

VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

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BOARD OF TRUSTEES

REGULAR SESSION

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Third Street Firehouse  
Greenport, New York

September 23, 2013  
6:00 P.M.

B E F O R E:

DAVID NYCE - MAYOR

GEORGE HUBBARD, JR. - DEPUTY MAYOR

MARY BESS PHILLIPS - TRUSTEE

DAVID MURRAY - TRUSTEE

JULIA ROBINS - TRUSTEE

JOSEPH PROKOP - VILLAGE ATTORNEY

JEANMARIE ODDON - VILLAGE DEPUTY CLERK

DAVID ABATELLI - VILLAGE ADMINISTRATOR



ORIGINAL

1 (Whereupon, the meeting was called to order  
2 at 6:00 p.m.)

3 MAYOR NYCE: That whistle indicates that it's  
4 six o'clock. I will call this meeting of the Board  
5 of Trustees to order, and ask that you to please  
6 rise and join me for the Pledge of Allegiance.

7 (Whereupon, all stood for the Pledge of  
8 Allegiance.)

9 MAYOR NYCE: I'll ask you to please remain  
10 standing for a moment of silence for Lawrence  
11 Francis Damiani, Mark Nicholas Nelson, Terence  
12 Lawrence.

13 (Whereupon, all remained standing for a  
14 moment of silence.)

15 MAYOR NYCE: Thank you. You may be seated.  
16 This is the September Regular Meeting of the Board  
17 of Trustees of the Village of Greenport. We have a  
18 few announcements.

19 One public hearing, one rehearing of a public  
20 hearing, and then the public to address the Board  
21 and we'll get into our regular agenda.

22 Under the announcements, the next brush  
23 pickup will be on the 1st of October. That's just  
24 a reminder. Please do not put out brush more than  
25 two days prior to brush pickup.

1           Also, the hurricane season we are in the  
2 midst of, please have a plan for your personal  
3 safety and that of your family members. Please  
4 note that the Suffolk County Joint Emergency  
5 Evacuation Program number is through FRES at (631)  
6 852-4900, or (631) 853-8333. That is for the  
7 Office for People with Disabilities, if you know  
8 anybody or are related to anyone that has a  
9 disability, in the event of an emergency. Our  
10 shelters are not set up with life support systems,  
11 etcetera, etcetera. They should be evacuated to  
12 the County facility, if there is an emergency.

13           Village Hall will be closed October 14th in  
14 celebration of Columbus Day.

15           That's the extent of our announcements,  
16 although I do want to pass on my thanks to our  
17 staff and crew, and congratulations to the Museum  
18 Board and their staff and volunteers, and, of  
19 course, to all the merchants and volunteers for a  
20 very successful Maritime Festival once again. They  
21 lucked out again with weather, but it seemed to be  
22 very well attended. And I think their model on how  
23 they're shifting the festival around is meeting  
24 with great success, and I want to congratulate them  
25 for another successful venture.

1           And I'll ask you all to bear with me. I've  
2    been under the weather the last couple of days, so  
3    I may seem a little spacey. I'm mostly here.

4           That brings us to the public hearing portion.  
5    We have re-noticed the public hearing for the  
6    residential rental permit proposed Local Law under  
7    recommendation of the Village Attorney. This is  
8    being done ostensibly to assure that we do not  
9    exceed the time limit to take action on a Local Law  
10   after a public hearing is announced.

11           As I said at our last meet, the Board  
12   discussed this at the last regular meeting. There  
13   is an agenda item. We don't ordinarily vote on  
14   things that have just come out of public hearing,  
15   but because this public hearing is done as a  
16   technicality, I've put the resolution on for this  
17   agenda item. Assuming that the public hearing  
18   closes, the Board has the option to take up this  
19   item this evening on this evening's agenda.

20           With that being said, I will state that the  
21   re-notice of this public hearing was done properly  
22   by the Village Clerk's Office. Anyone wishing to  
23   speak to this item can do so at this time and their  
24   comments will be taken down for the record.

25           We'll ask if there's anyone that wishes to

1 speak on this item.

2 MS. HELLER: I do.

3 MAYOR NYCE: When you get to the podium,  
4 please state your name and address for the record.  
5 Thank you.

6 MS. HELLER: My name is Ann Heller, 543 Third  
7 Street.

8 And I think it's commendable that the Board  
9 is trying to regulate rental properties, but I am  
10 disturbed that it's only for long-term rentals. I  
11 think all rental properties should be under --  
12 subjected to the same rental regulations, because  
13 seasonal and summer rentals would probably have  
14 even more potential for abuse for safety violations  
15 and quality of life violations. And I would hope  
16 that maybe you would reconsider that part of the  
17 law. Thank you.

18 MAYOR NYCE: Thank you. Is there anyone else  
19 that wishes to address the Board? There's no rush,  
20 Tonya, no rush. No rush.

21 (Laughter)

22 MS. PALMORE: I've got a lot to say, so I got  
23 to get up here.

24 (Laughter)

25 MS. PALMORE: My name is Tonya Palmore. For

1 the record, I'm Executive Director for the North  
2 Fork Housing Alliance. I reside at 1705 Village  
3 Lane in Mattituck, New York.

4 Good afternoon, Mayor Nyce, fellow Trustees.  
5 I have a couple of things. As you know, I've been  
6 before you before about the proposed regulation.  
7 And I also contacted Long Island Housing Services,  
8 and they prepared a letter today, which she  
9 e-mailed like close to five, so I took the liberty  
10 of bringing a copy for everybody, just in case you  
11 didn't check your email. Can I pass --

12 MAYOR NYCE: Please. Thank you.

13 MS. PALMORE: There should be copies for  
14 everybody.

15 MAYOR NYCE: Excellent.

16 MS. PALMORE: We expressed our concerns to  
17 Michelle, and we asked her to look into it as far  
18 as the Fair Housing component, and she has given  
19 her opinion, which is detailed in this letter. I  
20 feel that, as Executive Director, it's not my place  
21 to read her letter, so I won't put words in her  
22 mouth. So I didn't know if you wanted somebody  
23 from the Board to read the letter after I --

24 MAYOR NYCE: As soon as you're done, we'll  
25 have the Deputy Clerk read it in for the record.

1 MS. PALMORE: Okay. I'm just going to  
2 distribute it, then.

3 Also, too, the North Fork Housing Alliance,  
4 Mr. Ed Reale prepared correspondence in July. He  
5 also prepared a letter September 17th. I believe  
6 every person here should have received a copy of  
7 that. So I don't want to state what he says, but I  
8 still have a passion for housing. This is what I  
9 do, so I want to give my concerns about the  
10 regulation.

