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

September 26, 2019
7:00 P.M.

BEFORE:
GEORGE HUBBARD, JR. - MAYOR
JACK MARTILOTTA - DEPUTY MAYOR
PETER CLARKE - TRUSTEE
MARY BESS PHILLIPS - TRUSTEE
JULIA ROBINS - TRUSTEE

JOSEPH PROKOP - VILLAGE ATTORNEY
SYLVIA PIRILLO - VILLAGE CLERK
PAUL PALLAS - VILLAGE ADMINISTRATOR
(The meeting was called to order at 7 p.m.)

MAYOR HUBBARD: Okay. I call the meeting to order. Pledge to the flag.

(All stood for the Pledge of Allegiance)

MAYOR HUBBARD: Please remain standing for a moment of silence for Albert George Cook, Muriel S. Snyder, Amber Stulsky, and former Mayor Joseph Townsend, Jr.

(Moment of Silence)

MAYOR HUBBARD: Thank you. You may be seated.

Okay. I've got a couple of announcements. The annual North Fork TV Festival will be held on October 4th, 2019 and October 5th, 2019. There's quite an array of different TV shows, panels, openings, and everything else, along with an opening and closing event. So anybody that can participate in it and goes down there, most of it's happening at the Movie Theater, and it's a very worthwhile event. This is the third year, and it keeps getting bigger and better each year. So just, hopefully, get a good turnout from Villagers to go and enjoy this.

The Carousel Committee is in need of volunteers. Please contact Village Clerk Sylvia
Pirillo if you are interested in joining the committee.

Liquor License Application: We have a new liquor license application for applicant "Entity to be formed by Emily Demarchelier" at 471 Main Street.

All right. We have a public comment period on proposed projects for Community Development Block Grant funds. The Village has applied for this. We've got several projects in the works. Hopefully, we get approval for it. But, at this point, if anybody wants to comment on that, your name and address for the record. And if you want to discuss it, come on up.

(No Response)

MAYOR HUBBARD: Okay. So do we need to close the comment period on that, or it's just a matter we had it and we're covered?

TRUSTEE PHILLIPS: Wait. Don't you have to have a -- I'm sorry, Robert. I believe we have to have a resolution that we had the hearing and closed it. I mean, have some kind of resolution, don't we?

TREASURER BRANDT: Yeah. We can do that, yeah.
TRUSTEE PHILLIPS: Or we could do that next month or this month?

TREASURER BRANDT: Yes. Yes, we could do it next month.

TRUSTEE PHILLIPS: Okay.

MAYOR HUBBARD: Okay.

MR. PROKOP: I think my recommendation would be to, if you -- hold it open until next month, and then put a resolution on the agenda.

MAYOR HUBBARD: Okay.

ATTORNEY PROKOP: I'm sorry. If it's going to be a resolution on the agenda, what I would do is I would close it tonight and then you'll have a resolution on the agenda. You might accept written comments for 15 days.

MR. BRANDT: Okay.

MAYOR HUBBARD: Okay. I'll offer a motion to close the public hearing, and accept written comments until next month's meeting.

TRUSTEE MARTILOTTA: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.
MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried. All right.

We have a public hearing, public hearing regarding a proposed amendment to Chapter 142 (Wetlands, Floodplains and Drainage) of the code of the Village of Greenport.

This is a public hearing we had had four months ago. We had change in -- changes in the wording on it, adding a two-year expiration date on wetlands permits. We could not vote on it at that time because we had gone by the 60 days that were required for the public hearing, so we had to renote it. We're redoing the public hearing. The only thing that's actually changing on it is a two-year expiration date on wetland permit applications.

So if anybody would like to comment on that, name and address for the record. You can come on up and comment on the public hearing on Chapter 142.

(No Response)

MAYOR HUBBARD: Okay. No comment on that, I'll offer a motion to close the public hearing on
Chapter 142.

TRUSTEE ROBINS: Second that.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

We will discuss that at our work session and vote to implement the changes at our next monthly meeting.

Okay. At this point, public to address the Board on any topic. Would anybody wish to address the Board? Yeah, come on up. Name and address for the record.

MR. WRIGHT: Absolutely.

MAYOR HUBBARD: Very good.

MR. WRIGHT: William Wright, 640 Flint Street. I just want to comment on the music coming from --

TRUSTEE CLARKE: Could you speak up into the microphone a little bit?
MR. WRIGHT: I absolutely can. Sorry.

TRUSTEE CLARKE: Thank you.

MR. WRIGHT: I'd like to comment on the music late at night. I think a good time to cut that off would be about 11 p.m. I think it's fair for everybody, if they have to make a living, and people got to sleep. And that's pretty much it.

And I'd like to also make one more comment. It was a good job on the -- on the festival this weekend by all, much appreciated.

MAYOR HUBBARD: Okay.

MR. WRIGHT: Thanks much.

MAYOR HUBBARD: Thank you. Anybody else wish to address the Board?

MR. BLUM: Hi. My name is Walter Blum, and I'm not actually a member in the Village. I don't belong in the Village, I'm just outside the Village boundary line.

But there were a couple of articles that were written recently in the Suffolk Times regarding about cesspools and wastewater systems going on. And I tried to look into it a little bit, and I understand that, I think, it was in 2009 you started to -- the Local Waterfront Revitalization Program; is that correct?
MAYOR HUBBARD: Yes.

MR. BLUM: And, at that time, you stated that all developments shall be served by the Village; is that correct?

MAYOR HUBBARD: Yes. Any new developments, anybody that's inside the Village is served by our sewer system.

MR. BLUM: Okay. My comment is that we have a wastewater management system here in place, and what's happening, because there was an article written about wastewater plant aims to reverse pollution in Suffolk County completely. And if you read the article, it said approximately three-quarters of the County's residents rely on cesspools, according to the article.

Since there is an existing wastewater system in place in the Village, why not expand the system? There is monies going to be available to the town, like Greenport, that I think you should possibly look into, if you can.

There's -- they're talking about $4 billion over the next 30 years. And I don't know whether you've planned anything, or whether anything is actually going on yet, but I certainly think that you should consider that.
And because Greenport would certainly fall into what they call Phase II, there's 170 -- 177,000 cesspools in the low lying coastal areas would be eliminated between 2020 and 2054, and that basically is this whole town, not just Greenport Village, but Southold, most of Southold, too. And is there any -- anything that is being considered at this point, or have you looked into this at all?

MAYOR HUBBARD: Okay. I can -- I believe it was six years ago, the Village went through a -- got a grant and did a study expanding the sewer system to the east and to the west. We're implementing that now. The section going to the east would bring in Sandy Beach --

MR. BLUM: Sandy Beach.

MAYOR HUBBARD: -- and the two marinas along there, and everything else. We're in the works on that, trying to get grants for that. The Village itself, the one square mile of the Village, we have sewers for all of that part, except for Sandy Beach, the 28 homes down there.

MR. BLUM: Right. Well, you expanded Sandy -- to Sandy Beach, I believe, what, in 2009?

TRUSTEE PHILLIPS: No.
MAYOR HUBBARD: No, they have -- they still are on cesspools.

MR. BLUM: No. I'm saying when expanded them into the Village, because they were not in the Village.

MAYOR HUBBARD: They've always -- they've been in the Village for 100 years.

TRUSTEE PHILLIPS: For a hundred years.

MR. BLUM: Really?

MAYOR HUBBARD: Sandy Beach has always been part of the Village, yes.

MR. BLUM: I just thought that the line went right down through Stirling, Stirling Basin.

MAYOR HUBBARD: Part of Stirling Harbor and Brewer's Marinas, part of it is in the Village, part of it is in the Town.

MR. BLUM: I know that.

MAYOR HUBBARD: But Sandy Beach is Village property in the Village district, and they always have been.

MR. BLUM: Well, we're on the -- we're on -- we're just beyond that. We're on the other side of -- we're on the Stirling Basin, but we're on the other side.

MAYOR HUBBARD: Okay.
MR. BLUM: Are you considering or expanding and going down Manhanset at any point?

MAYOR HUBBARD: The plan to go down Manhanset was very expensive, because there wasn't a lot of places around there. The new plan is actually putting in a pump station where the boat ramp is on the side of Brewer's going -- I believe that's Inlet Lane. No --

MR. BLUM: Inlet Lane.

MAYOR HUBBARD: Yes, on Inlet Lane. Put a pump station there, and then a pipe will be going from Stirling Harbor Marina to the pump station at the end of Manor Place. So anybody along that route from the east going around would be able to connect, if we could expand other places. I'm not sure exactly where your house is, but on Manor Place, there were not many places on Manhanset.

MR. BLUM: We're right on Robinson.

MAYOR HUBBARD: Okay. So there is -- to put something in there, we had no property to expand our system that way.

MR. BLUM: Right.

MAYOR HUBBARD: And it was quite a few million dollars to go and do that project. So we
went for the easier route to come across the channel. But I'm sure something could probably be worked out.

MR. BLUM: Because there's 26 homes you're talking about on Sandy Beach.

MAYOR HUBBARD: Uh-huh.

MR. BLUM: And there's approximately another 80 homes off of Manhanset that are not really being considered. And I certainly think that that ought to be a consideration, especially since there's going to be money available to probably expand this at this point here. So rather than restricting it to spending almost $2 million to bring a sewer system just across, under a small harbor, and with the chances of that, that could possibly rupture at any point, or have somebody hit it, it could be a problem. So I don't know whether you considered those possibilities at all.

MAYOR HUBBARD: Yeah. The eastern expansion, when that was discussed originally, was to come down Manhanset and Champlin and come around the other route. The trouble is we, the Village, owns no property up there to put in a pump station, because you would have to pump that, because it's a low lying area, to pump it into the
higher ground to connect it to the sewer pipe that comes from Peconic Landing, coming down Bailey and going down Atlantic. So we would have to have a pump station to actually lift the solid waste up to there, and we had no property to do that. That's why we went with the other way, coming across Stirling Harbor, and it's in a lower traffic area. Originally, we talked about going right across the channel and coming into Ludlam Place.

MR. BLUM: That would be --

MAYOR HUBBARD: And that was just -- there's too much traffic in the channel. That's why we moved it farther to the north and going off of Stirling Harbor's property. And we are working with Safe Harbor Marinas, for them to give us an easement and run their pipe across there. So that's -- that plan we have in place right now.

MR. BLUM: The only thing is that Safe Harbor is a relatively new person in the community --

MAYOR HUBBARD: Sure.

MR. BLUM: -- and you really don't know all of their reasons why they want to do that. Do they want to expand, maybe put condos in there?
MAYOR HUBBARD: Actually, they've got an acre of just cesspools right now. They'd like to get rid of the acre of cesspools and put another boat storage building on where they had the cesspools. And if they didn't have to have them -- and, I mean, every high tide, their stuff is leaching right out into Stirling Harbor. So we'd really like to see both marinas hooked up to cesspool -- I mean, hooked to sewer and coming right into our plant.

But their future expansion, that part of their property is all in Southold Town. That's beyond our jurisdiction. We have the end of one of their docks and part of one bulkhead. The rest of it is all to the Town to control, not us, but we would like to get them hooked up to our sewers.

MR. BLUM: All right. I just -- I just think that there is certainly possibilities that you ought to consider as far as those other 80 homeowners that are right on Manhanset.

MAYOR HUBBARD: Oh, yeah. No, I definitely -- I think once, if we get the grant and get everything put in place, and we have a sewer line that's coming up Manhanset from the two marinas, to take people up on -- where you are,
around the bend, to tie them into it, I think it's definitely going to be doable. It's a matter we need to get the infrastructure and to get something on that side of the creek coming across to our pump station at either Manor or Ludlam. Once that's in, we could expand that, I believe.

