MAYOR NYCE: All those in favor?
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR NYCE: Aye.
Any opposed or abstentions?
(No response.)
MAYOR NYCE: That motion carries.
TRUSTEE HUBBARD: RESOLUTION #05-2014-27, RESOLUTION awarding the contract for the removal of Village trees and stumps to Johnson Tree Company, for a total price of $4,950.00; per the bid opening on May 14, 2014 at 3:07 p.m. So moved.
TRUSTEE ROBINS: Second.
MAYOR NYCE: All those in favor?
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE ROBINS: Resolution #05-2014-28, RESOLUTION approving the retainer agreement; effective from May 23rd, 2014 through May 22nd, 2017; between the Village of Greenport and special labor counsel Lamb and Barnosky, per the engagement letter from Lamb and Barnosky dated May 19th, 2014. So moved.

TRUSTEE PHILLIPS: I'm going to second this, but I'd like discussion, because I had sent around an email today that I was going to request that this be tabled, because, first of all, the correspondence which was received says "draft" on the top of it. Second of all, I don't remember having any discussion. I know we
have been talking about agreements, but I don't remember hearing this come up at the work session, that this was going to be --

MAYOR NYCE: It didn't come up.

TRUSTEE PHILLIPS: -- on the agenda.

MAYOR NYCE: It did not come up at the work session.

TRUSTEE PHILLIPS: And given the fact that the amount of money that's involved in this and some of the terms in it, I just feel it's a disservice to us as Trustees not to be able to have a discussion among ourselves, that perhaps some of this needs to either be renegotiated, or looked at, or passed on. That's my feeling, so I --

MAYOR NYCE: We can discuss that now. We have used Lamb and Barnosky for a number of years. They have given us exemplary service. They were undervalued for many years. They upped their rates in the last retainer agreement. They said at that time that was
going to be a stage towards getting us to what are market rates. I don't -- I don't think we would find a firm that does the same job for the same money. I don't see any reason why we wouldn't approve the retainer agreement.

TRUSTEE PHILLIPS: Well, first of all, it's a three-year contract, it's not just a one-year. And in past ones, especially with BST, I do believe that we went through a fair amount of venting in the Audit Committee before we past it on to the Board. I'm just -- I feel that at least the public should have been known -- should have had the opportunity to realize that we would be discussing upping a contract

with someone who potentially we could end up this year -- this year so far, according to the voucher payments that were paid out to them, it's -- the retainer is only $14,000. The rest of it has been spent out in other additional fees that they have a per-hour rate on.

MAYOR NYCE: For a considerably lengthy
contract negotiation that is ongoing, and for a
series of very lengthy personnel issues that
came up that we are hopeful will not continue.
I don't think their fees have been out of order
or out of line.

I asked George about their responsiveness
during the labor negotiations. I think that,
regardless, it's also a legal retainer, which
the Board does not go out to bid for. The Board
hires law firms at its pleasure. Again, I would
say Lamb and Barnosky has been an exemplary
legal firm to deal with. I don't if George --

TRUSTEE HUBBARD: Yeah. No, I concur with
that. I mean, I've been dealing with them since
2009 in the ongoing negotiations with five
different attorneys from their firm, and I've
got nothing but high regard for all of them.

Basically, the terms of the agreement are

the same as we had in the past, which is a
dollar figure that has been upped and increased.

MAYOR NYCE: Yeah.
TRUSTEE HUBBARD: So I have no problem with -- I hope we keep them on as counsel.

TRUSTEE PHILLIPS: Once again, I am upset at the fact that this came up after the work session. I felt it should have at least been brought to our attention at that point and not sent out to us the day after. I have a problem with it.

MAYOR NYCE: Unfortunately, I got the email the day after. I forwarded it on as soon as I got it.

TRUSTEE ROBINS: I was under the impression -- I saw an email from several weeks ago about this contract and the rates that we were talking about.

MAYOR NYCE: They were working on it. They were going to send it out when --

TRUSTEE ROBINS: Yeah.

MAYOR NYCE: They were going to send it out when it was ready, and they did, and I forwarded it on as soon as I received it.

TRUSTEE PHILLIPS: Well, I --
MAYOR NYCE: So we have a motion that's up and seconded. Is there further discussion?

(No response.)

MAYOR NYCE: Then I'll call the vote. All those in favor?

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

Opposed?

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: The motion carries, four in the affirmative, one in the negative.

TRUSTEE MURRAY: Was that me?
MAYOR NYCE: No, it's Trustee Phillips.

TRUSTEE PHILLIPS: RESOLUTION #05-2014-29, RESOLUTION approving the attached, accepting the Hazard Mitigation Plan as prepared and presented by Suffolk County. So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS:  Aye.

MAYOR NYCE:  Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE:  That motion carries.

