

April 23, 2012

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2 VILLAGE OF GREENPORT

3 VILLAGE BOARD OF TRUSTEES

4 -----X

5 REGULAR MEETING,

6

7 APRIL 23, 2012

8 -----X

9

10 236 Third Street
Greenport, New York

11 April 23, 2012
12 6:02 p.m.

12

13

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

14

15 JOSEPH W. PROKOP, P.L.L.C
16 Attorney for the Village Board of
Trustees
17 267 Carleton Avenue
Central Islip, New York 11722

18 BY: JOSEPH W. PROKOP, ESQ.

19

20 David Nyce - Mayor

21 Dave Murray - Trustee

22 Mary Bess Phillips - Trustee

23 George Hubbard - Trustee

24 Christine Kempner - Trustee

25

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727-1107

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MR. NYCE: It is 6:02, and I call

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this meeting to order. Before we go

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into our announcements, the Chief of the

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Fire Department just brought in a letter

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that he received from the State

7

Assembly. It says, "Dear Chief White, I

8

want to thank you and the rest of the

9

volunteers from the Greenport Fire

10

Department for your heroic actions in

11

containing and extinguishing the Ridge

12

and Manorville wildfires. The

13

Department displayed courage in the face

14

of danger and was willing to make the

15 ultimate sacrifice to keep the residents
16 of our community safe. You're true
17 heros and the efforts of your department
18 show honorable character. Once again,
19 I'd like to thank you and the rest of
20 your volunteers from your Department for
21 your heroic actions containing and
22 extinguishing the Ridge and Manorville
23 wildfires." I'd like to thank them for
24 recognizing this department, and I'd
25 also like to thank our department who is

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second to none.

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We have several announcements.

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Tickets are available online for the

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Tall Ships event on Memorial Day

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Weekend. I do want to remind people

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that the tickets that are on sale now

8 are at a discounted price. The price
9 will be going up two weeks prior to the
10 event. There may be additional
11 services -- family discounts -- at that
12 time, but as of now, the tickets are at
13 a very low price. We recommend that
14 people purchase them in advance. There
15 are seasonal part-time positions
16 available in parks and recreation
17 departments. Please apply through the
18 Village Clerk's office or the Village
19 Administrator's office. I'd like to
20 extend an invitation to everyone to
21 please join us for the Annual Arbor Day
22 Ceremony at the Third Street park on May
23 24th at 10:00 a.m. over at the Third
24 Street park. They will be commemorating
25 long-standing members of the community,

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planting a tree and celebrating the

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actions of the Tree Committee over the

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course of the year.

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Under public interests, realizing

6

that we just had a very nice drenching

7

rain, it has been a dry spring, and

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under the dry conditions simple things

9

can start fires, and we have some

10

wonderful assets in the Village -- that

11

being woods, et cetera, that were in

12

danger. Anything like throwing

13

cigarettes out of the car window, glass

14

bottles can start these fires and I

15

would encourage everyone to please be

16

diligent. We also, as you know -- if

17

you read the paper or were at the work

18

session, there were a rash of

19

vandalism -- some vandalism where some

20

fires were started. If anybody sees

21

anything of that nature, please report

22

it immediately to the police department.

23

I'd also like to offer a congratulations

24 from this Board, to chiefs and captains
25 elections from the beginning of the

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2 month. I'd like to congratulate them.
3 We have three public hearings tonight.
4 One is on ZBA, changing of our local law
5 for procedures as it pertains to
6 noticing public hearings. We have a
7 public hearing on the Conservation
8 Easement for the Exxon-Mobil property,
9 and we have a continuation of the
10 2012/2013 Budget Hearing.

11 We're gonna start with the local
12 law, ZBA. This was done to help out the
13 Planning Board. It does not have the
14 same notification requirements of
15 applicants that the ZBA does, so with
16 the Code Committee, at the request of

17 the Village Administrator and Building
18 Department and Planning Board, we are
19 looking to amend our Code to require
20 that applicants, before any of the
21 boards, Zoning, Planning, Historic
22 Preservation, where a public hearing is
23 necessary, that that public hearing be
24 noticed by the applicants by certified
25 mail, but, also, this local law would

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2 also require a placard be placed at the
3 property in question announcing the same
4 thing. So I will say at this time this
5 public hearing has been properly
6 noticed. Anybody wishing to make
7 comment can do so at this time and there
8 comments will be taken down for the
9 record. I would ask if there is anyone

10 who would want to address the Board on
11 this proposed local law amendment? If
12 not, I would entertain a motion to close
13 the public hearing.

14 MS. PHILLIPS: I make the motion.

15 MR. MURRAY: Second.

16 MR. NYCE: All those in favor?

17 THE BOARD: Aye.

18 MR. NYCE: Any opposed or
19 abstentions? That public hearing is
20 closed. I would ask that the Village
21 Clerk place this on the agenda for next
22 month's work session.

23 Our next public hearing is on the
24 possible Conservation Easement and the
25 Village's participation in that for the

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Exxon-Mobil property. I'd like to point

3 out how we're gonna handle this. We
4 have representatives from Peconic Land
5 Trust here and Exxon-Mobil. What I'd
6 like to do is open it up to them to
7 explain the project and explain the
8 process, after which, I'll open it to
9 the public. Depending on the outcome of
10 the public comment, we will either
11 decide to hold it open or close the
12 public hearing, the Board will comment
13 and then we'll move onto our next public
14 hearing.

15 Joe, we don't need to explain our
16 portion of it until later on?

17 MR. PROKOP: They should do the
18 presentation first.

19 MR. NYCE: This public hearing
20 regarding the Exxon-Mobil Conservation
21 Easement was properly noticed and anyone
22 wishing to comment on this Conservation
23 Easement can do so at this time, and
24 their comments will be taken down for
25 the public record. I'll turn it over to

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Stephen from the Peconic Land Trust.

3

MR. SEARL: Thank you. Good

4

evening everybody. My name is Stephen

5

Searl with Peconic Land Trust. Our

6

mission -- in case people don't

7

know -- is to conserve working lands,

8

natural lands in our heritage for now

9

and in the future, so I did want to just

10

kind of give a brief overview of this

11

project and talk specifically about the

12

Conservation Easement as well. The Town

13

had their public hearing already about a

14

month and a half or so ago, but we've

15

been working with Exxon-Mobil on their

16

property. For those of you who don't

17

know -- I'm sure you do -- it's on the

18

corner of Fourth and Clark Street, and

19 it's about two acres in size and we've
20 been working with them for at least two
21 years now to facilitate the conservation
22 outcome for that property. I think the
23 company -- I can let them speak for
24 themselves, but essentially it's like a
25 pilot project for the company, which, if

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2 successful, will hopefully be replicated
3 at a national level, and for surplus
4 properties they have, so we'd like to
5 try to achieve this, and like I said,
6 we've been working toward this for two
7 years. We would achieve this by one
8 party holding a Conservation Easement
9 and the other company identified the
10 Town of Southold; they have the
11 experience. They have a land

12 preservation department. They obviously
13 hold many conservation Easements, more
14 for farmland than open spaces, but
15 there's obviously a lot of similarities
16 in terms of monitoring and enforcing the
17 restrictions of the Conservation
18 Easement. The second step in this
19 possible outcome is to donate the fee
20 title for the actual land after it's
21 been preserved to Peconic Land Trust.

22 I would like to outline
23 briefly -- there is a handout here,
24 which is very helpful -- the summary of
25 the Conservation Easement. If anybody

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2 wants a copy, you're more than welcome
3 to it, but essentially it prohibits any
4 future industrial, residential,

5 commercial development, and I think it's
6 actually best to describe it by what it
7 allows, which is not very much. It
8 allows ecological restoration, it allows
9 passive outdoor recreation, essentially
10 walking, which you're allowed to do on
11 the perimeter -- the beach front of the
12 property now -- but it's possible that
13 down the road we may open that up to
14 have access through the property. We're
15 gonna have to see how that goes, but
16 that is an allowable use, and finally,
17 educational opportunities as it relates
18 to the restoration in particular, so
19 again, the educational opportunities
20 would probably be related to ongoing
21 restoration and possible marine activity
22 as well on the property, but that's kind
23 of a longer-term plan. We're not quite
24 there yet in terms of future uses, and
25 right now we're really just working with

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the company to try to achieve the

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conservation outcome, which is

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Conservation Easement on the property

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held by the Town of Southold and the

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property then donated in fee subject to

7

the Conservation Easement to the Peconic

8

Land Trust.

9

One thing we had talked about

10

prior was the possibility of the Village

11

being a party to the Easement and that

12

may -- in essence, they can help enforce

13

and monitor the Conservation Easement

14

and the restrictions on the property.

15

It makes a lot of sense. The property

16

is in the Village, and quite honestly,

17

will probably have the most interaction

18

with the Village because it's here, and

19

any kind of restoration efforts that we

20

do, we will be coming to you essentially

21 and any kind of improvements that we
22 make, again, they would be limited
23 because they'd have to be in the scope
24 of these restrictions, but -- so, again,
25 it's just something that this Board can

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2 be a part of they'd like to, or not, but
3 that's up to this Board. I'd be happy
4 to -- again, I did want to emphasize
5 that this still is a work-in progress,
6 and Exxon is going to meet and go
7 through their process, their Board of
8 Directors, which is a long process, but
9 I would hope by the beginning of this
10 summer that this could come, possibly,
11 to fruition.

12 MS. KEMPNER: Have you seen all of
13 the environmental documents? Do you

14 feel the remediation has been fully
15 complete? Because I haven't seen them.
16 I was trying to get a copy and I did ask
17 the Mobil representative and she told me
18 that she wouldn't provide them, but I
19 could get them from the DEC, and I tried
20 to, and I haven't gotten them, so at
21 this point, I was concerned with the
22 exposure of the metal from the last
23 hurricane. Who would have the liability
24 on the property once the transaction is
25 complete? If someone's walking on the

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2 beach and they cut themselves on a piece
3 of metal, how does that work?

4

5

6

MR. SEARL: Essentially, we would
be the owners going forward, so we would
be responsible for that. I can talk to

7 Exxon --

8 MS. KEMPNER: I've spoken to them,
9 but didn't get much information and got
10 redirected back to the DEC, and I was
11 told if the Village didn't want to
12 participate the project will continue on
13 its current path with Peconic Land Trust
14 and Southold, so I was curious if you
15 had that information, because I haven't
16 seen it.

17 MR. SEARL: I can tell you now
18 that I do believe I have most of that
19 information. We are going to do an
20 independent environmental assessment
21 once we're further along in the process,
22 onces Exxon signs off on it --
23 basically, the Town has signed off on it
24 and the Land Trust, our board of
25 directors has signed off on it. Once

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Exxon signs off on it, we will then go

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through a fairly rigorous environmental

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study assessment, so I can tell you at

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that time -- yes, we will be doing that.

6

The Town also needs that.

7

MS. KEMPNER: Is there a value

8

assigned to the property? Is there some

9

type of value for the transaction that

10

the company values at?

11

MR. SEARLE: It's gonna be a

12

donation, so it's gonna be -- everything

13

the conservation easement is going to be

14

doing -- and the fee title is gonna be

15

donated as well, so Exxon, whether they

16

have an appraisal, that's -- yes.

17

MS. KEMPNER: There's issues. The

18

public property is great, but there's

19

issues with the lost tax revenue and

20

also the liability and what else was on

21

the property, just to get more of a

22

background as to what's open to the

23 public. I have a particular concern
24 because I live in that neighborhood and
25 if there's kids that are on the property

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2 then I'd like to see more of what was
3 underneath there. I'm not really
4 familiar with what was happening there.
5 I have very little information about --

6 MR. SEARL: I know there's a lot
7 of public documentation on this. I'd be
8 happy to get you privy to that.

9 MS. KEMPNER: That's why I was
10 curious if you had it.

11 MR. NYCE: Can we set it up that
12 they do their presentation to the
13 public, let them comment, and then we,
14 the Board, ask questions and make
15 comments, so if we could stick with that

16 format.

17 MS. KEMPNER: I just had questions
18 to see -- sure.

19 MR. NYCE: We'll preserve our
20 questions to the end. Does Exxon have
21 anything they want to add before I open
22 it up to the public?

23 MS. BROWN: Hi. I'm Maggie Brown.
24 I represent Exxon-Mobil. I don't have a
25 lot to add because I think Steve did a

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2 pretty good job describing it. I guess
3 the only thing I would add is that the
4 Mayor knows we did come into the
5 community three of four years ago -- I
6 can't quite remember -- when
7 Exxon-Mobil was trying to figure out the
8 disposition option for this plan, and at

9 that time, did try and reach out to the
10 Village, to neighbors around there and
11 start to put out -- we met with the
12 Environmental Conservation, to the
13 community for open space -- would be
14 something -- and I'm happy to say we
15 have a lot of support for that option,
16 which is why we continue to pursue it
17 with the Peconic Land Trust. As Stephen
18 indicated, there is not a lot of
19 guidance out there for corporations
20 looking to donate their property to
21 Conservation Easement, so it's great to
22 partner with the Peconic Land Trust for
23 that, and I think -- frankly, it's a
24 pretty exciting project, so other than
25 that, I don't have a lot of more to add.

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2 Thank you.

3 MR. NYCE: I'd like to open it up
4 to the public for comment. Is there
5 anyone from the public that wishes to
6 address this Conservation Easement or
7 this project?

8 MR. SALADINO: John Saladino,
9 Sixth Street. I have a few questions
10 that I would ask the Board -- to Mobil,
11 and to the Peconic Land Trust. Is there
12 a recreational management plan for the
13 property? Conservation Easement, to my
14 understanding, you're supposed to file a
15 recreational management plan to let the
16 people know exactly what's gonna happen
17 with the property. I'm concerned about
18 the tax liability also. It's my
19 understanding that the DEC allows
20 a -- the State allows a 25 % tax
21 reduction on any property that has a
22 Conservation Easement, so Federal, State
23 and Town taxes would be reduced by 25 %
24 up to the maximum of \$5,000.

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MS. KEMPNER: Well, ultimately it

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would lead to nonprofit, so no tax, so

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25 % would be a bargain.