MR. BLUM: What about at the corner of Robinson -- not Robinson. Champlin and Manhanset, right there, that large property right there, there about five --

MAYOR HUBBARD: That's been preserved by Southold Town, that cannot be developed.

MR. BLUM: Well, not to develop it, to put a pumping station. Do you think they would allow that?

MAYOR HUBBARD: Well, it's somebody's else's property. It would have to be something that could be looked at. I mean, we were just looking at -- we didn't have any property of our own besides Sandy Beach. And a pump station on Sandy Beach would not be enough to go up Champlin, around Manhanset, because of the higher elevation, to pump it that far to be able to make it workable, so.

But, I mean, everything, with all this new
grant money they're coming out with, and
everything else, what Suffolk County is trying to
do and all, we are definitely looking at any
options. Right now, we're trying to get in what
we have in place at this point. If we can get
that connected, it's a big boost. And then
anybody else along that area that wants to tie
into it, I'm sure we'd be able to go and do that.

MR. BLUM: All right. Thank you very much.

MAYOR HUBBARD: Okay, you're welcome.

Anybody else wish to address the Board? Yeah, go
ahead.

MR. MACKEN: Just before I get into my
thing, there is a pump station on Sterling
Avenue --

MAYOR HUBBARD: Just name and address just
for the --

MR. MACKEN: All right. Okay. So, sorry,
yes. My name is Frank Macken, 138 Sterling
Avenue, and I wish to address the Board on issues
to do with the code.

So when we bought our house back in '97, the
current -- the policy of the administration at the
time was to encourage the use of the conversion of
accessory buildings and accessory apartments to
add them to the housing stock. And when we bought, there was an artist studio behind our house, a barn, a cottage, which is an artist studio, but had been used by the three previous owners as a guest cottage and for residential use, also. So, for the first five years, we used it as such, as a resident, and we rented out the house.

And then in 2002, I went to Mr. Abatelli, who was the Administrator at the time, and I said, "We want to convert the house." He said, "Well, okay, you could have a three-family there." And I said, "Well, we don't want a three-family, we'll have a two-family." He said, "Okay, you can have" -- "you can have the house, and then you could have an accessory apartment in the barn." I said, "Okay, that suits us fine." So we went ahead and we did the plans.

And then he inspected the cottage and he said "Well, you need to do this, this and this," and he gave me a list of things to do. But we spent all our money on renovating the house, so it took me a few years to actually, you know, get the -- you know, do the few things that he also suggested for the cottage. And I had them almost done, but I understood, mistakenly, that I had to
have them done before I applied. But then under
Mayor Nyce, they changed the policy overnight, and
basically removed any reference to accessory
apartments from the Village Code, and substituted
this very restrictive two-family policy, said you
could only have two families in the one building
on a property.

Now, this is an accessory building and it's
an accessory apartment, it's not actually a
two-family. But then we found ourselves in this
limbo situation with a bunch of other properties.
There are about two dozen of these properties in
the -- in the Village, and about over half them
have been converted and legalized to residential
use, because that was the policy under Mayor
Kapell. And so I was very surprised when this
happened. And then the whole -- you know, so I
just didn't know what to do.

And so we let it go for a little bit, and
then the whole circus blew up about short-term
rentals, which we weren't -- we weren't interested
in. But they -- so we said, okay, we'll let that
die down.

And then I approached one of the senior
Trustees, Ms. Phillips, and I explained the
situation, what I was going to do, and she encouraged me to do it. I said, "I believe the Mayor and the Board are in favor of affordable housing units in the Village." She said, "Yes, go ahead and do it," so I applied. But then I ran into this kind of really complicated kind of situation where we -- actually, it's taken 15 months, and part of the reason is that the ZBA Attorney voted that we needed an area variance. And the ZBA Committee looked to the Village to provide that, but the Village said, and I just -- I had another meeting with Mr. Pallas, that we actually need two variances, which doesn't make any sense. You either have one or you have the other.

So that's the situation. I -- and then I was informed that I would need to take an Article 78 to prove that the ZBA Attorney's opinion is actually the case, and I can't afford to do that. I've already spent almost $5,000 on this process, which normally would take a couple of months. In fact, the ZBA Committee were ready to inspect the building based on the area variance, and then nothing happened for the next 12 months.
Now, I approached another Trustee, Mr. Clarke, and he was very encouraging. I explained the situation. He said, "Yes, I'll talk to my colleagues and see if we get the zoning -- go look into that code issue."

So I'm appealing to the Board to look again at that code, and to -- you have left -- the way the code is written, was rewritten, rather, just throughout a longstanding policy in the Village of accessory apartments, use of accessory apartments and conversion of accessory apartments.

The Kapell Administration was quite progressive and, I think, forward-looking in this respect. It hasn't been the case in subsequent administrations. Southold Town has also got a relatively progressive policy on this, and I'm asking the Village and a number of other Long Island communities.

It's existing housing stock that could be added to the -- to the number of available worker housing, workforce housing in the Village. And I'd have to say that we're actually quite proud that over the years we have rented, because we needed to rent. We rented to like, I think, four chefs who worked in local restaurants, a
wine-maker and a store manager. And, I'm sorry, but I'm making no apology for that. I think it's something that's essential. If you talk to any business owner in the Village, they'll tell you that it's very important to increase the number of apartments that are available. And I think apartments should be added over the stores downtown. I can't understand why that hasn't been done.

I think the Village should look, you know, into what it has available, the spaces that it has available, and make it -- and not adopt restrictive policies, but actually encourage the conversion, assuming, of course, that they're appropriate for conversion. And I've actually had three, because I've known four different Village Inspectors -- Building Inspectors over the years, and three of them have looked at the -- at our cottage and said it's fine with a few minor tweaks.

So, basically, that's -- that's my appeal. Thank you.

MAYOR HUBBARD: Okay. We will discuss this Paul, the Village Administrator, Paul Pallas, and I'm sure he will contact you.
MR. MACKEN: Thank you.

MAYOR HUBBARD: Okay. Anybody else?

MR. WEISS: My name is Steve Weiss, I live at 117 Sterling Street.

As you all know, there's a hole being dug on the end of Sterling Avenue.

MAYOR HUBBARD: Yes.

MR. WEISS: And I have some concerns, and my concerns are this: There is a building permit attached to the fence that says the building is going to be built according to the stipulation agreement that was signed 3/12/2007. Now, I know what those plans are, I was involved in it in 2007.

There's a sign on the fence that said there's a residential development going up with a telephone number. When you call that telephone number, you're told that the -- it's going to be between 15 and 18 units, some of them as large as 2400 square feet, parking under the building. Now, that is not the stipulation. Is the developer doing this on his own, or has the Village in some way indicated that he can do this? I think that's an important question to be answered.
MAYOR HUBBARD: The Village has not indicated anything he's allowed. He has a building permit to build what was allowed in the stipulation. What's on his voicemail, I have no idea, I have not listened to it. I don't know what they're saying, but he's got a building permit to go per the stipulation.

MR. WEISS: All right. So I'm being told right now no one in the Village has encouraged him to do anything but what was on that stipulation agreement.

MAYOR HUBBARD: We have not voted on anything from the Village to do anything besides what's in the stipulation agreement.

MR. WEISS: Does anybody have the authority to make changes in that?

TRUSTEE PHILLIPS: No.

MR. WEISS: Does anybody -- can anybody say, "Well, they're minor changes, they're not really important changes, so we can do this"? Is that -- is that allowed?

MAYOR HUBBARD: No.

TRUSTEE PHILLIPS: No.

MR. WEISS: That's not allowed?

TRUSTEE PHILLIPS: No.
MAYOR HUBBARD: No.

MR. WEISS: Any change in his --

MAYOR HUBBARD: He has a building permit. He's allowed to build what is in his building permit.

MR. WEISS: First floor is designated on the stipulation as commercial. If it's not commercial, it has to go before the Planning Board again if he makes a change to do anything else?

MAYOR HUBBARD: If he's going to make changes, it's going to have to go back to all three parties that were in the lawsuit, and everything else, go back to Planning and Zoning.

MR. WEISS: All right. Also, the plans that were permitted seem to have things missing. I looked on them and tried to find what kind of surface there was in the parking areas, whether it was permeable or blacktop. I couldn't find it. I FOILed the Village and I got a plan that was drawn in 2002, and that's the only thing that shows any kind of site drainage. Doesn't say anything about blacktop, doesn't say anything about gravel, doesn't say anything. Now, can you issue a building permit without that being on the plans? Because you have --
MAYOR HUBBARD: I would have to ask what's actually on the plans. I mean --

MR. PALLAS: Yeah. I would have to review them again. I don't remember specifically what's on it. I'm not sure that the type of paving is indicated -- an indication of what type of paving is required to issue a building permit. The parking spaces are shown, the drainage is shown. I think beyond that, I don't know that we would hold up a permit or issue with or without it.

MR. WEISS: In the first sentence of what the Planning Board does is the Planning Board looks at permeable surfaces. Now, the Planning Board hasn't done this, or the Planning Board that approved this 12 years ago didn't do this?

MAYOR HUBBARD: No, I'm sure they did do that --

MR. WEISS: There's a 20 million --

MAYOR HUBBARD: -- and it's part of the settlement that you have that you signed onto.

MR. WEISS: There's a $20 million project being built.

MAYOR HUBBARD: I understand that.

MR. WEISS: And the Village Administrator tells me he doesn't know?
MAYOR HUBBARD: No, you're taking that completely out of context, Steve. The plans, I mean --

MR. WEISS: I don't thinks so.

MAYOR HUBBARD: Okay. Well, you were part of the lawsuit. You have your paperwork of what was approved. Everybody had that. That's part of public knowledge at County Center. You could go to County Center, get copies of the lawsuit. I mean, it's all right there.

MR. WEISS: Yeah, but there's a set of plans, dated March of this year, and that's what's being built, not what was being built in 2007.

MAYOR HUBBARD: It's built according to the stipulation from the New York State Supreme Court. That's all that's allowed to be built there. And the previous owners, Rich Raskin, Marty and Benny Rose came in, they got a building permit for what was approved by the State Law, by the State court order, and that's what they got a building permit for. That has not changed.

MR. WEISS: All right. The plans themselves are missing information.

MAYOR HUBBARD: Missing from whom?

MR. WEISS: Not supposed to have what
your -- blacktop or permeable driveway, isn't it
supposed to be on a site plan?

MAYOR HUBBARD: Steve, I did not go through
all 80 pages of the document.

MR. WEISS: Mr. Mayor --

MAYOR HUBBARD: I mean --

MR. WEISS: Well, somebody has, somebody
must have.

MAYOR HUBBARD: Well, you're saying they're
missing. I'm not -- I'm saying how do you know
they're missing? Where's --

MR. WEISS: Because I have the plans.

MAYOR HUBBARD: You have the plans?

MR. WEISS: I have a copy of the plans.

MAYOR HUBBARD: Okay.

MR. WEISS: They were FOILed.

MAYOR HUBBARD: And what's missing?

MR. WEISS: It doesn't say. Nowhere on it
does it say.

MAYOR HUBBARD: All right. Then we will
reach out to New York State Supreme Court and ask
them for what they approved and we'll get you a
copy of what they approved. You guys all signed
off on this. Your whole Homeowners Association,
with the people that owned the property --
MR. WEISS: Yes, I --

MAYOR HUBBARD: -- and the Village all

signed off on it, and everybody got copies of what
they signed off on --

MR. WEISS: Let me be --

MAYOR HUBBARD: -- as part of the

settlement.

MR. WEISS: Let me be clear here. I don't

speak for the Homeowners Association.

MAYOR HUBBARD: Okay.

MAYOR HUBBARD: I'm not -- okay, excuse me.