TRUSTEE MURRAY:  RESOLUTION #05-2014-30, RESOLUTION ratifying the hiring of Ashley Tuinman and Sarah Ficken as part-time, seasonal cashiers at the Mitchell Park Marina Office at a pay rate of $9.00 per hour; effective May 6, 2014.  So moved.

TRUSTEE HUBBARD:  Second.

MAYOR NYCE:  All those in favor?

TRUSTEE HUBBARD:  Aye.

TRUSTEE MURRAY:  Aye.

TRUSTEE PHILLIPS:  Aye.

TRUSTEE ROBINS:  Aye.

MAYOR NYCE:  Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE:  That motion carries.
TRUSTEE HUBBARD:  RESOLUTION #05-2014-31, RESOLUTION ratifying the hiring of Gina Anasagasti as a part-time, seasonal employee at the Carousel at a pay rate of $8.00 per hour; effective May 17, 2014. So moved.

TRUSTEE ROBINS:  Second.
MAYOR NYCE:  All those in favor?
TRUSTEE HUBBARD:  Aye.
TRUSTEE MURRAY:  Aye.
TRUSTEE PHILLIPS:  Aye.
TRUSTEE ROBINS:  Aye.
MAYOR NYCE:  Aye.
Any opposed or abstentions?
(No response.)
MAYOR NYCE:  That motion carries.
TRUSTEE ROBINS:  Resolution #05-2014-32, RESOLUTION ratifying the hiring of Elizabeth Corwin as a part-time, seasonal employee at the Recreation Center at a pay rate of $8.00 per hour; effective May 19th, 2014. So moved.
TRUSTEE PHILLIPS:  Second.
MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: Resolution #05-2014-33, RESOLUTION approving the hiring of Jaime MacDonald as a part-time, seasonal Head Counselor at the Village of Greenport Summer Camp at a pay rate of $14.00 per hour; effective June 1st, 2014. So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE MURRAY: RESOLUTION #05-2014-34,

RESOLUTION directing Village Clerk Pirillo to schedule, and notice accordingly, a public hearing for June 23rd, 2014 at 6:00 p.m. at the Third Street Firehouse, Greenport, New York 11944, regarding a rehearing of the Wetlands Permit Application as submitted by Michael Osinski, Widow's Hole Oyster Company, 307 Flint Street, Greenport, New York 11944, and approved by resolution of the Board of Trustees on December 23rd, 2013, due to an incorrect description of the project in the public notice for the prior public hearing and resolution adopted for that application, with the application being made to construct a 140' pier with a 26' by 26' square work platform at the end of the pier, into Greenport Harbor at the
property 307 Flint Street, Greenport, in accordance with plans submitted to and approved by the United States Army Corps of Engineers and the New York State Department of Environmental Conservation. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: Is there any discussion on this motion?

TRUSTEE PHILLIPS: We've heard a lot tonight, and I have a couple of questions. Number one, I think that, first of all, the resolution, I mean, we keep going to the legal notice. The legal notice set the resolution, and the resolution does say 26-square-foot work platform. And I believe we heard in the audience tonight that resolutions should match how things are going, particularly with Mr. Osinski's property that we heard tonight.

The other thing is, is I'd like to ask the applicant, has he not set his -- is he not doing
his oyster business, or is he still working in
the existing configuration that he worked
before? Am I allowed to ask him that question?
Mike, are still -- are you raising --

MRS. OSINSKI: The whole -- that was to
appease our neighbors.

TRUSTEE PHILLIPS: No. Mike, Mike.

MAYOR NYCE: Simple question. Are you
still --

TRUSTEE PHILLIPS: Are you --

MR. OSINSKI: I'm answering the question.
Okay? Let me speak. I was asked a question, I
deserve a right to answer. And don't edit my
answer, you don't have a right to do that.

TRUSTEE PHILLIPS: Mike, Mike. Mike, all
I want --

MAYOR NYCE: If you're going to be
belligerent, we're going to rescind
the question.

TRUSTEE PHILLIPS: Mike, all I want to
know is are you raising oysters right now?
MR. OSINSKI: I am totally raising oysters.

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

MR. OSINSKI: And where are the letters that were given to the Clerk today?

MAYOR NYCE: Thank you.

MR. OSINSKI: Where are those letters?

MAYOR NYCE: Thank you.

MR. OSINSKI: Why don't you read them out? You received letters.

MAYOR NYCE: Trustee Phillips.

TRUSTEE PHILLIPS: Okay.

MR. OSINSKI: Read them into the record.

TRUSTEE PHILLIPS: All right. The second thing is, is that I would like to -- regardless of -- the issue is to get the applicant working, so that everyone is moving forward and not going backwards. I would like to see the public hearing date moved up so that we could either call a special meeting -- I assume -- I understand his attorney is saying something, but I think that this just needs to move forward, because it is based on one of our staff members making a mistake.
MAYOR NYCE: Yes. It does not specifically prevent it from moving forward.

