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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK  
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BOARD OF TRUSTEES  
REGULAR SESSION  
-----x

Third Street Firehouse  
Greenport, New York

July 28, 2014  
6:00 P.M.

B E F O R E:

- DAVID NYCE - MAYOR
- GEORGE HUBBARD, JR. - TRUSTEE
- DAVID MURRAY - TRUSTEE
- MARY BESS PHILLIPS - TRUSTEE
- JULIA ROBINS - TRUSTEE
  
- JOSEPH PROKOP - VILLAGE ATTORNEY
- SYLVIA LAZZARI PIRILLO - VILLAGE CLERK
- PAUL PALLAS - VILLAGE ADMINISTRATOR
- ROBERT BRANDT - VILLAGE TREASURER

1 (Whereupon, the meeting was called to order  
2 at 6:04 p.m.)

3 MAYOR NYCE: Good evening. I'm going to  
4 call this meeting to order. If you'll please  
5 rise and join me for the Pledge of Allegiance.

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

8 MAYOR NYCE: Please remain standing for a  
9 Moment of Silence for Henry Austin Clark, Jr.,  
10 Irene J. Diaz, John W. Laird, Phyllis Jean Mokus,  
11 Jon Rogers and Lewis Joseph Whitecavage.

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

14 MAYOR NYCE: Thank you. You may be seated.

15 This is the July regular meeting of the  
16 Greenport Village Board of Trustees. We have  
17 some announcements, and then we have some public  
18 hearings, a public comment period and the regular  
19 public portion of our agenda.

20 Before I get into the announcements, the  
21 Clerk has asked that we try something new with  
22 our public comment periods and public hearings,  
23 and that is that we institute a sign-up sheet.  
24 This will help the stenographer to make sure that  
25 we have names and addresses for the record, and

1 also give us a chance to get people lined up that  
2 want to speak. She has a list now. If there's  
3 anyone that would like to speak, there's a  
4 sign-up sheet for -- actually, we have one  
5 sign-up sheet this time. There will be  
6 individual sign-up sheets for the different items  
7 in the future. But there are public hearings on  
8 the annual MS4 Report, and then subsequent ones  
9 are Local Laws pertaining to the MS4 Program.  
10 There are two public hearings on those.

11 And then tonight we are also going to open  
12 a public comment period, it's not a public  
13 hearing, but we're going to start a public  
14 comment period that I anticipate will go on for  
15 several months. I'll introduce that when we get  
16 to it, but on Mass Public Assembly Permits in  
17 Mitchell Park.

18 So anyone that wants to speak to any of  
19 those, if you'll come up to the Clerk, make that  
20 known to her, and she'll sign you up. We'll go  
21 into our announcements and then we'll get into  
22 that fun stuff.

23 Next brush pick-up is scheduled for August  
24 5th. We are requesting that anybody that feels  
25 inclined to use the brown bags. We are testing

1 out as to whether that is a better method for our  
2 Road Department, and to keep leaves and debris  
3 out of stormwater systems, etcetera. Those of  
4 you that are willing to do, so we would encourage it.

5 Also, we are in the midst of hurricane  
6 season. Please make the necessary preparations,  
7 develop a plan for you and your family. You can  
8 get detailed information at our website,  
9 [villageofgreenport.org](http://villageofgreenport.org). Also, Southold Town has  
10 an emergency management portion of their website,  
11 as does Suffolk County. Suffolk County also has  
12 a number that you can link to on our website for  
13 anybody that needs emergency assistance during a  
14 storm event. Our shelters are not prepared for  
15 that. Suffolk County does have a shelter that  
16 is. So, if you're somebody that's going to need  
17 ambulatory care during an emergency, please  
18 contact Suffolk County.

19 I want to thank the Board, primarily  
20 Trustee Hubbard, for spearheading the Skate Park  
21 event that happened yesterday. I know he has  
22 some people that he wants to thank. It was a  
23 great number of people out there yesterday. It  
24 was a great deal of fun. The weather did hold  
25 out. And I'll turn it over to George to go

1 through the thank yous.

2 TRUSTEE HUBBARD: Okay, yes. Anybody who  
3 did make it up there, it was very enjoyable. A  
4 lot of fun by young and old, older kids. We all  
5 enjoyed it. I had a good time cooking. We went  
6 through a lot of food.

7 I'd like to thank a few people. The  
8 Village, all the Village workers that were there  
9 before the work that went into the place. It  
10 came down to the last minute, but they got  
11 everything put in place. The asphalt was done.  
12 I want to thank Corazzini Asphalt, Finne  
13 Contracting did the woodwork and painting it. Bo  
14 Pollack's father, I don't know his name, rebuilt  
15 two of the ramps and put that up there, I want to  
16 thank him.

17 We had some people that donated items for  
18 it: Greenport IGA, Peconic Landing, Relief Hose  
19 of the Greenport Fire Department, Hommel's  
20 Plumbing Supply and Alice's Fish Market.

21 We had a lot of people that helped out  
22 working it. I want to thank my daughter, Kelsey,  
23 and her friend Nina Waters who worked on doing  
24 the raffle tickets and all.

25 And, at this time, I want to pass to the

1 Mayor \$594 dollars from donations and from the  
2 raffles. The two girls walked around selling  
3 them, they spent the whole day doing that.  
4 Andrew Semon got a lot of the prizes. I don't  
5 know what all of them were or who he got it from,  
6 but I want to thank him and anybody who donated  
7 to him for the raffle. It was a big success, and  
8 that money is going to get used to go back into  
9 the Skate Park.

10 Also helping serve the food and cook,  
11 Trustee Mary Bess Phillips was there with me the  
12 whole day and cleaning up afterwards, myself, my  
13 wife Kathy, her friend, Frannie Hodgson. Bruno  
14 Semon and his wife Felice were there and helped  
15 out, slicing watermelon, cheese on burgers, doing  
16 everything, and cleaning up most of the garbage.  
17 The Village crew had a little bit to go this  
18 morning, but we picked up, you know, I think 15  
19 bags of garbage and took them all to the Village  
20 dumpster.

21 Joe Jacobs has some really neat pictures, I  
22 believe they're going to get posted to the  
23 Village website, with the bucket truck, some  
24 aerial view of the kids and stuff going on.  
25 There were some nice pictures, and we had a real

1 good crowd. No injuries, no problems, everybody  
2 was well behaved, they all had fun, and it looked  
3 like everybody enjoyed. And we served 250 hot  
4 dogs, 175 hamburgers, 20 cases of water, and 15  
5 cases of Gatorade all went, and it was all free  
6 to everybody, anybody who wanted it, and they  
7 partaked and they enjoyed.

8 I just want to thank everybody involved in  
9 it. The kids were saying to Bo Pollack, they  
10 said, "We ought to do this every month." And I'm  
11 like, "I don't think that's going to happen."

12 (Laughter)

13 TRUSTEE HUBBARD: But we want to try to  
14 plan and do something similar again next year.  
15 But just, again, a thank you to everybody who  
16 came up, and also the bands. They had six bands  
17 that played. They turned away five bands who  
18 wanted to join after the fact, but they didn't  
19 have enough time for them. Their choice of music  
20 is a little different than my taste, but I  
21 learned a lot by it.

22 (Laughter)

23 TRUSTEE HUBBARD: And just a big thank you  
24 to everybody that put this together, you know,  
25 the workers, the contractors, the kids. You

1 know, Andrew and Bo organized all the other stuff  
2 through Facebook and social media. They brought  
3 the whole crowd there. We kind of just worked on  
4 what we were doing, and they brought a lot of  
5 kids. They came from -- one band came from  
6 Flushing, Queens, Bellport, we had kids that came  
7 down to skate. So it was just a good turnout.

8 And thank you to everybody in the community  
9 that came and helped and also contributed. That  
10 was it. Thanks.

11 MAYOR NYCE: Thank you very much. We also  
12 have under Liquor License Applications, Little  
13 Creek Oyster Farm and Market, 37 front Street,  
14 Unit #5. That's -- anybody interested can write  
15 to the State Liquor Authority. So this would  
16 bring us --

17 TRUSTEE HUBBARD: Excuse me, I just forgot  
18 one thing.

19 MAYOR NYCE: Right, go.

20 TRUSTEE HUBBARD: Okay. I just moved my  
21 paper. I forgot, this is also pertaining to the  
22 skate park. We got a letter from a Mrs. Theresa  
23 Ward. She sent an email saying that her  
24 ten-year-old son had a yard sale and he raised  
25 \$100 that he wanted to donate to the Skate Park.

1           MAYOR NYCE: That's great.

2           TRUSTEE HUBBARD: His name is Jack Murray.  
3 I wanted to make sure I said his name, so he  
4 watches the meeting. He took the proceeds from  
5 his yard sale and dropped off \$100 to the Village  
6 Clerk today.

7           MAYOR NYCE: That's great.

8           TRUSTEE HUBBARD: And I just want to thank  
9 that young gentleman for pitching in.

10   (Applause)

11           TRUSTEE HUBBARD: I'm done now. I forgot  
12 that one.

13           MAYOR NYCE: That's good. I had several  
14 different conversations with young people  
15 yesterday, all of whom -- actually young and old,  
16 all of whom commented that they do believe that  
17 the more activity there is there, the more  
18 ownership the kids take over the park, the better  
19 it will be, the less vandalism we'll see,  
20 etcetera, etcetera. So I hope that -- I hope  
21 that the kids are taking ownership of it. It was  
22 great to see.

23           All right. So we're into our public  
24 hearings. The first public hearing is on the MS4  
25 Annual Report. This is a report that the State

1 requires that we submit annually. It's also  
2 required by the State that we hold a public  
3 hearing on that report.

4 The Village is at this point involved in  
5 the MS4 Program, although we are anxious to  
6 remove ourself from said program. We feel that  
7 we're not in it properly. But, that being said,  
8 we must do these -- this annual report anyhow.

9 I'll ask the Clerk in a minute if there  
10 were people that signed up that wanted to speak  
11 to this. I will say that this public hearing was  
12 properly noticed, and that anyone wishing to make  
13 comment can do so at this time for the public  
14 record.

15 CLERK PIRILLO: Mr. Winkler?

16 MAYOR NYCE: John Winkler wanted to speak?

17 MR. WINKLER: I'm John Winkler, 175 Fifth  
18 Street. I just read this briefly and there's a  
19 couple of things that I noticed.

20 The monitoring of the runoff, is that the  
21 -- they put some pipes in, I guess, to check the  
22 water at different levels to inspect what kind --  
23 what the groundwater, what's happening in the  
24 groundwater on Fifth Street and Sixth Street. I  
25 don't know if they did it any other place. What

1 kind of monitoring is going to be done? What is  
2 this?

3 MAYOR NYCE: I think those were done prior  
4 to the drainage basins that are being put in at  
5 those two spots.

6 MR. WINKLER: Okay.

7 MAYOR NYCE: They wanted to find out what  
8 water levels were, so they knew how deep --

9 MR. WINKLER: Right.

10 MAYOR NYCE: -- they were going to go with  
11 their dry wells.

12 MR. WINKLER: Okay.

13 MAYOR NYCE: They're going to -- they  
14 monitor all discharge that goes over and --

15 MR. WINKLER: But, I mean, is it equipment,  
16 is it equipment that's going to be put down there  
17 or --

18 MAYOR NYCE: No, they test it periodically,  
19 is my understanding.

20 MR. WINKLER: Okay. That's the only  
21 question I have.

22 MAYOR NYCE: But they do -- and it's mostly  
23 for stuff that you'd find in street runoff like  
24 oils and -- what's the stuff that comes out of  
25 transformers?

1 ADMINISTRATOR PALLAS: Mineral.

2 MAYOR NYCE: Minerals and etcetera.

3 MR. WINKLER: Yeah. I mean, it seems like  
4 something that would be good for the bay, you  
5 know, because we have people dumping oil and that  
6 sort of stuff. That wouldn't be good.

7 MAYOR NYCE: And I apologize for my comment  
8 earlier, that I said we're not -- the MS4 Program  
9 itself is a massive program that costs a lot of  
10 money to maintain. We're looking to not --  
11 that's a double negative. We're not looking to  
12 not do things to eliminate runoff. What we're  
13 trying to make sure is that if we're in this  
14 program, we're in it properly. And our  
15 contention is that Sterling Creek was misnamed as  
16 an impaired waterway and we shouldn't be in the  
17 MS4 Program.

18 We want to do the right thing by the bays  
19 and the road-ends as far as runoff. I want to  
20 make sure that that's clear. I wasn't saying we  
21 didn't want to do it.

22 MR. WINKLER: Again, I have to read this  
23 some more, but, you know, as long as it's not  
24 going to have a big effect. Again, I've heard  
25 some rumors on how much they have to do down at

1 the Fifth Street Park, swales, and brick,  
2 permeated bricks in the road to somehow absorb  
3 the runoff before it gets into the bay, and that  
4 would affect that park quite a bit.

5 MAYOR NYCE: Absolutely.

6 MR. WINKLER: So, I mean, that's not so  
7 much the brick in the road, but if they put a  
8 swale across that property --

9 MAYOR NYCE: Absolutely.

10 MR. WINKLER: It's going to have a big  
11 effect. Okay. Thank you.

12 MAYOR NYCE: Thank you.

13 CLERK PIRILLO: Mr. Moore.

14 MR. MOORE: Are you taking comments on just  
15 the MS4 report?

16 MAYOR NYCE: This is on the MS4 report, and  
17 then the next two, the next two public hearings  
18 will be on the Local Laws.

19 MR. MOORE: I'm interested in the two  
20 chapters, not the report.

21 MAYOR NYCE: Okay.

22 MR. MOORE: Thank you.

23 MR. SALADINO: But, Dave, I didn't get to  
24 sign in. I'm sorry. Can I speak?

25 MAYOR NYCE: On the MS4 report?

1 MR. SALADINO: On the MS4 report.

2 MAYOR NYCE: Yes.

3 MR. SALADINO: Yes?

4 MAYOR NYCE: Yeah.

5 MR. SALADINO: John Saladino, Sixth Street.

6 You had mentioned it's an unfunded mandate.

7 Could you tell us -- could you share with us what  
8 the penalty will be if we don't comply?

9 MAYOR NYCE: Noncompliance is the same as  
10 -- it's a SPDES permit that the DEC issues. We  
11 are issued a SPDES permit, so we would be  
12 noncompliant. I don't know off the top of my  
13 head what the financial penalties are, no.

