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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK : STATE OF NEW YORK  
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BOARD OF TRUSTEES  
REGULAR MEETING

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Via Video Conference  
December 28, 2020  
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: All right. We're going to  
3 start with the Pledge of Allegiance, if you'll all  
4 join me.

5 (All stood for the Pledge of Allegiance)

6 MAYOR HUBBARD: Okay. Just a moment of  
7 silence for Lillian Agnes Baglivi, Kathleen Ann  
8 Biechele, Holmes William Hallock, Earline Shelby  
9 Hepburn, and also for all the people in this past  
10 year that have passed away from COVID-19. Let's  
11 pray for everybody that's suffering now and hope  
12 they all get well. And that's it.

13 (All remained standing for a Moment of  
14 Silence)

15 MAYOR HUBBARD: All right. Thank you.

16 All right. Have a couple of announcements.  
17 Thank you to Lori and Kevin Quillin for the  
18 donation of the Christmas tree on Moore's Lane,  
19 and to Tina Contento for the donation of the  
20 Christmas tree in Mitchell Park.

21 Just so everybody knows, we are recording  
22 this meeting, and our recording of the work  
23 session that we had a week-and-a-half ago is now  
24 on the Village website. Thank you to the Village  
25 Administrator and Village Clerk for getting that

1 taken care of. So the people that didn't get to  
2 see it last time, it is now on the website, so  
3 they can view that tomorrow. And as soon as we go  
4 through the same process with this, this meeting  
5 will also be on the Village website.

6 TRUSTEE PHILLIPS: Thank you, Mayor.

7 MAYOR HUBBARD: The Housing Authority Board  
8 is actively seeking a new member.

9 We are pleased to welcome Jane Ratsey  
10 Williams as a member of the Historic Preservation  
11 Commission, and to thank her in advance for her  
12 time and efforts.

13 The Greenport Village Offices will be closed  
14 at 12 noon on December 31st and all day on  
15 January 1st in celebration of New Year's Day.

16 I just want to wish everybody in advance of  
17 a Happy New Year and a very healthy, safe, and a  
18 much better 2021.

19 And now we'll go to presentations from  
20 William Freitag of BST. Good evening, Bill.

21 MR. FREITAG: Good evening. Hi, everybody.  
22 And I trust that everybody had a good holiday, and  
23 we're looking forward to 2021, as the Mayor said.

24 We just learned that we had to close our  
25 office now through January 31st. We had two

1 people test positive in our office, and 33 people  
2 were exposed. So when you're dealing -- when  
3 you're dealing with only 120 people in the office,  
4 that's a pretty significant number. And so,  
5 apparently, COVID has attacked the capital region  
6 of New York State with some vengeance here.

7 So I appreciate the opportunity to present  
8 the audit to the Village Board and Management. We  
9 are here to present the financial statements for  
10 the fiscal year ended May 31st, 2020.

11 The audit, we did the audit in two parts,  
12 like we've had for the last several years. We do  
13 the Electric Department's financial audit in July,  
14 so that we can primarily meet the filing  
15 requirement with the New York Power Authority,  
16 which is due at the end of August. I do want to  
17 let you know that we did prepare the NYPA annual  
18 report and that was submitted on time.

19 And then the remainder of the audit was done  
20 in early September. The financial statements for  
21 Village-wide, including the Electric Utility, were  
22 issued in draft form the first week of October,  
23 which, by the way, is, I believe, the earliest  
24 that we've ever released draft financial  
25 statements to the Village. And then the financial

1 statements, after going back and forth with the  
2 Village on reviewing it, they were issued in final  
3 form on December 5th, 2020.

4 After we got done with the audit, we also  
5 helped the Village with the preparation of the New  
6 York State Annual Update Document, the AUD, which  
7 is submitted to the Comptroller's Office, and that  
8 was submitted before the September 30th filing  
9 deadline.

10 So in regards to your regulatory reporting  
11 to the Power Authority and the State Comptroller's  
12 Office, the Village was timely with both of those  
13 reports.

14 I do want to let you know that your  
15 financial statements have grown to a document that  
16 is now 57 pages long, and tonight's presentation  
17 is going to be in a very condensed version of that  
18 financial statement, primarily focusing on major  
19 points for the four operating funds of the  
20 Village.

21 A couple of things before we get into the  
22 financial condition and the financial operations  
23 of each fund. I have some required communications  
24 that we -- is mandatory that we communicate to the  
25 Board. First item is, is that the Village did not

1 adopt any new accounting policies in Fiscal Year  
2 2020, nor were you required to adopt any. So your  
3 2020 financial statements and your 2019 financial  
4 statements were reported using the same accounting  
5 principles. So it's definitely an  
6 apples-to-apples comparison with the prior year.

7 Second required communication is, is that we  
8 did not identify any unusual transactions during  
9 our audit, which is always a good thing to find or  
10 not find and also to tell you.

11 The audit adjustments. As with any audit  
12 for any entity, there usually are adjustments, and  
13 we've always had some adjustments for the -- for  
14 the Village of Greenport. The adjustments that we  
15 made during the course of the audit changed the  
16 financial statements that were presented to us  
17 from the Treasurer's Department as of May 30th by  
18 various different dollar amounts.

19 So our audit adjustments, for the General  
20 Fund, our audit adjustments had the effect of  
21 actually increasing fund balance by about \$260,000  
22 for the year. In the Electric Utility, the fund  
23 balance, after our audit adjustment, was actually  
24 decreased by about \$500,000 from the prior year,  
25 as well as the Water Fund was decreased \$65,000,

1 and the fund balance of the Sewer Fund was also  
2 decreased about \$230,000.

3 Now the majority of these audit adjustments  
4 relate to information that is obtained from the  
5 New York State Retirement System. As you know,  
6 the Village, as well as any local government, is a  
7 participant in the New York State Retirement Plan.  
8 The retirement plan is valued on March 31st every  
9 year to determine what the underfunded status of  
10 the New York State Retirement Plan is, and what  
11 each village's or each local government's pro rata  
12 share of that underfunded status is.

13 Well, if we go back to March 31st, 2020,  
14 when the -- when the assets of the New York State  
15 Retirement System was valued, we can all go back  
16 that the Dow Jones on March 31st, 2020, which was  
17 the valuation date, was the lowest level in the  
18 last four years. Since then, the Dow, which was  
19 18,000 points on that day, has now risen to 30,000  
20 points as of today.