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MR. SALADINO: Well, also, I have

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figures here that the Town gets \$3,300,

6

the Village gets \$3,000, and it's my

7

understanding the school gets \$16,000,

8

so it's a big distribution. I would ask

9

again, Mobil and the Peconic Land Trust

10

through the Board, what do we get in

11

return? We get the perimeter of the

12

property, which we kind of have already.

13

The fence is supposed to remain intact,

14

so we're not gonna be allowed on the

15

property -- yet. I kind of remember the

16

conversation three or four years ago,

17

and there was a question with the

18 supervisor, actually, he was involved in
19 the conversation, just how clean the
20 property was and the fact that there was
21 questions about it -- would limit
22 development anyway, so the property is
23 questionable as far as its environmental
24 standpoint and probably prohibited
25 anyway. Why give Conservation Easement

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and lose the tax revenue for property

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you're not gonna be able to use anyhow.

4

The way I see it, the Peconic Land Trust

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gets a stipend to oversee the property,

6

Mobil gets a tax break, and, John, the

7

Village collectively kind of gets

8

nothing, so maybe they could answer

9

that. Thank you.

10

MR. SWISKEY: William Swiskey, 184

11 Fifth Street. I was a little shocked
12 since probably in a year or two the
13 school district's gonna lose \$16,000,
14 the Village, 3,000 and the Town -- it
15 just makes no economic sense. The
16 school district, basically, is gonna ask
17 us for a 7 percent tax increase and Lord
18 knows what it'll be next year, yet
19 they're willing to give away \$16,000. I
20 think things have to be considered here
21 before -- yeah, they went to the Town,
22 they want to get rid of the Historic
23 District. Chris, nobody has ever seen
24 the certification from the DEC --

25 MS. KEMPNER: I have it.

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MR. SWISKEY: Well, I can tell you
something. Go to the corner of Clark

4 and Fifth Street and dig a hole four
5 feet in the ground, what you find there
6 will make you gag. It's not been
7 cleaned up. I think it's incumbent on
8 the Village Board -- that plume has been
9 traveling for God knows how many years,
10 and they go on the property and punch a
11 hole in this corner, that corner,
12 there's techniques to getting around
13 where the pollution actually is. There
14 should be a full-blown environmental
15 assessment because I believe that plume
16 is probably someplace on Fifth Street
17 now if you dig far enough, because I
18 experienced it firsthand, and it was
19 like -- woah -- I think we better get
20 out of this trench before we pass out
21 because the stink is terrible, and I'll
22 testify to that under oath, so before
23 you even let them go there -- basically,
24 they're gonna give the
25 property -- Peconic Land Trust -- this

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pollution -- who's stuck with paying for

3

the clean-up? The taxpayers of the

4

Village of Greenport -- 'cause that's

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where it is, so this is something you

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want to approach carefully. They say

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they can donate it, then why don't they

8

donate it to the Village of Greenport,

9

and we'll take it with the understanding

10

that if future pollution is discovered,

11

they're responsible for cleaning it up.

12

I think we need to take a real realistic

13

approach on this because believe me,

14

that property is not clean. Thank you.

15

MR. MOORE: Hi. Doug Moore, 145

16

Sterling Street. I think one thing that

17

would be useful -- or in the dialogue of

18

the work session is to actually post the

19

financial losses of the tax revenue.

20 Nobody seems to know exactly what they
21 are, so that's one recommendation.
22 Secondly, I think, since this is in the
23 Village, that the Village should be a
24 part of the process and not disengage
25 themselves because -- I just had a brief

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2 opportunity to look at the draft
3 agreement and it looks like there could
4 be certain limited developments on the
5 property promoting its use. I think the
6 Village should stay connected to that
7 because they have interest in knowing
8 what's going on, and last, issues that
9 are being brought up about access, I
10 think it's very important that the
11 public have access to the entire
12 property. The concept of leaving a

13 fence and walking around the perimeter
14 is no change from what already exists,
15 so I think, even though initially, from
16 restoration of the property, there might
17 be some restrictions for public access,
18 but I think at some point there should
19 be open access for the public and that
20 would maintain visibility and limit the
21 unauthorized use of the property. Thank
22 you.

23 MS. KAPPELL: Eileen Kapell, 4th
24 Street. My question is very simple.
25 What do we get out of this? I live on

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2 4th Street. I walk that property every
3 day, sometimes twice a day. It has been
4 cleaned up. There's a fence with barbed
5 wires, which is all great for the use of

6 the property. I'm a little concerned
7 about the future of this property. The
8 beach now is clean. I must say the
9 beach -- the metal is taken away by
10 Mobil; they did a great job, but the
11 beach was cleaned by a local 26 year-old
12 young man who cleaned up that beach. I
13 sent pictures to Mobil summer after
14 summer -- clean this beach. You would
15 be heros. It took a local kid to do it.
16 My point is if we give it over to
17 Southold, what do we get? It's
18 Greenport. I think there's some valid
19 questions that are brought up, so I just
20 ask that you be as cautious as possible
21 and don't give away any of my money if
22 you don't have to.

23 MS. OSINSKI: Isabel Osinski, 307
24 Flint Street. Hi. I'm concerned about
25 the pollution because there is pollution

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2 there. I think Exxon-Mobil has deeper
3 pockets than Peconic Land Trust or
4 Southold Town or Greenport Village and
5 in the event that the plume goes
6 forward -- if it shifts, it's our
7 business and it could be a big problem
8 for our community, and I think that the
9 Village should think carefully about
10 this pollution. Regarding parks and
11 recreation, if Southold Town has -- you
12 know, Greenport's donated into this
13 fund, then the money for that could be
14 used for paying off our debt, and if
15 they want to have a learning center,
16 they could put it on 5th Street, which
17 is not polluted and is a nice facility
18 because there is money in Southold Town
19 and the pollution, again, you know,
20 people walk their dogs there -- also, I
21 really don't understand why Southold

22 Town is heavily involved in this
23 because, you know, as a Greenporter,
24 we'd like to see Greenport have a key
25 role in this endeavor, and the loss of

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income to the taxpayers is a big concern

3

for me. I hope you think about this

4

carefully. Thank you.

5

MR. CHARTERS: Gary Charters, 1002

6

Main Street, Greenport, New York, the

7

same place I lived when I left. I'm

8

very concerned about the Mobil property.

9

One, for tax revenue, especially for the

10

school district. I see them now

11

projecting about a 7 percent increase on

12

their taxes and the Mobil property

13

is -- I think it's assessed at \$16,000,

14

which puts probably 10,000 plus into the

15 school district, which it could reduce
16 their tax burden lightly. The Village
17 of Greenport itself -- years ago, I had
18 a sheet from the assessors in Southold
19 and they incorporated the Village itself
20 as more properties to offer tax than
21 anybody per capita. I didn't do a
22 comparison, but that's a lot. When I
23 was on the School Board -- taxes left
24 and right, and we managed to get a
25 little tree from the Village, a tennis

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2 court and a track; they cost some money,
3 it was a nice trade off, but it's got to
4 stop some place. I'm not in favor of
5 the Village, nor the Town, getting
6 together to remove this from the tax
7 roll. I understand there's gonna be

8 some kind of situation where Peconic
9 Land Trust is gonna be the property
10 manager or something, and at some point
11 in time it's gonna be donated into
12 Peconic Land Trust and then it's fully
13 off the tax roll -- not a good idea.
14 It's not a good idea. I would make a
15 suggestion that -- since it's in the
16 Incorporated Village that the tax
17 dollars that the school district loses
18 you recoup from just the Village
19 residents because we don't benefit from
20 this. They could get together with the
21 school and only tax the people who live
22 in the Incorporated Village. Thank you
23 very much. I'm not in favor of this,
24 taking it off the tax rolls, but if you
25 do, if you insist on this, I would

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2 suggest that you get together with the
3 school district -- there's a little
4 confusion there -- if it's actually
5 coming off, or is it off -- and the
6 Mobil property, it's Mobil Oil Company,
7 as well as any other oil company, it's
8 very, very, very solvent making billions
9 of dollars of our money, working with
10 our money, and there should at least be
11 some higher -- something is better than
12 nothing, so if it's gonna come off, I
13 would hope that the government's
14 involved with the Village getting
15 something. Thank you.

16 MR. NYCE: Is there anyone else
17 who wished to address the Board on this
18 public hearing? I'll open it up to the
19 Board for questions.

20 MS. KEMPNER: I think a valid
21 point was made about the CPF funds, and
22 we have a lot of other property that
23 could be maintained by the CPF fund.

24 MR. NYCE: The CPF funds could
25 only be used for properties that have

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2 been taken off the rolls with that fund,
3 so if we preserve a big bunch of
4 property in the Village it wouldn't
5 preserve the CPF funds; therefore, that
6 money cannot be used for maintenance.

7 MS. KEMPNER: They can't be
8 focused on any other property?

9 MR. NYCE: No. I've had lengthy
10 conversations with Fred, who wrote this
11 legislation when it first came in. It
12 has to be specific to the property that
13 is preserved with that money, and at
14 this point none of that money is being
15 used for upkeep; it's all being used for
16 purchase. At some point, if land is

17 purchased out, then the CPF will likely
18 be used for maintenance of, but it's
19 area to be used for the properties only
20 purchased with that CPF money, so we
21 couldn't maintain Clark's -- I'm
22 sorry -- Moore's Woods with the money
23 from CPF.

24 MS. KEMPNER: The Town could buy
25 Clark's beach or something.

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MR. NYCE: The Town could purchase
other properties with CPF money. That
CPF money could be used for just those
pieces, so there is a possibility that
this -- if transferred -- to the
Conservation Easement that some of that
CPF money could be used for maintaining
the property in the future, so that's

10 the only way CPF funding could be used.

11 MS. KEMPNER: Right, so we're not
12 even sure if the CPF money will be used
13 for that property?

14 MR. NYCE: It is -- it could be.
15 Whether or not they determine to use it
16 for that is up to the Town Board. The
17 Town's -- when this was set up, the CPF
18 funds were managed by environmental
19 preservation groups. When the
20 legislation first went in the Villages
21 were offered an opportunity to come to a
22 deal with the Town as a swap for
23 property and a share of the CPF funds.
24 The only village that did that was the
25 Village of East Hampton -- that I'm

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aware of. No one else bothered to make

3 arrangements with the Town.

4 MS. KEMPNER: I guess that's a
5 little off base about this property. I
6 just thought there was gonna be a
7 stipend that Peconic Land Trust was to
8 manage it. That sort of effort would
9 probably be better in other areas. I do
10 like the idea of having access there,
11 but I do have concerns about what's on
12 the property. The way it came up at the
13 public hearing, somebody mentioned the
14 property might have some issues, so I
15 wanted to see documents. I contacted
16 Mobil and I was told that they're public
17 documents and I could get them from the
18 DEC, so in that process of trying to get
19 more information, the person who's in
20 charge of this was busy, she was out
21 last week, so I'm still unclear about
22 what exactly the concern is about loss
23 of revenue. I think it's not gonna be
24 built on because of residential zoning
25 and --

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MR. NYCE: Right, there are a couple things with that. Not to launch into Exxon-Mobil, but the property does have a past that we want to believe it may still be contaminated, as such, the property's transferred -- as you know, that liability is not transferred to the buyers, it stays with the seller, so Exxon-Mobil is limiting their liability on the property. They're not gonna be able to develop it. I had a lengthy conversation with a representative from Exxon-Mobil looking for payment with taxes, and the Village Attorney and I worked up what we were gonna propose as a number of years at X amount of dollars, and was told there were no

19 uncertain terms, that payment roll of
20 taxes was not an option. The other
21 thing that Joe -- Joe, please correct me
22 if I get too far off this. The other
23 thing that I need to redirect a little
24 bit is that we can't determine for
25 Exxon-Mobil who they give this property

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2 to. If they want to give the property
3 to Peconic Land Trust, we don't have any
4 say in that.

5 MS. KEMPNER: Right, but I think
6 they would respect the Village's --

7 MR. NYCE: I understand. I
8 understand. I expressed to Exxon-Mobil
9 from day one that I was concerned
10 about -- the same conversation three
11 years ago -- that I was concerned about

12 the loss of tax revenue to the Village
13 and school district, the Town and
14 everything else. We don't necessarily
15 have a say in whether that happens or
16 not. If Exxon-Mobil wants to transfer
17 this property to Peconic Land Trust and
18 Peconic Land Trust accepts the property,
19 we have absolutely not way of taking
20 money from them in taxes; that's just
21 the way the system works. Again, I did
22 have a lengthy conversation with
23 Exxon-Mobil and was told that was not
24 gonna be forthcoming, that they felt the
25 donation of the property itself was

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2 enough. They were doing these projects
3 all over the Country.

4 MS. PHILLIPS: I have a question.

5 Maybe Stephen needs to correct me. I
6 thought I heard him say that this was a
7 pilot project and that this was
8 something Exxon-Mobil has not done
9 before, because I attended the Southold
10 Town Public Hearing and was led to
11 believe that they have been doing this
12 all over the Country, and the
13 conversation with you -- being a
14 pilot -- came back to --

15 MR. NYCE: It's a pilot program.
16 It's not specific just to Greenport.
17 Exxon-Mobil is doing this in several
18 locations at the same time. None of
19 them, to my understanding, have gone
20 through at this point, but this is the
21 process that they're using in other
22 places.

23 MS. KEMPNER: I think what they're
24 doing is getting rid of excess
25 properties, but not for this type of

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arrangement.

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MR. NYCE: They are doing this

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similar process elsewhere in the

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Country. They are, in fact -- their

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program, as I understand it, is that

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they have identified, within this

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region, what the best use -- they

9

determine to be the best use -- they

10

determined what is needed, and that was

11

the property to revert back to its

12

original site because there's not a lot

13

of open space on Long Island, so that

14

was the program they identified for

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here.

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MS. KEMPNER: I mean, they

17

operated here and made a lot of profits

18

here and there was a lot of

19

contamination associated with that. In

20

some areas communities are paid -- have

21 they been paid for any -- maybe Dave
22 Abatelli knows. It just seems like a
23 very hard use in a roll community for
24 many years without -- you know, they
25 remediated the property to a certain

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2 extent, but those environmental laws
3 change and evolve over time. Did they
4 donate land back to the Village? Did
5 they repay the Village? I know we asked
6 them about a Tall Ships donation. We
7 asked about the pilot. All of these
8 things have been rejected, but they use
9 this as an industrial use and they left
10 a lot of contamination in a very small
11 Village. For me, personally, I feel
12 like Mobil should benefit the community
13 a little but more.

