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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.

B E F O R E:

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

1 (The meeting was called to order at 7 p.m.)

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

4 (All stood for the Pledge of Allegiance)

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

9 (Moment of Silence)

10 MAYOR HUBBARD: Thank you. You may be
11 seated.

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

24 The Carousel Committee is in need of
25 volunteers. Please contact Village Clerk Sylvia

1 Pirillo if you are interested in joining the
2 committee.

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

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

15 (No Response)

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

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

24 TREASURER BRANDT: Yeah. We can do that,
25 yeah.

1 TRUSTEE PHILLIPS: Or we could do that next
2 month or this month?

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

5 TRUSTEE PHILLIPS: Okay.

6 MAYOR HUBBARD: Okay.

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

10 MAYOR HUBBARD: Okay.

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

16 MR. BRANDT: Okay.

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

20 TRUSTEE MARTILOTTA: Second.

21 MAYOR HUBBARD: All in favor?

22 TRUSTEE MARTILOTTA: Aye.

23 TRUSTEE CLARKE: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 TRUSTEE ROBINS: Aye.

1 MAYOR HUBBARD: Aye.

2 Opposed?

3 (No Response)

4 MAYOR HUBBARD: Motion carried. All right.
5 We have a public hearing, public hearing regarding
6 a proposed amendment to Chapter 142 (Wetlands,
7 Floodplains and Drainage) of the code of the
8 Village of Greenport.

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

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

23 (No Response)

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

1 Chapter 142.

2 TRUSTEE ROBINS: Second that.

3 MAYOR HUBBARD: All in favor?

4 TRUSTEE MARTILOTTA: Aye.

5 TRUSTEE CLARKE: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 TRUSTEE ROBINS: Aye.

8 MAYOR HUBBARD: Aye.

9 Opposed?

10 (No Response)

11 MAYOR HUBBARD: Motion carried.

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

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

19 MR. WRIGHT: Absolutely.

20 MAYOR HUBBARD: Very good.

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

24 TRUSTEE CLARKE: Could you speak up into the
25 microphone a little bit?

1 MR. WRIGHT: I absolutely can. Sorry.

2 TRUSTEE CLARKE: Thank you.

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

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

11 MAYOR HUBBARD: Okay.

12 MR. WRIGHT: Thanks much.

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

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

19 But there were a couple of articles that
20 were written recently in the Suffolk Times
21 regarding about cesspools and wastewater systems
22 going on. And I tried to look into it a little
23 bit, and I understand that, I think, it was in
24 2009 you started to -- the Local Waterfront
25 Revitalization Program; is that correct?

1 MAYOR HUBBARD: Yes.

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

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

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

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

21 There's -- they're talking about \$4 billion
22 over the next 30 years. And I don't know whether
23 you've planned anything, or whether anything is
24 actually going on yet, but I certainly think that
25 you should consider that.

1 And because Greenport would certainly fall
2 into what they call Phase II, there's 170 --
3 177,000 cesspools in the low lying coastal areas
4 would be eliminated between 2020 and 2054, and
5 that basically is this whole town, not just
6 Greenport Village, but Southold, most of Southold,
7 too. And is there any -- anything that is being
8 considered at this point, or have you looked into
9 this at all?

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

16 MR. BLUM: Sandy Beach.

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

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

25 TRUSTEE PHILLIPS: No.

1 MAYOR HUBBARD: No, they have -- they still
2 are on cesspools.

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

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

8 TRUSTEE PHILLIPS: For a hundred years.

9 MR. BLUM: Really?

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

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

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

17 MR. BLUM: I know that.

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

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

25 MAYOR HUBBARD: Okay.

1 MR. BLUM: Are you considering or expanding
2 and going down Manhasset at any point?

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

9 MR. BLUM: Inlet Lane.

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

19 MR. BLUM: We're right on Robinson.

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

23 MR. BLUM: Right.

24 MAYOR HUBBARD: And it was quite a few
25 million dollars to go and do that project. So we

1 went for the easier route to come across the
2 channel. But I'm sure something could probably be
3 worked out.

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

6 MAYOR HUBBARD: Uh-huh.

7 MR. BLUM: And there's approximately another
8 80 homes off of Manhasset that are not really
9 being considered. And I certainly think that that
10 ought to be a consideration, especially since
11 there's going to be money available to probably
12 expand this at this point here. So rather than
13 restricting it to spending almost \$2 million to
14 bring a sewer system just across, under a small
15 harbor, and with the chances of that, that could
16 possibly rupture at any point, or have somebody
17 hit it, it could be a problem. So I don't know
18 whether you considered those possibilities at all.

19 MAYOR HUBBARD: Yeah. The eastern
20 expansion, when that was discussed originally, was
21 to come down Manhasset and Champlin and come
22 around the other route. The trouble is we, the
23 Village, owns no property up there to put in a
24 pump station, because you would have to pump that,
25 because it's a low lying area, to pump it into the

1 higher ground to connect it to the sewer pipe that
2 comes from Peconic Landing, coming down Bailey and
3 going down Atlantic. So we would have to have a
4 pump station to actually lift the solid waste up
5 to there, and we had no property to do that.
6 That's why we went with the other way, coming
7 across Stirling Harbor, and it's in a lower
8 traffic area. Originally, we talked about going
9 right across the channel and coming into Ludlam
10 Place.

11 MR. BLUM: That would be --

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

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

22 MAYOR HUBBARD: Sure.

23 MR. BLUM: -- and you really don't know all
24 of their reasons why they want to do that. Do
25 they want to expand, maybe put condos in there?

1 MAYOR HUBBARD: Actually, they've got an
2 acre of just cesspools right now. They'd like to
3 get rid of the acre of cesspools and put another
4 boat storage building on where they had the
5 cesspools. And if they didn't have to have
6 them -- and, I mean, every high tide, their stuff
7 is leaching right out into Stirling Harbor. So
8 we'd really like to see both marinas hooked up to
9 cesspool -- I mean, hooked to sewer and coming
10 right into our plant.

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

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

21 MAYOR HUBBARD: Oh, yeah. No, I
22 definitely -- I think once, if we get the grant
23 and get everything put in place, and we have a
24 sewer line that's coming up Manhasset from the two
25 marinas, to take people up on -- where you are,

1 around the bend, to tie them into it, I think it's
2 definitely going to be doable. It's a matter we
3 need to get the infrastructure and to get
4 something on that side of the creek coming across
5 to our pump station at either Manor or Ludlam.
6 Once that's in, we could expand that, I believe.

