VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK  STATE OF NEW YORK  
----------------------------------------x  

VILLAGE OF GREENPORT  
BOARD OF TRUSTEES  
----------------------------------------x  

Third Street Firehouse  
Greenport, New York  

October 22, 2012  
6:00 P.M.  

BEFORE:  
DAVID NYCE - MAYOR  
GEORGE HUBBARD, JR. - TRUSTEE  
DAVID MURRAY - TRUSTEE  
CHRIS KEMPNER - TRUSTEE  
MARY BESS PHILLIPS - TRUSTEE  

SYLVIA LAZZARI PIRILLO - CLERK  
JOSEPH PROKOP - VILLAGE ATTORNEY  
DAVID ABATELLI - VILLAGE ADMINISTRATOR  
JACK NAYLOR - DIRECTOR OF UTILITIES  

Flynn Stenography & Transcription Service  
(631) 727-1107
MAYOR NYCE: All right. I'll call this meeting to order, being just after six. Please join us in the Pledge of Allegiance. (WHEREUPON, all stood for the Pledge of Allegiance.)

MAYOR NYCE: Please remain standing for a moment of silence for Ethel Brown, Jane Ritter, Sally B. Grattan, Deborah L. Pedersen, Mary E. Crandall, former Water Plant Operator Lloyd Clifford "Pep" Kalin. (WHEREUPON, moment of silence was observed.)

MAYOR NYCE: Thank you. You may be seated.

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

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

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

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

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

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

Under Public Interest, we encourage you to please create a fire safety program for
your family. Please be sure to check your batteries in your smoke and CO detectors.

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

TRUSTEE HUBBARD: This Sunday.

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

Election day is November 6th.

Information on upcoming elections is available through the Suffolk County Board of Elections. We encourage everyone to please vote.

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

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

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

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

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

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

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

And I have a Letter of Citation for both the Fire Department, the Rescue Squad, and we'll be sending one to the Officer involved that the Police Department identified.
It says, "Please accept this formal expression of commendation and thanks to the Greenport Fire Department for all the critical and selfless efforts during the recent events at the residence of former Police Chief and longstanding Fire Department Member, Robert Walden. It is such magnanimous actions that exemplify the spirit of community in our close-knit neighborhoods. We are proud and humbled to acknowledge our Fire Department Members as stellar role models. With our sincere gratitude."

(Applause.)

CHIEF MANWARING: Thank you.

MR. WATKINS: Thank you.

MAYOR NYCE: Thank you. All right.

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

Ms. Passarelli, please come to the podium.

State your name and address for the record.

MS. PASSARELLI: Okay. Hi. Okay. Good evening. My name is Cynthia Passarelli, I live at 727 Main Street, and I'm here to very briefly just address three things. Okay. Two
are pretty lightweight, the other one's a little more serious.

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

MAYOR NYCE: Okay.

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

MAYOR NYCE: Okay.

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

MAYOR NYCE: It's about right.

MS. PASSARELLI: Okay. So, as I apprized the Village and the Police, the first week, three of your one-way signs were vandalized and removed, and the pole. And I just think since my house has such a clear shot of that area, that confluence, obviously, of First, Main and Webb is -- it's really
serious. And no less than once a day, and at least ten times a day, people are still going out the wrong way. I'm not talking about the emergency vehicles who at least give us some indication they're coming through.

MAYOR NYCE: Okay.

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

MAYOR NYCE: Beverly Brown.

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

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

Okay. And then the last item, and I have to be really careful how I say this, but what I just really want to ask the Board, is there a mechanism in place to help facilitate
the process of addressing a very serious
situation that's occurring on my street? Even
though my address is Main Street, I'm one of
those houses that has two streets, I have two
exposures. And I really am frustrated with
how everything I'm communicating to the people
I'm communicating the information to is not
effecting any change in what appears to be, I
have no conclusive evidence, but illegal drug
trafficking.