MR. WEISS: I speak for myself. And I'm

concerned that a building permit was issued for

this building that didn't take everything into

consideration it should have.

I FOILed the Village for the qualifications

of the Building Inspector, and, basically, what I

got back was the qualifications of a Code

Enforcement Officer, not a Building Inspector.

MAYOR HUBBARD: New York State does not

recognize a Building Inspector anymore, there is

no title under Civil Service. So that is --
MR. WEISS: There is nothing that says a Building Inspector has to have -- 

MAYOR HUBBARD: There is not a title for Building Inspector in New York State anymore under Civil Service. Code Enforcement Officer is the proper title, and we do have one of them, and he is working and doing the job for us.

MR. WEISS: Well, I'm thinking there are things missing here. I think there are things that weren't taken into consideration, and I would like the Village to look into it.

TRUSTEE PHILLIPS: Mayor, may I say something?

MAYOR HUBBARD: Okay. Yeah, go right ahead.

TRUSTEE PHILLIPS: Steve, as you know, I was involved in it.

MR. WEISS: Yes, ma'am.

TRUSTEE PHILLIPS: The Association went through, and they were at the Planning Board, they were at the ZBA meetings. At that time, the plans were presented to everybody at that time, and everyone looked at it and approved it. And it went -- you signed -- your Association, whether you're in it now or not, signed off on it, okay?

I do believe that the Planning Board, and I
could be wrong, they have the right for shrubbery, they have the right for whatever, to designate that. I believe, at that point, if it's not on there, I think that you would have to depend on the Building Department to require what would be the best for that particular site at the moment.

I'm sorry, you all -- it took a long time for people to start construction down there, but you all -- you know, there was a legal agreement that bypassed Planning and Zoning and the Village Board.

MR. WEISS: Mary Bess, I'm not, I'm not arguing the fact of what was signed off on, I know what was signed off on. I'm trying to determine if what was signed off on is actually being built. It seems to me that it's not, that the developer himself is saying things that aren't on the plans, and I just want the Village to be aware of that, that's all. So when it comes down to the fact that he -- that he doesn't put in five affordable units in there that can sell for no more than $175,000, that you're aware of that. He says he's putting rental units in. That's not in the stip.

MAYOR HUBBARD: Okay. I don't know who he said that to. If he said that to you, then you
have information that we don't have.

MR. WEISS: Okay. Well, I'm telling you what he said, and just --

MAYOR HUBBARD: To whom did he say that, if I could just ask?

MR. WEISS: I don't want to say the guy's name, but the guy who called on my behest --

MAYOR HUBBARD: Okay. All right.

MR. WEISS: -- who I was sitting next to when he did it.

MAYOR HUBBARD: Well, I mean, to me, that's just hearsay, then, because --

MR. WEISS: Well, this isn't a court.

MAYOR HUBBARD: -- I mean, that's not something we could take a ruling on, because it's hearsay from one person to another.

MR. WEISS: I don't want you to make a ruling. I want you to be aware of the fact, so that when the time comes, somebody doesn't come back and say, "Well, it's a minor change in the stipulation and we don't have to go through a process for that." That's what I'm concerned about.

MAYOR HUBBARD: Okay.

MR. WEISS: I know what the stip is. I'm
also concerned that the plans weren't complete, and that doesn't have anything to do with the court stipulation of 12 years ago. That has to do with a set of plans that was drawn in March of this year. There are errors in those --

MAYOR HUBBARD: The plans were drawn according --

MR. WEISS: There are errors in those plans.

MAYOR HUBBARD: Okay.

TRUSTEE PHILLIPS: All right.

MR. WEISS: And you should look into it, and your Building Inspector should look into it, because, apparently, no one has.

MAYOR HUBBARD: Yes, we have looked at all the plans and everything else. And on advice from the Village Attorney, nothing can be changed from the stipulation. He is allowed to build what's in the building permit, which is what goes back to the stipulation from 12 years ago. Anything that's different would have to come back before a Board.

MR. WEISS: Before the Planning Board?

MAYOR HUBBARD: Planning Board, Zoning Board, or the Village Board.

MR. WEISS: Good.
MAYOR HUBBARD: Either way.
MR. WEISS: Thank you very --
MAYOR HUBBARD: That's --
MR. WEISS: Thank you very much.
MAYOR HUBBARD: You're welcome. Okay.

Anybody else wish to address the Board?

MR. MACKEN: Hi. Yes, I -- so we're
directly across from the site, and this whole
thing is kind of a mystery to me, this -- about
this building, the size of this building, which
will be the largest building ever built in
Greenport.

And I talked to several people around the
Planning Board -- or not on the Planning Board, on
the Zoning Board. This one guy, he said he never
saw the plans back then. And there was an article
in the Suffolk Times last week where there was --
about work session for the Planning Board. And
Planning Board was cancelled this evening, so I
didn't get a chance to ask there. Where there was
a whole discussion about things that were being
built, and, you know, like things that were too
big for the site, and stuff like that.

And I was wondering if the Planning Board
has ever seen these plans, because what --
Ms. Phillips was quoted in the paper as saying, yes, we should -- because somebody brought up the idea of an expiration on building permits. And she said, yes, this would be a good idea. And these plans are 12 years old. Now you were -- you followed with a comment saying as long as it doesn't apply to current. So I find that -- I find that a little curious. I wanted to ask you about it, because these plans are 12 years old.

Now this building sat there for 12 years on the market because nobody wanted to build it. It was designed in committee, and Mayor Kapell insisted it be one big building, though everybody else disagreed. So they couldn't sell it. And then just before they sold -- and you were at a meeting, remember, when Mr. Raskin came --

MAYOR HUBBARD: Uh-huh.

MR. MACKEN: -- and did a last ditch attempt to make something? And then he couldn't do that, so then there were a bunch of discussions, and a local architect came up with a very interesting plan. And when the new develop -- when the new developer bought the -- bought -- Mr. Pawlowski, who seems to be intent on developing the whole North Fork, and good luck to him, as long as it's
done in the interest of the taxpayers and residents of those particular communities.

So the -- the -- where was I? The -- so the issue is these plans are from 12 years ago. The building is now functionally -- functionally obsolete, because the market has changed. The building sat there, and then they -- when he -- when this guy came in, he came with a new plan and said, "This is what I'm going to build." And everybody said, "Oh, wow." It's like a series of housing that fit right in with the neighborhood, whereas this new building that nobody wanted to build, I don't think even he wants to build it, but he feels he has to now, because he doesn't want to go back before a Planning Committee, he doesn't want to open up that whole can of worms.

MAYOR HUBBARD: Uh-huh.

MR. MACKEN: And seeing as he's skillfully -- or not skillfully, but somehow this building, this enormous building, 40,000 square feet, has evaded due process and Planning and Zoning, as far as I can see. Maybe it happened 12 years ago. I'd like to see the records, but certainly today, after Sandy. And this site was covered with water in Sandy, along with several of...
the other -- you know, water came right up to
Mr. Weiss' house. So there was water on that
side.

And since Sandy regulations have changed in
terms of what can be built and how things can be
built, the floodplain and all that kind of stuff,
and I'm not seeing that stuff. I looked at the
plans that Mr. Weiss had. I'm not seeing that
that is in there. And I'm not convinced that they
have been reviewed since 2007 and then brought up
to date. And the Planning -- I don't think the
Planning Board has seen it or anybody has seen it
and looked at it in that respect. And even the --
considering the load of -- so he's going to build,
supposedly, in the stip.

And, by the way, the -- part of the
stipulation is that he have a permeable surface in
the parking area back there. So that has to be,
because other houses were getting -- when there
was a previous lumber yard there, they were
getting water in their basement. And once that
building was taken down, they didn't get that
anymore, and I think several of the neighbors who
back right onto the property will tell you that.
So once -- so who has looked at the -- who
has looked at the load on the sewer, for instance, down -- you know, I know there's a pumping station right in the lot, actually --

MAYOR HUBBARD: Uh-huh.

MR. MACKEN: -- which belongs to the Village. But who has looked at the effects of that? If he has got a stipulation to build 12 units at market rate, and I think it's five, I think it's five units at affordable housing, permanent affordable housing, when you look at the -- and then 15,000 square feet of commercial. And that was put in there because Mayor Kapell was doing a last gas kind of, you know, effort to preserve the vestiges of the LWRP, the waterfront preservation thing. And, ironically enough, the last property that lost -- that had its waterfront commercial designation changed, who was, I think, Mitchell Park, which is kind of amusing.

So, anyway, so okay. So he said, "Well, there has to be commercial there," and the guy says, "Yes, we're going to have a water" -- or a yacht brokerage, brokerage and all this kind of stuff. So there's 15,000 square feet of that.

At the west end of the building, the commercial space is 20 feet high, and the
affordable units are perched on top of that without an elevator. So there's an elevator that serves the main building, and you go all the way along, you can get to the affordable. But the direct entrance to the affordable units above that appears to be up three flights of stairs, which, you know, seems a little gamey.

So, anyway, so -- okay. So say he builds this thing, the building that nobody wanted to build, but it seem to be have to -- feels he has to build it, he's got 15,000 square feet of commercial that's over 20 feet high. If he goes to convert that to residential use, he has to go back to the Planning Committee, correct?

MAYOR HUBBARD: Yes.

MR. MACKEN: Okay. So then that's got to be -- let's say that's another seven or eight units on top of that. So that's -- now we're up to 25, between 24 and 30 units. He wanted to build 28 units, I think, in the other -- in the other system, which is a beautiful plan, by the way. And the one that he presented to people and everybody said, and then quietly he switched back. Now, I'm not accusing him of bait and switch, but, you know, maybe he felt he has to do it, but there
was absolutely no publicity on the second part, when he switched back to this Frankenstein of a building, a giant white elephant. So, that's where we are at the moment.

So we've got this huge building. We've got undetermined, one-third of which is -- actually, more than one-third of which is undetermined use, because commercial use, you can't -- there's no commercial use down there. The access to the -- the only wide street there is Sterling Avenue, which is in the middle of -- it was only accessed by a very narrow Sterling Street, and even narrower Carpenter Street, and an even narrower, again, Ludlam Place.

So it's really -- I mean, trucks, when they go down there -- in the old days, when it was Fish Express, I watched the trucks getting around there. And then that was before, you know, Joey Schoenstein and the boys like, you know, they developed the waterfront lot there.

So then, when -- and I watched the truck coming around. I was coming around on Carpenter Street from the Library, and I saw a truck that had mounted the sidewalk just to get around onto Carpenter Street, attempt to mount the sidewalk up
in front of the old boathouse there.

So, I mean, what commercial, possible
commercial use could you have in there? There's
none. So he's going to effectively -- it's going
to be -- he's going to present the building with a
fete accompli, and say, "I have" -- "I have
nothing else. What can I do here? I have to
do" -- now he could say, "I have to do a hotel, I
have to do a bar or restaurant, I have to" --
"because these are the only commercial things I
can do." Or he could say, "Well, the alternative
is I get extra units."

So wouldn't it be better to actually take
these plans and just -- and figure out with him
before he puts a shovel in the ground, because
he's only putting in these drainage things so far.
Decide exactly what it's going to be and say okay.
Just negotiate with them, and go back and say,
"Look, what are we going to do hear? You
can't" -- "you're not going to" -- "you're not
going to saddle us with a" -- "with a kind of
a" -- you know, a bluff, where we're forced to
admit that you've got this useless commercial
space." Let's just step back. Let's step back
and look at the thing reasonably, everybody,
Planning Committee, Planning Board involved as well, and just say -- and talk to Mr. Pawlowski. He seems to be a reasonable guy. I don't know about his partners, but they -- he seems to be a reasonable guy, and let's work it out. Let's work out what's going -- what it's going to be before it actually happens. I think that would be better.

