

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK STATE OF NEW YORK
-----X

3 BOARD OF TRUSTEES
4 REGULAR SESSION
5 -----X

6
7 Third Street Firehouse
8 Greenport, New York

9 May 27, 2014
10 6:00 P.M.

11
12 B E F O R E:

- 13 DAVID NYCE – MAYOR
14 GEORGE HUBBARD, JR. – TRUSTEE
15 DAVID MURRAY – TRUSTEE
16 MARY BESS PHILLIPS – TRUSTEE
17 JULIA ROBINS – TRUSTEE
18
19 SYLVIA LAZZARI PIRILLO – VILLAGE CLERK
20 PAUL PALLAS – VILLAGE ADMINISTRATOR
21 ROBERT BRANDT – VILLAGE TREASURER

22
23
24
25

DAVID ABATELLI – COMMUNITY DEVELOPMENT DIRECTOR

2

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

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

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

8 MAYOR NYCE: If you'll please remain
9 standing for a moment of silence: Barbara C.
10 Holley, Gregory Conrad King, Penny Wells Knight,
11 William Henry Manners, Thomas Shedrick, Mary Ann
12 Thilburg, Ed Swensen.

13 (Whereupon, all remained standing for a
14 Moment of Silence.)

15 MAYOR NYCE: Thank you. You may be
16 seated.

17 This is the May 27th regular meeting of

18 the Board of Trustees. We have a very full
19 house tonight and a lot to get through. I have
20 some announcements to get us started off. It is
21 warm. If it gets any warmer, I'm going to ask
22 that we try and figure out the air conditioning.
23 They haven't had it on as of yet, because it
24 shouldn't be this warm yet.

25 Also, since we have a full house, and we

3

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

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

13 The annual In-Water Boat Show that the

14 Village hosts will be held on June 6th through
15 June 8th in Mitchell Park Marina, and that goes
16 on those days, daily day, from 10 until 6?

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

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

21 The East End Seaport Museum will be
22 hosting their Chowder Contest that they usually
23 hold during the Maritime Festival. They're
24 doing it as a fundraiser this year on June 8th
25 in the Chase Bank parking lot. I don't have

4

1 times on that, but if you go to the East End
2 Seaport's website, I'm sure the information is
3 there. As soon as we have it, we will also post
4 it on ours. It will also be listed on the
5 Village BID website.

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

10 TRUSTEE HUBBARD: I think at 7:30.

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

16 Next brush pickup is scheduled for June
17 10th. There was one today. They will be around
18 again in two weeks.

19 We will be this year hosting a Skate Park
20 Family Day Event on July 27th, from noon until
21 five. This is likely in place of the Skate Park
22 Festival that has been held in years past.
23 Trustee Hubbard has been spearheading the effort
24 with some local participants, some of the kids
25 that have been participating in past years,

5

1 trying to change it up a little bit. They seem
2 very excited, and we'll have a couple of months
3 to pull that together. It should be a fun
4 event. I encourage everyone to come down, and
5 George will be grilling, so --

6 TRUSTEE HUBBARD: There you go.

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

11 TRUSTEE HUBBARD: No.

12 MAYOR NYCE: Okay. The next announcement,
13 many of you may be aware, some may not, there
14 has been an ongoing phone scam in the Village
15 dealing with Village of Greenport Utilities.
16 There has been an organization calling,
17 representing that they are the Village of
18 Greenport Utilities and encouraging people to
19 pay their arrears. They've been telling them to
20 go to a local 7-Eleven, get a money card and
21 then submit the money card to them. Clearly,
22 the Village of Greenport would not be sending
23 you to a 7-Eleven for a money card. If you get
24 -- I have some friends that I consider very
25 bright people that have fallen for this scam. I

6

1 think it really comes down to any con works if

2 you're susceptible to it and it hits you at the
3 right time, so please be aware.

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

16 The next portion -- oh, I'm sorry. Yeah.
17 The next portion, we have a couple of
18 presentations. I think I'm going take them out
19 of order, because they are on the agenda,
20 because I know the Peconic Land Trust one is
21 very brief. And I see Tim Caufield is here.
22 I'd like to invite him up to give us an update.

23 As many will recall, Peconic Land Trust
24 are the stewards for the old ExxonMobil
25 property, and a couple of years ago that land

1 was given over by ExxonMobil to the Town of
2 Southold's Open Space Program, with Peconic Land
3 Trust as the stewards, and the Village of
4 Greenport as the -- oh, I forget which role.

5 MR. CAUFIELD: Third Party Enforcer.

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

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

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

22 A quick history, just to add to some of

23 what the Mayor just said. It was December of
24 2012 that the donation was made to the Land
25 Trust. It was part of two pilot projects that

8

1 ExxonMobil wanted to do here on Long Island.
2 One was in Cold Spring Harbor, the other is here
3 in the Village. And these are the first two in
4 the country, so it's a great model project for
5 large corporations to participate in
6 conservation.

7 In Cold Spring Harbor, we hold the
8 conservation easement; the North Shore Land
9 Alliance holds the fee. Here in Greenport, the
10 Land Trust holds the fee and the Town of
11 Southold, because they have an easement program,
12 ended up holding the conservation easement.

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

19 what you see in the plan that we just
20 distributed.

21 In working closely with the DEC, of
22 course, and Cornell Cooperative Extension, we've
23 worked very well with Cornell over the years on
24 a number of different restorations, and we asked
25 them again to assist us on preparing essentially

9

1 their recommendations for the restoration plan.

2 It's a pretty basic restoration plan, it's
3 what you might expect. There are some
4 non-native plants on the property that really
5 should leave over time. There are a few
6 invasive species that will take a little bit
7 more effort, some programmatic work, scheduled
8 work over time to hopefully get them to
9 disappear. It's the common culprits,
10 phragmites, things like that. And then there is
11 some opportunity for some habitat restoration,
12 not a tremendous amount, but there are some nice
13 native grasses in there that would be nice to
14 transplant, maybe bring in some overseeding over

15 time. There is obviously some salt marsh that
16 can be enhanced, and there's just the beach
17 grass community that will -- that is a
18 restoration work that is worth working on.

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

10

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

9 And Dawn McReynolds will be our contact at
10 the DEC, and, of course, Chris Pickerell and

11 Steve Schott at Cornell are going to be working
12 along with us all along the way.

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

11

1 be working on the project going forward.

2 Finally, we would like to make this an
3 educational opportunity. I reached out to the
4 School District early on. We would love to work
5 with schools again, work on this project in
6 particular, and any other community groups.

7 There are, you know, Boy Scouts, Girl Scouts.
8 It could be a nice educational opportunity for
9 simple natural habitat restoration.

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

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

16 MR. CAUFIELD: Great.

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

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

23 MAYOR NYCE: Okay.

24 MR. CAUFIELD: 283-3195.

25 MAYOR NYCE: Fantastic.

12

1 MR. CAUFIELD: Great.

2 MAYOR NYCE: And we'll make sure that this

3 gets up, and they can direct their questions to
4 you guys or to us, if they wish.

5 MR. CAUFIELD: Great. Thanks very much.

6 MAYOR NYCE: Absolutely. Thank you.

7 TRUSTEE HUBBARD: Thank you. J

8 TRUSTEE MURRAY: Thank you.

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

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

1 relatively brief. And, Bob, if you would.

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

4 (Affirmative response from audience.)

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

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

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

21 What you have over there is multiple
22 engines, old, what I would call slow-speed
23 marine engines dating back to the '50s and

24 '60's. You have the capability of generating
25 five megawatts of power in your plant.

14

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

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

5 (Affirmative response from the audience.)

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

11 Just for your information, during the
12 hurricane we did push up the capacity of the
13 units in order to be able to satisfy the full
14 load of the Village. That is especially
15 prevalent when the Village load started coming
16 back on. It's typical that when the load comes
17 back on, because everybody's air conditioning
18 was off, and refrigerators were off, the engines
19 have to work extra hard to catch up. So, even

20 though we did determine that we would run them
21 at five megawatts, in the event of an emergency,
22 we did increase the capacity and we were able to
23 run them up closer to seven.

24 What you see over here also is there's two
25 additional engines over there and those engines

15

1 were installed in order to grandfather the plant
2 in. In the event that you want to use them in
3 the future, it grandfathers the plant in so you
4 can get the full benefit that you have of your
5 existing facility into many years into the
6 future as well.

7 Just to give you a little feel of what the
8 -- what the Village electric load looks like,
9 during the winter, you have a load of about 5.6
10 to 6.8 megawatts. During the summertime, it
11 goes 5.8 to 7.6. You'll notice you actually
12 have a pretty large load here during the
13 wintertime, which is unusual for most Villages,
14 but that's because you still have a lot of
15 houses that have electric heat in them.

16 Naturally, during the summertime, you would see
17 more of a demand as a result of air conditioning
18 load. What we have noticed over the years is
19 the load increasing here in the Village as the
20 Village continues to grow.

21 I had mentioned before, when you do have
22 an outage, that there's going to be a draw upon
23 the system. You have to be prepared for that
24 draw upon the system. A lot of the design work
25 and some of the upgrades we've done is to accept

16

1 that draw on the system, so that the whole
2 system doesn't collapse. So, if you have an
3 outage and you have to run your plant, we put
4 systems in that allow you to run your plant and
5 be able to accommodate the surge of power
6 required when you do bring the unit on and
7 provide power to the Village in the event of a
8 blackout. So you can see your power goes up as
9 high as eight megawatts in that case.

10 The facility operates as a load modifier
11 and stand-by operation, which means that

12 basically in the event of a blackout, you can
13 provide power to the Village. It also has
14 another interesting effect, that if the New York
15 Independent System Operator or the New York
16 Power Authority calls for power, they can call
17 on the Village to help supplement the power.
18 So, if you have any large demand days, you can
19 run this facility to supplement power for the
20 Long Island area, the East Coast -- the eastern
21 end of Long Island. And for that ability, you
22 get something called a LUCAP payment. That's
23 Local Utility Capacity payment, because you have
24 the ability to provide power to the New York
25 Power Authority in the event that they need it.

17

1 So, in looking at your facility, we did
2 two things. We looked at what we have to do the
3 near -- the near future to give you the
4 liability to get your facility up to a level of
5 operating efficiency where it gives you
6 reliability and availability, and what do we do
7 for the long-term future.

8 So there's two aspects of a utility
9 planning program, what are we doing right away,
10 what are we doing for the future. And our
11 objective over here is to provide reliability,
12 availability and maintainability to your plant.
13 In order to do that, what we did was we did an
14 evaluation of the entire complex, the entire
15 facility, and we prioritized work that had to
16 get accomplish.

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

24 So, in order to accomplish that, after we
25 determined how we wanted to do the upgrade of

18

1 the facility, we broke it down into task areas,
2 falling under safety, operation of the
3 transmission distribution system, repair the

4 enterprise engines and balance of plant work.

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

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

21 Over here you also see some of the
22 switchgear which operated the plant. This is
23 some of the old switch gear in the facility;
24 very, very difficult to operate, couldn't get
25 parts for it. But just to get it to operate, it

1 took constant manipulation and playing with it
2 until we could get the switchgear to work.

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

12 The other thing that was very important is
13 your primary engines, your engine generators.
14 Those were rehabilitated, they were rebuilt.
15 You have -- this is the Engine #4, 5 and 6.
16 This here is the big work horse of the facility;
17 has a capability of over three megawatts. These
18 engines were completely stripped down and
19 rehabilitated, new bearings, new sleeves, new --
20 these are very important components that make
21 these engines reliable. So those units,
22 reasonably, 30, 40 years of operating life.

23 This is some of the work that was
24 completed. We tied in some new underground

25 cables from LIPA, installed an emergency startup

20

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

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

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

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

20 A new power transformer was installed, so

21 you have the redundancy of a reliable source of
22 power. I would say your Village here is
23 probably the most reliable on Long Island right
24 now. And we also put the special devices in
25 that allows the Village to parallel the

21

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

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

12 We also want to provide for the operators
13 an operating manual, put together a very
14 comprehensive maintenance and repair routine for
15 the facility, and implement an operator training
16 program, so that as the operators come through

17 the facility, they can be trained in operation
18 and maintenance of the facility.

19 Here's some of the photographs of the
20 things that are going to be replaced. Here you
21 see the air compressors. A very important
22 component because that's what starts the engines
23 up. These engines start with high compressed
24 air. The lube oil system has to be upgraded.
25 You'll see some photographs where we're having

22

1 some deterioration of the lube oil system. So
2 the cooling water system is in dire need of
3 attention, and the physical plant, the exterior
4 of the building. The roof was recently
5 replaced, but there's some additional attention
6 that has to be given to the plant.

7 Here's an example of what I'm talking
8 about, just years and years. This plant, if you
9 notice, goes back to 1887. It's an old plant,
10 so weather takes its toll. You can see here
11 where the mortar is actually being washed out of
12 the joints, the brick joints.

13 Another area that really needs attention
14 is the cooling systems. Without cooling, it's
15 like your car, if your radiator breaks, your car
16 doesn't run anymore. Well, this here is like a
17 big radiator for the engines. If the engines
18 don't get cooling water, they stop running.

