

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK STATE OF NEW YORK
3 -----x

4 VILLAGE OF GREENPORT
5 BOARD OF TRUSTEES
6 -----x

7
8 Third Street Firehouse
9 Greenport, New York

10 October 22, 2012
11 6:00 P.M.

12
13 B E F O R E:

- 14 DAVID NYCE - MAYOR
- 15 GEORGE HUBBARD, JR. - TRUSTEE
- 16 DAVID MURRAY - TRUSTEE
- 17 CHRIS KEMPNER - TRUSTEE
- 18 MARY BESS PHILLIPS - TRUSTEE

- 19
- 20 SYLVIA LAZZARI PIRILLO - CLERK
- 21 JOSEPH PROKOP - VILLAGE ATTORNEY
- 22 DAVID ABATELLI - VILLAGE ADMINISTRATOR
- 23 JACK NAYLOR - DIRECTOR OF UTILITIES
- 24
- 25

1 MAYOR NYCE: All right. I'll call this
2 meeting to order, being just after six.

3 Please join us in the Pledge of Allegiance.

4 (WHEREUPON, all stood for the Pledge of
5 Allegiance.)

6 MAYOR NYCE: Please remain standing for
7 a moment of silence for Ethel Brown, Jane
8 Ritter, Sally B. Grattan, Deborah L. Pedersen,
9 Mary E. Crandall, former Water Plant Operator
10 Lloyd Clifford "Pep" Kalin.

11 (WHEREUPON, moment of silence was
12 observed.)

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

15 You will notice there is another name on
16 that list. I'd like to also pass along our
17 condolences. The Supervisor of our Electric
18 Department lost his mom, Annetta "Sis" Goodale
19 Fogarty Nordlinger, a week before last. I'm
20 going to pass along our condolences to the
21 family and our best wishes.

22 We have a couple of announcements. The
23 ever-changing goalpost of paving of First
24 Street. I've been told by our Village
25 Administrator Wednesday or Thursday, or

1 Thursday or Friday of this week.

2 The Annual Halloween Parade will be held
3 on October 27th, leaving Greenport High School
4 at 2 p.m. Pumpkins may be delivered to the
5 library from 10 a.m. to 2 p.m. to ensure
6 participation in the pumpkin contest.

7 The Carousel will be offering free rides
8 on the 27th from 3 to 6 p.m.

9 I also want to make an announcement, the
10 line crew has been putting in -- pardon me.
11 I'm getting over the flu, so I'm sucking on a
12 lozenge, which is rude, I understand. Bear
13 with me.

14 The Line Crew is putting in what they
15 call line fault indicators along the primary
16 lines. These fault indicators, if there is a
17 power outage, begin to blink and let them
18 know, rather than driving around with
19 flashlights, looking for something that flash
20 and blink, they should be able to locate those
21 line faults faster. So if you notice them and
22 you notice one blinking, please call 477-0172
23 and report it, although I'm sure they won't.

24 Under Public Interest, we encourage you
25 to please create a fire safety program for

1 your family. Please be sure to check your
2 batteries in your smoke and CO detectors.

3 The Greenport Fire Department will be
4 conducting a hydrant test on the 28th, which
5 is this Saturday?

6 TRUSTEE HUBBARD: This Sunday.

7 MAYOR NYCE: This Sunday, beginning at 9
8 a.m. They encourage that you not use a great
9 deal of water just after the hydrant test has
10 been done in your area, as there may be some
11 silt that comes up with the flushing of the
12 system. Any whites may become brown or
13 orange; festive, but not necessarily what you
14 would want.

15 Election day is November 6th.
16 Information on upcoming elections is available
17 through the Suffolk County Board of Elections.
18 We encourage everyone to please vote.

19 The Greenport Fire Department siren has
20 been turned off while assessing a problem with
21 the signal from Southold Town. There was an
22 issue with the Verizon feed at Southold Town.
23 We were getting signals at night, which we
24 typically don't have the siren going off. So
25 until they figure out what the problem is,

1 they just shut it down at night.

2 With that I have -- if I could ask Chief
3 Manwaring and Mr. Watkins to come up. I have
4 a presentation for them. I know you love this
5 stuff.

6 CHIEF MANWARING: Actually, I was told
7 the sirens were fixed.

8 MAYOR NYCE: Oh, it is. The siren has
9 been fixed.

10 CHIEF MANWARING: I wouldn't take my
11 word for it.

12 MAYOR NYCE: All right. I will try and
13 speak loudly enough. Several months back
14 there was a fire on Wiggins Street, and the
15 response of both -- several police officers
16 and our Fire and Rescue Department saved the
17 life of former Chief Robert Walden.

18 Unfortunately, Mr. Walden subsequently
19 died, but the quick response of those involved
20 was not only heroic, greatly appreciated by
21 the family, and also by us.

22 And I have a Letter of Citation for both
23 the Fire Department, the Rescue Squad, and
24 we'll be sending one to the Officer involved
25 that the Police Department identified.