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

And right now, me, I am -- I'm really
uncomfortable. I'm afraid there's a
disturbance of the peace issue at hand. And
if this gets the attention of the Village,
they're now using a Village tree in front of
the house on their sidewalk to stash the
drugs, and I saw this with my own eyes. Now, I'm not comfortable. This has definitely lessened the quality of the life of all of us. And the hard thing for me is that there's no unity amongst the neighbors, there's no ability for all of us together collectively to present ourselves. We all see different things at different times.

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

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

MAYOR NYCE: Okay.

MS. PASSARELLI: Thank you so much.

MAYOR NYCE: Please make sure that David Abatelli has your phone number. I will call you back tomorrow.
MS. PASSARELLI: Okay. Thank you.

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

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

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

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

And this is almost a $40,000 expense to be added to his Department. And we've been negotiating with our Village employees for two years, and I think that money could go a long
way to helping those guys, and which they
deserve, because they're the best. I mean,
I've been in a couple of villages in my life
and there are none better.

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

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

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

TRUSTEE PHILLIPS: I have a question.

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

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

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

MAYOR NYCE: Okay.

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

MAYOR NYCE: Okay.

TRUSTEE PHILLIPS: Okay?

MAYOR NYCE: With the exception of a
possible amendment to Item 20, I will offer a
resolution adopting October 2012 agenda as
printed.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any Opposed or abstentions?

(No Response.)

MAYOR NYCE: The motion carries.

Trustee Kempner, read the resolution.

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

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: The motion carries.

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

TRUSTEE KEMPNER: Second.

MAYOR NYCE: All those in favor?

TRUSTEE KEMPNER: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: The motion carries.

TRUSTEE MURRAY: Resolution 10-2012-4,
RESOLUTION awarding the contract for the
removal of trees and tree stumps on specified
Village streets to the lowest bidder, Chris
Mohr Lawn Care and Landscaping, Incorporated,
in the total amount of $4,000.00, per the bid opening on September 20th, 2012; to be expensed from line item number A.5110.404, Tree Committee, and line item number A.7110.400, Parks. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

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

TRUSTEE MURRAY: Second.

TRUSTEE PHILLIPS: This is not -- just
as a way of discussion and clarification, we
had the -- the group that comes into the
Mitchell Marina, that was just a
save-the-date. This is a definite --

MAYOR NYCE: This is a --

TRUSTEE PHILLIPS: Definite?

MAYOR NYCE: This is a definite.

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

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

TRUSTEE PHILLIPS: I think there were
some services that the neighborhood was
discussing, which I understand that they were
overwhelmed, which is part of the reunion, but it was a good reunion and they cleaned up after themselves.

MAYOR NYCE: Yes.

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

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

All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE KEMPNER: RESOLUTION 10-2012-6,

RESOLUTION approving the 2012/2013 Penflex
Service Award Program Service Fee Agreement
for an approximate annual amount of $5,200.00,
and authorizing Mayor Nyce to sign the
agreement on behalf of the Village of
Greenport. So moved.

TRUSTEE HUBBARD: Second.
MAYOR NYCE: All those in favor?
TRUSTEE KEMPNER: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.
Any opposed or abstentions?
(No Response.)
MAYOR NYCE: That motion carries.
TRUSTEE HUBBARD: RESOLUTION # 10-2012-7,
RESOLUTION hiring William Schultz as a Laborer
in the Highway Department, effective October
24th, 2012; at an hourly rate of $13.00 per
hour, and including all applicable benefits as
provided to full-time Village employees under
the current collective bargaining agreement,
and a mandatory six-month probationary period.
So moved.
TRUSTEE MURRAY: Second.
MAYOR NYCE: Also, a clarification.
This is filling a vacant spot, a part of a vacant spot, and a soon-to-be vacant spot. We're getting him in a little early to get some training for someone who's about to retire.

All those in favor?

TRUSTEE KEMPNER: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?
(No Response.)

MAYOR NYCE: The motion carries.

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

TRUSTEE KEMPNER: Second.
MAYOR NYCE: All those in favor?
TRUSTEE KEMPNER: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?
(No Response.)

MAYOR NYCE: That motion carries.

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

TRUSTEE KEMPNER: Second.
TRUSTEE HUBBARD: Second.
MAYOR NYCE: Second by Trustee Hubbard.