And, also, ask him why he switched from the much better plan, which was much more in scale with the neighborhood, and exactly -- you know, much more fitted in with the neighborhood, instead of this huge thing that could be parachuted in from the waterfront development in the City. All along Brooklyn you'll see these things. Now it's not going to be a tower, but it's going to be one of these kind of elongated things with multiple balconies and stuff. There's nothing like that around there.

Indeed, on the plan, it says stucco over wood frame. Now, I don't know if there's any stucco anywhere else in the Village, but it sure doesn't sound like Village. I don't know what's on the front of the Menhaden. Doesn't look that good, but, I mean, you know.
I mean, what are we doing here? I mean, are we -- let's do something that works for Greenport, that works for everybody, you know, that looks good, that's going to be functional, that's going to, you know, expand the tax base, but in favor of the -- in alignment with the taxpayers' and residents' interests and not the developer.

It shouldn't be the developer could just walk in here and say, "Okay, I'm going to build this, I'm going to build that, because I have a stipulation signed by the Supreme Court from 12 years ago," that is not being reviewed, properly reviewed in the light of current day and post Sandy.

So I'm just asking. I'm not saying anything, you know, I'm not being confrontational. I'm asking everybody to take a step back and have a look at this. It's kind of strange that just before the old owner sold the property he was issued a permit, whereas he had two -- on the -- on the stipulation, he had two years to get that permit and to start, to start working. So this is 12 years, that 10 years after that expired he gets a permit. Four months later, that permit is then a live permit. So then after 12 years in a
moribund state, this development is revived by means of this permit, and nobody seems to know who approved that permit. Then four months later that gets transferred to the new owner as a -- in July 16th, or something, of this year.

And those permits, I have to say those permits only appeared on the fence within the last 10 days or two weeks. There was never -- you know, there was never a permit. Like when you get a permit, you're supposed to display it. And, in fact, I don't see any permits displayed on buildings these days. I walk around Greenport, I go around Greenport, and any -- there's 10 new houses being built, and I haven't seen a permit on any of them. Maybe they're inside, I don't know. So, I mean, that makes me wonder as well just about how things are being reviewed and how things are being enforced.

In October of -- last October, at the Trustee meeting, Mr. Pallas said the search for a Senior Building Inspector continues, but the Village may have to raise the salary in order to do it. Now I don't want -- I don't see any -- I looked through the records, you know, online, I don't see where that's being -- actually being
revived. I don't think having a Code Enforcement Officer really cuts it, especially when you have a building of this -- a development of this size. I mean, I've been 40 years in the construction business, and I'm looking at these plans and I'm taking a while to look at it, you know?

So I don't think, with all due respect to Mr. Morris, I think he's got his hands full in enforcing the code. I'm not sure that -- you know, I don't know if you had somebody else review them. I certainly think that the people on the Planning Board should look at them. You know, I'm just saying what's going on here? Let's have a bit of transparency, let's bring it all out and look at these plans before it's built. I can't imagine anybody building anything larger than a shed that doesn't get approved -- doesn't need approval.

So, I mean, just because there was a lawsuit worked out and there was -- this kind of thing was hashed out in committee in the last week of the Kapell Administration, so it seems to have slipped between -- in the cracks. Then he -- then he left a week later, and then Nyce comes in, and then it kind of goes moribund, and now it -- and now it
pops its head up again. It's like a -- you know, an episode of Stranger Things, or something, like this thing is coming, whoa, you know.

I mean, so it's just weird. The whole thing is just strange to me, very strange. And I just think we need to -- we need to -- we need to all look at it again, because there are a huge number of question marks.

MAYOR HUBBARD: Okay. I could just answer a few things there.

MR. MACKEN: Sure.

MAYOR HUBBARD: There's nothing in the application that has triggered to go to the current Planning Board or Zoning Board. I believe the Planning Board and Zoning Board that were in office at the time, that were part of the Board 12 years ago, did their due diligence. They did their proper job on the application, and part of the lawsuit and everything else. So there's no reason -- I can't just send it to the Planning Board now because somebody wants it. There's got to be a trigger that sends it to Planning and Zoning. And as long as he adheres to the original stipulation, it does not have go back to Planning and Zoning at this point. If he changes anything
or wants to modify it, then it will have to, and
it will go through complete review with the
current Board that we have in place now.

But the Board that was on -- in place 12
years ago that approved this whole stipulation,
that's the ones that reviewed it at that point.
And there's no reason to send it back to our
Planning Board now, because anything they rule on,
there's no reason for it to go to them, and we'd
be in violation of what the Planning Board is
supposed to do.

MR. MACKEN: Okay. But then what about the
whole Sandy issue, and the flooding, and the
updated code?

MAYOR HUBBARD: Anything that's built now
has to conform to New York State Code. So if New
York State changed their codes from 2007 to now,
the new building would have to be up to current
code.

MR. PALLAS: Right.

MR. MACKEN: Okay.

MAYOR HUBBARD: You know, and that's what's
being -- that would be enforced on any property
that's done.

MR. MACKEN: But who's going to enforce it?
Who has looked at the plans for that? Who has reviewed the plan? That's what I'm saying, who's going to enforce that?

MAYOR HUBBARD: The Building Department is reviewing the plans.

MR. MACKEN: But the Building Department is effectively the Code Enforcement Officer, as far as I can see.

TRUSTEE PHILLIPS: No.

MR. MACKEN: There is no --

MAYOR HUBBARD: And the Attorney, and Village Administrator, so --

TRUSTEE PHILLIPS: And we have the --

MR. MACKEN: He's -- okay. He's an engineer. Okay.

MAYOR HUBBARD: If there's questions on any application or anything like that, we call NYCOM. New York Conference of Mayors gives legal advice on any question. If something is not clear, we will call them and get an interpretation from them, and they govern all of New York State, and every municipality uses their services.

MR. MACKEN: So what's the resistance to -- just having the Planning Board look it -- look it over? Why would you resist that? I mean, why

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would any -- I'm not saying you do.

  MAYOR HUBBARD: Resist what?
  MR. MACKEN: Why not just have the Planning
  Board look at it in detail?
  MAYOR HUBBARD: They can look at it, but
  they have no jurisdiction over the application.
  So to ask them to review it, they have no
  jurisdiction. Whatever they say, there's no
  jurisdiction, because there's a reason things
  going to the Planning Board.
  TRUSTEE PHILLIPS: They can't review it.
  MAYOR HUBBARD: That's part of the Village
  Code. There's no reason for it to go to them at
  this point.
  MR. MACKEN: So a trigger for that wouldn't
  be that, like, for instance, there are all kinds
  of issues raised by the current code, and Sandy,
  and stuff like that in the -- you know, the --
  TRUSTEE PHILLIPS: No.
  MAYOR HUBBARD: That would be New York State
  Code. Whatever is built now has to comply with
  New York State Code.
  MR. MACKEN: Uh-huh.
  TRUSTEE PHILLIPS: That's not going to take
  it anywhere.
MAYOR HUBBARD: So if New York State changed
something with elevations, or anything else, prior
to Sandy, and they changed something after Sandy,
whatever is built now would have to comply with
New York State Code.

MR. MACKEN: Okay. And so a famous actor
once said, he was famous for reasons other than
his acting ability, I have to say, he said,
"Trust, but verify." So trust a developer?
Maybe.

MAYOR HUBBARD: No, we're not trusting a
developer. He's building what he's allowed to
build.

MR. MACKEN: So who's verifying? That's
what my question is.

MAYOR HUBBARD: Whatever is in the plans,
it's being verified by the Village as he goes
through construction. Right now, they're working
on putting the footings in. The footings match
exactly what's on the plan of the shape, dimension
and everything else that's in the plan of what
he's allowed to build. That's all that's being
done right now is putting in the foundation.

MR. MACKEN: I don't think he started on the
foundation yet, but I've seen it --
MAYOR HUBBARD: Well, they're digging to be able to do that. Okay.

MR. MACKEN: -- and they're doing some drainage. But I'm not -- I don't think that -- like, it doesn't seem to me, just from my construction experience, and from talking to other people, that -- that we have, in fact, somebody qualified to review the plans.

TRUSTEE PHILLIPS: Okay, that's enough.

That's enough.

MAYOR HUBBARD: Okay. Well, I mean, it just --

TRUSTEE PHILLIPS: That's enough.

MR. MACKEN: I mean, that's the question. I mean, that's --

TRUSTEE PHILLIPS: That's enough.

MS. ALLEN: This needs to stop.

MR. MACKEN: I mean, that's, you know --

TRUSTEE PHILLIPS: That's enough.

MAYOR HUBBARD: Our people have gone to classes, they are certified to take care of the needs that we need. If you're second-guessing qualifications, or whatever, of the Village employees, you're going to have to come to Village Hall and we'll have a discussion about that.
We're not going to sit there and second-guess people that work for the Village --

MR. MACKEN: No.

MAYOR HUBBARD: -- saying they're not qualified to do something. We're not going to have that discussion here now.

MR. MACKEN: So we're not going to have a Senior -- a Senior Building Inspector at all?

MAYOR HUBBARD: There is nobody on the list available in Suffolk County that had applied for the job. There's nobody on the list through Suffolk County, which we're required to hire from. There's nobody on the list. There's nobody available to us right now.

MR. MACKEN: At the current, at the current salary structure, is that it? Or why is there not? I mean, apparently, the --

MAYOR HUBBARD: Well, we put the advertisement out there. There was nobody on the list. We tried that, it did not work. We tried for a Senior -- we tried for a Building Inspector, then a Senior Building Inspector. We had nobody that was qualified to take the position. We tried that.

TRUSTEE PHILLIPS: So we spent the money to
invest in the current employee to take the courses
through the Department of State to become
certified. And if you read on the Department of
State, there is no longer anything called a
Building Inspector. It's called a Code
Enforcement Officer. He has taken all five of the
courses, has passed all five of the courses, has
continued his education.

And everyone here at Village Hall, the
Building Department, have all taken an interest in
making sure that things go the way they should go.
The only way that this could go back to Planning
and Zoning through the normal process of this
Village government would be if he decides to
change.

The stipulation overrides everything. It
was agreed to back -- back when, when I was on it,
and believe me, I sat through a year-and-a-half of
the ZBA meetings, whereas we went through
Article 78, and we had meeting upon meeting,
confrontation, accusations at the Zoning Board
members, that they were taking bribes, they were
friendly with the people, they had part of the
project.

Believe me, I'm a little touchy about it,
because I lived through it. But I'm a little upset at hearing the fact that every time we turn around, we have employees in our Building Department that are doing their job, and continuously we have this output that they're not doing their job.

MR. MACKEN: Well, I was just following on what Mr. Pallas said last October, where he said the search for a Building Inspector continues, and we haven't heard anything fully. So that's basically where I was coming from on that, because it was never said. It was never said in a subsequent meeting that, "Oh, well, we're not doing that, we're not looking for a Building Inspector anymore." So that --

MAYOR HUBBARD: Yes, it was. It was discussed at a work session that there was nobody available on the list, there was nobody that we could hire. That was discussed at a Village Boarding -- Village meeting in public, that there was nobody available that we could hire at that point.

MR. MACKEN: Okay. I must have missed that, so my bad.

MAYOR HUBBARD: Okay. Well, you could read
the minutes on it. But, I mean, we did discuss it. We discussed all that in open.

MR. MACKEN: Okay.

MAYOR HUBBARD: We tried. There was nobody available. We could not hire anybody, because there was nobody there that was available to hire.

MR. MACKEN: Okay. Well, I mean, I'm just following up on questions --

MAYOR HUBBARD: That's fine.