21 So as poorly as the retirement system did as  
22 of March 31st, it has come back strong with a  
23 vengeance. And, unfortunately, being valued as of  
24 March 31st, the Village and any other local  
25 government has to pick up their pro rata share of

1 the underfunded status of that, of the retirement  
2 system at that point in time. And that was the  
3 big push in terms of decreasing the fund balances  
4 of your enterprise funds, your Electric, Water and  
5 Sewer Funds for 2020. Very unfortunate, but the  
6 investments of the retirement system have come  
7 back, and my guess is if it continues, the March  
8 31st, 2021 valuation will be much greater than the  
9 2020. And where you had to pick up additional  
10 expense in the prior year because of the market  
11 performance, you'll probably end up picking up an  
12 income, assuming that the market stays strong  
13 through the end of March of this year.

14 We had no difficulties performing the audit.  
15 I do want to thank the Treasurer's Department and  
16 the rest of the Village staff that we dealt with  
17 during the audit. Probably one of the most  
18 efficient audits we've had at the Village, in my  
19 recollection. And every year in the last five  
20 years has gotten more efficient, more timely, and  
21 with less adjustments. So I appreciate and I  
22 thank the Treasurer's Department for the -- for  
23 the insight, and the knowledge, and the  
24 preparation before we got there.

25 Lastly, on my required communications is

1 that as part of any government audit, we have to  
2 review the Village's internal controls and its  
3 compliance with laws and regulations. And I'm  
4 pleased to say that in our review of your internal  
5 controls, which are the safeguard aspects of your  
6 accounting system, nothing came to our attention  
7 that said that the Village of Greenport had any  
8 material weaknesses or deficiencies in their  
9 internal controls.

10 So, at the end of the day, not only do you  
11 know about these reports, but because you have  
12 more than \$750,000 of Federal money, the Federal  
13 Government knows about your financial statements,  
14 and they know about your internal controls, and  
15 your compliance with laws and regulations. And by  
16 us having no findings in that area, that will make  
17 the Feds, who finance your U.S. Department of  
18 Housing Section 8 Program, very happy.

19 So those are the required communications.  
20 As we get down into the operations of each major  
21 operating fund -- before I get into that, I just  
22 want to let you know that the opinion, the opinion  
23 that you get on your financial statements from the  
24 external CPA firm, this year, as in past years, we  
25 have issued an unqualified opinion. An unqualified

1 opinion is also known as a clean opinion, and it's  
2 also the highest level of assurance that you can  
3 get from a CPA firm that says that your financial  
4 statements have been presented and prepared in  
5 conformity with generally accepted accounting  
6 principles. So kudos on the unqualified opinion.

7 And as we get into the -- what I'm going to  
8 say the four major funds of the Village, General,  
9 Electric, Water and Sewer. And if you have your  
10 financial statements in front of you, and you  
11 don't need to have them, but I'm referring to in  
12 this first section here to Page 15, which is the  
13 income statement of the Village's General Fund.

14 So in 2020's fiscal year-end, the General  
15 Fund had a shortfall in which its expenditures  
16 exceeded its revenues by about \$650,000. So you  
17 operated at a \$650,000 deficit for the year.  
18 However, based upon your budget, your original  
19 budget for Fiscal Year 2020, you actually knew  
20 that you were going to operate at a \$450,000  
21 deficit for the year. Then during the course of  
22 the year, when things start to happen that change  
23 your budget, you adopted a modified budget that  
24 called for about a million dollar deficit that you  
25 expected to have in Fiscal Year 2020. So you

1 ended up having a deficit, an actual deficit of  
2 \$650,000, which basically fell right between your  
3 original adopted estimated deficit and the  
4 modified budget that you put in place during the  
5 course of the year. So it was anticipated by your  
6 budget, and the actual operations of the General  
7 Fund achieved what your intentions were.

8 In regards to the General Fund, your  
9 revenues totaled about \$4.5 million, and they  
10 exceeded your budgeted amounts by \$130,000. Your  
11 expenditures totaled \$5.2 million. They were also  
12 less than your budgeted amount by about \$500,000.

13 Your significant expenditures in the General  
14 Fund include public safety, which is mostly your  
15 Fire Department, transportation, which is your  
16 Department of Public Works, culture and  
17 recreation, which is largely Marina, and debt  
18 service on your outstanding bonds and loans, which  
19 is the principal and interest on your outstanding  
20 indebtedness. Within those expenditures that you  
21 made of \$5.2 million, about 1.3 million of that  
22 represented purchases of new equipment and  
23 vehicles during the year.

24 As with most villages, your property taxes  
25 remain a significant source of the General Fund's

1 revenues. Property taxes were approximately 25%  
2 of your General Fund's revenue stream during the  
3 year, which was quite similar to the prior year.  
4 And your other significant sources of revenue are  
5 your what we call departmental income, which is  
6 largely the Marina, the Campground and the  
7 Carousel. Those three combined represented about  
8 25% of your total revenues. Then revenues from  
9 your fire protection and property rentals make up  
10 about 38% of your total revenues. So those three  
11 items make up probably close to 80% of your total  
12 revenue stream.

13 When we get to what does this mean to your  
14 balance sheet, your statement of financial  
15 position, well, cash is your -- is the largest  
16 asset in the General Fund, and your cash balances  
17 totaled about \$2 1/2 million at May 31st, 2020.  
18 If you were to take those cash balances and you  
19 tried to match them up with your normal  
20 expenditures of the -- of the General Fund during  
21 the course of the year, you're basically sitting  
22 on about six months of operating cash to fund your  
23 normal expenditures in the General Fund. So  
24 that's a good solid number. It says that you are  
25 very liquid, and you should be able to meet your

1 short-term liabilities with no problem.

2 At the end of the year, the General Fund's  
3 unrestricted fund balance is about a million  
4 dollars, and that represents about 20% of your  
5 2021 budget. Exactly where the Office of the  
6 State Comptroller likes to see General Fund is  
7 between 15 and 30%, so you fall right in that  
8 range in terms of what your unrestricted fund  
9 balance is as it relates to your normal  
10 expenditures. So that's the General Fund.

11 In regards to the three what we call  
12 business type funds, your enterprise funds, the  
13 Electric, Water and Sewer, which can be found on  
14 Page 18 of your financial statements, all three of  
15 your utilities had very positive years in Fiscal  
16 Year 2020.

17 The Electric Fund generated a net income of  
18 about \$150,000 for 2020. Revenue was about  
19 \$3.7 million, which was totally flat with the  
20 prior year, which was a good thing, actually, in  
21 terms of revenue. Most of the other municipal  
22 electric utilities we've seen around the state,  
23 there was between a 5 and 10% reduction in  
24 operating revenues, mainly because of the warmer  
25 winter period of 2019-2020, versus the prior

1 winter period, and a little bit on the COVID side  
2 had a little bit of an effect on that.