14 MR. NYCE: Again, we can, through
15 the Town, ourselves, make sure the
16 property is clean, but this is what the
17 property owner's rights are --

18 MS. KEMPNER: They're a major
19 corporation.

20 MR. NYCE: Major corporations,
21 unfortunately, have the same rights as
22 individuals; that's just the way the
23 system works, so there are certain
24 things we can't do and certain things we
25 can do. I'm not happy about -- I mean,

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2 yeah, who was it that said Exxon-Mobil
3 makes money and we're --

4 MS. KAPPELL: It's mind boggling to
5 me that you're sitting here having this
6 conversation --

7 MR. NYCE: Please. The
8 conversation is gonna happen here and
9 then we're gonna give them the
10 opportunity to answer, which is what I
11 had said before. Please don't
12 interrupt.

13 MR. NYCE: Does anyone else have
14 --

15 MR. HUBBARD: I mean, the way it's
16 been proposed to me -- the Town and
17 Peconic Land Trust are doing this. If
18 we want to be part of it, we could, and
19 if we didn't it was gonna happen anyway.
20 Myself, I believe that -- not that we're
21 approving this because we're not gonna
22 be enforcers of the arrangement, but to
23 have this happening in the Village and
24 be completely shut out -- I think we
25 should have some say and be part of the

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involvement the best we can. Right now,

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the loss of revenue is gonna hurt of all

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us and we know that, but for Southold

5

Town to say we're providing support for

6

Peconic Land Trust, it's given to them

7

and us having no say all in it. We were

8

completely shut out. That's just my

9

opinion.

10

MR. NYCE: Again, Southold Town's

11

involvement in this is to hold the

12

Conservation Easement, which means they

13

enforce. They're not not specifically

14

involved other than holding the

15

Easement. The reason that they were

16

identified is because they have a

17

Preservation Commission. They have

18

that group already established and then

19

we were asked if we wanted to be

20

involved. That involvement, really, is

21

nothing more than making sure that the

22

Easement is maintained -- again,

23 unfortunately. Before I ask Exxon-Mobil
24 or Peconic Trust to come up and respond,
25 are there any further questions or

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comments from the Board?

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MR. PROKOP: I just have two

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comments. As far as the obligation to

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clean up the property, that survives the

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agreement. It exists now and it would

7

not be related or eliminated by the

8

execution of agreement or the transfer

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of ownership of the property. If

10

there's problems with the property it

11

should be dealt with, and it's really a

12

different -- it's different from the

13

considerations of the transfer. The

14

second thing is that the abatement of

15

the taxes is not automatic. If a

16 property is transferred to a
17 non-for-profit or a charitable entity
18 that that entity still has to go through
19 an application procedure to have an
20 exemption for the taxes and that would
21 have to be followed, in this case, and
22 I'm fairly sure that's something we
23 could review.

24 MR. NYCE: My
25 understanding -- Trustee Phillips and I

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2 attended the New York Conference of
3 Mayors in February, a specific seminar
4 on non-for-profits and the payment in
5 lieu of taxes, and I was told no
6 uncertain terms --

7 MR. PROKOP: I'm not talking about
8 pilot payments. I'm talking about the

9 continuation of the tax assessment on a
10 property. It's not automatic that --

11 MR. NYCE: They're never denied by
12 the courts -- is basically what we were
13 told -- up to and including recreational
14 use.

15 MR. PROKOP: They would have to
16 prove a public use. They couldn't
17 continue to maintain -- they'd have to
18 establish a public use.

19 MS. PHILLIPS: One question to the
20 representative from Mobil. If for some
21 reason, this doesn't transpire forward
22 in the way you're looking for, what
23 would Mobil's plans be for this
24 property? If, for some reason, the
25 Village Board does not continue with

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2 this and it doesn't transfer to Peconic
3 Land Trust and this whole project
4 doesn't happen, what is Mobil's plan for
5 this property?

6 MS. BROWN: There are no other
7 plans or considerations, to my
8 knowledge.

9 MS. PHILLIPS: At the moment?

10 MS. BROWN: At the moment, at this
11 point in time, the process is underway
12 with Southold and Peconic Land Trust.

13 MR. NYCE: Did you want to respond
14 to any of the other comments or
15 questions? I understand if you don't,
16 but I would encourage you to, if you
17 can.

18 MR. SEARL: Sure. I can respond
19 to some of them. I think actually you
20 touched on something and I don't think I
21 was quite clear about the future verses
22 the past liabilities. Certainly
23 clean-up. It would -- the company would
24 be responsible for that. I was talking

25 about future liabilities over

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something -- if it's -- we're the

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landowner, then it will be our

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responsibility.

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MS. KEMPNER: I can clear that up

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for you a little bit more. If they trip

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over metal, that's gonna be your

8

liability, but if there's a

9

contamination by chemicals or something

10

that falls under the environmental laws,

11

then that would be a liability of Mobil.

12

I have two concerns. One was -- I

13

really don't understand what's going on

14

there. I wasn't here at the time. I

15

haven't seen any documents; although I

16

asked for them, so all that metal that

17

was exposed is an issue because maybe

18 it's covered by water, maybe it's
19 covered by sand -- what else is under
20 there before we -- and how much money do
21 you have to look into that? I was
22 concerned -- I mean, the idea is great,
23 and I like preserving the waterfront
24 access, but for this particular
25 property, it needs to be done right

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2 because the well is still there.
3 There's somebody in the neighborhood who
4 has a drinking well. I don't know if
5 anyone's aware of that, so there are
6 other issues surrounding this property
7 that aren't just like preserving
8 farmland.

9 MR. SEARL: Absolutely. We're
10 going to be spending some time doing a

11 thorough review of all the environmental
12 issues, and I really think that part of
13 the purpose is to restore, make sure
14 that the property is cleaned up, really
15 restore the property, but that is gonna
16 take a cooperative effort, obviously,
17 the DEC is going to be involved, the
18 Village will be involved so DEC has
19 issued a no further action letter, and
20 they have compiled quite a vast
21 documentation. I'm not an
22 environmentalist, but we will certainly
23 have people on staff in order to review
24 that, and obviously the Town is gonna
25 want to know that and see that as well.

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The Land Trust does have some
experience. We owned a waterfront

4 property, and we obviously have done
5 some farms -- probably not to the extent
6 of this property, so this is actually
7 why it's taking a long time to come to
8 fruition because there are a lot of
9 issues, legal, environmental. I also
10 just wanted to address another point.
11 There was a question about the future
12 use and the ongoing recreational plan
13 for the property. That's something
14 we're going to be working with the
15 community on. We don't have something
16 to bring to everybody. We were
17 hoping -- once this comes to fruition,
18 once this -- if and when it's reached,
19 sit down with the community and figure
20 out, based on the restrictions that are
21 there, what the future holds. Just
22 personally, and talking with Exxon, and
23 they've had some communications with
24 some neighbors, it's likely that the
25 fence will remain there for at least a

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2 short amount of time in order to
3 restore, and eventually we will open
4 that up to the public, so again, that's
5 something we were probably gonna get
6 into at a future point and hopefully the
7 community will help us reach and develop
8 that plan. Obviously, we got some ideas
9 and obviously we can only do so much,
10 given the restrictions. I also wanted
11 to be clear -- thirdly, there was
12 question about future limited
13 development that can't happen. I just
14 wanted to be clear about that as well.
15 There can't be any kind of residential,
16 commercial, industrial material in
17 commercial recreational structures.
18 There can be a bench. There can be some
19 very passive uses, but I just wanted to

20 clarify that as well. Are there any
21 other questions directed towards me?

22 MR. NYCE: The Village does
23 control the zoning of that property, but
24 the zoning doesn't dictate use, so it
25 could be zoned waterfront commercial,

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2 industrial -- that does not mean that
3 the person has to use it as that. It
4 means that if they're going to use it,
5 those are the parameters, so the Village
6 having zoning over the property is fine
7 until or unless it's not being used at
8 all.

9 MS. KEMPNER: But if Mobil donated
10 it to the Village, we'd have full
11 control of the zoning, so that's
12 something -- if they were giving the

13 property to the Village then we would
14 have full control. It could be partial
15 recreational -- once this Conservation
16 Easement is put in place, then we have
17 limitations.

18 MR. NYCE: Sure.

19 MS. KEMPNER: So any metal would
20 be our liability, but the chemical
21 issues would still be the company's. I
22 just want to make sure -- since this is
23 a public hearing -- we're asking all the
24 questions. I think it's great what
25 you're doing. I wish you could buy

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2 houses along the waterfront because that
3 would be more access. This one is a
4 difficult one, it's fenced off. Access
5 is important. We don't have a lot of it

6 in Greenport.

7 MR. SWISKEY: Do we get a second
8 bite at the apples since everybody else
9 did?

10 MR. NYCE: No. Everybody else did
11 not.

12 MR. SWISKEY: You said --

13 MR. NYCE: Bill, I'm not gonna get
14 into this discussion with you. I set up
15 how we were gonna do this and --

16 MR. SWISKEY: And now they're
17 speaking again.

18 MR. NYCE: No. I said they were
19 gonna come back up and answer questions
20 that the Board or public brought up,
21 which they've done. If you do this
22 again, Bill, I'm gonna ask you to leave.
23 This is not a discussion between you and
24 me. That's your last warning. We're
25 going to stay with the procedure we set

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out. If you give me an opportunity to

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continue to run the meeting we will get

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to it.

5

MS. KAPPELL: Run your meeting.

6

MR. NYCE: With all due respect,

7

he's not running the meeting and neither

8

are you.

9

MS. KEMPNER: I'd like to get as

10

much information as possible. I think

11

you're doing a great thing. I'd like to

12

see more involvement from the Village.

13

MS. BROWN: I want to be clear

14

about the remediation -- a point where

15

any liability -- any future liability

16

around any contamination rests with the

17

polluter, so none of that is

18

transferred. It doesn't matter what the

19

use of the property is. Secondly, in

20

terms of getting the documents, I'm glad

21

to help you get these from DEC. They

22 have a whole depository, Phase 1,
23 Phase -- I'm sure you know once you get
24 into the remediation it really doesn't
25 mean anything because the remediation

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reports are there.

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MS. KEMPNER: They have a summary

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of what was on the property. The

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structures, what exactly was going on

6

the property.

7

MS. BROWN: Actually, there's an

8

underground storage facility,

9

offloading. I actually have a fact

10

sheet, if you want. The property was,

11

as we said, remediated, and I'm clearly,

12

truly not trying to be evasive about the

13

remediation 'cause it was done. We sent

14

you documents, which Kristen has on

15 record, which is a no further action
16 letter. I got to believe you're gonna
17 get the documents. There's no attempt
18 to be evasive about the remediation. I
19 heard somebody reference -- I believe a
20 plume. There is no plume beneath this
21 property.

22 MS. KAPPELL: I have a question.
23 My question is simple. If the
24 property -- why doesn't Mobil clean up
25 the property? Why does the Land Trust

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2 actually want to take on the property
3 and invest all this money to find out
4 where the pollution really is? Why
5 would you want to take that on? What is
6 it about this property that is -- what
7 is there, and why doesn't Mobil just

8 clean it up.

9 MS. BROWN: The property's been
10 cleaned up. I don't think there's any
11 expectation that Peconic Land Trust is
12 gonna have to go in there and do a
13 clean-up; that is not the expectation of
14 what's going to be happening. We
15 received a no further action from the
16 DEC, which means you have cleaned up the
17 property to the standards that are
18 applicable to an environmental
19 restoration, so no, there is no
20 expectation that they'll have to do any
21 further remediation. Stephen said this
22 was a pilot program. It is indeed
23 unusual -- I believe -- for Land Trust
24 to take what was formerly an industrial
25 use property and convert it back to a

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natural habitat use; that's the pilot

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aspect to this, and, in fact,

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Exxon-Mobil is working with the Land

5

Trust to try and put in what the best

6

practice is around this, so there is

7

guidelines. Unfortunately this is kind

8

of new territory for ourselves, for

9

Peconic Land Trust, and we're all

10

working together to do it correctly.

11

I'm not gonna speak for Stephen. He can

12

come up and correct me if I'm wrong, but

13

the assessment that needs to happen is

14

part of their due diligence -- again,

15

I'm gonna emphasize that there is no

16

expectation that Peconic is going to be

17

doing anything, other than developing an

18

environmental restoration to further

19

enhance what is already becoming a

20

habitat there.

21

MS. PHILLIPS: I have one question

22

since you're standing up there. Since

23

this is a pilot project and Exxon-Mobil

24 is not versed in this happening, it's a
25 totally new concept for them --

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MS. BROWN: Well, not totally, but

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--

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MS. PHILLIPS: I'm getting an

5

impression that this particular area

6

here is -- I'll be real honest with you,

7

I think they need to think about

8

presenting some type of pilot money to

9

either the school district or the

10

Village. I don't think it's fair -- you

11

know, we're hearing a lot, and I think

12

you need to take this back to Mobil

13

Corporation and say part of the Village

14

taxpayers we like it, its' great, we

15

like the idea, we want the open space,

16

but we're also a small village that's

17 now gonna lose out on this tax money.
18 Exxon-Mobil is a big company. I know
19 what I spend on fuel every trip to put
20 fuel on a boat, okay. The last fuel
21 bill was \$14,000, so I think in all
22 honesty Exxon-Mobil could be fair to the
23 Village of Greenport and think about
24 giving us some monetary amount.

25 MS. BROWN: I just want to clarify

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2 because I want to be very clear.
3 Exxon-Mobil does donate property; there
4 is nothing pilot about that. The pilot
5 aspect on this is taking the property
6 and building a restoration, so the
7 donation of land around the Country is
8 not a new concept, but I would certainly
9 take your message back.

10 MS. KEMPNER: I just want to
11 clarify one thing you said about
12 clearing up the property because the
13 process has been taking two or three
14 years because it is a little
15 complicated, but if the property had
16 been donated back already and the metal
17 is exposed, that would have been Mobil's
18 issue; that wouldn't have been the Land
19 Trust, and that's where it's important
20 to know what was on the property.
21 You're saying it's very simple, it's
22 very simple, but there's structures
23 involved and how much was removed,
24 because why was that metal exposed?
25 That could be something

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2 that --

3 MS. BROWN: There are no tanks or
4 structures on the property.

5 MS. KEMPNER: Right, that I
6 understand, but there was metal exposed
7 that was part of the structure that ran
8 into the property.