14 MR. SALADINO: Is it prohibitive?

15 MAYOR NYCE: It is prohibitive.

16 MR. SALADINO: More than the cost of  
17 implementing?

18 MAYOR NYCE: Yes.

19 MR. SALADINO: Do you think?

20 MAYOR NYCE: Yes.

21 MR. SALADINO: Thanks.

22 MAYOR NYCE: So, if there's no one else  
23 that wishes to comment on the MS4 annual report,  
24 I would entertain a motion to close that hearing.

25 TRUSTEE HUBBARD: So moved.

1 MAYOR NYCE: Is there a second?

2 TRUSTEE MURRAY: I'll second that.

3 MAYOR NYCE: All those favor?

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 TRUSTEE ROBINS: Aye.

8 MAYOR NYCE: Aye.

9 That public hearing is closed.

10 The next public hearing would be on a Local  
11 Law creating Chapter 114 of the Village of  
12 Greenport Code, amending Chapter 150 of the  
13 Village of Greenport Code. I'm sorry. That's  
14 the MS4 report, which is -- I'm sorry. I'm going  
15 to ask Mr. Prokop to go over the intent of this  
16 Local Law, and then we'll open up the public  
17 hearing.

18 MR. PROKOP: Thank you, Mayor. The first  
19 Local Law that we have tonight for a public  
20 hearing is to create Chapter -- a new chapter,  
21 Chapter 114 of the Greenport Village Code. And  
22 in that new chapter, it will -- there will be  
23 adopted, if this Board -- if this Board adopts  
24 the Local Law, there'll be adopted regulations  
25 regarding stormwater management, and further

1 regulations which amend some of the regulations  
2 in the existing Chapter 150, which is the Zoning  
3 Code of the Village of Greenport.

4 The amendment to the Chapter 150 of the  
5 Zoning Code of the Village of Greenport will  
6 largely be to adopt the regulations contained in  
7 Chapter 114, the new Chapter 114, so that in  
8 development that the Stormwater Management  
9 regulations is applicable to, that that will  
10 follow through regulations in Chapter 150.

11 Now what all of this is, is it's required  
12 -- it's actually required regulations that are  
13 imposed by the New York State Department of  
14 Environmental Conservation. The Local Law is  
15 virtually word-for-word provided for by the DEC.  
16 And in order to fully comply with the MS4  
17 requirements, we need to adopt this Local Law, or  
18 a Local Law similar to this, as part of our  
19 Greenport Village Code.

20 MAYOR NYCE: Is that clear to everyone?

21 MR. PROKOP: And that's the  
22 corresponding --

23 TRUSTEE HUBBARD: Simplified it, huh?

24 MR. PROKOP: Yeah.

25 MAYOR NYCE: Yeah. Has mostly to do with,

1 as I understand for the zoning portion, has to do  
2 with stormwater management during construction,  
3 stormwater management during renovation,  
4 stormwater management on your property as you are  
5 renovating or building a piece of property.

6 Most of the regulations, as I understand  
7 them, again, as I understand them, don't pertain  
8 to us, because the Village is as small as it is,  
9 and we have a separate sewer system and  
10 stormwater system anyhow. That being said, as  
11 Mr. Prokop said, the State requires that we adopt  
12 these into our local code.

13 So, with that, did I misspeak, Mr. Prokop,  
14 or is that --

15 MR. PROKOP: No, that's correct. Most of  
16 the development --

17 MAYOR NYCE: I wanted to simplify it a  
18 little bit more.

19 MR. PROKOP: Yeah, thank you. Most of the  
20 development that takes place in Greenport this  
21 would not even necessarily apply to.

22 MAYOR NYCE: Okay.

23 MR. PROKOP: But we are required to adopt a  
24 Local Law.

25 MAYOR NYCE: Right. So, with that, I will

1 state that this public hearing was properly  
2 noticed. Anyone wishing to comment can do so at  
3 this time for the public record. And I'll ask  
4 the Clerk if there's anyone signed up to speak?  
5 Mr. Moore, did you want to address the Board?  
6 Mr. Moore, did you want --

7 MR. MOORE: Sure. My name is Doug Moore,  
8 145 Sterling Street.

9 I liked Mr. Prokop's summary of the new  
10 chapter. It's certainly a lot shorter than all  
11 the boiler plates. This is a very long chapter.

12 One comment I had to make, down around Page  
13 11, it does indicate that this really only  
14 applies to land development in excess of one  
15 acre. It does, however, down near the bottom  
16 under D, include all property development. And  
17 in that case, only the -- I forget the acronym,  
18 but the Stormwater Management Officer has to  
19 approve the plan. I think it would be a good  
20 idea if that approval in the paperwork was  
21 forwarded to any other Boards or individuals that  
22 are reviewing those plans, because this doesn't  
23 provide for anything but an approval of a plan.

24 So I think things like planning, it would  
25 be very beneficial if that information could be

1 passed forward. And, for instance, the Trustees,  
2 with a wetlands permit, if that's in connection  
3 with the development, also it would be very good  
4 if that could be part of the regulation, that  
5 that would be passed on.

6 MAYOR NYCE: I believe that's the intent,  
7 that that will become part of the paperwork that  
8 follows the job.

9 MR. MOORE: And you did mention some level  
10 of exemption of the Village properties. But I  
11 would suggest that one of the greatest amounts of  
12 runoff that's uncontrolled is currently from  
13 Village streets. So it would be nice if there  
14 was some coverage, that any improvements in  
15 Village draining systems would include proper  
16 management to prevent the pollution that this  
17 regulation is intended to control.

18 And are you taking comments on the other  
19 chapter later?

20 MAYOR NYCE: Immediately after this one.

21 MR. MOORE: I'll be back. Thanks very  
22 much.

23 MR. SWISKEY: Did I sign up for this one,  
24 Sylvia?

25 CLERK PIRILLO: You did on another subject

1 matter.

2 TRUSTEE MURRAY: Dave, can I ask Joe a  
3 question?

4 MAYOR NYCE: Do you want to do it after the  
5 comments?

6 TRUSTEE MURRAY: Yes.

7 CLERK PIRILLO: Do you want to for this  
8 one?

9 MR. SWISKEY: All right. William Swiskey,  
10 184 Fifth Street. This is -- you know, how long  
11 has this document been available to the public?  
12 Is today the first day?

13 MAYOR NYCE: No.

14 MR. SWISKEY: Because I didn't see it in  
15 Village Hall.

16 MAYOR NYCE: How long has it been up, for  
17 two weeks.

18 CLERK PIRILLO: It's been up on the website  
19 for --

20 TRUSTEE PHILLIPS: This has been around for  
21 awhile.

22 CLERK PIRILLO: -- almost two weeks.

23 MAYOR NYCE: It's been up for two weeks?

24 MR. SWISKEY: Has it been two weeks? I  
25 must have missed it. But the point is I'm

1 looking at this and, basically, this says almost  
2 every activity in the Village, whether it's a  
3 renovation, the way I'm reading it, and not the  
4 way Mr. Prokop says, this is quite -- all land  
5 development activities subject to review and  
6 approval by the Planning Board, that's almost  
7 everybody, everything that comes before the  
8 Village. All right?

9 MAYOR NYCE: No.

10 MR. SWISKEY: All land development  
11 activities not subject to review by the Planning  
12 Board, basically, if I get a building permit --  
13 the way I'm reading this, whoever does this is  
14 going to have to submit a Stormwater Prevention  
15 Plan. Am I reading that right, David?

16 TRUSTEE MURRAY: Yes, you are.

17 MR. SWISKEY: You and I are both agreeing  
18 on that. Who is going to review these Storm  
19 Water Prevention Plans, because they could be --  
20 you could take a small parcel of property and  
21 make a real mess out of it. In other words, if  
22 say I had a parcel and I'm putting a garage on,  
23 and, well, there's runoff off the roof. Am I  
24 going to have to put in dry wells to manage that  
25 runoff?

1 TRUSTEE MURRAY: That's a question I was  
2 going to ask. The Town of Southold requires this  
3 as well right now. So, if you do a renovation to  
4 the house, as far as I'm reading it, you're going  
5 to have to do dry wells for a renovation, and  
6 you're going to have to maintain the entire --  
7 you're going to have dry wells for --

8 MR. SWISKEY: Hay bales for the whole  
9 thing?

10 TRUSTEE MURRAY: Well, for the entire  
11 project during construction, hay bales.

12 MAYOR NYCE: During construction.

13 TRUSTEE MURRAY: Yeah, during construction,  
14 but dry wells to contain it.

15 MAYOR NYCE: For properties over an acre.

16 TRUSTEE MURRAY: Right. Properties over an  
17 acre?

18 MAYOR NYCE: Properties over an acre.

19 MR. SWISKEY: Maybe I missed that, because  
20 I don't --

21 TRUSTEE MURRAY: Not properties less?

22 MR. SWISKEY: -- see where it says on here  
23 that. I'm reading Article --

24 MAYOR NYCE: Village Attorney just said, as  
25 he read it --

1           MR. SWISKEY: Well, where? May the Village  
2 Attorney please tell me where it is, because I  
3 don't see it?

4           MR. PROKOP: I'm sorry. What?

5           MR. SWISKEY: Where it says properties over  
6 an acre, I don't believe it says this on here,  
7 from what I'm reading.

8           MR. PROKOP: Well, many of these  
9 considerations are reviewed by the Planning Board  
10 anyway. The Planning Board in many applications  
11 considers -- now considers runoff and --

12          MR. SWISKEY: Yeah, but there's nothing in  
13 here about an acre. If you've got 100-by-100,  
14 you have to comply, from what I can see, right,  
15 David? Is that the way you read it?

16          TRUSTEE MURRAY: That was the question I  
17 was going to bring up, too. I did have that  
18 question, because --

19          MR. SWISKEY: I think that this was --

20          TRUSTEE MURRAY: -- the way this law reads,  
21 and this is -- everybody's complying with this,  
22 this isn't just the first time every municipality  
23 has seen this --

24          MR. SWISKEY: No.

25          TRUSTEE MURRAY: -- is that you have to

1 contain --

2 MAYOR NYCE: Right.

3 TRUSTEE MURRAY: -- your runoff with dry  
4 wells.

5 MAYOR NYCE: Well, you have to contain the  
6 construction site during that construction.

7 TRUSTEE MURRAY: Well, that -- as well as  
8 that, but the dry wells after the fact. They  
9 want your gutters to go into dry wells, and they  
10 want you to add gutters --

11 MR. SWISKEY: Yeah.

12 TRUSTEE MURRAY: -- if you don't have them.

13 MR. SWISKEY: Yeah, but most land in the  
14 Village parcels don't have enough room for a  
15 four-by-eight-by-four-foot dry well.

16 MAYOR NYCE: That's exactly correct.

17 MR. SWISKEY: So I think before we pass  
18 this, we should do a little modification so it  
19 fits the reality of the Village, is what I would  
20 urge this Board to do. Yes, Mr. Prokop?

21 MR. PROKOP: Yeah. It's actually  
22 determined -- it's actually defined as -- there's  
23 three conditions. One is stormwater runoff from  
24 land development activities, discharging a  
25 pollutant of concern, or stormwater runoff from

1 land development activities disturbing five or  
2 more acres, or stormwater runoff from land  
3 development activity disturbing between one and  
4 five acres of land during the course of the  
5 project, exclusive of the construction of  
6 single-family residences.

7 So I think that the majority of the  
8 properties in the Village would probably be  
9 excluded.

10 MR. SWISKEY: Well, that's --

11 MR. PROKOP: And there's also different  
12 levels of compliance, and there -- as the Mayor  
13 and the other Board Members said, there's one  
14 level that has to do with during construction,  
15 and then the other has to do with permanent  
16 provision for containment.

17 MR. SWISKEY: Because my point is I'm  
18 getting -- all right. I agree, that's the way it  
19 should be, but it should be written down, so when  
20 somebody picks it up five years down the road,  
21 somebody on the Planning Board doesn't tell  
22 somebody with a 50-by-100 lot, "Hey, you've got  
23 to" -- and he's like no. It should be hard and  
24 fast and in stone whatever is going to apply in  
25 the Village and how it's going to apply, because

1 administrations change, attitudes change, but  
2 land doesn't change.

3 MAYOR NYCE: Yup.

4 MR. SWISKEY: And, like I say, if they come  
5 along in five years and tell me, because I'm  
6 changing the roof on my garage, that I basically  
7 have to put in gutters and storm, you know,  
8 drains on property that ain't big enough to hold  
9 the rains.

10 So I think the Village Board should be very  
11 cautious before they move forward on this, and  
12 perhaps another public hearing or two to explain  
13 things better, because, you know, if information  
14 comes out, and perhaps Mr. Prokop could write a  
15 synopsis that people could understand of  
16 exactly -- you know, something simple, not we's  
17 and I's. You know what I mean, Mr. Mayor.

18 MAYOR NYCE: I do.

19 MR. SWISKEY: Thank you.

20 MR. OSINSKI: Michael Osinski, 307 Flint  
21 Street.

22 I own a parcel larger than an acre. What  
23 does this do to me? I mean, this is a real  
24 concern, because I'm not concerned so much, you  
25 know, we don't really do much there, we don't

1 build much. But say like the shipyard, there's a  
2 three-acre parcel. God knows what's there. How  
3 is that going to affect the shipyard? You know,  
4 I think, you know, we have a -- you know, we have  
5 an old waterfront here, hundreds of years old.  
6 We all know, even Mitchell Park, you know, God  
7 knows what's still there. So I think that we  
8 should be a little circumspect about it.

9 And my other concern is stormwater, the  
10 drain, the runoff from the streets is the major  
11 source of pollution. If we're -- if we're making  
12 all kinds of new laws to control what private  
13 residents do and we're ignoring the major source  
14 point of pollution, are we -- is the Village  
15 immune from fixing all these -- all these streets  
16 that are running right into the bay?

17 MAYOR NYCE: No.

18 MR. OSINSKI: Does this preclude -- does  
19 the Village have to remedy the situation?

20 MAYOR NYCE: Under MS4, yes.

21 MR. OSINSKI: I think it really should.

22 You know, I think --

23 MAYOR NYCE: And the Village's intent is to.

24 MR. OSINSKI: Yeah, I think that that's --  
25 you know, since it's the major source, you know,

1 all the regulation concerning these minor source  
2 points are sort of, you know, foolish compared  
3 to -- if the major source is the streets, let's  
4 clean up the streets.

