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VILLAGE OF GREENPORT

VILLAGE BOARD OF TRUSTEES

-----X

REGULAR MEETING,

MARCH 26, 2012

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236 Third Street
Greenport, New York

March 26, 2012
6:01 p.m.

A P P E A R A N C E S:

JOSEPH W. PROKOP, P.L.L.C
Attorney for the Village Board of
Trustees
267 Carleton Avenue
Central Islip, New York 11722

BY: JOSEPH W. PROKOP, ESQ.

David Nyce - Mayor

Dave Murray - Trustee

Mary Bess Phillips - Trustee

George Hubbard - Trustee

Christine Kempner - Trustee

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March 26, 2012

MR. NYCE: It is just after 6:00,
so I will call this meeting to order.
This is the March 26th Board of Trustees
regular meeting for the Village of
Greenport. I have several announcements
under public interests, then we will
have the annual Tree Committee report by
Deputy Mayor George Hubbard, and there
will be three public hearings at the
public hearing, so there will be a
public portion so the public can address
the Board on any topic. I would ask
that you limit the questions regarding
those specific public hearing items.
After the public portion, we will move
into our regular agenda. In an answer
prior to the question being asked, there
are three agenda items that the Board
may take action on tonight that are not
on the printed agenda that have to do
with the public hearings. The 2% Tax

23 Cap Override Local Law would have to be
24 adopted prior to us adopting our budget
25 this year. That budget has already been

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1 March 26, 2012
2 presented. The budget hearing is April
3 15th, so we will have to take action on
4 that -- April 12th. April 12th will be
5 the public hearing for the budget, but
6 that law has to be in place prior to
7 that budget hearing, so we would likely
8 take action on that tonight, depending
9 on how the Board feels. Also, the
10 removal of the foundation at 510 Madison
11 Avenue, the work has been done, the
12 bills have arrived, and the attorney
13 asked that we take action on that as
14 well. And I will ask the
15 Board -- depending on the permit for the
16 Exxon-Mobil property, we may take action
17 on that as well. Those three agenda
18 items are as an addendum, so we will
19 discuss whether we want to take action
20 on that tonight. With that, the Village

21 will hold its annual organizational
22 meeting on April 5th at 6:00 p.m. at the
23 schoolhouse, downtown, we're gonna use
24 the red schoolhouse for that meeting.
25 Brush pickup will begin April 17th.

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1 March 26, 2012
2 Regardless of the fact that it's warm
3 out early, we're gonna keep it the 17th.
4 Please, if you have brush, keep it on
5 your property until the 17th then put it
6 out at that time. Tickets are available
7 online at either
8 greenportvillage.org -- I'm sorry,
9 thegreenportvillage.org --

10 MR. PHILLIPS:
11 Villageofgreenport.org.

12 MR. NYCE: -- and
13 greenportvillage.com, the BID site. You
14 can go to either one of those and follow
15 the prompts, and tickets are available
16 for the Tall Ships Event for Memorial
17 Day. The recreation program is taking

18 reservations at this time. You can call
19 Village Hall at 477-0248, that's the
20 main number, ask for the Village
21 Administrator at Extension 209 and they
22 will give information to the Clerk's
23 office at Extension 206.

24 Under public interest, please be
25 aware that fire safety is very

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1 March 26, 2012
2 important. Please take the time to
3 check the batteries in your smoke
4 detectors and CO detectors, and please
5 ensure you have proper means of egress,
6 and that your children's bedroom windows
7 are well marked. Please create a
8 practice and an escape plan with your
9 family regularly. Seasonal part-time
10 positions are available in the parks and
11 recreation department starting
12 immediately. They are taking
13 applications for the carousel and the
14 marina and at various other parks and
15 recreational jobs. With that, I will

16 turn it over to Deputy Mayor George
17 Hubbard to give the annual Tree
18 Committee report.

19 MR. HUBBARD: Good evening, all.
20 This is the Village of Greenport Tree
21 Committee 2011 annual report to Mayor
22 Nyce and the Trustees. The Village of
23 Greenport Tree Committee is pleased to
24 present this report of activities in
25 2011. For the fifth year in a row, the

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2 Village has earned the Tree City USA
3 designation. Removal of hazardous tress
4 is part of our first mission, safety.
5 There has been more than 84 trees
6 removed since the reestablishment of the
7 Tree Committee in 2007, including 29 in
8 2011; in addition, 33 tree stumps were
9 removed in 2011. Since 2007, we have
10 vigorously upgraded and diversified the
11 tress planted in the Village and have
12 overseen the planting of over 267 trees,

13 including 47 in 2011. Maintaining
14 proper pruning and care for the existing
15 trees that grace our Village was a huge
16 task. With our scarce resources we
17 focus on investing in our heritage
18 trees. We were only partly successful
19 in standing up to Tropical Storm Irene
20 in August. Dozens of street trees were
21 promised last year. Our tree census
22 work continued as we chartered new gains
23 and losses of street trees.

24 Greenport Tree Day/Arbor Day
25 ceremony will be held in honor of Dave

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2 Morton at Greenport Cemetery to
3 celebrate the efforts to restore that
4 site. The Committee helped the Class of
5 2011 plant a senior tree, Greenport High
6 School, and delivered tree stompers and
7 information to the school. The Village
8 has been named a recipient of a new
9 matching grant for \$12,000 from the New
10 York State DEC. Funds received in the

11 previous awards were put to excellent
12 use. After Irene, we gladly accepted
13 two generous donations. Ed Dart gave us
14 eight American Elms and Treemills
15 (phonetic) gave us an assortment of nine
16 trees, mostly beeches and Japanese
17 Maples. A quilt made by Roberta Garris
18 (phonetic), for us to raffle off, proved
19 irresistible to residents and visitors
20 after bringing in almost \$2,500 to be
21 used for trees and tree care.

22 The Committee thanks Mayor Nyce
23 and the Board of Trustees for your
24 continued support. After the dry summer
25 of 2010, we requested some sort of

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1 March 26, 2012
2 assistance with the heavy burden of
3 watering newly planted trees. Several
4 trips around the Village helped the
5 newer trees get established. We also
6 appreciate the work done by the crew for
7 tree pruning and removal. Respectfully

8 submitted, March 26th, 2012, John
9 Quinlan, the Tree Committee Chair, Holly
10 Dickson (phonetic), Denise Rathbun and
11 Trustee George Hubbard. Please join us
12 at the 2012 Greenport Tree Day/Arbor Day
13 community celebration in honor of the
14 efforts of former Mayor George Hubbard
15 and former Utilities Chief for the
16 bringing of Greenport, Thursday May 24th
17 at 10:00 a.m. at the Third Street Park.
18 I would also like to thank the members
19 of the Tree Committee for the work that
20 they do, John out there pruning,
21 mulching -- the whole Committee, I think
22 does an excellent job. I just want to
23 commend them for it.

24 MR. NYCE: Thank you very much.

25 Our next order of business will be

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1 March 26, 2012
2 the public hearing portion. The first
3 public hearing we have is the Wetlands
4 Permit Application as submitted by
5 Exxon-Mobil for some work removing some

6 old bulked materials. This public
7 hearing is strictly on that item. We
8 will not be discussing the conservation
9 easement going on with the Town; that
10 will be a separate item. This is
11 strictly about the work that they are
12 preparing to do. I will say that this
13 public hearing was properly noticed, and
14 anyone wishing to speak to this can do
15 so at this time, and their comments will
16 be taken down for the record. Prior to
17 that, I would like to state that they do
18 have signed permits from the DEC and
19 they would then get permission from us
20 and after that, the Department of State
21 would file their consistency review at
22 the end. Our Coastal Advisory Council
23 also has reviewed the project, they find
24 that it is within -- that
25 they're -- they found nothing improper

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2 with it. They did ask that the old

3 anchor chain and timbers should not be
4 disturbed during this project, which I
5 agree with. That being said, I will ask
6 if there's anyone who wishes to make
7 comment on this mass public assembly
8 permit.

9 MR. OSINSKI: Michael Osinski, 307
10 Flint Street, Greenport. My
11 understanding is that the Board -- we
12 haven't seen any drawings, but we just
13 want to remove the stuff -- I'm
14 concerned about the fence that's been
15 raised, and as we all know, there's
16 often people there that sleep overnight.
17 I'm concerned about people living here.
18 How are they gonna do that?

19 MR. NYCE: Absolutely. That will
20 be part of the other project.
21 Basically, they're just removing the
22 debris that has been exposed from
23 erosion.

24 MR. OSINSKI: What about the fence
25 that's already been destroyed?

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2 MR. NYCE: That's part of the
3 other portion of the permit. That's
4 part of the planning for that part of
5 the project.