7 MR. BLUM: What about at the corner of
8 Robinson -- not Robinson. Champlin and Manhasset,
9 right there, that large property right there,
10 there about five --

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

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

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

25 But, I mean, everything, with all this new

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

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

10 MAYOR HUBBARD: Okay, you're welcome.
11 Anybody else wish to address the Board? Yeah, go
12 ahead.

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

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

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

22 So when we bought our house back in '97, the
23 current -- the policy of the administration at the
24 time was to encourage the use of the conversion of
25 accessory buildings and accessory apartments to

1 add them to the housing stock. And when we
2 bought, there was an artist studio behind our
3 house, a barn, a cottage, which is an artist
4 studio, but had been used by the three previous
5 owners as a guest cottage and for residential use,
6 also. So, for the first five years, we used it as
7 such, as a resident, and we rented out the house.

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

18 And then he inspected the cottage and he
19 said "Well, you need to do this, this and this,"
20 and he gave me a list of things to do. But we
21 spent all our money on renovating the house, so it
22 took me a few years to actually, you know, get
23 the -- you know, do the few things that he also
24 suggested for the cottage. And I had them almost
25 done, but I understood, mistakenly, that I had to

1 have them done before I applied. But then under
2 Mayor Nyce, they changed the policy overnight, and
3 basically removed any reference to accessory
4 apartments from the Village Code, and substituted
5 this very restrictive two-family policy, said you
6 could only have two families in the one building
7 on a property.

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

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

24 And then I approached one of the senior
25 Trustees, Ms. Phillips, and I explained the

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

16 So that's the situation. I -- and then I
17 was informed that I would need to take an
18 Article 78 to prove that the ZBA Attorney's
19 opinion is actually the case, and I can't afford
20 to do that. I've already spent almost \$5,000 on
21 this process, which normally would take a couple
22 of months. In fact, the ZBA Committee were ready
23 to inspect the building based on the area
24 variance, and then nothing happened for the next
25 12 months.

1 Now, I approached another Trustee,
2 Mr. Clarke, and he was very encouraging. I
3 explained the situation. He said, "Yes, I'll talk
4 to my colleagues and see if we get the zoning --
5 go look into that code issue."

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

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

19 It's existing housing stock that could be
20 added to the -- to the number of available worker
21 housing, workforce housing in the Village. And
22 I'd have to say that we're actually quite proud
23 that over the years we have rented, because we
24 needed to rent. We rented to like, I think, four
25 chefs who worked in local restaurants, a

1 wine-maker and a store manager. And, I'm sorry,
2 but I'm making no apology for that. I think it's
3 something that's essential. If you talk to any
4 business owner in the Village, they'll tell you
5 that it's very important to increase the number of
6 apartments that are available. And I think
7 apartments should be added over the stores
8 downtown. I can't understand why that hasn't been
9 done.

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

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

23 MAYOR HUBBARD: Okay. We will discuss this
24 Paul, the Village Administrator, Paul Pallas, and
25 I'm sure he will contact you.

1 MR. MACKEN: Thank you.

2 MAYOR HUBBARD: Okay. Anybody else?

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

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

7 MAYOR HUBBARD: Yes.

8 MR. WEISS: And I have some concerns, and my
9 concerns are this: There is a building permit
10 attached to the fence that says the building is
11 going to be built according to the stipulation
12 agreement that was signed 3/12/2007. Now, I know
13 what those plans are, I was involved in it in
14 2007.

15 There's a sign on the fence that said
16 there's a residential development going up with a
17 telephone number. When you call that telephone
18 number, you're told that the -- it's going to be
19 between 15 and 18 units, some of them as large as
20 2400 square feet, parking under the building.
21 Now, that is not the stipulation. Is the
22 developer doing this on his own, or has the
23 Village in some way indicated that he can do this?
24 I think that's an important question to be
25 answered.

1 MAYOR HUBBARD: The Village has not
2 indicated anything he's allowed. He has a
3 building permit to build what was allowed in the
4 stipulation. What's on his voicemail, I have no
5 idea, I have not listened to it. I don't know
6 what they're saying, but he's got a building
7 permit to go per the stipulation.

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

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

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

17 TRUSTEE PHILLIPS: No.

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

22 MAYOR HUBBARD: No.

23 TRUSTEE PHILLIPS: No.

24 MR. WEISS: That's not allowed?

25 TRUSTEE PHILLIPS: No.

1 MAYOR HUBBARD: No.

2 MR. WEISS: Any change in his --

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

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

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

14 MR. WEISS: All right. Also, the plans that
15 were permitted seem to have things missing. I
16 looked on them and tried to find what kind of
17 surface there was in the parking areas, whether it
18 was permeable or blacktop. I couldn't find it. I
19 FOIed the Village and I got a plan that was drawn
20 in 2002, and that's the only thing that shows any
21 kind of site drainage. Doesn't say anything about
22 blacktop, doesn't say anything about gravel,
23 doesn't say anything. Now, can you issue a
24 building permit without that being on the plans?
25 Because you have --

1 MAYOR HUBBARD: I would have to ask what's
2 actually on the plans. I mean --

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

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

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

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

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

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

23 MAYOR HUBBARD: I understand that.

24 MR. WEISS: And the Village Administrator
25 tells me he doesn't know?

1 MAYOR HUBBARD: No, you're taking that
2 completely out of context, Steve. The plans, I
3 mean --

4 MR. WEISS: I don't think so.

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

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

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

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

24 MAYOR HUBBARD: Missing from whom?

25 MR. WEISS: Not supposed to have what

1 your -- blacktop or permeable driveway, isn't it
2 supposed to be on a site plan?

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

5 MR. WEISS: Mr. Mayor --

6 MAYOR HUBBARD: I mean --

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

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

12 MR. WEISS: Because I have the plans.

13 MAYOR HUBBARD: You have the plans?

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

15 MAYOR HUBBARD: Okay.

16 MR. WEISS: They were FOILED.

17 MAYOR HUBBARD: And what's missing?

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

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

1 MR. WEISS: Yes, I --

2 MAYOR HUBBARD: -- and the Village all
3 signed off on it, and everybody got copies of what
4 they signed off on --

5 MR. WEISS: Let me be --

6 MAYOR HUBBARD: -- as part of the
7 settlement.

8 MR. WEISS: Let me be clear here. I don't
9 speak for the Homeowners Association.

10 MAYOR HUBBARD: Okay.

11 MR. WEISS: I was a member of the Homeowners
12 Association that signed off on that. I do not
13 speak to them today.

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

15 MR. WEISS: I speak for myself. And I'm
16 concerned that a building permit was issued for
17 this building that didn't take everything into
18 consideration it should have.

19 I FOILED the Village for the qualifications
20 of the Building Inspector, and, basically, what I
21 got back was the qualifications of a Code
22 Enforcement Officer, not a Building Inspector.