19 Here you have photographs of the main
20 cooling systems for the engines. What we're
21 going to be doing is we're going to taking this
22 unit out, we're going to be taking this unit out
23 completely. We're taking this unit out and
24 we're going to replace that big unit over there
25 with one single unit that will do the entire

23

1 facility. So we're going to simplify piping
2 systems, we're going to simplify the entire
3 cooling system.

4 There's a lot of work to be done on some
5 of the internal piping as well. That's why we
6 have that photograph here.

7 You can see some of the deterioration of
8 the cooling tower. The brick structure and the

9 basin is deteriorating. This cooling tower is
10 going to be falling apart pretty soon, it's
11 coming apart. And what I would tell you is that
12 the equipment is operational, and the plan is to
13 do replacement, so we can continue providing
14 reliable power to the Village.

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

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

24

1 in danger of falling into the basin.

2 You can see piping systems over here that
3 all have to be replaced to operate. The valve
4 operation is difficult. Some of the pumps, you

5 can see the deteriorating nature of some of the
6 pumps. And, as I mentioned to you before, they
7 do operate, but we have a limited life
8 expectation on this equipment. Without them,
9 the entire plant, the pumps go down, the plant
10 doesn't run. You can see some of the piping
11 systems over here, the deterioration on the
12 piping systems. And because the plant was built
13 in sequence, they would add one engine, add
14 another, add another engine, some of the piping
15 systems are probably more complex than they need
16 to be. So when we do this work, we're going to
17 simplify it all, just put single headers in, so
18 the single system will cool the entire plant.

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

22 Here, this is the cool and heat
23 exchangers. These here are dripping water here
24 on the bottom, they're starting to leak.
25 Another one of the cool and heat exchangers.

1 Again, if you run your hand underneath there,
2 they're leaking.

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

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

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

25 I just bring to your attention the

1 equipment is old, it's hard to get parts for it.
2 The roof was recently repaired, but some of the
3 leaking in the plant as a result of the old roof
4 was dripping down on this equipment and caused
5 some damage to it. You can see here some of the
6 water trails where the fellas attempted to cover
7 it up, and you can see the water trails where it
8 was dripping.

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

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

22 won't be used anymore.

23 Again, you can see some of the
24 deterioration that's going on there. This is
25 some of the electrical gear that's going to be

27

1 replaced. Nearly impossible getting parts for
2 it, it's on its last legs.

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

11 I mentioned to you before we have to
12 change the compressor. This component over
13 here, this is called the governor. That's what
14 modifies, controls the speed. Those are being
15 upgraded by rebuilding. We're going to use the
16 same units; save a lot of money. Instead of
17 buying new ones, we're going to be rebuilding

18 them.

19 Outside air, you know how you have a
20 filter on your car, these are all being upgraded
21 also. This filters the air before it gets into
22 the engines. It keeps the engines running
23 lively.

24 We also are doing some safety work in the
25 plant. Some of the transformers we're going to

28

1 be replacing. We're going to be putting new
2 guards. If you noticed, a lot of the pumps that
3 I was showing you before didn't have guards on
4 them. We're going to put safety guards on
5 everything. We also are going to be putting a
6 remote camera surveillance system in, alarm
7 system, improve the security of the fencing
8 perimeter system. And I think that the security
9 surveillance system is going in right now. The
10 gates have been automated.

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

14 done.

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

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

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

21 MAYOR NYCE: Yup.

22 MR. PALLAS: A few of those items we may
23 be able to do inhouse with the smaller
24 electrical panels, perhaps. And maybe even some
25 of the plant work, the physical structure we may

29

1 be able to do without a full-blown design. We
2 can't do the work inhouse, but without having to
3 go through a large bid process for those.

4 MAYOR NYCE: Okay.

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

7 I think everybody gets the idea of what
8 we're looking to do here. I know that you've
9 seen some of this before. And I think we're in

10 good shape at the moment going forward.

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

it.

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

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

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

30

1 hoping to --

2 MR. BRAUN: Yes.

3 MAYOR NYCE: To get that ready to --

4 MR. PALLAS: To be sent out.

5 MAYOR NYCE: To be sent out.

6 MR. PALLAS: Yes.

7 MAYOR NYCE: Good.

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

12 MAYOR NYCE: Right.

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

18 MAYOR NYCE: Right.

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

22 MAYOR NYCE: Terrific.

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

25 MR. BRAUN: And I think it will be a very

1 attractive package, and it will actually make

2 the whole back of the yard there much more
3 attractive as well, because we'll be cleaning
4 everything up in the back in the utility yard as
5 well.

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

8 TRUSTEE HUBBARD: No.

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

14 MAYOR NYCE: Right.

15 MR. BRAUN: -- in real hot weather. But I
16 assume you'll be able to do it around the clock
17 24 hours a day, 365 days a year if you wanted to.

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

25 MR. PALLAS: Three months ago I might have

1 argued, but no, I would agree.

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

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

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

17 That brings us to the Public Portion of
18 the Board -- of the agenda. I would ask if
19 there's anyone from the public that wishes to
20 address the Board? And if so, the process is
21 come up to the podium, state your name and
22 address for the record, and go from there.

23 MS. MC ENTEE: Good evening. My name is
24 Joanne McEntee. I'm at 242 Fifth Avenue in
25 Greenport.

33

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

8 There have been several issues over the
9 many months with improper actions of Eileen
10 Wingate, the Village of Greenport Building
11 Department and Code Enforcement Officer.
12 Therefore, we are filing a formal complaint.
13 Many of our neighbors are in agreement with this
14 -- with this complaint, or several.

15 There are several issues with Ms. Wingate
16 along -- allowing to overlook building codes and
17 procedures pertaining to many of Mr. James
18 Olinkiewicz' approximately 15 to 16 properties

19 with two and three-family homes in residential
20 areas on one lot in an R-2 -- in the R-2 Zone.
21 R-2 is another issue.

22 I was told by Ms. Wingate that 75 to 80%
23 of the lots in the Village of Greenport were
24 rezoned to R-2. This is excessive for a small
25 village. Any one-family can be converted into a

34

1 two-family with a building permit from
2 Ms. Wingate, who also will be issuing the
3 Certificate of Occupancy, no other questions
4 asked. This is all controlled by one person.
5 The exception to the rule would be if the
6 Planning or Zoning Board had to intervene for
7 other issues.

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

13 MR. CORWIN: Can't hear. Somebody turned
14 the sound off.

15 MS. MC ENTEE: Hello.

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

19 MS. MC ENTEE: Okay? Can you hear me now?
20 Is that better, clear?

21 (Affirmative response.)

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

35

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

3 A Shelter Island 30-yard dumpster was
4 delivered on 5/12. According to -- according to
5 code, a permit is required; also is to be
6 renewed after 14 days, and a policy of casualty
7 insurance is to be on file with the Village.
8 There was none in the file when I reviewed it on
9 5/19.

10 Refer to Article 1, Code 112-1 to 112-7.

11 The dumpster is in violation of egress --
12 ingress and egress. The dumpster is blocking
13 the only way to get to the garage apartment in
14 case of a fire -- in case the Fire Department
15 needs to get in. It is the only -- excuse me.
16 It is not only to protect Mr. Olinkiewicz'
17 property, but to protect the surrounding
18 properties as well. No permit has been issued,
19 no penalty issued.

20 I, Joanne McEntee, visited Ms. Wingate on
21 5/19, and Ms. Wingate stated no permit is
22 necessary because he is the owner of the
23 property, and it is her understanding that they
24 are only -- they are only there to clean up and
25 remove items. As of yesterday, and as far as I

36

1 know today, this is -- this is the fourth
2 30-yard dumpster placed on this property.

3 I stated to Ms. Wingate that there are
4 bath -- there are no bathroom facilities. She
5 stated there is a bathroom in the house. I
6 stated there is no bathroom in the house. I was

7 in the house with the prior owner, prior to
8 Mr. Olinkiewicz purchasing the home, and there
9 is no toilet, it had been removed. The floors
10 actually had been removed as well, so -- in that
11 area. She dismissed the issue.

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

19 I asked to see the files on this home.
20 There were approximately -- approximately 10
21 pieces of paper in this file, seven of which I
22 had FOIA'd. One FOIA I did not receive to date.
23 The rest of the -- the rest were duplicate
24 copies of what was already in the file. On
25 5/20, I asked to FOIA -- excuse me. I asked for

37

1 two FOIAs of cash receipts that have been
2 received -- received -- excuse me. I get

3 nervous when I'm up here, so I apologize.

4 MAYOR NYCE: Take your time.

5 MS. MC ENTEE: I asked for two FOIAs of
6 cash receipts and have not received them as of
7 5/26. There are two receipts prior to
8 Mr. Olinkiewicz' receipt. They are numbers
9 30771 and 30770. I asked, "Where are the rest
10 of the files?" Ms. Wingate stated, "There are
11 none." I said, "How can that be? There has to
12 be more files on this house." She said in front
13 of the Village employees, "Joanne, why do you
14 keep asking the same question over and over?" I
15 stated to Ms. Wingate that, "There is no need to
16 talk down to me." There is -- there are --
17 "There has to be more information on this home."
18 I even asked for the prior owner's information.
19 She said there is none.

20 Then, when I went to Town Hall on 5/20, I
21 saw paperwork that was dated 5/15. They weren't
22 in the file when I asked for the entire file
23 that day. They were -- where were the other
24 files? Ms. Wingate simply did not want to hear
25 of the complaints.

1 This property had approximately 39 prior
2 occupants living on this property at one given
3 time. Dave Abatelli started having them vacate
4 in approximately 2004, and Ms. Wingate had them
5 all removed in approximately 2008, 2009. Why
6 isn't this in the file of record or somewhere
7 when I asked for all the files pertaining to
8 this property?

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

23 Then I hear power tools. They had at

24 least three sawzalls, an air compressor, a
25 machete, hammers, crowbars, several heavy-duty

39

1 long extension cords, etcetera. The workers
2 were there doing demo of plumbing, walls,
3 countertops, cabinets, studs and removing
4 insulation. The wood, including two-by-fours,
5 had freshly cut ends, so -- and so did the
6 plumbing pipes. I saw wood that looked like it
7 had black mold on it.

8 I called Ms. Wingate in the afternoon to
9 explain that they are doing demo inside the
10 house and the back of the house. The back of
11 the house was an old shed that a prior homeowner
12 put a roof and walls from the shed to the
13 original rear of the house, leaving a dirt floor
14 between the house and now connected shed. She
15 stated they are only removing items from the
16 house. I said, "Not true, and there is no
17 permit." Eileen said that they -- they don't
18 need a permit. Again, I stated they are doing
19 demo on the house inside. There is no toilet,

20 no dumpster permit and no permit on the demo. I
21 said, "You need to get down here right now."
22 She said, "You are" -- "Are you threatening me?"
23 I said, "No. I just need you to do your job and
24 get down here."

25 Within 10 minutes, the workers moved from

40

1 working inside the house to outside the house,
2 and stood by their vehicles and moved the
3 sawzalls, air compressors, and electrical cords
4 and tools out of the house.

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

8 I called the police to come down to assess
9 the situation. It took Ms. Wingate
10 approximately two hours to arrive to the site.
11 Ms. Wingate and the police officer arrived at
12 the same time. Immediately, Ms. Wingate went
13 over to the officer and whispered something to
14 him. I went outside and I said to Ms. -- said,
15 "No, Eileen. I called him. I will speak to him

16 first, then you can speak with him." I
17 explained the situation to him as above. I also
18 told him that similar issues were going on at
19 some of Mr. Olinkiewicz' other rentals;
20 Mr. Olinkiewicz and Ms. Wingate learned how to
21 work around the system and a lot of shady stuff
22 was going on.

23 He went to speak -- the officer went to
24 speak with Ms. Wingate, who was in the house.
25 The officer told me -- told me to get in touch

41

1 with the Mayor of my complaints. He told me
2 that Ms. Wingate will have the toilet issue
3 straightened out. As of yesterday, it has not
4 been taken care of. He said -- he also told me
5 there is now a permit in the window. I said,
6 "She just put it there," because I know, as a
7 matter of fact, that that was not there prior to
8 the police arriving. That was not in my letter.
9 Since -- since when does Ms. Wingate
10 hand-deliver a permit? And Mr. Olinkiewicz was
11 nowhere to be found, he was not there at all.

12 After the officer left -- after the
13 officer left, I immediately went down to the
14 Village to FOIA the copy of the building permit
15 application that Ms. Wingate just issued without
16 Mr. Olinkiewicz being there. Suddenly,
17 Mr. Olinkiewicz walks in the door. He wants to
18 see Eileen and began to walk through the gate.
19 I said, "Oh, no, this is a conflict of
20 interest," and I closed -- I grabbed the gate
21 and closed it. Ms. Pirillo asked
22 Mr. Olinkiewicz to go outside the front door.
23 I said, "Is he going in the" -- "around to the
24 back door to sign the application?"
25 I finally received a copy of the

42

1 application after a long wait. It was not
2 stamped approved, dated, has no permit number,
3 as the permit -- there is a permit number on the
4 permit at the house. That was not in my letter.
5 Therefore, it appears to be a falsified
6 document. If this is true, this is falsifying
7 Town documents and this is a felony.

