STATE OF NEW YORK
VILLAGE OF GREENPORT
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BOARD OF TRUSTEE
WORK SESSION
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January 22, 2013
6:00 P.M.

BEFORE:

DAVID NYCE - MAYOR

George Hubbard, Jr. - Trustee

Christina Kempner - Trustee

David Murray - Trustee

Mary Bess Phillips - Trustee

Sylvia Pirillo - Clerk

Joseph Prokop - Village Attorney

David Abatelli - Village Administrator

Charlene Kgel - Village Treasurer

Jack Naylor - Director of Utilities
MAYOR NYCE: I will call this Board of Trustees work session to order. Please rise for the Pledge of Allegiance.

(Whereupon all stood for the pledge of Allegiance.)

MAYOR NYCE: Our first report is from the fire department. The Chief was here. There was nothing in his report other than to accept the reports. So we have excused him and making a note to the Clerk to make sure that we announce again the Washington Birthday's parade. I think that is the only announcement. So that makes our first report this evening from the Treasurer's Department. Charlene Kagel is here. Good evening.

MS. KAGEL: Good evening, Mr. Mayor, Members of the Board. We have some budget modifications. There was one that was attached to the work session report for the -- requested by the Director of Utilities for the repairs, battery charger replacement. In addition, we have a few late comers. There is one for an
appropriation of fund balance to be paid

for transcription expenditures, as
requested by the Clerk's Office. We have
an appropriation of fund balance to help
pay for additional labor counsel fees. And
the other one is already attached to the
work session report.

TRUSTEE PHILLIPS: Is it a batter
charger or chargers?

MS. KAGEL: Both.

MAYOR NYCE: Chargers and the
battery chargers themselves.

MS. KAGEL: We had from -- The
Clerk's Office has been working with the
Treasurer's Office and the labor counsel
charges for the year. It has been very
costly. We have had an ongoing dispute
that has been filed with the department of
labor regarding a vendor who is claiming
unemployment as a result of a requested
for proposal and we're defending that. So
there is unfortunately a charge that the
Board will have to approve. We have not
planned for that.

MAYOR NYCE: Did we do a budget mod
that was for --

MS. KAGEL: This is additional.

MAYOR NYCE: This is additional.

Okay.

TRUSTEE PHILLIPS: This is still ongoing?

MS. KAGEL: Yes, it is.

MS. KAGEL: Moving on. We have a bond payment in the amount of $3360.00, and we just renewed the $1.7 million dollar BAN and a $16,089 interest. I believe Chase was the -- had received the new one. The interest rate was 0.72. So it's a very good rate. Collections, same as every year. On the Wastewater Treatment Plant, we have draw down #10 ready to go up to the EFC. What I am trying to decide, whether or not -- I have spoken to Mary Ellen, she has asked if we have any other expenditures, I believe there is some monitoring. We might be expecting another invoice from Cameron at this point or are we completely finished?
MR. NAYLOR: We are still waiting for three proposals from Cameron for sludge problems, Clark's Beach and one more addition.

MAYOR NYCE: Which we set aside as a contingency --

MR. NAYLOR: Right. So they should know about all of that.

MAYOR NYCE: We need to have specific numbers -- if we're going to close out with a contingency, we need to have specific numbers showing those items.

MS. KAGEL: That is what she said.

TRUSTEE PHILLIPS: Let me just ask a question here. Under the EFC loans, it says issues with switch. Contractor rep laying switch in six weeks. Now is that going to be an additional charge order coming or does that mean that the contractor is going to take care of that?

MAYOR NYCE: No, I think that is part of the original scope of work and I just think that is going to take the six weeks to be here. In his addendum, he has four of those items. I think the only
things that are still open ended are the proposals that we are still waiting from Cameron. So we need to get that. We want to close it out all at once.

MS. KAGEL: So like I said, we have prepared the draw down, we're just waiting on that.

MAYOR NYCE: Okay.

MS. KAGEL: That leads me to my next bullet point, the New York State awards that the Village has received last month on the consolidated funding application that was submitted. The Mayor had asked to work together and come up with a plan to see how we can fund these projects in the short term and perhaps the long term. I attended the project kickoff meeting with Jack for the EFC projects, which would be the storm water, waste water. They had basically told us, before we could get our contract in place, we would need to have bond resolution for authorizing the long term borrowing. I had a conversation with bond counsel, as they had said, the long
term project, the improvements that we were indicating would be for long term. This would be funded in the capital fund and it wouldn't be attributable to any utility funds because it would be more general funds type of expenditure. So my meeting with Bob Smith and Noah we had come up with some recommendations. We had decided that this would be what we would recommend to the Board. For the east and west sewer studies, $23,000 and $25,000 respectively. There is a 40% in kind match. And these are specific to the sewer fund. To borrow this type of money in the short term, it would be rather costly and since the sewer fund has ample reserves, the best approach I believe would be to appropriate reserves that are for the project, these two studies and these are in-kind match. For the short term, we would imagine it's not going to be a long term project. The water grant, that is a 10% match is a local in-kind match. We would recommend that we do a capital fund BAN issued for the total project amount,
which would be part of the MS4 plan. I am just assuming that this would fall into some longer term. This would have to fall under a permissive referendum. So we would issue a one year note and then work towards the project and see how we are in one year and either renew it or convert it to a long term. If we could recoup the amount in a year, we would pay it off and have no out of pocket expenses.

TRUSTEE KEMPNER: Why do we have to borrow?