1 It says, "Please accept this formal
2 expression of commendation and thanks to the
3 Greenport Fire Department for all the critical
4 and selfless efforts during the recent events
5 at the residence of former Police Chief and
6 longstanding Fire Department Member, Robert
7 Walden. It is such magnanimous actions that
8 exemplify the spirit of community in our
9 close-knit neighborhoods. We are proud and
10 humbled to acknowledge our Fire Department
11 Members as stellar role models. With our
12 sincere gratitude."

13 (Applause.)

14 CHIEF MANWARING: Thank you.

15 MR. WATKINS: Thank you.

16 MAYOR NYCE: Thank you. All right.

17 That brings us to the public portion of our
18 agenda. I will ask if there's anyone from the
19 public who wishes to speak at this point.

20 Ms. Passarelli, please come to the podium.

21 State your name and address for the record.

22 MS. PASSARELLI: Okay. Hi. Okay. Good
23 evening. My name is Cynthia Passarelli, I
24 live at 727 Main Street, and I'm here to very
25 briefly just address three things. Okay. Two

1 are pretty lightweight, the other one's a
2 little more serious.

3 I wanted to know if it's still in the
4 pipeline that, Mayor, you and I can get
5 together to organize a cleanup of the end of
6 Webb Street? Okay. I really would like to do
7 something nice for Webb Street.

8 MAYOR NYCE: Okay.

9 MS. PASSARELLI: And I know we can't get
10 rid of all the garbage that's behind the berm
11 or under the berm, but it is a repository for
12 refuse and it's other activities as well.

13 MAYOR NYCE: Okay.

14 MS. PASSARELLI: Okay. Then, speaking
15 of Webb Street, I don't have the precise date,
16 but was it about a year or year-and-a-half ago
17 it was made into a one-way, Webb Street?

18 MAYOR NYCE: It's about right.

19 MS. PASSARELLI: Okay. So, as I
20 apprized the Village and the Police, the first
21 week, three of your one-way signs were
22 vandalized and removed, and the pole. And I
23 just think since my house has such a clear
24 shot of that area, that confluence, obviously,
25 of First, Main and Webb is -- it's really

1 serious. And no less than once a day, and at
2 least ten times a day, people are still going
3 out the wrong way. I'm not talking about the
4 emergency vehicles who at least give us some
5 indication they're coming through.

6 MAYOR NYCE: Okay.

7 MS. PASSARELLI: So -- and I was home
8 the day that -- I wrote her name down, the
9 lady who was hit by the car on her bicycle and
10 she died that day.

11 MAYOR NYCE: Beverly Brown.

12 MS. PASSARELLI: Beverly Brown. And I
13 think, if nothing else, out of respect for her
14 sacrifice, because I'm convinced that that day
15 everything was aligned for that tragedy to
16 happen. And it is nightmarish to see all of
17 this -- excuse me -- going on.

18 And I really think it's an area that
19 because it seems like a very quiet spot, it's
20 serious and nobody really seems to be paying
21 attention to it.

22 Okay. And then the last item, and I
23 have to be really careful how I say this, but
24 what I just really want to ask the Board, is
25 there a mechanism in place to help facilitate

1 the process of addressing a very serious
2 situation that's occurring on my street? Even
3 though my address is Main Street, I'm one of
4 those houses that has two streets, I have two
5 exposures. And I really am frustrated with
6 how everything I'm communicating to the people
7 I'm communicating the information to is not
8 effecting any change in what appears to be, I
9 have no conclusive evidence, but illegal drug
10 trafficking.

11 And it has been -- I've been informed by
12 people who are the ultimate authority that
13 there are two convicted drug felons inhabiting
14 a residence directly across the street from
15 me. I have word from the landlord who lives
16 on the same block that they're not even paying
17 rent. This is not a Section 8 situation. And
18 we're getting an average of up to 20 cars a
19 day that stream in for the pickup.

20 And right now, me, I am -- I'm really
21 uncomfortable. I'm afraid there's a
22 disturbance of the peace issue at hand. And
23 if this gets the attention of the Village,
24 they're now using a Village tree in front of
25 the house on their sidewalk to stash the

1 drugs, and I saw this with my own eyes.

2 Now, I'm not comfortable. This has
3 definitely lessened the quality of the life of
4 all of us. And the hard thing for me is that
5 there's no unity amongst the neighbors,
6 there's no ability for all of us together
7 collectively to present ourselves. We all see
8 different things at different times.

9 And I've been told that because I'm an
10 outsider, that I don't get it, I don't
11 understand, that I really have to let this
12 thing just work itself out, and I really
13 struggle with this. I don't want to feel like
14 I live in a -- in a depraved neighborhood,
15 okay?

16 So I would just appreciate it if
17 somebody could give some feedback, not to me
18 right now, but I'm earnestly working towards
19 getting resolution, and I really don't think I
20 have the power to do it.

21 MAYOR NYCE: Okay.

22 MS. PASSARELLI: Thank you so much.

23 MAYOR NYCE: Please make sure that
24 David Abatelli has your phone number. I will
25 call you back tomorrow.

1 MS. PASSARELLI: Okay. Thank you.

2 MAYOR NYCE: We've had some very good
3 success with situations just like this in the
4 very recent past.

5 MS. PASSARELLI: I just want to say for
6 the record, I believe the burden falls on the
7 drug user and abuser, and then I think the
8 landlord is next in line. I can't put it on
9 the Police, and the Drug Task Force, and you
10 to solve the problem, but, collectively, maybe
11 we can do something, because I'd like to
12 restore some sanity back to my neighborhood.
13 Thank you.