11 Basically, the North Fork Housing Alliance,  
12 we don't have a problem with doing inspection of  
13 properties. That's not my issue, I don't have a  
14 problem as far as that. We've renovated our  
15 houses. We have Section 8 tenants, we have Section  
16 8 programs, so we understand the protocol as far as  
17 doing inspections. We have no problem with that.  
18 It's just the other areas of the proposed rental  
19 regulation that we have a problem with as far as  
20 for the tenants.

21 We're concerned about the warrantless search  
22 of property. If some Village official thinks that  
23 there maybe a problem, a violation, just to be able  
24 to have that authority to go in, that's not right,  
25 that's a violation of someone's rights. And I

1 believe Michelle will talk to you about that as far  
2 as her letter as well.

3 I've consulted with our attorneys and they  
4 said that such a provision violates individual due  
5 process rights and it's unconstitutional. But,  
6 more importantly, it's equivalent to treating those  
7 who rent year-round like prisoners, because of the  
8 fact that can't be homeowners, because of the fact  
9 that they're renters, that they have to be  
10 subjected to these guidelines. I don't think  
11 that's fair, I just don't think it's fair.

12 We respect our tenants and we believe they're  
13 entitled to their privacy. We feel they shouldn't  
14 be treated differently. I mean, not everybody can  
15 be a homeowner. Yes, it is the American dream,  
16 but, in reality, not everybody can. Everybody is  
17 working, everybody is trying survive, whatever,  
18 so -- and we feel, too, also, that the North Fork  
19 Housing Alliance is the largest taxpayer in the  
20 Village of Greenport, and we know what it takes, we  
21 know what costs are involved in administering  
22 things. And as far as this proposed regulation  
23 that you're proposing, there's over 400 rentals in  
24 the Village of Greenport.

25 And the regulation, I see nothing about how



1 you plan to pay for this. How do you plan to have  
2 someone to do this? I mean, as far as the Building  
3 Department, we have a good rapport with them, but  
4 they already have a heavy workload. And we feel  
5 that the code already has provisions, so if it is a  
6 violation, or if you have a problem with some  
7 individual homeowner, or if he has rentals, he or  
8 she, and there's a problem, that's what the code is  
9 for. Cite them, enforce it, have them to follow  
10 up. There's always a means to remedy something.  
11 But I think by just coming out with this  
12 legislation, it's a bad idea all around.

13 I mean, I understand the whole inspection  
14 thing, as far as you want to have safety in  
15 affordable housing for people of the community, and  
16 that's part of our mission. Yes, I agree with that  
17 component of it. But the warrantless searches, you  
18 know, having the liberty to determine if probable  
19 cause, if you think there's more than one satellite  
20 dish on a house, whatever that means, that there's  
21 extra people live there, or things of that nature,  
22 whatever.

23 So I just want to -- I represent the North  
24 Fork Housing Alliance. I just come out and voice  
25 my opinion and hope the Board can reconsider taking

1 action on this this evening. And that's all I have  
2 to say.

3 MAYOR NYCE: Thank you very much.

4 MS. PALMORE: Thank you for your time.

5 MAYOR NYCE: Absolutely. I will have the  
6 Deputy Clerk read this in after everyone's had a  
7 chance to speak.

8 MS. PALMORE: Yes, I felt that was more  
9 appropriate than me reading it.

10 MAYOR NYCE: Absolutely.

11 MS. PALMORE: Thank you.

12 MAYOR NYCE: Is there anyone else who wishes  
13 to address the Board on this item? In the back,  
14 and then Mr. Swiskey.

15 MR. LATNEY: Ladies and Gentlemen, Barry  
16 Latney. I live at 807 Linnet Street, Greenport,  
17 lifelong resident.

18 The last time I was here, you discussed  
19 changing some of the wording. And I think, what I  
20 read, the only changes that were made was the jail  
21 time. I think the fines go from up to \$5,000. I  
22 think, if you don't pay a fine of \$5,000 within a  
23 certain amount of time, you're going to jail,  
24 right?

25 Another complaint is this committee that is

1 going to enforce these regulations. Why do we have  
2 a Code Enforcement Officer if you have to select  
3 another committee to do it? Is this going to be a  
4 diverse committee, or is this going to be a  
5 committee of your friends who are there to enforce  
6 your rules?

7 I think, you know, you guys need to sit back  
8 and rethink this. A lot of people -- a lot of  
9 lives are at stake here. And for you to sit there  
10 and be judge and jury about who's family in this  
11 Village, it's just not right, and I think you guys  
12 need think it over again. Thank you.

13 MAYOR NYCE: Mr. Swiskey.

14 MR. SWISKEY: I agree with Mr. Latney, that,  
15 basically, the law as written, it contains a lot of  
16 things that really get on the edge of what's  
17 constitutional and what is not, but my point being  
18 is you don't even need this law if you would  
19 enforce the code like you've got.

20 I made complaints to Village Hall, all right.  
21 They don't want to investigate it, or they -- you  
22 get a cursory investigation, or somebody says,  
23 "That person is related to my boss, I'm not  
24 investigating." We don't need this. What we need  
25 is enforcement of the existing code. There's

1 enough in these codes to check the problem, and I  
2 assume the problem is somebody feels is there's --  
3 somebody is keeping 10 immigrant workers in some --  
4 in a house that's made for, say, four people; am I  
5 right or wrong about that? I mean, somebody has to  
6 speak up. Why do we need this code? We have a --  
7 I mean, why do we need this law? We have a code.  
8 The code is enforceable. It's been used before to  
9 basically put an end to that. And who's going to  
10 enforce this? Who's going to say that any -- it  
11 says here any Village official. Basically, "I  
12 think Swiskey's keeping immigrants at his house.  
13 He's got a cable dish on the roof and he's got a  
14 Cablevision line coming in. Gees, maybe he's got  
15 somebody living upstairs." I mean, it's like this  
16 is -- I don't know.

17 I still believe in the red, white and blue,  
18 and you got more problems in this Village than just  
19 this rental problem. I just don't see it. Maybe  
20 somebody does it in their own neighborhoods. Maybe  
21 -- you know, I don't see where the problem is. If  
22 somebody could tell me that house over there, or  
23 that house over there is a problem, or that one's a  
24 problem, but I speak to people and they just don't  
25 see it. What do you see that we don't see? What

1 specific part of this town? Maybe one of you could  
2 answer me. Is it this section? Is it my section?  
3 Is it the section by the hospital? Which section  
4 of town has the problem? I mean, tell us. Tell us  
5 so we can go out and look. I mean, that's not an  
6 answer. I just -- I'm asking for a simple answer.