3 So your revenue in the Electric remained  
4 flat with the prior year. Again, your expenses,  
5 which were about \$3.6 million, versus 3.7 million  
6 of revenue, your largest expenses in the Electric  
7 Utility are your purchase power, depreciation,  
8 salaries and employee benefits. Those four items  
9 make up about 90% of all your expenses of the  
10 Electric Utility.

11 In addition to the expenses, the operating  
12 expenses that you had, the Village's Electric Fund  
13 made an \$88,000 cash contribution to the General  
14 Fund, which has been provided for in your rates  
15 from the New York Power Authority when they  
16 designed your rates back in 2007.

17 So having a good operational year and  
18 putting a profit on the bottom line in the  
19 Electric, at the end of May, the Electric Fund is  
20 in a very good position from a cash flow position.  
21 You're sitting on about \$3.4 million in cash  
22 balances, some of which are reserved for the  
23 future replacement of operating property and  
24 equipment, and also the future payment of  
25 transmission congestion credits. And then, also,

1 a small portion of the reserved cash balances  
2 relates to your energy efficiency program.

3 So, again, like with the General Fund, when  
4 we look at how many months could you go with  
5 current cash on hand, based upon the 2020 expenses  
6 of the Electric Utility, those cash balances will  
7 allow you to go about 14 months based upon the  
8 2020 actual expenses.

9 So from a position of liquidity, Electric  
10 Fund is in a very strong liquidity position, where  
11 your assets and your liquid assets, being cash and  
12 your accounts receivable, significantly outweigh  
13 your short-term liabilities.

14 During Fiscal Year 2020, the Electric Fund  
15 made about \$250,000 of new additions to its  
16 operating property and equipment. The majority of  
17 those additions were made to the distribution  
18 system. Fund balance at the end of May 2020 was  
19 \$4.6 million, which is an increase of about  
20 \$60,000 from the prior year.

21 If you were to go and put your financial  
22 operations into the rate of return calculation,  
23 where the Power Authority is usually very  
24 concerned about, the rate of the return of the  
25 Electric Utility was about 5.9%, so almost 6%.

1 The current prescribed rates of return for  
2 electric utilities that are regulated by the Power  
3 Authority sits between 5 and 7%, so you're right  
4 in the middle of that rate of return.

5 Now, although you had positive earnings, the  
6 last rate increase was 13 years ago, 2007. While  
7 nothing indicates that you are in need of a rate  
8 increase now or in the near term, my guess would  
9 be within the next three to four years, there  
10 might be a situation where you may want to chat  
11 with the Power Authority about possibly increasing  
12 rates. That will put you out about 15 to 16 years  
13 on your -- on your last rate increase. And you  
14 certainly have done well with those, with those  
15 rates since 2007.

16 But my guess is, is that as the -- as you  
17 move further away from the date that your last  
18 rate increase was done, the gross profit that's  
19 built into those rates begin to erode a little bit  
20 every year because of increased costs such as  
21 salaries and employee benefits, but you've done  
22 very well since '07. My guess is at some point  
23 over the next three to four years, you're probably  
24 going to be at least a potential candidate for a  
25 rate increase. And we can certainly talk about

1 that further, if you want to.

2 So that's the Electric Fund, very good year.  
3 Strong financial position, great cash balances at  
4 the end of May 2020.

5 In regards to the Water Fund, Water Fund  
6 also had a nice year. You generated a \$24,000  
7 profit. Total revenues, which were about  
8 \$475,000, was about \$24,000 higher than the prior  
9 year. Expenses totaled \$465,000, with the  
10 majority of those expenses coming in supplies,  
11 water chemicals, salaries and employee benefits.

12 At the end of 2020, the Water Fund holds  
13 approximately a million dollars in operating cash  
14 balances, which is an increase of about \$115,000  
15 from the prior year, so very strong. Again, like  
16 the electric, a very strong liquidity position,  
17 and certainly signs that you should be able to  
18 meet all your short-term obligations.

19 Capital additions to the plant were fairly  
20 minimal in 2020. You added \$14,000 of new  
21 infrastructure to the Water Fund. And at the end  
22 of the year, your fund balance is -- of the Water  
23 Fund totals about \$1.3 million. About \$600,000 of  
24 that is unrestricted for your use in balancing  
25 future budgets.

1           So good year operationally, revenues versus  
2           expenses, good balance sheet position, assets over  
3           your liabilities, and a good positive fund  
4           balance. The Water Fund, very good shape.

5           On to the Sewer Fund. The Sewer Fund had a  
6           really nice year. They generated a net income of  
7           about \$160,000. Revenue totaled about  
8           \$1.8 million, which was basically identical to the  
9           prior year. Also, on the expense side, which was  
10          basically identical to the prior year, was  
11          \$1.7 million. The majority of the Sewer Fund  
12          expenses lie within purchases of supplies,  
13          salaries, employee benefits, and also  
14          depreciation, which is a fairly large number on  
15          your -- on your out -- on your existing equipment  
16          and infrastructure.

17          At the end of May, the Sewer Fund holds  
18          approximately \$2.5 million in cash, of which 2.3  
19          is unrestricted for use for whatever you choose.  
20          And \$200,000 is restricted for the future  
21          replacement of operating property and various  
22          other capital improvements.

23          Capital additions to the Sewer Fund plant in  
24          2020 was about \$170,000. And your fund balance at  
25          May 31st 2020 is very strong at \$7.2 million, of

1           which \$320,000 is unrestricted for future budgets.

2           So, again, Sewer Fund good make operations  
3           for the year in a perspective of revenues less  
4           expenses, strong balance sheet, good financial  
5           position, strong cash balances, and a very good  
6           fund balance at the end.

7           When you look at the Village as a whole,  
8           including the General Fund in your -- on your  
9           three utilities, and some of your other smaller  
10          funds such as your Community Development Fund and  
11          your Capital Projects Fund, total fund balance of  
12          the Village now stands at about \$17 1/2 million,  
13          of which 6.3 million of that 17 million is  
14          restricted for -- mostly for the replacement of  
15          future equipment. And you're sitting on about  
16          \$11.2 million of unrestricted fund balance, or  
17          dollars that are invested in the utility plants.

18          Total cash balances Village-wide stands at  
19          just under 10 million, at 9.8 million, of which  
20          3 million is restricted, and almost 7 million is  
21          unrestricted.

22          Total fixed assets in regards to all the  
23          funds of all additions during the year amounted to  
24          \$1.7 million for the year. And at the end of the  
25          year, total dollars invested in all of the

1 Village's fixed assets, but net of its accumulated  
2 depreciation, is about \$29 million. So the net  
3 book value of all the assets owned by the Village  
4 is sitting just short of \$30 million.