MS. KAGEL: It's a short term.

TRUSTEE KEMPNER: I just never heard them require to authorize the borrowing.

MS. KAGEL: They are requiring us to have our funding in place.

TRUSTEE KEMPNER: That includes the 10% match?

MS. KAGEL: Yes.

TRUSTEE KEMPNER: So it's $267,000 --

MS. KAGEL: It's $267,000.00 that we have to lay out of pocket from the General Fund.
TRUSTEE KEMPNER: We could --

MS. KAGEL: We have to set up a budget.

TRUSTEE KEMPNER: That is a lot of money to authorize for borrowing.

MS. KAGEL: It would be a one year.

MAYOR NYCE: We are not going to necessarily take that money out of the bank and spend it. We're going to in-kind get the money bank. The only thing that is coming out of the reserves is the match. So we would refund ourselves and not do the borrowing. I asked Charlene to come up with some strategies to see what would be the best way we could --

TRUSTEE KEMPNER: They all seem pretty straightforward.

MS. KAGEL: They are.

TRUSTEE KEMPNER: So it seems like once we do the projects, we could even reimburse part of it before -- depending on the grant, before we lay out the money. So it may not even be close to the $367.

MAYOR NYCE: They are just requiring that we show. So hopefully none of these.
I don't want to borrow for any of these. They are also going to be longer term.

MS. KAGEL: So that would be a short term solution to have to fund that. The economic development grant which

$45,000.00 grant with a $45,000.00 match. According to bond counsel, we can not bond that. We can not borrow short term, because it's not going to ultimately end up in capital budget. It's not a study for an extension of sewer district or for the replacement of bulkhead. So therefore, we would have to fund that through General Fund Surplus. So that would be $45,000.00 from General Fund Surplus to fund our out of pocket. So it would $90,000.00 in the interim and we would get $45,000.00 reimbursed from the grant. In addition to that, Mitchell Park bulkhead study, it's $185,000.00 project. Fifty percent local match. So $19,000.00. We believe -- we recommend -- I believe that this is a project that would end up as a bond project. So therefore we could use General
Fund surplus or we could borrow. What I think the combination of using General Fund surplus or any of these would get us with our polices to use that for short term, which is the reason why we came up with the recommendation that we use the surplus fund of $45,000.00 match on economic development. That we use short term notes for the Mitchell Park study. It's a very quick turnaround and we can get the money back right away. I don't have any information on the bulkhead grant yet. I have not received any information yet. I am not sure what the details are. Whether we have to expend our first in order to get reimbursed for it. These are just some of the ideas that we discussed and what are some of our possibilities.

MAYOR NYCE: Can you do me a favor and circulate that as an e-mail, the recommendations?

MS. KAGEL: Sure.

MAYOR NYCE: It seems to make sense.

TRUSTEE KEMPNER: One of the things that we voted on last month was the
$5,000.00 consultant for Clark's Beach. I think that should go into the Development Study. I would like to see the bid contribute something to that. It's $5,000.00 and I thought we should put it towards that or if there is anything else in the budget, even the road and infrastructure survey. The reason I am concerned about borrowing is that I rather see us borrow for roads that we desperately need. They are all good projects but we have projects that we need to do for infrastructure and ground. So whatever we can call, we can do. Even the Tall Ships last year -- you know, even that stuff, that takes away from the borrowing. Even the bulkhead study, something that we are doing -- any spending, try and use that for match. They are usually pretty flexible with that. They just want to see that we're spending our money.

MAYOR NYCE: Absolutely.

MS. KAGEL: So I will circulate that
to e-mail. In addition, I just wanted to touch on -- Jack and I had had some conversations with Noah as well. Jack's work session report, he speaks about long term transitional rates. He is making -- in his report, he is making a recommendation that we do actually make these payments. I think we have to make a payment by February 15th.

MAYOR NYCE: Have we gotten a letter from --

MR. NAYLOR: I received an e-mail this afternoon.

MAYOR NYCE: That we re-up. It seems less risky.

MS. KAGEL: So I guess the first payment is 25%, which is $166,000.00. That is the payment that would be due February 15th. We were talking about possible finance options. This was not something that was planned or budgeted. So what we were thinking -- there was a couple of options. We could use the electric fund surplus. We could use that. Short term. Jack had commented that some of the other
utilities are taking a grant. I spoke to
Noah about the revenue. Quite honestly, I
have no experience with this one. It's a
new animal for me. So I called Noah and we
spoke. He also said that a budget note
might be something that we could use.

However both of those notes require that
some action be taken in the year, so there
is an anticipation note that needs to be a
very firm. When is it coming it and when
it will be received. If you have a budget
note, then you will are assuming that you
will have that built into the budget. So
we would have to pay that all back in one
year. So we would see how we would to be
funding that. I have not had an
opportunity to speak to Bill Freitag about
this. I am not really sure how this is
handled. I would like to have a little
more of a conversation before we dive into
something that we might Board of Trustees
be sure about at this point. So at this
point in time, make the February payment
and do some appropriations. I am not
really quite sure if this is recurring
every year. So we would have to make sure
that we have this in the budget and then
re-coup the following year.