7 You're proposing this code. Which part of  
8 the town has a problem? I didn't figure you were  
9 going to answer it, but what can I tell you?

10 I'm just like, if I -- and here's the  
11 question, then. If I walk in after this is passed  
12 and I say, "Oh, a person over there, I can see  
13 there's a lot of bicycles in the yard, I see a lot  
14 of people coming and going," can I be guaranteed  
15 that Mr. Abatelli is going to tell me, "Oh, no,  
16 that's not" -- that's a friend of some politician  
17 and there won't be an inspection? Or there'll be  
18 this -- like this cursory inspection?

19 I remember complaining about a sign a public  
20 official had one time. She forced the Village to  
21 do a survey between the curb and the sidewalk,  
22 which is -- everybody knows is Village property. I  
23 mean, this is getting to be silly.

24 And I think you should reconsider this law.  
25 Thank you.

1           MAYOR NYCE: Is there anyone else who wishes  
2 to address the Board on this?

3           MR. SALADINO: John Saladino, Sixth Street.  
4 Originally, I just had a question about a  
5 definition. In the law, exempted properties are  
6 seasonal rentals, seasonal rental, and it's the use  
7 of a one-family dwelling. It includes the summer  
8 and any part of the summer.

9           This Village has more than a couple of winter  
10 rentals from Columbus Day to Memorial Day. This is  
11 pretty specific. It says any term that includes  
12 the summer or any part of the summer. So from  
13 October to May would include any part of the  
14 summer. So are those winter rentals excluded from  
15 the law, or they're included in the law? It's  
16 something that you might address.

17           That was before -- before a few people spoke,  
18 that was the only question I had, but I --  
19 listening, I, too, have a question about -- my  
20 question is for the Village Board. We know that  
21 sometimes the Building Department might be, because  
22 of their workload and the amount of work that they  
23 have, that they can't address every problem in the  
24 Village. I would ask you guys before -- you're  
25 going to vote this up or down tonight and I think

1 the people deserve an answer. What's your level of  
2 commitment to enforce this law? There's a lot of  
3 laws in the Village, there's a lot of stuff that  
4 goes on in the Village that -- basically, what I'm  
5 asking you is, do we need another law that's not  
6 going to be enforced?

7 I don't -- I'm not sure how I feel about this  
8 rental law. I don't have a dog in the fight, and I  
9 kind of sympathize with the people that might  
10 suffer from it. But if you guys are going to vote  
11 on it, and we're experienced with the Building  
12 Department's sometimes less than enthusiastic  
13 application of the Village Code, I think you guys  
14 deserve -- we deserve an answer from you what your  
15 commitment to this law is. How far are you going  
16 to go with this law? Are you going to ignore it?  
17 Are you going to back it, assuming you vote it in?  
18 So I think we might deserve that from you guys  
19 before you vote. Thank you.

20 MAYOR NYCE: Anyone else that wishes to  
21 address the Board on this item?

22 MS. GORDON: Hi. My name is Linda Gordon,  
23 I'm on Fifth street.

24 I think I agree with the gentleman before me  
25 who talked about enforcing what we already have.

1 The only thing that I can really talk to is, or  
2 about, is my personal experience, and I have next  
3 door a two-family rental. Downstairs has been  
4 great. Recently, the upstairs has been rented and  
5 has probably about a minimum of seven men, a woman  
6 and a child. It's overloaded, and there's just too  
7 many people living up there.

8 I did speak to the landlord, and I also wrote  
9 him a letter, and I -- which I hand-delivered. And  
10 I think that the responsible party is the landlord,  
11 ultimately, that they have to be -- they have to  
12 follow the rules, because living next door, I can  
13 tell you that what I've experienced is with too  
14 many people in there. They use the yard for the  
15 bathroom. They leave things all over the place.  
16 It's just changed. It's changed the look of the  
17 neighborhood.

18 Downstairs, the people who have been there,  
19 they were there before I bought my house, they're  
20 wonderful people. And the other thing -- also, the  
21 other thing that I've experience is the fact that  
22 they -- people upstairs have -- take care of other  
23 people's children, so you have the traffic from  
24 that. Also, in the summertime, that property next  
25 door has a beautiful yard, so several caregivers



1 for other children bring them there, so all day  
2 long it was like a schoolyard.

3           There's just -- you know, I think that the  
4 landlords have got to comply, I mean, you know, the  
5 people that live there. And it has to be strong  
6 punishment, or else it's not -- or the threat of  
7 punishment, or else it's not going to have any  
8 effect. I mean, the people who have -- live in  
9 these spaces next door, they're going to do  
10 whatever they can get away with, and, you know,  
11 more power to them, I guess. But I think that, you  
12 know, the responsibility really lies with the  
13 Village enforcing laws and making the landlords  
14 responsible for it.

15           If it's a one-bedroom apartment, then there's  
16 -- they know there's only supposed to be five  
17 people there. And then there's also another part  
18 of it is the revolving families. And he also --  
19 the landlord has said to me that that's not  
20 supposed to happen. Well, we all know that, but it  
21 does, so -- but, like I said, the family downstairs  
22 are wonderful, they comply. And I'd like to see  
23 the Board Members make the landlords responsible.  
24 I mean, the -- you know, when you live next door to  
25 it, it's -- you know, you see it every day. And

1 the person who owns the building doesn't live in  
2 the Village.

3 So, I mean, I have pictures and things that I  
4 would like to leave with the Board so you can see  
5 what -- and, you know, it's like money is not put  
6 into these buildings, in this particular building.  
7 I'm not talking about everybody's building.

8 So thank you for your time.

9 MAYOR NYCE: Thank you. Thank you very much.

10 Is there anyone else that wishes to address  
11 the Board on this item?

12 (No Response.)

13 MAYOR NYCE: If not, prior to entertaining a  
14 motion to close, I will ask the Deputy Clerk to  
15 read the letter from Michelle Santantonio.

16 MS. ODDON: Letter received from the Long  
17 Island Housing Services, Incorporated, at 640  
18 Johnson Avenue, Suite 8, Bohemia, New York, dated  
19 September 23rd, 2013, by email; addressed to the  
20 Board of Trustees and Clerk Sylvia Lazzari Pirillo,  
21 the Village of Greenport, located at 236 Third  
22 Street, Greenport, New York, 11944; regarding  
23 proposed Local Law pertaining to Chapter 103 of the  
24 Village Code.

25 "Dear Members of the Board; I am writing on

1 behalf of Long Island Housing Services,  
2 Incorporated, LIHS, to express concern about the  
3 proposed Local Law to create Chapter 103 of the  
4 Village Code.