MR. MACKEN: -- that I had. And so, you know, if things are being discussed and things are being verified --

MAYOR HUBBARD: Yeah. I mean, if you'd like a more detailed explanation, you could schedule a meeting with myself, with the Village Attorney and the Village Administrator, and we could sit down and go over any of this stuff with the plans, whatever we have in there. I'd be glad to sit there and go over the stuff with you, if you'd like to. Just contact the Village Clerk and she'll set up a meeting, and we can sit down and go over it.

MR. MACKEN: Okay, because I'm just -- on this, I'm not speaking just on my behalf, I'm speaking for several residents of the -- of
Sterling Avenue as well. So, I mean --

      MAYOR HUBBARD: Of the Association or just separate?

      MR. MACKEN: No. Just like people, and the Association seems to have gone in a different direction.

      MAYOR HUBBARD: Okay. You see, I think that's part of the conflict we're having, is because the Association was part of the settlement.

      MR. MACKEN: Right.

      MAYOR HUBBARD: But now a lot of those people are no longer here. Other people are coming in and we're getting --

      MR. MACKEN: Right.

      MAYOR HUBBARD: -- three or four different stories. One group wants this, one group wants that. Everybody's going in different ways. And even the developer or myself, we've had meetings, we've talked about it, and there's no unified side from everybody who lives in the neighborhood of who wants what and what can actually be done down there. And we're trying to gather that all together.

      I had several letters this week from
different people, saying, "Can we set up a another
meeting?" We had two joint meetings, one with the
previous owners, one with Mr. Pawlowski after he
bought the property. We had a joint meeting here,
I believe it was in May or June, with everybody
here, and most of the people at that meeting said
to me, "Let him build the new version, don't hold
him to the old version." But then people, when he
started doing stuff, they said, "Well, we're
bringing our lawyer in." And the developer said,
"Well, if you're going to lawsuit up on
everything, I'm just going to build what I'm
allowed to build and just get it done." That's
what he said.

So that's where we're at right now. So if
there's a group, can get all together one group
and one voice from everybody down there, I think
it would be more constructive than five different
groups saying different things.

You know, and I'm not belittling you at all.
You've got concerns, you live in the neighborhood,
I totally agree with you. But your opinion is not
the same as somebody else that was part of the
lawsuit that said, "We're going to get a lawyer,
and this is our group now and we're going to go
and bring suit against it."

So, if we could get a unified voice from everybody in the neighborhood to sit down with us, with the developer, I'd be more than open to try that again, you know, but I just want it to be constructive. I don't want to just keep saying, "I don't want this, I want that," or whatever. I just want to be constructive and let's do what's best for everybody.

MR. MACKEN: Yeah. I think it got to a point where a number of us, certainly, on Sterling Avenue felt like the Association was tied into the old agreement more, and was more -- you know, wasn't representing our immediate interests.

MAYOR HUBBARD: Uh-huh.

MR. MACKEN: So, I mean, but then, you know, these things are sometimes like herding cats or something. But, I mean, everybody has an interest in it, everybody's very concerned, and concerned that the best thing be done possible. And it doesn't look like this building is that, because it's huge. It's out of scale with the neighborhood, it doesn't fit in with the neighborhood. And, you know, it's kind of a -- it's kind of a murky history, we'll say.
MAYOR HUBBARD: I agree, 45,000 square feet is a big building, but that's what he's approved to build. So, I mean, that's -- you could make it look like townhouses, make it look like something else, but he's approved to build 45,000 square feet of building there, three stories, 15,000 square feet per story. That's what he's approved to do.

MR. MACKEN: But he's got -- he's reverted to that for some reason, whereas he came in and said he was going to build the townhouses and fit them in there, and now he's reverted to this other thing. Is that because of --

MAYOR HUBBARD: But he reverted to the plan that he has. The footprint of the building is what he's putting in right now. What goes on top of the footprint, that could be -- if somebody wants to come up with something different, right now he's preparing the property and putting in what's on the building permit for the footprint of the building that is approved.

MR. MACKEN: Okay.

MAYOR HUBBARD: That's what he had told me, that's what he's doing at this point right how.

MR. MACKEN: Okay.
MAYOR HUBBARD: They're preparing that and putting in the footprint.

MR. MACKEN: So I'm just like kind of -- I'm just kind of sending up a flare, that I foresee trouble on this, because he's going to have -- more than one-third of the building that he's not going to have a use for. And I think we, as the neighbor, immediate neighbors, would like if that was defined up front, and not just like, you know, that it's a question mark, because that's a huge question mark right in our backyard. What is going to be done with this 15,000 -- in fact, it's more, because of the 20 -- of the 20-foot ceilings, so --

MAYOR HUBBARD: Oh, the ceiling. We're talking, you know, the floor.

MR. MACKEN: Yeah.

MAYOR HUBBARD: Fifteen thousand floor. Eighteen, 20-foot ceiling, that doesn't change. It's 15,000 square feet per floor.

MR. MACKEN: It takes out the second floor in one area directly under the affordable units.

MAYOR HUBBARD: Okay. Well, I mean, if you'd like, you know, we've been quite a while on this.
MR. MACKEN: I know.

MAYOR HUBBARD: Set a meeting up with the Village Administrator, and we can sit down and we can go over the plans and go over more information on it, if you'd like. But if the whole community down there could get together with one voice and what they would really like to see would be helpful to everybody if we want to try to make changes.

MR. MACKEN: Right. Well, it might be a couple of voices. But, hopefully --

MAYOR HUBBARD: Okay.

MR. MACKEN: -- they could all be in harmony in the end. Okay. Thank you very much.

MAYOR HUBBARD: All right. Thank you.

Mr. Saladino.

MR. SALADINO: John Saladino, Sixth Street. I would just like to take this opportunity to once again lobby you guys to vote no on this Resolution No. 9. You -- I had a lot to say about it at your work session. I kind of think I covered what I had to say. Other people, other --

MAYOR HUBBARD: Excuse me. I don't mean to -- No. 9 is about the microgrid project.

MR. SALADINO: Oh, I read it wrong. I'm
MAYOR HUBBARD: Okay. No, I'm just --
MR. SALADINO: What is 9? Maybe I don't like that, too.
TRUSTEE ROBINS: Microgrid.
MR. BRANDT: You'll like it, John. Trust me, you'd like it.
MR. SALADINO: Oh, I'm sorry.
MAYOR HUBBARD: That's fine. I knew where you were going.
MR. SALADINO: Oh, yeah, I like that.
MAYOR HUBBARD: I just want to make sure that number is correct. That's all.
MR. SALADINO: So I had said what I had to say. And, again, in the interest of full disclosure, because we want it on the record, we heard that at the previous meeting, I am a member of the Zoning Board of Appeals. I don't speak for all of them, I speak for -- we seem to be in tune. A plurality of the members feel the same way I do, that you should -- you should -- it's my opinion you should vote no.
You had -- prior to this last public hearing, you had two previous public hearings, they were well attended. The consensus by the
people that attended was that the code shouldn't be changed, and the Village Board decided not to.

You just had another public hearing, and it's my understanding that the object of a public hearing is to hear input from the public. Six or seven people testified. The only one that was in favor of the code change was the applicant who's suing the Village. Again, that was a mistake. Who's suing the Zoning Board was her attorney. Her attorney was the only one that was in favor of the code change.

So you had six or seven people that were opposed to the code change, and you had one person, who has a vested interest in getting the code changed, speaking in favor of it, in a roundabout way, in a roundabout way.

So again, I would ask you, if the motivation here is because the public came to you, and this Board debated it, and there was a need from the -- from the residents that this code be changed, you folks know how I feel about the code. I look at the code as like almost carved in stone. Some stuff gets outmoded, some stuff is outdated, and that should be considered for perhaps modification or a code change. This is not what's happening
This code is being changed because we had public testimony from elected officials on two different occasions that it's being changed to circumvent -- to absolve the Village of a lawsuit. I can't stress it enough, that is the worst reason to change the code, the absolute worst reason. It cuts the legs off any statutory board, whether it be Planning, whether it be Zoning, whether it be the Village Board. Those Boards are here to support the code and support the Village. And in return, it would -- it would be nice to believe that the Village Board feels the same way about the statutory board; that the Village Board feels that these volunteers, they do their job, they come to a conclusion, they come to a decision that they feel is right, and it shouldn't be a back-door deal that changes what happens.

There's a system set up, Article 78 procedure. It goes in front of a neutral, it goes in front of an Administrative Law Judge. He listens to the testimony of that decision that that statutory board made, and he makes a decision. I've said this before, it should go to the neutral. They decide who was right. If the
Village was right, that particular statutory board knows what to do in the future. It's guided by their decision in the future. It also sends a message to any litigious applicant that wants to progress the same claim. If the statutory board was wrong, they learn from it, they know what not to do next time.

It's a -- so to change the code to satisfy one litigious applicant, I would just ask you to consider what I said, consider what the other people that stood before you. And when you deliberate about this tonight, perhaps take that into consideration.

Thank you. Thanks of listening.

MAYOR HUBBARD: Thank you.

MS. HAMMES: Patricia Hammes, 603 Main Street.

I actually want to address this point as well. I'm actually in support of the resolution. I think that once the short-term rental law, which I spoke a lot about previously, and don't necessarily agree with the rent -- the law that was enacted. I thought it should have been stricter, but it is what it is, and we allow owners to have unlimited short-term rentals in
their homes. Once that was adopted, it kind of gutted the B&B law.

So as far as I understand it, this particular application could just do this as a short-term rental, without any limit on the number of rooms. And, instead, they want to comply with the B&B laws, which requires them to do a number of things that short-term rental owners don't have to.

So I sat through that Zoning Board meeting, and I have to say, as I recall, and, again, it was a while ago, so somebody would have to go back and check me, most of the people that spoke at that meeting were actually in favor of that application, and it was the Zoning Board who voted against it. There were three people, as I recall, that voted against it, two who clearly just were against the idea of it, and then the third who did raise some issues about the code, which is my understanding is how this ended up before the Board.

I don't disagree with Mr. Saladino, that to change something just because a lawsuit is there is necessarily the right approach. I think that you're not going to get a lot of people showing up
here in favor of it, because how many houses are there in the Village that can do five bedroom
B&Bs? I will confess that I might be one of them, although I have absolutely no intention ever of
turning my home into a B&B. But rather than
having somebody raise that as a possibility, I
would disclose that. But I -- it's never going to
happen. When we bought it, everybody thought we
were doing that. And I run a B&B for my family,
so that's more than enough for me.

But I don't think there are many houses in
the Village that this is even relevant to, which
was a point that was made, frankly, at that Zoning
Board meeting. And I think that that's the
problem with these hearings. When you have a
public hearing and it really doesn't involve the
majority of the people, except for people that are
against it, people aren't necessarily going to
show up and say, "Yes, this should get changed,"
because not that many people -- it's not that
relevant to them.

But I do think, given that in my view this
person seems to want to do the right thing and
comply with the B&B rules, I think they should be
commended for that. I don't think they should
be -- have been penalized for that. The Board, the Zoning Board, as I understand it, had already previously approved another four-bedroom B&B in the Town.

And so I came to that -- I know the public hearing had been closed. I was sorry that I couldn't be here for the last meeting. I wasn't planning on speaking unless people showed up to speak against it again. So I just felt the need to let you know my thoughts on the matter.

As somebody who is not on the Zoning Board, although I will confess, I'm on the Planning Board, but it's not relevant to the Planning Board, but as just a member of the public who's looking at this and saying, like, why wouldn't we change this to five? They still have to comply with everything else that's in the B&B rules, and they can do it otherwise without complying with those. That just seems silly to me.

TRUSTEE CLARKE: Thank you.

TRUSTEE ROBINS: Just a --

MAYOR HUBBARD: Yes.