Again, this is an open position in our
payroll.

All those in favor?
TRUSTEE KEMPNER: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

That motion carries.

TRUSTEE KEMPNER: RESOLUTION 10-2012-10,

RESOLUTION authorizing an increase of $1.00 per hour in the hourly pay rate of the following part-time, year-round employees:

Cathy Matthews, from $16.00 per hour to $17.00 per hour; Sarah Totten, from $13.50 per hour to $14.50 per hour; and Tristan Mangham, from $7.75 per hour to $8.75 per hour. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE HUBBARD: RESOLUTION # 10-2012-11,

RESOLUTION authorizing the attendance of David Abatelli at the New York State Buildings
Officials' Conference on December 5th and 6th, 2012 in Middletown, New York at a total cost not to exceed $500, to be expensed from line item number A.3620.400, Safety Inspector Contractual Expense. So moved.

TRUSTEE PHILLIPS: Second.

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

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

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

MR. SWISKEY: Thank you.

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

TRUSTEE PHILLIPS: I did.

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

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.
Any opposed or abstentions?
(No Response.)

MAYOR NYCE: The motion carries.

TRUSTEE MURRAY: RESOLUTION # 10-2012-12,
RESOLUTION authorizing Village Administrator Abatelli to solicit bids for the upgrade of the electric service on the east pier of the docking facility in the Village of Greenport Mitchell Park Marina, and directing Village Clerk Pirillo to notice the bid accordingly.
So moved.

TRUSTEE PHILLIPS: Second.
TRUSTEE KEMPNER: Second.
MAYOR NYCE: Seconded by Trustee Phillips.

All those in favor?

TRUSTEE KEMPNER: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?
(No Response.)

MAYOR NYCE: The motion carries.

TRUSTEE PHILLIPS: RESOLUTION 10-2012-13,
RESOLUTION declaring that the paving of First Street in the Village of Greenport is a Type II Action for the purposes of SEQRA, and no further review is required. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

TRUSTEE PHILLIPS: Dave, when is the new date?

MAYOR NYCE: I think he said Wednesday/Thursday, or Thursday/Friday.

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

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

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

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

MAYOR NYCE: Motion 13 carries.
Resolution 10-2012-14,
RESOLUTION authorizing the execution of the contract between the Village of Greenport and Corazzini Asphalt for the paving of First Street. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No response.)

That motion carries.

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

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

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

TRUSTEE KEMPNER: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?
(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE MURRAY: RESOLUTION 10-2012-16, RESOLUTION authorizing Mayor Nyce to draft a letter of response to the Village of Greenport Fire Department offering support of the project to create a memorial to Lawrence
Tuthill at the park located at the old railroad terminal. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: RESOLUTION 10-2012-17, RESOLUTION accepting with regret the resignation of Trustee Chris Kempner from the Village of Greenport Code Committee. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: Chris is just finding out about this now. I'm just kidding. I appreciate it. It's been very difficult for Trustee Kempner to balance some things that are going on. She and Trustee Murray worked out making a swap that looks like it will work for everybody.
All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

TRUSTEE KEMPNER: I guess I'll abstain.

MAYOR NYCE: Okay. That motion carries.

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

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

TRUSTEE MURRAY: I'd like to abstain.

MAYOR NYCE: Okay. That motion also carries.

TRUSTEE HUBBARD: RESOLUTION # 10-2012-19, RESOLUTION approving the agreement between
Noah's Restaurant and the Village of Greenport to share the cost of an improvement to the Front Street sewer main at a total cost of $12,000, which has been paid in advance by Noah's Restaurant, with the Village of Greenport share to be $5,000, to be paid as a reimbursement to Noah's Restaurant. So moved.

TRUSTEE PHILLIPS: Second.

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

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

If there's no further discussion, all those in favor?
TRUSTEE KEMPNER: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?
(No Response.)

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

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

There are two invoices here, one for Genesis and one for Hinck Electric Contractor.

Is the Director of Utilities here, because I --

MAYOR NYCE: He is.