5 In case you are not familiar, LIHS is a  
6 private, nonprofit HUD approved local comprehensive  
7 housing counseling agency and a HUD qualified Fair  
8 Housing advocacy and enforcement organization. We  
9 have been serving Suffolk County for 44 years.

10 LIHS' mission is the elimination of unlawful  
11 housing discrimination and promotion of decent and  
12 affordable housing through advocacy and education.  
13 We pursue these goals through counseling clients in  
14 such areas as fair housing, landlord/tenant rights,  
15 homelessness prevention, mortgage, foreclosure  
16 prevention, and rental strategies and government  
17 assisted programs. LIHS' activities also include  
18 fair housing investigations, testing, advocacy and  
19 challenging discrimination, making presentations to  
20 the public, and serving as a clearing house for  
21 information. You will find many resources  
22 available for the public on our website,  
23 [www.LIFairHousing.org](http://www.LIFairHousing.org).

24 We were recently contacted about potentially  
25 discriminatory intent and effect of the proposed

1 Local Law 103, along with concerns raised as  
2 potential Tenant's Rights/NYS RPL violations and  
3 Constitutional violations. Some red flags are  
4 raised over provisions concerning intent and impact  
5 due to exclusion of owner-occupied residences and  
6 summer rentals from those proposed to apply to  
7 rentals inhabited by year-round residents/tenants.

8 If the purpose is to address safety and  
9 overcrowding, the law should consistently apply to  
10 seasonal rentals and owner-occupied housing.

11 Careful analyses of the population of year-round  
12 residents" -- excuse me -- "year-round rental  
13 residents compared to seasonal residents and  
14 homeowners is recommended to ensure that the  
15 Village legislation will bear no disparate impact  
16 based on any of the local, state or federally  
17 protected classes under Fair Housing Law,  
18 especially race, color, national origin,  
19 disability, familial status, families with children  
20 under 18 years of age, gender or marital status.

21 Although LIHS' expertise lies in the area of  
22 Fair Housing, we do also note concerns about  
23 tenants' rights as lay counselors and advocates.  
24 Our Fair Housing Staff Attorney reviewed the  
25 proposed legislation and I encourage consideration

1 of our collective comments on specific provisions  
2 of the proposed Local Law.

3 103-4. Definitions-Conventional Bedroom:  
4 Limited to only bedrooms and does not allow use of  
5 living room/den/family room/dining room or other  
6 legitimate living space as a bedroom area, which  
7 could have discriminatory impact on larger  
8 families, lower income individuals, and those with  
9 disabilities who need live-in aides.

10 103-7 B. 7. Application for a Rental Permit:  
11 LIHS consulted with Amol Sinha, the Suffolk Chapter  
12 Director of the New York Civil Liberties Union, who  
13 also noted objections and indicated that similar  
14 rental laws were struck down by Appellate Court.  
15 For example, Hempstead Village rental law was found  
16 unconstitutional on its face, noting, quote below,  
17 a prior decision by New York's Court of Appeals,  
18 which struck down the Village of Freeport's rental  
19 permit law.

20 "...the village may not compel the owner's  
21 consent to a warrantless inspection upon the theory  
22 that these searches are a burden which a property  
23 owner must bear in exchange for the right to open  
24 his property to the general public for rental. It  
25 is beyond the power of the State to condition an

1 owner's ability to engage his property in the  
2 business of residential rental upon his forced  
3 consent to forego certain rights guaranteed to him  
4 under the Constitution."

5 103-12(e) Regulations: Prevents any rental  
6 for just a room. This is something that might  
7 adversely affect impoverished tenants who need  
8 lower rental costs.

9 103-13 Inspections: This provision allows a  
10 landlord to go to the inspector for assistance in  
11 seeking an eviction when there is a hazardous  
12 situation. This circumvents certain  
13 landlord/tenant protections that do require due  
14 process and court intervention before effecting  
15 eviction. Similar problem regarding 103.7 B.7.

16 103-16" -- no, excuse me. "103-17(6)  
17 Presumptive evidence of multifamily housing: The  
18 presumption of more than one family in a residence  
19 when there are three motor vehicles in different  
20 surnames is not consistent with the Village's own  
21 definition of family. Village definition allows up  
22 to five unrelated persons to live together, and may  
23 have a discriminatory impact based on marital  
24 status, disability, and other protected classes  
25 defined by Fair Housing laws.

1           103-19(a) Presumption that more than two  
2 mattresses is overcrowding: Can have a  
3 discriminatory impact based on familial status,  
4 family with a baby in the bedroom, family size,  
5 disability, if an aide needs to stay nearby, and  
6 unfairly targets those with lower income.

7           103-19(b) Motor Vehicle Presumption:  
8 Problematic, same as 103-17(6) above.

9           It is our hope that the Village Board will  
10 judiciously defeat or discard this proposal, and,  
11 instead, take careful steps to assess its  
12 obligations to affirmatively further fair housing,  
13 identify impediments and make action" -- "and take  
14 action to reduce economic and racial segregation  
15 and overcome impediments that negatively impede  
16 fair housing choice.

17           Thank you for your consideration of our  
18 comments. Sincerely, Michelle Santantonio,  
19 Executive Director."

20           And it was copied to Erik Heins, Staff  
21 Attorney; Amol Sinha, Attorney, NYCLU Suffolk  
22 Chapter Director.

23           MAYOR NYCE: Thank you very much. With that,  
24 I would entertain a motion to close the public  
25 hearing.

1 TRUSTEE ROBINS: Second.

2 MAYOR NYCE: Is there a motion?

3 TRUSTEE ROBINS: Second

4 MAYOR NYCE: You'll make the motion?

5 TRUSTEE ROBINS: Yes.

6 MAYOR NYCE: And is there a second on the  
7 motion?

8 TRUSTEE HUBBARD: I'll second it.

9 MAYOR NYCE: All those in favor?

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE ROBINS: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 MAYOR NYCE: Any opposed or abstentions?

15 TRUSTEE PHILLIPS: No.

16 MAYOR NYCE: The motion carries, which takes  
17 us to the public portion of the Board. There will  
18 be -- clearly, there will be discussion when we get  
19 to that agenda item, which is Agenda Item #13 and  
20 14, at which point the Village Attorney --

21 TRUSTEE PHILLIPS: Before we enter into the  
22 public hearings, could I just get a clarification  
23 on the two wetland permits? I know it says  
24 "postponed," but they were -- is there some  
25 resolutions that we need to pass to postpone them



1 officially? I know the ZBA used to have to do it  
2 each month. So I would just -- I want to make sure  
3 that -- I know one has had a revision made.