23 MAYOR HUBBARD: New York State does not
24 recognize a Building Inspector anymore, there is
25 no title under Civil Service. So that is --

1 MR. WEISS: There is nothing that says a
2 Building Inspector has to have --

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

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

12 TRUSTEE PHILLIPS: Mayor, may I say
13 something?

14 MAYOR HUBBARD: Okay. Yeah, go right ahead.

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

17 MR. WEISS: Yes, ma'am.

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

25 I do believe that the Planning Board, and I

1 could be wrong, they have the right for shrubbery,
2 they have the right for whatever, to designate
3 that. I believe, at that point, if it's not on
4 there, I think that you would have to depend on
5 the Building Department to require what would be
6 the best for that particular site at the moment.

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

12 MR. WEISS: Mary Bess, I'm not, I'm not
13 arguing the fact of what was signed off on, I know
14 what was signed off on. I'm trying to determine
15 if what was signed off on is actually being built.
16 It seems to me that it's not, that the developer
17 himself is saying things that aren't on the plans,
18 and I just want the Village to be aware of that,
19 that's all. So when it comes down to the fact
20 that he -- that he doesn't put in five affordable
21 units in there that can sell for no more than
22 \$175,000, that you're aware of that. He says he's
23 putting rental units in. That's not in the stip.

24 MAYOR HUBBARD: Okay. I don't know who he
25 said that to. If he said that to you, then you

1 have information that we don't have.

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

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

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

8 MAYOR HUBBARD: Okay. All right.

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

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

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

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

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

24 MAYOR HUBBARD: Okay.

25 MR. WEISS: I know what the stip is. I'm

1 also concerned that the plans weren't complete,
2 and that doesn't have anything to do with the
3 court stipulation of 12 years ago. That has to do
4 with a set of plans that was drawn in March of
5 this year. There are errors in those --

6 MAYOR HUBBARD: The plans were drawn
7 according --

8 MR. WEISS: There are errors in those plans.

9 MAYOR HUBBARD: Okay.

10 TRUSTEE PHILLIPS: All right.

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

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

22 MR. WEISS: Before the Planning Board?

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

25 MR. WEISS: Good.

1 MAYOR HUBBARD: Either way.

2 MR. WEISS: Thank you very --

3 MAYOR HUBBARD: That's --

4 MR. WEISS: Thank you very much.

5 MAYOR HUBBARD: You're welcome. Okay.

6 Anybody else wish to address the Board?

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

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

24 And I was wondering if the Planning Board
25 has ever seen these plans, because what --

1 Ms. Phillips was quoted in the paper as saying,
2 yes, we should -- because somebody brought up the
3 idea of an expiration on building permits. And
4 she said, yes, this would be a good idea. And
5 these plans are 12 years old. Now you were -- you
6 followed with a comment saying as long as it
7 doesn't apply to current. So I find that -- I
8 find that a little curious. I wanted to ask you
9 about it, because these plans are 12 years old.

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

17 MAYOR HUBBARD: Uh-huh.

18 MR. MACKEN: -- and did a last ditch attempt
19 to make something? And then he couldn't do that,
20 so then there were a bunch of discussions, and a
21 local architect came up with a very interesting
22 plan. And when the new develop -- when the new
23 developer bought the -- bought -- Mr. Pawłowski,
24 who seems to be intent on developing the whole
25 North Fork, and good luck to him, as long as it's

1 done in the interest of the taxpayers and
2 residents of those particular communities.

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

17 MAYOR HUBBARD: Uh-huh.

18 MR. MACKEN: And seeing as he's
19 skillfully -- or not skillfully, but somehow this
20 building, this enormous building, 40,000 square
21 feet, has evaded due process and Planning and
22 Zoning, as far as I can see. Maybe it happened 12
23 years ago. I'd like to see the records, but
24 certainly today, after Sandy. And this site was
25 covered with water in Sandy, along with several of

1 the other -- you know, water came right up to
2 Mr. Weiss' house. So there was water on that
3 side.

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

16 And, by the way, the -- part of the
17 stipulation is that he have a permeable surface in
18 the parking area back there. So that has to be,
19 because other houses were getting -- when there
20 was a previous lumber yard there, they were
21 getting water in their basement. And once that
22 building was taken down, they didn't get that
23 anymore, and I think several of the neighbors who
24 back right onto the property will tell you that.

25 So once -- so who has looked at the -- who

1 has looked at the load on the sewer, for instance,
2 down -- you know, I know there's a pumping station
3 right in the lot, actually --

4 MAYOR HUBBARD: Uh-huh.

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

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

24 At the west end of the building, the
25 commercial space is 20 feet high, and the

1 affordable units are perched on top of that
2 without an elevator. So there's an elevator that
3 serves the main building, and you go all the way
4 along, you can get to the affordable. But the
5 direct entrance to the affordable units above that
6 appears to be up three flights of stairs, which,
7 you know, seems a little gamey.

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

15 MAYOR HUBBARD: Yes.

16 MR. MACKEN: Okay. So then that's got to
17 be -- let's say that's another seven or eight
18 units on top of that. So that's -- now we're up
19 to 25, between 24 and 30 units. He wanted to
20 build 28 units, I think, in the other -- in the
21 other system, which is a beautiful plan, by the
22 way. And the one that he presented to people and
23 everybody said, and then quietly he switched back.
24 Now, I'm not accusing him of bait and switch, but,
25 you know, maybe he felt he has to do it, but there

1 was absolutely no publicity on the second part,
2 when he switched back to this Frankenstein of a
3 building, a giant white elephant. So, that's
4 where we are at the moment.

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

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

21 So then, when -- and I watched the truck
22 coming around. I was coming around on Carpenter
23 Street from the Library, and I saw a truck that
24 had mounted the sidewalk just to get around onto
25 Carpenter Street, attempt to mount the sidewalk up

1 in front of the old boathouse there.

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

13 So wouldn't it be better to actually take
14 these plans and just -- and figure out with him
15 before he puts a shovel in the ground, because
16 he's only putting in these drainage things so far.
17 Decide exactly what it's going to be and say okay.
18 Just negotiate with them, and go back and say,
19 "Look, what are we going to do hear? You
20 can't" -- "you're not going to" -- "you're not
21 going to saddle us with a" -- "with a kind of
22 a" -- you know, a bluff, where we're forced to
23 admit that you've got this useless commercial
24 space." Let's just step back. Let's step back
25 and look at the thing reasonably, everybody,

1 Planning Committee, Planning Board involved as
2 well, and just say -- and talk to Mr. Pawlowski.
3 He seems to be a reasonable guy. I don't know
4 about his partners, but they -- he seems to be a
5 reasonable guy, and let's work it out. Let's work
6 out what's going -- what it's going to be before
7 it actually happens. I think that would be
8 better.