14 MAYOR NYCE: Is there anyone else that
15 wishes to address the Board?

16 MR. WINKLER: It's John Winkler, 175 Fifth.
17 There's a resolution on the agenda tonight to
18 hire another assistant for Jack. And I was at
19 the work session and Jack said that he's got a
20 lot more time to do things because the
21 projects are winding down.

22 And this is almost a \$40,000 expense to
23 be added to his Department. And we've been
24 negotiating with our Village employees for two
25 years, and I think that money could go a long

1 way to helping those guys, and which they
2 deserve, because they're the best. I mean,
3 I've been in a couple of villages in my life
4 and there are none better.

5 So I wish you would reconsider that, and
6 that's my impression. Thank you.

7 MAYOR NYCE: Anyone else who wishes to
8 address the Board? If not, we will move to
9 our -- close the public portion. We'll go
10 into our regular agenda.

11 I would like to address a couple of
12 things before going to the regular agenda.
13 One is, as far as the assistant for Jack,
14 there's an open spot in the payroll that has
15 been there. We had had that position
16 available for many years. It is just
17 refilling that position, it's not doing away
18 with another position somewhere else in the
19 field. All it is is an assistant for him.
20 That department needs to have those three
21 people there, that's the reasoning for it.
22 The Board will vote as the Board feels.

23 With that, I will offer --

24 TRUSTEE PHILLIPS: I have a question.

25 MAYOR NYCE: Okay.

1 TRUSTEE PHILLIPS: I have a problem with
2 two invoices that are on the abstract. Do you
3 wish that to be discussed before we vote on
4 approving the agenda, because it may either
5 change the abstract amount, or do you want to
6 wait until we get down to the abstract and I
7 bring it up at that resolution?

8 MAYOR NYCE: We could offer a motion to
9 amend. You're talking about Resolution 20?
10 We could do a resolution to amend and separate
11 them out line by line.

12 TRUSTEE PHILLIPS: Yeah, there are two
13 items that are on the abstract that I believe
14 the other Board Members need to be brought to
15 their attention --

16 MAYOR NYCE: Okay.

17 TRUSTEE PHILLIPS: -- before they vote
18 on it. I'm not comfortable with the paperwork
19 that was presented. As you know, it took a
20 little time to get through the abstract this
21 month, and I just think that I need to present
22 it before we get there.

23 MAYOR NYCE: Okay.

24 TRUSTEE PHILLIPS: Okay?

25 MAYOR NYCE: With the exception of a

1 possible amendment to Item 20, I will offer a
2 resolution adopting October 2012 agenda as
3 printed.

4 TRUSTEE HUBBARD: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE KEMPNER: Aye.

7 TRUSTEE HUBBARD: Aye.

8 TRUSTEE MURRAY: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 MAYOR NYCE: Aye.

11 Any Opposed or abstentions?

12 (No Response.)

13 MAYOR NYCE: The motion carries.

14 Trustee Kempner, read the resolution.

15 TRUSTEE KEMPNER: RESOLUTION 10-2012-2,
16 RESOLUTION accepting the monthly reports of
17 the Greenport Fire Department, Village Clerk,
18 Village Treasurer, Village Administrator,
19 Director of Utilities, Village Attorney, Mayor
20 and the Board of Trustees. So moved.

21 TRUSTEE HUBBARD: Second.

22 MAYOR NYCE: All those in favor?

23 TRUSTEE KEMPNER: Aye.

24 TRUSTEE HUBBARD: Aye.

25 TRUSTEE MURRAY: Aye.

1 TRUSTEE PHILLIPS: Aye.

2 MAYOR NYCE: Aye.

3 Any opposed or abstentions?

4 (No Response.)

5 MAYOR NYCE: The motion carries.

6 TRUSTEE HUBBARD: Resolution # 10-2012-3,
7 RESOLUTION declaring that the removal of trees
8 and tree stumps on specified Village streets
9 is a Type II Action for the purposes of SEQRA,
10 and no further review is required. So moved.

11 TRUSTEE KEMPNER: Second.

12 MAYOR NYCE: All those in favor?

13 TRUSTEE KEMPNER: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Aye.

18 Any opposed or abstentions?

19 (No Response.)

20 MAYOR NYCE: The motion carries.

21 TRUSTEE MURRAY: Resolution 10-2012-4,
22 RESOLUTION awarding the contract for the
23 removal of trees and tree stumps on specified
24 Village streets to the lowest bidder, Chris
25 Mohr Lawn Care and Landscaping, Incorporated,

1 in the total amount of \$4,000.00, per the bid
2 opening on September 20th, 2012; to be
3 expensed from line item number A.5110.404,
4 Tree Committee, and line item number
5 A.7110.400, Parks. So moved.

6 TRUSTEE PHILLIPS: Second.

7 MAYOR NYCE: All those in favor?

8 TRUSTEE KEMPNER: Aye.

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MAYOR NYCE: Aye.