5 MAYOR NYCE: Right. And, ultimately, the  
6 State's not interested in funding that activity.  
7 They want the small municipalities to take on  
8 that major activity and, so they push --

9 MR. OSINSKI: But you can do dirt roads,  
10 you can do things.

11 MAYOR NYCE: I understand. They push it  
12 down the road. As I stated before, the Village  
13 is intent on making those repairs to those road  
14 ends, because it's the right thing to do for our  
15 waterways. The other -- the other portions of it  
16 we're acting on very cautiously.

17 MR. KEHL: Bob Kehl, 242 Fifth Avenue.  
18 This could also add a large expense to people  
19 that are trying to put additions on houses. I  
20 mean, it could cost like \$10,000 more to put dry  
21 wells in and run this stuff around, and put your  
22 silt and your hay bales all around the houses,  
23 along with -- I agree with what Bill Swiskey  
24 said, there is not enough room on these place,  
25 and you need it to put -- it has to be written

1 out in fine print exactly how this stuff is going  
2 to be, because I know it's going to get switched  
3 around later on. Someone's going to bitch and  
4 someone's going to say, "Oh, geez, he doesn't  
5 have the silt liner, he doesn't have the hay  
6 bales around his house." The poor guy's got a  
7 little lot he's trying to squeeze a house in, or  
8 he's trying to put an addition on, and he can't  
9 afford to do it, and you start adding \$10,000 to  
10 the cost of the addition and the guy can't afford  
11 it. I mean, people around here aren't rich.

12 TRUSTEE MURRAY: You are.

13 MR. KEHL: Yeah, I wish.

14 (Laughter)

15 MAYOR NYCE: Does anyone else from the  
16 public wish to address the Board on this?

17 (No response.)

18 MAYOR NYCE: I'll ask if the Board has any  
19 comments? Trustee Murray, were your comments  
20 made or do --

21 TRUSTEE MURRAY: No -- yes, it was made and  
22 discussed. Thank you.

23 MAYOR NYCE: Trustee Robins wants to make a  
24 comment.

25 TRUSTEE ROBINS: Yeah. Under Exemptions,

1 which start on Page 11, at the top of Page 12,  
2 Item B states: "Routine maintenance activities  
3 that disturb less than five acres and are  
4 performed to maintain the original line and  
5 grade, hydraulic capacity, or original purpose of  
6 a facility," I read that as an exemption on most  
7 of the properties in the Village, really. In  
8 other words, a preexisting condition of the  
9 property is -- has the potential to be exempted  
10 from the -- what you were reading before.

11 MR. SWISKEY: I agree with you on that, but  
12 it should be written down harder, because, like I  
13 said, let's move on it.

14 MAYOR NYCE: I agree. I would -- I'm going  
15 to -- if the Board doesn't have anymore comments,  
16 I'm going to ask that the Village Attorney take  
17 the comments that were made here tonight and I  
18 would like to -- I know this is a template law  
19 that the State wants everyone to adopt. I don't  
20 believe that the Village fits in most of the  
21 State's MS4 Program, because they're usually  
22 talking about lots that are an acre-and-a-half or  
23 two acres or over, where you actually do have  
24 stormwater that can be abated on that property.  
25 You can't do that in the Village. You can't

1 possibly take the stormwater from your house and  
2 get rid of it on less than a quarter of an acre.

3 Now, if, in fact, the State allows us --  
4 allows those homeowners to use the Village storm  
5 drains as part of their property's stormwater  
6 runoff, then this law should state that. And if  
7 we can get exemptions for properties that are  
8 less than a certain acreage, or we can clarify  
9 that general maintenance of rebuilding of  
10 existing structures are exempt from, then I have  
11 less trepidation about approaching this Local  
12 Law.

13 MR. PROKOP: Okay. I'll do that.

14 MAYOR NYCE: But, as it reads, I agree with  
15 the comments that were made. It's a little  
16 heavy-handed, and potentially adds to cost for  
17 people that's unnecessary, without actually  
18 approaching what the State is trying to do, and  
19 that is, as Mr. Osinski pointed out, to actually  
20 clean up the water that's going into our bays.  
21 If that's the intention, then let's make sure  
22 we're doing it the right way.

23 MR. PROKOP: Okay.

24 MAYOR NYCE: With that, I assume we will be  
25 doing another public hearing, so we would -- we

1 could close this one.

2 I would entertain a motion to close the  
3 public hearing on Local Law creating Chapter 114.

4 TRUSTEE ROBINS: I'll second that.

5 MAYOR NYCE: That would be making the  
6 motion?

7 TRUSTEE ROBINS: Make a motion.

8 MAYOR NYCE: All right. Is there a second?

9 TRUSTEE PHILLIPS: I'll second.

10 MAYOR NYCE: Second by Trustee Phillips.

11 All those in favor?

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 TRUSTEE ROBINS: Aye.

16 MAYOR NYCE: Aye.

17 Any opposed or abstentions?

18 (No response.)

19 MAYOR NYCE: All right. Being that one  
20 closed, we are now going to do a public hearing  
21 on a Local Law creating Chapter 114A. And I will  
22 ask the Village Attorney again to do a synopsis  
23 of 114A.

24 MR. PROKOP: Okay. What 114A is intended  
25 to do, basically, is to be the enforcement

1 mechanism for Chapter 114. And again, this is a  
2 Local Law that's prescribed by the New York State  
3 Department of Environmental Conservation. The  
4 language of the law is from that agency, and it  
5 would be a new Chapter 114A of the Greenport  
6 Village Code.

7 MAYOR NYCE: And it sets up who would  
8 monitor, how they would monitor, and what the  
9 fines would be for illicit discharge?

10 MR. PROKOP: Yes.

11 TRUSTEE HUBBARD: We will have 114 and  
12 114A?

13 MAYOR NYCE: Absolutely.

14 MAYOR NYCE: We have a public hearing set  
15 up, so we might as well have it.

16 TRUSTEE HUBBARD: All right.

17 MAYOR NYCE: So that being said, this  
18 public hearing has been properly noticed. Anyone  
19 wishing to comment can do so at this time for the  
20 record. We'll ask is there anyone on the list?

21 CLERK PIRILLO: Mr. Winkler, are you  
22 speaking again?

23 MR. WINKLER: I'm good. Thank you.

24 CLERK PIRILLO: Mr. Moore?

25 MR. MOORE: Yes, just one comment.

1           MAYOR NYCE: Okay, Mr. Moore.

2           MR. MOORE: Thank you. Again, Doug Moore,  
3 145 Sterling Street.

4           "Illicit discharge" is a very exciting  
5 sounding term.

6           MAYOR NYCE: Whatever gets you going, Doug.

7                           (Laughter)

8           MR. MOORE: You can get arrested for that.

9           I might be confused, but it's my  
10 understanding that privately maintained septic  
11 systems are not permitted in Village borders  
12 where sanitary systems are available; is that  
13 correct or not?

14          MAYOR NYCE: I think if they already exist  
15 and they haven't been changed, they're allowed  
16 to -- they're allowed to continue. At the point  
17 where they no longer function, you are required  
18 to hook up to the sewer system.

19          MR. MOORE: I see.

20          MAYOR NYCE: I believe that's how it --  
21 that's how it was instituted way on back and it's  
22 been the same ever since.

23          MR. MOORE: Right. On about Page 10, and  
24 then 11 and 12, there's quite a lot of detail on  
25 privately maintained systems.

1           MAYOR NYCE: Yes.

2           MR. MOORE: And a lot of performance  
3 parameters. So, hopefully, if there is a  
4 prohibition against repairing them, then all of  
5 these issues about fixing them and meeting  
6 certain standards might have to change.

7           MAYOR NYCE: Again, there's no prohibition  
8 of fixing them. At the point where they don't  
9 function properly at all and need to be removed,  
10 then you're required to hook up. As long as you  
11 maintain your system and it functions within  
12 reasonable limits, it's allowed.

13          MR. MOORE: Let's say replacing a cesspool.

14          MAYOR NYCE: Replacing a cesspool would  
15 probably require you to then abandon it and hook  
16 up to the sewer system.

17          MR. MOORE: Well, you might just want to  
18 look at those sections, because it seems to give  
19 the impression that people just meet certain  
20 standards and there -- you know, they continue  
21 with the system. I'm just pointing that out as a  
22 possible complication if there is a directive to  
23 change to the sanitary system that the Village  
24 operates.

25          MAYOR NYCE: Okay.

1 MR. MOORE: Okay. Thanks.

2 MAYOR NYCE: Is there anyone else who  
3 wishes to comment on -- yes.

4 MR. SWISKEY: Yeah. You don't want to  
5 catch Sandy Beach in the catch 22 on this,  
6 because they -- you know, most cesspools, when  
7 the house is sold, usually the bank tells the  
8 buyer or the seller you have to hook it up to the  
9 water and sewer, so that's how they've been going  
10 away over the years. So that's not a real issue.  
11 There can't be more than maybe three or four left  
12 in the whole Village besides Sandy Beach.

13 What bothers me here is 99% of the  
14 pollution, and we all know it, is from Village  
15 streets. Village drains go overboard. It's  
16 like -- and then we talk about severe penalties.  
17 How does the Village penalize itself? So I just  
18 wanted to throw that out there.

19 You know, you could talk a first flush  
20 system, and we put a few in over the years in the  
21 Village, which is -- they don't cost that much,  
22 but you could -- on a certain amount of streets,  
23 unless the streets is really a mess, like at the  
24 end of Fifth Street, I don't know how many dry  
25 wells or this plastic thing, if contained -- it

1 goes in the ground, it's contained, the runoff  
2 where the pollutants are contained in it, but  
3 that would be expensive.

4           Anyway, I just wanted to comment on that.  
5 Thank you.

6           MAYOR NYCE: Thank you. If there's no one  
7 else that wishes to comment on this Local Law,  
8 then I would make the same comment on this one  
9 that I did on creating Chapter 114, to the  
10 Village Attorney, that we go through this after  
11 going through Chapter 114, and make the  
12 enforcement portion of it match what we created  
13 as Chapter 114, and we'll bring this up again at  
14 somewhere in the future.

15           That being said, I would entertain a motion  
16 to close that public hearing.

17           TRUSTEE MURRAY: So moved.

18           TRUSTEE HUBBARD: Second.

19           MAYOR NYCE: All those in favor?

20           TRUSTEE HUBBARD: Aye.

21           TRUSTEE MURRAY: Aye.

22           TRUSTEE PHILLIPS: Aye.

23           TRUSTEE ROBINS: Aye.

24           MAYOR NYCE: Aye.

25           Any opposed or abstentions?

1 (No response.)

2 MAYOR NYCE: That is closed. We've gotten  
3 through the public hearings. Thank you.

4 The next portion of this evening is a  
5 public -- I'm going to open a public comment  
6 period. I want to give a little bit of  
7 background on this before we do so, and also  
8 state that this is just the start of a public  
9 comment period that I and the Board anticipate  
10 will be going on for several months with regards  
11 to the use of Mitchell Park, primarily as  
12 pertains to the issuance of Mass Public Assembly  
13 Permits.

14 I have asked the Village Attorney to go  
15 over what rules, regulations and stipulations the  
16 State has placed on that property, because there  
17 was State money used to create Mitchell Park. So  
18 the State may have some limitations as to what we  
19 can do as far as fees, usages, etcetera,  
20 etcetera, so I've asked him to review that.

21 Primarily, what we're looking for comment  
22 on at this point is should the Village grant Mass  
23 Public Assembly Permits for the use of Mitchell  
24 Park or not. We cannot eliminate people to  
25 congregate at Mitchell Park. It's a public park,

1 people can do in the park what they wish, as long  
2 as they're not constricting anyone else's use to  
3 that public space.

4 We have -- as many of you know, the park is  
5 fairly new in the grand scheme of things. What  
6 this administration has done is to attempt to,  
7 without ultimately putting real strict controls  
8 on the park, to see what the use was going to be  
9 over time. So instead of coming up with a hard  
10 and fast list of rules from day one as to what  
11 the park could be used for and not used for, what  
12 we opted to do is go on a case-by-case basis, and  
13 the stipulations were that if there was a public  
14 benefit, and it wasn't constricting a majority of  
15 the people's use of the park, or it was a major  
16 public function that the Village was a sponsor or  
17 cosponsor of, then we would allow it.

18 And comments have been made over the past  
19 seven years that the park was going to be used,  
20 and eventually overused, and there would come a  
21 time when there wouldn't be a weekend when there  
22 wouldn't be some event happening in the park.  
23 That has come to pass. And over the course of  
24 last summer and this spring, this Board started  
25 to look to deny different activities because of

1 that extended use of the park. This spring we  
2 denied a couple of activities that we thought  
3 were not appropriate for the park. We had to  
4 backtrack. But, as we were doing that, Trustee  
5 Hubbard made the comment that you're not going to  
6 be able to go to Mitchell Park on any given day  
7 without somebody renting, because that's what the  
8 Mass Public Assembly Permit really does, a  
9 portion of the park.

10 So what we determined to do at last month's  
11 meeting was to place a moratorium on the Mass  
12 Public Assembly Permits for Mitchell Park while  
13 we determined, through a long-term public  
14 conversation, how we want the park to be used  
15 going into the future. There were two things  
16 brought up at that meeting as ways forward. One  
17 was to make the fee for the use of the park for  
18 the Mass Public Assembly Permit prohibitive.  
19 George had suggested \$1,000, I suggested 2500,  
20 not knowing whether or not we can enforce that,  
21 because the State may stipulate an amount that we  
22 can charge. But that would be the one way to go.  
23 The other would be to eliminate Mass Public  
24 Assembly Permits entirely, and it would just be a  
25 public park where people could assemble as of

1 right. And if they were impeding other people's  
2 rights, they would be asked to move on, etcetera.

3 So, with that, we are looking for input  
4 from the public. The Board will be discussing  
5 this at length, I'm assuming for the next several  
6 months at meetings. We'll accept comment  
7 written. You can write to the Clerk, you can  
8 email to the website, [villageofgreenport.org](http://villageofgreenport.org), and  
9 we'll take the comments tonight. The idea is to  
10 basically take the temperature of what do people  
11 think we should be doing with our local park.

12 I know there was a lengthy discussion. I  
13 wasn't at the BID meeting. The Business  
14 Improvement District is going to want to weigh in  
15 on this. I notice Linda Kessler is here. I  
16 don't know if she's here representing the BID. I  
17 talked to Peter Clarke. They are going to have a  
18 public comment at some point. I told him it was  
19 going to be a longer term for the comment period,  
20 so I guess he opted not to make that public  
21 comment tonight, but we'd be looking for their  
22 comments as well.