6 Does anyone else wish to address
7 the Board on the Wetlands Permit
8 Application?

9 MS. KEMPER: I had to ask, are we
10 pulling something out because there will
11 other things there?

12 MR. NYCE: They identified
13 specific pieces that are to be removed.

14 MS. KEMPER: I'd like to see some
15 kind of environmental report.

16 MR. NYCE: They have
17 environmental -- DEC permits.

18 MS. KEMPER: Maybe even if it's a
19 survey as to what was there previously
20 or --

21 MR. NYCE: There are no
22 attachments.

23 MS. KEMPER: There were never tank
24 barriers there?

25 MR. NYCE: I mean, I think the

25 simply cutting it down to two feet.

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2 There's metal left over from the old
3 bulked, it's gonna be torched, cut and
4 carried away. We're hand digging with
5 shovels down to three feet only, and
6 it's just from the bulked, and that's
7 it, just for the tanks and things of
8 that nature. If you look at any of our
9 old reports, you can see the outlines
10 and all that we removed, and they're
11 all -- there were six and they're not by
12 the shoreline.

13 MR. NYCE: Thank you. Does anyone
14 else wish to address the Board? If not,
15 I would entertain a motion to close the
16 public hearing on this mass permit
17 application.

18 MR. PHILLIPS: I'd like to close
19 the hearing on the Exxon-Mobil
20 application for a Wetlands Permit.

21 MR. NYCE: Is there a second?

22 MR. MURRAY: Second.

23 MR. NYCE: All those in favor?
24 THE BOARD: Aye.
25 MR. NYCE: That public hearing is

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1 March 26, 2012
2 closed. The next one is on a proposed
3 Local Law of 2012 allowing for an
4 override of the 2% tax cap. This has
5 been presented by the Village Attorney.
6 It was presented to the co-committee who
7 passed it onto this Board, and the Board
8 has set this public hearing. The public
9 hearing has been properly noticed, and
10 anyone wishing to comment can do so at
11 this time and their comments will be
12 taken down for the record. Is there
13 anyone who wishes to address the board
14 on this proposed Local Law?

15 MR. SWISKEY: William Swiskey, 184
16 Fifth Street, Greenport. I don't even
17 see why this is on the agenda. The
18 budget basically says no tax increase,
19 and if you find something, you go to

20 2% -- I think that any
21 Trustee -- really, just say no, we don't
22 want it because -- I mean, according to
23 your own document, which is the second
24 draft, there's no tax increase needed,
25 and I don't know why we consulted the

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1 March 26, 2012
2 C-Core on this -- I assume that costs us
3 money, the attorney's fee cost us money.
4 I don't understand why, why it's even
5 here unless you intend to breach it,
6 basically, you -- I mean, I think it
7 just should be voted down. I
8 mean -- and you made a statement. You
9 can adopt this Local Law right up to
10 the -- in other words, you don't have to
11 adopt the budget until -- you can adopt
12 this one resolution before the budget
13 and reach the cap, that's what the
14 actual law says, but anyway, I don't
15 think you should even consider this. If
16 I were any Trustee, as far as the public
17 hearing -- no, let's not put it on the

18 agenda. Thank you.

19 MR. SALADINO: John Saladino, 6th
20 Street. As far as the Local Law is
21 concerned, if you would, when you
22 address it -- is it my understanding
23 that it's only good for one budget year.

24 MR. NYCE: (Nodding.)

25 MR. SALADINO: So assuming every

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1 March 26, 2012
2 year we pass a budget, this 2% cap would
3 only be for this particular budget, this
4 particular budget. If the budget shows
5 a negative tax increase, why would we
6 go this late into the year? I mean, the
7 budget is due to be signed April 30th.
8 Unless you intend to raise taxes, this
9 Board, in my opinion, has to know if
10 there's an eminent tax increase, and I
11 kind of feel you should have let us know
12 instead of putting a budget out there.
13 If there's not gonna be a tax increase,
14 why pass this Local Law? I'm sure

15 you'll explain it to us. Thanks for
16 listening.

17 MR. ANGELSON: Perry Angelson, 48
18 Front Street. If this is true, thank
19 you. Congratulations. This is really
20 good. I was reading online
21 that -- Mayor Nyce, you said something
22 that the debt service to Mitchell park
23 was not included in this?

24 MR. NYCE: It is.

25 MR. ANGELSON: It is included in

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1 March 26, 2012
2 this? So the debt service to Mitchell
3 Park is included. I didn't see it, but
4 I just read it online the other day.
5 You know, this is like my -- I haven't
6 done this a whole lot, but there's a lot
7 of zeros on this annual budget --

8 MR. NYCE: We're talking
9 specifically about the 2% tax cap, not
10 about the budget. This is just on the
11 Local Law.

12 MR. ANGELSON: Okay. If it's a

13 minus tax rate from last year, again,

14 thank you.

15 MR. SOLOMON: David Michael

16 Solomon, 34 Bay Avenue, Greenport. I

17 tend to agree with the price because if

18 the Board is presenting us with a

19 negative budget, it's almost like we're

20 being set up for a blind side to even

21 have a law out there that's gonna forbid

22 the override for the 2%. I think we

23 need the transparency out there now, and

24 the transparency out there now is the

25 budget that's been presented, so if the

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2 Board is gonna live within the budget,

3 there's no need for a public hearing, so

4 there's no expenses to be incurred at a

5 public hearing, and there's no need for

6 the Village residents to be worrying

7 about what the Board is thinking. To

8 have that thought even if your mind,

9 presenting us the budget with a negative

10 increase or decrease -- decrease -- so
11 now if you're presenting a decrease,
12 which is almost 2% and now you want to
13 override a potential cap, I'm looking at
14 4 or 5% that's being played around with,
15 potentially with the Board's money, but
16 what I really believe should happen, in
17 today's time -- this is where the people
18 will -- most of us have had enough.
19 Most of us, as hard as it is, as tough
20 as it is -- I wouldn't want to be
21 sitting in any of the five seats. It's
22 time the belts get tighten. It's time
23 the excess gets cut out, and it's time
24 people are left to retain what's in
25 their pockets. We're not a wealthy

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2 community. There's a lot of hardworking
3 people in this community, and every
4 nickel the public has should stay in
5 their pocket. I agree with this
6 consensus you have, that there's no need
7 for a change of a law -- in good faith

5 commend you, we like that, but if you
6 say, wait a second, we may want the
7 ability to raise your taxes in the next
8 month. You know, it doesn't really sit
9 too well with the people who have to pay
10 the taxes. I guess we'll address the
11 budget on another day. That's all I
12 have to say.

13 MR. NYCE: Does anyone else wish
14 to address the Board on this proposed
15 Local Law? I entertain a motion to
16 close this public hearing on this
17 proposed Local Law?

18 MR. HUBBARD: So moved.

19 MR. NYCE: Is there a second?

20 MR. PHILLIPS: Second.

21 MR. NYCE: All those in favor?

22 THE BOARD: Aye.

23 MR. NYCE: Any opposed or
24 abstentions? That public hearing is
25 closed.

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1 March 26, 2012

2 Our third and final public hearing

3 tonight is regarding the removal of the
4 foundation at 510 Madison Avenue. This
5 is a piece of property that we tried to
6 find the property owner on and had very
7 little luck in getting them to work with
8 us, so we took on the expense of
9 bulldozing, filling in foundation and we
10 are now -- in order to complete the
11 process, we need to hold the public
12 hearing on this before we pay the bill
13 to the group that did the work. It was
14 done by Stanley Krezec, and the total
15 price is \$5,580. Mr. Prokop, is that
16 the entirety of the bill or is there an
17 additional fee that gets placed on top
18 of it to cover our expenses?

19 MR. PROKOP: The bill for the work
20 that was done is \$5,580. Under the
21 Greenport Village Code, the Village is
22 entitled to add 25% to that cost, which
23 is for the administrative costs, and
24 that includes engineering fees, legal
25 fees, publication fees that the Village

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1
2 incurred, and that total is the amount
3 that is the subject of the public
4 hearing. The work was already
5 authorized and done. The subject of the
6 public hearing tonight is whether the
7 \$5,580 plus 25% should be added to the
8 tax bill for the property owner, and I'd
9 like to state, for the record, that
10 under Chapter 90, the Village was
11 required to provide notice to the
12 property owner of the Village. I did
13 provide a notice of the public hearing
14 to the property owner by both certified
15 mail and regular mail. We were able to
16 find an office address in Holbrook, and
17 notice was provided to them in
18 accordance with this chapter.