13 Any opposed or abstentions?

14 (No Response.)

15 MAYOR NYCE: That motion carries.

16 TRUSTEE PHILLIPS: RESOLUTION 10-2012-5,
17 RESOLUTION approving the Public Assembly
18 Permit Application for the use of the Fifth
19 Street Beach/Park, on July 19, 2014 from 8:00
20 a.m. to 8:00 pm., as submitted by the
21 Greenport High School all Class Reunion
22 Committee, via T.K. Krumenacker, for the
23 Second All Class Reunion. So moved.

24 TRUSTEE MURRAY: Second.

25 TRUSTEE PHILLIPS: This is not -- just

1 as a way of discussion and clarification, we
2 had the -- the group that comes into the
3 Mitchell Marina, that was just a
4 save-the-date. This is a definite --

5 MAYOR NYCE: This is a --

6 TRUSTEE PHILLIPS: Definite?

7 MAYOR NYCE: This is a definite.

8 TRUSTEE PHILLIPS: Okay. Is this going
9 to have any discussion of further services
10 from the Village? At that time, I think there
11 was some discussion of perhaps having some
12 extra lifeguards or -- there was some talk
13 about it after the class reunion. Is that
14 going to come up for topic before 2014 again,
15 because that's a long way off.

16 MAYOR NYCE: It is. It's some -- yes,
17 we could certainly discuss with them. There
18 were a number of people there. I don't know
19 how many of them were swimming in the
20 designated area, but, yeah, I think it
21 probably wouldn't be a bad idea for us to be
22 prepared.

23 TRUSTEE PHILLIPS: I think there were
24 some services that the neighborhood was
25 discussing, which I understand that they were

1 overwhelmed, which is part of the reunion, but
2 it was a good reunion and they cleaned up
3 after themselves.

4 MAYOR NYCE: Yes.

5 TRUSTEE PHILLIPS: I think that we
6 should perhaps at least put something, or a
7 reminder somewhere that this is coming up, to
8 review what needs to be used.

9 MAYOR NYCE: I will ask the Village
10 Administrator to reach out to T.K.
11 Krumenacker, and prior to, far prior to this
12 coming, to discuss the idea of having
13 additional lifeguards and security, etcetera,
14 etcetera. Any further discussion?

15 All those in favor?

16 TRUSTEE KEMPNER: Aye.

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 (No Response.)

23 MAYOR NYCE: Motion carries.

24 TRUSTEE KEMPNER: RESOLUTION 10-2012-6,
25 RESOLUTION approving the 2012/2013 Penflex

1 Service Award Program Service Fee Agreement
2 for an approximate annual amount of \$5,200.00,
3 and authorizing Mayor Nyce to sign the
4 agreement on behalf of the Village of
5 Greenport. So moved.

6 TRUSTEE HUBBARD: Second.

7 MAYOR NYCE: All those in favor?

8 TRUSTEE KEMPNER: Aye.

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MAYOR NYCE: Aye.

13 Any opposed or abstentions?

14 (No Resonse.)

15 MAYOR NYCE: That motion carries.

16 TRUSTEE HUBBARD: RESOLUTION # 10-2012-7,
17 RESOLUTION hiring William Schultz as a Laborer
18 in the Highway Department, effective October
19 24th, 2012; at an hourly rate of \$13.00 per
20 hour, and including all applicable benefits as
21 provided to full-time Village employees under
22 the current collective bargaining agreement,
23 and a mandatory six-month probationary period.
24 So moved.

25 TRUSTEE MURRAY: Second.

1 MAYOR NYCE: Also, a clarification.
2 This is filling a vacant spot, a part of a
3 vacant spot, and a soon-to-be vacant spot.
4 We're getting him in a little early to get
5 some training for someone who's about to
6 retire.

7 All those in favor?

8 TRUSTEE KEMPNER: Aye.

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MAYOR NYCE: Aye.

13 Any opposed or abstentions?

14 (No Response.)

15 MAYOR NYCE: The motion carries.

16 TRUSTEE MURRAY: RESOLUTION # 10-2012-8,
17 RESOLUTION hiring Devin S. Justman as an
18 Engineering Aide in the Utilities Department,
19 effective October 24th, 2012; at an hourly
20 rate of \$16.00 an hour, and including all
21 applicable benefits as provided to full-time
22 Village employees under the current collective
23 bargaining agreement, and a mandatory
24 six-month probationary period. So moved.

25 TRUSTEE KEMPNER: Second.

1 MAYOR NYCE: All those in favor?

2 TRUSTEE KEMPNER: Aye.

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR NYCE: Aye.

7 Any opposed or abstentions?

8 (No Response.)

9 MAYOR NYCE: That motion carries.

10 TRUSTEE PHILLIPS: RESOLUTION 10-2012-9,
11 RESOLUTION directing Village Clerk Pirillo to
12 advertise the open enrollment position of a
13 part-time Meter Reader, at an hourly rate of
14 \$13.00, not to exceed 20 hours per week. So
15 moved.