TRUSTEE ROBINS: Just a quick point as well.

To have a five-bedroom B&B, you actually have to have a six-bedroom house. I sell real estate. I
don't think there are very many six-bedroom houses in the Village at all.

MR. SALADINO: There's a few.

TRUSTEE CLARKE: I'd also like to -- from my memory of the August work session -- is that when the hearing was held?

MAYOR HUBBARD: Was it August or July?

TRUSTEE CLARKE: It was August.

MS. HAMMES: It was the last one.

TRUSTEE CLARKE: Okay.

MR. PALLAS: Regular meeting

MAYOR HUBBARD: The July regular meeting.

TRUSTEE CLARKE: I don't recollect.

MAYOR HUBBARD: August regular meeting?

TRUSTEE PHILLIPS: August.

MAYOR HUBBARD: Okay. August regular meeting.

TRUSTEE CLARKE: August regular meeting. I just want to put on the record that I know, unfortunately, Mr. Saladino, you were unable to attend. I don't recall six or seven people attending that meeting or writing in objecting to this issue. We actually made a comment about that there were no people speaking against it.

MR. SALADINO: Well, I watched the --
MS. ALLEN: No, that's not true.

MR. SALADINO: I'm sorry. John Saladino, Sixth Street.

I watched the videotape at that meeting and there was three people that spoke at the podium. And then the next meeting, at the work session, you were nice enough to allow me to speak.

MAYOR HUBBARD: Uh-huh.

MR. SALADINO: Three people spoke in opposition to it that evening, too. So that's where I got the sixth number from. And, also, George, George had said there was a few letters, one in favor and two opposed. And I spoke to another person who had just written a letter, and I just read something on social media, also.

So it's not like I'm kind of making this stuff up.

TRUSTEE CLARKE: No. I just wanted to state for the record that at the public hearing I did not hear six or seven people oppose this --

MR. SALADINO: Then I apologize.

TRUSTEE CLARKE: -- which is what you stated.

MR. SALADINO: At the public hearing --

TRUSTEE CLARKE: So I'm just trying to
correct the record.

MR. SALADINO: Then I apologize. To correct
the record, I'll say, at the public hearing, and
then at the subsequent meeting, there were six or
seven people that did.

Just on the other topic, as far as
short-term rental, in New York State, there's a
multiple resident -- there's a multiple dwelling
law. And for villages, hamlets and towns under
350,000, and cities under 350,000, and towns and
villages that come under a multiple residence law.
The attorney can perhaps correct me if I'm wrong,
but I read it front and back, and in order to --
in order for a home, as being contended here, that
you could just -- this particular applicant can
just rent five rooms short term, no, you can't.
No, you can't, not according to New York State
Law.

According to New York State multiple
residence law, that's considered a multiple
dwelling. It's considered a lodging house, an
inn. Then it steps up to boarding house with a
different number, and it steps up to hotel with a
different number, but they're all considered
multiple dwellings.
In the R-2 District, multiple dwellings are not a permitted use. So this applicant's attorney progressed that idea as a -- as a bump, as a -- as an alternative to, "Well, if you don't give me this, we'll just do that." It's not a reality. The Attorney can check it. I'm fairly positive that I'm right. But, again, Joe's the Village Attorney.

So to say, "Well, we'll just rent five rooms as short-term rentals," it's not allowed. It's not allowed by New York State Law, by New York State Local Residence Law, it's not allowed by Village Code. You're not allowed to have a multiple dwelling in the Residential District, I mean, so the threat is a paper tiger.

So, you know, to say, "Well, we should do this, because if we don't do it, she'll just do that," it's not the reality of the situation.

Thank you.

MAYOR HUBBARD: Anybody else wish to address the Board? Chatty.

MS. ALLEN: Chatty Allen, Third Street. I was one of the ones at the public hearing that spoke out against this, that I do not feel the code should be changed.
When you look around the Village, I think there is only one property capable of going to five rooms. Now I never looked into everything that Mr. Saladino just said, so that makes me even more against this Board changing the code.

When B&Bs first came about, the residents spoke, three rooms with a B&B. Yes, one was granted a fourth room. There was no opposition from anyone around that B&B with her going to a fourth room.

I have been at probably every single meeting, be it Planning or ZBA, that this other place came before these Boards. And I said at one of them, the Village should be going after this homeowner, because she was running a B&B, but was also renting a cottage, which was against the code and was illegal. She had opposition to going to five rooms from people in the neighborhood, people that lived on that little road that you have to take to get to her property. So to say there was no opposition to this, that's not true. And I urge this Board to stick to your guns and the codes and listen to the residents who did not want five-room B&Bs.

And like was just mentioned about short-term
rental, I've been saying it from the get-go, I think you need to look at that code again and make it owner-occupied only. That's my personal feeling.

The other thing I want to flip to is this project on Sterling. I was very disappointed when I heard that the developer was going back to the original plans. I thought his second plan, I was here at the meeting when everything was presented, and I thought that would be gorgeous in that neighborhood, more so than the original plans.

But I was very taken aback at what was being thrown at our Village people. I know all of you work tirelessly. I've been at the meetings, so yes, I know Mr. Morris has gone through all the training he is supposed to be going through. To have a, quote-unquote, Building Inspector title, even though it is considered a Code Enforcement, he is more than qualified, Mr. Pallas is more than qualified. And for anyone to turn around and say, "Oh, no, we need to look at these plans again," that's where you're going to have a lawsuit come back at you, because that's -- the builder is doing what he was approved to do.

So I was just a little taken aback by some
of the things this evening. You guys do an
amazing job on staying on top of everything, so
thank you.

TRUSTEE CLARKE: Thank you.

MAYOR HUBBARD: Anybody else wish to address
the Board?

(No Response)

MAYOR HUBBARD: Okay. We'll move on to the
regular agenda. Before I read Resolution 1, there
is one addition, which was my fault. We were
going -- we discussed going out to the tree bid,
and we never -- it never made it onto the agenda
to authorize going out to bid for the trees and
the stump grindings. So I will be adding that on
at the end as Item No. 23. I will read that into
the record, it will be Item No. 23. So that's the
only addition on the agenda, okay?

And proofreading everything, you read it 20
times, you go over it, and sometimes things fall
through the cracks.

Okay. So I'll offer RESOLUTION #09-2019-1,
RESOLUTION adopting the September, 2019 agenda,
with one addition for Item 23. So moved.

TRUSTEE MARTILOTTA: Second.

MAYOR HUBBARD: All in favor?
1 TRUSTEE MARTILOTTA: Aye.
2 TRUSTEE CLARKE: Aye.
3 TRUSTEE PHILLIPS: Aye.
4 TRUSTEE ROBINS: Aye.
5 MAYOR HUBBARD: Aye.
6 Opposed?
7 (No Response)
8 MAYOR HUBBARD: Motion carried. Trustee Clarke.
9 TRUSTEE CLARKE: RESOLUTION #09-2019-2,
10 accepting the monthly reports of the Greenport
11 Fire Department, Village Administrator, Village
12 Treasurer, Village Clerk, Village Attorney, Mayor
13 and Board of Trustees. So moved.
14 TRUSTEE ROBINS: Second.
15 MAYOR HUBBARD: All in favor?
16 TRUSTEE MARTILOTTA: Aye.
17 TRUSTEE CLARKE: Aye.
18 TRUSTEE PHILLIPS: Aye.
19 TRUSTEE ROBINS: Aye.
20 MAYOR HUBBARD: Aye.
21 Opposed?
22 (No Response)
23 MAYOR HUBBARD: Motion carried.
24 TRUSTEE ROBINS: RESOLUTION #09-2019-3,
RESOLUTION approving the application for membership of Hermogenes M. Aguilera to the Standard Hose Company of the Greenport Fire Department, as approved on September 18th, 2019 by the Greenport Fire Department Board of Wardens.

So moved.

TRUSTEE MARTILOTTA: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE MARTILOTTA: RESOLUTION #09-2019-4, RESOLUTION authorizing the solicitation of bids for a spare effluent pump at the Wastewater Treatment Plant; and directing Clerk Pirillo to notice the solicitation of bids accordingly. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.
TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE PHILLIPS: RESOLUTION #09-2019-5,

RESOLUTION authorizing the solicitation of bids
for an air conditioning system at the Third Street
Fire Station at Third and South Streets; and
directing Clerk Pirillo to notice the solicitation
of bids accordingly. So moved.

TRUSTEE CLARKE: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE CLARKE: RESOLUTION #09-2019-6,

awarding the bid for road-end water quality
improvements at: Brown Street, Clark Street and Fourth Street to KJB Industries, Inc. at a total cost of $339,933.00, per the bid opening on September 12th, 2019; and authorizing Mayor Hubbard to sign the contract between the Village of Greenport and KJB Industries, Inc. for road-end water quality improvements at: Brown Street, Clark Street and Fourth Street. So moved.

TRUSTEE ROBINS: Second.

MAYOR HUBBARD: Just one comment on that. This is a project we've been working on for almost two years now. It's really -- it's really important to the water quality in all of Peconic Bay, Stirling Harbor, the whole area. And part of this is being covered by a grant that we got from Suffolk County. So I want to thank Suffolk County and Legislator Al Krupski, who worked with us to get us the grant to pay for half the cost of this, and it's a very worthwhile project. And I'm really glad that we're going out to bid, we're going to get this done.

Any other comments?

TRUSTEE PHILLIPS: Do we know when it's going to start?

MR. PALLAS: I believe this is step one.
TRUSTEE PHILLIPS: I know.

ADMINISTRATOR PALLAS: We'll talk with the contractor probably tomorrow and get a schedule from him.

TRUSTEE PHILLIPS: Okay, great. Okay.

MAYOR HUBBARD: Yeah. Hopefully, we'll get this, you know, up and done, you know, before wintertime. I mean, you know, they should be ready to start fairly soon. He has to have it done before winter.

TRUSTEE PHILLIPS: Okay. That's why I'm --

MAYOR HUBBARD: Okay. All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE ROBINS: RESOLUTION #09-2019-7,

RESOLUTION authorizing the attendance of Trustee Julia Robins and Village Administrator Paul Pallas at the NYAPP Annual Fall Business Meeting from October 15th, 2019 through October 16th, 2019
Albany, New York, at a conference fee of $235.00 per person and a room rate of $165.00 per night per person, reimbursable meal expenses not to exceed $35.00 per day, and mileage and travel reimbursement in accordance with the Village of Greenport Travel Policy, to be expensed from account E.0782.000 (Management Services). So moved.

TRUSTEE MARTILOTTA: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed? (No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE MARTILOTTA: RESOLUTION #09-2019-8, RESOLUTION authorizing Treasurer Brandt to perform attached Budget Amendment #4185, to appropriate reserves to fund the engineering services for the North Ferry Rehabilitation Project, and directing that Budget Amendment #4183 be included as part of the formal meeting minutes of the September 26,
2019 regular meeting of the Board of Trustees. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE PHILLIPS: RESOLUTION #09-2019-9, RESOLUTION authorizing Treasurer Brandt to perform attached Budget Amendment #4213, to appropriate reserves to fund the change orders (approved by the Village of Greenport Board of Trustees on August 22nd, 2019) to the contract between CHA Consulting and the Village of Greenport for the design of two Solar/ Battery Installations for the Micro-Grid Project, and directing that Budget Amendment #4213 be included as part of the formal meeting minutes of the September 26, 2019 regular meeting of the Board of Trustees. So moved.

TRUSTEE CLARKE: Second.
MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE CLARKE: RESOLUTION #09-2019-10, authorizing Treasurer Brandt to perform attached Budget Amendment #4216, to appropriate reserves to fund the removal, transportation and repair of one of the effluent pumps at the Wastewater Treatment Plant, and directing that Budget Amendment #4216 be included as part of the formal meeting minutes of the September 26, 2019 regular meeting of the Board of Trustees. So moved.