MAYOR NYCE: Jack, why don't you
come up and join us. The reason I had
asked if you had a conversation with the

power authority is because they regulate
the charging rates and how we re-coop
funds from the customers and this is
obviously an unforeseen bump in power
dollars and if they had any thoughts as
to --

MR. NAYLOR: Well, it is an
additional charge. So we will get the
PPA. The main difference, some of the
utilities are likely to take this as an
--when we pay the bill, that goes out to
the customers. But when we get $120,000.00
from the Power Authority in May, we can't
bill $40,000.00 because then everyone's
electric bill will be four times more. So
we are able to take it and spread it out
over 12 months. The hard part is from
essentially from February to December,
we're paying twice. We are paying for a
dispute price and the current. I spoke with
several of the cooperatives who dealt with
this a couple of years ago. My
recommendation and I have spoken to
Charlene already is pay the first two
months out of reserves. The second nine
months, what I would like to find out and
if they would permit it, if they would do
this in advance. I have not gotten an
answer. So that is a question that I don't
have answered at this point.

MAYOR NYCE: So at this point, what
you are looking for is an authorization
for us to sign the extension of the Long
Term Emission Rights and make a payment of
$166,000.

MR. NAYLOR: Yes. My recommendation
would be to get the one payment out of the
way and study the rest for two months.
Bill Freitag is already aware of this
issue and he should have something for us.

TRUSTEE PHILLIPS: Dave, I would feel
more comfortable if Jack can get the
information and get it to all of us so we can review it. I really don't want to see it on the day of the Board meeting. I think that is what is going to happen here.

MAYOR NYCE: Do you have anything else, Charlene?

MS. KAGEL: I have one more other item. Actually a question for Trustee Phillips. I received a copy of an e-mail from you regarding a $21,000.00 line item.

TRUSTEE PHILLIPS: What I wanted to do and I was going to bring that up later in my report but the Carousel Committee had received a $21,000, up to $21,000.00 in funding to do some improvements on the Carousel in Mitchell Park. And it's going to do -- and I know that Joe had a conversation with the chairman of the committee. What we need to do is ensure that the Friends of Mitchell Park -- they want to make sure that the money was spent and set up for the way that it is supposed to be used for. My thought is this is a grant to the Village. So I would assume
that you would have to set up an account. So the committee wants to make sure that the expenses are clear for them as a group. So that they can keep track of what is going down.

MS. KAGEL: I would recommend a capital.

TRUSTEE PHILLIPS: That is what I thought it would be. The Committee is planning to do some fundraising to supplement this. So I believe they have already spoke about this. So I just wanted to make sure that we had this set up as a resolution for the Monday.

MS. KAGEL: Okay.

TRUSTEE PHILLIPS: I did have a couple of questions. I noticed in the report here --

MS. KAGEL: We are still holding a payment. The Board released $141,000.00.

TRUSTEE PHILLIPS: Okay.

MAYOR NYCE: We had a meeting two weeks ago and I made it very clear that not until all the documentation was in
place and all was received, we would not be releasing any more retainage. If we did, it would be in equal proportions.

TRUSTEE PHILLIPS: All right. I see on the report it has a requested amount. This money we have not received this money. I know that we have received some of it.

MS. KAGEL: Correct.

MAYOR NYCE: We have one more draw done.

MS. KAGEL: We have received everything that we asked for. We have not received the retainage.

TRUSTEE PHILLIPS: So the amount to be funded by bonds?

MS. KAGEL: I believe that he will come in less than that for this.

MAYOR NYCE: Thanks, Charlene.

So we will just go to the Director of Utilities since he is sitting right here. Good evening, Jack.

MR. NAYLOR: Good evening. The batteries, when they were asking why we wanted to get reimbursed for that, we said
we inspect them every year. This year,
when we checked the terminals, they were
shot. They said we should replace them.
They said that we would have some
eligibility for them as well. Capital
improvements, we tried to do that
transformer replacement internally. So we
got back to the contractor and looked at
his proposal. They just have a couple of

issues, where we're differing on some of
the things. So we should have that
hopefully done by tomorrow.

MAYOR NYCE: I would like to see
that finalized. This has been dragging on
too long.

MR. NAYLOR: Yes.

MAYOR NYCE: We need to get it done.
I just want to go to the Light Grant,
where is that at, Jack? It was supposedly
on the desk?

MR. PROKOP: It's still there.

MAYOR NYCE: Any ETA on that, 2014?

MR. PROKOP: The good news is that
there is some new people in that office.
So I don't have an ETA. There is a person that has been working on it. We have been dealing with her all along and hopefully it shouldn't be much longer.

MR. NAYLOR: I got Joe's comments over the weekend.

MAYOR NYCE: So we have already authorized the bid documents to go out.

MR. NAYLOR: We have set the dates that the contractor is not going to work until late March, but if you want, I will get it out in a couple of days. We will just have to extend the award period.

MAYOR NYCE: I don't necessarily agree with you, but I understand your point. We would just like to get it done.

MR. NAYLOR: We are all ready to go. I will put whatever date in you want.

MAYOR NYCE: Let's put it in.

MR. PROKOP: Let maintenance get the notice out.

MR. NAYLOR: I can get it out.

MAYOR NYCE: I understand that once we award the bid there is a certain amount of days that they can start the work. I
understand that.

TRUSTEE MURRAY: I wouldn't want to roof in February but I think now putting the bid out is necessary.

MAYOR NYCE: We wouldn't be starting to March anyway.

TRUSTEE MURRAY: I think we will get a better response in February.

TRUSTEE HUBBARD: It has been delayed so many times. So let's get it in the newspapers as soon as possible. Let's do it before it gets too hot again.

MAYOR NYCE: Let's get it done.

MR. NAYLOR: The emissions part, we have till the end of January 31st to get that in.