16 TRUSTEE KEMPNER: Second.

17 TRUSTEE HUBBARD: Second.

18 MAYOR NYCE: Second by Trustee Hubbard.

19 Again, this is an open position in our
20 payroll.

21 All those in favor?

22 TRUSTEE KEMPNER: Aye.

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE PHILLIPS: Aye.

1 MAYOR NYCE: Aye.

2 Any opposed or abstentions?

3 (No Response.)

4 That motion carries.

5 TRUSTEE KEMPNER: RESOLUTION 10-2012-10,
6 RESOLUTION authorizing an increase of \$1.00
7 per hour in the hourly pay rate of the
8 following part-time, year-round employees:
9 Cathy Matthews, from \$16.00 per hour to \$17.00
10 per hour; Sarah Totten, from \$13.50 per hour
11 to \$14.50 per hour; and Tristan Mangham, from
12 \$7.75 per hour to \$8.75 per hour. So moved.

13 TRUSTEE PHILLIPS: Second.

14 MAYOR NYCE: All those in favor?

15 TRUSTEE KEMPNER: Aye.

16 TRUSTEE HUBBARD: Aye.

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 MAYOR NYCE: Aye.

20 Any opposed or abstentions?

21 (No Response.)

22 MAYOR NYCE: Motion carries.

23 TRUSTEE HUBBARD: RESOLUTION # 10-2012-11,
24 RESOLUTION authorizing the attendance of David
25 Abatelli at the New York State Buildings

1 Officials' Conference on December 5th and 6th,
2 2012 in Middletown, New York at a total cost
3 not to exceed \$500, to be expensed from line
4 item number A.3620.400, Safety Inspector
5 Contractual Expense. So moved.

6 TRUSTEE PHILLIPS: Second.

7 MAYOR NYCE: In the front, do you mind?
8 Excuse me, do you guys mind?

9 MR. SWISKEY: What, is there something
10 the matter, Mr. Mayor?

11 MAYOR NYCE: If you want to have a
12 discussion, you can take it outside or in the
13 back. Thank you.

14 MR. SWISKEY: Thank you.

15 MAYOR NYCE: So we have a motion made
16 and seconded. I'm sorry, who seconded it?

17 TRUSTEE PHILLIPS: I did.

18 MAYOR NYCE: I'm sorry. Trustee
19 Phillips seconded it. Any discussion on the
20 motion? All those in favor?

21 TRUSTEE KEMPNER: Aye.

22 TRUSTEE HUBBARD: Aye.

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 MAYOR NYCE: Aye.

1 Any opposed or abstentions?

2 (No Response.)

3 MAYOR NYCE: The motion carries.

4 TRUSTEE MURRAY: RESOLUTION # 10-2012-12,

5 RESOLUTION authorizing Village Administrator

6 Abatelli to solicit bids for the upgrade of

7 the electric service on the east pier of the

8 docking facility in the Village of Greenport

9 Mitchell Park Marina, and directing Village

10 Clerk Pirillo to notice the bid accordingly.

11 So moved.

12 TRUSTEE PHILLIPS: Second.

13 TRUSTEE KEMPNER: Second.

14 MAYOR NYCE: Seconded by Trustee

15 Phillips.

16 All those in favor?

17 TRUSTEE KEMPNER: Aye.

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR NYCE: Aye.

22 Any opposed or abstentions?

23 (No Response.)

24 MAYOR NYCE: The motion carries.

25 TRUSTEE PHILLIPS: RESOLUTION 10-2012-13,

1 RESOLUTION declaring that the paving of First
2 Street in the Village of Greenport is a Type
3 II Action for the purposes of SEQRA, and no
4 further review is required. So moved.

5 TRUSTEE HUBBARD: Second.

6 MAYOR NYCE: All those in favor?

7 TRUSTEE KEMPNER: Aye.

8 TRUSTEE HUBBARD: Aye.

9 TRUSTEE MURRAY: Aye.

10 TRUSTEE PHILLIPS: Aye.

11 MAYOR NYCE: Aye.

12 Any opposed or abstentions?

13 (No Response.)

14 TRUSTEE PHILLIPS: Dave, when is the new date?

15 MAYOR NYCE: I think he said

16 Wednesday/Thursday, or Thursday/Friday.

17 MR. ABATELLI: I'm not driving the
18 machine.

19 TRUSTEE PHILLIPS: You're not driving
20 the machine? Why not, Dave?

21 MR. ABATELLI: No, I'm not driving the
22 new machine.

23 TRUSTEE PHILLIPS: You missed it, Dave,
24 it went right over your head.

25 MAYOR NYCE: Motion 13 carries.

1 Resolution 14.

2 TRUSTEE KEMPNER: Resolution 10-2012-14,
3 RESOLUTION authorizing the execution of the
4 contract between the Village of Greenport and
5 Corazzini Asphalt for the paving of First
6 Street. So moved.

7 TRUSTEE HUBBARD: Second.

8 MAYOR NYCE: All those favor?

9 TRUSTEE KEMPNER: Aye.

10 TRUSTEE HUBBARD: Aye.

11 TRUSTEE MURRAY: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 MAYOR NYCE: Aye.

14 Any opposed or abstentions?

15 (No Resonse.)