8 Floor beams and two-by-fours were
9 delivered -- delivered by Mr. Olinkiewicz'
10 workers on Saturday, 5/24. The worker -- the
11 workers were working inside construction the
12 entire day, and this is structural, which is a
13 violation. On 5/26, which is a legal holiday,
14 that was Monday, Mr. Olinkiewicz and his crew
15 were ripping off parts of the roof and throwing
16 it down into the dumpster from the -- from the
17 rooftop, and his crew was working inside ripping
18 down black mold sheetrock and throwing that in
19 the dumpster.

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

43

1 There was also no plans filed with the Village
2 for the inside alteration construction currently
3 being done. For the safety of Mr. Olinkiewicz'

4 workers, they should be wearing masks.

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

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

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

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

22 MAYOR NYCE: I understand.

23 MS. MC ENTEE: But I think this is really
24 important to the public. And I apologize, but I
25 will let someone finish reading the rest of

1 this. But I apologize, because this is very
2 important and for our community.

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

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

8 MAYOR NYCE: Been 10 minutes added
9 already.

10 MS. MC ENTEE: Okay. I apologize. I get
11 nervous.

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

24 Mr. Olinkiewicz is avoiding the process of

21 been showing the property -- showing the
22 apartment above the garage to several people,
23 and he's also looking to put in eight parking
24 spots in this -- on this property.

25 Mr. Olinkiewicz has been in business for

46

1 many years and has purchased and repaired many,
2 many R-2 homes working along with Ms. Wingate.
3 Both of them know what is being done and what
4 was -- what is -- what we consider wrong.

5 Mr. Olinkiewicz is doing substandard work in
6 these R-2 homes that he rents. People live in
7 these homes without the knowledge of the
8 problems. He is covering up the mold issue and
9 other similar issues that are substandard. He
10 has -- he has turned one-family homes into
11 two-family homes with garage apartments, having
12 three families living on one property.

13 Mr. Olinkiewicz has built two-family homes on
14 lots as well.

15 He also -- he has also avoided the DC --
16 the DEC as well. Why hasn't Ms. Wingate

17 addressed the properties with potential DEC
18 issues? A letter of the DEC -- a letter of DEC
19 nonjurisdiction or DEC permits and approvals
20 should have been in some files.

21 On one property, a temporary CO was
22 issued, while there were no legal parking areas
23 for the tenants that moved in. There should
24 have been never -- there should have never been
25 a temporary CO issued to a -- on a rental

47

1 property. In my opinion, this property should
2 have been condemned, which is the property at
3 238 Fifth Avenue. Squirrels and birds are
4 living in the roofs of the two -- of the two
5 porches. Water has been pouring through the
6 roofs for many years. It contains black mold
7 and lead paint.

8 Prior to the building being closed down,
9 the Fire Department had been there many times
10 due to a carbon monoxide detector going off.
11 The chimneys were leaking into the house and no
12 longer met code. The mortar is shot and we can

13 see -- and you can see through from one side of
14 the chimney to the other. Why is no record of
15 this on file when I asked for the information?
16 A Stop-Work Order should have been placed on
17 this property immediately. We would suggest to
18 the Village -- the Village of Greenport reach
19 out to a certified engineer immediately, not a
20 report supplied by Mr. Olinkiewicz, but one of
21 an independent engineer.

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

48

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

6 We encourage all the Board members and
7 Village Attorney to take a walk down to this
8 property and truly see what is going on. We

9 cannot have -- we are -- we are -- we are not
10 here to harm anyone in any way. The system is
11 broken and needs to be fixed. The building code
12 is meant to be enforced, not selectively
13 enforced.

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

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

19 MS. MC ENTEE: Address them?

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

22 I know that our Village Administrator,
23 Paul Pallas, and I think Trustee Murray went to
24 the site today. Do you want to report as to
25 what -- there's been a permit issued to secure

49

1 the property, nothing beyond that, as far as I
2 understand. Mr. Olinkiewicz has been told that
3 he's to do no work except securing the property
4 until a permit is issued. Do either of you want

5 to expand upon that?

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

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

1 think he's really pushing the permit issue as of
2 yet.

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

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

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

1 Enforcement Officer.

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

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

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

20 That being said, it is also vitally
21 important for this Village that houses that need

22 repair and upkeep, that that work be done, and
23 we need to find a balance for that, and that's
24 part of -- that's going to be part of the
25 struggle moving forward. We want to see older

52

1 properties be rehabilitated. It adds to the
2 character of the Village, it adds to the growth
3 of the Village.

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

8 I would also point out that with the R-2
9 zoning, I believe, I will look into as well, but
10 I believe we also have an accessory apartment
11 addition to our code, which was adopted in 2007,
12 2006, which may allow for an additional
13 accessory apartment on an R-2 lot. I will --
14 again, I will ask the Village Administrator to
15 look into whether or not that apartment was
16 listed as such, as an accessory apartment. If
17 so, I understand your point, that a

18 nonconforming use, once it's vacated, the
19 nonconforming use cannot be continued. If, in
20 fact, it's an accessory apartment on an R-2
21 property, it may still be allowed as of right.
22 So I will ask them to look into that as well.

23 I hope that that addresses the concerns.
24 I did -- for disclosure I, did speak to you over
25 the weekend about this. I sent an email prior

53

1 to getting your letter anyhow, so they were down
2 there today looking at the property. And I hope
3 that that addresses everyone's concerns.

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

7 AUDIENCE MEMBER: No, not on that.

8 MAYOR NYCE: Okay. So on the same topic.

9 MR. OLINKIEWICZ: Good evening, everybody.
10 I'm James Olinkiewicz, the man in question.

11 Just to give my rundown on what happened,
12 so that everybody hears both sides. I went and
13 I purchased the property on May 12th under a

14 corporate name. Bridgehampton National Bank
15 financed the property.

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

54

1 On the evening, about four o'clock on the
2 Monday night, the 20th of May, I got a call from
3 Eileen that my permit had been issued. I left a
4 check on the 15th of May. Eileen thought that
5 the permit fee would be \$250. I wrote the check
6 out to the Village of Greenport. On the 20th,
7 in the evening, Ms. Wingate gave me a call and
8 said that my permit has just been issued, I
9 could stop by and pick it up. At that time,

10 there were issues that people were saying that I
11 was doing things without a permit.

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

20 We also cut all the underbrush and all the
21 broken and dead trees out of the back, the swing
22 sets, the play sets, everything that was on
23 there that was just a garbage dump. He had done
24 the roof 10 years before. There was a pile of
25 roofing shingles behind the back of the garage

55

1 that he had never gotten rid of. So we cleaned
2 up the outside of the property and we cleaned up
3 the inside of the property.

4 And yes, we did cut open the floor on the
5 first floor to see, so our architect/engineer

6 could review that.

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

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

1 all the old scuzzy carpets and all the tackless

2 and everything down, so we're back down to the
3 existing floors.

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

6 MR. PALLAS: Paul Pallas.

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

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

1 the plan is through.

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

22 So, in my mind, I haven't violated

23 anything. I know the neighbors aren't happy
24 that they're going to have tenants next door,
25 but the house was preexisting. When I went to

58

1 subdivide the other house on Fifth Avenue, they
2 said, "There's plenty of two-family houses on
3 the block, why don't you buy another one?"
4 Well, I did, and now I'm fixing it and I'm going
5 to put housing there.

6 So thank you for your time.

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

9 MR. OLINKIEWICZ: Sure.

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

14 MR. OLINKIEWICZ: I had -- I have the
15 house two away and four away, so the guys are
16 supposed to go down there. I don't know what
17 happened there, but -- because, when we're going
18 to start the job, it's going to take us a month,

19 a month-and-a-half, of course there'll be a
20 port-o-potty in the back of the property. And,
21 in fact, we're having it delivered tomorrow,
22 just so that everybody's happy and under
23 control.

24 And on Monday, I got up on the roof. It
25 was a beautiful day. I figured I would fix the

59

1 roof on Monday, because I was off because it was
2 a holiday. I did not know the Village had a
3 noise ordinance. When Mr. Read and -- I just
4 can't think.

5 MR. KEHL: Kehl.

6 MR. OLINKIEWICZ: What was that?

7 MR. KEHL: Kehl.

8 MR. OLINKIEWICZ: Right. Right, Robert
9 Kehl, brought up to me that it was, I said I
10 didn't realize it. We looked it up on my cell
11 phone. "Oh, yes there is. No problem." I took
12 my guys down off the roof and I put them on
13 something else. I was sorry about that, I
14 didn't know. I had never known, so I stopped

15 immediately when I was told. I'm not trying to
16 cause any neighbor grief, but okay.

17 Thank you very much. Have a good evening.

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

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

60

1 regarding setting the matter down for a
2 rehearing.

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

11 therefore, absolutely no grounds by this Board
12 to reschedule.

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

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

61

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

6 In response to the complaints of neighbors

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

19 By decision dated December 23rd, 2013, the
20 Board unanimously approved the wetlands permit
21 application with an amendment that was
22 undefined, vague and ambiguous. I'm not going
23 to go into the details of that amendment, but as
24 the Board knows, that's the subject of a lawsuit
25 that was brought by my client. The Village was

62

1 asked for clarification regarding that
2 amendment; none has been forthcoming. The

3 matter is currently submitted before the Court
4 and we're awaiting decision from the Court.

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

11 Now, in May, it is attempting to
12 reschedule a hearing on this application that
13 was noticed back in November, held back in
14 November, on the grounds that somehow the public
15 notice that the Board and this Village
16 advertised on its own has some sort of
17 ministerial nonmaterial error in that it
18 described the work platform in the notice as a
19 26-foot square, rather than a 26-foot-by-26-foot
20 square.

21 The plans on file show the true size of
22 the work platform. The approvals that were
23 submitted -- that were rendered by the DEC and
24 the Army Corps of Engineers indicate the correct
25 size of the platform. Any community member that

1 had any concern about the size of the work
2 platform could have checked the plans in the
3 Office of the Village of Greenport. There was
4 no legal authority in which this Board can
5 require a rehearing.

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

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

19 MAYOR NYCE: Thank you. We -- our Village
20 Attorney is not here, so, as you're an attorney,
21 you have us at a disadvantage. But what I will
22 say is this, that we have not issued the permit
23 because there is legal action being taken

24 against us. Therefore, we cannot issue the
25 permit.

64

1 The improper -- improper notice that was
2 done by the Village was a clerical error, and,
3 unfortunately, if they build a 26-by-26-foot
4 platform, it would be out of compliance with
5 what was noticed in the public hearing.
6 Therefore, they would be out of compliance.
7 This is what I am being -- this is what I am
8 being told by our Attorney. So, what we are
9 intending to do is have a new hearing, noticed
10 properly.

11 We understand all of the comments that
12 have been made. I don't foresee any difference
13 or any change happening in all of that process,
14 but we are -- our Attorney has told us that we
15 are by law not allowed -- I'm sorry. We could
16 permit it to be built, but it would have to be
17 built as per the notification, which is a
18 26-square-foot platform. If he builds something
19 bigger, he would be out of compliance, he could

20 not get a C of O. We would immediately have to
21 tell him he was out of compliance, which is not
22 what we're looking to do. What we're looking to
23 do is get the thing built the way it was
24 supposed to be built.

25 We have to correct an administrative error

65

1 on the Village's part. Granted, it's on the
2 Village's part. We are not looking to cause
3 anybody any additional harm. We're not looking
4 to cause anybody any additional grief. We
5 anticipate that it will be a one-evening
6 hearing, and we would be able to go right
7 through -- back through the motions that we did
8 at the hearing in November.

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

15 At the point that this is adjusted, the

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

66

1 MS. PINCUS: And I've stated my reasons
2 this evening as to why the advice that --

3 MAYOR NYCE: I understand.

4 MS. PINCUS: -- you have been given is not
5 correct.

6 MAYOR NYCE: That's your legal opinion
7 versus our legal opinion, so it's going to have
8 to -- that's where it's going to go.

9 MS. PINCUS: The other thing I want to
10 indicate is that that building permit
11 application has been submitted since February,

12 and as I stand here tonight --

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

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

25 MAYOR NYCE: Then I suggest you contact

67

1 our Attorney.

2 MS. PINCUS: I have.

3 MAYOR NYCE: Thank you. All right. Is
4 there anyone else that wishes to -- I'm sorry.
5 Mr. Clarke, yes.

6 MR. CLARKE: I wish to address the same
7 resolution, Resolution 34. And I won't even

8 begin to try to get into the legal aspect of any
9 of this. Obviously, it's been made clear by you
10 and your Attorney and by the previous speaker.

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

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

25 Frank M. Flower and Son, which is the

68

1 largest oyster company on Long Island, as I
2 understand it, is still a customer of mine. We
3 haul their 90-foot or so steel boat. And

4 they've gone so far as to say, "Steve, you want
5 to start an oyster operation in Greenport?
6 We'll do everything we can to start you."

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

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

23 So my point is this, and I'll just leave
24 it at that. You're voting on this. I can't
25 address the legal aspect of this in any way, but

1 I just want to leave with the five of you, I
2 don't know how you could -- I don't know how you
3 can get around this. I'm not suggesting
4 anything, it's not my job to suggest it, but
5 what I am suggesting is that to put this off
6 again, and, of course, I guess you're now in
7 Court or headed for Court, whatever you can do
8 to get Mike Osinski growing his oysters the way
9 he wants to and the way it seemed like everybody
10 was in agreement for him to grow his oysters, my
11 suggestion is to -- is to make it happen.