4 (Siren Sounded.)

5 MAYOR NYCE: I was going to ask at the  
6 October Work Session that they reapply at this  
7 point. If they've been postponed for three months,  
8 I think they need to reapply.

9 TRUSTEE PHILLIPS: My question was, is that  
10 they've been on for a couple of months and there  
11 has been some changes, especially with the first  
12 one. The McCarthy one, I don't think we've ever  
13 really seen a permit.

14 MAYOR NYCE: We have none.

15 TRUSTEE PHILLIPS: So my suggestion is that  
16 we just perhaps maybe do it this month instead of  
17 wait, because we have people who were interested in  
18 it, and especially one of them. I don't know what  
19 the protocol is, is to have them re-noticed, to  
20 do a resolution to have them re-noticed? Can we do  
21 that this month?

22 MAYOR NYCE: Yeah, we can certainly do that.

23 TRUSTEE PHILLIPS: I mean, why don't we do  
24 that? I mean, we've been waiting for them to get  
25 caught up and --

1           MAYOR NYCE: Right. And as I said at the  
2 Work Session, my intent was to recommend that we  
3 basically throw the applications out and have them  
4 reapply when they have all of their -- have all of  
5 their stuff ready to go. We're going to have to  
6 re-notice it at this point anyhow.

7           TRUSTEE PHILLIPS: So can we take care of it  
8 this month --

9           MAYOR NYCE: We can do that this month.

10          TRUSTEE PHILLIPS: -- and start with a clean  
11 slate? Because I think for some people who have  
12 been interested in the first public hearing, I  
13 think they would feel more secure if that at least  
14 took place, and I think it would be give a clear  
15 picture as to paperwork.

16          MAYOR NYCE: So, once we are done with the  
17 public portion, before we get into our regular  
18 agenda, I will offer a motion to have those public  
19 hearings re-noticed when the applications are  
20 complete.

21          TRUSTEE PHILLIPS: Okay. Thank you.

22          MAYOR NYCE: Absolutely. That brings us to  
23 the public portion. Mr. Garritano is here with the  
24 presentation of -- an update on the presentation  
25 that's a couple of summers old. I'll ask him, and

1 then we'll get into the public portion of it.

2 MR. GARRITANO: Bruce Garritano, 19B Front  
3 Street, Greenport.

4 I made an application a couple of years back,  
5 January 12th, 2012, to bring a sunset cruise and  
6 tour boat into town. Our first boat didn't pass  
7 its survey or its inspection, and our second boat  
8 was sold. So we're here now to bring a new boat  
9 into town for the 2014 season.

10 Nothing has changed in our application. The  
11 lease with the Town -- the lease has all been --  
12 already been written up with the Town Attorney. We  
13 want to keep everything exactly the same. The only  
14 thing we'd like to do is change the boat. We'd  
15 like to start that as of January 1st this year,  
16 sign these leases, and bring this sunset cruise and  
17 tour boat to town.

18 MAYOR NYCE: Okay. To refresh, there's some  
19 Board Members that weren't here during that period.  
20 Correct me if I've got it wrong. I believe the  
21 idea was that the boat would be docked on the  
22 outside of the West Pier, and there would be some  
23 minimal signage to get people out to the West Pier.

24 MR. GARRITANO: Correct.

25 MAYOR NYCE: That this cruise ship was going

1 to be sunset tours in the evenings. There would be  
2 a liquor license affiliated with the tour boat  
3 itself.

4 MR. GARRITANO: Correct.

5 MAYOR NYCE: That would only be when the boat  
6 was away from dock.

7 MR. GARRITANO: Correct.

8 MAYOR NYCE: I'm trying to think if there's  
9 anything else I'm missing from it. I think that  
10 was pretty much it.

11 MR. GARRITANO: Same thing. You know, it's  
12 the same thing as the liquor license on the Orient  
13 Point Ferry. You can't serve unless you're untied.

14 MAYOR NYCE: Right.

15 MR. GARRITANO: And it would be a tour boat  
16 around Shelter Island. It would be for larger  
17 groups. You know, a lot of people come from all  
18 over to Greenport, can't get on the water. We want  
19 to be able to accommodate those people.

20 MAYOR NYCE: The boat initially was  
21 approximately 100 foot?

22 MR. GARRITANO: Correct.

23 MAYOR NYCE: It's still in that range and  
24 holds how many people?

25 MR. GARRITANO: It's still in that range. It

1 will max out at 110 feet.

2 MAYOR NYCE: And number --

3 MR. GARRITANO: We're trying to keep it  
4 between 90 and 110.

5 MAYOR NYCE: And number of passengers?

6 MR. GARRITANO: No more than 149.

7 MAYOR NYCE: Okay. Does anyone on the Board  
8 have any questions for him?

9 (No Response.)

10 I think that we're likely not going to discuss it  
11 tonight in the open session.

12 MR. GARRITANO: Right.

13 MAYOR NYCE: But we'll probably discuss it at  
14 our Work Session next. Would you be available to  
15 come back to the Work Session --

16 MR. GARRITANO: Any time.

17 MAYOR NYCE: -- if there are questions?

18 MR. GARRITANO: Any time.

19 MAYOR NYCE: I'll get a sense from the Board  
20 if we think that's a good idea for you to come back  
21 for the Work Session. I'll send you an invitation  
22 for it.

23 MR. GARRITANO: Fantastic.

24 MAYOR NYCE: Does anyone else have any --

25 TRUSTEE ROBINS: I would like to ask. I was

1 not here, you know, when you made your original  
2 presentation. So, if you do choose to come to the  
3 Work Session, I'm going to have to start from  
4 scratch. I'm going to have to see the whole  
5 proposal --

6 MR. GARRITANO: Okay.

7 TRUSTEE ROBINS: -- from the beginning. You  
8 know, I'll be honest with you, you know, having  
9 come on to the Board and having to deal with the  
10 fire boat situation, I'm very hesitant to, you  
11 know, move forward without a real thorough  
12 investigation of what you're proposing. Okay?

13 MR. GARRITANO: That's fine.

14 TRUSTEE ROBINS: So, by all means, please  
15 come to the Work Session --

16 MR. GARRITANO: Absolutely.

17 TRUSTEE ROBINS: -- and make a formal  
18 proposal, that would be great. Thank you.

19 MR. GARRITANO: Okay. Thank you. Any other  
20 questions?

21 TRUSTEE PHILLIPS: Mayor, I do believe that  
22 the Village Clerk had started to create a folder  
23 for us.

24 MAYOR NYCE: Yup.

25 TRUSTEE PHILLIPS: Perhaps that is something

1 not only to help --

2 MAYOR NYCE: That will be distributed.

3 TRUSTEE PHILLIPS: -- Julia, but also to help  
4 the rest of us with memory. That perhaps in the  
5 next week or to, long before the Work Session --

6 MAYOR NYCE: Yeah, absolutely.

7 TRUSTEE PHILLIPS: -- so that we can have  
8 some important questions to ask. And I think that  
9 would be a great help to me, to be honest with you.