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

20 Indeed, on the plan, it says stucco over
21 wood frame. Now, I don't know if there's any
22 stucco anywhere else in the Village, but it sure
23 doesn't sound like Village. I don't know what's
24 on the front of the Menhaden. Doesn't look that
25 good, but, I mean, you know.

1 I mean, what are we doing here? I mean, are
2 we -- let's do something that works for Greenport,
3 that works for everybody, you know, that looks
4 good, that's going to be functional, that's going
5 to, you know, expand the tax base, but in favor of
6 the -- in alignment with the taxpayers' and
7 residents' interests and not the developer.

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

15 So I'm just asking. I'm not saying
16 anything, you know, I'm not being confrontational.
17 I'm asking everybody to take a step back and have
18 a look at this. It's kind of strange that just
19 before the old owner sold the property he was
20 issued a permit, whereas he had two -- on the --
21 on the stipulation, he had two years to get that
22 permit and to start, to start working. So this is
23 12 years, that 10 years after that expired he gets
24 a permit. Four months later, that permit is then
25 a live permit. So then after 12 years in a

1 moribund state, this development is revived by
2 means of this permit, and nobody seems to know who
3 approved that permit. Then four months later that
4 gets transferred to the new owner as a -- in
5 July 16th, or something, of this year.

6 And those permits, I have to say those
7 permits only appeared on the fence within the last
8 10 days or two weeks. There was never -- you
9 know, there was never a permit. Like when you get
10 a permit, you're supposed to display it. And, in
11 fact, I don't see any permits displayed on
12 buildings these days. I walk around Greenport, I
13 go around Greenport, and any -- there's 10 new
14 houses being built, and I haven't seen a permit on
15 any of them. Maybe they're inside, I don't know.
16 So, I mean, that makes me wonder as well just
17 about how things are being reviewed and how things
18 are being enforced.

19 In October of -- last October, at the
20 Trustee meeting, Mr. Pallas said the search for a
21 Senior Building Inspector continues, but the
22 Village may have to raise the salary in order to
23 do it. Now I don't want -- I don't see any -- I
24 looked through the records, you know, online, I
25 don't see where that's being -- actually being

1 revived. I don't think having a Code Enforcement
2 Officer really cuts it, especially when you have a
3 building of this -- a development of this size. I
4 mean, I've been 40 years in the construction
5 business, and I'm looking at these plans and I'm
6 taking a while to look at it, you know?

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

19 So, I mean, just because there was a lawsuit
20 worked out and there was -- this kind of thing was
21 hashed out in committee in the last week of the
22 Kapell Administration, so it seems to have slipped
23 between -- in the cracks. Then he -- then he left
24 a week later, and then Nyce comes in, and then it
25 kind of goes moribund, and now it -- and now it

1 pops its head up again. It's like a -- you know,
2 an episode of Stranger Things, or something, like
3 this thing is coming, whoa, you know.

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

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

11 MR. MACKEN: Sure.

12 MAYOR HUBBARD: There's nothing in the
13 application that has triggered to go to the
14 current Planning Board or Zoning Board. I believe
15 the Planning Board and Zoning Board that were in
16 office at the time, that were part of the Board 12
17 years ago, did their due diligence. They did
18 their proper job on the application, and part of
19 the lawsuit and everything else. So there's no
20 reason -- I can't just send it to the Planning
21 Board now because somebody wants it. There's got
22 to be a trigger that sends it to Planning and
23 Zoning. And as long as he adheres to the original
24 stipulation, it does not have go back to Planning
25 and Zoning at this point. If he changes anything

1 or wants to modify it, then it will have to, and
2 it will go through complete review with the
3 current Board that we have in place now.

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

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

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

20 MR. PALLAS: Right.

21 MR. MACKEN: Okay.

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

25 MR. MACKEN: But who's going to enforce it?

1 Who has looked at the plans for that? Who has
2 reviewed the plan? That's what I'm saying, who's
3 going to enforce that?

4 MAYOR HUBBARD: The Building Department is
5 reviewing the plans.

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

9 TRUSTEE PHILLIPS: No.

10 MR. MACKEN: There is no --

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

13 TRUSTEE PHILLIPS: And we have the --

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

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

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

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

2 MAYOR HUBBARD: Resist what?

3 MR. MACKEN: Why not just have the Planning
4 Board look at it in detail?

5 MAYOR HUBBARD: They can look at it, but
6 they have no jurisdiction over the application.
7 So to ask them to review it, they have no
8 jurisdiction. Whatever they say, there's no
9 jurisdiction, because there's a reason things
10 going to the Planning Board.

11 TRUSTEE PHILLIPS: They can't review it.

12 MAYOR HUBBARD: That's part of the Village
13 Code. There's no reason for it to go to them at
14 this point.

15 MR. MACKEN: So a trigger for that wouldn't
16 be that, like, for instance, there are all kinds
17 of issues raised by the current code, and Sandy,
18 and stuff like that in the -- you know, the --

19 TRUSTEE PHILLIPS: No.

20 MAYOR HUBBARD: That would be New York State
21 Code. Whatever is built now has to comply with
22 New York State Code.

23 MR. MACKEN: Uh-huh.

24 TRUSTEE PHILLIPS: That's not going to take
25 it anywhere.

1 MAYOR HUBBARD: So if New York State changed
2 something with elevations, or anything else, prior
3 to Sandy, and they changed something after Sandy,
4 whatever is built now would have to comply with
5 New York State Code.

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

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

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

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

24 MR. MACKEN: I don't think he started on the
25 foundation yet, but I've seen it --

1 MAYOR HUBBARD: Well, they're digging to be
2 able to do that. Okay.

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

9 TRUSTEE PHILLIPS: Okay, that's enough.
10 That's enough.

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

13 TRUSTEE PHILLIPS: That's enough.

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

16 TRUSTEE PHILLIPS: That's enough.

17 MS. ALLEN: This needs to stop.

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

19 TRUSTEE PHILLIPS: That's enough.

20 MAYOR HUBBARD: Our people have gone to
21 classes, they are certified to take care of the
22 needs that we need. If you're second-guessing
23 qualifications, or whatever, of the Village
24 employees, you're going to have to come to Village
25 Hall and we'll have a discussion about that.

1 We're not going to sit there and second-guess
2 people that work for the Village --

3 MR. MACKEN: No.

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

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

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

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

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

25 TRUSTEE PHILLIPS: So we spent the money to

1 invest in the current employee to take the courses
2 through the Department of State to become
3 certified. And if you read on the Department of
4 State, there is no longer anything called a
5 Building Inspector. It's called a Code
6 Enforcement Officer. He has taken all five of the
7 courses, has passed all five of the courses, has
8 continued his education.