TRUSTEE PHILLIPS: -- really would like to have some explanation as to -- in all honesty, over the last two years, I've seen with the waste water treatment plant, the
payment vouchers that have come through that have had papers upon papers, explanation of what the jobs have been done, how it's been done.

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

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

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

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

TRUSTEE PHILLIPS: Yeah, I'd like an answer now.
MR. NAYLOR: We have a signed contract with Genesis Engineering as a lump-sum project. I don't recall the exact number because I wasn't aware the discussion was going to come up tonight, otherwise, I would have brought a copy.

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

We are reaching the -- we have a very high percentage of completion for the entire project. We're probably at the 95% complete mark. He is far less than that 95% complete on the billing, and it was deemed to be appropriate, given the time that has expended from the beginning of the project to the end.

It is not a reimbursable contract where we're reimbursing by the hour or by --

TRUSTEE PHILLIPS: Okay. Then on this pay req, not to interrupt you, okay, but it has reimbursables, estimated sum $7,000. What are those reimbursables? There's nothing broken down as to what they are.
MAYOR NYCE: The pay req is just to --

pay req is just there for him to categorize.

It's a lump-sum contract. We pay him the same

amount regardless. It's for him to categorize

what he's spending and to apply it to

different portions.

TRUSTEE PHILLIPS: And Hinck shouldn't

be done with -- Hinck goes into what exactly

is being spent. In other words, we have

testing and commissioning, we have verifying

labels, verifying readings, modifications,

fault indicators.

In all honesty, Jack, when we look at

the waste water treatment plant pay reqs, we

have pages of employees, we have pages of

expenses.

I understand that the other management

staff is going on your word, that this is what

it is, but I'll be honest with you, and I'm

going to be real honest, I don't trust what

comes out of your office anymore, I haven't

for the last year.

So I can't see how I'm approving a pay

req when there's such a disparity in how they

were figured out.
Genesis has had to do more than just stand there and observe, correct?

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

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

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

AUDIENCE MEMBER: It is to the State.

MR. NAYLOR: Under the contract, they are paid, just like Hinck, on a percent-complete basis. The engineer does his inspection and he makes an estimate of the
percent complete in the walk-through that is conducted monthly. Both parties agree on the percent complete, and then that percent complete is applied to that part of the project. We have numerous capital projects going that are -- have been handled this way and every one has been treated the same way.

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

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

MAYOR NYCE: Understood.

TRUSTEE PHILLIPS: And I'm not seeing that on these forms. I'm sorry, I understand you don't feel well, but I also understand we have a responsibility as a Board. We are the overseers of the assets. And in looking at this, I'm getting very frustrated with one portion of it being overloaded and the other portion just sliding it under the table, and that's how I see it.
MR. NAYLOR: I can only enforce the terms of the contract that is signed between the Village. There's no other -- there's no requirement in the contract to provide --

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

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

TRUSTEE PHILLIPS: I'm not sure we do.

MAYOR NYCE: Okay.

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

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

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

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

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

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

TRUSTEE KEMPNER: I --

TRUSTEE PHILLIPS: I think -- I'm sorry, Chris. I think I remember this coming up when we were going to sign a contract, and I think I called to find out
what the standard percentage was, if we were
going to do it as a lump sum, and it fell
within that range. But I would have -- I
don't know exactly. I thought it was more
like 12%, but whatever it was that we had in
the contract I think was in a standard range
if we're going to pay a lump sum, but we
could -- we could check on it, but I vaguely
remember it. It seemed like a large amount of
money, and then it turns out it's a standard
for electric contracts.

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

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

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

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

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

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

TRUSTEE PHILLIPS: They were here.

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

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

MAYOR NYCE: Is there any further
discussion on this? So we're going to leave
it as resolution as read and seconded. I'll
call the vote. All those in favor?

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

Opposed?

(No Response.)

MAYOR NYCE: The motion carries.

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

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

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

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

TRUSTEE KEMPNER: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

We are adjourned. Thank you very much.

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

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

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

THAT, the above and foregoing contains a
true and correct transcription of the
proceedings taken on 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