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

24 As a -- now a new friend of mine has told

25 me, he said if you really -- if you really want

70

1 to hurt somebody, encourage him to start an
2 oyster hatchery.

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

11 Thanks very much.

12 MAYOR NYCE: Thank you, Steve. I want to
13 reiterate that that's what this step is about.
14 But we realize that this was improper, and if we
15 went through all of the rest of it, this would
16 still have to be done, because it was noticed
17 improperly. I cannot apologize more on behalf
18 of the Village, but that is -- that is the fact
19 of the matter. In the litigious world that we
20 live in, at some point this would come back up

21 and would come back to bite everyone, so this is
22 an administrative step. There's absolutely no
23 intent to change anything, and that the approval
24 would be granted. But, if we allow it to be
25 built as per the hearing, he has to build a

71

1 26-square-foot platform, not a
2 26-foot-by-26-foot platform. That's the
3 problem.

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

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

12 MS. MCNAMARA: Sarah Mcnamara, 221 Fifth
13 Street, just steps from Widow's Hole, and I'm
14 here to talk about the Osinskis, too.

15 We bought our home here like 24 years ago
16 because we wanted to live in a village where

17 people worked and lived together. We lived --
18 John Costello has a huge business just doors
19 away from us. The hospital is in a residential
20 area. Mary Bess' fish store is in a residential
21 area.

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

72

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

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

11 So, you know, you're being disingenuous
12 when you say there's no intent to keep them from

13 their business. They're being harassed, I
14 think. It's appalling to me.

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

18 TRUSTEE ROBINS: I voted to approve the
19 resolution.

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

73

1 ridiculous, it's absolutely ridiculous.

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

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

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

7 MS. MCNAMARA: And I --

8 AUDIENCE MEMBER: Don't justify it.

9 MS. MCNAMARA: You know, I swim along that
10 dock. There's no noise from the upwellers, and
11 they work between normal business hours. And
12 they're decent people and they deserve to make a
13 living at what they're doing.

14 MAYOR NYCE: Absolutely.

15 AUDIENCE MEMBER: Dave, can I make a
16 comment?

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

19 MS. RIVARA: Hi. My name is Karen Rivara.
20 I live at 628 Carpenter Street. I'm also the
21 owner of Aeros Cultured Oyster Company, and I'm
22 president of the Long Island Farm Bureau.

23 Mike called me today about Resolution
24 05-2014-34. I am hoping that it is as you said,
25 that you need to correct a clerical error to dot

74

1 your I's and cross your T's, because, as far as
2 I know, the work that they're doing is very
3 similar to the work that I do over in Southold
4 at my farm. It's in a residential area.

5 Oyster farms, there's no smell, there's no
6 noise, and it's generally work that people
7 appreciate. So, you know -- and if there's any
8 -- I've been growing oysters for 30 years. I've
9 spent all the money that Steve Clarke referenced
10 in a couple of times, but -- and I'm certainly
11 willing to offer my expertise if you need to
12 work out anything with the Osinskis in terms of
13 either operation, but it's similar to mine.
14 It's pretty innocuous and it's hard work, and
15 God bless them for doing it. So I'm just --
16 again, I'm hoping that it's just to correct a
17 clerical error --

18 MAYOR NYCE: That's all it is.

19 MS. RIVARA: -- and we can all move on.

20 MAYOR NYCE: That's all it is.

21 MS. RIVARA: Okay. Thank you.

22 MR. WEISKOTT: Hi. My name is Jack
23 Weiskott, 229 Fifth Avenue. I have to refer
24 back to a previous discussion about
25 Mr. Olinkiewicz, not the Osinskis.

1 I haven't really been privy to what's
2 going on in the new building site or his newest
3 acquisition, let's say, because it's my busy
4 season. So I'm pretty much away from home most
5 of the day, and by the time I come back, I'm in
6 my house and I have dinner and then I fall
7 asleep, so I don't really know what's going on.
8 But I want to say that -- and I wish
9 Mr. Olinkiewicz stayed here, because it's a
10 problem of trust and boundaries that has been
11 crossed at all his other properties over and
12 over again, and he always has an excuse that he
13 didn't know what was going on.

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

23 His properties tend to have cars parked in
24 the backyards, not just in the driveways, or in
25 the front yards on the grass, so there's a lack

1 of trust in what he wants to do. He obviously
2 is refurbishing some of the properties that need
3 to be refurbished, but I would hope that the
4 Trustees and other members of the Village Boards
5 have a commitment to see that the rules are
6 followed. They don't seem to be.

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

17 Since we did come to all the meetings
18 about the rezoning or subdividing, there has
19 been improvement in the amount of noise over
20 there. I've spent thousands of dollars on legal
21 fees and a fence so that I have some privacy

22 again. And it has helped, so I don't get as
23 much garbage blowing into my yard as I was
24 getting before, because there's so many people
25 and all the garbage doesn't get into the garbage

77

1 cans. It's just frustrating to us.

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

12 It's almost impossible to navigate our
13 street because of the amount of cars parked.
14 Someone always has to pull to one side or the
15 other. I just think it's excessive. And I
16 think that's why Joanne is worried about what's
17 going to happen there. And we're suspicious and

18 nervous about what's going on, because he has
19 stepped over the line a million times.

20 His excuse of not knowing that he
21 shouldn't be working demolition or construction,
22 or whatever you call it, with power equipment,
23 and hammers, and loud noise on a legal holiday,
24 he may not know the law, but it's common sense.
25 He wouldn't be doing it at his home in Shelter

78

1 Island with his neighbors next door. He
2 wouldn't be bringing in a work crew on Memorial
3 Day, but he thinks it's fine to do it in
4 Greenport.

5 I just think he doesn't care much except
6 to get the properties up and filled up with as
7 many people as possible. I guarantee you, there
8 are not five or six people living in the house
9 next to me, there are at least 10 to 12, and
10 it's been that way for two years, and I'm sure
11 his other properties are similar. And that's
12 why there's so much frustration and passion
13 going on about this issue, because he takes the

14 ferry back to Shelter Island and he doesn't live
15 on our street, and he doesn't live in our
16 Village, but he's taking the Village in the
17 direction that it shouldn't be going.

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

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

79

1 for listening.

2 MAYOR NYCE: Thank you.

3 (Applause.)

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

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

8 MR. REED: Oh. Mike Reed, 430 Front
9 Street.

10 MAYOR NYCE: Thank you.

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

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

19 MAYOR NYCE: We can levy fines.

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

21 MAYOR NYCE: No.

22 MR. REED: They could go to court.

23 MAYOR NYCE: They go to Southold Town
24 Court.

25 MR. REED: Town Court does that?

80

1 MAYOR NYCE: Uh-huh.

2 MR. REED: It's not going to alleviate
3 everything. You got one person here. Southold
4 Town has how many? Exactly. And it's what, one
5 square mile of the Village? I mean, sometimes

6 to even gets stuff with her, it's like pulling
7 teeth. We pay her salary, you know. We
8 shouldn't have to beg for them to do their job.
9 You know, it's hard for you guys to be on that
10 Board, but, you know, the buck's got to stop
11 someplace. Thank you.

12 MAYOR NYCE: Absolutely. Thank you.

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

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

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

1 oyster organization. It's putting the Town on

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

7 MAYOR NYCE: Thank you.

8 (Applause.)

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

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

1 upstairs with 15 to 20 people, so it kind of
2 polices itself.

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

12 I mean, Dave Kapell worked really hard to
13 bring this town up from -- our Village up from
14 -- I remember the '60's, the '70s, the early
15 '80s. It was a real crap hole, is putting it
16 mildly, and he brought it right up to now it's
17 like one of the top 10 vacation spots on Long
18 Island. Do we want it to go back to where it
19 was before?

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

22 MR. KEHL: Well, nobody's perfect.

23 MAYOR NYCE: I'm just -- I'm just saying.

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

83

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

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

5 MR. KEHL: Okay.

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

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

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

15 MR. KEHL: Okay.

16 MAYOR NYCE: -- and whether R-2 is proper.
17 But that was the first note that I made during
18 Joanne's --

19 MR. KEHL: The other question is, is this
20 the 21st Century? What happened to the air
21 conditioning?

22 MAYOR NYCE: We're saving money.

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

25 MAYOR NYCE: We've got plenty of power,

84

1 we're just saving it.

2 TRUSTEE MURRAY: Saving money.

3 MR. KEHL: Okay. Thank you very much.

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

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

14 MAYOR NYCE: We would have to call a

15 special meeting for that hearing. Ordinarily,
16 we do the hearings at our regular meetings
17 because more people attend -- more people
18 attend. We could certainly -- we could
19 entertain the idea of doing it as a special, a
20 special hearing, and set the date for any time.

21 TRUSTEE MURRAY: Five days?

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

25 CLERK PIRILLO: Ten days.

85

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

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

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

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

11 aquaculture.

12 MAYOR NYCE: It's a good idea. Thank you.
13 Is there anyone?

14 MR. PALLAS: Mayor. Mayor.

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

18 MAYOR NYCE: Okay.

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

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

23 MS. MC CARTHY: My name is Laura McCarthy
24 and I live at 200 Fourth Street in Greenport.
25 And I just want to point out -- and I was going

86

1 to ask if you could hold the meeting sooner.
2 But I wanted to point out that it was a public
3 meeting, that the application was public record,
4 that anybody could have viewed it before the
5 meeting or at the meeting.

6 I went through the meeting -- the minutes

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

21 And I appreciate that you want to expedite
22 the meeting, but it's still a long time, and I'm
23 not really quite understanding this. I think
24 that it's unfair. I think that something should
25 have been said in February or in January. I

87

1 mean, he -- I think the meeting was held on
2 December 23rd. You would think by right after

3 new year, he would have been issued an
4 application, or somebody would have said, "Hey,
5 Mike, there's a problem," in January, not in
6 May.

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

14 MAYOR NYCE: Absolutely.

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

19 TRUSTEE MURRAY: He's got Board support,
20 too.

21 MS. MC CARTHY: Yes.

22 MAYOR NYCE: Yes.

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

25 MAYOR NYCE: So are we.

1 MS. MC CARTHY: And please expedite this.

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

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

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

14 MRS. OSINSKI: Well, legal action --

15 MAYOR NYCE: Please. We did not --

16 MRS. OSINSKI: Legal action was after it.

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

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

21 MAYOR NYCE: That's enough.

22 MRS. OSINSKI: Throw me out of the
23 Village.

24 TRUSTEE PHILLIPS: Now, come on,
25 everybody.

89

1 MAYOR NYCE: That's enough.

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

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

14 MS. PINCUS: Okay, but --

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

18 MS. PINCUS: All right. But again, I'm
19 just --

20 MAYOR NYCE: I'm responding to your
21 comments. I understand you're disappointed, so
22 are we. We had authorized them to move forward.
23 We had approved the application. The
24 application was going to move forward. It
25 didn't because they brought legal action against
us.

90

1 MS. MC CARTHY: In February.

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

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

11 MAYOR NYCE: Thank you.

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

14 MAYOR NYCE: Understood.

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

23 MAYOR NYCE: Nobody noticed it.

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

91

1 MR. OSINSKI: It doesn't say that.

2 TRUSTEE HUBBARD: None of us noticed that.

3 MR. OSINSKI: It doesn't say that.

4 MAYOR NYCE: Mike.

5 TRUSTEE HUBBARD: Mike.

6 MR. OSINSKI: Twenty-six square foot --

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

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

9 MRS. OSINSKI: It's a trivial matter.

10 TRUSTEE HUBBARD: What we looked at and

11 everything else, what I spoke about was 26-by-26
12 feet. I understood what I was talking about.

13 The map of the -- everything else laid out --

14 MS. MC CARTHY: Clearly, it did.

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

17 MS. MC CARTHY: It was clear.

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

23 We had a special Village Board meeting on
24 legal matters in April. That's when it came to
25 our attention that the legal notice said square

92

1 feet, not 26-by-26. That's all -- that's all we
2 did, that's what we voted on. That's when it
3 came up to us. All right? That was in April.
4 We found out about that after our organizational
5 meeting that it said square feet, not 26-by-26.
6 That's what we're trying to correct. We all

7 approved it, and I believe it's going to be
8 approved again.

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

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

16 MS. MC CARTHY: To correct.

17 MAYOR NYCE: Yes, that's it.

18 MS. MC CARTHY: Okay.

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

21 MS. MC CARTHY: Sure.

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

93

1 MS. MC CARTHY: Of course I'd want it
2 corrected.

3 TRUSTEE PHILLIPS: Because down the --
4 wait, wait.

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

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

13 MAYOR NYCE: Thank you.

14 MS. PINCUS: I just want to address --

15 MAYOR NYCE: Please, we have --

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

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

20 MR. DAVIS: Go right ahead.

21 MS. PINCUS: Can I just address this? I
22 appreciate the couple of people that asked to
23 expedite the hearing. I have not asked for an
24 expedited hearing. We need to prepare for this
25 hearing. So while we submit that there's no

1 basis to have this hearing, if there is going to
2 be a hearing, we would request that the date
3 remain, so that we could now prepare all over
4 again for the hearing for this application.