5 In regards to debt, we have some debt out  
6 there. The Village, Village-wide, you have nine  
7 bonds outstanding that total \$6.6 million.  
8 Maturity dates of all those nine bonds, somewhere  
9 fall in between the winter of 2020 and the spring  
10 of 2042. The interest rates on these are fairly  
11 low, with some of them at 0%, with the highest  
12 interest rate on any bond being 4%.

13 Bond principal to be paid in the next fiscal  
14 year, Fiscal 2021, Village-wide is about \$600,000,  
15 and the interest paid on those nine outstanding  
16 bonds is about \$185,000.

17 So certainly some debt, but when it's --  
18 when it's connected with the assets of the  
19 Village, you're in a strong leverage position,  
20 you're in a strong liquidity position  
21 Village-wide. You've generated positive earnings  
22 for the year, or in the case of the General Fund,  
23 you hit the operations that you intended to hit  
24 based upon your budget for 2020.

25 So overall, a very positive year. The audit

1       went very well. We appreciate, again, the  
2       cooperation and insight of the Treasurer's  
3       Department and anybody we worked with at the  
4       Village. And we think that your financial  
5       statements present well, and they paint a very  
6       good picture, all 57 pages of it, of the Village's  
7       operations, as a strong financial and economic  
8       entity.

9                So that's pretty much my prepared comments.  
10       I compliment you as management, the Board, on the  
11       job that you did for Fiscal Year 2020. I don't  
12       expect anything different for 2021. And, you  
13       know, we -- as we -- Robert and I were talking  
14       last week, we have come to the end of our  
15       five-year contract with you. We certainly  
16       appreciated the opportunity to propose on the  
17       Village's work on a go-forward basis, and we  
18       certainly would appreciate that opportunity to go,  
19       go ahead. We've really enjoyed it and we really  
20       appreciate working with you.

21               So I'll open the floor to any questions on  
22       that.

23               TRUSTEE PHILLIPS: Bill, I just have one  
24       question. In going to the paperwork where you  
25       mentioned the year-end closing process --

1 MR. FREITAG: Yes.

2 TRUSTEE PHILLIPS: -- I do know that there  
3 is an existing checklist that's been used for  
4 several years. Is there a different checklist  
5 that you're looking for?

6 MR. FREITAG: Well --

7 TRUSTEE PHILLIPS: Can you explain this a  
8 little bit?

9 MR. FREITAG: Yeah. What we normally do is  
10 we put out an information request to all of our  
11 clients to do the year-end audits. Over -- since  
12 working with the Village over the last several  
13 years, that information request has turned into a  
14 checklist that the Village uses.

15 And what I'd like to see or what my audit  
16 team would like to see on a go-forward basis,  
17 while every year it becomes more efficient and  
18 things are done timely, there are still certain  
19 things that can be reconciled a little bit better  
20 and more timely during the course of the year.  
21 But then again, that's during the year. When we  
22 get there, everything is in good shape and  
23 reconciled and -- but I think during the course of  
24 the year, if some extra effort is taken in regards  
25 to making sure that, you know, cash -- cash

1 balances are reconciled every single month, and  
2 most places do that, but there are other balance  
3 sheet accounts, like payables, and receivables,  
4 and prepaids and things like that, that can be  
5 looked at more frequently, maybe not monthly, but  
6 more frequently than just on an annual basis.

7 The Village is doing a very good job. I  
8 mean, if we go back seven or eight years ago, that  
9 the timeliness of reconciliations was just not  
10 really happening. And every year it has gotten  
11 better, and, therefore, it makes the audit more  
12 efficient, it makes the Treasurer's Department  
13 more efficient.

14 So, from that perspective, yes. Can things  
15 certainly be reconciled more timely, or reviewed  
16 on a more timely basis to make sure that during  
17 the course of the year, things are -- things are  
18 reconciling with outside documentation? Yes,  
19 there's always room for improvement there, and  
20 that's really kind of what we're referring to.

21 TRUSTEE PHILLIPS: Okay. All right.  
22 Thank you.

23 MAYOR HUBBARD: Okay. Any other questions  
24 for Bill?

25 TRUSTEE ROBINS: Mayor, I just have one

1 comment. Bill, when you mentioned the fact that  
2 we may be needing a rate increase, what were  
3 the -- what was the -- what were the parameters of  
4 that? Was that five to seven years, three to  
5 seven years?

6 MR. FREITAG: I would say certainly not  
7 anything short term. But I would say that just  
8 based upon the rate of return that's being pushed  
9 out by the Electric Utility, and the fact that  
10 you're now an extra year away from the last rate  
11 increase, you're now at 13 years, it wouldn't  
12 be -- it would probably be prudent to think that  
13 three to four years, not just saying that that  
14 that should happen, but three to four years, I  
15 think that might be a possibility that that might  
16 be out there.

17 You've done a lot of things since 2007's  
18 rate increase. 2007's rate increase, if anybody  
19 remembers, was primarily based upon a very  
20 aggressive capital project program. All of those  
21 capital projects have been done. I guess, with  
22 sitting there with Paul on the screen and Robert,  
23 my guess is at some point there probably is some  
24 more desire to have additional capital  
25 improvements made to the Electric Utility, which

1 will, in itself, require some adjustment to the  
2 rates. But your customers have -- on the base  
3 portion of their bill, which is the rates that are  
4 in your tariff, have done really well. They have  
5 not increased since 2007. You can't say that  
6 about too many other things that haven't -- have  
7 not increased since 2007.

8 So I think it would be prudent, and I just  
9 say that so that you're not blindsided by  
10 something that could happen over the next three to  
11 four years, not to say that it could. There are  
12 many utilities out there that have gone 20 years  
13 without increasing rates, but then there's many  
14 others that haven't gone more than two years  
15 without increasing rates.

16 So the Village of Greenport has done well.  
17 You've controlled your costs very well. You did  
18 your capital improvement plan to the liking of the  
19 Power Authority. And I think over the last seven  
20 or eight years, you have fallen in the good graces  
21 of the Power Authority.

22 That I think that any rate increase down the  
23 road would be a fairly easy process for you and --  
24 but I do want to -- I just wanted to point out  
25 that I didn't want anybody to be surprised that,

1 well, you know, the accountants didn't tell us  
2 that, you know, we might be looking at something  
3 three to four years. I'm hoping you can go  
4 further.