19 MR. NYCE: So I will state that
20 this public hearing was properly
21 noticed, and anyone wishing to comment
22 can do so at this time, and it will be
23 taken down for the record. Is there
24 anyone who wishes to address the Board
25 on this public hearing? I would

25 will make 11 consecutive Shakespeare in

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2 the Park productions; although, we had
3 done some private shows. The Village
4 has always -- as any of you who have
5 been to any of the productions know
6 this, you come to a rehearsal, you got
7 to sit right next to us so you can hear
8 us. Without microphones, we can't be
9 heard for the hundreds of -- I'd venture
10 to guess there's anywhere from 500 to
11 800 people a night, not to mention all
12 the people who pass through, and it's
13 very popular and it brings a lot of
14 people to the Village, and they all
15 spend money here, they get their dinner,
16 they go out afterwards or before and
17 visit the local shops, and I think it's
18 a very positive thing that we do. We
19 provide it for free and, of course, our
20 budget is about 10,000. Most of that is
21 technical because without the

22 sound -- you can't see, you can't hear.
23 In the past, the Village has supported
24 our technical budget with a grant of
25 \$4,000. I understand, and believe me,

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1 March 26, 2012
2 as a taxpayer myself, we're all pinching
3 pennies, and we're doing everything we
4 can to raise the money ourselves. We
5 applied for grants from the County and
6 from the State and J.P. Morgan Chase and
7 we hold fundraisers, and we do mailing
8 to local residents, and as you'll note
9 with the attached budget, we didn't
10 quite make it last year. We're 2,500 in
11 the hole. If we continue down that
12 road -- I know that the Greenport
13 Village Business Improvement District
14 did step up to the plate, and we're very
15 grateful for their help because we're
16 bringing people to their businesses,
17 which is wonderful. Last year they gave
18 us \$2,050, I'm hoping that they will
19 approve that same amount again. Our

20 budget for sound includes about 1,700
21 and change for the technical
22 operator -- the person who does the
23 microphone -- the technician who does
24 the microphone, but the rental of the
25 microphone is somewhere in the range of

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1 March 26, 2012
2 \$2,500, that's for a week rental, it's a
3 lot of money, it's most of our budget
4 and the rest of us are volunteering
5 hundreds and hundreds of hours to bring
6 this wonderful opportunity to the
7 public, to show them Shakespeare and
8 other classes, so we're respectively
9 asking that you consider reinstating a
10 portion of what you used to give, and
11 that would be a thousand dollars; that
12 would help us greatly in the production
13 this year. For the record, we are going
14 to start a capital fundraising campaign
15 to purchase microphones so we don't have
16 this annual -- to lower our costs, but

17 that's a \$20,000 campaign, so to buy 16
18 microphones and everything that comes
19 with it -- that's the campaign. I know
20 everybody is hurting so it may take a
21 while for us to get this. We need to
22 get -- otherwise I don't know if we can
23 come back here, so I really appreciate
24 your consideration. I have a few
25 members who joined me tonight, and we

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1 March 26, 2012
2 hope to keep coming back here, and we
3 are very grateful. Thank you for your
4 time.

5 MR. NYCE: Thank you. Is there
6 anyone who wishes to address the Board
7 on any of the agenda items. If you want
8 to address any of your concerns, now
9 will be the time to do so.

10 MR. SWISKEY: William Swiskey, 184
11 Fifth Street. I have a couple of
12 questions on some of these agenda items.
13 Resolution # 3-2012-4, we're taking
14 \$20,000, basically, from the general

15 fund bankbook to pay Moorings. Is there
16 any provision to get the money back
17 since all the money this year from
18 Mooring -- I see by the budget -- is
19 going to recreation? Is it gonna go
20 back to general so we can put this money
21 back in from earnings or -- I was
22 wondering if anybody up there knew.

23 MR. NYCE: As you know this is not
24 a question and answer --

25 MR. SWISKEY: I don't expect you

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1 March 26, 2012
2 answer, Mr. Mayor. I thought it was a
3 legitimate question. It was being
4 discussed over the years -- I mean, the
5 Seaport gets free use of the park, I
6 believe -- last year I know they made
7 about 18 to 20 grand. We should charge
8 them at least five for use of the park.
9 I mean, the taxpayers are hurting and
10 they subsidize these things and they
11 block off the streets; it really does

12 nothing for me. I mean, I have to go to
13 Southold to shop, I have to spend money
14 on gas, so I should think that this
15 Board -- instead of just \$50 for the
16 mass public assembly -- no, we want two
17 or \$3,000, if you don't want that, don't
18 have your festival, but I guarantee
19 they'll pay it, and it's something you
20 should really think about in these
21 really tight times. Thank you -- oh,
22 and Resolution 3-2012-12, well, we have
23 the -- I guess it's the Code Committee,
24 okay, I can see putting on adjournments
25 for the Board of Appeals, but the

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2 president of the BID, I think there's a
3 real possibility for conflicts of
4 interest there. You're putting on one
5 person from the business community to
6 basically have input to Codes that may
7 affect the rest of the us in the
8 Village. How come there isn't an
9 ordinary citizen? There's 200 taxpayers

10 that -- tax-paying entities in the BID.
11 I don't know who owns the property,
12 whether it's the president of the BID,
13 whether he owns it or not -- I believe
14 it may be owned by Costello, I'm not
15 sure, but anyway, you're putting a
16 non-taxpaying member on the committee
17 and I don't quite get -- there's
18 something just funky about that. I
19 think if you're gonna do that, you
20 should -- there are several private
21 citizens here who wouldn't mind serving
22 on the Code Committee. I know a couple
23 of them told me about it. I think you
24 should consider that before you go to
25 that one. Oh, now, let's go to the ones

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1 March 26, 2012
2 that were on the draft agenda and are
3 now on the agenda. I suppose we can
4 talk about them. One of them is the law
5 to allow the 2% tax cap. On the thing
6 it was basically -- it was on the

7 agenda, then I assume it was taken off
8 because somebody told me it was
9 submitted at the last minute. I would
10 again, urge any Board member here that
11 has any feeling at all for the public,
12 to just vote no, vote no. Three votes
13 will kill it. Live within your budget
14 this year. There's one other thing, and
15 I'm gonna bring it up since the new FOIL
16 policy is attached to the budget
17 and -- not the budget, the agenda -- and
18 it has to do with the December FOIL
19 request I made, and it was very
20 specific. It says specific resolution
21 is mentioned by the Mayor -- blah blah
22 blah -- authorizing Trustee Hubbard to
23 receive hospitalization. What I got is
24 about seven different resolutions in
25 minutes, and not the specific one. What

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1 March 26, 2012
2 I wanted was the specific resolution.
3 Now, would someone care to come here,
4 just point to one page and say, this is

5 the page, Bill; otherwise, this is not
6 fulfilled, and I think the attorney
7 knows that, even though he ignores
8 appeal. He doesn't answer the letter,
9 but I would like to know, Mr. Mayor,
10 which one of these resolutions is it,
11 because it's \$42,000 a year out of the
12 taxpayers' money now, so which one is
13 it? You can make smile all you want.
14 I'll stand here until hell freezes over.
15 Which resolution is it? I think that's
16 a fair question. I'm not hollering.
17 Would anybody on the Board care to
18 review it and tell me? I didn't think
19 so.

20 MS. FERRER: Hi. I'm Bunny
21 Ferrer, 631 2nd Street. I'm just here
22 to keep bringing up the issue that we've
23 been dealing with at 620 2nd Street,
24 Part of our group went to your work
25 session, and I think the understanding

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2 is that now the housing alliance is
3 requesting we tear down the building,
4 which is sort of something that's been
5 obvious to all of us for a very long
6 time, and we had to suffer for
7 their -- but we've been suffering for
8 three and a half years because of it.
9 Now, we understand -- I don't know if
10 it's correct, but they would like to
11 leave the foundation, and what we would
12 like to know is, is there a limit that
13 the Village is going be giving them on
14 how long they could have a hole there
15 without building on it, and, ironically,
16 we're talking about 510 Madison Avenue
17 at the same time, and having a hole
18 isn't the greatest thing, and in the
19 summertime it collects water and so on
20 and so forth, so we wanted to know, is
21 there a time limit. And, also,
22 requesting if the Village Attorney
23 Prokop could ask the Housing Alliance if
24 they do have this funding because Mr.
25 Prokop asked them at a meeting and they

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1
2 had to confess that they didn't have
3 that at that time, and I just feel that
4 if you're gonna proceed in giving them
5 permits to do one thing or the other, I
6 think, the community that suffered, that
7 you get an idea if they have the funding
8 or not because you can't build a house
9 if you don't have funding, so I just
10 wanted to know about that time limit. I
11 do believe one of our members suggested,
12 or mentioned, that Mayor Nyce had said
13 that there would be a joint meeting, and
14 we just wanted to request if you could
15 make a date for that meeting, because
16 obviously, rumors are not the greatest.
17 It's better to know what the facts are
18 and what the concerns are. We want to
19 get us out of your hair. You know,
20 let's get this over with. Thank you.