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

8 Mr. Davis.

9 MR. DAVIS: Paul Davis, 235 Linnet Street.

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

14 I have had several wonderful relations
15 with the Board. I did live in the Greenport
16 Village at one time and did some dock work, and
17 I realize there's a lot of people involved, the
18 DEC and that sort of thing. The fact that
19 there's a clerical problem that has halted this
20 is almost a shame. And I'm glad you guys are
21 willing to extend the -- you know, the clover,
22 whatever, you know, the olive branch, so to
23 speak. It sounds like you are supporting his

24 position, although time is of the essence,
25 unfortunately. And I am in favor of them

95

1 farming oysters.

2 MAYOR NYCE: Thank you.

3 MR. DAVIS: Thank you.

4 MS. MC CARTHY: Yea for farming oysters.

5 MR. SALADINO: John Saladino, Sixth
6 Street.

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

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

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

16 MR. SALADINO: You did.

17 MAYOR NYCE: A problem with the
18 notification.

19 TRUSTEE PHILLIPS: The resolution.

20 MAYOR NYCE: The only problem was with the
21 notification, the only problem.

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

24 MAYOR NYCE: The notification for the
25 public hearing.

96

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

3 TRUSTEE PHILLIPS: The resolution --

4 MR. SALADINO: So what you just said --

5 TRUSTEE PHILLIPS: The -- excuse me.

6 MAYOR NYCE: Please.

7 TRUSTEE PHILLIPS: The resolution.

8 MR. SALADINO: I thought I was talking.

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

11 MR. SALADINO: I apologize.

12 MAYOR NYCE: Can we all please --

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

15 MAYOR NYCE: It's not an inconvenience.

16 I'm just -- if we could all please maintain, and
17 one at a time.

18 MR. SALADINO: What I just heard -- what I
19 just heard, and we have the means, we have the
20 technology to go back and check, but it's not
21 that important, there was no problem. There was
22 no problem with the application. There was no
23 problem, except for the amendment that I believe
24 the Mayor proposed to the resolution.
25 Everybody, I thought, that evening was on the

97

1 same page.

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

6 (Applause.)

7 MR. SALADINO: That's almost -- when they
8 write it up in the newspaper, the people that
9 read that article aren't going to believe it,
10 because two words in the public notice, when
11 everybody here, everybody here understood

12 exactly what was happening, and that's what you
13 voted on. That's what you voted on.

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

19 My first question is, is prior to the
20 lawsuit, you chose to held up his building --
21 hold up his building permit. For what reason?
22 For what reason? We can speculate. You know,
23 we see some happy faces, we see some angry
24 faces. We can speculate why you held up the
25 building permit, but everybody was on the same

98

1 page. Everybody was on the same page.

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

8 that's not true, that didn't happen."

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

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

25 Whoever put the ad in the paper, like the

1 electric company, they're not going to pay the
2 lawsuit. They don't live in the Village.
3 I'm -- well, me collectively is going to -- is

4 going to pay that lawsuit. So you're worried
5 about a perceived lawsuit as opposed to one
6 that's -- that was actually caused by an error
7 that somebody in the Village caused.

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

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

12 MR. SWISKEY: Did I turn something on?

13 MAYOR NYCE: Yes.

14 AUDIENCE MEMBER: Right behind you.

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

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

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

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

24 MR. SALADINO: Well, you know, if it's
25 crazy, you should call up Joe -- I apologize. I

1 apologize for raising my voice. If we all think
2 it's crazy, if that opinion is unanimous, then
3 you should call up Joe Prokop as the Village
4 Attorney, as the chief guy in the Village and
5 say, "Joe, fix this today," because crazy
6 shouldn't deserve to go on for a month or two
7 months. This guy shouldn't have to put his
8 business on hold for two or three months about
9 something that everybody in the room admits is
10 crazy.

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

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

24 MR. OSINSKI: Right.

25 MRS. OSINSKI: That's true.

101

1 (Applause.)

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

7 MAYOR NYCE: And that's not accurate.

8 MR. SALADINO: That's true.

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

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

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

20 MAYOR NYCE: Yes, and you're interrupting.

21 You're out of order.

22 MR. OSINSKI: Yeah.

23 MAYOR NYCE: This ought to be fun.

24 MR. SALADINO: The other -- the other
25 thing I would like to say is I would like to

102

1 echo the people from Fifth Avenue's complaint
2 about the Building Inspector. I made a
3 complaint to the Building Inspector. A friend
4 issued a formal complaint to the Building
5 Inspector last June. I echoed that complaint in
6 September. I CC'd the Board, every one of you,
7 twice on that complaint. It was never
8 addressed, never the courtesy of an address,
9 never even a courtesy of a phone call. Casual
10 conversation I see here all the time, never
11 once.

12 I spoke to her in March, and the complaint
13 was one of your resolutions. It was a wetlands
14 permit and the CNOs for a pumpout. And the
15 reason he was granted the wetlands permit was
16 contingent on him putting in a pumpout. Three

17 years ago this was, three years ago

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

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

22 MAYOR NYCE: He has responded.

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

25 MAYOR NYCE: Understood.

103

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

9 MAYOR NYCE: Understood.

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

12 MAYOR NYCE: Understood.

13 MR. SALADINO: It's about --

14 MAYOR NYCE: And the -- sorry.

15 MR. SALADINO: It's about being dismissed.

16 It's about being dismissed with a legitimate
17 complaint that I issued in a civil tone and I
18 was dismissed out of hand. She ignored -- not
19 only she ignored my complaint, she ignored your
20 resolution, your resolution. As far as I know,
21 resolution is the law of the land in this
22 Village. How do you ignore that for three
23 years? If anything, the people on Fifth Street
24 -- Fifth Avenue have a bigger dog in this fight
25 than I do, but I just -- I just can't understand

104

1 how that's allowed to be tolerated. I just -- I
2 just don't understand it. And it's not
3 something that, "Oh, I was never aware of that,"
4 or, "I didn't" -- "I didn't know that." "It's
5 just too big a problem, John, too big a problem.
6 These things take time, John." That's a lie.
7 That's a lie. That's not true. It doesn't take
8 too much time, it doesn't -- here it was

9 resolved in two weeks.

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

12 MR. SWISKEY: William Swiskey, 184 Fifth
13 Street.

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

105

1 from either Mr. Pallas, which I'm not happy
2 about, or Mr. Abatelli.

3 But, anyway, what I got from an email is
4 this letter from Sylvia. Basically, it says,

5 "Mayor and Board," and this is from
6 Mr. Abatelli, "I feel due to the amount of email
7 chatter about this issue, that I should keep you
8 informed of my actions. I do not intend to
9 respond to the complainant or others at this
10 time."

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

22 I mean, you got a Building Inspector here,
23 you got your Village Administrator, I mean, it's
24 a joke. And when these people from Fifth Avenue
25 are speaking, and I was watching, and I noticed

1 a couple of the Trustees just sort of like, "Who
2 the hell do they think they're talking to?" I
3 mean, you people -- thank God there's an
4 election next March, and perhaps we can have
5 three new faces on this Board, and then maybe
6 the general public would be listened to, instead
7 of like, I don't know.

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

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

23 (Applause.)

24 MR. SWISKEY: And I'll tell, whoever runs
25 for the Village Board next time, I'll vote for

1 whoever says they will fire the Village Attorney
2 and the Village Clerk, who, basically, you're
3 saying her mistake is costing Mr. Osinski maybe
4 \$30,000 in delays? There's a price of material
5 and everything goes up. Is the Village going to
6 make good on that as the person that basically
7 made that mistake? Have they been disciplined?
8 This is calling for an air strike and dropping
9 it on your own people's head, basically. Are
10 you going to do something here about, or are you
11 just going to smile there, Mr. Mayor, like you
12 usually do and be, "Well, I put one over on
13 them"?

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

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

22 there was no question.

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

108

1 bad legal advice.

2 And let me continue. After that hearing,
3 the hearing, there was a verbal condition. It
4 was never discussed in the work session. You
5 put on a verbal condition on my business
6 operation, not on the dock. It was a hearing
7 about a dock. On my business operation, you put
8 a verbal condition on my business. I asked at
9 the hearing, "Could I have it?" You said, "Get
10 it from the Clerk." Eight business -- eight
11 days later. Eight days later the Clerk hands me
12 a piece of paper that she had stamped eight days
13 prior. She waited eight days to show me the
14 written -- I had no idea what the condition was.
15 It was read out. I didn't know. The lawyer
16 wouldn't read it out. You wouldn't answer any
17 called.

18 I repeatedly sent you letters, Mr. Mayor.
19 I sent you letters, my lawyer sent you letters.
20 No one replied to me. At the time, I wanted to
21 know what that condition meant. You refused to
22 discuss it with me, a condition on my business.

23 I applied to build a dock and you put some
24 vague condition about my business. Of course,
25 I'm going to seek legal comfort. Of course, I'm

109

1 going to go -- if you refuse to discuss this
2 with me, you think I -- you know, you think it's
3 just a joke that I want to discuss this with
4 you? No one would discuss it with me, that's
5 why I went to court.

6 You have no reason to deny these permits,
7 and this whole nonsense about this is a 30 --
8 you know, this -- six months later you find a
9 transposition of two words by the Clerk and you
10 think we're going through this whole -- you
11 know, we're going to go out here -- I mean, be
12 ridiculed in public? These people stand up and
13 made all these lies about the dock, they didn't

14 understand the document.

15 I invited everybody to come to -- come
16 take a look. It's a beautiful place, it's
17 beautiful. No one would come.

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

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

110

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

6 TRUSTEE HUBBARD: Sure.

7 MR. OSINSKI: You see us working out there
8 every day. Winter, spring, summer, fall, we're
9 out there working. We're not talking about a

10 working waterfront. We're working with our kids
11 every day out there all year-round and you're
12 jerking us around. I don't appreciate it.

13 (Applause.)

14 MR. MOORE: I'll be brief. Doug Moore,
15 145 Sterling Street. I should disclose, I'm
16 also the Chair of the Zoning Board of Appeals,
17 but I'm speaking as a resident of Greenport and
18 a friend of Mike Osinski. This is about
19 Resolution 34.

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

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

111

1 have another hearing, so be it. I would hope
2 that you would expedite it. I would hope,
3 because I recall from attending the previous
4 hearings, they went on and on and on, that you
5 put extremely tight time limits on public

6 comment.

7 And I would also suggest that it seems
8 that if you are opening the hearing again, you
9 will also have to resolve and vote to approve
10 this application. I would suggest you consider
11 what your resolution should have in it. And if
12 any discussions you can have with the applicant
13 in this intervening period, it might also
14 expedite the situation, that you can have a
15 comfortable solution to not only part one, but
16 part two, as it was described.

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

21 MAYOR NYCE: Thank you.

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

24 I really think it's -- it isn't right to
25 have another public hearing. We were there in

1 November, we heard everyone speak. And just for

2 that technicality, I can't understand why you
3 have to repeat it. I really think that it's
4 unfair and it's unjust. But, you know, if you
5 feel you have to do it, I still think it's bad
6 legal advice. I really don't think that it's
7 necessary, everyone knew.

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

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

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

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

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

1 and speak about your neighbor.

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

19 And this transposition of two words, I
20 think if you vote to redo this hearing, it just
21 -- it's a mockery, a mockery of the system.

22 I live -- I mean, if you sit down and you

23 look at the news, the war in Iraq, you know,
24 economic collapse and you think, well, I can
25 make a difference in the world in the way I

114

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

17 Okay, fine. I'm Ags and Market, I'm
18 protected, hopefully, by, you know, an entity

19 that, you know, has some conscience. This is
20 unconscionable. What you're doing is
21 unconscionable.

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

115

1 sell that house is because you're skanky."

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

7 I mean, we have tried to contribute to the
8 community. You look up and down the street, I
9 mean, you know, oysters, we put them on the map.
10 You know, I don't think it was a vanity thing.
11 I think it was a bigger issue at heart that you
12 think you're doing the right thing. You know,
13 we try to do the right thing. For you to sit
14 down and vote this thing through, it's just a

15 mockery of the system. It's just -- it's just
16 almost inhumane.

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

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

116

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

9 It's very hard to go out there and show --
10 you know, we're trying to market these oysters,

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

25 If I had not spent 15 years on this -- I

117

1 mean, how would you feel if you spent 15 years
2 in business and your neighbor pointed to you and
3 had the ear of government, saying, "Oh, we're
4 going to get" -- "Oh, ha, ha." 25-by-25, 25
5 square -- I can't even remember, 25 square foot,
6 25 foot square, it's just nonsense, you know,

7 transposing two words. Oh, we're going to be --
8 oh, 10 years from now somebody is going to sue
9 us? Nobody is going to sue you about -- we
10 would never have even gone to a lawyer if you
11 talked to us. I begged everybody, "Can you
12 please talk to us? Can you please come to our
13 house and meet with us? Could we please talk
14 about this?" Nobody would explain to us what
15 they were doing. Nobody would talk to us,
16 nobody would explain to us. It was just, you
17 know, shunning. The word is shunning, you
18 shunned us, okay, after what we did.

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

118

1 were skanky. I never said, "I don't care if
2 you're kids fall in the water," because they

3 don't have a stable dock to stand on in the
4 middle of winter. I mean, this is dangerous.
5 We were working under dangerous situations, and,
6 you know, it's just ruthless. What you're doing
7 is ruthless.