9 MS. BROWN: That was from the
10 bulkhead. You know, to be very honest,
11 I don't have an answer to your question.
12 I do know that when we found out that
13 was exposed we voluntarily went to
14 remove it. There was no requirement
15 that we should remove it, but we felt it
16 was a potential safety hazard and so we
17 removed it, but in the point of
18 question, I would have to get someone
19 back to you. I don't know the answer to
20 that.

21 MR. ANGELSON: Perry Angelson, 48
22 Front Street. You said the DEC signed
23 off on this?

24 MS. BROWN: No further action
25 letter, yes.

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2

MR. ANGELSON: Could we build a
playground if we wanted to? My point is
if it's that clean, are we eligible to
do that, or Peconic Land Trust; that's
my question.

7

8

9

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15

MS. BROWN: I -- my understanding,
and I am not the engineer or the expert,
and I would be happy to look to the
specific question, "can you build a
playground"? -- if you would like, but
the standard to which it was clean is
appropriate to an environmental
restoration, that's that best I can tell
you.

16

17

MS. KEMPNER: Restoration or
remediation?

18

MS. BROWN: A restoration. It has

19 been remediated. Restoration is what
20 the Peconic Land Trust is looking to do,
21 but an environmental restoration of it,
22 because, as you know, it was a former
23 industrial land and they are looking for
24 ways to enhance the environment.

25 MR. MOORE: I just had one

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1
2 question. Doug More, 145 Sterling
3 Street. During the conversations -- I'm
4 not sure if it was Exxon or Land Trust,
5 the reference was made that this was a
6 petroleum transfer station, and I
7 thought I heard underground storage
8 tanks, and my understanding is they were
9 aboveground, so I just wanted to clarify
10 whether they were underground
11 facilities.

12 MR. NYCE: Not to my
13 understanding. It's my understanding
14 that they were aboveground tanks.

15 MS. BROWN: I'm sorry. I
16 misspoke.

17 MR. SALADINO: John Saladino,
18 Sixth Street. I also -- about the
19 underground tanks too, I thought I heard
20 her say underground tanks. Also, as far
21 as the plume, I don't know, but the
22 people in the Village are more people
23 that worked in the utilities -- I think
24 I was qualified to know if there was a
25 plume as opposed to Mobil. As far

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2 as -- Mobil said they talked to the
3 neighbors? I live in that neighborhood.
4 The Village was approached three or four

5 years ago from Mobil, as was the Town,
6 and they didn't want the property. My
7 question now is to the Peconic Land
8 Trust or the Town, why is the Village
9 out of loop? Why wasn't the property
10 offered to us then -- four years
11 ago -- this is now. Maybe your attitude
12 has changed since then. Why would it be
13 that the town holds the Conservation
14 Easement as opposed to the Village?

15 MR. NYCE: I already explained
16 this. First of all, four years ago we
17 weren't offered the property. This was
18 a program in place and we were offered
19 this situation, okay. The Town was
20 offered the Conservation Easement
21 because they have the Preservation
22 Commission, the land preservation that
23 deals with these sorts of situations,
24 town wise -- the Village does not -- You
25 asked the same question and I already

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2

gave you an answer.

3

MR. SALADINO: But it's a no-cost

4

item to the Village.

5

MR. NYCE: We don't have the

6

personnel to do it. The Town has the

7

expertise. Having a Conservation

8

Easement does not give the Town any more

9

rights over the property. The Peconic

10

Land Trust, they would be the property

11

owner. They would be the ones

12

responsible. The Village would still

13

have to enforce any code violations, any

14

violations that happen there. The Town

15

just makes sure that Peconic Land Trust

16

is following the rules that have been

17

set up for Easement.

18

MR. SALADINO: My point is -- the

19

Town, Mobil and the Land Trust,

20

regardless of what you guys --

21 MR. NYCE: They are going to do it
22 anyhow.

23 MR. SALADINO: Why are we having
24 this public hearing then? Why are we
25 all sitting here? If they're gonna do

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1
2 it anyway, why am I here instead of
3 watching Seinfeld?

4 MR. NYCE: They are entitled, as
5 the property owner, to do what it is
6 they're proposing to do. They could do
7 it without the Town's involvement too.
8 The bottom line is we're having this
9 public hearing because this project is
10 ongoing and we want to figure out how
11 and if the Village wants to be involved,
12 and we want to illicit public comment.
13 The project is already going on. As

14 Trustee Kempner stated, it's a good
15 project. There are some problematic
16 issues. I mean, the first thing I said
17 to them -- we're losing money on this,
18 and that's an issue, okay.

19 MS. KEMPNER: And the Mayor worked
20 very hard to try to get money from
21 Mobil. I mean, you worked really hard
22 to get a pilot, sponsorship --

23 MR. NYCE: This,
24 ultimately -- this is a chance for all
25 the parties involved to listen to the

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2 concerns; that's what we're here for.

3 MR. SALADINO: My concern is we're
4 losing money and the Village has no say
5 so in this project. Thank you for
6 listening.

7 MR. SWISKEY: William Swiskey.
8 What really worries me here is that the
9 person comes here from Mobil, and we're
10 talking about pollution, and she says
11 the products spilled on the
12 ground -- there's no plume -- well, when
13 a product spills on the ground and
14 washes into the ground, it could -- the
15 water table, which in that area is about
16 eight or nine feet deep -- the water
17 table in that area moves west.
18 Basically, right now it's already under
19 my house, the corner -- in the middle of
20 Clark Street, it used to be -- oh
21 Captain Jansen's house. One day we have
22 to go down there and Exxon-Mobil paid
23 for the new water server. The plume
24 moved that far, and when you pumped the
25 water out of the well -- do you know

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1
2 what a fit test is? I would think not.
3 You pick up a piece of sand, and you
4 take a match, the match turns a certain
5 color. When the flame expands and
6 changes color, guess what? We got
7 hydrocarbon products in the ground.
8 Now, if the Village wants to stop this,
9 basically, the Village has two things.
10 The Village can hire an
11 environmentalist, put test wells around
12 the area, come up Clark Street, down
13 Fifth Street -- they don't get these
14 wells, they're about 400 bucks a well.
15 You take samples and if it's polluted,
16 this property's going no place. They
17 want to threaten us. I can play the
18 game too. There is a lot of pollution
19 moving on that property. The DEC -- do
20 you know how you fool the DEC? They
21 come in, they put their wells -- they
22 come back -- oh, the wells are clean.

23 They don't tell you at the time they
24 were putting the buds in this well.
25 That pollution can move up to one foot a

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1
2 year -- excuse me, one foot a month in
3 the water cables, so maybe it's time
4 this Board gets a little tougher with
5 Exxon-Mobil. They send someone here who
6 didn't even know there weren't buried
7 tanks, and tells me if you spill
8 something on the ground it just stays
9 there. I mean, there's something wrong
10 here and I think it's time the Village
11 Board -- maybe you should call the Town
12 and tell them we don't want this, don't
13 go through with the Peconic Land Trust
14 Easement 'cause if the Town says no,
15 Peconic Land Trust can't do it. The

16 final option is that they take the
17 property, then you take it from them
18 under eminent domain -- you can use it
19 for a park -- you pay nothing for the
20 park -- here's 5 bucks, so it's time you
21 got tough with these people.

22 MS. OSINSKI: I just wanted to
23 point out that Exxon-Mobil, Southold
24 Town and Peconic Land Trust, I think
25 people in Greenport are more concerned

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1
2 about the pollution, and this is a real
3 valid point because we are the people
4 who are going to be around, that build
5 structures, our kids will playing
6 there -- if they dig holes. You know,
7 people walk their dogs there. I don't
8 understand why -- if we're not important

9 to this process, I don't understand why
10 they're asking you to join. I'm not
11 sure why. I think it has to do with the
12 zoning. I'm not sure why they're
13 talking about this because apparently
14 it's gonna happen either way.

15 MR. NYCE: Is there anyone else
16 who wishes to address the Board on this
17 item? As we have number of public
18 hearings, do we want to close this
19 public hearing for now?

20 MS. PHILLIPS: I think as we
21 gather more information, keeping this
22 open to get an opportunity to get the
23 information out and to continue the
24 discussion. I've heard a fair amount of
25 comment this evening, not that some of

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2 it crossed my mind. I would rather keep
3 it open.

4 MR. NYCE: I will offer a motion
5 to adjourn this public hearing to the
6 regular meeting on May 29th. Is that
7 agreeable? I offer a motion to adjourn
8 the public hearing to the regular
9 meeting on May 29th, 2012. So moved.

10 MR. HUBBARD: Second.

11 MR. NYCE: All those in favor?

12 THE BOARD: Aye.

13 MR. NYCE: Any opposed or
14 abstentions? That Motion carries. Onto
15 Item # 3. This is a continuation of the
16 public hearing for the proposed Village
17 budget for the fiscal year of 2012/2013.
18 This is a continuation from the public
19 hearing. I will reopen the budget
20 hearing for the fiscal year 2012/2012.
21 Is there anyone who wishes to address
22 the Board on this?

23 MR. SWISKEY: William Swiskey, 184
24 Fifth Street. Just a couple of

25 questions. Has the budget changed at

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1

2 all since the budget was presented on
3 March 20th?

4 MR. NYCE: No, sir.

5 MR. SWISKEY: All right. So,
6 basically, there's almost no money to
7 fix streets because our streets are a
8 disaster. A couple streets in my
9 neighborhood, one of them being Brown
10 Street, from Sixth Street to the bay is
11 like -- I was on it, and I couldn't
12 believe it. I almost lost control of
13 the Mustang --

14 MS. PHILLIPS: Slow down, Bill.

15 MR. SWISKEY: Anyway, it's a
16 serious issue. No money is in there for
17 parks either; I noticed that. I mean,

18 zero dollars for parks. I don't
19 understand that at all, and then the
20 thing that really has me worried about
21 this, we got \$700,000 -- six hundred
22 something for debt services. Are we
23 gonna make that payment this year or
24 not?

25 MR. NYCE: I can't answer that

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2 question because we're going for a
3 refinancing. We assume the refinancing
4 is going to happen. We cannot determine
5 for the State if --

6 MR. SWISKEY: Well, that makes a
7 real big problem. You got \$600,000 --
8 630 something thousand dollars in there
9 to basically make a debt payment, yet
10 you're going for refinance.

11 MR. NYCE: If we don't refinance
12 it will stay in fund balance. Where
13 would it be coming from?

14 MR. SWISKEY: Except the
15 refi -- if the States goes along with
16 this refi -- because I got a copy of it,
17 and I wanna tell you, I never saw such a
18 worse piece of work in my life.
19 Basically, in the year 2020, we got no
20 money, we spent everything we got in the
21 bank, and we got five years where we
22 have no money to make debt payment to.
23 I think that needs to be thought out a
24 lot more. You got 600,000 extra this
25 year, you can basically -- you can save

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2 250,000 over the same period. I think
3 the Board needs to take a longer look at

4 this refinance because this plan is
5 like -- I won't use the word. There's
6 one more item here and this one's been
7 popular for a long time. We spend
8 approximately \$42,000 a year to give
9 benefits to trustees, who basically work
10 20 hours a month, and we got people in
11 this Town on Social Security who can't
12 pay for their medicine. I think that's
13 just an abomination. I think it's time
14 that these trustees say we're not taking
15 the money. It's \$42,000, which we could
16 use to either fix roads or whatever,
17 make bond payment, but do something with
18 it. I mean, it's like -- it makes a
19 mockery of the work "public service." I
20 would urge the Board just to take that
21 money out, and there's one more item.
22 Sine I got the payroll distribution -- I
23 know we're not putting any money in
24 there for a TCO this year, but I see
25 last we got down here Code Enforcement

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2

Traffic Control Officer 100 percent

3

payment out of an electric department

4

account; is that true or not? That's

5

basically a violation of the law.

6

MR. NYCE: It's got to be a typo.

7

We did not pay out of the electric fund.

8

MR. SWISKEY: Well, somebody who

9

is putting this together is either not

10

looking over it -- doesn't know what

11

they're doing. I ask this Board -- and

12

I'll come into the office and fill out a

13

FOIL, but I'd like the Board to tell the

14

public how you paid for this and how it

15

wound up in the electric account,

16

because that's just outrageous. It

17

would be a violation of the law. Thank

18

you.

19

MS. KAGEL: Charlene Kagel. I'm

20 not sure which version of last year's
21 document Mr. Swiskey has --

22 MR. SWISKEY: The one you gave me.

23 MS. KAGEL: I don't
24 remember -- perhaps you requested it
25 through a FOIL last year --

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2 MR. SWISKEY: Nope. This year.

3 MR. NYCE: Please don't interrupt
4 Ms. Kagel.

5 MS. KAGEL: In any case, I think
6 this Board will remember there was a
7 budget modification that was done for
8 the general fund sometime during the
9 year when we used contingency funds to
10 set aside some money for the traffic
11 control officer. If Mr. Swiskey has a
12 document that states it was 100 %

13 deducted from -- that's certainly not
14 where it was budgeted. It is a typo.
15 It is 100 percent from the general
16 funds, and the budget modification that
17 was done last summer was to pay the Town
18 of Southold for the general fund item.

19 MR. NYCE: Thank you. Is there
20 anyone else who wishes to address the
21 Board on the budget hearing? If not, I
22 will entertain a motion to close the
23 budget hearing for 2012/2013.

24 MR. MURRAY: I'll second that.

25 MR. NYCE: All those in favor?

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2 THE BOARD: Aye.

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

5 Now we can move onto the public to

6 address the Board portion -- as if we
7 haven't had enough already. At this
8 point in time the public can address the
9 Board or any item on the agenda.