16 That motion carries.

17 TRUSTEE HUBBARD: RESOLUTION 10-2012-15,
18 RESOLUTION approving the request of Captain
19 David Berson to conduct an educational program
20 utilizing the Village of Greenport Old
21 Schoolhouse from 9:00 a.m. to 10:30 a.m. on
22 the following dates: October 27th, November
23 3rd, November 10th, November 17th, December 1st,
24 December 8th, December 15th and December 22nd,
25 2012. So moved.

1 TRUSTEE KEMPNER: Second.

2 MAYOR NYCE: By way of discussion, I
3 thought there were going to be more dates and
4 it was going to go later into the winter. So
5 just be aware that we may be -- he may be
6 coming back, but I'm not sure. I don't know
7 how long the program is supposed to last. He
8 wanted to go through the winter. I think this
9 may just be the preliminary to see how it --
10 to see how it goes.

11 If there's no further discussion, all
12 those favor?

13 TRUSTEE KEMPNER: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Aye.

18 Any opposed or abstentions?

19 (No Response.)

20 MAYOR NYCE: That motion carries.

21 TRUSTEE MURRAY: RESOLUTION 10-2012-16,
22 RESOLUTION authorizing Mayor Nyce to draft a
23 letter of response to the Village of Greenport
24 Fire Department offering support of the
25 project to create a memorial to Lawrence

1 Tuthill at the park located at the old
2 railroad terminal. So moved.

3 TRUSTEE HUBBARD: Second.

4 MAYOR NYCE: All those in favor?

5 TRUSTEE KEMPNER: Aye.

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 MAYOR NYCE: Aye.

10 Any opposed or abstentions?

11 (No Response.)

12 MAYOR NYCE: That motion carries.

13 TRUSTEE PHILLIPS: RESOLUTION

14 10-2012-17, RESOLUTION accepting with regret
15 the resignation of Trustee Chris Kempner from
16 the Village of Greenport Code Committee. So
17 moved.

18 TRUSTEE HUBBARD: Second.

19 MAYOR NYCE: Chris is just finding out
20 about this now. I'm just kidding. I
21 appreciate it. It's been very difficult for
22 Trustee Kempner to balance some things that
23 are going on. She and Trustee Murray worked
24 out making a swap that looks like it will work
25 for everybody.

1 All those in favor?

2 TRUSTEE KEMPNER: Aye.

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR NYCE: Aye.

7 Any opposed or abstentions?

8 TRUSTEE KEMPNER: I guess I'll abstain.

9 MAYOR NYCE: Okay. That motion carries.

10 TRUSTEE KEMPNER: RESOLUTION 10-2012-18,
11 RESOLUTION appointing Trustee David Murray to
12 the Village of Greenport Code Committee, for a
13 term to expire April 4th, 2013. So moved.

14 TRUSTEE HUBBARD: Second.

15 MAYOR NYCE: All those in favor?

16 TRUSTEE KEMPNER: Aye.

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 TRUSTEE MURRAY: I'd like to abstain.

23 MAYOR NYCE: Okay. That motion also carries.

24 TRUSTEE HUBBARD: RESOLUTION # 10-2012-19,
25 RESOLUTION approving the agreement between

1 Noah's Restaurant and the Village of Greenport
2 to share the cost of an improvement to the
3 Front Street sewer main at a total cost of
4 \$12,000, which has been paid in advance by
5 Noah's Restaurant, with the Village of
6 Greenport share to be \$5,000, to be paid as a
7 reimbursement to Noah's Restaurant. So moved.

8 TRUSTEE PHILLIPS: Second.

9 MAYOR NYCE: By way of discussion on
10 this, there is what turned out to be a Village
11 main running underneath that building from
12 years, and years, and years ago. In order to
13 make the situation work for all concerned,
14 while they were looking to expand that
15 project, it made sense to go in and put a real
16 sewer main through there.

17 It had already picked up the houses
18 behind, which is how we knew it had to be a
19 Village main, and Noah has graciously offered
20 to accept some of the costs. We are now
21 reimbursing him for that other portion of it.
22 I'd like to thank them for their cooperation
23 through the whole process.

24 If there's no further discussion, all
25 those in favor?

1 TRUSTEE KEMPNER: Aye.

2 TRUSTEE HUBBARD: Aye.

3 TRUSTEE MURRAY: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 MAYOR NYCE: Aye.

6 Any opposed or abstentions?

7 (No Response.)

8 TRUSTEE MURRAY: RESOLUTION 10-2012-20,
9 RESOLUTION approving all checks per the
10 Voucher Summary Report dated October 19th,
11 2012, in the total amount of \$667,893.14,
12 consisting of: All regular checks in the
13 amount of \$429,060.74. All prepaid checks in
14 the amount of \$214,216.13. And all wire
15 transfers in the amount of \$24,616.27. So moved.

16 TRUSTEE PHILLIPS: I'll second, and then
17 I'd like to bring up the discussion.

18 There are two invoices here, one for
19 Genesis and one for Hinck Electric Contractor.
20 Is the Director of Utilities here, because I --

21 MAYOR NYCE: He is.

22 TRUSTEE PHILLIPS: -- really would like
23 to have some explanation as to -- in all
24 honesty, over the last two years, I've seen
25 with the waste water treatment plant, the

1 payment vouchers that have come through that
2 have had papers upon papers, explanation of
3 what the jobs have been done, how it's been
4 done.