8 And I really hope that you don't vote for
9 this resolution, because, I mean, it's just --
10 it's just heartbreaking. It's just -- it's just
11 ridiculous. I mean, if somebody -- if your
12 child said -- if you your kid was in school and
13 said, "I wrote 24-square-foot instead of
14 25-foot-square and they're failing me," you
15 would go to that school and say, "Are you
16 kidding me?" You know, you would talk to the
17 teacher and say, "Are you out of your mind?"
18 You know, they transposed two words, and it was
19 your Clerk that did it. I mean, I'm just --
20 it's just heartbreaking.

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

23 (Applause.)

24 MAYOR NYCE: Is there anyone else that
25 hasn't that would like to address the Board?

1 (No response.)

2 MAYOR NYCE: Okay. That concludes the
3 Public Portion.

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

6 So moved.

7 TRUSTEE HUBBARD: Second.

8 MAYOR NYCE: All those in favor?

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 TRUSTEE ROBINS: Aye.

13 MAYOR NYCE: Aye.

14 Any opposed or abstentions?

15 (No response.)

16 MAYOR NYCE: The motion carries.

17 I'll ask Trustee Murray to read Resolution 2.

18 TRUSTEE MURRAY: RESOLUTION #05-2014-2,
19 RESOLUTION accepting the monthly reports of the
20 Greenport Fire Department, Village Clerk,
21 Village Treasurer, Village Administrator,
22 Director of Utilities, Village Attorney, Mayor
23 and Board of Trustees. So moved.

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

120

1 TRUSTEE HUBBARD: Aye.
2 TRUSTEE MURRAY: Aye.
3 TRUSTEE PHILLIPS: Aye.
4 TRUSTEE ROBINS: Aye.
5 MAYOR NYCE: Aye.
6 Any opposed or abstentions?
7 (No response.)
8 MAYOR NYCE: That motion carries.
9 TRUSTEE HUBBARD: RESOLUTION #05-2014-3,
10 RESOLUTION accepting with regret the resignation
11 of Mary L. Given as Secretary to the Greenport
12 Fire Department, effective May 28, 2014. So
13 moved.
14 TRUSTEE ROBINS: Second.
15 MAYOR NYCE: I'd like to personally thank
16 Lucy for her service to the Department. We got
17 your letter and we are sorry to see you go. I
18 understand that you have to move on.
19 MS. GIVEN: Thank you.

20 MAYOR NYCE: All those in favor?
21 TRUSTEE HUBBARD: Aye.
22 TRUSTEE MURRAY: Aye.
23 TRUSTEE PHILLIPS: Aye.
24 TRUSTEE ROBINS: Aye.
25 MAYOR NYCE: Aye.

121

1 Any opposed or abstentions?
2 (No response.)
3 MAYOR NYCE: Motion carries.
4 TRUSTEE ROBINS: RESOLUTION #05-2014-4,
5 RESOLUTION authorizing the attendance of Village
6 Administrator Pallas at the APPA National
7 Conference in Denver, Colorado from June 13,
8 2014 through June 18, 2014; at a cost not to
9 exceed \$3,000.00 plus all applicable meal and
10 fuel expenses, to be expensed from account
11 E.0781.100 (Executive Department). So moved.
12 TRUSTEE PHILLIPS: Second.
13 MAYOR NYCE: All those in favor?
14 TRUSTEE HUBBARD: Aye.
15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 TRUSTEE ROBINS: Aye.

18 MAYOR NYCE: Aye.

19 Any opposed or abstentions?

20 (No response.)

21 MAYOR NYCE: That motion carries.

22 TRUSTEE PHILLIPS: RESOLUTION #05-2014-5,
23 RESOLUTION approving an increase in the hourly
24 wage rate for Derryl Baumer for the assumption
25 of additional duties, pursuant to Article VII,

122

1 Section 9(a) - Merit Clause - of the current
2 collective bargaining agreement between the
3 Village of Greenport and the CSEA. The hourly
4 wage rate will be increased to \$19.24 per hour,
5 from \$16.00 per hour. This increase is to be
6 effective beginning June 11, 2014. So moved.

7 TRUSTEE MURRAY: Second.

8 TRUSTEE ROBINS: I'd just like to make a
9 comment. I spent quite a number of hours
10 working in Village Hall and I've observed Derryl
11 during the workday. He's a valuable asset to

12 the Village. He brings a lot of energy and
13 intelligence to the job, and I am very pleased
14 to see him get this merit raise. Thank you.

15 MAYOR NYCE: I am as well.

16 All those in favor?

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 TRUSTEE ROBINS: Aye.

21 MAYOR NYCE: Aye.

22 Any opposed or abstention?

23 (No response.)

24 MAYOR NYCE: That motion carries.

25 TRUSTEE MURRAY: RESOLUTION #05-2014-6,

123

1 RESOLUTION authorizing Treasurer Brandt to
2 perform budget transfer #1098, as attached, to
3 increase the appropriation in account A.1420.400
4 (Law Contractual Expense) by \$3,700.00; account
5 A.1620.400 (Building Contractual Expense) by
6 \$300.00; account A.3620.100 (Safety Inspector
7 Personnel) by \$1,000.00; account A.5110.432

8 (Workers Comp) by \$6,485.00; account A.5182.400
9 (Street Lights) by \$7,340.00; account A.8010.100
10 (Zoning Personnel) by \$1,000.00; account
11 A.8020.100 (Planning Personnel) by \$900.00;
12 account A.9030.801 (MTA Tax) by \$766.00; account
13 A.1620.420 (Building Electric) by \$1,850.00;
14 account A.1420.401 (Labor Counsel) by \$3,365.00;
15 account A.8020.400 (Planning Contractual
16 Expense) by \$2,525.00; and account A.8510.200
17 (Historic Preservation Committee) by \$305.00;
18 and to decrease the appropriation in account
19 A.9730.660 (BAN Principal) by \$14,920.00;
20 account A.1910.400 (Unallocated Insurance) by
21 \$7,392.00; account A.1320.400 (Auditor Expense)
22 by \$3,224.00; and account A.9730.670 (BAN
23 Interest) by \$4,000.00. So moved.

24 TRUSTEE HUBBARD: Second.

25 TRUSTEE MURRAY: We have to read all

124

1 these?

2 MAYOR NYCE: Yeah. So I'll take

3 Resolution 10.

4 All those in favor?

5 TRUSTEE HUBBARD: Aye.

6 TRUSTEE MURRAY: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 TRUSTEE ROBINS: Aye.

9 MAYOR NYCE: Aye.

10 Any opposed or abstentions?

11 (No response.)

12 MAYOR NYCE: The motion carries.

13 TRUSTEE HUBBARD: RESOLUTION #05-2014-7,
14 RESOLUTION authorizing Treasurer Brandt to
15 perform budget transfer #1099, as attached, to
16 increase the appropriation in account E.0781.300
17 (Legal Fees) by \$2,550.00; account E.0312.000
18 (Structures) by \$4,559.00; account
19 E.0451(Interest) by \$2,234.00; account
20 E.0724.100 (Gas Service) by \$971.00; account
21 E.0724.110 (Water Service) by \$206.00; account
22 E.0761.300 (Consumer Billing) by \$161.00;
23 account E.0997 (Administrative Labor) by
24 \$17,600.00; account E.9030.801 (MTA Tax) by
25 \$84.00; and account E.9040.800 (Worker's Comp.)

1 by \$606.00; and to decrease the appropriation in
2 E.0384 (Transportation Equipment) by \$419.19;
3 account E.0783.100 (Insurance-Auto) by
4 \$3,393.48; account E.0783.200 (Insurance-Multi
5 Peril) by \$19,910.33; account E.0785.210
6 (Employee Training) by \$3,800; and account
7 E.9050.800 (Unemployment Insurance) by
8 \$1,448.00. So moved.

9 TRUSTEE ROBINS: Second.

10 MAYOR NYCE: All those in favor?

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE MURRAY: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 TRUSTEE ROBINS: Aye.

15 MAYOR NYCE: Aye.

16 Any opposed or abstentions?

17 (No response.)

18 MAYOR NYCE: That motion carries.

19 TRUSTEE ROBINS: RESOLUTION #05-2014-8,
20 RESOLUTION authorizing Treasurer Brandt to
21 perform budget transfer #1100, as attached, to
22 increase the appropriation in account F.8310.100
23 (Administrative Labor) by \$5,735.00; account
24 F.8310.102 (Labor Outside) by \$6,510.00; account

25 F.8320.400 (Electricity Purchased) by \$346.00;

126

1 and account F.9040.800 (Workers Comp) by
2 \$1,676.00; and decrease the appropriation in
3 account F.9010.800 (Retirement) by \$4,309.00;
4 account F.8310.401 (Small Tool Purchase) by
5 \$1,900.71; account F.1910.400 (Insurance) by \$
6 6,377.29; and account F.8310.409 (Executive
7 Department) by \$1,680.00. So moved.

8 TRUSTEE PHILLIPS: Second.

9 MAYOR NYCE: All those favor?

10 TRUSTEE HUBBARD: Aye.

11 TRUSTEE MURRAY: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 TRUSTEE ROBINS: Aye.

14 MAYOR NYCE: Aye.

15 Any opposed or abstentions?

16 (No response.)

17 MAYOR NYCE: The motion carries.

18 TRUSTEE PHILLIPS: RESOLUTION #05-2014-9,
19 RESOLUTION authorizing Treasurer Brandt to
20 perform budget transfer #1101, as attached, to

21 increase the appropriation in account G.1420.400
22 (Legal) by \$1,337; account G.1680.400 (Computer)
23 by \$145.00; account G.8110.100 (Administrative
24 Labor) by \$13,236.00; account G.8110.400
25 (Electric Service) by \$7,500.00; G.8110.406

127

1 (Phone & Cable Expense) by \$100.00; and account
2 G.9040.800 (Workers Comp) by \$584.00; and to
3 decrease the appropriation in account G.1910.400
4 (Insurance) by \$3,666.55; account G.8110.700
5 (Interest) by \$15,503.50; account G.8110.408
6 (Special Services) by \$3,500.00; and account
7 G.8110.414 (Transportation Clearing) by \$231.95.
8 So moved.

9 TRUSTEE MURRAY: Second.

10 MAYOR NYCE: All those in favor?

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE MURRAY: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 TRUSTEE ROBINS: Aye.

15 MAYOR NYCE: Aye.

16 Any opposed or abstentions?

17 (No response.)

18 MAYOR NYCE: Dave, you want to take this,
19 or do you want me to take it?

20 TRUSTEE MURRAY: Yeah, I got.

21 MAYOR NYCE: All right.

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

128

1 (Recreational Administration) by \$5,495.00;
2 account R.7020.400 (Electric Service) by
3 \$3,100.00; account R.7020.406 (Credit Card Fees)
4 by \$300.00; account R.7120.402 (Skate Park
5 Expense) by \$400.00; account R.7110.100 (Parks
6 Personnel) by \$400.00; account R.7120.100 (Rec.
7 Center Personnel) by \$1,546.00; account
8 R.7311.100 (Ice Rink Labor) by \$585.00; account
9 R.7311.400 (Ice Rink Expense) by \$521.00;
10 account R.8160.402 (Public Restroom Expense) by
11 \$863.00; account R.9030.800 (Social Security
12 Benefits) by \$7,550.00; R.9030.801 (MTA Tax) by

13 \$443.00; R.9040.800 (Workers Comp) by \$1,230.00;
14 account R.7050.800 (Unemployment Benefits) by
15 \$212.00; account R.9060.800 (Hospital Benefits)
16 by \$2,751.00; and account R.9060.801 (Dental) by
17 \$918.00; and decrease the appropriation in
18 account R.7020.403 (Billing & Accounting) by
19 \$500.00; account R.7020.404 (Office Supplies) by
20 \$500.00; account R.7180.400 (McCann Expense) by
21 \$1,429.00; account R.7230.425 (Marina Special
22 Events) by \$1,400.00; account R.7313.100 (Camera
23 Obscura Labor) by \$2,000.00; account R.7313.400
24 (Camera Obscura Expense) by \$2,000.00; account
25 R.9010.800 (Retirement Benefits) by \$5,076.00;

129

1 account R.9710.670 (Bond Interest) by \$2,227.00;
2 account R.9730.670 (BAN Interest) by \$5,900.00;
3 account R.7180.413 (McCann Refuse) by \$800.00;
4 and account R.7312.400 (Carousel Expense) by
5 \$4,482.00. So moved.

job.

6 TRUSTEE HUBBARD: I'll second that. Good

7 MAYOR NYCE: All those in favor?

8 TRUSTEE HUBBARD: Aye.

9 TRUSTEE MURRAY: Aye.
10 TRUSTEE PHILLIPS: Aye.
11 TRUSTEE ROBINS: Aye.
12 MAYOR NYCE: Aye.
13 Any opposed or abstentions?
14 (No response.)
15 MAYOR NYCE: That motion carries.
16 TRUSTEE HUBBARD: RESOLUTION #05-2014-11,
17 RESOLUTION authorizing Treasurer Brandt to
18 perform budget transfer #1104, as attached, to
19 increase the appropriation in account A.3410.415
20 (Transportation Equipment) by \$2,000.00, and to
21 decrease the appropriation in account A.3410.200
22 (Fire Department Equipment) by \$2,000.00. So
23 moved.
24 TRUSTEE ROBINS: Second.
25 MAYOR NYCE: All those in favor?