MAYOR NYCE: All right.

MR. NAYLOR: On the EFC loan grants and stuff, I do want to update that. I sent an e-mail out, I think it was Friday. Philip Ross had submitted the last of his items on Wednesday. I went to Cameron's office on Friday. It was agreed. Although they did not provide everything that we
asked for, it was acceptable. We thought it was acceptable both myself and Cameron Engineering. He sent it to EFC and both the information for the pumps and light grants were approved. Those removed the last two items. In my e-mail, I outlined that there was a discrepancy that included a statement that I paid everybody. The report indicated that it showed monies that were outstanding, which was a conflict and aside from any, I will give Joe a chance to address that issue, they have $34,000.00 from Park Avenue building, some of which is retained. They have $28,000.00 remaining to Bob Construction. And it's $180,000.00 outstanding in retainage. In essence, we have $65,000.00 owed to MEW Suppliers and $45,000.00 on the punch list. That adds up to $110,000.00. Ten of which is not retained. So in light of that information and the things that the contractor has accomplished, we're prepared to recommend release of retainage of up to $80,000.00 subject to counsel's input. Do you want to
address that now?

MAYOR NYCE: That's what was said at the meeting before. There is some retainage. EFC has signed off on what he has submitted as paperwork, then --

MR. NAYLOR: Okay.

MR. PROKOP: I just have a question. The e-mail that you showed me, the EFC, that the documentation wasn't acceptable. You're saying that it was verbally accepted. Do you have any of those documents showing that it was accepted?

MR. NAYLOR: It was accepted to us. EFC has since seen it, and they have sent an e-mail and said it was fine.

MR. PROKOP: Do you have that e-mail?

MR. NAYLOR: Not with me. I can get that e-mail for you?

MR. PROKOP: I think that is a critical piece.

MR. NAYLOR: We have two weeks to turn it around. I took $180,000, minus $100,000.00 that was still going to be
MR. PROKOP: I know that.

MR. NAYLOR: He's allowed to hold 5% of our money.

MR. PROKOP: Why would we let him hold our money? His retainage with his subcontractors is to secure. If there is a problem with the subcontractors, there is also a problem --

MR. NAYLOR: All the work is done.

MR. PROKOP: It's done. If you could get me that documentation on that.

MR. NAYLOR: Sure.

Five is done. Six is done, and eight is done.

TRUSTEE PHILLIPS: So this is a revised punch list? I just want to be clear.

MR. NAYLOR: This is what has been done --

TRUSTEE PHILLIPS: I just want to be clear.

MAYOR NYCE: I had a few conversations with people from Sterling Marina who are very interested in sewer
hook-ups. There was a letter to us that
they be allowed to be -- that they be
considered for that project. The two
large yacht large over there.

MR. NAYLOR: Yes. They are having a
meeting. They are having a building
permit for the first one.

MAYOR NYCE: Okay.

MR. NAYLOR: The Planning grants, we
were very lucky, we got two. We were
recommended for one. We got both of them.
We are looking forward to getting it done.

Following up on some changes. Several
things have changed, proposition. One the
current things with Sterling being designated as
an impacted area. That could raise our
score. Bringing in private funds to fund
that connection. That would raise our
score. So those should knock our scores
up very, very high.

TRUSTEE KEMPNER: What is the
timeframe?

MR. NAYLOR: We're not required to,
but the recommended procedures would be to
put out an RFP. Because they are two separate RFP's and one is below the $25,000.00 limit. We expect to get our responses in. I would like to see some of them selected by the March meeting. You know the background, introduction. And I expect to have a finished report by May or June.

TRUSTEE KEMPNER: That is the way the cycle works?

MR. NAYLOR: Yes.

MAYOR NYCE: I think a lot of the preliminary work was done.

TRUSTEE KEMPNER: That's an EFC. I was wondering if the Economic Development, because it's definitely something that they can do --

MAYOR NYCE: Yes. Absolutely.

TRUSTEE KEMPNER: What about the other grants?

MR. NAYLOR: There is two types of loans. There is low interest loans and zero interest loans. The discounted or the zero interest loans, which may qualify, but in dealing with matching
trying to fund it. Getting private funding means the less we have to borrow. So if the marina is going to pay for their connection from -- to our sewers, and connecting Sandy Beach people is a lot easier. Dave, I know you are involved with the Southold Town, so as much as you can work with the Planning Department and I would imagine that you would speak to the supervisor. I would imagine that knocking on doors would do extra to our district.

MAYOR NYCE: I will set up a time to go to one of the Town work sessions and ask that they be supportive.

MR. NAYLOR: Okay.

TRUSTEE MURRAY: So do you actually go knocking on doors?

MR. NAYLOR: Yep. Maybe not personally. Definitely will probably do that.

TRUSTEE KEMPNER: What about the grant structuring?

MR. NAYLOR: That's in the next
section. There is a lead into that. We have
gotten Planning grants. We have
another grant which is going to fund
energy. We have everything happening. I
reached out to the Peconic and asked them
if they would want to help out. This would
be an excellent way in how to do business.
They were very excited. I am going to
speak to them on Thursday of this week to
see if they would be interested in helping
us fund a project. So they are very
excited.

MAYOR NYCE: Excellent.

MR. NAYLOR: I see that we have a

part-time meter reader?

MR. NAYLOR: Yes, that is attached.
I don't know if we need to do that in
Executive Session. With your okay, I
would probably tell him to go ahead with
that?