21 MS. MARTIN: Amy Martin, 318 Fifth
22 Street and business is at 211 Main
23 Street. I just have two things I'd like
24 to mention, and one has to do with the
25 use of the park for the Maritime

1 March 26, 2012
2 Festival, and I'd just like -- I know
3 it's a fundraiser and it's important for
4 them to do that, and I'm not -- I
5 understand that we asked several people
6 about the -- my concern is not about the
7 fee, but the use of it, and for years
8 we've been trying to ask them, the
9 Business Improvement District, to just
10 keep the commercial entities out of the
11 park. There shouldn't be a Mister
12 Softee Truck, there shouldn't be a
13 Maryland Crab Cake -- it should be -- if
14 the boy scouts want to be there, they
15 should be there instead of in a bank
16 parking lot. It should be community
17 organizations, it should be local -- the
18 hospital auxiliary, all the people who
19 give back to the community should be the
20 only people allowed in the park; the
21 commercial stuff should be elsewhere,
22 and that's my input on that, and there
23 was one other thing. It's about

24 the -- oh, very happy to see we're
25 finally talking about light fixtures for

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1 March 26, 2012
2 the Village. As a business person, on
3 Main Street, there are no street lights
4 between the corner of Front and Adams
5 Street, so when the businesses are
6 closed or when the trees are in full
7 bloom, it is a very dangerous place for
8 people to walk, so, basically, the
9 businesses have been supplementing the
10 Village, at our own expense, to keep the
11 place safe, so I'd really like to see
12 attractive street lights in that area.
13 Thank you.

14 MR. NYCE: Thank you. Is there
15 anyone else who wishes to address the
16 Board?

17 MR. CLARKE: My name is Peter
18 Clark. I live at 806 Main Street in
19 Greenport. In the interest of
20 transparency, I wanted to speak about
21 Resolution 3-2012-12. I appreciate the

22 opportunity to serve on the Code
23 Committee because, as I've said to the
24 Board before, I believe that what makes
25 the Village of Greenport special is that

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1 March 26, 2012
2 it is both a great place to live and
3 work, and that those two constituents
4 need to work closely together in order
5 to make sure that we have codes that
6 protect all residents and visitors of
7 Greenport. For the Business District,
8 it makes sense to me that request to
9 include the Business District into the
10 Code Committee, and furthermore, I know
11 that the other boards and chairpersons
12 include many citizens of Greenport, and
13 I wanted the public record -- to share
14 with everyone that I am a Village
15 resident and taxpayer. My business
16 property is owned by John Costello, and
17 I rent there. Thank you very much for
18 your attention.

19 MR. TROWBRIDGE: Bear with me so I
20 can get some exhibits out. Mr. Mayor,
21 Trustees, executive officers of the
22 Village of Greenport. I'm Dr.
23 Trowbridge. I used to be the recording
24 secretary, transcriptionist, for the
25 Village of Greenport. I replaced Ms.

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1 March 26, 2012
2 Brown shortly after her untimely demise,
3 and I think the Mayor has seen quite a
4 dramatic change in the disposition of
5 the Village since that, that was 2008
6 September of 2008. No one showed up at
7 the meetings, except you folks sitting
8 at that table. They were quite
9 contentious at times because Mr. Swiskey
10 was on the Board, and he expressed his
11 opinions quite vociferously,
12 dramatically at times, and the Mayor had
13 his hands full trying to maintain
14 control of all of those Village Board
15 meetings. He did so remarkably well and
16 then we go on, and now we'd gotten to

17 the point where he would ask why people
18 weren't attending, why people weren't
19 expressing opinions and asking for
20 input. He was worried about the lack of
21 attention and interest in the happenings
22 of Village Hall, and now we've reached
23 the point where all he can do is sit at
24 that table and smile or sneer, or
25 whatever he'd like to call it, in

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1 March 26, 2012
2 response to the public making comments
3 and asking questions. Well, what
4 happens when that happened was that the
5 people were forced to use the Pre-limit
6 Information Law to try to get
7 information out of Village Hall, to find
8 out what was going on inside Village
9 Hall. Now, it's my understanding that
10 Ms. Kempner is an attorney and the
11 Village Attorney, also, is an officer of
12 the court. As of an officer of the
13 court -- may I remind you -- it's your

14 obligation to promote justice under the
15 effective operation of the judicial
16 system. As officers of the court,
17 attorneys have an absolute ethical duty
18 to tell the truth, to avoid dishonesty
19 and avoid the -- the first principle
20 duty of an attorney is to be true to the
21 court. The second responsibility is to
22 be true to the laws of the land. I think
23 that's -- what -- law school 101, giving
24 you the ethics and responsibilities of
25 an attorney.

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1 March 26, 2012

2 MS. KEMPER: The way I live my
3 life.

4 MR. TROWBRIDGE: It is a big
5 responsibility, and it goes on after the
6 bachelors degrees to get an advanced
7 degree and make some major commitment,
8 and usually when they get that degree,
9 they make some decision as to what the
10 rest of their life is going to be. Some
11 wish to remain in the profession they

12 chose, others wish to use their
13 professions as a steppingstone to move
14 on. It doesn't matter, they have the
15 basis of what that legal degree gives
16 them and that should provide them with
17 that basis for the rest of their life.

18 As a result of one single FOIL
19 request that was submitted in January of
20 2011, the response from the Village
21 Clerk was 122 documents on this size
22 paper (indicating). As I thumb through,
23 you'll be able to see that most of these
24 documents are black. They redacted
25 everything out of these documents.

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1 March 26, 2012
2 These documents are unintelligible, but
3 what's even more remarkable is that she
4 stood at a copy machine and fed normal
5 size paper into it and didn't stop the
6 copier when she saw it was pouring off
7 this paper. Throw it in the trash
8 bucket and redo it on normal size paper.

9 She obviously had a bad day, and I would
10 give her a lot of credit for doing what
11 she did, it's tough being in that
12 position and being responsible, and
13 responsive, in a meaningful way, but the
14 second mistake was providing documents
15 that were so terribly redacted that they
16 had no intelligible information on them,
17 and then, providing another set of
18 documents on one individual that had
19 everything available, the information,
20 the social security numbers, home
21 telephone, everything, all right. I was
22 astounded. When I saw these, I was
23 literally astounded. We appealed
24 getting these documents to Mr. Prokop.
25 Mr. Prokop didn't have the courtesy to

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1 March 26, 2012
2 respond. We appealed again --- again,
3 he failed to respond. As a consequence,
4 there was a decision that had to be
5 made. Do we allow the Village to get
6 away with this? The person that asked

7 for those documents had a right to have
8 those documents, whether she was an
9 employee of the Village or not, it
10 didn't matter. The FOIL Law does not
11 make any distinction as to whether or
12 not you're entitled to those documents,
13 and yet someone on this Board and in
14 that department said, no, they're not
15 gonna get the documents. As a result,
16 that person said let's put an Article 78
17 together and take this Village to court,
18 that's what happened, all right. Now,
19 someone engineered, on this Board, to
20 have the Village Clerk provide a set of
21 documents at a work session that was,
22 maybe, 18 inches thick. I made this
23 this morning and it's three and a half
24 inches thick, and it's not complete,
25 there's another half an inch sitting in

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1 March 26, 2012
2 my house, but I didn't want to tie it
3 and bring it. Now, you folks are coming

4 to us with a new FOIL document. What
5 are you doing? What are you stupid?
6 You're trying to improve what the State
7 has already created? Give me a break.