130

1 TRUSTEE HUBBARD: Aye.
2 TRUSTEE MURRAY: Aye.
3 TRUSTEE PHILLIPS: Aye.
4 TRUSTEE ROBINS: Aye.

5 MAYOR NYCE: Aye.
6 Any opposed or abstentions?
7 (No response.)
8 MAYOR NYCE: Motion carries.
9 TRUSTEE ROBINS: Resolution #05-2014-12,
10 RESOLUTION authorizing Treasurer Brandt
11 to perform budget transfer #1105, as attached,
12 to increase the appropriation in account
13 G.8130.404 (Sludge Removal) by \$12,221.00, and
14 to decrease the appropriation in account
15 G.8110.414 (Transportation Clearing) by
16 \$12,221.00. So moved.
17 TRUSTEE PHILLIPS: Second.
18 MAYOR NYCE: All those in favor?
19 TRUSTEE HUBBARD: Aye.
20 TRUSTEE MURRAY: Aye.
21 TRUSTEE PHILLIPS: Aye.
22 TRUSTEE ROBINS: Aye.
23 MAYOR NYCE: Aye.
24 Any opposed or abstentions?
25 (No response.)

1 MAYOR NYCE: The motion carries.

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

12 TRUSTEE HUBBARD: Second.

13 MAYOR NYCE: All those in favor?

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 TRUSTEE ROBINS: Aye.

18 MAYOR NYCE: Aye.

19 Any opposed or abstentions?

20 (No response.)

21 MAYOR NYCE: The motion carries.

22 TRUSTEE MURRAY: RESOLUTION #05-2014-14,
23 RESOLUTION approving the Public Assembly Permit
24 Application as submitted by the East End Seaport
25 Museum for the use of various Village streets

1 and facilities, including Mitchell Park, from
2 9:00 a.m. through 5:00 p.m. from September 19th,
3 2014 through September 21st, 2014 for the annual
4 Maritime Festival. So moved.

5 TRUSTEE HUBBARD: Second.

6 MAYOR NYCE: All those in favor?

7 TRUSTEE HUBBARD: Aye.

8 TRUSTEE MURRAY: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 TRUSTEE ROBINS: Aye.

11 MAYOR NYCE: Aye.

12 Any opposed or abstentions?

13 (No response.)

14 MAYOR NYCE: That motion carries.

15 TRUSTEE HUBBARD: Resolution #05-2014-15,
16 RESOLUTION authorizing the suspension of the
17 open container law of the Village of Greenport,
18 per Sections 35-3B and 35-3C of the Greenport
19 Village Code, for the Festival parameters of the
20 East End Seaport Museum Maritime Festival, from
21 9:00 a.m. to 5:00 p.m. on September 20th, 2014

22 and September 21st, 2014; per the Public
23 Assembly Permit Application as submitted. So
24 moved.

25 TRUSTEE ROBINS: Second.

133

1 MAYOR NYCE: All those in favor?

2 TRUSTEE HUBBARD: Aye.

3 TRUSTEE MURRAY: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 TRUSTEE ROBINS: Aye.

6 MAYOR NYCE: Aye.

7 Any opposed or abstentions?

8 (No response.)

9 MAYOR NYCE: That motion carries.

10 TRUSTEE ROBINS: Resolution #05-2014-16,
11 RESOLUTION approving the Public Assembly Permit
12 Application as submitted by Maranatha Church for
13 the use of a portion of Mitchell Park from
14 11:00 a.m. through 2:00 p.m. on June 29, 2014
15 for a Youth Christian Concert. So moved.

16 MAYOR NYCE: Is there a second?

17 (No response.)

18 MAYOR NYCE: I'll second it so that it can
19 come up for a vote. All those in favor? Aye.

20 TRUSTEE ROBINS: Aye. I'm voting aye upon
21 Legal Counsel.

22 MAYOR NYCE: Opposed?

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 TRUSTEE HUBBARD: Aye.

134

1 MAYOR NYCE: That motion does not carry;
2 two in the affirmative, three in the negative.

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

9 TRUSTEE MURRAY: Second.

10 MAYOR NYCE: All those in favor?

11 TRUSTEE PHILLIPS: Where -- is this going
12 to be located down on -- whereabouts in Mitchell
13 Park?

14 MAYOR NYCE: I assume it's going to be
15 down near the docks, but I'm not -- I don't
16 think they're specific. They'll work it out
17 with the Marina managers so it's someplace
18 that's out of the way.

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

21 MAYOR NYCE: No.

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

24 MAYOR NYCE: No.

25 MR. PALLAS: I'll check.

135

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

5 TRUSTEE PHILLIPS: That's what I was
6 wondering.

7 TRUSTEE HUBBARD: Where you have parking
8 and access with the dock and everything else,
9 instead of in the Marina? I think that's where

10 we're -- that's why I voted no on the previous
11 one. The Marina is being -- a lot of outside
12 agencies are asking to use Mitchell Park for
13 everything, and I would rather see this down at
14 Fifth Street Park. You have the parking, you
15 have a lifeguard down there. Well, actually,
16 the lifeguard is not on duty yet on the 21st.

17 MAYOR NYCE: Right.

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

21 TRUSTEE MURRAY: I would concur with
22 George on that.

23 TRUSTEE ROBINS: And I would as well.

24 MAYOR NYCE: Yeah. I think they're -- the
25 purpose of this assembly is for -- is

136

1 informational and to get information to boaters
2 and families about water safety. So I don't
3 think it's specific to water safety activities,
4 which is why they're looking to put it in the
5 park, where they can get people that are walking

6 by. I don't think it's specific, but --

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

11 MAYOR NYCE: Understood.

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

15 MAYOR NYCE: Understood.

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

18 MAYOR NYCE: Understood.

19 TRUSTEE HUBBARD: Okay.

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

23 MAYOR NYCE: Oh.

24 TRUSTEE ROBINS: There were pop-ups on it?

25 MR. PALLAS: But I'm assuming those are

1 small, but there's actually 12 of them that

2 they're requesting.

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

5 All right. Is there any further
6 discussion?

7 (No response.)

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

10 All those opposed?

11 TRUSTEE MURRAY: Aye.

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE ROBINS: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 MAYOR NYCE: That motion does not carry.

16 TRUSTEE MURRAY: Who read that? That was --

17 TRUSTEE PHILLIPS: That was me.

18 TRUSTEE MURRAY: Resolution #05-2014-18,

19 RESOLUTION directing Village Clerk Pirillo to

20 schedule, and notice accordingly, a public

21 hearing for June 23rd, 2014 at 6:00 p.m. at the

22 Third Street Firehouse, Greenport, New York,

23 11944 regarding the Wetlands Permit Application

24 as submitted by En-Consultants, to:

25 Construct approximately 120 linear feet of

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

11 And I hope these measurements are correct.

12 MAYOR NYCE: Yes. Is there a second?

13 TRUSTEE HUBBARD: Second.

14 MAYOR NYCE: All those --

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

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

21 MAYOR NYCE: Yes.

22 TRUSTEE PHILLIPS: Once it comes to the

23 Building Department, then it's passed on to the
24 Village Clerk with the information, correct?
25 MAYOR NYCE: Yes.

139

1 TRUSTEE PHILLIPS: Okay. That's all I --
2 so it starts in the Building Department --
3 MAYOR NYCE: Yes.
4 TRUSTEE PHILLIPS: -- as to what
5 information is transferred onto the legal
6 notice?
7 MAYOR NYCE: Yes.
8 TRUSTEE PHILLIPS: That's all I want to
9 know.
10 MAYOR NYCE: All those in favor?
11 TRUSTEE HUBBARD: Aye.
12 TRUSTEE MURRAY: Aye.
13 TRUSTEE PHILLIPS: Aye.
14 TRUSTEE ROBINS: Aye.
15 MAYOR NYCE: Aye.
16 Any opposed or abstentions?
17 (No response.)
18 MAYOR NYCE: The motion carries.

19 TRUSTEE HUBBARD: RESOLUTION #05-2014-19,
20 RESOLUTION directing the Conservation Advisory
21 Council to review the Wetlands Permit
22 Application as submitted by En-Consultants, and
23 to provide corresponding comments and/or
24 recommendations to the Village of Greenport
25 Board of Trustees by no later than June 13th,

140

1 2014. So moved.

2 TRUSTEE ROBINS: Second.

3 MAYOR NYCE: All those in favor?

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 TRUSTEE ROBINS: Aye.

8 MAYOR NYCE: Aye.

9 Any opposed or abstentions?

10 (No response.)

11 MAYOR NYCE: The motion carries.

12 TRUSTEE ROBINS: (RESOLUTION #05-2014-20),
13 RESOLUTION ratifying the Memorandum of Agreement
14 dated May 5th, 2014 between the Village of

15 Greenport and an employee. So moved.
16 TRUSTEE PHILLIPS: Second.
17 MAYOR NYCE: All those in favor?
18 TRUSTEE HUBBARD: Aye.
19 TRUSTEE MURRAY: Aye.
20 TRUSTEE PHILLIPS: Aye.
21 TRUSTEE ROBINS: Aye.
22 MAYOR NYCE: Aye.
23 Any opposed or abstentions?
24 (No response.)
25 MAYOR NYCE: The motion carries.

141

1 TRUSTEE PHILLIPS: RESOLUTION #05-2014-21,
2 RESOLUTION approving the Standard Work Day and
3 Reporting Resolution Forms #RS 2417-A, #RS
4 2417-B, and two (2) Forms #RS 2419 as attached,
5 and directing Clerk Pirillo to post the Standard
6 Work Day and Reporting Resolution to the public
7 for a minimum of thirty (30) days. So moved.
8 TRUSTEE MURRAY: Second.
9 MAYOR NYCE: All those in favor?
10 TRUSTEE HUBBARD: Aye.

11 TRUSTEE MURRAY: Aye.
12 TRUSTEE PHILLIPS: Aye.
13 TRUSTEE ROBINS: Aye.
14 MAYOR NYCE: Aye.
15 Any opposed or abstention?
16 (No response.)
17 MAYOR NYCE: The motion carries.
18 TRUSTEE MURRAY: RESOLUTION #05-2014-22,
19 RESOLUTION ratifying the attendance of the
20 following at the annual SCVOA Zoning and
21 Planning Municipal Training session held on May
22 14, 2014 from 5:30 p.m. through 9:30 p.m. at the
23 Atlantis in Riverhead, New York, at a \$55.00 Per
24 Person Fee, plus all applicable Travel Costs:
25 Zoning Board of Appeals Chairman Doug

142

1 Moore, to be expensed from account A.8010.400
2 (Zoning Contractual Expense) and Zoning Board of
3 Appeals Board Member Ellen Neff, to be expensed
4 from account A.8010.400 (Zoning Contractual
5 Expense). So moved.
6 TRUSTEE HUBBARD: Second.

7 MAYOR NYCE: All those in favor?
8 TRUSTEE HUBBARD: Aye.
9 TRUSTEE MURRAY: Aye.
10 TRUSTEE PHILLIPS: Aye.
11 TRUSTEE ROBINS: Aye.
12 MAYOR NYCE: Aye.
13 Any opposed or abstentions?
14 (No response.)
15 MAYOR NYCE: That motion carries.
16 TRUSTEE HUBBARD: RESOLUTION #05-2014-23,
17 RESOLUTION ratifying the attendance of Clerk
18 Pirillo at the Nassau/Suffolk Town Clerks
19 Association meeting in Smithtown, New York on
20 May 15, 2014; at a cost of \$25.00, to be
21 expensed from account #A.1410.400 (Clerk
22 Contractual Expense). So moved.
23 TRUSTEE ROBINS: Second.
24 MAYOR NYCE: All those in favor?
25 TRUSTEE HUBBARD: Aye.

143

1 TRUSTEE MURRAY: Aye.
2 TRUSTEE PHILLIPS: Aye.

3 TRUSTEE ROBINS: Aye.

4 MAYOR NYCE: Aye.

5 Any opposed or abstentions?

6 (No response.)

7 MAYOR NYCE: The motion carries.

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

16 TRUSTEE PHILLIPS: Second.

17 MAYOR NYCE: All those in favor?

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 TRUSTEE ROBINS: Aye.

22 MAYOR NYCE: Aye.

23 Any opposed or abstentions?

24 (No response.)

25 MAYOR NYCE: That motion carries.

1 TRUSTEE PHILLIPS: RESOLUTION #05-2014-25,
2 RESOLUTION renewing for one additional year the
3 lease between the Village of Greenport and
4 Eastern Long Island Hospital as landlord for the
5 space occupied by the Village of Greenport known
6 as the Mary E. Smith Recreation Center, with the
7 renewal to continue pursuant to the existing
8 lease terms and conditions. So moved.

9 TRUSTEE MURRAY: Second.

10 MAYOR NYCE: All those in favor?

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE MURRAY: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 TRUSTEE ROBINS: Aye.

15 MAYOR NYCE: Aye.

16 Any opposed or abstentions?

17 (No response.)

18 MAYOR NYCE: That motion carries.

19 TRUSTEE MURRAY: RESOLUTION #05-2014-26,
20 RESOLUTION ratifying the issuance of a check
21 made payable to David Abatelli, in the amount of
22 \$1,112.50, to be used to set up the required
23 cash drawer/banks for the operation of the

24 Village of Greenport Mitchell Park Marina. So
25 moved.

145

1 TRUSTEE HUBBARD: Second.

2 MAYOR NYCE: All those in favor?

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 TRUSTEE ROBINS: Aye.