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

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

25 Believe me, I'm a little touchy about it,

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

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

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

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

25 MAYOR HUBBARD: Okay. Well, you could read

1 the minutes on it. But, I mean, we did discuss
2 it. We discussed all that in open.

3 MR. MACKEN: Okay.

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

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

9 MAYOR HUBBARD: That's fine.

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

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

23 MR. MACKEN: Okay, because I'm just -- on
24 this, I'm not speaking just on my behalf, I'm
25 speaking for several residents of the -- of

1 Sterling Avenue as well. So, I mean --

2 MAYOR HUBBARD: Of the Association or just
3 separate?

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

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

11 MR. MACKEN: Right.

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

15 MR. MACKEN: Right.

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

25 I had several letters this week from

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

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

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

1 and bring suit against it."

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

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

15 MAYOR HUBBARD: Uh-huh.

16 MR. MACKEN: So, I mean, but then, you know,
17 these things are sometimes like herding cats or
18 something. But, I mean, everybody has an interest
19 in it, everybody's very concerned, and concerned
20 that the best thing be done possible. And it
21 doesn't look like this building is that, because
22 it's huge. It's out of scale with the
23 neighborhood, it doesn't fit in with the
24 neighborhood. And, you know, it's kind of a --
25 it's kind of a murky history, we'll say.

1 MAYOR HUBBARD: I agree, 45,000 square feet
2 is a big building, but that's what he's approved
3 to build. So, I mean, that's -- you could make it
4 look like townhouses, make it look like something
5 else, but he's approved to build 45,000 square
6 feet of building there, three stories, 15,000
7 square feet per story. That's what he's approved
8 to do.

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

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

22 MR. MACKEN: Okay.

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

25 MR. MACKEN: Okay.

1 MAYOR HUBBARD: They're preparing that and
2 putting in the footprint.

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

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

17 MR. MACKEN: Yeah.

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

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

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

1 MR. MACKEN: I know.

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

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

12 MAYOR HUBBARD: Okay.

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

15 MAYOR HUBBARD: All right. Thank you.
16 Mr. Saladino.

17 MR. SALADINO: John Saladino, Sixth Street.

18 I would just like to take this opportunity
19 to once again lobby you guys to vote no on this
20 Resolution No. 9. You -- I had a lot to say about
21 it at your work session. I kind of think I
22 covered what I had to say. Other people, other --

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

25 MR. SALADINO: Oh, I read it wrong. I'm

1 sorry, 15.

2 MAYOR HUBBARD: Okay. No, I'm just --

3 MR. SALADINO: What is 9? Maybe I don't
4 like that, too.

5 TRUSTEE ROBINS: Microgrid.

6 MR. BRANDT: You'll like it, John. Trust
7 me, you'd like it.

8 MR. SALADINO: Oh, I'm sorry.

9 MAYOR HUBBARD: That's fine. I knew where
10 you were going.

11 MR. SALADINO: Oh, yeah, I like that.

12 MAYOR HUBBARD: I just want to make sure
13 that number is correct. That's all.

14 MR. SALADINO: So I had said what I had to
15 say. And, again, in the interest of full
16 disclosure, because we want it on the record, we
17 heard that at the previous meeting, I am a member
18 of the Zoning Board of Appeals. I don't speak for
19 all of them, I speak for -- we seem to be in tune.
20 A plurality of the members feel the same way I do,
21 that you should -- you should -- it's my opinion
22 you should vote no.

23 You had -- prior to this last public
24 hearing, you had two previous public hearings,
25 they were well attended. The consensus by the

1 people that attended was that the code shouldn't
2 be changed, and the Village Board decided not to.

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

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

17 So again, I would ask you, if the motivation
18 here is because the public came to you, and this
19 Board debated it, and there was a need from the --
20 from the residents that this code be changed, you
21 folks know how I feel about the code. I look at
22 the code as like almost carved in stone. Some
23 stuff gets outmoded, some stuff is outdated, and
24 that should be considered for perhaps modification
25 or a code change. This is not what's happening

1 here.

2 This code is being changed because we had
3 public testimony from elected officials on two
4 different occasions that it's being changed to
5 circumvent -- to absolve the Village of a lawsuit.
6 I can't stress it enough, that is the worst reason
7 to change the code, the absolute worst reason. It
8 cuts the legs off any statutory board, whether it
9 be Planning, whether it be Zoning, whether it be
10 the Village Board. Those Boards are here to
11 support the code and support the Village. And in
12 return, it would -- it would be nice to believe
13 that the Village Board feels the same way about
14 the statutory board; that the Village Board feels
15 that these volunteers, they do their job, they
16 come to a conclusion, they come to a decision that
17 they feel is right, and it shouldn't be a
18 back-door deal that changes what happens.

19 There's a system set up, Article 78
20 procedure. It goes in front of a neutral, it goes
21 in front of an Administrative Law Judge. He
22 listens to the testimony of that decision that
23 that statutory board made, and he makes a
24 decision. I've said this before, it should go to
25 the neutral. They decide who was right. If the

1 Village was right, that particular statutory board
2 knows what to do in the future. It's guided by
3 their decision in the future. It also sends a
4 message to any litigious applicant that wants to
5 progress the same claim. If the statutory board
6 was wrong, they learn from it, they know what not
7 to do next time.

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

14 Thank you. Thanks of listening.

15 MAYOR HUBBARD: Thank you.

16 MS. HAMMES: Patricia Hammes, 603 Main
17 Street.

18 I actually want to address this point as
19 well. I'm actually in support of the resolution.
20 I think that once the short-term rental law, which
21 I spoke a lot about previously, and don't
22 necessarily agree with the rent -- the law that
23 was enacted. I thought it should have been
24 stricter, but it is what it is, and we allow
25 owners to have unlimited short-term rentals in

1 their homes. Once that was adopted, it kind of
2 gutted the B&B law.

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

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

22 I don't disagree with Mr. Saladino, that to
23 change something just because a lawsuit is there
24 is necessarily the right approach. I think that
25 you're not going to get a lot of people showing up

1 here in favor of it, because how many houses are
2 there in the Village that can do five bedroom
3 B&Bs? I will confess that I might be one of them,
4 although I have absolutely no intention ever of
5 turning my home into a B&B. But rather than
6 having somebody raise that as a possibility, I
7 would disclose that. But I -- it's never going to
8 happen. When we bought it, everybody thought we
9 were doing that. And I run a B&B for my family,
10 so that's more than enough for me.

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

22 But I do think, given that in my view this
23 person seems to want to do the right thing and
24 comply with the B&B rules, I think they should be
25 commended for that. I don't think they should

1 be -- have been penalized for that. The Board,
2 the Zoning Board, as I understand it, had already
3 previously approved another four-bedroom B&B in
4 the Town.