10 MS. WHITMIRE: Good evening Mayor
11 Nyce, Board members, Madam Clerk. My
12 name is Beverly Whitmire (phonetic). I
13 am here to submit a written complaint
14 regarding the Village testing, Case #
15 2011-52. In summary, I cooperated with
16 the Utilities Department in a timely
17 manner and was, upon inspection, found
18 to have a violation of the "smoke test".
19 Herein, and in many more detail, I have
20 a two-page attachment with my
21 experience. There were five
22 occurrences -- detailed compliance that
23 was promised to me that are alleged to
24 have been provided or sent. They have
25 not materialized. There were two

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70

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2

occurrences where determinations

3

previously communicated to me and held

4

secret to me without my notification,

5

only to be discovered by me when I

6

contacted the Utility Department. There

7

was one occurrence when the Utility

8

Department inspectors signed a report

9

indicating his inspection on the same

10

date when he was never given access to

11

such premises. With this letter of

12

complaint and two-page attachment, I

13

await your detailed written response and

14

a closure to this matter. Absent

15

hearing from you in reference to this

16

matter, I may refer this matter to other

17

agencies. I have copies -- may I

18

approach the Board? (Handing).

19

MR. NYCE: Please. I will see

20

that we will look into this immediately.

21

MS. KAPPELL: Eileen Kapell. I'm

22 trying to understand the logic around
23 the removing of the packing signs.
24 Clearly, the parking study that we spent
25 money on months ago -- the number one

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2 suggestion in the study was to enforce
3 what you already have on the books, and
4 how are people actually gonna know
5 what's on the books when the little
6 signs aren't there that say "two hour
7 parking." Most people are generally
8 law-abiding. They will come to us and
9 say, do we really enforce these, and we
10 tell them, of course we enforce them,
11 even though we don't. I'm just
12 wondering, was this a decision -- did
13 this Board sit down and discuss this?
14 Was this a major reaction? Was this

15 something that this Board decided to do
16 to handle our parking situation in our
17 Village, which really for us -- it
18 really only lasts 90 days. I don't
19 really understand it, and I would love
20 for somebody to --

21 MR. NYCE: When everyone is done
22 addressing the Board I'll go back and
23 answer.

24 MS. KAPPELL: Could I ask the
25 Trustees? Are they allowed to speak?

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2 Mr. Murray, did you vote to have these
3 taken down?

4 MR. MURRAY: No. I did not know
5 they were taken down until a couple days
6 after.

7 MS. KAPPELL: Anybody else?

8 MS. PHILLIPS: I wasn't aware
9 until they were down.

10 MR. HUBBARD: I was out of town.

11 MS. KAPPELL: It seems to me this
12 is a vengeful act against the Business
13 District for not supporting the parking
14 meters. It seems pretty childish. I
15 personally know about your vengeful
16 acts, so I don't doubt it. I would like
17 to say that I think it was childish,
18 inappropriate, and it's not in the best
19 interest of this Village to create a
20 situation that would cause havoc. I
21 mean, the signs were helpful. Yes, we
22 don't have a TCO -- what was it really
23 about? You don't want to answer my
24 question?

25 MR. NYCE: I said I will address

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2

it once everyone else addresses the

3

Board.

4

MS. KAPPELL: Okay. Thank you very

5

much. Thank you all for your honesty.

6

MR. SWISKEY: William Swiskey,

7

184 Fifth Street. Now, this ties back

8

to, basically, when I foiled for all

9

the attachments of this year's budget.

10

This was supplied to me, and your

11

payroll records and this, that and the

12

other thing, and, you know, I might not

13

think something silly or I can accept

14

the typo, except for Resolution

15

4-2012-9. All right, it's for the KVS

16

Real Tax Property Software, and this is

17

how we're paying for the tax software,

18

12.5 % from water, 12.5 % from basically

19

sewage, 12.5 % from rec and 6.25 % from

20

general funds. I can see the general

21

fund and I can see the water and sewer

22

because sometimes those bills go to tax,

23

but when I see 50 %, Mrs. Kagel, coming

24 from an electric department expense
25 account, I have questions, because

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1
2 that's not legal. Have you cleared that
3 with the Power Authority, that 50 %
4 expenditure? Maybe someone should start
5 looking at these a little closer.
6 You're basically gonna tell people to
7 pay electric rates outside the Village,
8 that you have to subsidize the Village's
9 tax program -- I don't think so. I'd
10 say you have problem in the Treasurer's
11 office, but that's just my opinion.
12 You'll address that, Mr. Mayor, on the
13 comment period, I hope -- the same with
14 the signs -- the Trustees didn't vote to
15 take them down. Let's go to 4-2012-14,
16 mass public assembly -- Non Such.

10 or not, and if you're gonna use my park,
11 which is -- I actually have the right to
12 walk 24 hours a day, and these people
13 are gonna tie up this large portion with
14 a -- not a small tent, by there own
15 words, a big tent, it's on the bottom,
16 that's their own -- a big tent. How
17 much are they giving us for the use of
18 this park? We told San Simeon to go
19 scratch. We told the Greek
20 church -- they're a fairly nice
21 organization, but we told them to go
22 scratch, and I was in for the Farmers'
23 Market being there, but that's what this
24 is too. They got fundraisers. You can
25 buy their jackets -- I was amazed, a hat

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2

they want 18 bucks for. I can get ya a

3 hat for nothing if you need one. You
4 know what I mean? I would urge the
5 Board to vote that resolution down.
6 Tell them no, you can't have our park
7 for that long. I'm a little worried
8 here that this Board -- somebody agreed
9 to a contract with these people and told
10 them they could have the park before the
11 Trustees even knew about it. If that
12 happens, then there's something really
13 wrong. I would urge you to say no, you
14 can't have the park, Non Such. Thank
15 you.

16 MR. SALADINO: John Saladino,
17 Sixth Street. I was at the work session
18 and I'm reading Resolution 9. Trustee
19 Murray had asked -- what I thought was a
20 great question, with -- 7,300 -- \$7,334
21 to buy the program and then the
22 maintenance fee for each year. Did
23 anybody find out how many man hours it
24 would actually save -- spend
25 7,000 -- cause it might be a good

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1
2 program, but if it's not saving any man
3 hours it's not saving any money.
4 Resolution 11, you're gonna have a
5 public hearing about the Osprey
6 building; wouldn't that have to go to
7 the ZBA being that it's -- I have a
8 question on Resolution 14. I don't
9 agree with Billy that it's his park, but
10 I do think that we should get something
11 for people using it. I read the
12 rendezvous brochure. I understand they
13 have to advertise, and in my mind it is
14 a done deal. You are giving away the
15 park for six days. They're not gonna
16 put this tent up, take it down, put it
17 up and take it down. There should be
18 some kind of venue fee for the use of

19 the park. It's more than a couple of
20 people; it is a big tent. You did deny
21 other people from using it. I
22 understand they're marina customers. I
23 didn't know you automatically were
24 granted use of the park. Also, at the
25 work session, you had mentioned

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2 Resolution # 17, \$6,500 with JC
3 Productions to provide bands and sound
4 and stages, and now in the resolution
5 it's 7,350 [sic], so it went up. The
6 original fee was 6,500. Resolution 21,
7 Tall Ships. Could you explain what the
8 Village would be allowed to sell?
9 That's all I have. Thank you.

10 MS. KEMPNER: Buttons.

11 MR. ANGELSON: Perry Angelson.

12 About the parking signs, I was kind of
13 amazed that they were taken down because
14 they do kind of work on their own, and
15 then nobody here knew anything about
16 them; that's even more amazing. I just
17 don't understand that. There's five
18 people up there. There's also the
19 resolution about the budget as proposed,
20 and maybe I'm wrong, but Mary Bess, I
21 think you sent an e-mail out today about
22 the agenda. There was something about a
23 2 % increase,

24 MS. PHILLIPS: No. All I sent
25 out -- I'm assuming that some of your

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2 information may have said 2%.

3

4

MR. ANGELSON: I thought I
saw -- never mind. Thank you.

5 MS. OSINSKI: Isabel Osinski.
6 There was a resolution for a public
7 hearing for a proposed ferry service
8 between the Village of Greenport and the
9 Village of Sag Harbor. Mr. Mayor and
10 the Board of Trustees, we are writing
11 this letter to the Village prior to the
12 public meeting about the proposed ferry
13 to voice our opinion about the docking
14 locations for the ferry. We're located
15 in the harbor three doors down on the
16 river dock. Prior to the meeting -- we
17 have an oyster farm, 500 feet. Prior to
18 the meeting, we needed to know where the
19 proposed documents for the ferry are and
20 proposed routes for the ferry and
21 proposed documents of what the Village
22 is going to charge the ferry. This
23 information is critical now to the
24 public so that the hearing can give
25 precise details. If the Village is

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1
2 leaning toward one location over another
3 we need to know that information before
4 the meeting. Our concerns is that the
5 ferry -- on the south side of the dock,
6 it will allow a route west of the
7 Shelter Island/Greenport Ferry, which
8 means it will go between our buoys and
9 the ferry. This west route runs the new
10 ferry over oysters. The potential for
11 pollution is a real and serious concern.
12 Imagine, all these boats bottle necking
13 through the fog. Already, we are
14 fearful with the Shelter Island Ferry
15 bearing down on us. Also, we need to
16 know, prior to the meeting, what kind of
17 light and trash receptacles will be
18 added to the dock, if that is indeed the
19 choice. This pier offers a much safer
20 dock for the ferry. All of our concerns

21 will be remediated by docking the ferry
22 at the east pier of the marina. We hope
23 that the Mayor and Board understand the
24 water pollution and oyster pollution of
25 the new ferry, and as a mother, I would

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81

1
2 like to note that my kids are on the
3 boat, and I don't think anybody would
4 want their children by two ferries
5 that -- it's extremely dangerous, and
6 you add another ferry, it's extremely
7 dangerous. There's really no room.
8 Thank you very much. Oh, I would also
9 like to note that pollution on the
10 waterfront -- there's a lot of trash and
11 I'm constantly picking it up. There's a
12 lot of litter, garbage from the Village.

13 MR. CLARKE: Peter Clarke, Main

14 Street. I want to address the Board on
15 the subject of the parking signs. I was
16 very disappointed in the process that
17 eventually led to lack of support for
18 the meters, as well as lack of support
19 for enforcement, and felt the need to
20 acknowledge that the majority of the
21 constituents in the Business Improvement
22 District did express support for
23 enforcement and the timing, and I was
24 disappointed to see that the signs were
25 removed, and, as a result, I was very

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82

1
2 disappointed that we got to the point
3 that we did, and in the process of
4 working on a meter and parking solution
5 that went according to the study, and
6 you know, hurt the public, that there

7 was a turn of the tide in support for
8 it, but I was surprised that they were
9 removed after hearing loud support for
10 enforcement, though I knew, and the
11 public knows there is budgetary
12 constraint over hiring and paying for
13 additional services. Thank you very
14 much.

15 MR. TROWBRIDGE: Good evening,
16 Mayor Nyce, Trustees, Village Officials,
17 ladies and gentlemen in the audience.
18 I'm Dr. Trowbridge. I used to be the
19 Village's recording secretary. Trustee
20 Kempner and Mr. Prokop, both of you are
21 attorneys. As such, I would like to
22 believe you consider it your duty to
23 uphold all the laws regardless of
24 whether you like them or not. Mayor
25 Nyce, at the March 26th Board of

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727-1107

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Trustees meeting you sated "FOIL Law.

3

The Village is adopting FOIL policies in

4

accordance with the State regulations on

5

the very same laws. The village has and

6

will continue to apply those policies in

7

the appropriate way, as they have done

8

in the past." The facts I present to

9

you tonight, along with the Supreme

10

Court's ruling, directly refute your

11

statement. Legally the term capricious

12

implies an element of bad faith, and it

13

may be used synonymously with

14

dictatorial, heretical or despotic. As

15

a result of an Article 78 proceeding,

16

the State Supreme Court ruled last year

17

that Clerk Pirillo and Village Attorney

18

Prokop's responses to a Village

19

employees's FOIL request were illegal

20

because that acted arbitrarily and

21

capriciously. I had hoped this behavior

22

was an admiration, that I'd not ever see

23 it again, but the evidence I present
24 tonight shows Clerk Pirillo continues
25 acting arbitrarily and capriciously, and

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84

1
2 she does so with the Village Attorney's
3 knowledge and support. The evidence
4 shows Clerk Pirillo has has misused her
5 authority. Clerk Pirillo handled nine
6 memos between July 29th and December
7 13th, 2011 to one of the two women she
8 supervised. Both of these women are
9 paid on an hourly basis. Eight of those
10 memos address issues that are subjective
11 and are not easily quantified and are
12 difficult to objectively analyze;
13 however, the subject matter of the ninth
14 memo can be quantified and analyzed;
15 that is the December 13th memo, and it

16 says "Please be advised that per the
17 payroll department, payment for hours
18 worked is currently "Rule of 7," meaning
19 a lateness of seven minutes -- up
20 to -- is permissible, while a lateness
21 of eight minutes will be charged as 15
22 to the employee. This is the standard
23 practice for calculation of hours worked
24 on our timecards. Your timecard for
25 December 5th shows that you punched in

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85

1
2 at 8:38 a.m., which would mean that the
3 payroll department considers that to be
4 8:45 and discount your time worked by 15
5 minutes. At this time I would assume
6 that you were not aware of this
7 procedure and will credit your timecard
8 accordingly. In the future, the

9 procedure as described above will be
10 adhered to for your timecard, as it is
11 for the timecards for all hourly
12 employees. Although I was surprised to
13 learn that the Village had a payroll
14 department, I was even more surprised
15 that this payroll department had policy
16 regarding lateness and tardiness without
17 this Board's approval, and without being
18 ratified by the union workers and the
19 union they belong to. The first
20 question that came to my mind when I
21 read the memo was, does the Village have
22 a personnel policy manual? Using the
23 Freedom of Information Law, I asked
24 Village Clerk Pirillo for a copy of the
25 current Village of Greenport's personnel

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86

1

2 policy manual. The document she gave me
3 she identified as the Village's
4 personnel policy manual. It does not
5 mention the Rule of. 7, indeed there is
6 no mention of tardiness or being late
7 for work in the document she gave me.
8 Additionally, neither the Village's
9 union workers, nor the Civil Service
10 Employee Association has ratified that
11 document. What's so funny?