8 It was posted on the Village
9 bulletin board, a procedure for getting
10 access to the Village documents and it
11 referred to the document that you're
12 gonna pass tonight, the policy, the
13 freedom of information policy. I FOILED
14 for that policy on August 19th of last
15 year. There's the procedure that was
16 posted; it refers to the policy. I
17 FOILED for the policy. On August 26th,
18 the clerk responded I'd have the policy
19 on September 28th; that's the first
20 response. On September 29th, she said
21 I'd have the document on October 14th,
22 second response. I waited and I sent to
23 Mr. Prokop, an appeal because she didn't
24 respond to my request by the time she
25 said she would. He didn't even respond

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2 to the appeal. He's in violation of the
3 FOIL. On October 17th the Clerk writes
4 another letter saying I'll have the
5 document on November 9th. On November
6 9th I get another letter from the
7 Village Clerk saying I'll have the
8 document on November 30th. On November
9 30th I get a letter from the Village
10 Clerk that I'll have the document on
11 December 28th. On December 28th I get
12 another letter from the Village Clerk
13 saying I'll have the document on January
14 12th. On January 12th I get another
15 letter form the Clerk saying I'll have
16 the document on January 27th. On
17 January 27 --

18 MR. NYCE: I assume you're going
19 to come to a point pretty soon.

20 MR. TROWBRIDGE: Yes. I'm making
21 the point -- thank you -- by telling you
22 how many replies I've gotten on this.

23 MR. NYCE: You could just give us
24 a number.

25 MR. TROWBRIDGE: I don't have to.

1 March 26, 2012

2 of what I'm saying tonight, you'll be

3 answering to me over it. Thank you.

4 VILLAGE CLERK: Is that a threat?

5 MR. MURRAY: Sounded like a threat

6 to me.

7 MR. NYCE: Is there anyone else

8 who wishes to address the Board?

9 MR. OSINSKI: Michael Osinski, 307

10 Flint Street. I missed the public

11 hearing last week. I was busy and I

12 didn't see the notice --

13 MR. NYCE: There will likely be

14 another one as well.

15 MR. OSINSKI: That's fine. I know

16 the Mayor did say people could send a

17 letter in. I just wanted to read that

18 into the record, if you don't mind.

19 Honorable Mayor, members of Board, I'd

20 like to mention my concern about the

21 recently announced plans for a ferry to

22 Sag Harbor. My concerns about the ferry

23 are twofold. One, as an oyster farmer,

24 I must be ever vigilant against
25 pollution in the bay, which could ruin

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1 March 26, 2012
2 my business and, two, the safe placement
3 of a potential ferry, dock and its
4 landing. Regarding the first concern, I
5 insist that the new ferry from the
6 Village provide me and other oyster
7 farmers in Greenport harbor -- there are
8 currently three permitted by the
9 Village -- reimbursement of the
10 overcrowding of the harbor by a ferry
11 vehicle causing the DEC to close waters.
12 I insist on an indemnity for any losses
13 caused by pollution stemming from this
14 new ferry. This is no longer a trivial
15 matter, as we ship over a ton of oysters
16 every week into the City, and during the
17 season. I think it is in the best
18 interest of all Villages with any new
19 vehicle using the bay, or Greenport
20 Harbor, be required not to pollute the

19 to be a ferry -- you know, to get
20 tickets for a ferry. Any other location
21 is un parallel to navigation -- imagine,
22 you have two or more large ferries
23 intersect each other's routes during a
24 snowstorm, a nor'easter or a bank of
25 fog. My children are right there. My

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1 March 26, 2012
2 children are right there working on
3 that -- in that water. I don't want to
4 see another two or more ships going in
5 and out on a regular basis. It would be
6 dangerous to dock the second ferry west
7 of the Shelter Island Ferry and have
8 them intersect their routes continually,
9 all day, especially hard up on a working
10 oyster farm. Thanks for your attention.
11 Thank you for giving me your time.

12 MS. KAPPELL: Eileen Kapell, 225
13 4th street. I notice here that there's
14 a resolution to add lighting to the
15 Village, and I'm wondering if, by

16 chance, you're gonna use any
17 recommendations that were in the parking
18 study, that suggested lighting in those
19 areas that would make it more --

20 MR. NYCE: Yes.

21 MS. KAPELL: Thank you. That's
22 all I have.

23 MR. SALADINO: John Saladino, 6th
24 Street. When you address -- I would as
25 the Board. When you address -- if

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1 March 26, 2012
2 there's gonna be a discussion about the
3 2% tax cap, if you choose to
4 discuss -- if you choose to discuss it,
5 could you at least take into
6 consideration that there are some people
7 here that are concerned about taxes
8 going up, so if you choose to discuss
9 it, just be honest with us.

10 MR. NYCE: Ladies and gentlemen,
11 when have we not been honest?

12 MR. SALADINO: I was walking
13 home -- I won't say that, Dave, 'cause I

14 don't want to embarrass you. You put
15 out a budget that's negative. You want
16 to pass a law that allows you to raise
17 the budget, the taxes higher than what's
18 allowed by law. I don't understand, but
19 there's a lot of things I don't
20 understand. I don't understand how you
21 can tell me, when have we not been
22 honest with you. If you choose to
23 discuss it in front of public, and I
24 assume you're gonna vote on it tonight,
25 I would ask you to be honest, give us

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1 March 26, 2012
2 your opinion, give us your informed
3 opinion if the taxes are gonna be
4 raised, instead of just saying here's
5 the budget document. We don't know what
6 the future holds the. The law -- the
7 budget has to be in place in a month. I
8 mean, you really should pack it up.
9 What's gonna happen down the road, a
10 month from now? Everybody here has a

11 household budget. They all know what's
12 happening next month, except if their
13 taxes are going up, so I would ask you
14 just to be honest with the public and
15 give us your informed opinion about our
16 taxes. There was something else I
17 wanted to mention, but thanks.

18 MR. NYCE: Is there anyone else
19 who would like to address the Board? We
20 will close the public portion of the
21 meeting and move onto our regular
22 agenda. I will ask the Board if -- I
23 have prepared three resolutions, which
24 would be resolution 26, 27 and 28 that
25 we would like to take out of order. I

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1 March 26, 2012
2 did not put these on the regular
3 agenda -- to answer one of the
4 questions -- because of the perception
5 of being on an agenda at a public
6 hearing means we already thought about
7 it and, basically, considered it as a
8 done deal; that is not the case.

9 Because of the timing involved, the 510
10 Madison Avenue foundation -- no one
11 spoke to it -- is likely not going to be
12 a pretentious issue. As far as the 2%
13 tax cap, with all do respect, Mr.
14 Saladino, we have always been very much
15 honest. We're on the edge with the same
16 thing every year. We tried to present a
17 balanced budget, and the only time we
18 don't hear about the debt that's out
19 there is during budget time, and every
20 year I have said I will announce the
21 budget, I will cut excess, but still
22 provide the services we need provided,
23 but I have also always left the
24 potential out there for doing an
25 additional assessment as a set aside for

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1 March 26, 2012
2 future debt. In 2014, there's a bunch
3 of money due that we don't have the
4 money for, and I have said every year a
5 little bit set aside adds up, and it

6 gives us money to pay off the principle
7 and interest down the road. The idea of
8 having this 2% tax cap legislation is to
9 give the Board the option to discuss
10 amending the budget as presented. The
11 budget as presented deals with the
12 day-to-day operation of the Village for
13 the next fiscal year. What it does not
14 deal with is the outstanding debt that's
15 coming in 2014, and no one ever wants to
16 discuss that at budget time, and I can
17 tell you that's the only time we should
18 be discussing it because it's part of
19 the overall budget. The debt service is
20 included in that budget, the debt
21 service for this year. What it's not
22 looking at is the overall, down the
23 road, so I wanted this Board -- we did
24 this last year, the very same way and
25 the year before, the very same way. We

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1 March 26, 2012
2 put in the budget, as paired down as we
3 can, and then discussed an additional

4 procreation to set aside as a reserve
5 for debt for when that money is due down
6 the road, so the idea to adopt this
7 legislation is to allow us to have that
8 conversation, and it has always been
9 part of our budget conversation. If
10 anyone had been paying attention last
11 year, the year before, it has always
12 been a piece of the conversation, and I
13 would imagine somebody read it on a
14 website somewhere. I spoke to a
15 reporter from the Suffolk Times and said
16 exactly the same thing. It's been the
17 same thing every year. The members of
18 this Board can attest to it. We had a
19 very heated conversation last year
20 about -- I think it was a 2.5% tax
21 increase as a reserve for debt on a zero
22 increase operating budget. I would do
23 the same again, but I don't want
24 to -- that conversation is up to the
25 Board to discuss. This legislation

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gives us the tool to do so; it does not guarantee that we will use it, but it gives us the opportunity to do so.