TRUSTEE ROBINS: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.
Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE ROBINS: RESOLUTION #09-2019-11,

RESOLUTION scheduling a public hearing for

7:00 p.m. on October 24th, 2019 at the Third

Street Fire Station, Third and South Streets,

Greenport, New York, 11944; regarding the Wetlands

Permit Application submitted by Paul Pawlowski on

behalf of 123 Sterling Avenue LLC, to: Install a

4-foot-wide by 6-foot-long fixed platform leading

to a 3-foot-wide by 15-foot-long ramp leading to a

4-foot-wide by 34-foot-long float, a 4-foot-wide

by 20-foot-long float, three (3) 3-foot-wide by

20-foot-long finger floats on the northern float

and two (2) 3-foot-wide by 20-foot-long finger

floats on the western float; each secured by one

(1) 12-inch-diameter timber pile, four (4) safety

ladders and four (4) 12-inch diameter timber

piles; and directing Clerk Pirillo to notice the

public hearing accordingly. So moved.

TRUSTEE MARTILOTTA: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE MARTILOTTA: RESOLUTION #09-2019-12,
RESOLUTION approving the attached SEQRA resolution
regarding the Wetlands Permit Application
submitted by Costello Marine Contracting on behalf
of Rosemary Gutwillig to resheathe 265' of face of
existing bulkhead, remove 37' of existing concrete
and stone seawall and construct 37' of new
southwest bulkhead in-place, on the property at
109 Bay Avenue, Greenport, New York, 11944.

So moved.

TRUSTEE PHILLIPS: Second.
MAYOR HUBBARD: All in favor?
TRUSTEE MARTILOTTA: Aye.
TRUSTEE CLARKE: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR HUBBARD: Aye.

Opposed?

(No Response)
MAYOR HUBBARD: Motion carried.

TRUSTEE PHILLIPS: RESOLUTION #09-2019-13, RESOLUTION approving the Wetlands Permit Application submitted by Costello Marine Contracting Corporation on behalf of Rosemary Gutwillig to resheathe 265' of face of existing bulkhead, removing 37' of existing concrete and stone seawall and construct 37' of new southwest bulkhead in-place, for the property at 109 Bay Avenue per the public hearing held at 7 p.m. on August 22nd, 2019; conditioned upon the Conservation Advisory Council's recommendation that any natural vegetation removed during the construction will be replaced in-kind and with the resulting Wetlands Permit to expire two years from the date of issue. So moved.

TRUSTEE CLARKE: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed? (No Response)
MAYOR HUBBARD: Motion carried.

TRUSTEE CLARKE: RESOLUTION #09-2019-14, adopting the attached SEQRA resolution regarding the proposed local law of 2019 amending Chapter 150 (Zoning) of the Village of Greenport Code; adopting lead agency status, determining the adoption of the local law amending Chapter 150 (Zoning) to be an Unlisted Action for purposes of SEQRA, and adopting a Negative Declaration, determining that the approval of the Local Law will not have a significant negative impact on the environment. So moved.

TRUSTEE ROBINS: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE ROBINS: RESOLUTION #09-2019-15, RESOLUTION adopting Local Law, blank, of 2019, amending Village of Greenport Code (Chapter) 150
(Zoning) regarding the maximum number of rooms permitted in a Bed and Breakfast in the Village of Greenport. So moved.

TRUSTEE MARTILOTTA: Second.
TRUSTEE PHILLIPS: I have a question.
MAYOR HUBBARD: Okay.
TRUSTEE PHILLIPS: On the 24th of September I sent an email to the Village Attorney and to the Mayor and the Board, because I noticed on Section D that we have something in the code here that doesn't match the increase to five rooms. So my question is does this need to be changed before we vote on this, or do we need to have a public hearing afterwards to delete this out of the code?
ATTORNEY PROKOP: If you -- you can't change it tonight and then vote on it --
TRUSTEE PHILLIPS: No, I know you can't, that's why I'm asking.
MR. PROKOP: I don't -- I don't believe that you would need another public hearing, but you couldn't -- you could not vote on it for eight days after the change is made.
TRUSTEE PHILLIPS: Well, my question is, is do we go forward with this and then -- and -- I mean, it's saying here a maximum of six casual and
transit roomers, but, yet, we're changing the
rooms to five. To me, that's -- you know, I was
hoping to get an answer before the meeting, but it
didn't come.

MAYOR HUBBARD: Right. The maximum of six,
but if it's one person per room, or whatever, if
somebody wants to put their kid in another room,
or whatever, you're allowed to have the five
rooms. If that's something that needs to be
addressed and becomes an issue, that can be
addressed at a future point.

TRUSTEE PHILLIPS: I just don't want -- you
know, we have it in here the enforcement.
That's -- that's -- you know, I just want the code
to be clear, because there's been so much
discussion and so much misconception on some
things, because -- I'm not voting on this because
of any lawsuit, I'm voting on this because I
listened to the ZBA meeting and my understanding
is that, in listening to it and in hearing other
issues revolved around it way back when, that in
our State Code says we have "X" number of rooms;
that I'm voting on it because, as a Village Board,
we're responsible for the code.

It doesn't affect any decision that comes
from a statutory board, they made their decision and that's part of their job. The Planning Board has their role, but we, as a Village Board, have to look at the code, because we are the gatekeeper for it in making sure that it's relevant for the current times within our Village.

So the reason I'm asking this is, is if this is not going to cause an issue down the road for anybody who's under B&B and we can change it at a later date, that's fine. I just would have liked to have an answer before the meeting and now I'm bringing it up, so.

MR. PROKOP: The email I received I responded to. I didn't know the -- the question that you asked tonight was different. I think about the legality of changing the --

TRUSTEE PHILLIPS: I said, I asked if -- I noticed that the legal document created to change to five rooms does not include the change that needs to be made in Section 8. Will this require this to table the resolution until the correction has been incorporated within the language amending the Local Law? That's -- I mean, I'm asking the question, so.

I know how I'm going to vote, but, in the
meantime, I just want to make sure that this is a clear-cut and no more -- no more stress upon any of the B&B owners. That's -- that's what I'm coming from.

TRUSTEE CLARKE: Because of the limitation on the number of people --

TRUSTEE PHILLIPS: Yes.

TRUSTEE CLARKE: -- that's written there?

TRUSTEE PHILLIPS: Yeah.

MAYOR HUBBARD: That's what she's asking. I know when we had discussed this, when I brought up at the public hearing, what I said at the public hearing was the only thing that we're changing is going from three rooms to five rooms.

TRUSTEE PHILLIPS: And --

MAYOR HUBBARD: And that's the only part of the code that I said we were going to change at the time, and that's what the basis of what the public hearings were.

TRUSTEE PHILLIPS: Okay.

MAYOR HUBBARD: And that's what I had said at the time, that that's all we were changing, changing it from three to five.

TRUSTEE PHILLIPS: Okay. And I had -- okay.

But I had also asked at the work session if all
the other requirements were going to be the same, and to be honest with you, when the legalese came out, that's when I picked it up.

So, at this point, you know, if it's fine to go the way it is, then we'll call the vote and go that way.

MAYOR HUBBARD: Oh, believe so. Just for the record, we did get a letter from the BID today. The BID was in favor of changing this. They thought it was a good idea and they commended us on it. The letter came in this afternoon. I don't know if everybody got a chance to read it, but the BID was in favor it, so.

And just to clarify, when I was asked directly, "Are you doing this for a lawsuit," yes, that was part of the answer, and I did say yes at two different times to Mr. Tasker when he asked me the direct question on it. That is part of it. And I did say that. Will that settle the lawsuit? It may, it may not, I don't know if it will or not. But that was a direct question from one member and I did say that, so just to clarify it.

That's not the only reason this ever came up and all. It was not about a lawsuit. It was on recommendation of Counsel, from the Village.
Attorney, the Planning Board and Zoning Board Attorney, and from comments that we had received on it.

So, yes, I did say it would settle a lawsuit, but that was not the goal of putting the whole public hearing and everything out there. That was a direct question from one of the members who asked me from the podium, "Are you doing this for a lawsuit", when he was heated, and I said, "Yes, it will -- "it could settle a lawsuit." So that is where my answer came from on that. But that was not the basis to start the whole process, just to clarify.

Any other discussion?

TRUSTEE MARTILOTTA: No.

MAYOR HUBBARD: Okay. All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried. Jack.

TRUSTEE MARTILOTTA: (RESOLUTION
#09-2019-16) RESOLUTION approving the Public Assembly Permit Application submitted by the Greenport High School to close to vehicular traffic, and utilize, the Village-owned streets from the IGA Supermarket to the High School, for the annual Homecoming Parade from 5:30 p.m. through 6:30 p.m. on October 18, 2019. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE PHILLIPS: RESOLUTION #09-2019-17, RESOLUTION approving the Public Assembly Permit Application submitted by the North Fork Unity Action Committee for the use of a portion of Mitchell Park, from 1 p.m. through 4 p.m. on October 20th, 2019 for an informational presentation on public issues. So moved.

TRUSTEE CLARKE: Second.
1 MAYOR HUBBARD: All in favor?
2 TRUSTEE MARTILOTTA: Aye.
3 TRUSTEE CLARKE: Aye.
4 TRUSTEE PHILLIPS: Aye.
5 TRUSTEE ROBINS: Aye.
6 MAYOR HUBBARD: Aye.
7 Opposed?
8 (No Response)
9 MAYOR HUBBARD: Motion carried.
10 TRUSTEE CLARKE: Oh, excuse me.
11 Resolution -- I got so excited about that.
12 (Laughter)
13 TRUSTEE CLARKE: RESOLUTION #9-2019-18,
14 approving the attendance of any Trustee, Planning Board member, Zoning Board member, and Village Manager or staff person at the Suffolk County Village --
15 TRUSTEE ROBINS: Officials?
16 TRUSTEE PHILLIPS: Officials Association.
17 TRUSTEE CLARKE: OA Municipal Training seminar --
19 TRUSTEE CLARKE: -- on October 10, 2019 at the Hilton Long Island Huntington in Melville, New
York. The $65 fee, and mileage reimbursement in accordance with the Village of Greenport Travel Policy, will be expensed from the corresponding account number(s). So moved.

TRUSTEE ROBINS: Second.
MAYOR HUBBARD: All in favor?
TRUSTEE MARTILOTTA: Aye.
TRUSTEE CLARKE: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR HUBBARD: Aye.
Opposed?
(No Response)
MAYOR HUBBARD: Motion carried.
TRUSTEE ROBINS: RESOLUTION #09-2019-19,
RESOLUTION hiring Dale Raynor as a full-time Laborer in the Sewer Department, at a wage rate of $16 per hour, effective September 30th, 2019. All health insurance and other full-time employment benefit provisions specified in the current contract between the Village of Greenport and CSEA Local 1000 apply to this hiring, as does the standard twenty-six week Suffolk County Civil Service probationary period. So moved.
TRUSTEE MARTILOTTA: Second.
MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE MARTILOTTA: RESOLUTION #09-2019-20,

RESOLUTION approving the attached agreement
between the Village of Greenport and the North
Ferry Corporation regarding the contribution(s) of
the North Ferry to the funding -- to the funding
of the match portion of the grant administered by
the New York Metropolitan Transportation Council
for the design and re-construction of the North
Ferry Terminal in Greenport, New York; and
authorizing Mayor Hubbard to sign the agreement
between the Village of Greenport and the North
Ferry Corporation. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE PHILLIPS: Resolution #09-2019-21,
RESOLUTION authorizing Village Attorney Prokop to
commence legal action against the owner of 337 2nd
Street, Greenport, New York regarding outstanding
violations and unsafe conditions at the premises.