12 MR. NYCE: There was no laugh.

13 MR. TROWBRIDGE: The Village of
14 Greenport currently has no legal
15 personnel policy manual. The document
16 Village Clerk Pirillo passed onto me, as
17 being the personnel policy manual, has
18 not been ratified, and Village Clerk
19 Pirillo has incorrectly responded to my
20 FOIL request. The document she gave me
21 should have had a note on it stating it
22 was yet to be ratified by Village
23 members and the union they belong to and
24 is therefore on the Village's proposed

25 personnel policy manual at this time.

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1
2 According to Albert Einstein, whoever is
3 careless of the truth in small matters
4 cannot be trusted with important
5 matters. Clerk Pirillo has been very
6 careless with the truth in this small
7 matter. Quite simply, the village does
8 not have a personnel policy or a
9 personnel policy manual, and that is
10 what Clerk Pirillo should have written
11 me in response to my FOIL request, so to
12 conclude, the Village has no rule
13 concerning tardiness or lateness, and
14 the Village has no Rule of 7; therefore,
15 Clerk Pirillo's handwritten December
16 13th, 2011 memo is another example of
17 Clerk Pirillo arbitrarily and

18 capriciously fabricating a policy that
19 she used in her attempts to continue
20 harassing the employees she gave this
21 memo to. To continue, Clerk Pirillo
22 states in her December 13th memo, "the
23 procedure described above will be
24 adhered to for your timecards as it is
25 for the timecards for all hourly

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1
2 employees, so I asked, had any of the
3 other Village hourly employees been
4 subjected to this Rule of 7? Again,
5 using the Freedom of Information Law, I
6 asked that Clerk Pirillo provide me with
7 copies of the front and back of each
8 timecard for all of the Village's hourly
9 employees for each time period from June
10 of 2011 to December 20th, 2011. Her

11 response to this FOIL request was
12 particularly arbitrary, untimely and
13 capricious. Her final response to my
14 request was on April 10th, 2012. It
15 took nearly four months for Clerk
16 Pirillo to provide me with most, but not
17 all, of the requested documents. There
18 are 29 weekly time periods between June
19 7th and December 20th, 2011. The
20 Village employs 27 hourly employees, so
21 Clerk Pirillo should have given me
22 copies of the front and back of 29
23 timecards for each of the 27 hourly
24 employees; however, Clerk Pirillo gave
25 me timecards for only 26 employees. She

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89

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2

3

gave me copies of only 14 timecards for
another employee, so her response was

4 short 15 timecards. Clerk Pirillo gave
5 me copies of an additional 22 timecards
6 for yet another employee. These
7 timecards cover time periods going back
8 to January 4th, 2011, weekly time
9 periods I have not requested. She gave
10 me two copies of the 26 timecards for
11 another employee. I calculated her
12 responses to my request in this table.
13 You can see the red boxes. They
14 indicate no timecard was given to me for
15 that time period for each employee.
16 There are yellow boxes on that too that
17 showed I was given two copies of that
18 timecard. Do you need more evidence to
19 show you how ridiculous this response
20 is? But I digress. My reason for
21 obtaining these timecards was to
22 determine if other Village hourly
23 employees were being held for the Rule
24 of 7. What Clerk Pirillo stated in her
25 December 13th memo was the standard

April 23, 2012

90

1
2 practice following our process on our
3 timecards. First I must compliment
4 three people: Pete Manmurry (phonetic),
5 Jim Fogarty and Ray Dunbar. You are to
6 be commended for your supervisory
7 skills. You and the men you supervise
8 obviously have an extremely high work
9 ethic. These employees, with maybe one
10 or two exceptions, always punch in and
11 out on time, Pete, Jim and Ray, you and
12 the men you work with -- it is obvious
13 you represent the very finest. Well
14 done. Keep up the good fine work and
15 continue setting, what is truly an
16 example of how civil servants serve
17 taxpayers. I take my hat off to them.
18 Unfortunately, six of the nine hourly
19 workers in Village Hall represent the

20 opposite side of the coin, with the
21 exception of the two hourly workers who
22 work in the front office and who deal
23 with the public every day, the timecards
24 of six of the remaining workers
25 demonstrate a very lackadaisical

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91

1
2 constraint on tardiness and punctuality.
3 Indeed, two workers, more often than
4 not, arrive at 9:00 rather than 8:30
5 a.m., and the remaining hourly workers
6 come and go as they please with no
7 regard for their assigned work hours.
8 One has to question, have they been
9 assigned work hours? They seem to
10 believe they can replace the time they
11 are late with not taking time for a
12 lunch break; that's illegal. They

13 obviously have no set work hours. Not
14 one of these six hourly workers has a
15 notation written on any of their 29
16 timecards by either their supervisors or
17 by the payroll department about their
18 tardiness, about the Rule of 7 being
19 applied to them or about being docked
20 for being late to work. Their timecards
21 demonstrate they have very poor
22 supervisors and the payroll department
23 referred to in Clerk Pirillo's December
24 15th memo is not doing its job or is
25 being arbitrary and capricious too;

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1
2 maybe that's the problem, so I've given
3 you another example of the Village of
4 Greenport's Clerk acting capriciously in
5 her treatment of one Village employee,

6 and as a result of what she started
7 you've now been shown there are two
8 classes of employees and how some of the
9 Village employees are treated
10 arbitrarily, capriciously and unfairly
11 too. A famous very intelligent man said
12 --

13 MR. MURRAY: Excuse me, Dr.
14 Trowbridge, do you think we can stop
15 this crap? This is getting ridiculous.

16 DR. TROWBRIDGE: No, you're the
17 ridiculous one.

18 MR. MURRAY: You come here every
19 week and --

20 DR. TROWBRIDGE: You bet I am.

21 A very famous intelligent man said
22 insanity is doing the same thing over
23 and over again and expecting different
24 results. Mayor Nyce and Clerk Pirillo,
25 thank you for retaliating against me and

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93

1

2 against this December 13th memo. Thank
3 you for your time.

4

5 MS. KAPPELL: When you answer my
6 question, will I get to speak to you
7 again? I'd just like to say you
8 shouldn't be doing that.

8

9 MR. NYCE: You've made your point
10 abundantly clear. Is there anyone else
11 who wishes to address the Board?

11

12 MS. KAGEL: Resolution # 9 was
13 brought to my attention today when I
14 came to the office. Jack stopped into
15 my office this afternoon and asked me
16 how the allocation was determined or how
17 the KVS software was to be paid for.
18 When I was in Florida last week, my
19 deputy had asked me how he would
20 allocate the payment consistent with
21 how Haris (phonetic) Software was
 purchased, and believe it or not, that

22 is how the software was purchased, so
23 therefore, we were going to propose an
24 amendment to the resolution, in taking
25 out the 50 % to the electric fund and

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94

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have that allocated to the general fund.

3

MR. NYCE: I will make that

4

change. We have a long list here.

5

Sub-agreements for the merchandising

6

agreement for items outside of

7

the -- that is the property of Tall

8

Ships America. The sub-agreement allows

9

for Village people to produce and sell

10

posters of the event and buttons; those

11

are the only things identified by the

12

business district. The rest of the

13

merchandising will be done by Tall Ships

14

America. The Village will receive 15 %

15 of the proceeds.

16 MR. MURRAY: But I think to answer
17 Mr. Saladino's question, you are
18 allowed -- merchants are allowed to sell
19 T-shirts, but without the Tall Ships
20 logo. They could have another type of a
21 logo.

22 MR. NYCE: It cannot say Greenport
23 Tall Ships 2012. It can't say any of
24 that. It's not just an event here; it's
25 an event up the entire East Coast. You

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1
2 cannot use the words "Tall Ships." I
3 will get information out -- I will ask
4 the Village Administrator to get
5 information out about the proposed ferry
6 service and have that available at
7 Village Hall. That would include the

8 projected route, landing spot, et
9 cetera, et cetera. JC Productions is
10 Resolution # 17. That price is
11 increased -- better than ten bands, two
12 stages and a sound system was \$6,500.
13 We added a second stage and that raised
14 the cost with the additional PA system.
15 That now totals 7,350. The rendezvous
16 by Non Such group, there has been a
17 policy that this Village has held as
18 long I can remember, the groups that
19 come here, the ships that come here,
20 greater than -- I believe it's ten or
21 more -- I believe it's 12 -- and rent
22 out slips at full price in the marinas,
23 they are offered to set up at tent at
24 their expense to cater at their expense
25 an event in the park. Part of the

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selling point to that marina has been the case as long as I can remember.

MR. MURRAY: That group has been renting out slips at \$15,000, so to give them a tent is not bad.

MR. NYCE: Resolution # 10 is the proposed budget, and there will be a proposed amendment that I am going to present based on the presentation by the Village treasurer at the work session regarding the refinance and the setting up of a reserve for debt. To Mr. Trowbridge's dissertation, if you please submit a copy, I'll have Labor Council give a response to it. I would like to point out that Mr. Trowbridge is related to one of the Village employees and has taken personal interest. He is also not a resident of the Village of Greenport. He is a resident of East Marion. The last item -- as to the parking signs -- First of all, there was no

24 money paid to do the parking study; it
25 was free. We went through the entire

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97

1
2 process and we have no money in our
3 budget for the enforcement of the
4 parking regulations. The parking signs
5 were not put up by resolution of the
6 Board. They were put up last year for
7 the TCO. We don't have a TCO this year,
8 so I asked that they'd be taken down.
9 We have a major event coming up on
10 Memorial Day. We are making sure that
11 all of our signage is correct. We are
12 also cleaning sidewalks, planting flower
13 beads, doing a whole long list of
14 things. We are not using the signs. I
15 instructed a whole long list of what
16 needed to be done to get ready for

17 Memorial Day; taking done the parking
18 signs was one of those items. They will
19 be put aside until such time, as we will
20 enforce the parking regulations. I am
21 hopeful we will be able to work with the
22 BID in the next budget year to try and
23 get parking enforcement paid for by
24 Southold Town. In the meantime,
25 Southold Town told me they will not

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1
2 enforce our parking regulations because
3 they do not have the manpower to do so.
4 Having the signs up, at this point, does
5 not make a difference. The signs are
6 prone to graffiti. The signs are prone
7 to vandalism, and yes, as such, I asked
8 they be taken back down. They can be
9 put back up at the time when we are

10 ready to use them again.

11 MS. KAPPELL: Excuse me, you're
12 using the word "we" --

13 MR. NYCE: You are out of order.

14 MS. KAPPELL: I don't care. You
15 are out of order. What are you gonna
16 ask me to do? Not speak in public?

17 MR. NYCE: Ms. Kapell, I would ask
18 that you either come to order or leave.

19 MS. KAPPELL: You're using the word
20 "we" and you did not inform your Board.
21 You do a lot of things without your
22 Board's input.

23 MR. NYCE: Ms. Kapell, you are out
24 of order.

25 MS. KAPPELL: All I'm saying to you

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is that you are one man on this Board

3 and the Trustees should be able to vote
4 on things that happen.

5 MR. NYCE: Let me explain to you
6 how this works. The trustees are
7 legislators. The law for the signage,
8 the Board votes for. The signs are not
9 being used on a day-to-day basis --

10 MS. KAPPELL: They are -- you are
11 not a king.

12 MR. NYCE: Ready to move on to the
13 regular agenda.

14 I need to make a correction on
15 Resolution 9, that line item A.1325
16 should read 56.25, not 6.25% -- I'm
17 sorry 1325 should read 56.25,
18 understanding we may need to do a budget
19 amendment later on. I believe that's the
20 only typo. When we get to Resolution
21 10, I do have an amendment. With that
22 change, I will offer a motion to adopt
23 the April 2010 agenda as printed.

24 MS. KEMPNER: Second.

25 MR. NYCE: All those in favor?

April 23, 2012

100

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2

THE BOARD: Aye.

3

MR. NYCE: Any opposed or

4

abstentions. Motion carries.

5

MS. KEMPNER: Resolution #

6

4-2012-2. Resolution accepting the

7

monthly reports of the Greenport Fire

8

Department, Village Clerk, Village

9

Treasurer, Village Administrator,

10

Director of Utilities, Village Attorney,

11

Mayor and the Board of Trustees. So

12

moved.

13

MR. HUBBARD: Second.

14

MR. NYCE: All those in favor?

15

THE BOARD: Aye.

16

MR. NYCE: Any opposed or

17

abstentions? Motion carries.

18

MR. HUBBARD: Resolution #

19 4-2012-3. Resolution approving the
20 application for membership of James
21 Tuthill to Phenix Hook and Ladder
22 Company of the Greenport Fire
23 Department, as approved by the Greenport
24 Fire Department Board of Wardens on
25 March 21, 2012. So moved.

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2

MR. MURRAY: 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

4-2012-4. Resolution approving the

9

application for membership of Joseph

10

Marshall to the Phenix Hook and Ladder

11

Company of Greenport Fire Department, as

12 approved by the Greenport Fire
13 Department Board of Wardens on March 21,
14 2012. So moved.

15 MS. PHILLIPS: Second.

16 MR. NYCE: All those in favor?

17 THE BOARD: Aye.

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

20 MS. PHILLIPS: Resolution#
21 4-2012-5. Resolution accepting the
22 Report of Elections of the Greenport
23 Fire Department, establishing the Chiefs
24 and Company Officers. So moved.

25 MS. KEMPNER: Second.

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1

2 MS. PHILLIPS: Could we get a
3 listing at some point?

4 MR. NYCE: The listing was with

5 the work session last week.

6 All those in favor?

7 THE BOARD: Aye.

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

10 MS. KEMPNER: Resolution #
11 4-2012-6. Resolution authorizing Mayor
12 Nyce to sign the Certificate of
13 Investment Powers form as presented by
14 RBC Wealth Management in regards to the
15 Village of Greenport Length of Service
16 Award Program. 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. HUBBARD: Resolution #
23 4-2012-7. Resolution accepting the
24 report of the Greenport Fire Department
25 Fire Department for year-end points for

April 23, 2012

103

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2

the calendar year 2011, for the Village

3

of Greenport Fire Department Leso 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

4-2012-8. Resolution authorizing

11

Treasurer Kagel to perform the attached

12

budget modifications. So moved.

13

MS. PHILLIPS: Second.

14

MR. NYCE: All those in favor?

15

THE BOARD: Aye.

16

MR. NYCE: Any opposed or

17

abstentions? Motion carries.