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

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

20 TRUSTEE CLARKE: Thank you.

21 TRUSTEE ROBINS: Just a --

22 MAYOR HUBBARD: Yes.

23 TRUSTEE ROBINS: Just a quick point as well.
24 To have a five-bedroom B&B, you actually have to
25 have a six-bedroom house. I sell real estate. I

1 don't think there are very many six-bedroom houses
2 in the Village at all.

3 MR. SALADINO: There's a few.

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

7 MAYOR HUBBARD: Was it August or July?

8 TRUSTEE CLARKE: It was August.

9 MS. HAMMES: It was the last one.

10 TRUSTEE CLARKE: Okay.

11 MR. PALLAS: Regular meeting

12 MAYOR HUBBARD: The July regular meeting.

13 TRUSTEE CLARKE: I don't recollect.

14 MAYOR HUBBARD: August regular meeting?

15 TRUSTEE PHILLIPS: August.

16 MAYOR HUBBARD: Okay. August regular
17 meeting.

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

25 MR. SALADINO: Well, I watched the --

1 MS. ALLEN: No, that's not true.

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

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

8 MAYOR HUBBARD: Uh-huh.

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

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

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

21 MR. SALADINO: Then I apologize.

22 TRUSTEE CLARKE: -- which is what you
23 stated.

24 MR. SALADINO: At the public hearing --

25 TRUSTEE CLARKE: So I'm just trying to

1 correct the record.

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

6 Just on the other topic, as far as
7 short-term rental, in New York State, there's a
8 multiple resident -- there's a multiple dwelling
9 law. And for villages, hamlets and towns under
10 350,000, and cities under 350,000, and towns and
11 villages that come under a multiple residence law.
12 The attorney can perhaps correct me if I'm wrong,
13 but I read it front and back, and in order to --
14 in order for a home, as being contended here, that
15 you could just -- this particular applicant can
16 just rent five rooms short term, no, you can't.
17 No, you can't, not according to New York State
18 Law.

19 According to New York State multiple
20 residence law, that's considered a multiple
21 dwelling. It's considered a lodging house, an
22 inn. Then it steps up to boarding house with a
23 different number, and it steps up to hotel with a
24 different number, but they're all considered
25 multiple dwellings.

1 In the R-2 District, multiple dwellings are
2 not a permitted use. So this applicant's attorney
3 progressed that idea as a -- as a bump, as a -- as
4 an alternative to, "Well, if you don't give me
5 this, we'll just do that." It's not a reality.
6 The Attorney can check it. I'm fairly positive
7 that I'm right. But, again, Joe's the Village
8 Attorney.

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

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

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

22 MS. ALLEN: Chatty Allen, Third Street.

23 I was one of the ones at the public hearing
24 that spoke out against this, that I do not feel
25 the code should be changed.

1 When you look around the Village, I think
2 there is only one property capable of going to
3 five rooms. Now I never looked into everything
4 that Mr. Saladino just said, so that makes me even
5 more against this Board changing the code.

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

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

25 And like was just mentioned about short-term

1 rental, I've been saying it from the get-go, I
2 think you need to look at that code again and make
3 it owner-occupied only. That's my personal
4 feeling.

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

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

25 So I was just a little taken aback by some

1 of the things this evening. You guys do an
2 amazing job on staying on top of everything, so
3 thank you.

4 TRUSTEE CLARKE: Thank you.

5 MAYOR HUBBARD: Anybody else wish to address
6 the Board?

7 (No Response)

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

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

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

24 TRUSTEE MARTILOTTA: Second.

25 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
9 Clarke.

10 TRUSTEE CLARKE: *RESOLUTION #09-2019-2,*
11 *accepting the monthly reports of the Greenport*
12 *Fire Department, Village Administrator, Village*
13 *Treasurer, Village Clerk, Village Attorney, Mayor*
14 *and Board of Trustees. So moved.*

15 TRUSTEE ROBINS: Second.

16 MAYOR HUBBARD: All in favor?

17 TRUSTEE MARTILOTTA: Aye.

18 TRUSTEE CLARKE: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 TRUSTEE ROBINS: Aye.

21 MAYOR HUBBARD: Aye.

22 Opposed?

23 (No Response)

24 MAYOR HUBBARD: Motion carried.

25 TRUSTEE ROBINS: *RESOLUTION #09-2019-3,*

1 *RESOLUTION approving the application for*
2 *membership of Hermogenes M. Aguilera to the*
3 *Standard Hose Company of the Greenport Fire*
4 *Department, as approved on September 18th, 2019 by*
5 *the Greenport Fire Department Board of Wardens.*

6 So moved.

7 TRUSTEE MARTILOTTA: Second.

8 MAYOR HUBBARD: All in favor?

9 TRUSTEE MARTILOTTA: Aye.

10 TRUSTEE CLARKE: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 TRUSTEE ROBINS: Aye.

13 MAYOR HUBBARD: Aye.

14 Opposed?

15 (No Response)

16 MAYOR HUBBARD: Motion carried.

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

23 TRUSTEE PHILLIPS: Second.

24 MAYOR HUBBARD: All in favor?

25 TRUSTEE MARTILOTTA: Aye.

1 TRUSTEE CLARKE: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 TRUSTEE ROBINS: Aye.

4 MAYOR HUBBARD: Aye.

5 Opposed?

6 (No Response)

7 MAYOR HUBBARD: Motion carried.

8 TRUSTEE PHILLIPS: *RESOLUTION #09-2019-5,*
9 *RESOLUTION authorizing the solicitation of bids*
10 *for an air conditioning system at the Third Street*
11 *Fire Station at Third and South Streets; and*
12 *directing Clerk Pirillo to notice the solicitation*
13 *of bids accordingly. So moved.*

14 TRUSTEE CLARKE: 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 CLARKE: *RESOLUTION #09-2019-6,*
25 *awarding the bid for road-end water quality*

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

9 TRUSTEE ROBINS: Second.

10 MAYOR HUBBARD: Just one comment on that.

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

22 Any other comments?

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

25 MR. PALLAS: I believe this is step one.

1 TRUSTEE PHILLIPS: I know.

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

5 TRUSTEE PHILLIPS: Okay, great. Okay.

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

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

12 MAYOR HUBBARD: Okay. All in favor?

13 TRUSTEE MARTILOTTA: Aye.

14 TRUSTEE CLARKE: Aye.

15 TRUSTEE PHILLIPS: Aye.

16 TRUSTEE ROBINS: Aye.

17 MAYOR HUBBARD: Aye.

18 Opposed?

19 (No Response)