5 But every year, that gross profit percentage  
6 that's built into those rates that were put in  
7 place in 2007, there's erosion to that gross  
8 profit percentage, because costs go up. And, you  
9 know, at some point in time, the -- even though  
10 you have great cash balances, at some point in  
11 time, the rates are not such to sustain the  
12 day-to-day operations and meet the rate of return  
13 that you should be getting on the value of your  
14 plant. So that's pretty much it in a nutshell.

15 TRUSTEE ROBINS: Thank you.

16 MR. FREITAG: Is that a help to you?

17 TRUSTEE ROBINS: Yeah, it does. And thank  
18 you very much. Excellent report, as always.  
19 Thank you.

20 MR. FREITAG: Okay. Anything else?

21 MAYOR HUBBARD: Okay. Well, I want to thank  
22 you very much, Bill, for the presentation and for  
23 the work you did. And I also commend our  
24 Treasurer's Department for the work that they did  
25 in coordinating all that. And have a Happy New

1 Year. Thank you.

2 MR. FREITAG: Yes, you, too. One thing I  
3 wanted to say, if you'd like, because I didn't  
4 really know that we were going to do this in a  
5 video version, I could take the presentation that  
6 I just gave you and put it in a PDF, kind of like  
7 a PowerPoint presentation, but in a PDF, so that  
8 it can memorialize what it is I've said tonight,  
9 and that you can each have it to look at, you  
10 know, in the future. And if you'd like me to do  
11 that, I can easily have that done. I just -- we  
12 just didn't have enough time to put that together.

13 MAYOR HUBBARD: No. That would be very  
14 beneficial. I appreciate it if you could do that  
15 for us and forward it to the Village Clerk.

16 MR. FREITAG: We certainly will do that.

17 MAYOR HUBBARD: Okay. Thank you very much.

18 TRUSTEE PHILLIPS: Thank you.

19 MR. FREITAG: Okay. Listen, Happy New Year,  
20 everybody, and I thank you for the opportunity.

21 TREASURER BRANDT: And to you, Bill. Thank  
22 you very much.

23 MAYOR HUBBARD: Take care.

24 TRUSTEE CLARKE: Thank you very much.

25 MAYOR HUBBARD: Okay. Next on our agenda is

1 public to address the Board. I see we've got  
2 seven members of the public on here. Is there  
3 anybody from the public that would like to address  
4 the Board on any topic? I'll just give them a  
5 second in case they have to unmute themselves, or  
6 whatever, if there is anybody that's interested.

7 MS. WADE: Okay. I'll just thank you, and  
8 say congratulations on such great work with the  
9 utility company and the budget. You're doing a  
10 great job, all of you. It's Randy Wade, Sixth  
11 Street. Thanks.

12 MAYOR HUBBARD: Okay. Thank you, Randy.  
13 Okay. Anybody else?

14 (No Response)

15 MAYOR HUBBARD: Okay. We'll move on to the  
16 regular agenda, then.

17 *RESOLUTION #12-2020-1, RESOLUTION adopting*  
18 *the December, 2020 agenda as printed. So moved.*

19 TRUSTEE MARTILOTTA: Second.

20 MAYOR HUBBARD: All in favor?

21 TRUSTEE CLARKE: Aye.

22 TRUSTEE ROBINS: Aye.

23 TRUSTEE MARTILOTTA: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 MAYOR HUBBARD: Aye.

1                   Opposed?

2                               (No Response)

3                   MAYOR HUBBARD: Motion carried. We'll go  
4 with Trustee Clarke as if we were sitting at the  
5 regular table.

6                   TRUSTEE CLARKE: Thank you, Mr. Mayor.  
7 *RESOLUTION #12-2020-2, Accepting the monthly*  
8 *reports of the Greenport Fire Department, Village*  
9 *Administrator, Village Treasurer, Village Clerk,*  
10 *Village Attorney, Mayor and Board of Trustees. So*  
11 *moved.*

12                   TRUSTEE ROBINS: Second.

13                   MAYOR HUBBARD: All in favor?

14                   TRUSTEE CLARKE: Aye.

15                   TRUSTEE ROBINS: Aye.

16                   TRUSTEE MARTILOTTA: Aye.

17                   TRUSTEE PHILLIPS: Aye.

18                   MAYOR HUBBARD: Aye.

19                   Opposed?

20                               (No Response)

21                   MAYOR HUBBARD: Motion carried.

22                   TRUSTEE ROBINS: RESOLUTION #12-2020-2,  
23 *RESOLUTION accepting the monthly reports of the*  
24 *Greenport Fire Department, Village Administrator,*  
25 *Village Treasurer, Village Clerk, Village*

1 *Attorney, Mayor and Board of Trustees.* So moved.

2 MAYOR HUBBARD: We had just done that one,  
3 Julia.

4 TRUSTEE ROBINS: I'm sorry?

5 MAYOR HUBBARD: Peter read that one.

6 CLERK PIRILLO: We just read that,  
7 Mr. Mayor.

8 TRUSTEE ROBINS: Oh, I apologize.

9 MAYOR HUBBARD: We're at No. 3.

10 TRUSTEE ROBINS: *RESOLUTION approving the*  
11 *application for membership of William Robins to*  
12 *the Standard Hose Company of the Village of*  
13 *Greenport Fire Department, as approved by the*  
14 *Greenport Fire Department Board of Wardens on*  
15 *December 16th, 2020.* So moved.

16 TRUSTEE MARTILOTTA: Second.

17 MAYOR HUBBARD: All in favor?

18 TRUSTEE CLARKE: Aye.

19 TRUSTEE MARTILOTTA: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 TRUSTEE ROBINS: Mayor, I just want to say,  
22 I'm going to recuse myself on this vote, since  
23 this is my son, so --

24 MAYOR HUBBARD: Okay.

25 TRUSTEE ROBINS: Okay?

1           MAYOR HUBBARD: Okay. So it's four in  
2 favor, one recused. Okay, that's fine. Motion  
3 carried. Trustee Martilotta.