18

MS. PHILLIPS: Resolution #

19

4-2012-9. Resolution authorizing the

20

purchases of KVS Real Property Tax

21 Software, at a purchase price of
22 \$5,537.52 to be financed over three
23 years, and an annual maintenance fee of
24 \$ 1,797.00, to be expensed as follows:
25 12.5 % from line item number

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1
2 F.8310.407 (Billing and accounting).
3 12.5 % from line item number
4 G.8110.417 (Supplies and Materials).
5 12.5 % from line item number
6 R.7020.403 (Billing and Accounting).
7 56.25 % from line item number
8 A.1325.400 (Treasurer Contractural
9 Expense).
10 6.25 % from line item number
11 A.1410.400 (Clerk Contractural Expense).
12 50% from line item number
13 E.0781.500 (Office Supplies and

14 Expense). So moved.
15 MR. HUBBARD: Second.
16 MR. NYCE: All those in favor?
17 MR. HUBBARD: Aye.
18 MS. KEMPNER: Aye.
19 MR. MURRAY: Aye.
20 MS. PHILLIPS: Aye.
21 MR. NYCE: I'm opposed. No.
22 Motion carries.
23 MS. KEMPNER: Resolution #
24 4-2012-10. Resolution adopting the
25 2012/2013 budget as proposed. So moved.

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1
2 MS. PHILLIPS: Second.
3 MR. NYCE: Before I call a vote, I
4 would like to offer a motion to amend.
5 There is, attached to the back of your
6 agenda, work prepared by Treasurer

7 Kagel. It's a resolution amending the
8 tentative budget to include an
9 allocation to reserve for Mitchell Park
10 debt. It says, whereas the Village Board
11 intends to implement a plan for
12 repayment of Mitchell Park debt that
13 will ensure for cost-effective repayment
14 of the current outstanding debt with
15 minimal impact to the Village taxpayers.
16 The Village Board directs the Treasurer
17 to amend the 2013 tentative budget with
18 the following funding. To establish
19 Mitchell Park debt with the following:
20 Transfer of 5-31-2012 Clark Beach sale
21 reserve proceeds \$634,000. Transfer of
22 unreserved general fund balance of
23 900,000, transfer of 5-31-2012 annual
24 general fund, non-fire department.
25 2012/2013 budget procreation \$32,000

FLYNN STENOGRAPHY & TRANSCRIPTION SERVICE (631)

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funded by the increase in real property

3

tax as allowed by the New York State Tax

4

Cap Law, and be it further resolved if

5

funds reserve and the Village authorizes

6

Treasurer to yield maximum return on

7

investments. That's the proposed

8

amendment. In order to discuss there

9

needs to be a second on the motion.

10

MS. KEMPNER: Second.

11

MR. NYCE: By way of discussion,

12

what's going on with this transfer from

13

the fund balance is transfer from the

14

fund balance that already exists. We

15

have a fund balance policy which

16

requires that we keep up to 20 % of

17

budget in reserve -- -

18

DR. TROWBRIDGE: That document is

19

not attached to our handout.

20

MR. NYCE: That document does not

21

need to be -- you're out of order. This

22

is an amendment. It can be brought by

23 any member of the Board during the
24 meeting.

25 DR. TROWBIRDGE: You're supposed

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1

2 to have --

3 MR. NYCE: Sir, you're out of
4 order.

5 The 900,000 constitutes monies
6 above and beyond 30 % of our fund
7 balance that we're supposed to keep at
8 any given time. 634,000 is for the
9 Clark Beach sale. The operating fund
10 balance, non-fire department will be
11 determined at yearend. 2012/2013
12 proposed procreation is that number
13 constitutes the amount allowed by New
14 York State Law, as researched by the
15 Treasurer. As you're well aware with

16 the tax cap law, there are certain
17 allowances above and beyond 2% that we
18 are allowed to include; this is her
19 research. I'm putting this out there in
20 conjunction with the Treasurer. She
21 said in the work session for payment of
22 debt ongoing out to 2024 that if -- as
23 we refinance, assuming that that goes
24 through -- and we're hoping it does --
25 with that, and small incremental

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2 increases -- along the way, we will be
3 able to handle that better, more
4 effectively. This is the proposal as it
5 is now. Obviously the amount of a
6 procreation can be anywhere from 0 up to
7 this 33,000. The absolute amount
8 procreated --

9 MS. KEMPNER: I'm a little
10 confused.

11 MR. NYCE: This spreadsheet had
12 the amount we are allowed to procreate
13 by law under the New York State Tax Cap
14 --.

15 MS. PHILLIPS: In doing the
16 formula.

17 MR. NYCE: In doing the formula
18 through the comptroller's office. What
19 Treasurer Kagel has done is taken what
20 our procreation could be and the backing
21 out of that 33,000, which would
22 constitute a 3.41 increase in the tax,
23 part of which is above the 2 % because
24 there are certain allowances, costs that
25 are above 2 %. Do you want to --

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2 MS. KAGEL: Page 2 -- the third
3 and fourth pages -- this was the online
4 tax that we're required to submit. If
5 the Board decide not to pierce the tax
6 cap after the public hearing we have to
7 submit -- prior to the adoption of the
8 budget. 2% tax cap legislation isn't
9 just 2 %. There are certain allowances
10 allowed. The demonstration is to show
11 how New York State calculates our
12 allowed increase in the tax. Last
13 year's tax cap -- base growth factor,
14 which New York State -- per the Village
15 of Greenport is 1.0055; that's actually
16 applied to it. In addition to that,
17 there's a calculation, and the increase
18 in the Village's retirement contribution
19 in excess of 2 % of the payroll, and
20 that's actually -- the amount that we're
21 allowed to exclude from the tax cap is
22 \$9,257, so that amount plus that applied
23 factor and last year's tax levy gives
24 you the allowable increase for the

25

Village to be in compliance with the tax

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cap legislation, and as you get down to

3

the third page you will see that the

4

allowable tax levy for the Village of

5

Greenport for 2012/2013 is \$975,943, so

6

if you apply that to our last

7

year's -- because of those two

8

exclusions, because of the tax base work

9

factor and the amount that we're allowed

10

to exclude on the retirement

11

contribution we're allowed just over

12

\$33,000 to be in compliance with the

13

law, which reflected 3.5 % levy

14

increase, so even though it's higher

15

than 2 % it's still within the allowable

16

amount.

17

MR. NYCE: This is being presented

18 with the understanding that Treasurer
19 Kagel and I want to present the maximum
20 amount we could ask for on this levy,
21 that is not to say that's what it needs
22 to be, but for purposes of the
23 discussion and this amendment that was
24 what we put in. The other thing to keep
25 in mind is that the adopted budget does

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not have to be done until May 1st.

3

MR. PROKOP: I think it's April

4

30th.

5

MR. NYCE: The other portions of

6

this levying of taxes outside all the

7

rest of it is just movement of the

8

monies within the fund balance into a

9

reserve, which we have a reserve account

10

already, so that's basically a watch, so

11 ultimately we can discuss whether or not
12 we want to do a tax levy. Again, every
13 year I've said we have to put aside for
14 refinancing in the spring. We still
15 need to put money aside to pay down this
16 debt. Like I said, it's up for
17 discussion as to whether we want to put
18 money away for debt this year. This
19 year or not, as I said, put it in as a
20 maximum allowed, a starting point.

21 MR. MURRAY: I have a question,
22 Dave. A couple months we voted down to
23 be able to pierce the tax cap. How does
24 what we voted down do to this?

25 MR. NYCE: Again, this is what

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we're allowed without having a law on

3

the books.

4 MR. MURRAY: But as a Board, we
5 voted down to raise the taxes 2 %.

6 MR. NYCE: We voted down the 2 %
7 tax cap. The 2 % tax cap does not
8 guarantee the taxes will stay at 2 %.
9 Overall, depending on the assessments,
10 upon the costs, et cetera, et
11 cetera -- in our case it could be up to
12 3.5; that's still within the tax cap
13 legislation within the 2 %.

14 MR. MURRAY: I understand, but as
15 a Board, we voted no.

16 MR. NYCE: Absolutely, but we
17 voted down legislation to allow us to
18 pierce the 2 % tax cap. We didn't vote
19 down not raising the taxes -- the 2 %
20 within the tax cap, but, again, all I'm
21 doing is pointing out -- we could assess
22 2 %, and that would be less than the
23 33,000, again, which is fine. I believe
24 it's about 25.

25 MS. KAGEL: It's about 18.

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1

2

MR. NYCE: Again, that being said,

3

I didn't write New York State 2 % Tax

4

Cap Law. I think we need to put some

5

aside each year for debt, and I don't

6

think we should do it just out of our

7

operating budget. We've been running

8

very lean all the way through. We're

9

going to have to put aside money to pay

10

down debt. If we kick the can down the

11

road it's gonna be a big number and

12

we're not gonna have the ability to

13

borrow as we go for stuff we're gonna

14

need to do, but, again, I have had this

15

conversation with several different

16

boards, and it goes different ways.

17

This is just the proposal.

18

MR. HUBBARD: I think a lot of

19

this -- I looked at the numbers first.

20 2 % to me was 2 %. What's allowed is
21 allowed by the State. Bottom line was 2
22 %, \$18,800. We voted not to pierce the
23 tax cap, I mentioned to put a little bit
24 away but not above the 3.1. I know the
25 State allows different things. If

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2 anything, I do agree with you that we
3 should put money away for debt. Some
4 years we have, some we haven't. I think
5 if that went to 15,000, it's a point and
6 3/4, it's something, it's still
7 below -- 2 % is 2 %.

8 MS. PHILLIPS: They've heard 2 %,
9 and I agree, we do need to put money
10 away. That was part of reason for going
11 back and trying to figure out refunding
12 and refinancing for Mitchell Park debt,

13 but this 3.41 -- I know it's the
14 Patroller's Office who is dealing with
15 the current legislation, but I think as
16 far as us for the public, they want it
17 under 2 %. I don't think anyone's gonna
18 argue, but I think this 3.41 is not
19 gonna be very explainable.

20 MR. NYCE: This is part of the
21 education of it too. The State's 2 %
22 tax cap law does not just mean the taxes
23 only go up 2 %. George proposed we make
24 it 15. Does anyone have an offer
25 different from that or is that

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2 acceptable?

3 MS. PHILLIPS: What was the amount
4 last year when we did the budget?

5 MR. MURRAY: I like the flat

6 amount.

7 MS. KAGEL: 18 will be the 2 %,

8 MR. NYCE: Do you wanna do 18?

9 That would be less than 2 %. Is 18
10 agreeable? That being said -- if we are
11 in favor of the amendment, we can vote
12 yes on the amendment and then on the
13 amended resolution itself, so if we
14 agreed to the amendment -- we could call
15 a vote on amending the resolution and
16 then I can read the amendment as it's
17 written and we can vote on it. All
18 those in favor of amending Resolution #
19 10?

20 MR. HUBBARD: Aye.

21 MR. NYCE: Aye.

22 MR. MURRAY: Aye.

23 MS. PHILLIPS: Aye.

24 MS. KEMPNER: No.

25 MR. NYCE: That resolution passes.

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I will read the resolution as amended. Resolutions amending the tentative budget to include an allocation to reserve for debt for Mitchell Park, whereas the Village Board intends to implement a plan for the repayment of Mitchell Park debt with minimal impact to Village taxpayers. The Village Board directs the Treasurer to amend the 2012/2013 tentative budget to provide for the funding with the established Mitchell Park debt. Transfer of 5-31-2012 Clark Street, \$634,000, transfer of unreserved general fund balance, \$900,000, transfer of 2012 non-fire department surplus, amount to be determined at year's end, 2012/2013, budgeted a procreation of \$18,000 funded by an increase in real property taxes as allowed by the New York State Tax Cap

22 Law, and be it further resolved that
23 funds in reserve are to be invested in
24 Village depository as discussed with the
25 Treasurer to give maximum return on

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investments. So moved.

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MS. PHILLIPS: Second.

4

MR. NYCE: All those in favor?

5

MR. HUBBARD: Aye.

6

MR. NYCE: Aye.

7

MR. MURRAY: Aye.

8

MS. PHILLIPS: Aye.

9

MS. KEMPNER: No.

10

MR. NYCE: Motion carries.

11

MR. HUBBARD: Resolution #

12

4-2012-11. Resolution scheduling a

13

public hearing on May 23, 2012 at 6 p.m.

14

at the Third Street Firehouse, directing

15 Village Clerk Pirillo to notice same,
16 regarding the Wetlands Permit
17 Application as submitted by Osprey Zone,
18 Inc to construct a one-story building
19 measuring approximately 305 square feet
20 within the northwestern section of the
21 property, and to install a previous
22 parking area of approximately 880 square
23 feet. So moved.

24 MS. KEMPNER: Second.

25 MR. NYCE: All those in favor?

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THE BOARD: Aye.

3

MR. NYCE: Any opposed or

4

abstentions? Motion carries.

5

MR. MURRAY: Resolution #

6

4-2012-12. Resolution referring to the

7

Conservation Advisory Council the

8 Wetlands Permit Application as submitted
9 by Osprey Zone, Inc and instructing the
10 Conservation Advisory Council to provide
11 their review to the Board of Trustees no
12 later than May 16, 2012. So moved.

13 MR. HUBBARD: Second.

14 MR. NYCE: All those in favor?

15 THE BOARD: Aye.

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

18 MS. PHILLIPS: Resolution #
19 4-2012-13. Resolution approving the
20 Public Assembly Permit Application as
21 submitted by Jessica Henderson for the
22 use of the Sixth Street Beach on August
23 18, 2012 from 8 a.m. to 6 p.m. for the
24 Swann Family Reunion. So moved..

25 MS. KEMPNER: Second.

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MR. NYCE: All those in favor?

3

THE BOARD: Aye.

4

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

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MS. KEMPNER: Resolution #
4-2012-14. Resolution approving the
Public Assembly Permit Application as
submitted by Jack Lombard for the daily
use of a portion of Mitchell Park (with
the exact location to be approved by
Village Administrator Abatelli) from
July 15, 2012 through July 21, 2012 for
the 2012 Non Such Rendezvous. So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or
abstentions. Motion carries.