MAYOR NYCE: We will put it on the
agenda for next month. I wouldn't tell
him to go ahead with it yet. Go ahead next
month.

TRUSTEE KEMPNER: What about the
Lighting Grant, because I was more concerned about the extra $20,000.00?

MR. NAYLOR: I did want to mention this before but I went off on a tangent. I think we have bought about 30 lights so far. Once we have them --

TRUSTEE KEMPNER: Do you have the purchase order?

MAYOR NYCE: It's on the desk at the County Attorney waiting for signature.

TRUSTEE KEMPNER: If we're buying the lights and we can upload.

MAYOR NYCE: Right.

TRUSTEE KEMPNER: It's a simple rebate. It's like $20,000.00. So can't you just upload it?

MR. NAYLOR: As soon as we get the bill, then I will give that a shot.

MAYOR NYCE: Okay. Cool.

MR. NAYLOR: The last thing that I have was FEMA. We have been working very, very closely with them. Again, we're getting reimbursed for our regular wages as well as our -- fire department, sewer
and public transportation. The last thing we have is our grant renewal. We have all the storm debris. All the trees are gone, but all of the things that have washed on shore are stored in the boat yard. In addition, we had a lot of things show up after the storm that we didn't put there.

MAYOR NYCE: Is it chained off?

MR. NAYLOR: No, it hasn't been chained off. We are at the point, Ray has requested a lot so he can close it. He doesn't want people coming in. Storm debris, cost of removal, we measured it up on Thursday of last week and we submitted our estimates today.

MAYOR NYCE: Cool. Thank you very much, Jack.

The next report will be from the Village Clerk, Sylvia Pirillo.

CLERK PIRILLO: Good evening.

MAYOR NYCE: Good evening.

CLERK PIRILLO: I wanted to just touch upon the upcoming election. I wanted to make sure that we all knew that NYCOM, has advised a calendar of dates. It was
revised in January because there was
errors in the first one. They omitted one
of the Federal holidays and it was pushed
back some of the dates. That has been up
on our website for some time. I wanted to
also address --

MAYOR NYCE: If you can put that
also in the announcements.

CLERK PIRILLO: Thank you. I also
wanted to touch upon the costs. The rates
for using the electronic machines and
those tabulators and everything that goes
along with them are very pricey, which is
why there is a budget modification
requested by me. This election is roughly

costing us a little bit more than twice of
our past elections have cost.

TRUSTEE MURRAY: Which is?

CLERK PIRILLO: Before it was maybe
$1500.00 total and now it's about
$3700.00. The ballots --

TRUSTEE KEMPNER: Are you getting
anybody? Is anybody running?

CLERK PIRILLO: We don't know that
TRUSTEE KEMPNER: But it's open now?

CLERK PIRILLO: Yes. Independent nominations have not been turned in yet. They are not due yet. No one has requested one from me because they are available on the website. So that's why. Additions, of course. On RESOLUTION #2, that I am requesting, I omitted and I apologize, there is a cost of $50.00 associated with the seminar. And I believe that the Deputy Treasurer would also like to go but has not been brought up yet.

MAYOR NYCE: Would you please make sure?

CLERK PIRILLO: I will.

MAYOR NYCE: I have a correction for you on the next RESOLUTION. That conference is the 4th, 5th and 6th.

CLERK PIRILLO: Yes.

MAYOR NYCE: So I will be there the 4th, 5th and 6th. And travel time will be mileage. I will take my new very fuel efficient car.

CLERK PIRILLO: Two more additions,
one is from Peconic Landing to hang a
banner for the May Mile. The May Mile this
year is going to be held on May 11th.
Another addition is a RESOLUTION approving
Public Assembly permit application as
submitted by Peconic Public Broadcasting
for the use of Mitchell Park and that is
for an Art Show. That show is the 4th
annual.

MAYOR NYCE: Okay. It used to be LIU
and when Stony Brook took over it moved to
a publicly funded radio station. It
actively aired our community events. They
are a nice group. They broadcast last
year.

CLERK PIRILLO: They did. As an

informational piece, the Tree Committee
has requested to use the old school house
to hold their meetings.

MAYOR NYCE: Okay. Good.
CLERK PIRILLO: And they are
developing a schedule now at the old
school house.

MAYOR NYCE: Good. Is there
something there tonight?

CLERK PIRILLO: There is something there tonight at 5:30. Thank you.

TRUSTEE PHILLIPS: I have something for you, Sylvia.

CLERK PIRILLO: Okay. Sure.

TRUSTEE PHILLIPS: I understand that you started to charge for FOIL requests that get to be rather lengthy. Can you tell us what the charges are?

CLERK PIRILLO: The charges are up to two hours of total agency time to fulfill and complete a FOIL request "free of charge." Afterwards, any time that is logged in by an agency member, it's chargeable. If there are more than one persons working on a request, the charge

that you can use for an hourly is that of the lowest paid hourly wage earned.

MAYOR NYCE: The lowest paid appropriate to full fill the FOIL request --

CLERK PIRILLO: Correct. Thank you.

And we have been -- I have made examples of three that you see on the report.
There are more upcoming right now that has taken the time of the Building Department and the Clerks Department.

MAYOR NYCE: Okay.

TRUSTEE PHILLIPS: Is that something that is posted, since this is fairly new?

MAYOR NYCE: We might as well make it clear to where the FOIL requests are.

TRUSTEE PHILLIPS: I think it is fair for the community to be aware.