20 MAYOR HUBBARD: Motion carried.

21 TRUSTEE ROBINS: *RESOLUTION #09-2019-7,*
22 *RESOLUTION authorizing the attendance of Trustee*
23 *Julia Robins and Village Administrator Paul Pallas*
24 *at the NYAPP Annual Fall Business Meeting from*
25 *October 15th, 2019 through October 16th, 2019 in*

1 *Albany, New York, at a conference fee of \$235.00*
2 *per person and a room rate of \$165.00 per night*
3 *per person, reimbursable meal expenses not to*
4 *exceed \$35.00 per day, and mileage and travel*
5 *reimbursement in accordance with the Village of*
6 *Greenport Travel Policy, to be expensed from*
7 *account E.0782.000 (Management Services). So*
8 *moved.*

9 TRUSTEE MARTILOTTA: Second.

10 MAYOR HUBBARD: All in favor?

11 TRUSTEE MARTILOTTA: Aye.

12 TRUSTEE CLARKE: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 TRUSTEE ROBINS: Aye.

15 MAYOR HUBBARD: Aye.

16 Opposed?

17 (No Response)

18 MAYOR HUBBARD: Motion carried.

19 TRUSTEE MARTILOTTA: *RESOLUTION #09-2019-8,*
20 *RESOLUTION authorizing Treasurer Brandt to perform*
21 *attached Budget Amendment #4185, to appropriate*
22 *reserves to fund the engineering services for the*
23 *North Ferry Rehabilitation Project, and directing*
24 *that Budget Amendment #4183 be included as part of*
25 *the formal meeting minutes of the September 26,*

1 *2019 regular meeting of the Board of Trustees. So*
2 *moved.*

3 TRUSTEE PHILLIPS: *Second.*

4 MAYOR HUBBARD: *All in favor?*

5 TRUSTEE MARTILOTTA: *Aye.*

6 TRUSTEE CLARKE: *Aye.*

7 TRUSTEE PHILLIPS: *Aye.*

8 TRUSTEE ROBINS: *Aye.*

9 MAYOR HUBBARD: *Aye.*

10 *Opposed?*

11 *(No Response)*

12 MAYOR HUBBARD: *Motion carried.*

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

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

19 TRUSTEE ROBINS: Second.

20 MAYOR HUBBARD: All in favor?

21 TRUSTEE MARTILOTTA: Aye.

22 TRUSTEE CLARKE: Aye.

23 TRUSTEE PHILLIPS: Aye.

24 TRUSTEE ROBINS: Aye.

25 MAYOR HUBBARD: Aye.

1 TRUSTEE PHILLIPS: Aye.

2 TRUSTEE ROBINS: Aye.

3 MAYOR HUBBARD: Aye.

4 Opposed?

5 (No Response)

6 MAYOR HUBBARD: Motion carried.

7 TRUSTEE MARTILOTTA: *RESOLUTION #09-2019-12,*
8 *RESOLUTION approving the attached SEQRA resolution*
9 *regarding the Wetlands Permit Application*
10 *submitted by Costello Marine Contracting on behalf*
11 *of Rosemary Gutwillig to resheathe 265' of face of*
12 *existing bulkhead, remove 37' of existing concrete*
13 *and stone seawall and construct 37' of new*
14 *southwest bulkhead in-place, on the property at*
15 *109 Bay Avenue, Greenport, New York, 11944.*

16 So moved.

17 TRUSTEE PHILLIPS: Second.

18 MAYOR HUBBARD: All in favor?

19 TRUSTEE MARTILOTTA: Aye.

20 TRUSTEE CLARKE: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 TRUSTEE ROBINS: Aye.

23 MAYOR HUBBARD: Aye.

24 Opposed?

25 (No Response)

1 *(Zoning) regarding the maximum number of rooms*
2 *permitted in a Bed and Breakfast in the Village of*
3 *Greenport. So moved.*

4 TRUSTEE MARTILOTTA: Second.

5 TRUSTEE PHILLIPS: I have a question.

6 MAYOR HUBBARD: Okay.

7 TRUSTEE PHILLIPS: On the 24th of September
8 I sent an email to the Village Attorney and to the
9 Mayor and the Board, because I noticed on
10 Section D that we have something in the code here
11 that doesn't match the increase to five rooms. So
12 my question is does this need to be changed before
13 we vote on this, or do we need to have a public
14 hearing afterwards to delete this out of the code?

15 ATTORNEY PROKOP: If you -- you can't change
16 it tonight and then vote on it --

17 TRUSTEE PHILLIPS: No, I know you can't,
18 that's why I'm asking.

19 MR. PROKOP: I don't -- I don't believe that
20 you would need another public hearing, but you
21 couldn't -- you could not vote on it for eight
22 days after the change is made.

23 TRUSTEE PHILLIPS: Well, my question is, is
24 do we go forward with this and then -- and -- I
25 mean, it's saying here a maximum of six casual and

1 transit roomers, but, yet, we're changing the
2 rooms to five. To me, that's -- you know, I was
3 hoping to get an answer before the meeting, but it
4 didn't come.

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

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

25 It doesn't affect any decision that comes

1 from a statutory board, they made their decision
2 and that's part of their job. The Planning Board
3 has their role, but we, as a Village Board, have
4 to look at the code, because we are the gatekeeper
5 for it in making sure that it's relevant for the
6 current times within our Village.

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

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

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

25 I know how I'm going to vote, but, in the

1 meantime, I just want to make sure that this is a
2 clear-cut and no more -- no more stress upon any
3 of the B&B owners. That's -- that's what I'm
4 coming from.

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

7 TRUSTEE PHILLIPS: Yes.

8 TRUSTEE CLARKE: -- that's written there?

9 TRUSTEE PHILLIPS: Yeah.

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

15 TRUSTEE PHILLIPS: And --

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

20 TRUSTEE PHILLIPS: Okay.

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

24 TRUSTEE PHILLIPS: Okay. And I had -- okay.
25 But I had also asked at the work session if all

1 the other requirements were going to be the same,
2 and to be honest with you, when the legalese came
3 out, that's when I picked it up.