So moved.

TRUSTEE CLARKE: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

TRUSTEE CLARKE: Resolution #09-2019-22,
approving all checks for Fiscal Year 2019/2020 per
the Voucher Summary Report dated September 20th,
2019, in the total amount of $1,359,646.98
consisting of:
  o All regular checks in the amount of
    $1,232,877.84, and
  o All prepaid checks (including wire
    transfers) in the amount of $126,769.14. So
moved.

TRUSTEE ROBINS: Second.
MAYOR HUBBARD: All in favor?
TRUSTEE MARTILOTTA: Aye.
TRUSTEE CLARKE: Aye.
TRUSTEE PHILLIPS: Aye.
TRUSTEE ROBINS: Aye.
MAYOR HUBBARD: Aye.
Opposed?
(No Response)
MAYOR HUBBARD: Motion carried.
I'll offer RESOLUTION #09-2019-23,
RESOLUTION authorizing the solicitation of bids
for tree and stump removal services and stump
grinding services on specified Village of
Greenport streets, and ratifying the authorization
of Clerk Pirillo to notice the bid solicitation
accordingly. So moved.
TRUSTEE MARTILOTTA: Second.
MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

I'll offer a motion to adjourn at 8:32.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

TRUSTEE MARTILOTTA: Aye.

TRUSTEE CLARKE: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE ROBINS: Aye.

MAYOR HUBBARD: Aye.

Opposed?

(No Response)

MAYOR HUBBARD: Motion carried.

Thank you all for coming.

(Time Noted: 8:32)
CERTIFICATION

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

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on September 26, 2019.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of October, 2019.

Lucia Braaten

Lucia Braaten
Regular Session 9/26/19 103

Flynn Stenography & Transcription Service (631) 727-1107
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Budget Adjustment Form

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<th>Period</th>
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<th>Status:</th>
<th>Batch</th>
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<td>4185</td>
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<td>P. PALLAS</td>
<td>Approved:</td>
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<td>08/08/2019</td>
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**Description:** FUNDING OF THE NORTH FERRY TERMINAL REHABILITATION PROJECT ENGINEERING SERVICES

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**Total Amount:** 448,600.00
VILLAGE OF GREENPORT
Budget Adjustment Form

Year: 2020
Trans No: 4213
Status: Batch

Period: 8
Trans Date: 08/27/2019
User Ref: ROBERT

Trans Type: B2 - Amend
Created by: ROBERT

Requested: P. PALLAS

Description: TO APPROPRIATE RESERVES FOR THE FUNDING OF THE CHANGE ORDERS TO THE CONTRACT BETWEEN CHA CONSULTING & THE VILLAGE OF GREENPORT FOR THE DESIGN OF TWO SOLAR BATTERY INSTALLATIONS FOR THE MICRO GRID PROJECT.

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Total Amount: 178,370.00
VILLAGE OF GREENPORT
Budget Adjustment Form

Year: 2020
Period: 9
Trans No: 4216
Trans Date: 09/11/2019
Trans Type: B2 - Amond
User Ref: ROBERT
Approved: Created by: ROBERT

Description: TO APPROPRIATE RESERVES TO FUND THE REMOVAL, TRANSPORT AND REPAIR OF ONE OF THE EFFLUENT PUMPS AT THE WATTP

Account No. Account Description Amount
G.3120 401 EQUIPMENT REPAIR 25,850.00
G.5990 APPROPRIATED FUND BALANCE 25,850.00

Total Amount: 51,700.00
BOARD OF TRUSTEES  
VILLAGE OF GREENPORT  

SEQRA RESOLUTION REGARDING THE WETLANDS PERMIT APPLICATION  
OF APPLICANT COSTELLO MARINE CONTRACTING CORP. ON BEHALF OF ROSEMARY GUTWILLIG  

WHEREAS an application for a wetlands permit approval was filed by applicant Costello Marine contracting Corp. on behalf of Rosemary Gutwillig with the Board of Trustees of the Village of Greenport; and  

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport with respect to the wetlands permit application and the Board of Trustees of the Village of Greenport with regard to SEQRA, and completed a short form EAF for purposes of SEQRA, it is therefore;  

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the consideration and approval of the wetlands permit application and it is further  

RESOLVED that the Board of Trustees hereby determines that the approval of the wetlands permit application is an Unlisted Action for purposes of SEQRA; it is further;  

RESOLVED that the Board of Trustees of the Village of Greenport hereby determines that the approval of the wetlands permit application;  

Will not have a significant negative impact on the environment in the action, and;  

Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;  

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;  

Will not result in the creation of a material conflict with a community's current plans or goals, and;  

Will not result in the creation of a hazard to human health, and;  

Will not result in a substantial change in land use, and;  

Will not encourage or attract an additional large number of people to a place for more than
a few days, and;

Will not result in the creation of a material demand for other actions, and;

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two or more related actions each of which is not significant but when reviewed together are significant.

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Upon motion by Trustee

seconded by Trustee

this resolution is carried as follows:

Dated: August 30, 2019
WHEREAS THE Village of Greenport intends to amend Chapter 150 (Zoning) of the Village of Greenport Code to update the regulations contained in Chapter 150 regarding the number of rooms permitted in Bed and Breakfasts in the Village of Greenport; and

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport with respect to the amendment of Chapter 150 (Zoning) and completed a short form EAF for purposes of SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the amendment of Chapter 150 (Zoning), of the Village of Greenport Code regarding the number of rooms permitted in Bed and Breakfasts in the Village of Greenport; and it is further

RESOLVED that the Board of Trustees hereby determines that the amendment of Chapter 150 (Zoning) of the Village of Greenport Code regarding the number of rooms permitted in Bed and Breakfasts in the Village of Greenport; it is further

RESOLVED that the Board of Trustees of the Village of Greenport hereby determines that the amendment of Chapter 150 (Zoning) regarding the number of rooms permitted in a Bed and Breakfast in the Village of Greenport; is an Unlisted Action for purposes of SEQRA;

Will not have a significant negative impact on the environment in the action, and;

Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or
wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and; Will not result in the creation of a material conflict with a community’s current plans or goals, and; Will not result in the creation of a hazard to human health, and; Will not result in a substantial change in land use, and; Will not encourage or attract an additional large number of people to a place for more than a few days, and; Will not result in the creation of a material demand for other actions, and; Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two or more related actions each of which is not significant but when reviewed together are significant. RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Upon motion by Trustee / seconded by Trustee
this resolution is carried as follows:

Dated: August 30, 2019
May 9, 2019

LOCAL LAW NO. OF THE YEAR 2019

A LOCAL LAW AMENDING SECTION 150-7(B)(7)(c)
OF THE GREENPORT VILLAGE CODE

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED
VILLAGE OF GREENPORT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,
Purpose and Definitions.

1.1. Title of Local Law

1.2. Enactment.

1.3. Effective Date.

1.4. Purpose and Intent of Local Law.

2.0. General Provisions

2.1. Amendment of Section 150-7(B)(7)(c).

3.0 Severability.

1.1 Title.

This Local Law shall be entitled “Local Law of 2019 Amending Section 150-7(B)(7).

1.2. Enactment.


1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the
Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4. Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to increase the number of rooms in a bed and breakfast in the Village from 3 rooms to 5 rooms.

2.0. General Provisions.

2.1. Amendment to Section 150-7(B)(7)(c).

Section 150-7(B)(7)(c) of the Greenport Village Code is hereby amended to read as follows:

"(c) The renting of rooms is limited to five rooms for lodging and serving of breakfast."

3.0. Severability

In the event that one or more sections of this law shall be deemed to be void or invalid, the remaining sections of this law shall remain in full force and effect.
AGREEMENT

Agreement made this day of September, 2019 by and between the Village of Greenport, with an office address of 236 Third Street, Greenport, New York 11944, (the “Village”), and the North Ferry Corporation, with an office address of 12 Summerfield Place, Shelter Island, New York 11965 (“Ferry”) (jointly referred to as the “Parties”), regarding the contribution of Ferry to the funding of the match portion of the grant administered by the New York Metropolitan Transportation Council (“NYMTC”) for the design and reconstruction of the North Ferry Terminal at Greenport, New York, as follows:

1. The Village of Greenport has been awarded a matching funded NYMTC Grant (the “Grant”) for the design and reconstruction of the North Ferry Terminal in the Village of Greenport (the “Project”).

2. The Grant is a matching grant which provides that the Village of Greenport is responsible for a matching payment of twenty percent (20%) of the total grant amount, which is currently five-hundred thousand dollars ($500,000.00), with an expected total grant amount of not more than approximately three-million dollars ($3,000,000.00).

3. The Grant and Project include a design phase, for which the Village selected and contracted with L. K. McLean Associates, P. C. (LKMA) to provide the services necessary for the design phase, at a cost of one hundred and twelve thousand dollars ($112,000).

4. The Village is responsible for the twenty percent (20%) matching portion of the LKMA contract, which is twenty-two thousand four hundred dollars ($22,400).

5. Due to the mutual benefits to be obtained by the Village and Ferry from the Project, Ferry hereby agrees to reimburse the Village a 50% portion of the Village’s matching obligation - i.e. - the amount of eleven thousand two hundred dollars ($11,200). In addition, Ferry hereby agrees to reimburse the Village one-half of the Village’s matching portion of any other costs from the design phase of the Project, following approval by Ferry of any additional costs, which approval by Ferry will not be unreasonably withheld.

6. Reimbursements are to be paid to the Village within five (5) calendar days of the receipt by Ferry of notice from the Village that the Village has issued a payment for which reimbursement is due.
7. All notices required or permitted under this Agreement shall be in writing and shall be deemed sufficiently served if served by Certified Mail return receipt requested and facsimile transmission addressed as follows:

TO VILLAGE: Sylvia Lazzari Pirillo, RMC
Village Clerk
Village of Greenport
236 Third Street
Greenport, New York 11944
Facsimile transmission number: (631) 477.1877

TO FERRY: North Ferry Corporation
12 Summerfield Place / P.O. Box 589
Shelter Island, New York 11965
Facsimile transmission number

8. In the event of a dispute, the parties may on their mutual consent submit this matter for mediation or arbitration in a mutually agreed forum.

9. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

10. This Agreement and the Plans represent the entire agreement between Village and Ferry and supersedes and replaces all terms and conditions of any prior agreements, arrangements, negotiations, or representations, written or oral regarding the Project. The terms of this Agreement may only be amended by a mutually agreed document signed by both parties.

In Witness Whereof, this Agreement has been executed by the Village and Ferry effective from the day and year first written above.

VILLAGE OF GREENPORT:

By: ____________________________

NORTH FERRY CORPORATION

By: ____________________________
ACKNOWLEDGEMENT OF NORTH FERRY CORPORATION

STATE OF ________________)

COUNTY OF ________________)

On this _____ day of ________________ , 20____, before me personally came

____________________________ to me known, who, being by me duly sworn did depose and
say that he resides at________________________ that he is the

____________________ of __________________ the Corporation described in and
which executed the foregoing instrument; that he knows the Seal of said Corporation; that one of
the seals affixed to said instrument is such seal; that it was so affixed by order of the Board of
Directors of said corporation and that he signed his name thereto by like order.

(SEAL) ________________

Notary Public

ACKNOWLEDGEMENT OF VILLAGE

STATE OF NEW YORK

COUNTY OF SUFFOLK

On this _____ day of ________________ , 20____, before me personally came

____________________________ to me known to be the
____________________________ the person described as such in and who as such executed the
foregoing instrument and he acknowledged to me that he executed the same as for purposes
therein mentioned.

(SEAL) ________________

Notary Public