MAYOR NYCE: There should be a list of fees for simple documents. The report is very valid. If there is an enormous amount of time spent, it should be listed. I agree.

MR. PROKOP: We should check the Policy and Procedure, if it's not mentioned, we should change that.

MAYOR NYCE: Absolutely.

TRUSTEE PHILLIPS: I have another question.

CLERK PIRILLO: Sure.

TRUSTEE PHILLIPS: We went through an exercise for IQM2 system and when it
was purchased. I really haven't seen anything in the reports since it was purchased and what's going on with it.

CLERK PIRILLO: We're running Parallel's right now. We have three managers, myself and two other managers who have submitted electronically this month. We had some training and we opened up the training and the ability for anyone to train who would be using the system. We're scheduling and rescheduling. We realize that everyone's schedule is not conducive when it comes time to it.

Understood. I had another course today and on Friday we will have another meeting with the IQM2 people. We're running Parallel this month. I suspect that in February it will be all IQM2. They have been very supportive. So thank you for that. I wanted to mention that Deputy Clerk Jean Marie Oddom has taken on the duties of an employee that has been on extended sick leave, with the completion of these additional duties, that time has acquired overtime. A total of 53 hours
were dedicated to additional duties which
at a wage rate of $20.06 per hour and to
current wage, total $1,063.18 compensation
which I am respectfully requesting that it
be approved by the Board as a single lump
sum payment. We discussed bids and notice
to bids earlier today. I want to touch
that Mitchell Park Electrical upgrade
notice will be in --

MAYOR NYCE:  Great.

CLERK PIRILLO:  Dave and the Village
Attorney worked very closely on that.

Documentation received from the Fireboat
Fire Museum. We actually have here a
contract received. It is time sensitive
because they would like to come here this
weekend and the contract period is January
15th through June 15th. So myself and

David Abatelli would like to request that
the Mayor be given permission to sign the
contract. So I don't know if you have a
preference --

MAYOR NYCE:  No, that's fine.

MR. PROKOP:  I thought this was
approved.

MAYOR NYCE: This is the execution of it. Does anyone have an issue with it?

(No Response.)

MAYOR NYCE: I will get in contact with the County to see if they are going to be okay with this in the long term. So if you guys are okay with this, I will name a motion to execute this.

MR. PROKOP: Just so you know, they are responsible for their own utilities. We have a right to move them around, if needed. This is all at no cost to us.

MAYOR NYCE: So if there is no objection, I will offer a resolution authorizing the execution of the temporary agreement between the Village of Greenport and the Fire Boat Museum. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE KEMPNER: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.
Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

CLERK PIRILLO: Thank you.

MR. PROKOP: Can you scan it and e-mail it to me?

CLERK PIRILLO: Sure.

MAYOR NYCE: Anything else for Sylvia?

(No Response.)

MAYOR NYCE: Thank you very much, Sylvia.

The next report will be from the Village Administrator, David Abatelli.

MR. ABATELLI: Good evening.

MAYOR NYCE: On your first item, the chair for the Historic Preservation, has someone to fill the vacate spot, for the Historic Preservation Commission. If you get me her phone number. I would like to talk to her first. I don't necessarily have any objections. Before I offer to appoint somebody, I would like to discuss it with her. They want to do it. Then
great. On the same note, I will make sure that we put it on the agenda for next month.

TRUSTEE PHILLIPS: Since we're talking about the Code Committee, can I ask a question because I was approached by a couple of people. People dealing with code problems --

MAYOR NYCE: Joe has that listed in his report. I have actually had a conversation about it with the Village Attorney.

TRUSTEE PHILLIPS: Okay.

MAYOR NYCE: I had a discussion with Joe and there are a couple of different things that happened in the park, what is approved outside that comes in to ask for authorization. There are other times when we have guests of the marina for a Village sponsored event and a permit may not necessarily be required. What I came to find out is, that we actually end up asking a bunch of our marine guests to fill out a mass assembly permit applications, which we wouldn't
necessarily have to do. They should be scheduled. That would eliminate either than we can require of them other insurances. It doesn't bring the full mass assembly permit application into full play. I think what had happened, they were using a tent and they were guests of the marina and therefore, it's their Village sponsored event and we wanted to make sure that we schedule it correctly. I think that alleviates most of the concerns that was brought up.

TRUSTEE KEMPNER: What was brought up?

MAYOR NYCE: Consumption of alcohol in a public park. In our mass assembly it says you can not consume open alcoholic beverages. What we did when the rendezvous was there, guest set up a tent and it's sectioned off, then it's not to the public but it does take a portion of the public park, but part of the attraction of that marina is for groups to be able to do exactly that. So that
eliminates that. It delimitates us
breaking our own law.

TRUSTEE KEMPNER: We can't change
that? Like, we have had other events --

MAYOR NYCE: Yeah. If someone else
comes in and it's not a Village sponsored
event and not a guest marina, it's not a
Village sponsored event, and they want to
do that, we can require that they get a
licensed permit with that for a temporary
liquor authority permit for the day for
whatever event.

TRUSTEE KEMPNER: So I am not
totally familiar with what the code says.
If they don't have a liquor license, they
can't have it?

MR. PROKOP: No alcohol.

TRUSTEE KEMPNER: I was more
centrated that we were taking away the MPA
from groups in the marina because there
was some kind of review by the Board.

Last summer there was some review of these
events and it was great and booked and it
looked nice --

MR. PROKOP: We can still do that,
but it would just be a different process.