Anyone that is looking at these budgets down the road needs to be asking themselves where the money's comes from in 2014, and that, from day one I had said -- what I wanted to do, starting in 2007 was an extreme increase, which we did, we cut it in half each year, making the additional money and setting it aside as a reserve for debt; that did not happen. The economy tanked. We got beaten up, and we reduced our tax increases more than I wanted to, which left us with less money to reserve for debt, so, consequently, it's still a big portion of our conversation; that's the reason for it. With that, I passed out these resolutions. I would ask the Board, prior to us going into our printed agenda -- if the Board feels that we want to take up these three resolutions, I would offer the first one

1 March 26, 2012

2 MR. PHILLIPS: Second.

3 MR. NYCE: Is there any discussion
4 on the motion? All those in favor?

5 THE BOARD: Aye.

6 MR. NYCE: Any opposed or
7 abstentions? That motion carries.

8 The next one, I believe -- I'll
9 ask the Village Attorney. If we are
10 going to adopt the local law, we'll be
11 dealing with SEQRA first; is that
12 correct?

13 MR. PROKOP: This is correct.

14 MR. NYCE: Is the Board interested
15 in taking up -- I'm sorry, there is an
16 additional one, Number 29. If we are
17 interested, we can also take the
18 wetlands permit application for
19 Exxon-Mobil and deal with it at this
20 time as well, so we don't
21 ordinarily -- we tend not to act on
22 items immediately after the public

23 hearing because we would need time to
24 think about them. In this case, again,
25 if there's no -- if we don't have an

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2 issue with it, we can take that one up
3 as well. Do we want to take the 2% tax
4 law at this time?

5 MS. PHILLIPS: Well, I have a
6 question. We just received that
7 budget -- what was it, last Friday?

8 MR. NYCE: Yes.

9 MS. PHILLIPS: Contrary to -- we
10 only just had a chance to look it over
11 with all of the public hearing -- the
12 information was set up. We weren't
13 aware of what the amount of the tax
14 level was going to be. Time wise, are
15 we at the point where -- we have a
16 budget hearing on April 12th?

17 MR. NYCE: Uh-hum.

18 MS. PHILLIPS: Is this something
19 we need to decide tonight -- to hear
20 from the community to --

21 MR. NYCE: Again, adopting this
22 local law doesn't mean we need to use
23 it. It's a tool that we can use. It
24 still takes a majority of the Board to
25 amend the budget.

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1 March 26, 2012

2 MS. PHILLIPS: But the problem is
3 that last year and part of it was -- I
4 think Trustee Kempner will agree with
5 me, that we were all discussing one
6 portion of it and then at the last
7 minute we had a changed amount put on,
8 and the public didn't have an
9 opportunity to comment; is that not what
10 happened last year?

11 MS. KEMPNER: I don't recall.

12 MR. PHILLIPS: That's my concern.
13 As far as preparing for the public
14 hearing, everyone should have the
15 opportunity to say yay or nay, and we
16 don't get that information, except for
17 listening at a public hearing. The

18 budget hearing is coming up and it's a
19 tight budget, but I would like to
20 hear -- you're right, the debt service
21 is a problem and it needs to be -- all
22 of the past discussions of what should
23 have been, what didn't happen, whatever,
24 is really something we have to close the
25 door on, and we need to look at it.

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1 March 26, 2012

2 That being said, I'm not quite sure how
3 I feel about it at the moment.

4 MR. MURRAY: I understand what
5 you're saying, Mr. Mayor, and I'm fine
6 with voting on this tonight. We're just
7 using it as a tool. We're not saying
8 we're gonna use it, and I understand the
9 need for it, possibly, for the debt, so
10 I'm okay with voting on it.

11 MR. NYCE: I also, last year -- in
12 defense of what everyone seemed to feel
13 was a last minute switch. I have all
14 the way through the budgeting process
15 said that we needed to put aside money

16 for debt, and I would submit a budget
17 that was a zero increase budget. I had
18 said all the way through that I intended
19 to put through a motion to amend the
20 budget to include a reserve for debt, so
21 this is, basically, the same thing. I'm
22 not putting a number to it. We can
23 discuss the number as we go. There may
24 not even be a motion to amend the
25 budget. This is strictly a local law

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1 March 26, 2012
2 that will allow us to do so.
3 MR. HUBBARD: I think the
4 perception of what everybody says, that
5 we scheduled the public hearing before
6 the budget was even out, so say we had
7 the public hearing just because we
8 didn't have much to look at, with time
9 constraints -- I mean, we're gonna have
10 a lot of serious work to do this whole
11 year, conserving money, coming up with
12 new ways to increase revenue or come up

13 with the money we'll need for the
14 following year, 2014. Last year we did
15 2 1/2%, reserved for debt, kept it under
16 the 2%, put 2% away for future debt and
17 not have to go through with this, I
18 think would be a good thing for
19 everybody. The 2% is only a half
20 percent less than we did last year, and
21 the paperwork that came
22 out -- everybody -- we all have the same
23 paperwork. Just -- we got to come up
24 with some way to fund the future debt.

25 MR. NYCE: The other point I want

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1 March 26, 2012
2 to make is that this public hearing was
3 supposed to have been on the 18th, but
4 because of a mixup, there was supposed
5 to be a resolution on the February Board
6 meeting, so it was not supposed to be at
7 tonight's meeting. It was supposed to
8 be weeks ago that we were gonna have
9 this this public hearing on the 2% tax
10 cap. Do we want to vote on it tonight

11 or -- I'm going to read the resolution
12 in.

13 MR. PROKOP: Can I clarify
14 something? I think tonight's the night,
15 unless we want to have a -- there are
16 regulations, I believe, that require us
17 to notify the Controller's Office prior
18 to the hearing as to whether or not we
19 adopted this local law. It has nothing
20 to do with the amount of the budget,
21 just whether or not the local law has
22 been approved or not, and that's my
23 understanding. Once the local law is
24 adopted, there's a filing procedure with
25 New York State, and it would be prudent

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1 March 26, 2012
2 to let this law pass tonight because it
3 cannot be adopted on the same night or
4 close to the same night as the budget.
5 MR. NYCE: With that, I'll offer
6 Resolution #3-2012-27. Resolution
7 adopting lien agency status, for the

8 Board of Trustees, for the purposes of
9 SEQRA pending action on the adoption of
10 a Local Law of 2012 authorizing
11 2012/2013 Village budget to exceed
12 limitations of the General Municipal Law
13 Section 3C determining that the adoption
14 of a local law will not have a
15 significant impact on the environment
16 and adopting a negative declaration for
17 purposes of SEQRA. So moved.

18 MR. HUBBARD: Second.

19 MR. NYCE: All those in favor?

20 MR. MURRAY: Aye.

21 MS. KEMPNER: Aye.

22 MR. HUBBARD: Aye.

23 MR. NYCE: Opposed?

24 MR. PHILLIPS: Nay.

25 MR. NYCE: Motion carries.

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1 March 26, 2012

2 With that, I'll offer Resolution

3 3-2012-28. Resolution adopting local

4 law of 2012 authorizing the 2012/2013

5 Village budget to exceed the limitation

6 of General Municipal Law Section 3C. So
7 moved.

8 MR. MURRAY: Second.

9 MR. NYCE: Is there any discussion
10 on this motion? All those in favor?

11 MR. MURRAY: Aye.

12 MR. NYCE: Aye.

13 Opposed?

14 MR. HUBBARD: No.

15 MS. KEMPER: No.

16 MS. PHILLIPS: Nay.

17 MR. NYCE: That motion does not
18 carry.

19 How do we feel about the Wetlands
20 Permit Application as submitted by
21 Exxon-Mobil. Can we take action on that
22 tonight? I will offer Resolution
23 3-2012-29, motion to approve the
24 Wetlands Permit Application submitted by
25 Exxon-Mobil for the property on 4th

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1 March 26, 2012

2 Street for the removal of old bulked

3 material. So moved.

4 MR. PHILLIPS: Second.

5 MR. NYCE: All those in favor?

6 THE BOARD: Aye.

7 MR. NYCE: Any opposed or

8 abstentions? That motion carries.