4           TRUSTEE MARTILOTTA: There we go.

5           *RESOLUTION #12-2020-4, RESOLUTION*  
6 *authorizing Treasurer Brandt to perform attached*  
7 *Budget Amendment #4744, to amend the Fiscal Year*  
8 *2020/2021 Village Budget to record the receipt of*  
9 *the Rauch Foundation Grant, and directing that*  
10 *Budget Amendment #4744 be included as part of the*  
11 *formal meeting minutes of the December 28th, 2020*  
12 *Regular Meeting of the Board of Trustees. So*  
13 *moved.*

14          TRUSTEE PHILLIPS: Second.

15          MAYOR HUBBARD: All in favor?

16          TRUSTEE CLARKE: Aye.

17          TRUSTEE ROBINS: Aye.

18          TRUSTEE MARTILOTTA: Aye.

19          TRUSTEE PHILLIPS: Aye.

20          MAYOR HUBBARD: Aye.

21          Opposed?

22                         (No Response)

23          MAYOR HUBBARD: Motion carried.

24          TRUSTEE PHILLIPS: *RESOLUTION #12-2020-5,*  
25 *RESOLUTION authorizing Treasurer Brandt to perform*

1        *attached Budget Amendment #4754, to fund the*  
2        *General Fund portion of the Sixth Avenue Sidewalk*  
3        *Rehabilitation project, and directing that Budget*  
4        *Amendment #4754 to be included as part of the*  
5        *formal meeting minutes of the December 28, 2020*  
6        *Regular Meeting of the Board of Trustees. So*  
7        *moved.*

8                TRUSTEE CLARKE: Second.

9                MAYOR HUBBARD: All in favor?

10               TRUSTEE CLARKE: Aye.

11               TRUSTEE ROBINS: Aye.

12               TRUSTEE MARTILOTTA: Aye.

13               TRUSTEE PHILLIPS: Aye.

14               MAYOR HUBBARD: Aye.

15               Opposed?

16                        (No Response)

17               MAYOR HUBBARD: Motion carried.

18               TRUSTEE CLARKE: *RESOLUTION #12-2020-6,*  
19        *Authorizing Treasurer Brandt to perform attached*  
20        *Budget Amendment 4755, to appropriate reserves for*  
21        *the funding of the Sludge Tank Repair at the*  
22        *Wastewater Treatment Plant, and directing that*  
23        *Budget Amendment 4755 be included as part of the*  
24        *formal meeting minutes of the December 28th, 2020*  
25        *Regular Meeting of the Board of Trustees. So moved.*

1 TRUSTEE ROBINS: Second.

2 MAYOR HUBBARD: All in favor?

3 TRUSTEE CLARKE: Aye.

4 TRUSTEE ROBINS: Aye.

5 TRUSTEE MARTILOTTA: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 MAYOR HUBBARD: Aye.

8 Opposed?

9 (No Response)

10 MAYOR HUBBARD: Motion carried.

11 TRUSTEE ROBINS: *RESOLUTION #12-2020-7,*

12 *RESOLUTION accepting the proposal as submitted by*

13 *BST & Co. CPAs LLP, to provide annual Audit*

14 *Services for the Village of Greenport Electric*

15 *Department, per the Request for Proposals opened*

16 *on December 3rd, 2020. So moved.*

17 TRUSTEE MARTILOTTA: Second.

18 MAYOR HUBBARD: All in favor?

19 TRUSTEE CLARKE: Aye.

20 TRUSTEE ROBINS: Aye.

21 TRUSTEE MARTILOTTA: Aye.

22 TRUSTEE PHILLIPS: Aye.

23 MAYOR HUBBARD: Aye.

24 Opposed?

25 (No Response)

1           MAYOR HUBBARD: Motion carried.

2           TRUSTEE MARTILOTTA: *RESOLUTION #12-2020-8,*  
3 *RESOLUTION accepting the proposal as submitted by*  
4 *Cullen & Danowski, LLP, to provide annual*  
5 *Village-wide Audit Services (excluding the*  
6 *Electric Department) for the Village of Greenport,*  
7 *per the Request for Proposals opened on*  
8 *December 3rd, 2020. So moved.*

9           TRUSTEE PHILLIPS: Second.

10          MAYOR HUBBARD: All in favor?

11          TRUSTEE CLARKE: Aye.

12          TRUSTEE ROBINS: Aye.

13          TRUSTEE MARTILOTTA: Aye.

14          TRUSTEE PHILLIPS: Aye.

15          MAYOR HUBBARD: Aye.

16          Opposed?

17                        (No Response)

18          MAYOR HUBBARD: Motion carried.

19          TRUSTEE PHILLIPS: *RESOLUTION #12-2020-9,*  
20 *RESOLUTION awarding the 2021 annual contract for*  
21 *the delivery of No. 2 heating oil to Burt's*  
22 *Reliable at a bid price of eleven cents (\$0.11)*  
23 *per gallon over rack price, per the bid opening on*  
24 *December 10th, 2020; and authorizing Mayor Hubbard*  
25 *to sign the contract between the Village of*

1           *Greenport and Burt's Reliable.* So moved.

2           TRUSTEE CLARKE: Second.

3           MAYOR HUBBARD: All in favor?

4           TRUSTEE CLARKE: Aye.

5           TRUSTEE ROBINS: Aye.

6           TRUSTEE MARTILOTTA: Aye.

7           TRUSTEE PHILLIPS: Aye.

8           MAYOR HUBBARD: Aye.

9           Opposed?

10                       (No Response)

11           MAYOR HUBBARD: Motion carried.

12           TRUSTEE CLARKE: *RESOLUTION #12-2020-10,*  
13           *Awarding the 2021 annual contract for the delivery*  
14           *of diesel fuel to Burt's Reliable at a bid price*  
15           *of eleven cents (\$0.11) per gallon over rack*  
16           *price, per the bid opening on December 10th, 2020;*  
17           *and authorizing Mayor Hubbard to sign the contract*  
18           *between the Village of Greenport and Burt's*  
19           *Reliable.* So moved.

20           TRUSTEE ROBINS: Second.

21           MAYOR HUBBARD: All in favor?

22           TRUSTEE CLARKE: Aye.

23           TRUSTEE ROBINS: Aye.

24           TRUSTEE MARTILOTTA: Aye.

25           TRUSTEE PHILLIPS: Aye.

1 MAYOR HUBBARD: Aye.

2 Opposed?

3 (No Response)

4 MAYOR HUBBARD: Motion carried.

5 TRUSTEE ROBINS: *RESOLUTION #12-2020-11,*  
6 *RESOLUTION awarding the 2021 annual contract for*  
7 *the delivery of unleaded 87 octane gasoline to*  
8 *Demarest Holding Corporation d/b/a Hands Fuel*  
9 *Company - the sole bidder - at a bid price of*  
10 *twenty-five cents (\$0.25) per gallon over rack*  
11 *price, per the bid opening on December 10th, 2020;*  
12 *and authorizing Mayor Hubbard to sign the contract*  
13 *between the Village of Greenport and Demarest*  
14 *Holding Corporation d/b/a Hands Fuel. So moved.*

15 TRUSTEE MARTILOTTA: Second.

16 MAYOR HUBBARD: All in favor?

17 TRUSTEE CLARKE: Aye.

18 TRUSTEE ROBINS: Aye.

19 TRUSTEE MARTILOTTA: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR HUBBARD: Aye.

22 Opposed?

23 (No Response)