MR. HUBBARD: Resolution #
4-2012-15. Resolution directing Village
Clerk Pirillo to notice a special
meeting of the Board of Trustees for May

24 10, 2012 at 6 p.m., to be held at the
25 Old Schoolhouse on Front and First

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2 Streets, to accept public comment
3 regarding the proposed ferry service
4 between the Village of Greenport and the
5 Village of Sag Harbor and to discuss the
6 propose service. So moved.

7 MR. MURRAY: Second.

8 MR. NYCE: By way of discussion,
9 we will make sure the information is out
10 by the end of this week.

11 All those in favor?

12 THE BOARD: Aye.

13 MR. NYCE: Any opposed or
14 abstentions? Motion carries.

15 MR. MURRAY: Resolution #
16 4-2012-16. Resolution awarding the

17 contract for the removal and pruning of
18 Village trees to Bartlett Tree, in the
19 amount of \$3,230.00 per the bid opening
20 as held on April 13, 2012 and
21 authorizing the Village of Greenport to
22 enter a contract with Bartlett Tree
23 based on that bid. So moved.

24 MS. PHILLIPS: Second.

25 MR. NYCE: All those in favor?

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2 THE BOARD: Aye.

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

5 MS. PHILLIPS: Resolution #
6 4-2012-17. Resolution approving the
7 contract with JC Productions for
8 technical services and the rental of
9 sound and electrical equipment from May

10 26, 2012 through May 28, 2012 at a total
11 cost of \$2,350.00, to be expensed from
12 line item number TA.718.400 (Tall Ships)
13 and authorizing the Village of Greenport
14 to enter the contract with JC
15 Productions. So moved.

16 MR. MURRAY: Second.

17 MR. NYCE: All those in favor?

18 MR. HUBBARD: Aye.

19 MR. NYCE: Aye.

20 MR. MURRAY: Aye.

21 MS. PHILLIPS: Aye.

22 MR. NYCE: Any opposed or
23 abstentions?

24 MS. KEMPNER: No.

25 MR. NYCE: Motion carries.

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MS. KEMPNER: Resolution #

3 4-2012-18. Resolution directing Clerk
4 Pirillo to notice a request for
5 Proposals for telecommunications
6 (specifically telephone) services and
7 equipment. So 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 4-2012-19. Resolution authorizing the
15 Village of Greenport to send a letter to
16 the New York State Liquor Authority
17 lifting the restrictions of the open
18 container law in Section 35-3B and
19 Section 35-3C of the Greenport Village
20 Code, from 10 a.m. through 6 p.m. on May
21 26, 2012; May 27, 2012 and May 28, 2012.
22 So moved.

23 MR. MURRAY: Second.

24 MR. NYCE: All those in favor?

25 THE BOARD: Aye.

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

3

4

MR. MURRAY: Resolution #
4-2012-20. Resolution setting the Tall
Ships Festival event perimeters, and
further authorizing the closing of Front
Street and Main Street from 10 a.m.
through 6 p.m. on May 26, 2012; May 27,
2012 and May 28, 2012. So moved.

5

6

7

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11

MS. PHILLIPS: Second. But I have
a question. Well, I remember seeing
some letter today that came from the BID
that they wanted to close side streets;
is that part of this production?

12

13

14

15

16

MR. NYCE: No, it's not; although,
what I would like to do is I'd like to
have a brief discussion. They are

17

18

19 asking that Bay Avenue and Central
20 Avenue remain closed overnight with a
21 lane for emergency vehicles to pass.
22 This is to allow a hospitality tent.
23 This had been discussed and came up
24 again today. I need to discuss it with
25 the Chief of Police and fire department

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2 to make sure there is access to that
3 street. As it stands, those are in the
4 perimeters. I was gonna go over what
5 the festival perimeters are, starting at
6 Third Street and Front and goes down as
7 far as Carpenter and from lower Main out
8 to Central. Adams Street will remain
9 open.

10 MS. PHILLIPS: Is this something
11 that's going to be -- the maritime

12 festival --

13 MR. NYCE: The idea with this is
14 that throughout this festival there is
15 the idea of putting up hospitality tents
16 so people can get out of the sun, and
17 we're placing them, in general, where
18 the band stages are and in other areas,
19 Bay and Central. Again, that can be a
20 discussion after -- during the event
21 itself those roads will be closed. It's
22 just a question of extending it to 6
23 p.m.

24 MS. KEMPNER: Are we gonna have
25 another meeting?

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MS. PHILLIPS: Are we not having
the ferry meeting on the 10th? I think
that would be a better time to do it.

5 MR. NYCE: We need to do this part
6 of it now. This resolution is read.
7 All those in favor?

8 THE BOARD: Aye.

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

11 MS. PHILLIPS: Resolution #
12 4-2012-21. Resolution authorizing Mayor
13 Nyce to sign the Memorandum of
14 Understanding between the Village of
15 Greenport and the Long Island Railroad
16 regarding ticket sales for the upcoming
17 Tall Ships event, pending further review
18 by Village Attorney Prokop. So moved.

19 MR. MURRAY: Second.

20 MR. NYCE: By way of discussion,
21 we have not received it yet. I
22 anticipate we would get it very soon.
23 This has to do with the packaging and
24 ticketing. All those in favor?

25 THE BOARD: Aye.

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MR. NYCE: Any opposed or

3

abstentions? Motion carries.

4

MS. KEMPNER: Resolution #

5

4-2012-22. Resolution authorizing

6

payment of \$5,000.00 total for musical

7

bands, as participants in the Tall Ships

8

Challenge event, to be expensed from

9

line item number TA.718.400 (Tall

10

Ships). So moved.

11

MR. HUBBARD: Second.

12

MR. NYCE: By way of discussion,

13

there are ten bands over the course of

14

the three days, so it's a pretty good

15

deal.

16

MS. PHILLIPS: It's \$5,000 and we

17

have a gentleman who's volunteering to

18

put --

19

MR. NYCE: The reason I am not

20

saying is because all of these bands

21 make a lot more than this. I don't want
22 people to know what we got them for.

23 MS. PHILLIPS: The 5,000 we're
24 spending, we're getting far more than
25 5,000 --

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2 MR. NYCE: Absolutely.
3 All those in favor?
4 MR. HUBBARD: Aye.
5 MR. NYCE: Aye.
6 MR. MURRAY: Aye.
7 MS. PHILLIPS: Aye.
8 MS. KEMPNER: No.
9 MR. NYCE: Motion carries.
10 MR. HUBBARD: Resolution #
11 4-2012-23. Resolution allowing Village
12 Administrator Abatelli and Director of
13 Utilities Naylor to attend the New York

14 State Department of Environmental
15 Conservation-endorsed Erosion and
16 Sediment Control Training Course at
17 Cornell Cooperative Extension
18 Headquarters at 423 Griffing Avenue,
19 Riverhead, New York on May 31, 2012 from
20 9:30 - 1:30 p.m. at a cost of \$100.00
21 per person, to be expensed from line
22 item number A.5110.450 (miscellaneous
23 Expense). So moved.

24 MR. MURRAY: Second.

25 MR. NYCE: All those in favor?

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THE BOARD: Aye.

3

MR. NYCE: Any opposed or

4

abstentions? Motion carries.

5

MR. MURRAY: Resolution #

6

2-2012-24. Resolution authorizing Adam

7 Hubbard to attend training classes in
8 Morrisville, New York from May 14, 2012
9 through May 25, 2012 for the purpose of
10 obtaining a Grade 2 Operator's License,
11 with all costs - not to exceed \$3,000 -
12 to be expensed from line item number
13 G.8110.407 (Employee Training). So
14 moved.

15 MS. PHILLIPS: Second.

16 MR. NYCE: All those in favor?

17 THE BOARD: Aye.

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

20 MS. PHILLIPS: Resolution #
21 2-2012-25. Resolution authorizing the
22 attendance of Director of Utilities
23 Naylor at the New York Association of
24 Public Power May Conference and Business
25 Meeting, from May 22, 2012 through May

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24, 2012 in Saratoga Springs, New York,

3

at a total cost of \$914.00, consisting

4

of: \$225.00 registration fee, \$363.00

5

for hotel costs, \$106.00 in ferry costs

6

and an estimated \$220.00 in mileage,

7

tolls and related costs, to be expensed

8

from line item number E.0781.100

9

(Executive Department). So moved.

10

MR. MURRAY: Second.

11

MR. NYCE: All those in favor?

12

THE BOARD: Aye.

13

MR. NYCE: Any opposed or

14

abstentions? Motion carries.

15

MS. KEMPNER: Resolution #

16

4-2012-26. Resolution authorizing the

17

attendance of Mayor David Nyce at the

18

NYAPP May Conference and Business

19

Meeting on May 22, 2012 and May 23, 2012

20

in Saratoga Springs, New York at a total

21

cost of \$627.50 consisting of: \$50.00

22

registration fee, \$181.50 hotel cost,

23 \$106.00 in ferry costs and an estimated
24 \$290.00 in mileage, tolls, and related
25 costs, to be expensed from line item

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number A.1210.400 (Mayor Contractural).

3

So moved.

4

MR. HUBBARD: Second.

5

MR. NYCE: All those in favor?

6

THE BOARD: Aye.

7

MR. NYCE: Any opposed or

8

abstentions? Motion carries.

9

MR. HUBBARD: Resolution #

10

4-2012-27. Resolution authorizing the

11

issuance of a check made payable to

12

David Abatelli, in the amount of

13

\$1,112.50, to be used to set up the

14

required cash drawer/banks for the

15

operation of the Village of Greenport

16 Mitchell Park Marina. So moved.

17 MS. PHILLIPS: Second.

18 MR. NYCE: All those in favor?

19 THE BOARD: Aye.

20 MR. NYCE: Any opposed or

21 abstentions? Motion carries.

22 MR. MURRAY: Resolution #

23 4-2012-28. Resolution authorizing

24 Village Administrator Abatelli to obtain

25 engineering bid specification for the

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2 paving of the northern portion of First

3 Street. So moved.

4 MS. PHILLIPS: Second.

5 MR. NYCE: All those in favor?

6 THE BOARD: Aye.

7 MR. NYCE: Any opposed or

8 abstentions? Motion carries.

9 MS. PHILLIPS: Resolution
10 #4-2012-29. Resolution approving the
11 purchase of material, at a cost not to
12 exceed \$3,500.00, for either a
13 three-board fence or post and rail
14 fence, for the Third Street Park, to be
15 expensed from line item number A.711.400
16 (Parks), with the labor to be provided
17 gratis as the result of an Eagle Scout
18 project. So moved.

19 MR. HUBBARD: Second.

20 MR. NYCE: All those in favor?

21 THE BOARD: Aye.

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

24 MS. KEMPNER: Resolution #
25 4-2012-30. Resolution authorizing the

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2 painting of the fence at Greenhill
3 Cemetery by the Boy Scouts, at no cost
4 for labor to the Village of Greenport.
5 So moved.

6 MR. HUBBARD: 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 4-2012-31. Resolution authorizing the
13 paving by Corazzini Asphalt of the ball
14 field entrance apron on Moore's Lane in
15 the amount of \$3,500.00 to be expensed
16 from line item number A.711.400 (Parks)
17 and authorizing the Village of Greenport
18 to enter an agreement with Corazzini
19 Asphalt for the work. 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

MR. MURRAY: Resolution #

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FLYNN STENOGRAPHY & TRANSCRIPTION SERVICE (631)

April 23, 2012

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1

2

4-2012-32. Resolution directing Clerk

3

Pirillo to advertise for a contractor,

4

on an as-needed basis, for the

5

maintenance of the Village of Greenport

6

Carousel. So moved.

7

MS. PHILLIPS: Second.

8

MR. NYCE: All those in favor?

9

THE BOARD: Aye.

10

MR. NYCE: Any opposed or

11

abstentions? Motion carries.

12

MS. PHILLIPS: Resolution #

13

4-2012-33. Resolution authorizing Mayor

14

Nyce to sign the sub-agreement with Tall

15

Ships America, revising the

16

merchandising stipulations between the

17

Village of Greenport and Tall Ships

18 America. So moved.
19 MR. HUBBARD: Second.
20 MR. NYCE: All those in favor?
21 THE BOARD: Aye.
22 MR. NYCE: Any opposed or
23 abstentions? Motion carries.
24 MS. KEMPNER: Resolution #
25 4-2012-34. Resolution approving all

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1
2 checks per the voucher Summary Report
3 dated 4/17/2012, in the total amount of
4 \$1,944,192.21 consisting of:
5 All regular checks in the amount
6 of \$387,324.49.
7 All prepaid checks in the amount
8 of \$794,125.17 and all wire transfers in
9 the amount of \$762,742.55. So moved.
10 MS. PHILLIPS: Second.

11 MR. NYCE: All those in favor?

12 THE BOARD: Aye.

13 MR. NYCE: Any opposed or
14 abstentions? Motion carries.

15 MS. PHILLIPS: Before you close
16 the meeting, I have to say something.
17 I've sat through -- as far as the
18 parking signs, I listened to the public
19 hearing. What I heard out of the public
20 hearing was the fact that they were not
21 happy with the plan that we presented
22 with parking meters. I really didn't
23 hear anything about nonenforcement. The
24 signs, even though they were up, there
25 were honest people who would have just

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1

2 parked there for two hours and moved.

3 In my mind -- and I'm sorry I disagree

4 with you. They should be up. I don't
5 understand why they came down. I heard
6 about it because -- at this point, I
7 have to say that I am really upset that
8 they came down because it doesn't help
9 anything. At least the signs being up
10 would have given guidance to some
11 people. It was a tough decision on my
12 part because I fully believe -- I
13 listened to people say it was the meters
14 they weren't happy about. They weren't
15 unhappy about enforcement for parking,
16 so I have to say it, and if you want to
17 entertain a motion to adjourn the
18 meeting, that's fine by me.

19 MR. NYCE: The signs should have
20 been up for the last ten years then.

21 I offer a motion to adjourn to
22 executive session.

23 MR. MURRAY: Second.

24 MR. NYCE: All those in favor?

25 THE BOARD: Aye.

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2

(Whereupon, the meeting adjourned

3

at 9:04 p.m.)

4

5

6

I, JENNIFER L. GERKEN, a Notary

7

Public for and within the State of New

8

York, do hereby certify that the above

9

is a correct transcription of my

10

stenographic notes.

11

12

13

JENNIFER L. GERKEN

14

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