5 And I understand in -- from going
6 through the process, that our Director of
7 Utilities approves all of this, and the great
8 pains that he took to deal with the waste
9 water treatment plant. And I see two invoices
10 that come through here for Genesis and for
11 Hinck Electric, to be honest with you, with
12 lump sum estimates of payments.

13 In all honesty, Jack, maybe everybody
14 else trusts you with whatever, but I have
15 issues with some things, and to see you do
16 what went on with the waste water treatment
17 plant.

18 I would like to know what Mr. Genesis
19 did for professional personal lump sum bill of
20 15%. What did he actually produce for that
21 work?

22 MR. NAYLOR: Would you like me to answer
23 You now?

24 TRUSTEE PHILLIPS: Yeah, I'd like an
25 answer now.

1 MR. NAYLOR: We have a signed contract
2 with Genesis Engineering as a lump-sum
3 project. I don't recall the exact number
4 because I wasn't aware the discussion was
5 going to come up tonight, otherwise, I would
6 have brought a copy.

7 Throughout the construction, it's paid
8 on a percent-complete basis, assuming, for
9 example, \$120,000 contract over a twelve-month
10 period, and we did pay \$10,000 a month. That
11 was the number negotiated by the Board.

12 We are reaching the -- we have a very
13 high percentage of completion for the entire
14 project. We're probably at the 95% complete
15 mark. He is far less than that 95% complete
16 on the billing, and it was deemed to be
17 appropriate, given the time that has expended
18 from the beginning of the project to the end.
19 It is not a reimbursable contract where we're
20 reimbursing by the hour or by --

21 TRUSTEE PHILLIPS: Okay. Then on this
22 pay req, not to interrupt you, okay, but it
23 has reimbursables, estimated sum \$7,000. What
24 are those reimbursables? There's nothing
25 broken down as to what they are.

1 MAYOR NYCE: The pay req is just to --
2 pay req is just there for him to categorize.
3 It's a lump-sum contract. We pay him the same
4 amount regardless. It's for him to categorize
5 what he's spending and to apply it to
6 different portions.

7 TRUSTEE PHILLIPS: And Hinck shouldn't
8 be done with -- Hinck goes into what exactly
9 is being spent. In other words, we have
10 testing and commissioning, we have verifying
11 labels, verifying readings, modifications,
12 fault indicators.

13 In all honesty, Jack, when we look at
14 the waste water treatment plant pay reqs, we
15 have pages of employees, we have pages of
16 expenses.

17 I understand that the other management
18 staff is going on your word, that this is what
19 it is, but I'll be honest with you, and I'm
20 going to be real honest, I don't trust what
21 comes out of your office anymore, I haven't
22 for the last year.

23 So I can't see how I'm approving a pay
24 req when there's such a disparity in how they
25 were figured out.

1 Genesis has had to do more than just
2 stand there and observe, correct?

3 MR. NAYLOR: I can answer that question.
4 The reason that we see all of the
5 documentation on the waste water treatment
6 plant project is because it's required by our
7 grants. We're required to do certified
8 payroll. We're required to hand in those
9 certified payrolls in condition of the
10 grants -- of the grants, and that's the only
11 reason why they're there.

12 TRUSTEE PHILLIPS: Excuse me. So we, as
13 a Board, okay, are not entitled to the same
14 information that should be going on, even
15 though we're the ones approving this and we're
16 responsible to the taxpayers?

17 MR. NAYLOR: It's just that it's
18 immaterial. How much he pays his people is of
19 no interest to me or the contract that the
20 Board signed.

21 AUDIENCE MEMBER: It is to the State.

22 MR. NAYLOR: Under the contract, they
23 are paid, just like Hinck, on a
24 percent-complete basis. The engineer does his
25 inspection and he makes an estimate of the

1 percent complete in the walk-through that is
2 conducted monthly. Both parties agree on the
3 percent complete, and then that percent
4 complete is applied to that part of the
5 project. We have numerous capital projects
6 going that are -- have been handled this way
7 and every one has been treated the same way.

8 MAYOR NYCE: We discussed this at the
9 outset of this project, that it would be
10 handled differently. It would not have the
11 same pay req scenario that the waste water
12 treatment plant --

13 TRUSTEE PHILLIPS: I'm not talking about
14 pay reqs, I'm talking about the actual
15 breakdown of what work has been completed.

16 MAYOR NYCE: Understood.

17 TRUSTEE PHILLIPS: And I'm not seeing
18 that on these forms. I'm sorry, I understand
19 you don't feel well, but I also understand we
20 have a responsibility as a Board. We are the
21 overseers of the assets. And in looking at
22 this, I'm getting very frustrated with one
23 portion of it being overloaded and the other
24 portion just sliding it under the table, and
25 that's how I see it.

1 MR. NAYLOR: I can only enforce the
2 terms of the contract that is signed between
3 the Village. There's no other -- there's no
4 requirement in the contract to provide --

5 TRUSTEE PHILLIPS: How about the
6 requirement, Jack, to the taxpayers and the
7 Board to make us understand exactly what we're
8 spending our money on?