24 MAYOR HUBBARD: Motion carried.

25 TRUSTEE MARTILOTTA: *RESOLUTION #12-2020-12,*

1       *RESOLUTION appointing four Election Inspectors,*  
2       *one of which will serve as Chairperson, for the*  
3       *Village General Election on March 16th, 2021; as*  
4       *follows:*

5               *Jerri Woodhouse, Chairperson*

6               *Jeffrey J. Andrade*

7               *Kimberly A. West, and*

8               *Diana Whitsit*

9               *Inspectors are to be paid \$14.00 per hour*  
10       *and \$15.00 per hour for the Chairperson of the*  
11       *Inspectors, and further authorizing the Inspectors*  
12       *to work on the -- oh, pardon me -- on the two*  
13       *Village Voter registration days, as well as on the*  
14       *day of the election. This will be expensed from*  
15       *Account A.1450.100 (Election Personnel Services).*

16       *So moved.*

17               TRUSTEE PHILLIPS: *Second.*

18               MAYOR HUBBARD: *All in favor?*

19               TRUSTEE CLARKE: *Aye.*

20               TRUSTEE ROBINS: *Aye.*

21               TRUSTEE MARTILOTTA: *Aye.*

22               TRUSTEE PHILLIPS: *Aye.*

23               MAYOR HUBBARD: *Aye.*

24               *Opposed?*

25                               *(No Response)*

1 MAYOR HUBBARD: Motion carried.

2 TRUSTEE PHILLIPS: *RESOLUTION #12-2020-13,*  
3 *RESOLUTION allowing the Clerk's Office to appoint*  
4 *two alternate Election Inspectors for the Village*  
5 *General Election on March 16th, 2021 as follows:*  
6 *Dana B. Primm and Richard A. Mora --*  
7 *Morabito. Sorry if I butchered the poor man's*  
8 *name. The alternate Election Inspectors are to be*  
9 *paid \$14.00 per hour if required to work, and*  
10 *further authorizing the Inspectors to work on two*  
11 *Village Voter registration days if required, as*  
12 *well as on the day of the election, if required.*  
13 *This will be expensed from Account A.1450.100*  
14 *(Election Personnel Services). So moved.*

15 TRUSTEE CLARKE: Second.

16 MAYOR HUBBARD: All in favor?

17 TRUSTEE CLARKE: Aye.

18 TRUSTEE ROBINS: Aye.

19 TRUSTEE MARTILOTTA: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR HUBBARD: Aye.

22 Opposed?

23 (No Response)

24 MAYOR HUBBARD: Motion carried.

25 TRUSTEE CLARKE: *RESOLUTION #12-2020-14,*

1 *Approving the attached resolution resolving a*  
2 *contractual dispute between the Village of*  
3 *Greenport and AT&T. So moved.*

4 TRUSTEE ROBINS: Second.

5 MAYOR HUBBARD: All in favor?

6 TRUSTEE CLARKE: Aye.

7 TRUSTEE ROBINS: Aye.

8 TRUSTEE MARTILOTTA: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 MAYOR HUBBARD: Aye.

11 Opposed?

12 (No Response)

13 MAYOR HUBBARD: Motion carried.

14 TRUSTEE ROBINS: *RESOLUTION #12-2020-15,*  
15 *RESOLUTION approving the attached Memorandum of*  
16 *Understanding between the Village of Greenport and*  
17 *the County of Suffolk, regarding the design,*  
18 *refurbishment and maintenance of communications*  
19 *equipment on the grounds of the Greenport Water*  
20 *Tank, within the abandoned Verizon Wireless*  
21 *shelter. So moved.*

22 TRUSTEE MARTILOTTA: Second.

23 MAYOR HUBBARD: All in favor?

24 TRUSTEE CLARKE: Aye.

25 TRUSTEE ROBINS: Aye.

1 TRUSTEE MARTILOTTA: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MAYOR HUBBARD: Aye.

4 Opposed?

5 (No Response)

6 MAYOR HUBBARD: Motion carried.

7 TRUSTEE MARTILOTTA: *RESOLUTION #12-2020-16,*  
8 *RESOLUTION approving all checks per the Voucher*  
9 *Summary Report dated December 18th, 2020, in the*  
10 *total amount of \$438,113.45 consisting of:*

11 *o All regular checks in the amount of*  
12 *\$400,118.79, and*

13 *o All prepaid checks (including wire*  
14 *transfers) in the amount of \$37,994.66. So moved.*

15 TRUSTEE PHILLIPS: Second.

16 MAYOR HUBBARD: All in favor?

17 TRUSTEE CLARKE: Aye.

18 TRUSTEE ROBINS: Aye.

19 TRUSTEE MARTILOTTA: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR HUBBARD: Aye.

22 Opposed?

23 (No Response)

24 MAYOR HUBBARD: Motion carried.

25 Okay. That concludes our regular agenda. I

1 would just like to wish everybody that is  
2 celebrating Kwanzaa, Happy Kwanzaa. Happy New  
3 Year to the whole Board, everybody on the meeting  
4 tonight, and let's look for a good, safe and  
5 prosperous 2021, and not a repeat of 2020.

6 (Laughter)

7 MAYOR HUBBARD: I'll offer a motion to  
8 adjourn our last meeting of the year at 7:47. So  
9 moved.

10 TRUSTEE MARTILOTTA: Second.

11 TRUSTEE PHILLIPS: Second.

12 MAYOR HUBBARD: All in favor?

13 TRUSTEE CLARKE: Aye.

14 TRUSTEE ROBINS: Aye.

15 TRUSTEE MARTILOTTA: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR HUBBARD: Aye.

18 Opposed?

19 (No Response)

20 MAYOR HUBBARD: Motion carried. Have a  
21 Happy New Year. Thank you all for attending.  
22 Good night.

23 (The meeting was adjourned at 7:47 p.m.)