7 MAYOR NYCE: Aye.

8 Any opposed or abstentions?

9 (No response.)

10 MAYOR NYCE: That motion carries.

11 TRUSTEE HUBBARD: RESOLUTION #05-2014-27,
12 RESOLUTION awarding the contract for the removal
13 of Village trees and stumps to Johnson Tree
14 Company, for a total price of \$4,950.00; per the
15 bid opening on May 14, 2014 at 3:07 p.m. So
16 moved.

17 TRUSTEE ROBINS: Second.

18 MAYOR NYCE: All those in favor?

19 TRUSTEE HUBBARD: Aye.

20 TRUSTEE MURRAY: Aye.
21 TRUSTEE PHILLIPS: Aye.
22 TRUSTEE ROBINS: Aye.
23 MAYOR NYCE: Aye.
24 Any opposed or abstentions?
25 (No response.)

146

1 MAYOR NYCE: That motion carries.
2 TRUSTEE ROBINS: Resolution #05-2014-28,
3 RESOLUTION approving the retainer agreement;
4 effective from May 23rd, 2014 through May 22nd,
5 2017; between the Village of Greenport and
6 special labor counsel Lamb and Barnosky, per the
7 engagement letter from Lamb and Barnosky dated
8 May 19th, 2014. So moved.
9 TRUSTEE PHILLIPS: I'm going to second
10 this, but I'd like discussion, because I had
11 sent around an email today that I was going to
12 request that this be tabled, because, first of
13 all, the correspondence which was received says
14 "draft" on the top of it. Second of all, I
15 don't remember having any discussion. I know we

16 have been talking about agreements, but I don't
17 remember hearing this come up at the work
18 session, that this was going to be --

19 MAYOR NYCE: It didn't come up.

20 TRUSTEE PHILLIPS: -- on the agenda.

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

23 TRUSTEE PHILLIPS: And given the fact that
24 the amount of money that's involved in this and
25 some of the terms in it, I just feel it's a

147

1 disservice to us as Trustees not to be able to
2 have a discussion among ourselves, that perhaps
3 some of this needs to either be renegotiated, or
4 looked at, or passed on. That's my feeling, so
5 I --

6 MAYOR NYCE: We can discuss that now. We
7 have used Lamb and Barnosky for a number of
8 years. They have given us exemplary service.
9 They were undervalued for many years. They
10 upped their rates in the last retainer
11 agreement. They said at that time that was

12 going to be a stage towards getting us to what
13 are market rates. I don't -- I don't think we
14 would find a firm that does the same job for the
15 same money. I don't see any reason why we
16 wouldn't approve the retainer agreement.

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

148

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

7 MAYOR NYCE: For a considerably lengthy

8 contract negotiation that is ongoing, and for a
9 series of very lengthy personnel issues that
10 came up that we are hopeful will not continue.
11 I don't think their fees have been out of order
12 or out of line.

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

20 TRUSTEE HUBBARD: Yeah. No, I concur with
21 that. I mean, I've been dealing with them since
22 2009 in the ongoing negotiations with five
23 different attorneys from their firm, and I've
24 got nothing but high regard for all of them.

25 Basically, the terms of the agreement are

149

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

3 MAYOR NYCE: Yeah.

4 TRUSTEE HUBBARD: So I have no problem
5 with -- I hope we keep them on as counsel.

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

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

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

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

21 TRUSTEE ROBINS: Yeah.

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

25 TRUSTEE PHILLIPS: Well, I --

1 MAYOR NYCE: So we have a motion that's up
2 and seconded. Is there further discussion?

3 (No response.)

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

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE ROBINS: Aye.

9 MAYOR NYCE: Aye.
10 Opposed?

11 TRUSTEE PHILLIPS: Aye.

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

14 TRUSTEE MURRAY: Was that me?

15 MAYOR NYCE: No, it's Trustee Phillips.

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

20 TRUSTEE MURRAY: Second.

21 MAYOR NYCE: All those in favor?

22 TRUSTEE HUBBARD: Aye.

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 TRUSTEE ROBINS: Aye.

151

1 MAYOR NYCE: Aye.

2 Any opposed or abstentions?

3 (No response.)

4 MAYOR NYCE: That motion carries.

5 TRUSTEE MURRAY: RESOLUTION #05-2014-30,
6 RESOLUTION ratifying the hiring of Ashley
7 Tuinman and Sarah Ficken as part-time, seasonal
8 cashiers at the Mitchell Park Marina Office at a
9 pay rate of \$9.00 per hour; effective May 6,
10 2014. So moved.

11 TRUSTEE HUBBARD: Second.

12 MAYOR NYCE: All those in favor?

13 TRUSTEE HUBBARD: Aye.

14 TRUSTEE MURRAY: Aye.

15 TRUSTEE PHILLIPS: Aye.

16 TRUSTEE ROBINS: Aye.

17 MAYOR NYCE: Aye.

18 Any opposed or abstentions?

19 (No response.)

20 MAYOR NYCE: That motion carries.

21 TRUSTEE HUBBARD: RESOLUTION #05-2014-31,
22 RESOLUTION ratifying the hiring of Gina
23 Anasagasti as a part-time, seasonal employee at
24 the Carousel at a pay rate of \$8.00 per hour;
25 effective May 17, 2014. So moved.

152

1 TRUSTEE ROBINS: Second.
2 MAYOR NYCE: All those in favor?
3 TRUSTEE HUBBARD: Aye.
4 TRUSTEE MURRAY: Aye.
5 TRUSTEE PHILLIPS: Aye.
6 TRUSTEE ROBINS: Aye.
7 MAYOR NYCE: Aye.
8 Any opposed or abstentions?
9 (No response.)
10 MAYOR NYCE: That motion carries.
11 TRUSTEE ROBINS: Resolution #05-2014-32,
12 RESOLUTION ratifying the hiring of Elizabeth
13 Corwin as a part-time, seasonal employee at the
14 Recreation Center at a pay rate of \$8.00 per
15 hour; effective May 19th, 2014. So moved.
16 TRUSTEE PHILLIPS: Second.

17 MAYOR NYCE: All those in favor?
18 TRUSTEE HUBBARD: Aye.
19 TRUSTEE MURRAY: Aye.
20 TRUSTEE PHILLIPS: Aye.
21 TRUSTEE ROBINS: Aye.
22 MAYOR NYCE: Aye.
23 Any opposed or abstentions?
24 (No response.)
25 MAYOR NYCE: That motion carries.

153

1 TRUSTEE PHILLIPS: Resolution #05-2014-33,
2 RESOLUTION approving the hiring of Jaime
3 MacDonald as a part-time, seasonal Head
4 Counselor at the Village of Greenport Summer
5 Camp at a pay rate of \$14.00 per hour; effective
6 June 1st, 2014. So moved.
7 TRUSTEE MURRAY: Second.
8 MAYOR NYCE: All those in favor?
9 TRUSTEE HUBBARD: Aye.
10 TRUSTEE MURRAY: Aye.
11 TRUSTEE PHILLIPS: Aye.
12 TRUSTEE ROBINS: Aye.

13 MAYOR NYCE: Aye.
14 Any opposed or abstentions?
15 (No response.)
16 MAYOR NYCE: That motion carries.
17 TRUSTEE MURRAY: RESOLUTION #05-2014-34,
18 RESOLUTION directing Village Clerk Pirillo to
19 schedule, and notice accordingly, a public
20 hearing for June 23rd, 2014 at 6:00 p.m. at the
21 Third Street Firehouse, Greenport, New York
22 11944, regarding a rehearing of the Wetlands
23 Permit Application as submitted by Michael
24 Osinski, Widow's Hole Oyster Company, 307 Flint
25 Street, Greenport, New York 11944, and approved

154

1 by resolution of the Board of Trustees on
2 December 23rd, 2013, due to an incorrect
3 description of the project in the public notice
4 for the prior public hearing and resolution
5 adopted for that application, with the
6 application being made to construct a 140' pier
7 with a 26' by 26' square work platform at the
8 end of the pier, into Greenport Harbor at the

9 property 307 Flint Street, Greenport, in
10 accordance with plans submitted to and approved
11 by the United States Army Corps of Engineers and
12 the New York State Department of Environmental
13 Conservation. So moved.

14 TRUSTEE HUBBARD: Second.

15 MAYOR NYCE: Is there any discussion on
16 this motion?

17 TRUSTEE PHILLIPS: We've heard a lot
18 tonight, and I have a couple of questions.

19 Number one, I think that, first of all,
20 the resolution, I mean, we keep going to the
21 legal notice. The legal notice set the
22 resolution, and the resolution does say
23 26-square-foot work platform. And I believe we
24 heard in the audience tonight that resolutions
25 should match how things are going, particularly

155

1 with Mr. Osinski's property that we heard
2 tonight.

3 The other thing is, is I'd like to ask the
4 applicant, has he not set his -- is he not doing

5 his oyster business, or is he still working in
6 the existing configuration that he worked
7 before? Am I allowed to ask him that question?
8 Mike, are still -- are you raising --

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

11 TRUSTEE PHILLIPS: No. Mike, Mike.

12 MAYOR NYCE: Simple question. Are you
13 still --

14 TRUSTEE PHILLIPS: Are you --

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

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

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

24 TRUSTEE PHILLIPS: Mike, all I want to
25 know is are you raising oysters right now?

1 MR. OSINSKI: I am totally raising
2 oysters.

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

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

7 MAYOR NYCE: Thank you.

8 MR. OSINSKI: Where are those letters?

9 MAYOR NYCE: Thank you.

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

12 MAYOR NYCE: Trustee Phillips.

13 TRUSTEE PHILLIPS: Okay.

14 MR. OSINSKI: Read them into the record.

15 TRUSTEE PHILLIPS: All right. The second
16 thing is, is that I would like to -- regardless
17 of -- the issue is to get the applicant working,
18 so that everyone is moving forward and not going
19 backwards. I would like to see the public
20 hearing date moved up so that we could either
21 call a special meeting -- I assume -- I
22 understand his attorney is saying something, but
23 I think that this just needs to move forward,
24 because it is based on one of our staff members
25 making a mistake.

1 MAYOR NYCE: Yes. It does not
2 specifically prevent it from moving forward.

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

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

15 MAYOR NYCE: Yes.

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

18 MR. OSINSKI: I'm not saying anything.

19 TRUSTEE MURRAY: Hold it. Can I just
20 speak?

21 MR. OSINSKI: I'm not saying anything.

22 TRUSTEE MURRAY: Because what my goal is
23 on this is to clean up the resolution and get
24 you to where you can get your permit right away.

25 MR. OSINSKI: We've been asking the

158

1 Board --

2 TRUSTEE MURRAY: I know that.

3 MAYOR NYCE: Please, please.

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

7 MR. OSINSKI: Okay.

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

14 MAYOR NYCE: Yes.

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

17 MAYOR NYCE: I'll have the Village

18 Attorney draft up the resolution in advance.

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

23 MAYOR NYCE: Absolutely.

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

159

1 TRUSTEE MURRAY: I agree.

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

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

6 TRUSTEE MURRAY: So let me ask your
7 attorney this.

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

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

12 MAYOR NYCE: We can move it up to the
13 15th, is how far we can move it up, because the

14 notification date's the 16th. So we can move it
15 up by seven days.

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

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

160

1 TRUSTEE HUBBARD: She wants to keep it
2 that way.

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

4 TRUSTEE HUBBARD: She wants to keep it
5 that way.

6 MAYOR NYCE: And I will present to the
7 Trustees from the Village Attorney the
8 resolution two -- one, the resolution approving
9 it. If we're not going to -- so I'll present in

10 advance the resolution approving this, so we can
11 all have a look at it, so that there's not an
12 amendment to it the night of.

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

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

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

25 MR. OSINSKI: I got three hours notice of

161

1 this. Nobody on this Board called me to tell me
2 this resolution was on the agenda until three
3 hours ago. Come on.

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

6 either.

7 MR. OSINSKI: Come on.

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

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

13 (No response.)

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

16 TRUSTEE HUBBARD: Aye.

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 TRUSTEE ROBINS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 (No response.)

23 MAYOR NYCE: That motion carries.

24 TRUSTEE HUBBARD: Resolution #05-2014-35,
25 RESOLUTION approving all checks per the Voucher

2 amount of \$783,868.10 consisting of:

3 All regular checks in the amount of
4 \$717,894.01, and all prepaid checks (including
5 wire transfers) in the amount of \$65,974.09. So
6 moved.

7 TRUSTEE ROBINS: Second.

8 MAYOR NYCE: All those in favor?

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 TRUSTEE ROBINS: Aye.

13 MAYOR NYCE: Aye.

14 Any opposed or abstentions?

15 (No response.)

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

19 TRUSTEE PHILLIPS: Second.

20 MAYOR NYCE: All those in favor?

21 TRUSTEE HUBBARD: Aye.

22 TRUSTEE MURRAY: Aye.

23 TRUSTEE PHILLIPS: Aye.

24 TRUSTEE ROBINS: Aye.

25 MAYOR NYCE: Aye.

1 Any opposed?

2 (No response.)

3 MAYOR NYCE: The motion carries.

4 (Whereupon, the meeting was adjourned at

5 8:49 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

19

20

21

Lucia Braaten

22

23

24

25