9 MAYOR NYCE: I think we do know what
10 we're spending our money on.

11 TRUSTEE PHILLIPS: I'm not sure we do.

12 MAYOR NYCE: Okay.

13 MR. NAYLOR: We were both in the office
14 the last two -- you know, two days. If you
15 want me to go over it in detail with you, I'd
16 be happy to.

17 TRUSTEE PHILLIPS: Jack, I don't want
18 you to go over one-on-one with me. I want to
19 be able to have it so that the people FOIL for
20 it, they ask for it, they have it to go back
21 to see, and we also have it in the future to
22 go back to see. Okay?

23 I'm sorry, I have issues. We know we --
24 I have issues with you as the Director of
25 Utilities, so get used to this being the

1 punch-bag effect.

2 MR. NAYLOR: I don't have a problem with
3 it, but the next contract that we do, I'll be
4 happy to put in whatever terminology regarding
5 submissions and claims that the Board sees
6 fit.

7 MAYOR NYCE: And, Jack, under which
8 portion of the vouchers -- that's fine. Under
9 which portion of the vouchers, Trustee
10 Phillips, do those two come in? And do you
11 want me to offer a motion to amend to separate
12 the amounts so you can have the opportunity to
13 vote against them, or do you want to leave it
14 as is? We have a motion --

15 TRUSTEE PHILLIPS: I'm going to leave it
16 as is. But I also, in all honesty, want to be
17 able to feel that the Village Trustees should
18 have had an opportunity to at least have to
19 review some of this before it gets to the
20 abstract.

21 TRUSTEE KEMPNER: I --

22 TRUSTEE PHILLIPS: I think -- I'm sorry, Chris.

23 TRUSTEE KEMPNER: I think I remember
24 this coming up when we were going to sign a
25 contract, and I think I called to find out

1 what the standard percentage was, if we were
2 going to do it as a lump sum, and it fell
3 within that range. But I would have -- I
4 don't know exactly. I thought it was more
5 like 12%, but whatever it was that we had in
6 the contract I think was in a standard range
7 if we're going to pay a lump sum, but we
8 could -- we could check on it, but I vaguely
9 remember it. It seemed like a large amount of
10 money, and then it turns out it's a standard
11 for electric contracts.

12 MAYOR NYCE: And we can certainly, if
13 we're -- in the future, we can certainly amend
14 how we're going to do that. I mean, we can
15 set our own contract, whether or not the
16 contractors wish to participate, but we can
17 certainly set our own contract.

18 TRUSTEE KEMPNER: Yeah, this one it
19 would have been less money or they've done all
20 the designs --

21 MAYOR NYCE: But I think that -- I
22 think at this point, I think you're right, we
23 did -- we discussed it early on that this was
24 going to be --

25 TRUSTEE KEMPNER: Different, yeah.

1 MAYOR NYCE: -- a lump sum, and that
2 that's the way it worked. It would make it
3 that much easier for us to manage as well.

4 MR. PROKOP: But I think that if -- with
5 respect to the two contracts, if -- the type
6 of contract that we have with Genesis, it
7 still requires -- there's some type of
8 certification that has to be submitted with
9 the order -- with the request that certifies
10 that that percentage of the contract has been
11 completed. It can't be -- it can't be just an
12 invoice that's submitted with no support.

13 With regard to Hinck, I do believe that
14 Hinck is required to submit certified
15 payrolls. I don't believe --

16 TRUSTEE PHILLIPS: They were here.

17 MR. PROKOP: They were there? Okay. I
18 thought I heard that Hinck doesn't have to
19 provide --

20 MR. NAYLOR: We're not required to
21 check, only if it's a grant. Required to
22 comply, not to check it.

23 MAYOR NYCE: Is there any further
24 discussion on this? So we're going to leave
25 it as resolution as read and seconded. I'll

1 call the vote. All those in favor?

2 TRUSTEE KEMPNER: Aye.

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR NYCE: Aye.

7 Opposed?

8 (No Response.)

9 MAYOR NYCE: The motion carries.

10 Before I offer the motion to adjourn, I
11 do want to make one other announcement. We
12 had discussed at the work session the purchase
13 of a street sweeper. Based on the estoppel
14 period and permissive referendum period, we
15 could not award that bid tonight. Those
16 periods will end in the coming weeks.

17 And somewhere around November 15th, we
18 would likely be calling a special meeting to
19 award the bid for the street sweeper, rather
20 than waiting until the end of November at our
21 next meeting to do so, trying to get it here
22 as quickly as possible.

23 And with that, I will offer a motion to
24 adjourn.

25 TRUSTEE HUBBARD: Second.

1 MAYOR NYCE: All those in favor?

2 TRUSTEE KEMPNER: Aye.

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR NYCE: Aye.

7 We are adjourned. Thank you very much.

8 (Time Noted: 6:40 p.m.)

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C E R T I F I C A T I O N

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

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on October 22, 2012.

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

IN WITNESS WHEREOF, I have herunto set my hand this 31st day of October, 2012.

Lucia Braaten