24

25









BOARD OF TRUSTEES  
VILLAGE OF GREENPORT

RESOLUTION APPROVING AGREEMENT WITH  
AT&T RESOLVING DISPUTE OVER RENTAL PAYMENTS

WHEREAS New Cingular Wireless PCS (AT&T) leases a portion of the Moore's Lane water tower (the "Water Tower") from the Suffolk County Water Authority ("Suffolk County") (the "Lease"); and

WHEREAS pursuant to the Lease AT&T each month pays rent to Suffolk County for the Water Tower and then pursuant to an agreement between Suffolk County and the Village of Greenport (the "Village"), Suffolk County then pays to the Village one half of the rent Suffolk County receives from AT&T, that one half amount currently being in the amount of \$4,606.54, which amount is increased annually in the amount of 3% each October; and

WHEREAS a dispute arose between AT&T and the Village as to certain claims by AT&T for reimbursement by the Village for payments of overages which AT&T claims were made by AT&T to the Village directly in error; and

WHEREAS AT&T and the Village, and Suffolk County, wish to resolve the dispute and have agreed to do so whereby AT&T and the Village of Greenport shall enter an agreement whereby the Village shall pay to AT&T the amount of \$125,000 to be paid by the Village to AT&T in an arrangement whereby AT&T will withhold the one half of the rent payment due to Suffolk County each month, currently being in the amount of \$4,606.54, which amount is paid over each month by Suffolk County to the Village, and which amount is increased annually in the amount of 3%, until the total amount of \$125,000 is withheld and is thereby paid in full, with no interest or fees to any party; it is therefore

RESOLVED that settlement of the referenced dispute with AT&T by the payment in the amount of \$125,000 by AT&T withholding from its payment to Suffolk County and then Suffolk County not making payment to the Village the one-half of the rent payment that is required to be made to the Village each month, which is currently being in the amount of \$4,606.54, which amount is increased annually in the amount of 3% until the amount of \$125,000 is paid in full, with no interest or fees to any party and that the Village of Greenport is authorized to enter that settlement agreement and Mayor Hubbard is authorized to execute the proposed settlement Agreement resolving that dispute.

Dated: December 14, 2020

Board of Trustees  
Village of Greenport

**MEMORANDUM OF UNDERSTANDING**

**BY AND BETWEEN**

**VILLAGE OF GREENPORT**

**AND**

**THE COUNTY OF SUFFOLK**

This memorandum of understanding, dated 12/15/20, by and between the Suffolk County Department of Fire, Rescue and Emergency Services headquartered at 102 East Ave in Yaphank New York and The Village of Greenport, having offices located at 236 Third Street Greenport, New York 11944.

As acknowledged in discussions between the Suffolk County Department of Fires Rescue (SCFRES) and the Village of Greenport (VOG): i) SCFRES has a need for new and upgraded radio equipment to be installed within the confines of Southold Township; ii) the best interests of the people of Suffolk County as a whole , and primarily those of the Southold and Shelter Island Townships, will be served by negating the need to develop and erect a new communications site, and iii) it is in the best interests of both entities in performing their respective missions by providing new and improved UHF paging capabilities to service the fire departments and increased access by all public safety agencies to the county's trunked radio system.

This memorandum of understanding is a binding agreement that establishes the framework pursuant to which the SCFRES is authorized to design, refurbish, and maintain communications equipment on the grounds of the Greenport Water Tank, within the abandoned Verizon Wireless shelter.

**WITNESSETH**

Whereas the SCFRES communications systems require improvement in order to properly serve Suffolk County; and

Whereas SCFRES owns and operates several communications systems at various sites throughout Suffolk county, and

Whereas SCFRES has evaluated solutions to meet its radio communication requirements within Suffolk County and has determined the most environmentally sound, least costly, and most effective solution to meeting its radio communications requirements is to include in that solution the design and installation of a multi-band radio system at the Greenport Village Water Tower Site, and in the currently abandoned Verizon Wireless Shelter hereafter referred to as THE SHELTER.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration receipt of which the parties acknowledge, SCFRES and the VOG hereby agree as follows:

1. The SCFRES may design, refurbish, install, maintain, and operate Suffolk County radio equipment within the Shelter located on Moores lane at the Greenport Water Tank in the Village of Greenport (-72:22:25.0172, 41:06:13.7496) in accordance with this Memorandum of Understanding.
2. The SCFRES shall be responsible for the design, installation, operation and maintenance of the shelter, subject to the review by the Village of Greenport, and shall maintain same in clean and good condition.
3. The SCFRES shall be responsible for the design, installation, operation and maintenance of the equipment within the shelter and shall maintain same in clean and good condition.
4. The SCFRES shall not be charged rent or occupancy or other fee for the SCFRES installation of communications equipment.
5. The SCFRES shall be responsible for the design, installation, operation and maintenance of the equipment located on the water tank itself, in accordance with plans approved by, and an agreement executed in cooperation with, the Suffolk County Water Authority and review by the Village of Greenport.
6. The SCFRES shall name the Village of Greenport on the SCFRES liability insurance policy and provide proof thereof to the Village of Greenport and the SCFRES shall indemnify and hold harmless the Village of Greenport for any liability incurred by the Village of Greenport for any action or failure to act of the SCFRES.
7. The SCFRES shall not assign, transfer or sublicense this Memorandum or any part thereof.

**TERM.**

The initial term of this Memorandum of Understanding (The "term") shall commence on the date hereof and shall expire on December 31, 2030. The term shall thereafter automatically renew annually for additional one (1) year periods (an "automatic renewal") unless terminated in accordance with B below.

Either party shall have the right to terminate this agreement effective no earlier than January 1<sup>st</sup> 2025 by written notice to the other party hereto, to take effect no less than the greater of: i) one year; or ii) such reasonable time is necessary in order to design and implement a communications solution that insures the continuity of the SCFRES communications; or iii) if mutually agreed upon by the parties, except that the Village of Greenport may terminate this Memorandum of Understanding on thirty days written notice in the event that SCFRES shall fail to comply with any term or provision of this Memorandum of Understanding, shall fail to maintain the structure and equipment in good repair, or if SCFRES shall abandon or no longer use the structure and property for the uses provided in this Memorandum of Understanding.

**METHOD OF NOTICE.**

Any notice of demand, consent, approval, disapproval, bill or statement (each a "notice") which, under the terms of this memorandum of understanding or under any statute of governmental regulation, must or may be given or made either by VOG to SCFRES or by SCFRES to VOG shall be in writing and unless otherwise required by such law or regulation, shall be either (a) personally delivered, (b) sent by overnight courier or (c) sent by registered or certified mail return receipt requested.

- A. **Addresses:** Notices pursuant to this Memorandum of Understanding shall be delivered or mail to respective parties at the following addresses:

To the VOG at:

**Village of Greenport**

Sylvia Lazarro Pirillo,  
Greenport Village Clerk

236 THIRD STREET  
GREENPORT, NY 11944

To the SCFRES at:

**Suffolk County Department of Fire Rescue and Emergency Services**

102 East Ave  
Yaphank, NY 11980

Suffolk County FRES

Date: 12/15/20

By: 

Joe Vetter

Chief of Fire Rescue

Village of Greenport

Date: \_\_\_\_\_

By: \_\_\_\_\_