23 So, with that, I'll open it up. Sylvia,  
24 you have a list of people that wanted to speak on  
25 this as well?

1           CLERK PIRILLO: Well, I have Mrs. Osinski  
2 and Mr. Roberts. I don't know their subject  
3 matters.

4           MRS. OSINSKI: I'm deferring to Mike  
5 Osinski, if that's okay.

6           CLERK PIRILLO: Okay.

7           MAYOR NYCE: Okay. Your name and address  
8 for the record.

9           MR. OSINSKI: Michael Osinski, 307 Flint  
10 Street.

11           I'd like to read the First Amendment to the  
12 Constitution, United States Constitution.

13 "Congress shall make no law respecting an  
14 establishment of religion, or prohibit the free  
15 exercise thereof; or abridging the freedom of  
16 speech, or of the press, or the right of the  
17 people peaceably to assemble."

18           I think that -- and it goes on a little  
19 bit. But I think that this Board, you know, this  
20 is the governing document under which we all live  
21 in this country, and I think this Board should  
22 tread very lightly on the amount of restriction  
23 that it wants to place on public property,  
24 because we, as citizens of this nation, have the  
25 right to assemble. And I may disagree with

1 people, or whatever, and, you know -- but they  
2 have that right to assemble. And I would not  
3 want -- this is a public place that they want to  
4 assemble in. And I think that the Board should  
5 be very circumspect in its limitation of the  
6 right of American citizens to assemble peaceably.

7 Now if people are rowdy, drunk, that's  
8 another thing. Okay? But I go through the park  
9 almost every day, I see drunks loitering in there  
10 every day, every day. I go through -- I mean, I  
11 benefit from the Maritime Museum, the annual  
12 whatever it is, Maritime Festival here. You  
13 know, I sell oysters, and that's a big -- that's  
14 a big event. It takes over the whole Village, it  
15 takes over the park. There's a lot of events.

16 You know, we have Christmas tree lighting.  
17 That's, you know, just in and of itself is a  
18 religious event. We have a menorah that gets  
19 lit, you know, that happens in the park. Let's  
20 let everybody use that park and let's let  
21 everybody assemble. You know, this is a right  
22 that citizens have, that if you try to curtail  
23 it, people will contest it and you'll lose. You  
24 know, it's the First Amendment of the United  
25 States Constitution.

1           MAYOR NYCE: But let me clarify. The Mass  
2 Public Assembly Permit, as issued by the Village  
3 Board, what that does -- I should have started  
4 with this. What that does is that gives that  
5 applicant specific rights to a specific portion  
6 of the park for their event. Okay? If we don't  
7 grant that, the park is exactly as Mr. Osinski  
8 said, it is an open space, anyone can use it,  
9 anyone can assemble, that that is -- that is a  
10 citizen's right to do. So this Board is  
11 looking --

12           MR. OSINSKI: But the permit process is a  
13 good process to control what they do there,  
14 what -- you know, if it's out of bounds. The  
15 permit process is a good process.

16           MAYOR NYCE: All the permit process will  
17 allow us to do is to authorize use of specific  
18 structures, amplification. We cannot limit  
19 people's right to assemble, regardless of who  
20 they are. It's a Mass Public Assembly Permit.  
21 All it does is it grants a specific portion of  
22 that property to a group for a specified period  
23 of time.

24           Okay. Who else was on the -- is there  
25 anyone else on the list? That was it?

1 CLERK PIRILLO: Mr. Roberts.

2 MAYOR NYCE: Mr. Roberts.

3 MR. ROBERTS: Good evening. Doug Roberts,  
4 415 Sixth Avenue.

5 So Mitchell Park's amazing. It's part of  
6 why I moved here, I think a lot of us who have  
7 come in the last 10 years or so. We have a lot  
8 of other parks in this Village, too, and some of  
9 them are not so amazing. I see kids playing in,  
10 you know, some conditions over here that  
11 sometimes I'm not sure I would want my own  
12 daughter, when she grows up, to play in. We've  
13 got port-o-potties instead of bathrooms. This  
14 stuff I'm not, you know, Pollyanna. This stuff  
15 takes money, it takes revenue. We have a  
16 potential revenue-generator in Mitchell Park.

17 I don't want to take this park away from  
18 any Villagers, but it occurs to me that the  
19 vineyards around here, they rent their space out  
20 for five grand, ten grand. That's before you  
21 bought a glass of wine and a piece of cake. So  
22 I'm not pretending that we could host weddings  
23 here, I'm not saying we should, but this could be  
24 a revenue-generator. Like any investment, you  
25 know, if you pay a bunch of money each year for

1 the financing on it, right? Like any investment,  
2 let's figure out ways to turn it into revenue,  
3 while still making it a public park.

4 I, for one, am a Villager who would support  
5 something like five to ten days a year with  
6 specific rules. We have to end the event by a  
7 certain hour, the volume has to be at a certain  
8 level or lower. But I'd sign up for big-money  
9 events that can bring revenue into the Village,  
10 pay off our debt faster, and get these other  
11 parks where a lot of the Villagers, the locals,  
12 where our kids play, get those looking better  
13 sooner, so -- or fix some sidewalks.

14 You know, my wife and I walk our baby in a  
15 stroller on the street most blocks around here,  
16 because there are potholes, or roots, or  
17 whatever. I know this stuff takes money. That's  
18 a park where we could make money. I'd love to  
19 see you all think about ways that -- where we  
20 could do that.

21 And if it has to go for a public  
22 referendum, because, you know, we're going to  
23 take people's park away for ten nights a year or  
24 five nights a year, let's figure out -- let's put  
25 it before the public. Let's everybody vote, and

1 if -- you know, we make it clear. If you support  
2 this, there are going to be ten nights where there  
3 might be an event there that has people from out  
4 of town.

5 And, by the way, for these events, we  
6 should require, if you come here and use our  
7 park, you've got to hire -- you know, your  
8 vending has to come from local vendors, from  
9 Village vendors. You know, let's make it a way  
10 for our businesses to make money, let's make it a  
11 way for our Village to pay off our debt faster  
12 and improve our other parks. So I'd love to see  
13 that. Thank you.

14 MAYOR NYCE: Thank you.

15 MS. MC ENTEE: May I speak?

16 MAYOR NYCE: Yeah, please.

17 MS. MC ENTEE: Joanne McEntee, 242 Fifth  
18 Avenue, Greenport.

19 I just have a couple of questions, like who  
20 would determine that Mitchell Park is appropriate  
21 for its use? Who would be that person that would  
22 be making the decision for those people to make  
23 -- to be at the park?

24 MAYOR NYCE: This Board makes that  
25 decision.

1 MS. MC ENTEE: This Board does?

2 MAYOR NYCE: Yes.

3 MS. MC ENTEE: And that's great. I do  
4 believe that Mitchell Park needs to bring in a  
5 lot more money. We are in a deficit right now.  
6 I'm happy to see that our Village is moving in a  
7 direction, or hope that it will be moving in a  
8 direction, and that this brings in more cash for us.

9 That's really all I have to say. Thank  
10 you.

11 MAYOR NYCE: Thank you. Mr. Swiskey, and  
12 then MR. Moore, if you wanted to comment.

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

15 There's something here that most people  
16 don't understand, and the best story I could tell  
17 of it is there's launching ramp in Jamesport the  
18 Town of Riverhead put in, which used a lot of  
19 State money. And way back when, the Town of  
20 Riverhead was going to charge. Anybody that used  
21 the ramp had to pay a fee if you weren't a  
22 Riverhead resident. Well, somebody took them to  
23 court and sued. Since it was paid for with State  
24 money and Federal money, guess what, you can't do  
25 that.

1           And besides, they talk about a  
2 revenue-generator. To generate enough revenue in  
3 that park to make a difference on the debt -- the  
4 debt has to be paid by the Marina, and these big  
5 ships that are coming are going to do it. I'm  
6 looking at like there's six or 700 feet of tall  
7 ship down there, times \$4 a day, plus the --  
8 that's where your money's going to come from. To  
9 generate enough money out of that park, which is  
10 a pipe dream, you know, the park, you're going to  
11 rent the park because the Carousel's there, that  
12 generates some money, but that park would be  
13 destroyed.

14           The purpose of the park, to begin with, and  
15 I was here when it was first proposed and put  
16 together, I can remember when they had the shovel  
17 raising in the middle of winter, they had to go  
18 down there with jackhammer, make a hole and put  
19 some sand in there, so the politicians could do  
20 that. And the politicians said, "No, you got to  
21 come over." "But why?" You know what I mean?

22           But the point is that it's come down to  
23 this: We got away with it for a long time with  
24 the menorah lighting, you know, we got to say  
25 what it is, but now we've been caught. So now

1       it's either all or nothing. So you can't say,  
2       "Well, we're going to let the Maritime Museum use  
3       it." They're not basically a Village agency,  
4       even though we will support their function. That  
5       will just get you in trouble in court. Or a boat  
6       show from the -- that will get you in trouble,  
7       too. You either have to permit everything or  
8       permit nothing, except what the Village sponsors,  
9       like Dances in the Park that you can prove that  
10      you're putting these on. These other things  
11      you're not going to.

12                So it's a real catch 22 and you're going to  
13      need to have some ideas. And, like I said, it's  
14      -- the money to pay for the park is going to come  
15      from the Marina, it's not going to come from the  
16      park. I mean, the Greenport Band can play in the  
17      park. You can -- the religious group that was  
18      there the other day, and I don't speak against  
19      religious groups, but some merchants and some  
20      other people, "Well, they were rowdy and they  
21      were making noise. Did you hear them? They  
22      were" -- well, that's when, even though you had  
23      to allow them, that's when somebody from the  
24      Village went down -- should have went down there  
25      and said, "You're out of bounds, you're

1       disturbing the peace here, you're basically in  
2       violation, and you need some type of use  
3       ordinance." But you could have done it and said,  
4       "You either stop this nonsense or you have to  
5       leave the park."

6                You have to be able to enforce, and it's  
7       like it's going to be -- it's not going to be an  
8       easy thing to come up with this policy, because,  
9       like I say, it's been paid for mostly by Federal  
10      and State money. And we can't just tell some  
11      citizen from New York City that has his Federal  
12      taxes or State taxes, you can't go to this park  
13      and stand on a soap box and scream out your  
14      views. Oh, we can play -- we can stop them from  
15      screaming, but we can't stop them from  
16      congregating. Thank you.

17               MAYOR NYCE: Mr. Moore, and then John.

18               MR. MOORE: Doug Moore again, 145 Sterling  
19      Street.

20               I think the success of the park, as you  
21      indicated, has actually caused the problem that  
22      we're talking about tonight. And I think we've  
23      been watching and waiting probably long enough,  
24      so that it's time to have some established  
25      policies.

1           I think the public has generally supported  
2 the Village-sponsored activities. I think --  
3 I've never heard anyone say, "Well, that's just a  
4 terrible thing to have Dances in the Park." So  
5 those activities are certainly a good thing.

6           I think the Village could arrange for a  
7 determined number of events in the park in  
8 advance and take applications for them. I've  
9 suggested this in the past.

10           I think we do distinguish a difference  
11 between the freedom of -- right of assembly and  
12 freedom of speech to actually regulating and  
13 controlling organized activities of the park. So  
14 I think you could do that, and these would be  
15 based on merit, which basically apply to public  
16 interest and benefit to the community. And I  
17 think if you had established the standards that  
18 you use when evaluating these proposals, you  
19 really wouldn't have a problem.

20           One additional comment is that I think the  
21 profit motive for venues in the park should not  
22 be the consideration, I think it's the benefit to  
23 the public. I see nothing wrong with charging an  
24 appropriate application fee for processing, or  
25 the cost of the event and its cleanup, that's

1 certainly reasonable. But I think trying to turn  
2 the Village into a money-maker outside of the  
3 Marina activities really is against what the  
4 public is interested in. They'd like to use the  
5 park and perhaps allow a small amount of side use  
6 by appropriate groups. Thank you.

7 MAYOR NYCE: Thank you. Mr. Saladino, you  
8 wanted to comment?

9 MR. SALADINO: John Saladino, Sixth Street.  
10 I would like to echo also what Mr. Moore  
11 said. I think everyone should be able to use the  
12 park. You know, the park doesn't belong to me.  
13 I think everybody should use the park. And I  
14 think one of the reasons why we're here is  
15 because of the denial of a Mass Public Assembly  
16 Permit and then a granting of it, and then a  
17 little bit of craziness that happened with that  
18 event. I think that has a lot to do with what's  
19 going on now.

20 We all know -- Mike read the Constitution.  
21 We all know you can't limit the right to  
22 assemble, but you can kind of limit the way you  
23 do it, in my opinion, not being an attorney. I  
24 don't think you should be able to -- I think the  
25 Village -- I think the Village should have the

1 right to limit amplified music or -- especially  
2 when it's adjacent to another Village facility  
3 that people might be expecting peace and quiet.  
4 You know, I don't know what the boat is --

5 MAYOR NYCE: But they're next to Claudio's.

6 MR. SALADINO: Next to Claudio's. But I  
7 just -- I happened to be at the park for a  
8 particular event, and I must have spoke to -- I  
9 spoke to four or five of the larger boaters. I  
10 spoke to the crew from Skyfall, and I kind of  
11 asked, I said, "What do you guys think here?"  
12 And he says, "Oh, this is pretty crazy."

13 So do they have more of a right than the  
14 people that had the park? I don't know. I think  
15 they have an equal right. I think they should  
16 have been -- there should have been some kind of  
17 limit on how much noise or how much -- you have a  
18 right to religious freedom, but you don't have  
19 the right to be disruptive about it. You know,  
20 that's what I'm kind of thinking.

21 How you guys solve that is going to be a  
22 big deal, I think. You know, I don't know how  
23 you're going to solve that, but if you limit it  
24 to being undercover, or a certain portion.

25 I'm not sure I agree with my pal, Billy,

1 that, you know, the whole park should be  
2 available to the public. I kind of think you can  
3 set aside portions, if there is an event or  
4 something, that you limit the Mass Public  
5 Assembly Permit holder to that portion of the  
6 park, that it's not interfering with other stuff  
7 that's going on. I don't know if that's legal.  
8 Maybe Joe knows if that's legal or not.