9 There were a couple comments I'd like to

10 address or correct. As far as the use

11 of park for the Maritime Festival, we

12 have encouraged and requested that there

13 be no food vendors in the park and we

14 encouraged them to only have

15 non-for-profits in the park during the

16 Maritime Festival. We requested they

17 not have -- definitely not food vendors,

18 that would be commercial and cultural

19 groups that are in the park. Second

20 Street, yes, there are time limits on

21 the permits. You have a certain amount

22 of time from which you are supposed to

23 complete work on your house or property,

24 and their funding, as I understand it,

25 is a matching funding from the State

1 March 26, 2012
2 through the Federal Government, I
3 believe it's through HUD, which means
4 they have to expend the money first and
5 the money's reimbursed to them, so they
6 have their funding, they don't have the
7 physical check until after they spend
8 their money; that's my understanding.
9 The due, to and from, there is no
10 separation between the rec and the
11 general fund portion of general fund.
12 The rec is a portion of the general
13 fund. Any expenditures within are still
14 part of the general fund; that has
15 always been the case. I, several years
16 ago, in 2007 separated it off to make
17 sure we understood that the expenses
18 that were -- the money that was being
19 expended for the park itself, we matched
20 income to the expenses to find out if
21 that park, in fact, does manage itself;
22 in fact, it does, absent the debt. That
23 was the reason for doing that. It was
24 not set up as -- there's no interest
25 fund transfers. It is still and always

March 26, 2012

1
2 has been part of the general fund, so
3 money that is moved to and from Moorings
4 are still in the general fund. As far
5 as the Code Committee, I believe it's
6 appropriate to have the President of the
7 BID represented on the Code Committee.
8 Local laws that we adopt or amend affect
9 the business district somewhat
10 differently than they do residential
11 districts at times, and to have someone
12 from the BID present, I think is
13 worthwhile and helpful. The members of
14 the chairs of the other statutory boards
15 are by, law, residents of Village;
16 therefore, residents are represented on
17 the Code-Committee, not only members of
18 the Board -- this Board -- but members
19 of the statutory boards, Zoning,
20 Planning and Historic Commission. FOIL
21 Law, the Village is adopting FOIL
22 policies in accordance with the State
23 regulations on the laws. The Village
24 has and will continue to apply those

25 policies in the appropriate way, as they

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1 March 26, 2012

2 have done in the past.

3 With that, I need to make a note
4 on Resolution 3-2012-7. The dates are
5 incorrect. It should be August 3rd,
6 August 4th and August 5th and rehearsal
7 on July 31st and August 1st, so with
8 that simple correction and adding
9 Resolution # 30, which will now be the
10 motion to adjourn -- so it will jump to
11 30, as we had Resolution 26, 27 28 and
12 29, so I will offer a motion to adopt
13 the March 2012 agenda as printed with
14 the one noted typo change. So moved.

15 MR. PHILLIPS: Second.

16 MR. NYCE: All those in favor?

17 THE BOARD: Aye.

18 MR. NYCE: Any opposed or
19 abstentions? That motion carries.

20 MS. KEMPER: Resolution #
21 3-2012-2. Resolution accepting the
22 monthly reports of the Greenport Fire

23 Department, Village Clerk, Village
24 Treasurer, Village Administrator,
25 Director of Utilities, Village Attorney,

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1 March 26, 2012
2 Mayor and Board of Trustees. So moved.
3 MR. HUBBARD: Second.
4 MR. NYCE: All those in favor?
5 THE BOARD: Aye.
6 MR. NYCE: Any opposed or
7 abstentions? Motion carries.
8 MR. HUBBARD: Resolution #
9 3-2012-3. Resolution authorizing
10 Treasurer Kagel to perform the attached
11 budget modifications. So moved.
12 MR. PHILLIPS: Second.
13 MR. NYCE: All those in favor?
14 THE BOARD: Aye.
15 MR. NYCE: Any opposed or
16 abstentions? Motion carries.
17 MR. MURRAY: Resolution #
18 3-2012-4. Resolution authorizing
19 Treasurer Kagel to fund the Morning

20 Expense line item (A.720.450), in the
21 amount of \$20,000.00, from Appropriated
22 Fund Balance (line item number A.5990).

23 So moved.

24 MS. KEMPER: Second.

25 MR. NYCE: By way of explanation,

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1 March 26, 2012
2 this is money that was authorized prior
3 and we had identified the fund balance
4 as a place to procreate the funds to fix
5 these Moorings. Mooring income has
6 been, in the past, just floated into the
7 Maritime fund. No work has been done on
8 those Moorings for years. We started
9 replacing them, I believe half of them
10 have been replaced at this point, and we
11 intend to get the majority done this
12 season.

13 All those in favor?

14 THE BOARD: Aye.

15 MR. NYCE: Any opposed or
16 abstentions? Motion carries.

17 MR. PHILLIPS: Resolution#

18 3-2012-5. Resolution approving the
19 public Assembly Permit of the Floyd
20 Memorial Library for the use of Mitchell
21 Park on August 2, 2012 from 5 p.m. to 8
22 p.m. for the annual North Fork Libraries
23 Summer Children's Concert. So moved.

24 MR. MURRAY: Second.

25 MR. NYCE: All those in favor?

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1 March 26, 2012

2 THE BOARD: Aye.

3 MR. NYCE: Any opposed or
4 abstentions? Motion carries.

5 MS. KEMPER: Resolution #
6 3-2012-6. Resolution approving the
7 Public Assembly Permit Application as
8 submitted by Greenport High School All
9 Class Reunion Committee for the use of
10 the Fifth Street Beach/Park on July 14,
11 2012 from 9 a.m. to 8 p.m. for a reunion
12 of all the classes. So moved.

13 MR. PHILLIPS: Second.

14 MR. NYCE: All those in favor?

15 THE BOARD: Aye.
16 MR. NYCE: Any opposed or
17 abstentions? Motion carried.
18 MR. HUBBARD: Resolution #
19 3-2012-7. Resolution approving the
20 Public Assembly Permit Application a
21 submitted by the Northeast Stage for the
22 use of Mitchell Park, for the annual
23 Shakespeare in the Park productions; on
24 August 4, 2012, August 5, 2012 and
25 August 6, 2012; from 12:00 noon to 10:00

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1 March 26, 2012
2 p.m.; and for rehearsals on August 2,
3 2012 and August 3, 2012. So moved.
4 MR. MURRAY: Second.
5 MR. NYCE: All those in favor?
6 THE BOARD: Aye.
7 MR. NYCE: Any opposed or
8 abstentions? Motion carries.
9 MR. MURRAY: Resolution #
10 3-2012-8. Resolution approving the
11 Public Assembly Permit Application as
12 submitted by the East End Seaport Museum

13 for the use of the Mitchell Park and
14 specific Village Streets, for the annual
15 Maritime Festival; from 9 a.m. to 5 p.m.
16 on September 22, 2012 and September 23,
17 2012. So moved.

18 MR. PHILLIPS: Second.

19 MR. NYCE: All those in favor?

20 THE BOARD: Aye.

21 MR. NYCE: Any opposed or
22 abstentions? Motion carries.

23 MR. PHILLIPS: Resolution #
24 3-2012-9. Resolution allowing the New
25 York State Department of Environmental

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1 March 26, 2012
2 Conservation to establish a monitoring
3 station at the Greenport Village Dock,
4 which would involve possibly suspending
5 mesh bags of mussels on black nylon
6 lines, to continue sampling into
7 mid-July 2012; dependent upon the result
8 or monitored phytoplankton samples. So
9 moved.

10 MR. HUBBARD: Second.
11 MR. NYCE: All those in favor?
12 THE BOARD: Aye.
13 MR. NYCE: Any opposed or
14 abstentions? Motion carries.
15 MS. KEMPER: Resolution #
16 3-2012-10. Resolution adopting the
17 amended Village of Greenport Freedom of
18 Information Policy as attached. So
19 moved.
20 MR. PHILLIPS: Second.
21 MR. NYCE: All those in favor?
22 THE BOARD: Aye.
23 MR. NYCE: Any opposed or
24 abstentions? Motion carries.
25 MR. HUBBARD: Resolution #

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1 March 26, 2012
2 3-2012-11. Resolution approving to the
3 Green approving the refund of the \$50.00
4 Public Assembly permit fee to the
5 Greenport Farmers' Market, as a result
6 of the withdrawal by the Greenport
7 Farmers' Market of the Public Assembly

8 Permit Application. So moved.
9 MR. PHILLIPS: Second.
10 MR. NYCE: All those in favor?
11 THE BOARD: Aye.
12 MR. NYCE: Any opposed or
13 abstentions? Motion carries.
14 MR. MURRAY: Resolution #
15 3-2012-12. Resolution amending the
16 attached resolution from the Village of
17 Greenport regular meeting of the Board
18 of Trustees as held on April 26, 2010;
19 to include the Chairpersons of the:
20 Zoning Board of Appeals, Historic
21 Preservation Commission, and Planning
22 Board, as well as the President of the
23 Business Improvement District. The Code
24 Committee will therefore now consist of:
25 Mayor, two appointed Trustees as

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1 March 26, 2012
2 ratified by the Board of Trustees, and
3 the appointed Chairpersons of the
4 above-named Boards, as also ratified by

5 the Board of Trustees. So moved.

6 MS. KEMPER: Second.

7 MR. NYCE: That date is correct.

8 All those in favor?

9 THE BOARD: Aye.

10 MR. NYCE: Any opposed or

11 abstentions? Motion carries.