    MR. ABATELLI: There is two
sections, one in the park where it
mentions controlled area and then also the
-- in the permit section, where it talks
about the Village Board and they can issue
a permit for alcohol and again in a
controlled situation. It does say in the
mass assembly permit, no alcoholic
beverages. If there were, then there
would be another step for getting a
permit. Depending on the circumstances.
If it is our event, then that would be
something different.

    TRUSTEE MURRAY: Is that going to be
a hard procedure for them?

    MR. ABATELLI: I don't think that
the procedure is hard. I don't think that
is what they care about. What they care
about and we do as well, is that it is
controlled. It still can't be people
selling $2 beers.

    MAYOR NYCE: The Village Attorney
researched both our code and what the
potential solution to the situation is, that obviously, we want to track who is using the park and when, and should be aware of this.

MR. ABATELLI: Right.

MAYOR NYCE: Excellent.

MR. ABATELLI: There still needs be a thumbs up or a thumbs down. Okay. We talked about the fire boat again. This is not a guarantee. This really gives us a chance to see the boat. Anybody who wants to sail from New York City to Greenport can see that.

MAYOR NYCE: Cool. We touched on the carousel.

TRUSTEE KEMPNER: I just have a question on when you think that you are going to be able to get the improvements done?

MAYOR NYCE: That is all going out to bid tomorrow.

TRUSTEE KEMPNER: When do you think that it could be finished?

MR. ABATELLI: It could be -- this could be done before the summer.
TRUSTEE KEMPNER: And Jeff is in touch with --

MR. ABATELLI: Yes. It's a relatively straightforward.

MAYOR NYCE: The school house.

TRUSTEE PHILLIPS: I got an e-mail from Pat Welsch and what we is going down now is the last portion of the grant. And we came up with an idea to involve the school.

MAYOR NYCE: Great. Dave, did you et a date?

MR. ABATELLI: No I haven't. Basically we need a two week notice.

MAYOR NYCE: Why don't you set it up for February. Find out what the schedule is and send it to me and we can work with the other schedules. I think everything else is straightforward.

Anything else for Dave?

(No Response.)

MAYOR NYCE: Next report is from the Village Attorney.

MR. PROKOP: Good evening. There is
a couple of things that I need to mention
that are not on my report. The light
grant we covered. I just wanted to
mention that the fireboat is also a
firefighter museum. I am recommending a
code amendment with your permission to the
Code Committee.

MAYOR NYCE: I read through that,
Joe and I have a question. The ZBA Code,
Section 150-21 --

MR. PROKOP: Yes. We know have an
interpretation by our ZBA that --

MAYOR NYCE: The entire Board voted
on that?

MR. PROKOP: The ZBA did, yes.

MAYOR NYCE: They voted to --

MR. PROKOP: To reverse the Building
Inspector.

MAYOR NYCE: They don't determine
whether a variance is required or not.
They only determine --

MR. PROKOP: No, they're actually an
appellate.

TRUSTEE PHILLIPS: Did the Building
Inspector ask for an interpretation?
MR. PROKOP: No. She asked for -- she determined that a variance was required.

TRUSTEE PHILLIPS: So they should have just voted yay or nay.

TRUSTEE KEMPNER: Isn't every single building nonconforming?

MAYOR NYCE: Yes. The basis of my question is, if the ZBA has the authority to unilaterally reverse the Building Inspector decision that no variance is required, and if they should vote not to grant a variance, that doesn't mean that it doesn't need a variance. The Village Board determines the code and whether that a variance is necessary or not.

MR. PROKOP: The code is interpreted by the Building Inspector. The Building Inspector interpreted that a variance was required. The Zoning Board --

MAYOR NYCE: So how does the Zoning Board then say that it's not required?

MR. PROKOP: They acted -- they do have appellate jurisdiction over actions
over a Building Inspector. So in other words, if there is other actions that the Building Inspector can take and then actions can be appeared towards the Zoning Board, such as Certificate of Occupancy, things like that. So in this case, what the Zoning Board did, the Zoning Board determined that it had appellate jurisdiction over the action of the Building Inspector and voted to reverse the Building Inspector. The problem with this is -- so that is one part of this that is still being worked out. I understand that you are concerned about that. I agree with you. I agree that is still a question. While that division is still out there, it is our determination of our code. And basically what that determination is, is that you have a setback that -- I don't know that I want to describe this publicly.

MAYOR NYCE: Okay.

TRUSTEE PHILLIPS: Does it have any legal action attached to it?

MR. PROKOP: No, I don't think so.
The person is overjoyed.

TRUSTEE PHILLIPS: I bet they are.

MR. PROKOP: 150-21 has been interpreted to allow expansions within nonconforming setbacks. So say a side setback was 12 feet and you have a preexisting nonconforming building. That's not to say five foot. And what the decision determined is that you can build within. That that five feet, basically your new setback and you can build within that new setback as long as you stayed within the five feet.

MAYOR NYCE: Doesn't that increase the nonconformity?

MR. PROKOP: Yes, it does. Correct. My recommendation, I agree with that interpretation. The Building Inspector agrees with that interpretation. The ZBA has a different interpretation. So until that is worked out --

MAYOR NYCE: Okay.

MR. PROKOP: I wanted to mention one other thing. The side setback -- amend
150-21, just to say that there is no
expansion within unless it meets all the
requirements of the Zoning Board.

MAYOR NYCE: Okay.

MR. PROKOP: I got the bid
documents. I got one version last week.