9 Also, I know that, you know, in New York  
10 City, they have special event permits, you know,  
11 that -- everything in New York City is for rent.  
12 Everything that's there is for rent, from the  
13 library to the Statute of Liberty to the  
14 planetarium, everything is for rent. But it's  
15 not a matter of you walking in there and you set  
16 up a table and you sell lemonade. You've got to  
17 get a special events permit to do it and they put  
18 big restrictions on you, and they charge big  
19 money.

20 I don't know about the property. Do you  
21 guys know with these applications, that if you do  
22 give something that belongs to the Village to  
23 somebody else, the Village should be reimbursed  
24 for it? I don't know if -- I don't know if  
25 you're going to be able -- again, Billy seems to

1 know more about this than I do. I don't know if  
2 the State is really going to have a problem with  
3 you renting 2,000 square feet of Mitchell Park  
4 for a venue fee for somebody to put a tent and  
5 have their revival meeting, as an example.

6 So what you do, I think -- actually, I kind  
7 of thought the first step of this process would  
8 be to find out exactly what the State allows  
9 before we comment and say, "Well, no, that's  
10 baloney," you know, you could do this, and Billy,  
11 says, "No, you can't do it," and I say, "Yeah,  
12 you can." It would be a helpful thing to the  
13 people that are going to comment the next time if  
14 we knew exactly how the State felt about it, or  
15 the Federal Government felt about it.

16 You know, we kind of went through this  
17 process with the Railroad Dock, we kind of  
18 squared that away. So maybe now we'll find out  
19 what the State thinks about the park and then we  
20 can have a more informed opinion. Thanks.  
21 Thanks for listening.

22 MAYOR NYCE: That's a valid comment.  
23 That's a miscommunication between Trustee Hubbard  
24 and myself. We knew we were going to do this. I  
25 wasn't at the meeting that George set this up.

1 TRUSTEE HUBBARD: Right.

2 MR. SALADINO: Oh, as far as the State?

3 MAYOR NYCE: As far as the State. So I  
4 had -- when I came back, I asked the Village  
5 Attorney to start looking into that. We decided  
6 not to put off the start of the public comment  
7 period anyhow --

8 MR. SALADINO: No, it's good.

9 MAYOR NYCE: -- because it's a good public  
10 discussion. And, ultimately, this is what we  
11 need to determine, is what we want the park to be  
12 used for.

13 TRUSTEE HUBBARD: Right. We were just  
14 getting the ball rolling when we started it.

15 MAYOR NYCE: Absolutely.

16 TRUSTEE HUBBARD: We talked about it last  
17 month with the other public hearings; postpone  
18 it. My feeling was let's start discussing it.  
19 We'll, you know, get answers to the stuff today  
20 and then we'll come back again and we'll do it  
21 over again.

22 MAYOR NYCE: Absolutely.

23 TRUSTEE MURRAY: We can work on it.

24 MAYOR NYCE: Is there anyone else that  
25 wishes to comment on this?

1 MR. SALADINO: Winkler.

2 MAYOR NYCE: Yeah, John.

3 MR. WINKLER: John Winkler, 175 Fifth.

4 I would like this -- we keep talking about  
5 Mitchell Park, but this affects all the parks.

6 MAYOR NYCE: No.

7 MR. WINKLER: Third Street, Fifth Street.

8 MAYOR NYCE: We're talking about  
9 specifically Mitchell Park.

10 MR. WINKLER: Well, it's the same problem,  
11 though.

12 MAYOR NYCE: Oh, I'm sorry. I  
13 misunderstood what you were saying.

14 MR. WINKLER: And the other park. They are  
15 public parks also. And we did have a little bit  
16 of a revival down in Fifth Street Park.

17 MAYOR NYCE: It was more of a reunion.

18 MR. WINKLER: Not -- no, not the reunion.  
19 This was a religious event --

20 MAYOR NYCE: Oh, yeah?

21 MR. WINKLER: -- that was done down there.  
22 And, again, it was fine. They cleaned up and  
23 everything else. But they were loud and there  
24 were some complaints from the local -- you know,  
25 I think the residents from around the area. But

1 my question is, is we take a deposit when we do  
2 an MPA, right, and we give it back. We don't  
3 give it back?

4 MAYOR NYCE: No, it's nonrefundable, right?  
5 Mass Public Assembly Permit application fee is  
6 nonrefundable, right?

7 CLERK PIRILLO: The application fee is  
8 nonrefundable.

9 TRUSTEE HUBBARD: There's a \$500 deposit  
10 that gets returned, if there's no damage.

11 MAYOR NYCE: Right. There's an application  
12 fee that's not refunded, there's a deposit that  
13 is refunded.

14 MR. WINKLER: Okay. So I guess what I'm  
15 confused about is that, okay, the application  
16 fee, I don't know what the fee is, but --

17 MAYOR NYCE: Fifty bucks, I think, isn't it?

18 CLERK PIRILLO: (Nodded yes.)

19 MR. WINKLER: I think that the deposit or  
20 the application fee should be higher, okay,  
21 because even though somebody's using that  
22 facility one time or twice, the maintenance of  
23 that facility over the course of the year is  
24 costing the Village money. So, in order to keep  
25 the parks up to par for people to want to use

1       them, then we should keep that money. We should  
2       keep it and this is part of doing business. If  
3       you want to -- again, the fee that you charge,  
4       that's something that has to be figured out. But  
5       I think for every MPA, there should be a fee  
6       that's not given back, and maybe a little bit  
7       more deposit, so if they mess up the place, or  
8       they break something and we have to -- the  
9       Village has to repair it, fine, you take it out  
10      of that deposit.

11             But you got to -- you got to have -- people  
12      have to have skin in the game. Okay? If they  
13      don't, if they have a lot of money up in front,  
14      they're going to be more careful. Okay? But the  
15      money that we charge for the application should  
16      be spread over, and what -- what does it cost for  
17      the Village to maintain the park? What does it  
18      cost the Village to maintain Mitchell Park? It  
19      should be -- it should be fed into that revenue,  
20      okay, from the thing, because it's not just one  
21      time. The person is using it one time, but you  
22      have to maintain that park for the whole year.  
23      Okay? So they should be paying more than \$50.  
24      Okay? Whatever that fee is, again, it's up to  
25      the State; maybe we can't. But, again, I just

1 think in the case of all of the parks, not just  
2 Mitchell Park, with this MPA permit. Okay?  
3 Thank you.

4 MAYOR NYCE: Thank you. Anyone else who  
5 wishes to comment at this time?

6 (No response.)

7 MAYOR NYCE: All right. Then that would  
8 lead us into the basic public portion of our  
9 agenda, which opens it up to anything from the  
10 agenda. Does anyone wish to address the Board?

11 MR. SWISKEY: I do. First thing I'd ask, I  
12 had sent the Board an email today, I assume  
13 everybody got it, about -- because if you go to  
14 that website, man, there is a lot of rental  
15 activity going on in this village which is not  
16 regulated. I mean, one guy is offering 12 beds  
17 above a restaurant, and I know there's no  
18 sprinkler system in the restaurant. And I  
19 remember poor Mr. Gary Bartilucci on Main Street,  
20 when he wanted to build an apartment above his  
21 gallery, and you basically almost drove him out  
22 of town with the sprinkler system, and insisting  
23 -- do we intend to send our Village Administrator  
24 and our Building Inspector and our new Code  
25 Enforcement Officer around to these people and

1 say, "Hey, what's going on, you just can't rent  
2 this room"? I mean, you have to meet certain --  
3 and I read the new Village Rental Code and it's  
4 quite strict. It applies if you're renting a  
5 room or anything else. So does this Board -- you  
6 know, before I go too far, does this Board intend  
7 to take action on this matter?

8 MAYOR NYCE: I have already taken action on  
9 it. One thing you do need to know is that the  
10 rental permit is for year-round rentals, not  
11 for -- not for transient or seasonal rentals.

12 Secondly, I did ask both the Village  
13 Administrator and the Village Attorney to look  
14 into the whole Airbnb, or vacation property  
15 owners websites, etcetera, etcetera, to see what  
16 exactly we can and cannot regulate, and what our  
17 code does and does not apply, and they will be  
18 getting back to me shortly, and I will get back  
19 to you.

20 MR. SWISKEY: Well, I hate to disagree with  
21 you, but I read the Rental Code and in the --

22 MAYOR NYCE: Why would you disagree with  
23 me? I just told you what we were doing.

24 MR. SWISKEY: No, no, on the --

25 MAYOR NYCE: That's asinine.

1           MR. SWISKEY: You're saying it only applies  
2 to year-round. It applies -- it has a specific  
3 thing in there where it says the rental and it  
4 says transit rental. Basically, if you read the  
5 Rental Code, the whole thing, which I did, these  
6 apartments are covered, because, I mean,  
7 basically the code says if you rent it for less  
8 than a month, you still -- basically they're --  
9 these people are liable to the code.

10           TRUSTEE HUBBARD: No.

11           MAYOR NYCE: Transient and seasonal rentals  
12 were exempt from the rental permit --

13           MR. SWISKEY: Well, now we're exempting  
14 people and we're picking on people. I mean, this  
15 is not -- I don't know what you should think  
16 about this. This to me is unbelievable for you  
17 to say that when I read the Rental Code.

18           MAYOR NYCE: Read it again.

19           MR. SWISKEY: Perhaps Mr. Moore -- and I  
20 will, and I will send a copy of it to you.

21           MAYOR NYCE: Thank you.

22           MR. SWISKEY: And Mr. Moore and the rest of  
23 you.

24           MAYOR NYCE: I already have a copy. Just  
25 read it again.

1 MR. SWISKEY: But the Rental Code  
2 specifically mentions transient, transient  
3 rentals, and they're covered in the code.

4 MAYOR NYCE: Yes. No, they're not.

5 MR. MOORE: They're mentioned, but they're  
6 exempt.

7 MAYOR NYCE: They're mentioned, but they're  
8 not covered.

9 TRUSTEE ROBINS: They're not covered, yeah.

10 MAYOR NYCE: Thank you. Next. Do you have  
11 something else?

12 MR. SWISKEY: You're saying -- well, this  
13 sounds to me like the Village Board is picking  
14 and choosing who it wants to basically --

15 MAYOR NYCE: The Village Board already  
16 adopted the Rental Permit Law, we're not picking  
17 and choosing. That conversation we've already  
18 had. You've made your point. What's next?

19 MR. SWISKEY: Well, I'm speaking on this  
20 issue and I still have things to say. Like I  
21 said, this is -- the Board is basically -- it's  
22 picking and choosing who it wants to --

23 MAYOR NYCE: The Board is not picking and  
24 choosing. The Board has adopted a Rental Permit  
25 Law and we're enforcing that Rental Permit Law to

1 the letter of the law. So, if you're going on in  
2 the same subject, I suggest you move on to a  
3 different topic.

4 MR. SWISKEY: Well, how about this: How  
5 about running a commercial enterprise in a  
6 residential neighborhood, which is you -- you are  
7 doing when you rent a room, Mr. Mayor? That's no  
8 way around that, that's in the Tax Code.

9 MAYOR NYCE: As I said, I asked the Village  
10 Attorney and the Village Administrator to look  
11 into the situation and report back to me as to  
12 what we can and cannot do based on what our  
13 current code states. Would you like to move on,  
14 please?

15 MR. SWISKEY: No, I'd like to get some  
16 straight answers from you.

17 MAYOR NYCE: That was as straight an answer  
18 as you're going to get, Bill. I've asked them  
19 to --

20 MR. SWISKEY: Yeah. Well, that's the usual  
21 David -- that's the usual David Niece (phonetic)  
22 answer when he's cornered.

23 MAYOR NYCE: The last name is Nyce,  
24 Mr. Swyskey (phonetic).

25 MR. SWISKEY: And then these people know

1 it. I'm sorry. I mean, all right, I'll move on.  
2 But, like I said, that's the usual -- that's  
3 you're usual answer when you're cornered and you  
4 don't want to answer a question. All right?

5 MAYOR NYCE: That was a very straight  
6 answer, Mr. Swiskey (phonetic).

7 MR. SWISKEY: Yeah, a typical David Niece  
8 (phonetic) answer. Anyway --

9 MAYOR NYCE: Hey, Bill. Bill, for eight  
10 years my last name has -- actually, for 52 years  
11 my last name has been Nyce. You know my last  
12 name is Nyce. You can please pronounce it as  
13 Nyce, or we'll --

14 MR. SWISKEY: Well, I'm sorry if that  
15 offends you.

16 MAYOR NYCE: I'll start playing with your  
17 last name as well.

18 MR. SWISKEY: You know, you're using up my  
19 time now. All right?

20 MAYOR NYCE: No, sir. No, sir, I'm not  
21 using up your time.

22 MR. SWISKEY: Resolution 2014-9. Is  
23 Mr. Edwin Ward a Village resident?

24 MAYOR NYCE: No.

25 MR. SWISKEY: No? Where does he live?

1           MAYOR NYCE: I'll ask him when we introduce  
2 him later.

3           MR. SWISKEY: We hired a Code Enforcement  
4 Officer who's not a Village rent. We had  
5 applicants from the Village, I assume. Did we  
6 have applicants within it?

7           MAYOR NYCE: We had four applicants, two of  
8 which they interviewed, two that were  
9 interviewed, and we hired the most appropriate  
10 person.

11          MR. SWISKEY: Is he --

12          MAYOR NYCE: Now you have a problem with  
13 the way we hire people?

14          MR. SWISKEY: Is he an engineer or a --

15          MAYOR NYCE: Oh, my God, Bill.

16          MR. SWISKEY: No, I'm asking you -- I'm  
17 asking some simple questions, I expect some  
18 simple answers.

19          MAYOR NYCE: We will furnish his resume for  
20 you.

21          MR. SWISKEY: Thank you. Can I pick it up  
22 tomorrow?

23          MAYOR NYCE: Can you please furnish his  
24 resume? Thank you.

25          MR. SWISKEY: All right.

1           MAYOR NYCE: It would be a matter of public  
2 record anyhow.

3           MR. SWISKEY: Well, we know that. But when  
4 I FOIL for something, it usually takes me a long  
5 time to get it.

6           All right. Oh, here's one, Resolution  
7 2014-15. Exactly how much did we use in -- lose  
8 in yearly tax revenue from Hawkeye's certiorari,  
9 does anybody know?

10          ADMINISTRATOR PALLAS: I don't remember the  
11 exact amount.

12          MAYOR NYCE: I don't remember the exact  
13 amount. I'll have the --

14          TRUSTEE PHILLIPS: It's in last month's  
15 resolution that we passed. There was a change.

16          MR. SWISKEY: I mean, were they paying --  
17 if they were being a significant amount, like  
18 50%, that's quite --

19          MAYOR NYCE: I will have the Treasurer  
20 furnish that information. It was at -- he stated  
21 it at the work session, and it was taken care of  
22 last month.