12 MR. PHILLIPS: Resolution #

13 3-2012-13. Resolution approving Change

14 Order Numbers 11G and 8E for the

15 Wastewater Treatment Plant Project,

16 extending the contract completion date

17 by 76 days, to May 31, 2012; with no

18 increase to the cost of the contract.

19 So moved.

20 MR. MURRAY: Second.

21 MR. NYCE: All those in favor?

22 THE BOARD: Aye.

23 MR. NYCE: Any opposed or

24 abstentions? Motion carries.

25 MS. KEMPER: Resolution #

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1 March 26, 2012 75

2 3-2012-14. Resolution approving the

3 following rates for the Village of
4 Greenport summer camp: \$700.00 for eight
5 weeks when paid in full, or \$100.00 per
6 week if paid on a weekly basis. So
7 moved.

8 MR. HUBBARD: Second.

9 MR. NYCE: All those in favor?

10 THE BOARD: Aye.

11 MR. NYCE: Any opposed or
12 abstentions? Motion carries.

13 MR. HUBBARD: Resolution #
14 3-2012-15. Resolution authorizing the
15 advertising of open seasonal, part-time
16 positions in all of the Village of
17 Greenport Recreation Department
18 Facilities. So moved.

19 MS. PHILLIPS: Second.

20 MR. NYCE: All those in favor?

21 THE BOARD: Aye.

22 MR. NYCE: Any opposed or
23 abstentions? Motion carries.

24 MR. MURRAY: Resolution #
25 3-2012-16. Resolution approving the

1 March 26, 2012
2 renewal of the annual Pump-Out Boat
3 agreement with the Town of Southold, as
4 attached. So moved.

5 MS. KEMPER: Second.

6 MR. NYCE: All those in favor?

7 THE BOARD: Aye.

8 MR. NYCE: Any opposed or
9 abstentions? Motion carries.

10 MR. PHILLIPS: Resolution #
11 3-2012-17. Resolution authorizing
12 Village Clerk Pirillo to advertise for
13 the bids for lighting fixtures for the
14 Village of Greenport streets and parking
15 lots, per the Suffolk County Downtown
16 Revitalization Grant, Round 9. So
17 moved.

18 MR. MURRAY: Second.

19 MR. PHILLIPS: I am glad it's
20 finally going somewhere.

21 MR. NYCE: All those in favor?

22 THE BOARD: Aye.

23 MR. NYCE: Any opposed or
24 abstentions? Motion carries.

25 MS. KEMPER: Resolution #

1 March 26, 2012
2 3-2012-18. Resolution approving the
3 contract between Kathleen McDowell and
4 the Village of Greenport for Campground
5 Management services at the Village of
6 Greenport McCann Campgrounds, at a total
7 contract amount of \$9,333.33, for work
8 to be performed from April 1, 2012
9 through October 31, 2012. So moved.

10 MR. HUBBARD: Second.

11 MR. NYCE: By way of discussion,
12 this is for additional time. We're
13 extending the number of months that she
14 works as well.

15 All those in favor?

16 THE BOARD: Aye.

17 MR. NYCE: Any opposed or
18 abstentions? Motion carries.

19 MR. HUBBARD: Resolution #
20 3-2012-19. Resolution scheduling a
21 public hearing to be held on April 23,
22 2012 at 6:00 p.m., on a proposed local
23 law of 2012 amending Chapter 150
24 (Zoning), Section 27 notice the public

25 hearing accordingly. So moved.

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1 March 26, 2012

2 MS. KEMPER: Second.

3 MR. NYCE: All those in favor?

4 THE BOARD: Aye.

5 MR. NYCE: Any opposed or

6 abstentions? Motion carries.

7 MR. MURRAY: Resolution #

8 3-2012-20. Resolution scheduling a
9 public hearing to be held on May 29,
10 2012 at 5:00 p.m. on a proposed local
11 law of 2012 amending Chapter 105
12 (Sewers), Article IV (Building Sewers
13 and Connections) of the Village of
14 Greenport Code, and directing Village
15 Clerk Pirillo to notice the public
16 hearing accordingly. So moved.

17 MR. PHILLIPS: Second.

18 MR. NYCE: I'm sorry, May 29th,
19 the time should be 6:00. Is that a
20 regular meeting in May? It should be
21 6:00, not 5:00.

22 VILLAGE CLERK: I'll double check.

23 MR. NYCE: Let the record show

24 that it should be 6:00 p.m.

25 MR. NYCE: All those in favor?

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1 March 26, 2012

2 THE BOARD: Aye.

3 MR. NYCE: Any opposed or

4 abstentions? Motion carries.

5 MR. PHILLIPS: Resolution #

6 3-2012-21. Resolution scheduling a

7 public hearing to be held on July 23,

8 2012 at 6:00 p.m. on a proposed local

9 law of 2012 creating a new Chapter 103

10 of the Greenport Village Code containing

11 regulations regarding rental permits and

12 directing Village Clerk Pirillo to

13 notice the public hearing accordingly.

14 So moved.

15 MR. MURRAY: Second.

16 MR. NYCE: All those in favor?

17 THE BOARD: Aye.

18 MR. NYCE: Any opposed or

19 abstentions? Motion carries.

20 MS. KEMPNER: Resolution #
21 3-2012-22. Resolution scheduling a
22 public hearing to be held on April 23,
23 2012 at 6:00 regarding the proposed
24 conservation easement between the
25 Peconic Land Trust, the Town of Southold

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1 March 26, 2012
2 and the Village of Greenport for the
3 property located at Fourth Street in the
4 Village of Greenport, as owned by
5 Exxon-Mobil Corporation. So moved.

6 MR. PHILLIPS: Second.

7 MR. NYCE: All those in favor?

8 THE BOARD: Aye.

9 MR. NYCE: Any opposed or
10 abstentions? Motion carries.

11 MR. HUBBARD: Resolution #
12 3-2012-23. Resolution scheduling the
13 2012/2013 Budget Hearing of the Board of
14 Trustees of the Village of Greenport
15 regarding the tentative Village of
16 Greenport budget for the 2012/2013

17 Fiscal Year to be held on April 12, 2012
18 at 6:00 p.m., and directing Village
19 Clerk Pirillo to notice the public
20 hearing accordingly. So moved.

21 MR. PHILLIPS: Second.

22 MR. NYCE: All those in favor?

23 THE BOARD: Aye.

24 MR. NYCE: Any opposed or
25 abstentions? Motion carries.

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1 March 26, 2012
2 MR. MURRAY: Resolution #
3 3-2012-24. Resolution allowing Mayor
4 Nyce, Clerk Pirillo, Trustee Phillips
5 and any other interested Trustee or
6 manager to attend the SCVOA Legislative
7 Dinner and Awards Night, on April 24,
8 2012 from 6:00 p.m. to 9:00 p.m. at a
9 cost of \$45.00 per person. This cost
10 will be expensed from line item #
11 A.1210.4 (Mayor Contractual Expense) for
12 Mayor Nyce and line item # A.1410.4
13 (Clerk Contractual Expense) for Clerk
14 Pirillo. Trustee Phillips will be

15 invoiced separately and personally for
16 attendance. So moved.

17 MR. HUBBARD: Second.

18 MR. NYCE: All those in favor?

19 THE BOARD: Aye.

20 MR. NYCE: Any opposed or
21 abstentions? Motion carries.

22 MR. PHILLIPS: Resolution #
23 3-2012-25. Resolution approving all
24 checks per the Voucher Summary Report
25 dated 3/15/2012, in the total amount of

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1 March 26, 2012
2 \$523,805.68 consisting of: All regular
3 checks in the amount of \$406,610.49, all
4 prepaid checks in the amount of
5 \$97,657.69 and all wire transfers in the
6 amount of \$19,537.50. So moved.

7 MR. HUBBARD: Second.

8 MR. NYCE: All those in favor?

9 THE BOARD: Aye.

10 MR. NYCE: Any opposed or
11 abstentions? Motion carries.

12 MR. NYCE: I will offer a motion
13 to adjourn.

14 MS. PHILLIPS: Second.

15 MR. NYCE: All those in favor?

16 THE BOARD: Aye.

17 MR. NYCE: We are adjourned.

18 Thank you.

19 (Whereupon, the meeting adjourned
20 at 7:34 p.m.)

21

22

23

24

25

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1 March 26, 2012

2 I, JENNIFER L. GERKEN, a Notary
3 Public for and within the State of New
4 York, do hereby certify that the above
5 is a correct transcription of my
6 stenographic notes.

7

8

9 _____
JENNIFER L. GERKEN

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