10 MAYOR NYCE: Absolutely.

11 MR. GARRITANO: Okay, great.

12 MAYOR NYCE: Thank you.

13 MR. GARRITANO: Thank you.

14 MAYOR NYCE: With that, we'll move into the  
15 public portion of the meeting. I'll ask if there's  
16 anyone from the public who wishes to address the  
17 Board on any of the agenda items?

18 MR. SWISKEY: That was a little bit strange,  
19 because I come to all the Board meetings and I  
20 don't remember this Village Board approving any  
21 lease agreement with a tour boat. Perhaps I have a  
22 bad memory. Would that be something that's in  
23 Village Hall, this agreement?

24 MAYOR NYCE: The agreement was never  
25 executed. Therefore, the agreement is -- the Board

1 authorized the agreement to be drawn up. The  
2 agreement was never executed.

3 MR. SWISKEY: Is that what everybody here  
4 remembers? Because I don't remember that, and I  
5 have I have pretty good memory

6 MAYOR NYCE: You don't, but go ahead.

7 MR. SWISKEY: Well, I'll FOIL for that  
8 resolution tomorrow. I can get that from you,  
9 can't I?

10 MAYOR NYCE: Absolutely.

11 MR. SWISKEY: Thank you. And I know when you  
12 say "absolutely," that means usually wait 30 days,  
13 but I'm a patient person.

14 Anyway, just to get through the -- tonight's  
15 agenda, first of all, Resolution -- well, excuse me  
16 while I get everything in order. Resolution  
17 2013-5, all right, it deals with the transfer of a  
18 surplus, I guess, from the Electric Department to  
19 pay part of the Transmission Congestion Agreement,  
20 which I don't know much about. But I FOILED for  
21 that and it seems to me we have this agreement in  
22 place. You know what it says, right? We have this  
23 agreement, you know what it says?

24 MAYOR NYCE: Uh-huh

25 MR. SWISKEY: And it's in a hard copy form in



1 the Village Hall, right, this -- I mean, I'm trying  
2 to get a little background on this. This agreement  
3 exists?

4 TRUSTEE ROBINS: Yes.

5 MR. SWISKEY: Because I find it strange.  
6 About three weeks ago, I FOILED the Clerk for this  
7 agreement, and the latest thing from the Clerk is  
8 it's such a voluminous -- that she can't put it  
9 together for another 18 to 20 days. And, you know,  
10 if it's an agreement, all you have to do is copy it  
11 or scan it and send it to my email. So there's  
12 something a little bit like, not quite -- I  
13 wouldn't say nefarious, it's something that doesn't  
14 make any sense here.

15 I mean, you have this written document, which  
16 you just acknowledged. All right? Let's just say  
17 this is the contract, yet you can't get it to me.  
18 And I'd like to be able to read it and comment on  
19 it. And you can smile all you want. Yeah, I have  
20 that right, and I earned that right in more than  
21 one way.

22 Anyway, to get to this budget adjustment  
23 form. Now, this is not, I guess -- funding of  
24 Transmission Congestion Charges expense from PPA  
25 adjustments collected. Well, the PPA is collected

1 on a monthly basis. The PPA overcharges every  
2 month. There is no way to bring in future  
3 overcharges to the PPA, which you're doing. You're  
4 bringing in -- you're telling us for the next God  
5 knows how long, you're going to be collecting  
6 through the PPA \$280,408, but -- and you're going  
7 to collect -- all right.

8 Now this is the one that really -- you said  
9 power purchased, 104,000. But then you go to  
10 residential sales, you say 40 -- the whole thing  
11 doesn't make any sense. I know something about  
12 this. This page makes absolutely no sense. It's  
13 almost nonsensical to the -- all right.

14 Here's just an example. All right.  
15 Commercial sales, you intend to collect, God, only  
16 1,000 and so much dollars. Well, commercial sales  
17 is the biggest part of your -- it's the biggest  
18 part of your sales.

19 Maybe when you go to your explanation,  
20 Mr. Mayor, you could explain to me what this means,  
21 because I don't understand it at all, and I've been  
22 in the -- I was in the business 40 years. I have  
23 no idea what it means. And you can smile and smirk  
24 all you want, but I don't understand it. And I'm  
25 glad the Board understands it.

1           MAYOR NYCE: I'm glad you're allowing me to  
2 smile, Bill.

3           MR. SWISKEY: It's my turn to speak now,  
4 Mr. Mayor, excuse me.

5           Now, going to the next item I'm going to ask  
6 about. Oh, well, I'm not even going to ask about  
7 it, because you're going to pass that rental law  
8 tonight no matter what anybody says, so why don't  
9 we just acknowledge that and move on? We'll all be  
10 happy and wait until we get sued, and like  
11 Freeport, we'll get our butts kicked in court and  
12 only pay 30, \$40,000 for that. But you don't have  
13 to consider that, it's only taxpayers' money.

14           Now I'm going to my favorite one, these  
15 proposals from Braun Engineering. All right. You  
16 got 21, 22, and 23, Resolution regarding the  
17 proposal of Genesys Engineering for services  
18 related to the Phase II capital improvement upgrade  
19 program at the power plant, and adopting Lead  
20 Agency status. All right that's a SEQRA, you're  
21 going to pass that.

22           But the next thing is I went in Village Hall  
23 today and I asked the -- you know, because you're  
24 accepting his proposal. So I asked the Clerk,  
25 Ms. Pirillo, I says, "Sylvia, where is the

1 proposal? The public is entitled to see it, you're  
2 accepting it." And she says, "Well, I'll look into  
3 it, Bill, it will be available." Well, she's not  
4 here, the proposal is not available. So how am I  
5 supposed to comment on whether this -- has anybody  
6 seen this proposal before Jeanmarie passed it out  
7 tonight? I'm asking for honesty. Any of the  
8 Trustees, you've seen it?