23          TRUSTEE ROBINS: I have the work session  
24 reports here.

25          MAYOR NYCE: It's all right, he can get it

1 later.

2 MR. SWISKEY: You didn't state it at the  
3 work session, because I was at the work session.  
4 But if you don't know, I'll find out tomorrow.

5 MAYOR NYCE: Okay.

6 MR. SWISKEY: And now we have 2014-19. The  
7 Federal Government -- this is usually pretty  
8 serious when the U.S. Department of Labor gets  
9 involved. What's this costing us?

10 (Laughter)

11 MAYOR NYCE: Oh, my word.

12 MR. SWISKEY: It really is. They usually  
13 used to throw fines in with these things, too.

14 MAYOR NYCE: This is a --

15 MR. SWISKEY: I don't find it a laughing  
16 matter. Obviously, it's costing us money. Maybe  
17 you think it's a joke, taxpayers' money.

18 MAYOR NYCE: It's a three-digit figure.

19 TRUSTEE PHILLIPS: It's a three-digit  
20 figure.

21 MR. SWISKEY: What is the three-digit  
22 figure? Is that --

23 MR. CHARTERS: One hundred, 200, 300?

24 MR. SWISKEY: So it's up to \$1,000, then.

25 TRUSTEE PHILLIPS: No.

1 MR. CHARTERS: No, that would be more than  
2 three digits.

3 ADMINISTRATOR PALLAS: One-seventy-six.

4 MAYOR NYCE: One hundred and seventy --

5 MR. PALLAS: One-seventy-six and 55.

6 CLERK PIRILLO: And 55, 55 cents.

7 MAYOR NYCE: One-seventy-six and  
8 fifty-five.

9 TRUSTEE PHILLIPS: Fifty-five.

10 MR. SWISKEY: Was there a fine involved?

11 TRUSTEE PHILLIPS: No.

12 MAYOR NYCE: No.

13 CLERK PIRILLO: Yes, 15 cents.

14 TRUSTEE PHILLIPS: Oh, 15 cents.

15 MAYOR NYCE: Oh, sorry, there was a 15 cent  
16 fine.

17 MR. SWISKEY: You know, it's like I don't  
18 understand how this happened, you know, because  
19 the Feds usually will come back and fine you.

20 MAYOR NYCE: They did, 15 cents.

21 MR. SWISKEY: Oh, and one more thing here.  
22 I see this Tall Ship Steering Committee, it's got  
23 18 people on it, nine of them don't live in the  
24 Village. I would think you would try to get as  
25 many people in the Village as you could, because

1 it's your -- their money you're putting at risk.

2 MAYOR NYCE: Okay. Thank you.

3 MR. SWISKEY: I don't understand why  
4 there's nine outsiders. I know other people that  
5 wanted to get on, neighbors of mine, and they're  
6 not appointed to the committee. I don't get it.  
7 But then again, like I say, I don't think you  
8 people really care about taxpayers' money.

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

11 MR. SWISKEY: Saladino, you want to speak?

12 MAYOR NYCE: If not, that would --

13 MS. MC ENTEE: Joanne McEntee, 242 Fifth  
14 Avenue.

15 The Board and the community are here to  
16 help the Village of Greenport to make it a better  
17 community. We are all in it for the right  
18 reasons, yet, for different reasons. Some are  
19 for political reasons, some are for  
20 beautification, and for making sure that the  
21 State and the Village laws are followed.

22 The community experts -- expect answers,  
23 and we have seen in the past that this has not  
24 happened, and we're saddened about that. We  
25 expect that files are not missing within our

1 Village Hall, as we've been told in the past by  
2 Ms. Wingate. I do not really care to pick on  
3 Ms. Wingate tonight, but I do expect that the  
4 Hall find these missing files. They have to be  
5 there, they're there to be found, and I think  
6 that with the work of this Board, that you can  
7 find them all. And I do think in the past, in  
8 reference to my complaint against Ms. Wingate,  
9 that you can find them.

10 We would ask tonight, or I would ask  
11 tonight what action transpired to my formal  
12 complaint against Ms. Wingate? Does anybody know  
13 what has happened? Was there any action taken?  
14 Was there any resolution?

15 MAYOR NYCE: I've turned it over to the  
16 Village Administrator. It has been -- your  
17 complaint has been turned over to the Village  
18 Administrator and it's being investigated.

19 MS. MC ENTEE: And it's still being  
20 investigated?

21 MAYOR NYCE: Uh-huh.

22 MS. MC ENTEE: Thank you, I appreciate  
23 that. I have not gotten a response from any of  
24 the Board members, or no one, and I appreciate  
25 you telling us that tonight.

1           We, the public, would like to make -- would  
2           like to ensure that our rights are protected,  
3           that there are no more favoritism in our Village;  
4           that all is being done to make sure that the  
5           homes of renters are safe and the homes are in  
6           compliance with the New York State codes, Town  
7           codes, and Village codes.

8           Can you tell me what Ms. Wingate has  
9           recently taken, if any, as per the New York State  
10          Energy Training Codes?

11          MAYOR NYCE: Yes. She is current with her  
12          education.

13          MS. MC ENTEE: She's what?

14          MAYOR NYCE: She is current with her  
15          education.

16          MS. MC ENTEE: She's current. Well,  
17          which --

18          MAYOR NYCE: She took a course two months  
19          ago.

20          MS. MC ENTEE: In reference to energy  
21          codes?

22          MAYOR NYCE: No, in reference to State  
23          Building Codes.

24          MS. MC ENTEE: State Building Codes.

25          MAYOR NYCE: She is current with the

1 education that she needs, that she's required to  
2 carry for her position.

3 MS. MC ENTEE: Right. So, understanding  
4 that there are homes within our Village that were  
5 not followed with the energy codes, and are those  
6 homes being looked at?

7 MAYOR NYCE: I have no idea what you're  
8 getting at.

9 MS. MC ENTEE: You don't?

10 MAYOR NYCE: No.

11 MS. MC ENTEE: Well, it was in my  
12 complaint.

13 MAYOR NYCE: Everything that's been  
14 inspected by our Building Inspector has been  
15 inspected properly.

16 MS. MC ENTEE: Right, one person. One  
17 person.

18 MAYOR NYCE: There's one person --

19 MS. MC ENTEE: Right.

20 MAYOR NYCE: -- as a Building Inspector in  
21 this Village because it's one square mile.

22 MS. MC ENTEE: But, as Mr. Kehl had said in  
23 a previous meeting with the Board of Trustees, he  
24 has listed all the energy codes and they were not  
25 followed by -- and so I'm just trying to assist

1 and trying to find out.

2 MAYOR NYCE: And the energy code -- the  
3 energy code is -- that is required of new  
4 construction, it's not required of old  
5 construction. You are not required to -- my  
6 house is from 1862. I'm not required to now  
7 bring it up to current energy codes --

8 MS. MC ENTEE: But do you -- I'm sorry.

9 MAYOR NYCE: -- because it is a preexisting  
10 house.

11 MS. MC ENTEE: Right.

12 MAYOR NYCE: If I completely demolish that  
13 house and build it, I have to build it to current  
14 energy codes.

15 MS. MC ENTEE: Okay. I do understand that  
16 it is preexisting. I also realize that when you  
17 take something and make it from a fuel or oil  
18 home heating system and change it to electrical  
19 within our Village or within our state, that you  
20 do need to make sure that it is in compliance  
21 with all the energy codes and you will -- you  
22 cannot have sloughs, there's no insulation, and  
23 this is not followed by certain people or  
24 contractors that are hired, or in Eileen's words,  
25 and I won't say them exactly to the way she said

1 it at a previous meeting, that when other people  
2 went up to a home and inquired about a home that  
3 they thought maybe they might want to buy that  
4 home, it wasn't fit for their needs, but it was  
5 fit for a local contractor. And I disagreed with  
6 what she has to say. And we'll all have  
7 disagreements, don't get me wrong. I am saddened  
8 to see that most of these homes are favoritised  
9 to a contractor from Shelter Island, not our  
10 local contractors here in the Village or the Town  
11 of Southold. Let me tell you --

12 MAYOR NYCE: Those houses were bought by  
13 that contractor.

14 MS. MC ENTEE: I get that.

15 MAYOR NYCE: Any other contractor in the  
16 area had the opportunity --

17 MS. MC ENTEE: I get that, but what --

18 MAYOR NYCE: Please, let me finish now.

19 MS. MC ENTEE: Yes.

20 MAYOR NYCE: You're going to pick on a  
21 certain contractor, that's fine, but the rules  
22 apply to everybody the same.

23 MS. MC ENTEE: Absolutely, not.

24 MAYOR NYCE: Please. Every other  
25 contractor in Southold Town or the Village could

1 have bought those properties; they did not. Our  
2 Building Inspector inspects and makes sure that  
3 everybody does the same job everywhere.

4 MS. MC ENTEE: Okay. Let me just read you  
5 this last little piece that I have.

6 MAYOR NYCE: Thank you.

7 MS. MC ENTEE: I can take an old piece of  
8 furniture, which I have done in the past, and I  
9 can make it shine. Let's not let the Village  
10 extend to local contractors that make poop shine.  
11 A little paint inside and out, some landscaping,  
12 and new appliances does not work within our  
13 community. It doesn't make it in compliance. I  
14 am here to make this community a better  
15 community, and I wish this Board would really  
16 truly understand what I have to say.

17 Thank you for listening to me tonight.

18 MAYOR NYCE: Thank you.

19 MR. KEHL: Bob Kehl, 242 Fifth Avenue. Are  
20 any one of you engineers?

21 MAYOR NYCE: No.

22 TRUSTEE PHILLIPS: I don't profess to be  
23 one.

24 MR. KEHL: You're an engineer?

25 TRUSTEE PHILLIPS: Yes, he's an engineer.

1 MR. KEHL: You know what the New York State  
2 Energy Code is?

3 ADMINISTRATOR PALLAS: I'm familiar with  
4 the code. I don't know it by heart.

5 MR. KEHL: Well, you better dig into it.

6 ADMINISTRATOR PALLAS: Pardon?

7 MR. KEHL: Better dig into it, because I  
8 don't care what you're saying. When they take it  
9 and take a house that's certified, an engineer  
10 comes in and he does a whole certificate, and the  
11 whole house is figured as an envelope, and they  
12 start from scratch, and this is a minor. What I  
13 read last week is a minimum, or the last meeting,  
14 is a minimum for the insulation of the house.  
15 He's not even meeting things on the houses. He's  
16 skipped the things with the slabs. There's no  
17 insulation on the slabs. He's got R15, tops, in  
18 the walls instead of R26. He doesn't have any  
19 R49 in the ceiling. I've seen R19 in the  
20 ceilings. And he takes houses he doesn't have  
21 insulation and he's going to put in -- electric  
22 heat in.

23 When you take a house, it doesn't matter if  
24 it's existing or preexisting or not, you switch  
25 it from electric heat, all the rules go out the

1 window. You have to bring it up to code to put  
2 the electric heat in.

3 I've talked to three --

4 TRUSTEE MURRAY: Bob. Bob, he's not taking  
5 the walls out.

6 MR. KEHL: I've talked to three engineers.  
7 I've talked to Southold Building Department, they  
8 told me the same thing. They said, "What the  
9 hell is going on in Greenport?"

10 TRUSTEE MURRAY: Bob he's not taking the  
11 walls out.

12 MR. KEHL: He doesn't have to take the  
13 walls out.

14 TRUSTEE MURRAY: All right.

15 MR. KEHL: He's got houses with no  
16 insulation in them.

17 TRUSTEE MURRAY: No, he does not, Bob. You  
18 guys are bashing him.

19 MR. KEHL: Oh, you guys can blow smoke up  
20 my ass all day long.

21 MAYOR NYCE: We're going to keep it polite.

22 MR. KEHL: I'm trying, I really am. I'm  
23 really frustrated, because I've seen job after  
24 job after job, and she just turns her head the  
25 other way and let's it go, and you people just go

1 along with it. She's the Building Inspector, she  
2 comes in and enforces it. You know what, the  
3 engineer is writing out an energy report for that  
4 house based on oil heat, and she isn't checking  
5 to see if he's putting electric heat in there,  
6 and she's just rubber-stamping them as they go  
7 through. So tell me what you want, but nothing's  
8 being done.

9 MAYOR NYCE: Okay. The Village  
10 Administrator will make sure that she is doing  
11 what she's supposed to be doing. She enforces  
12 the code the same for everybody. That's your  
13 jobs and his jobs, the same for everybody.

14 Anybody else wish to address the Board?  
15 (No response.)

16 MAYOR NYCE: If not, that will conclude the  
17 public portion.

18 And I will offer RESOLUTION #07-2014-1,  
19 adopting the July 2014 agenda as printed. So  
20 moved.

21 TRUSTEE MURRAY: Second.

22 MAYOR NYCE: All those favor?

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE PHILLIPS: Aye.

1 TRUSTEE ROBINS: Aye.

2 MAYOR NYCE: Aye.

3 Any opposed or abstentions?

4 (No response.)

5 MAYOR NYCE: Before we move on to the next  
6 one, if the Board will indulge me, I'd like to  
7 take Item #9 out of order. We have Mr. Edwin  
8 Ward here, who we're looking to hire as our Code  
9 Enforcement Officer. He's sitting in the front,  
10 and I'd like to introduce him.

11 I don't know. Paul, do you and/or Sylvia  
12 want to say anything? They went through the  
13 interviewing process. You want to say anything  
14 about --

15 CLERK PIRILLO: You have the bio.

16 MAYOR NYCE: I have the bio.

17 CLERK PIRILLO: It's in your folder.

18 MAYOR NYCE: What's that?

19 CLERK PIRILLO: It's in your folder.

20 MAYOR NYCE: Sorry.

21 TRUSTEE HUBBARD: She should have warned  
22 you that you had it.

23 MAYOR NYCE: Yeah, you should have warned  
24 me that I had it (laughter). I don't see it,  
25 Sylvia.

1 ADMINISTRATOR PALLAS: Mayor, we'll do it.

2 CLERK PIRILLO: We'll do it.

3 MAYOR NYCE: All right.

4 CLERK PIRILLO: Mr. Pallas and I had the  
5 pleasure of interviewing Mr. Ward, and selected  
6 him as the most appropriate candidate for the  
7 job. He has been a Southold resident for 18  
8 years; was a member of the Police Department for  
9 many years, serving in Hauppauge with the Fourth  
10 Precinct; was a longstanding member of the COPE  
11 Division.