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

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

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

23 That's not the only reason this ever came up
24 and all. It was not about a lawsuit. It was on
25 recommendation of Counsel, from the Village

1 Attorney, the Planning Board and Zoning Board
2 Attorney, and from comments that we had received
3 on it.

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

14 Any other discussion?

15 TRUSTEE MARTILOTTA: No.

16 MAYOR HUBBARD: Okay. All in favor?

17 TRUSTEE MARTILOTTA: Aye.

18 TRUSTEE CLARKE: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 TRUSTEE ROBINS: Aye.

21 MAYOR HUBBARD: Aye.

22 Opposed?

23 (No Response)

24 MAYOR HUBBARD: Motion carried. Jack.

25 TRUSTEE MARTILOTTA: (RESOLUTION

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*
15 *Board member, Zoning Board member, and Village*
16 *Manager or staff person at the Suffolk County*
17 *Village --*

18 TRUSTEE ROBINS: Officials?

19 TRUSTEE PHILLIPS: Officials Association.

20 TRUSTEE CLARKE: *OA Municipal Training*
21 *seminar --*

22 MAYOR HUBBARD: Village Officials
23 Association.

24 TRUSTEE CLARKE: *-- on October 10, 2019 at*
25 *the Hilton Long Island Huntington in Melville, New*

1 *York. The \$65 fee, and mileage reimbursement in*
2 *accordance with the Village of Greenport Travel*
3 *Policy, will be expensed from the corresponding*
4 *account number(s). So moved.*

5 TRUSTEE ROBINS: Second.

6 MAYOR HUBBARD: All in favor?

7 TRUSTEE MARTILOTTA: Aye.

8 TRUSTEE CLARKE: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 TRUSTEE ROBINS: Aye.

11 MAYOR HUBBARD: Aye.

12 Opposed?

13 (No Response)

14 MAYOR HUBBARD: Motion carried.

15 TRUSTEE ROBINS: *RESOLUTION #09-2019-19,*
16 *RESOLUTION hiring Dale Raynor as a full-time*
17 *Laborer in the Sewer Department, at a wage rate of*
18 *\$16 per hour, effective September 30th, 2019. All*
19 *health insurance and other full-time employment*
20 *benefit provisions specified in the current*
21 *contract between the Village of Greenport and CSEA*
22 *Local 1000 apply to this hiring, as does the*
23 *standard twenty-six week Suffolk County Civil*
24 *Service probationary period. So moved.*

25 TRUSTEE MARTILOTTA: 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 MARTILOTTA: *RESOLUTION #09-2019-20,*
11 *RESOLUTION approving the attached agreement*
12 *between the Village of Greenport and the North*
13 *Ferry Corporation regarding the contribution(s) of*
14 *the North Ferry to the funding -- to the funding*
15 *of the match portion of the grant administered by*
16 *the New York Metropolitan Transportation Council*
17 *for the design and re-construction of the North*
18 *Ferry Terminal in Greenport, New York; and*
19 *authorizing Mayor Hubbard to sign the agreement*
20 *between the Village of Greenport and the North*
21 *Ferry Corporation. So moved.*

22 TRUSTEE PHILLIPS: Second.

23 MAYOR HUBBARD: All in favor?

24 TRUSTEE MARTILOTTA: Aye.

25 TRUSTEE CLARKE: Aye.

1 TRUSTEE PHILLIPS: Aye.

2 TRUSTEE ROBINS: Aye.

3 MAYOR HUBBARD: Aye.

4 Opposed?

5 (No Response)

6 MAYOR HUBBARD: Motion carried.

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

13 TRUSTEE CLARKE: Second.

14 MAYOR HUBBARD: All in favor?

15 TRUSTEE MARTILOTTA: Aye.

16 TRUSTEE CLARKE: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 TRUSTEE ROBINS: Aye.

19 MAYOR HUBBARD: Aye.

20 Opposed?

21 (No Response)

22 MAYOR HUBBARD: Motion carried.

23 TRUSTEE CLARKE: *RESOLUTION #09-2019-22,*
24 *approving all checks for Fiscal Year 2019/2020 per*
25 *the Voucher Summary Report dated September 20th,*

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

11 TRUSTEE PHILLIPS: Second.

12 MAYOR HUBBARD: All in favor?

13 TRUSTEE MARTILOTTA: Aye.

14 TRUSTEE CLARKE: Aye.

15 TRUSTEE PHILLIPS: Aye.

16 TRUSTEE ROBINS: Aye.

17 MAYOR HUBBARD: Aye.

18 Opposed?

19 (No Response)

20 MAYOR HUBBARD: Motion carried.

21 Thank you all for coming.

22 (Time Noted: 8:32)

23

24

25

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VILLAGE OF GREENPORT

Budget Adjustment Form

Year: 2020	Period: 8	Trans Type: B2 - Amend	Status: Batch
Trans No: 4185	Trans Date: 08/08/2019	User Ref: ROBERT	
Requested: P. PALLAS	Approved:	Created by: ROBERT	08/08/2019
Description: FUNDING OF THE NORTH FERRY TERMINAL REHABILITATION PROJECT ENGINEERING SERVICES			Account # Order: No
			Print Parent Account: No

Account No.	Account Description	Amount
A.5990	APPROPRIATED FUND BALANCE	112,200.00
A.8843.900	TRANSFER TO CAPITAL	112,200.00
H.2816.500	TRANSFER FROM GENERAL.	112,200.00
H.5110.210	NORTH FERRY REHAB	112,200.00
Total Amount:		448,800.00

VILLAGE OF GREENPORT

Budget Adjustment Form

Year: 2020 Period: 8 Trans Type: B2 - Amend Status: Batch
 Trans No: 4213 Trans Date: 08/27/2019 User Ref: ROBERT
 Requested: P. PALLAS Approved: Created by: ROBERT 08/27/2019

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
 Account # Order: No
 Print Parent Account: No

Account No.	Account Description	Amount
E.0363	DISTR O/H CONDUCTORS	72,360.00
E.5990	APPROPRIATED FUND BALANCE	72,360.00
E.0363	DISTR O/H CONDUCTORS	16,825.00
E.5990	APPROPRIATED FUND BALANCE	16,825.00
Total Amount:		178,370.00

VILLAGE OF GREENPORT

Budget Adjustment Form

Year: 2020 Period: 9 Trans Type: B2 - Amend Status: Batch
Trans No: 4216 Trans Date: 09/11/2019 User Ref: ROBERT
Requested: A. HUBBARD Approved: Created by: ROBERT 09/11/2019
Description: TO APPROPRIATE RESERVES TO FUND THE REMOVAL, TRANSPORT AND REPAIR OF ONE OF THE EFFLUENT PUMPS AT THE WWTP
Account # Order: No
Print Parent Account: No

Account No.	Account Description	Amount
G.8120 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

BOARD OF TRUSTEES - VILLAGE OF GREENPORT
SEQRA RESOLUTION REGARDING THE AMENDMENT OF CHAPTER 150
(ZONING), SECTION 7(B)7(C) – BED AND BREAKFASTS -
OF THE VILLAGE OF GREENPORT CODE

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 ore 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.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State
of New York, the Incorporated Village of Greenport, County of Suffolk and State of
New York, hereby enacts by this Local Law of 2019, a Local Law of the Village of
Greenport.

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 _____)
)ss:
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