9 TRUSTEE PHILLIPS: What, this document here?

10 MAYOR NYCE: This proposal has existed since  
11 2005, Bill.

12 MR. SWISKEY: Not the proposal for Phase II.

13 MAYOR NYCE: Yes, it has, Bill. It's the  
14 same proposal since 2005.

15 MR. SWISKEY: I have all the information and  
16 I say that's a flat out untruth.

17 MAYOR NYCE: Bill.

18 MR. SWISKEY: What you have is a wish list  
19 that Mr. Braun presented, that he was going to go  
20 to do this. Laugh, David.

21 MAYOR NYCE: I am laughing, Bill.

22 MR. SWISKEY: You do that when you're caught  
23 in a lie.

24 MAYOR NYCE: If you call me a liar again, I'm  
25 going to ask you to leave.

1 MR. SWISKEY: Yeah, I'll call you a liar,  
2 because --

3 MAYOR NYCE: All right. Then I'm going to  
4 ask you to leave. You will show respect while  
5 you're in this room, or you'll be asked to leave.

6 MR. SWISKEY: I show respect to people I  
7 respect, and I have all my life. But, anyway,  
8 let's get back.

9 Where's the proposal? You're voting on  
10 something you haven't even seen. You're voting on  
11 a piece of garbage. You're going to spend a  
12 million dollars. You've already spent a million  
13 dollars up there and you basically got nothing.  
14 You got no improvement on engine quality at all.  
15 You have no trained operator.

16 I think it's time that this Board table this,  
17 and how about an RFP? I bet you I can find an  
18 engineer for you to do a better job than Braun on  
19 this garbage, because that's what he's giving you,  
20 and that's from experience. And if he felt I was  
21 being disrespectful, then he can try suing me, but  
22 I'd love to get this SOB in court.

23 Have a good night.

24 MAYOR NYCE: Does anyone else wish to address  
25 the Board on any of the agenda items?

1 MR. SALADINO: John Saladino, Sixth Street.  
2 Are there any resolutions not on the agenda that  
3 you're going to vote on tonight?

4 MAYOR NYCE: Other than the re-noticing of  
5 the wetlands permit applications, once the  
6 applications are in, no.

7 MR. SALADINO: Okay. I didn't understand the  
8 budget mod myself. I mean, it's for the year 2014,  
9 the budget mod of funding the Transmission  
10 Congestion Charges. Are these monies that you  
11 already collected, or are these anticipated  
12 revenues? Is this money that the Village has  
13 already collected, so the purchase power, the  
14 residential sales, commercial sales, that's all  
15 money that's in the bank?

16 MAYOR NYCE: Yes.

17 MR. SALADINO: And I heard the dialogue  
18 between you and Billy about Braun, and I don't  
19 remember ever -- the Board ever passing a  
20 resolution for Phase II, but, you know, maybe I  
21 missed it. But I do remember Mr. Braun making a  
22 presentation here. I thought it was a professional  
23 presentation. And I remembered you telling him to  
24 prioritize certain items to come in on the money  
25 that we have.

1           So when he asked you for the proposal and you  
2 say it's from 2005, it's not technically the truth,  
3 because the new proposal has prioritized  
4 recommendations, as outlined --

5           MAYOR NYCE: The proposal from 2005 was  
6 prioritized. It has always been prioritized.  
7 We've been working down the list in a priority  
8 manner since we started the project.

9           MR. SALADINO: Well, that's not entirely  
10 factual, because I was at -- I was at the Work  
11 Session this week -- last week, and there were  
12 different items that you's did discuss that were  
13 going to be omitted and were going to be included.  
14 So what happened in 2005 and what happened last  
15 week, and what you're going to vote on tonight,  
16 there is a little bit of a difference in those  
17 three proposals, you know, to me, anyway; I mean,  
18 obviously not to you.

19           But if this is such a great deal, and if you  
20 guys are doing such a great service to the Village  
21 by doing it, and Mr. Braun and his company is the  
22 best man for the job, why can't we know it? Why  
23 can't we know the terms before you vote? If it's  
24 such a good deal, how can we pass it up, too? I  
25 just don't understand why it's a secret, why --

1 this guy asked for it. The guy that was up before  
2 me asked for the proposal. They wouldn't give it  
3 to him. You wouldn't give -- you collectively  
4 wouldn't give it to him. How come? Why? Why is  
5 it a secret? Why can't we know, if it's such a  
6 good deal and he's such a great engineer, and it's  
7 going it be a boon to the whole village?

8 And, obviously, I don't see anybody in this  
9 room is going to come up with a counter-bid. Why  
10 can't we know about it? Why does a citizen on a  
11 topic that you're going to vote on tonight not have  
12 that information for 20 days? It just doesn't seem  
13 right, the same way you're going to vote on  
14 whatever number the resolution is for the rental  
15 law without explaining to the people so they can  
16 make intelligent comment and informed comment on  
17 your response.

18 You closed the public hearing. You made  
19 mention that there'll be discussion before you  
20 vote. We have no action. We have no rebuttal when  
21 you decide to vote. Once I sit down, I'm done.  
22 So, I mean, how fair is that? You obviously know  
23 something, plus, also, how you vote affects  
24 people's decisions and what they do down the line.

25 TRUSTEE HUBBARD: I believe at the last



1 meeting, John, if you don't mind, we all did. The  
2 Mayor polled all of us at the last public meeting.  
3 We all spoke how we felt about the rental law at  
4 that time. So, if you had a question about my  
5 comments I made last month, I'd be willing to  
6 answer them for you, but we all did speak during  
7 the Regular Session.

8 MR. SALADINO: I asked a specific question--

9 TRUSTEE HUBBARD: Okay.

10 MR. SALADINO: During the public hearing  
11 tonight --

12 TRUSTEE HUBBARD: Yes.

13 MR. SALADINO: -- to a different issue, to a  
14 different issue. The issue was about enforcement,  
15 the Village Board's level of commitment to enforce  
16 this law. What you think or what you decide, if  
17 you vote no for the law, obviously, it doesn't  
18 matter. If you vote yes, then is it just another  
19 law that's on the books that's not going to be  
20 enforced, because perhaps the Building Department's  
21 too busy or overworked and underpaid? Or is the  
22 Village Board -- Department Heads take their lead  
23 from you guys, you'll admit that. You decide how  
24 the Village goes, what laws get enforced, what laws  
25 are overlooked, what laws get put to the side, what

1 are enthusiastically enforced, what aren't.  
2 Department Heads take their lead from you. All I  
3 asked you was what's your level of commitment with  
4 this? Are you going to enthusiastically back this  
5 law if it passes, would you not? That would be  
6 something to know, the public to know. There might  
7 be more people that might have wanted to comment  
8 about it, if you voiced your opinion.