TRUSTEE PHILLIPS: I mean, the public hearing. I mean, this is --

TRUSTEE MURRAY: I have a question on this as well. When we go to this -- if we go to this public hearing, and, Mike, I was not here December 23rd when they voted on this, but we are all in favor of your application. I just want you guys to realize this. But if we do have this hearing, do we have a chance of taking all the fluff off of the resolution that was approved and get it straight and clean so he can get working?

MAYOR NYCE: Yes.

TRUSTEE MURRAY: Hold it. Hold it, Mike, wait a second. Let me go there.

MR. OSINSKI: I'm not saying anything.

TRUSTEE MURRAY: Hold it. Can I just speak?

MR. OSINSKI: I'm not saying anything.
TRUSTEE MURRAY: Because what my goal is
on this is to clean up the resolution and get
you to where you can get your permit right away.

MR. OSINSKI: We've been asking the

Board --

TRUSTEE MURRAY: I know that.

MAYOR NYCE: Please, please.

TRUSTEE MURRAY: Hold on. I just was
stating -- I haven't said anything all night on
this.

MR. OSINSKI: Okay.

TRUSTEE MURRAY: But we all want this to
go very smoothly for you, we do. We've all
talked about this. This is -- you know, so we
just -- we want to get this moving. So I think
at this hearing we can approve your resolution
in a clean form --

MAYOR NYCE: Yes.

TRUSTEE MURRAY: -- to where you're happy.
Right?

MAYOR NYCE: I'll have the Village
TRUSTEE MURRAY: Attorney draft up the resolution in advance.

So maybe we can stop this legal lawsuit and get you to get Costello's to build your platform. That's what I think we all want to happen.

TRUSTEE MURRAY: So maybe we can stop this legal lawsuit and get you to get Costello's to build your platform. That's what I think we all want to happen.

MAYOR NYCE: Absolutely.

MR. OSINSKI: We've been asking for this since Christmas.

TRUSTEE MURRAY: I agree.

MR. OSINSKI: We haven't gotten one response.

MAYOR NYCE: Please, this is not a discussion back and forth.

TRUSTEE MURRAY: So let me ask your attorney this.

MAYOR NYCE: Trustee Murray is making a statement on that.

TRUSTEE MURRAY: Do we want to speed this up, because I think we all want to do this?

MAYOR NYCE: We can move it up to the 15th, is how far we can move it up, because the
notification date's the 16th. So we can move it up by seven days.

MS. PINCUS: I was not representing the Osinskis at the time of the other hearing. We now need to prepare for this hearing, because, as I understand it, we have to present all of the evidence all over again so that you could vote on it. I know you're saying that I don't have to, but as his attorney, that's what we have to do.

MAYOR NYCE: Then the answer is we'll keep it as June 23rd.

TRUSTEE HUBBARD: She wants to keep it that way.

MAYOR NYCE: We'll keep it at June 23rd.

TRUSTEE HUBBARD: She wants to keep it that way.

MAYOR NYCE: And I will present to the Trustees from the Village Attorney the resolution two -- one, the resolution approving it. If we're not going to -- so I'll present in
advance the resolution approving this, so we can all have a look at it, so that there's not an amendment to it the night of.

TRUSTEE ROBINS: Yeah. I want to go on the record as saying as well that I would be happy to have a hearing expedited sooner, and that I will support the resolution to expedite things and to clean up the resolution so that you can move forward with your dock construction as soon as possible.

MR. OSINSKI: I wish you would -- you know, instead of having to read the Village website --

MAYOR NYCE: Please. Please, Mr. Osinski, you're out of order.

MR. OSINSKI: I got three hours notice of this. Nobody on this Board called me to tell me this resolution was on the agenda until three hours ago. Come on.

MS. PINCUS: And Mr. Prokop, who I've been in communication with, did not advise me of that
either.

MR. OSINSKI: Come on.

MRS. OSINSKI: What's a cleanup? What does the cleanup resolution mean?

MAYOR NYCE: Is there any further discussion on this motion? Is there any further discussion by the Board on this motion?

(No response.)

MAYOR NYCE: Then I'll call the vote. All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: Resolution #05-2014-35, RESOLUTION approving all checks per the Voucher Summary Report dated May 23rd, 2014 in the total
amount of $783,868.10 consisting of:

All regular checks in the amount of $717,894.01, and all prepaid checks (including wire transfers) in the amount of $65,974.09. So moved.

TRUSTEE ROBINS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

MAYOR NYCE: That concludes the business before this Board this evening at 8:49. I will offer a motion to adjourn.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR NYCE: Aye.
Any opposed?

(No response.)

MAYOR NYCE: The motion carries.

(Whereupon, the meeting was adjourned at 8:49 p.m.)
CERTIFICATION

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a
true and correct transcription of the
proceedings taken on May 27, 2014.

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 11th day of June, 2014.
Lucia Braaten