12 Mr. Ward is eager to join us, would like to  
13 -- his first order of business would be to  
14 establish a working rapport with the business  
15 owners, and also with the residents. He is  
16 accustomed to patrolling long-term. He was in  
17 the Bicycle Unit as well, and is very skilled at  
18 creating relationships, establishing them,  
19 maintaining them. And, again, his first order of  
20 business will be to introduce himself to everyone  
21 in the Village. And, of course, his familiarity  
22 with our code will then -- will then assist him  
23 and assist the residents and business owners.

24 MAYOR NYCE: Excellent.

25 CLERK PIRILLO: We look forward to him

1 coming on board. He'll be starting tomorrow at a  
2 20-hour-per-week position.

3 MAYOR NYCE: And I'll let him know in  
4 advance, there's an illegal brush pile in front  
5 313 Second Street. That would be my house. No,  
6 I'm kidding.

7 Just as a reminder, the Board, we've been  
8 talking about this for quite a long time. I  
9 apologize, my phone is buzzing. I'm excited that  
10 we are actually -- we're now at a point to hire  
11 Code Enforcement. I still think it's going to be  
12 a full-time position at some point, but to get  
13 into it as a part-time is fantastic. To be able  
14 to even start, starting with the major items  
15 being brush and snow removal, and all the rest of  
16 that.

17 I want to welcome you aboard. We're very  
18 happy to be starting on this process.

19 MR. WARD: Thank you. I look forward to  
20 working for the Village.

21 MAYOR NYCE: Excellent. So, with that, I  
22 will offer RESOLUTION #07-2014-9, hiring Edwin  
23 Ward as Code Enforcement Officer, effective July  
24 29, 2014, at an hourly rate of \$22.00; not to  
25 exceed 20 hours per week. So moved.

1 TRUSTEE HUBBARD: Second.

2 MAYOR NYCE: Any discussion on that motion?

3 (No response.)

4 MAYOR NYCE: Are we going to give him an  
5 opportunity to back out?

6 (Laughter)

7 MAYOR NYCE: I'll call the vote. All those  
8 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 Also to reiterate, that code enforcement  
18 and building inspection are going to be separate.  
19 He will be focusing primarily on code issues.  
20 Anything that he sees as far as Building  
21 Department will be referred to -- through the  
22 Village Administrator to the Building Department,  
23 and that would be handled. So it will relieve  
24 some of Ms. Wingate's load as far as the code  
25 enforcement portion of it, and she'll be focusing

1 now just on building code enforcement.

2 All right. With that, I'll ask that  
3 Trustee Murray read Resolution #22.

4 TRUSTEE MURRAY: RESOLUTION #07-2014-2,  
5 RESOLUTION accepting the monthly reports of the  
6 Greenport Fire Department, Village Administrator,  
7 Village Treasurer, Village Clerk, Village  
8 Attorney, Mayor and Board of Trustees. So moved.

9 TRUSTEE HUBBARD: 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 HUBBARD: Are we going to vote  
20 twice on this? Do you want to do the whole thing  
21 as a group?

22 MAYOR NYCE: I believe we can do it as a  
23 group.

24 TRUSTEE HUBBARD: Okay.

25 MAYOR NYCE: We can do the ratifications as

1 both of them, right?

2 MR. PROKOP: Yes, do them as one group, one  
3 vote.

4 MAYOR NYCE: I mean, unless someone has --

5 TRUSTEE HUBBARD: Okay.

6 MAYOR NYCE: -- an issue with it, we can  
7 lump them together.

8 TRUSTEE HUBBARD: All right. RESOLUTION  
9 #07-2014-3, RESOLUTION ratifying the following  
10 resolutions previously approved by the Board of  
11 Trustees at the Trustees' work session meeting  
12 held on July 21st, 2014:

13 RESOLUTION hiring Charles Bumble, III as a  
14 Laborer in the Road Department, at an hourly wage  
15 rate of \$14.00; effective July 23rd, 2014. All  
16 applicable health and other benefits apply to  
17 this full-time hiring, as does the requisite  
18 six-month Civil Service probationary period.

19 Also, RESOLUTION hiring Spencer Ganley as a  
20 Lifeguard in the Recreation Department, at an  
21 hourly wage rate of \$12.00 per hour; effective  
22 July 30th, 2014. So moved.

23 TRUSTEE ROBINS: Second.

24 TRUSTEE PHILLIPS: Mayor, could you just  
25 make a comment? Because I know there's been

1 several people in the public that have been upset  
2 because the lifeguard hasn't been down at the  
3 beach. Just state that this is straightened --  
4 you know, this is moving forward to straighten  
5 that situation out.

6 MAYOR NYCE: Yeah. We had hired someone  
7 that couldn't make it. And then, unfortunately,  
8 on this weekend, we had a person that could not  
9 show up as well.

10 We struggle with it. I know that both Paul  
11 and Sylvia had reached out to Southold Town.  
12 We're trying for next year to incorporate our  
13 lifeguards with Southold Town's lifeguards, so  
14 that we have a bigger -- pardon the pun, we have  
15 a bigger pool to choose from, and that way we  
16 have alternates as well; that if we do our hiring  
17 along with Southold Town, we shouldn't end up in  
18 the same -- with the same problem next year. We  
19 haven't had this problem in the past. This year,  
20 for whatever reason, we've just had a difficult  
21 time getting somebody that can show up on a  
22 regular basis.

23 TRUSTEE PHILLIPS: I think it's great that  
24 we're getting another person. It's just, you  
25 know, people have said something, and I think

1 they just need to know and be aware of what was  
2 going on.

3 MAYOR NYCE: Yeah, absolutely.

4 If there's no other discussion, I'll call  
5 the vote. All those in favor?

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 TRUSTEE ROBINS: Aye.

10 MAYOR NYCE: Aye.

11 Any opposed or abstentions?

12 (No response.)

13 MAYOR NYCE: That is ratified.

14 TRUSTEE ROBINS: RESOLUTION #07-2014-4,  
15 RESOLUTION hiring Jessica DeMartino as the  
16 Secretary for the Greenport Fire Department, at  
17 an hourly wage rate of \$12.50, not to exceed 17  
18 1/2 hours per week, effective July 29th, 2014.  
19 So moved.

20 TRUSTEE PHILLIPS: Second.

21 MAYOR NYCE: All those favor?

22 TRUSTEE HUBBARD: Aye.

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 TRUSTEE ROBINS: Aye.

1           MAYOR NYCE: Aye.

2           Any opposed or abstentions?

3           (No response.)

4           MAYOR NYCE: That motion carries. Welcome,  
5 Jessica, aboard.

6           TRUSTEE PHILLIPS: RESOLUTION #07-2014-5,  
7 RESOLUTION approving an increase in the hourly  
8 wage rate of Adam Hubbard from \$21.84 per hour to  
9 \$22.94 per hour, pursuant to Article VII  
10 (Salaries and Compensation), Section 9(c) - Merit  
11 Clause - of the current collective bargaining  
12 agreement between the CSEA and the Village of  
13 Greenport. This salary increase is to be  
14 effective upon receipt by the Clerk's Office of  
15 the Grade 3-A Wastewater Treatment Plant Operator  
16 certificate for Adam Hubbard. So moved.

17           TRUSTEE MURRAY: Second.

18           TRUSTEE PHILLIPS: So, if I'm to understand  
19 this correctly, he's taking the test and waiting  
20 for the results, or he's --

21           TRUSTEE HUBBARD: He's already taken the  
22 test and passed it, yeah.

23           TRUSTEE PHILLIPS: Okay. So --

24           TRUSTEE HUBBARD: The Clerk does have his  
25 certificate.

1 TRUSTEE PHILLIPS: Oh, okay.

2 TRUSTEE HUBBARD: So we do now have two 3-A  
3 operators --

4 TRUSTEE PHILLIPS: Okay.

5 TRUSTEE HUBBARD: -- for our plant.

6 MAYOR NYCE: Right.

7 TRUSTEE HUBBARD: It's a long ways from  
8 Severn and Trent, where we were --

9 TRUSTEE PHILLIPS: Right.

10 MAYOR NYCE: Absolutely.

11 TRUSTEE HUBBARD: -- six years ago that we  
12 have two on staff now inhouse, which is very  
13 good. I want to commend Adam --

14 MAYOR NYCE: Absolutely.

15 TRUSTEE HUBBARD: -- for taking the class  
16 and passing it.

17 MAYOR NYCE: Absolutely. And encourage --  
18 I know that Ray has done a fantastic job with  
19 those guys down there. I think Dan is working  
20 his way through the process as well.

21 TRUSTEE HUBBARD: Yes.

22 MAYOR NYCE: But, yeah, Ray's done a great  
23 job incentivizing these guys.

24 And, yeah, I also want to congratulate Adam  
25 on taking this. I know I talked to him years ago

1 when he moved from the electric plant to the  
2 sewer plant, saying at that time there was more  
3 opportunity for advancement at that point in the  
4 sewer plant than there was in the light plant,  
5 unfortunately, and he made the move, and it's  
6 great that --

7 TRUSTEE HUBBARD: Yeah, it's paying for him  
8 and us.

9 MAYOR NYCE: Yeah, it's great stuff.

10 I'll call the vote. 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 #07-2014-6,  
20 RESOLUTION approving an increase in the annual  
21 salary of Peter Manwaring from \$84,153.16 to  
22 \$88,873.16, pursuant to Article VII (Salaries and  
23 Compensation), Section 9(c) - Merit Clause - of  
24 the current collective bargaining agreement  
25 between the CSEA and the Village of Greenport.

1 This increase is retroactive to July 1st, 2013.

2 So moved.

3 TRUSTEE HUBBARD: Second.

4 MAYOR NYCE: 2013?

5 CLERK PIRILLO: Yes.

6 TRUSTEE ROBINS: 2014.

7 CLERK PIRILLO: No, 2013, and it's Section  
8 9(a).

9 MAYOR NYCE: 9(a).

10 TRUSTEE MURRAY: 9(a).

11 MAYOR NYCE: This is -- we've discussed  
12 this already, but Mr. Manwaring took over a lot  
13 of the work when Mr. Cybulski retired and  
14 Mr. Naylor moved on, specifically in the Water  
15 Department. And he took on those duties at the  
16 time at my request, with my word saying that we  
17 would make good on compensating him for the  
18 additional work that he was taking on. I want to  
19 thank him for doing that. He's done a  
20 magnificent job thus far.

21 The few projects that he's done have come  
22 in on or under budget, done successfully. I  
23 think he's doing -- there's more work being done  
24 in that Water Department than there had been for  
25 years, and I want to thank him for taking on the

1 additional responsibility.

2 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 #07-2014-7,  
12 RESOLUTION ratifying the hiring of Lifeguard  
13 Jacqueline Esposito, at an hourly wage rate of  
14 \$12.00, effective July 1st, 2014. So moved.

15 TRUSTEE ROBINS: Second.

16 MAYOR NYCE: All those 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 abstentions?

23 (No response.)

24 MAYOR NYCE: The motion carries.

25 TRUSTEE ROBINS: RESOLUTION #07-2014-8,

1 RESOLUTION approving an increase in the hourly  
2 wage rate of Camp Counselor Elizabeth Corwin from  
3 \$8.00 per hour to \$9.00 per hour, effective June  
4 30th, 2014. So moved.

5 TRUSTEE PHILLIPS: 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: The motion carries.

15 TRUSTEE PHILLIPS: RESOLUTION #07-2014-10,  
16 RESOLUTION approving and accepting the 2014  
17 Annual MS4 Report. So moved.

18 TRUSTEE MURRAY: Second.

19 MAYOR NYCE: And by way of discussion, this  
20 process is going to be a long and arduous process  
21 for the Village with this MS4 Program. And I  
22 think the Board has made it clear to Mr. Pallas,  
23 as we move forward, that we're doing this in slow  
24 steps and cautiously. It's expensive, it's very  
25 important.

1           As with most of these State programs, it's  
2 done for the right reason. I mean, everyone --  
3 we all want to clean up our waterways. In  
4 general, though, when larger governments do these  
5 things, the cost and the burden trickles down to  
6 the smaller municipality. So, as was witnessed  
7 by the public hearing tonight, we want to make  
8 sure that any of these Local Laws, and the  
9 program itself that we do fits what we're doing  
10 in this Village and what actually exists in this  
11 Village.

12           So I don't want my comments to be  
13 misconstrued that I'm opposed to the MS4 Program,  
14 I'm certainly not. I think that this Village has  
15 for a very long period of time witnessed a sewer  
16 plant that was here before, you know, a  
17 rudimentary sewer system before the 1900s, but a  
18 full-blown one in the '30s. We've been working  
19 for decades on cleaning the waterways around here  
20 and we will continue to do so.

21           All those in favor?

22           TRUSTEE HUBBARD: Aye.

23           TRUSTEE MURRAY: Aye.

24           TRUSTEE PHILLIPS: Aye.

25           TRUSTEE ROBINS: Aye.

1 MAYOR NYCE: Aye.

2 Any opposed or abstentions?

3 (No response.)

4 MAYOR NYCE: The motion carries.

5 TRUSTEE MURRAY: RESOLUTION #07-2014-11,  
6 RESOLUTION ratifying the Change Order to the  
7 contract between the Village of Greenport and  
8 Seacoast Marine Construction, Incorporated; in  
9 the amount of \$2,000.00; to account for one  
10 additional 60-foot pile. 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 #07-2014-12,  
22 RESOLUTION rescinding Resolution #04-2014-10,  
23 authorizing Treasurer Brandt to perform budget  
24 modification #1031 to increase appropriations in  
25 Account #A.7520.401 (Historical Property-Railroad

1 Museum) for a new heating/air conditioning  
2 system. So moved.

3 TRUSTEE ROBINS: Second.

4 MAYOR NYCE: By way of discussion, the next  
5 -- the reason for this is that we were actually  
6 able to do -- we moved money forward to fund  
7 that, and we were actually able to do it in this  
8 year's budget, as opposed to last year's.

9 MR. FISCHER: Isn't it the Maritime Museum,  
10 not the Railroad Museum?

11 MAYOR NYCE: Historical property. It's  
12 listed on our budget sheet as Historical  
13 Property, Railroad Museum, because it's the  
14 Railroad property.