MAYOR NYCE: Before you go into
that. Does anyone have a problem with Joe
submitting a letter to the Code Committee
for consideration?

TRUSTEE KEMPNER: I am not sure that
I even understand it. If you can
circulate it to the Board and have it
CC'd.

TRUSTEE PHILLIPS: I am a little
confused about the process of this as
well.

MAYOR NYCE: The roof bid has gone
out.

MR. PROKOP: We got the roof bid.
The utility grants that we're talking
about, they have a checklist that is
detailed of all the work that has to be
done in order to grant the grant. I spoke
with Jack. I have been working with Jeff
on the MS4, to adopt and proceed with that program. The next item is the DE subdivision. What this is, there is a lot of a property that is subdivided called the Monsel subdivision. And the attorney went to the County for a subdivision. The county said there was already a subdivision map filed on the property. It's a very old subdivision. It has to be -- the Village has to consent to what is called an abandonment of that subdivision. The cleanness way to do it, because I don't know at the time if it was granted by the Planning Board or the Board of Trustees. The best way to do it is to have both the Board of Trustees and the Planning Board to allow the cancellation. So if we can have a resolution at our meeting that would be great.

TRUSTEE PHILLIPS: The original one or the second one --

MR. PROKOP: The original one. The second one can't be filed until we approve the first one. The next thing that I wanted to report, we had a discussion with
New York State in regards to an application that was filed Inzerillo regarding a grant for a property. I have been working with that for the past couple of days. I happened to talk to the New York State attorney that's working on this about an unrelated matter and he did mention some things that would be favorable to us.

MAYOR NYCE: Great.

MR. PROKOP: One of the things that I wanted to mention that just came up, not the water tower but the cell tower. There is a -- the tower needs to have some Cablevision service on site. And Cablevision is not earning any money like that. It's not a cell tower or anything like that. It's basically the same like another version of the box that we have at home on our TV, except that is what Cablevision has to provide a wi-band hook-up to the cell tower operator. So they can operate. Because it involves work at the site and equipment going on at the site, when I spoke to Cablevision about
this, I told them I prefer that the Board
approve this because we don't want
commercial people coming and putting this
on our property. We have no problem with
that. If we can have a resolution
approving the Cablevision to install
equipment at the site. That's all I have.
If anyone has a question.

MAYOR NYCE: Thanks, Joe. Reports
from Committees, Audit and Code met today.
There are no recommendations to this
Board. BID meets this coming Thursday.
So I can't report on that. The next
reports will be from the Mayor and the
Trustees of the Board. I will ask Trustee
Hubbard to pick up.

TRUSTEE HUBBARD: Basically what I
had was already brought up. With the
holiday and taking care of some stuff for
myself, I wasn't around a lot. I have
some projects for spring time and
everything. So once the weather gets a
little nicer, I will have some more stuff
to report on.

MAYOR NYCE: Thank you. Trustee
Kempner?

TRUSTEE KEMPNER: I have this one survey that came through the Office of Emergency Management that basically they are raising the question of emergency plans.

MAYOR NYCE: We adopted one five years ago and it was re-upped, I believe, we just filled this out again.

TRUSTEE KEMPNER: I guess because of Sandy, if they can come in and we don't have the proper procedures in place -- it was some kind of trigger from Sandy. There was no plan for people to be evacuated. People wouldn't leave. They were putting first responders at risk. So they are trying to put in place some procedures.

MAYOR NYCE: Absolutely. We just re-upped but I will look through it again. Just to make sure.

TRUSTEE KEMPNER: I just thought it was worth looking into.

MAYOR NYCE: Absolutely. I know that we have that one in place. I am not
sure if this is the same thing.

TRUSTEE KEMPNER: That was basically it.

MAYOR NYCE: Cool. Trustee Murray?

TRUSTEE MURRAY: What I had was covered. I don't really have anything.

MAYOR NYCE: My favorite report. Trustee Phillips?

TRUSTEE PHILLIPS: My report was covered already. I did attend the Martin Luther King celebration.

MAYOR NYCE: Thank you.

TRUSTEE PHILLIPS: On my birthday.

TRUSTEE KEMPNER: Happy Birthday.

TRUSTEE PHILLIPS: It had a great speaker.

MAYOR NYCE: Who was the speaker?

TRUSTEE PHILLIPS: I can't remember his name. He was a returned police officer and is a professor.

MAYOR NYCE: It was a great celebration.

TRUSTEE PHILLIPS: I do have a question. Christmas trees, what do we do with them? I was just thinking of Clarks
Beach, I know we have some beach erosion down there.

MAYOR NYCE: There was very little erosion.

TRUSTEE PHILLIPS: I know Christmas trees are put there for beach erosion. So I was just wondering. I am just curious as to maybe next year.

MAYOR NYCE: Okay.

TRUSTEE PHILLIPS: Other than that, it's been a holiday.

MAYOR NYCE: Fantastic. I had several things covered throughout. So I will make my report short as well.

And offer a motion to adjourn?

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE KEMPNER: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Aye.

We're adjourned.
WHEREUPON, the meeting concluded.

CERTIFICATION

I, Jessica DiLallo, a Notary Public for and within the State of New York, do hereby certify:

THAT, the witness(es) whose testimony is herein before set forth, was duly sworn by me, and

THAT the within transcript is a true record of the testimony given by said witness(es).

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

IN WITNESS WHEREOF, I have hereunto set my hand this day, February 6, 2013.

__________________________
(Jessica DiLallo)