15 MR. FISCHER: Oh, okay. Thank you.

16 MAYOR NYCE: 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 abstentions?

23 (No response.)

24 MAYOR NYCE: The motion carries.

25 TRUSTEE ROBINS: RESOLUTION #07-2014-13,

1 RESOLUTION authorizing Treasurer Brandt to  
2 perform attached budget transfer #1138 for Fiscal  
3 Year 2013/2014 year-end payroll accrual, and  
4 directing that budget transfer #1138 to be  
5 included as part of the formal meeting minutes  
6 for the July 28th, 2014 regular meeting of the  
7 Board of Trustees. So moved.

8 TRUSTEE PHILLIPS: 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 abstentions?

16 (No response.)

17 MAYOR NYCE: Motion carries.

18 TRUSTEE PHILLIPS: RESOLUTION #07-2014-14,  
19 RESOLUTION authorizing Treasurer Brandt to  
20 perform attached budget amendment #1139 to move  
21 donations for the Fifth Street Park from Fiscal  
22 Year 2013/2014 to Fiscal Year 2014/2015, and  
23 directing that budget amendment #1139 be included  
24 as part of the formal minutes, formal meeting  
25 minutes for the July 28th, 2014 regular meeting

1 of the Board of Trustees. So moved.

2 TRUSTEE MURRAY: 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: That motion carries.

12 TRUSTEE MURRAY: RESOLUTION #07-2014-15,  
13 RESOLUTION authorizing Treasurer Brandt to  
14 perform attached budget amendment #1145 funding  
15 the balance due on the Hawkeye tax grievance, and  
16 directing that budget amendment #1145 be included  
17 as part of the formal meeting minutes for the  
18 July 28th, 2014 regular meeting of the Board of  
19 Trustees. So moved.

20 TRUSTEE HUBBARD: Second.

21 MAYOR NYCE: All those in favor?

22 TRUSTEE HUBBARD: Aye.

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 TRUSTEE ROBINS: Aye.

1 MAYOR NYCE: Aye.

2 Any opposed or abstentions?

3 (No response.)

4 MAYOR NYCE: That motion carries.

5 TRUSTEE HUBBARD: RESOLUTION #07-2014-16,  
6 RESOLUTION authorizing Treasurer Brandt to  
7 perform attached budget amendment #1169 funding  
8 the change order for the Mitchell Park Marina  
9 east pier repair project, and directing that  
10 budget transfer #1169 be included as part of the  
11 formal meeting minutes for the July 28th, 2014  
12 regular meeting of the Board of Trustees. So  
13 moved.

14 TRUSTEE ROBINS: Second.

15 MAYOR NYCE: All 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 ROBINS: RESOLUTION #07-2014-17,  
25 RESOLUTION establishing a restricted fund for the

1 purpose of collecting PPAC surcharges for  
2 recovery of the costs associated with Fixed  
3 Price Transmission Congestion Contracts. So  
4 moved.

5 TRUSTEE PHILLIPS: 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 PHILLIPS: RESOLUTION #07-2014-18,  
16 RESOLUTION establishing and maintaining a  
17 restricted fund for the purpose of payments for  
18 the electric system infrastructure upgrade. So  
19 moved.

20 TRUSTEE MURRAY: Second.

21 MAYOR NYCE: By way of discussion, these  
22 two are sort of connected, as you all recall,  
23 based on our conversation with the New York Power  
24 Authority, moneys that were prepaid for the TCCs,  
25 for the Transmission Congestion Charges, and

1 wanted to make -- we wanted to make sure that the  
2 monies that we were collecting that had been cash  
3 outlaid that had been set aside for this capital  
4 project get put back into a restricted fund for  
5 that capital project. And so these monies, some  
6 will be going into Transmission Congestion  
7 Charges for future years, and this other -- the  
8 account that we're doing here now is for --  
9 specifically for the capital project upgrade.

10 TRUSTEE PHILLIPS: Which was part of the  
11 agreement with --

12 MAYOR NYCE: Which is part of the agreement  
13 with the Power Authority.

14 TRUSTEE PHILLIPS: -- the agreement with  
15 the Power Authority.

16 ADMINISTRATOR PALLAS: Just to note that  
17 the funds were already established. This is  
18 really --

19 MAYOR NYCE: Yes, for NYPA.

20 ADMINISTRATOR PALLAS: -- just to satisfy  
21 the request of the Power Authority, that we have  
22 an actual resolution.

23 MAYOR NYCE: Right.

24 TRUSTEE PHILLIPS: It doesn't change  
25 anything that we're doing currently.

1           MAYOR NYCE: Yeah, exactly. Thank you,  
2 because, yes, we had already established these  
3 funds and they were on our books, but they  
4 weren't listed the way the Power Authority wanted  
5 them listed, and they didn't have a resolution  
6 tying to them. So it's a housekeeping thing,  
7 that we've been doing this already. Thank you,  
8 Paul.

9           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: Motion carries.

18          TRUSTEE MURRAY: RESOLUTION #07-2014-19,  
19 RESOLUTION authorizing Mayor Nyce to sign the  
20 back wage compliance and wage agreement dated  
21 June 30th, 2014 between The Village of Greenport  
22 and the U.S. Department of Labor. So moved.

23          TRUSTEE HUBBARD: Second.

24          MAYOR NYCE: All those in favor?

25          TRUSTEE HUBBARD: Aye.

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: That motion carries.

8 TRUSTEE HUBBARD: RESOLUTION #07-2014-20,  
9 RESOLUTION amending resolution #05-2014-13, to  
10 revise the start date of Monique Summers as  
11 Utility Billing Clerk to June 30th, 2014, from  
12 June 11th, 2014. So moved.

13 TRUSTEE ROBINS: Second.

14 MAYOR NYCE: All those in favor?

15 TRUSTEE HUBBARD: Aye.

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 TRUSTEE ROBINS: Aye.

19 MAYOR NYCE: Aye.

20 Any opposed or abstentions?

21 (No response.)

22 MAYOR NYCE: That motion carries.

23 TRUSTEE ROBINS: RESOLUTION #07-2014-21,  
24 RESOLUTION approving the Standard Work Day and  
25 Reporting Resolution Form #RS 2417-A as attached,

1 and directing Clerk Pirillo to post the Standard  
2 Work Day and Reporting Resolution to the public  
3 for a minimum of thirty (30) days. So moved.

4 TRUSTEE PHILLIPS: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 TRUSTEE ROBINS: Aye.

10 MAYOR NYCE: Aye.

11 Any opposed or abstentions?

12 (No response.)

13 MAYOR NYCE: That motion carries.

14 TRUSTEE PHILLIPS: RESOLUTION #07-2014-22,  
15 RESOLUTION approving the request of Vanessa Mims  
16 to hold a "Stand Up to Cancer" barbecue  
17 fundraiser at the Fifth Street Beach/Park from  
18 12 noon through 4 p.m. on August 9th (2014). So  
19 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.

1 MAYOR NYCE: Aye.

2 Any opposed or abstentions?

3 (No response.)

4 MAYOR NYCE: That motion carries.

5 TRUSTEE MURRAY: RESOLUTION #07-2014-23,  
6 RESOLUTION appointing Diana Gordon as a Member of  
7 the Village of Greenport Zoning Board of Appeals,  
8 to fill the term of Denise Rathbun, which  
9 expires on April 4th, 2016. So moved.

10 TRUSTEE HUBBARD: Second.

11 MAYOR NYCE: All those in favor?

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 TRUSTEE ROBINS: Aye.

16 MAYOR NYCE: Aye.

17 Any opposed or abstentions?

18 (No response.)

19 MAYOR NYCE: That motion carries.

20 I'll do Resolution 24, George, if that's  
21 all right.

22 RESOLUTION #07-2014-24, appointing the  
23 following to the Tall Ships 2015 Event Steering  
24 Committee:

25 Mayor David Nyce

1 Trustee David Murray  
2 Trustee Julia Robins  
3 Village Administrator Paul Pallas  
4 Village Clerk Sylvia Pirillo  
5 Village Treasurer Robert Brandt  
6 Marina Manager Jeff Goubeaud  
7 Southold Town Police Chief Martin Flatley,  
8 or his assignee;  
9 Greenport Fire Department Chief Harry Breese, or his  
10 assignee;  
11 David Abatelli  
12 Michael Acebo  
13 Brian Berkery  
14 Dave Berson  
15 Ronald Breuer  
16 Joe Capuano  
17 Peter Clarke  
18 Dave Gameberg  
19 Linda Kessler  
20 And I'm missing --  
21 TRUSTEE PHILLIPS: And approving --  
22 MAYOR NYCE: No.  
23 ADMINISTRATOR PALLAS: Next page.  
24 MAYOR NYCE: There should be -- I'm sorry,  
25 Linda Kessler. There's also Sarah Phillips.

1 TRUSTEE ROBINS: Sarah Phillips.

2 MAYOR NYCE: Okay. So I'm sorry. Linda  
3 Kessler, and Sarah Phillips.

4 And approving that the Steering Committee  
5 arrange the 2015 event within the confines of  
6 both the established budget and structure of the  
7 event. So moved.

8 TRUSTEE HUBBARD: Second.

9 MAYOR NYCE: By way of discussion, we  
10 discussed this at the work session. The Steering  
11 Committee met. At that meeting, I asked the  
12 Steering Committee if there were any additional  
13 members that they would like to bring on. Peter  
14 Clarke had talked to John Winkler. I'd like to  
15 extend the invitation, John, to you to attend our  
16 next Steering Committee Meeting. We'll make  
17 it -- we'll formalize it at next month's meeting.

18 I have not had a chance to sit and talk to  
19 John prior to the meeting tonight, but I want to  
20 extend the invitation. We wanted to make sure we  
21 had some at-large members of the community  
22 involved on the Steering Committee as well.

23 And the idea with the Steering Committee,  
24 as we discussed before, it's the same as the last  
25 time. We identified members of the Board and

1 BID, and then members of the Fire Department,  
2 Police Department, people that we needed to make  
3 sure that the event was safe and would run  
4 smoothly.

5 TRUSTEE PHILLIPS: Can I just ask a  
6 question?

7 MAYOR NYCE: Please.

8 TRUSTEE PHILLIPS: Because I've noticed,  
9 that other than a couple of new names, most of  
10 them that are on here have dealt with the Tall  
11 Ships last time.

12 MAYOR NYCE: Yes.

13 TRUSTEE PHILLIPS: They were mostly the  
14 committee members that were established then.

15 MAYOR NYCE: Most of these people are  
16 returning.

17 The other thing is there should be an  
18 asterisk next to Brian Berkery. Brian was a paid  
19 person last time --

20 TRUSTEE PHILLIPS: Okay.

21 MAYOR NYCE: -- to do the promotion. He  
22 did all of the video work and he did the --

23 TRUSTEE PHILLIPS: I thought that name was  
24 familiar.

25 MAYOR NYCE: Yeah. I don't know for sure

1 that Brian is going to be involved or not. If he  
2 is, he's probably not necessarily appointed. He  
3 will be -- there will be two paid positions with  
4 this, one will be for promotion. I'm trying to  
5 find a local group that can do that, that will  
6 interface with the larger group that's promoting  
7 Hermione. And we will have somebody as the Event  
8 Coordinator that we will be hiring as well, all  
9 within the budget.

10 So, if there's no other discussion, I will  
11 call the vote on that. All those in favor?

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 TRUSTEE ROBINS: Aye.

16 MAYOR NYCE: Aye.

17 Any opposed or abstentions?

18 (No response.)

19 MAYOR NYCE: The motion carries.

20 I want to thank everyone on this list for  
21 helping out.

22 TRUSTEE HUBBARD: RESOLUTION #07-2014-25,  
23 RESOLUTION appointing David Abatelli to the  
24 Greenport Improvement Committee, and the Carousel  
25 Committee. So moved.

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: Just when he thought he was  
11 out.

12 TRUSTEE HUBBARD: So much for retirement.

13 MAYOR NYCE: That motion carries.

14 TRUSTEE ROBINS: RESOLUTION #07-2014-26,  
15 RESOLUTION approving all checks per the Voucher  
16 Summary Report dated July 24th, 2014, in the  
17 total amount of \$1,040,985.49 consisting of:

18 All regular checks in the amount of  
19 \$749,926.75;

20 And all prepaid checks (including wire  
21 transfers) in the amount of \$291,058.74.

22 So moved.

23 TRUSTEE PHILLIPS: Second.

24 MAYOR NYCE: All those in favor?

25 TRUSTEE HUBBARD: Aye.

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: That motion carries.

8 At 7:49, that concludes the business before

9 this Board. I will offer a motion to adjourn.

10 TRUSTEE HUBBARD: Second.

11 MAYOR NYCE: All those in favor?

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 TRUSTEE ROBINS: Aye.

16 MAYOR NYCE: Aye.

17 Any opposed?

18 (No response.)

19 MAYOR NYCE: That motion carries.

20 (Whereupon, the meeting was adjourned at 7:49 p.m.)

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# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year: 2014 Period: 5 Trans Type: B1 - Transfer Status: Batch  
 Trans No: 1138 Trans Date: 05/31/2014 User Ref: ROBERT  
 Requested: R. BRANDT Approved: Created by: ROBERT 07/01/2014  
 Description: PAYROLL ACCRUAL FOR FISCAL 2014 Account # Order: No  
 Print Parent Account: No

Account No.	Account Description	Amount
A.1010.100	BOARD OF TRUSTEES.PERSONNEL SERVICES	40.00
A.1210.100	MAYOR.PERSONNEL SERVICES	19.00
A.1325.100	TREASURER.PERSONNEL SERVICES	206.00
A.3410.451	FIRE.HOUSEKEEPING SERVICES..	682.00
A.3410.452	FIRE.SECRETARY SERV. EXP..	412.00
A.3620.100	SAFETY INSPECTION.PERSONNEL SERVICES	431.00
A.4020.100	REGISTRAR.PERSONNEL SERVICES	22.00
A.8010.100	ZONING.PERSONNEL SERVICES	195.00
A.8620.100	COMM DEV.PERSONNEL SERVICES	917.00
A.1410.100	CLERK.PERSONNEL SERVICES	-2,924.00
F.8310.102	LABOR OUTSIDE..	158.00
F.8310.101	SUPERVISORY LABOR..	-158.00
R.7110.100	PARKS..	79.00
R.7120.100	RECREATION CENTER..	44.00
R.7020.100	RECREATIONAL ADMINISTRATION..	-123.00
<b>Total Amount:</b>		<u>0.00</u>