9 That's all I have. I do have a lot -- I have  
10 one other thing that's going to be kind of  
11 anti-climactic.

12 After last month's meeting, you designated  
13 Greenport as the home port for the Tall Ship  
14 Festival in 2015. At the work session, you polled  
15 the Board and they agreed that you could issue an  
16 RFP. You explained that the bidding process is  
17 different this year, it's -- you don't negotiate  
18 with each boat, you negotiate with the  
19 organization. And you asked if they agreed with  
20 you, that you could make this RFP. My question is,  
21 if you choose to answer it later on -- actually,  
22 you know, it's a lot of money. Actually, it's a  
23 couple of hundred thousand dollars. I would  
24 appreciate an answer now. I mean, we're not  
25 talking about a cracked sidewalk or a dead tree in

1 front of somebody's house, you know, it's real  
2 money. So I kind of think, if I don't like your  
3 answer, I should be able to respond to it. But  
4 once you make this RFP to the Tall Ships  
5 Association and they accept it, are we committed?

6 TRUSTEE MURRAY: (Shook head no.)

7 MR. SALADINO: So you say, "We'll give you  
8 \$200,000," they say, "Yeah, it's a deal," and if we  
9 change our mind, or if the public or you decide you  
10 don't want to do it, we're not committed, it's not  
11 a binding contract?

12 MAYOR NYCE: Until the Board votes on it,  
13 it's not binding. If the Board has not voted on  
14 it, it's a response to an RFP, plain and simple.

15 MR. SALADINO: You're making the RFP. How  
16 can it be a response to an RFP?

17 MAYOR NYCE: We are not, we are responding to  
18 a Request for Proposals.

19 TRUSTEE PHILLIPS: From the Tall Ships  
20 company. It's from the Tall Ships company.

21 MAYOR NYCE: Tall Ships America and the  
22 company that's doing the Voyage for L'Hermione has  
23 sent out RFPs to different places to be homeport.  
24 We are responding to a Request for Proposals.

25 MR. SALADINO: And if they accept it?

1           MAYOR NYCE: This Board still needs to  
2 authorize it.

3           MR. SALADINO: Thank you.

4           MAYOR NYCE: Anyone else that wishes to  
5 address the Board?

6           MR. LATNEY: Barry Latney again. I've got  
7 two comments I'd like to bring up or questions.  
8 First of all, how many of the Board Members are  
9 lifelong residents of Greenport? I know you are.  
10 Anybody else?

11           TRUSTEE PHILLIPS: Well, I'm Southold and  
12 Greenport.

13           MR. LATNEY: Lifelong Greenport. Okay. So,  
14 for the rest of us, we're from Greenport. So, you  
15 know, let's not forget from whence we came, George.

16           I heard your comments at the last meeting. I  
17 just don't understand this. Is this -- are we  
18 trying to turn this into Hamptons on the North  
19 Fork, because they have the same issues over there,  
20 and I think they're trying to pass the same law. I  
21 just don't -- I don't understand it.

22           The other thing that really, really bothers  
23 me is this team that's going to enforce this law.  
24 How is the team going to be selected, Mr. Mayor,  
25 these five people? How are they going to be

1 selected?

2           MAYOR NYCE: I think you're confused in  
3 reading the law. That team does not enforce the  
4 law. That is an additional --

5           MR. LATNEY: What do they do?

6           MAYOR NYCE: That's an additional Board to  
7 make sure that the Building Department is running  
8 the rental permits fairly. That is a step in  
9 between, if you're going to -- if you're going to  
10 challenge what is being done with the rental  
11 permits, it goes to that Board first, then to here  
12 to -- this Board would hear it before it goes to  
13 court.

14           MR. LATNEY: So that's another layer of  
15 bureaucracy --

16           MAYOR NYCE: It's another layer of  
17 protection, yes. It works like the ZBA, and the  
18 Planning Board, and any other statutory Boards in  
19 the Village.

20           MR. LATNEY: Who's doing it now?

21           MAYOR NYCE: There's no law now.

22           MR. LATNEY: There's no law now? Thank you.

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

25           (No Response.)

1           MAYOR NYCE: That will conclude the public  
2 portion, then.

3           I will -- as far as the rental permit law,  
4 yes, we will be discussing that. I will make a  
5 comment for Mr. Saladino.

6           I've never voted for or against, or there has  
7 not been a law that's come before this Board that  
8 anyone's determined that they're not going to  
9 enforce it if gets enacted. If this Board takes  
10 action to enact a law, it will enforce it to its  
11 full extent. There's never -- there's never going  
12 to be an intent to enact a law and just let it sit.

13          MR. SALADINO: Do we live in the same  
14 Village?

15          MR. SWISKEY: Yeah, come on.

16          MAYOR NYCE: Apparently we don't,  
17 Mr. Saladino.

18          MR. SALADINO: Apparently not. Apparently  
19 not.

20          MAYOR NYCE: As to explain the RFP for the  
21 Tall Ships.

22          As to the Genesys proposal, this is -- these  
23 two -- these actions are to ensure that the project  
24 continues to move forward. We are authorizing bid  
25 packages to be made up. Once the bid packages are

1 returned, this Board can choose to refuse any of  
2 those bid packages. The bid packages are being  
3 made up on a priority basis from the list that had  
4 been submitted back in 2005, and we have been  
5 maintaining on a priority basis for the upgrades at  
6 the power plant. There is no specific as far as  
7 the New York Power Authority is concerned, Phase I,  
8 Phase II, or Phase III of this project. There is  
9 one phase. It was a 5.5 million dollar capital  
10 project that the Village started undertaking in  
11 2008. At that time, it went out and borrowed a  
12 small amount of money to do the engineering work at  
13 the outset, because, at the time, we could not  
14 afford the amount of borrowing that was necessary  
15 to do the project. Since that rate increase was  
16 instituted, we have set aside cash to continue to  
17 do that project.

18 As of this point, we have borrowed 2.4  
19 million dollars and spent almost that entire  
20 amount, and we've spent nearly a half a million  
21 dollars in cash refurbishing the light plant. The  
22 balance of that project requires the spending of  
23 between two and two-and-a-half million more dollars  
24 to complete that Capital Program.

25 What is on this list now is nearly three

1 million dollars worth of work, some of which is  
2 going to be done inhouse, thereby saving us some  
3 money. Some of it's going to be done by outside  
4 contractors, and some of it's going to be done as a  
5 combination of oversight from our engineering firm  
6 and our own personnel.

7           At this point, we authorized a million  
8 dollars more worth of borrowing, which brings us to  
9 our total of three-and-a-half million dollars that  
10 we were required to borrow for this Capital  
11 Program, and we are planning to spend a million  
12 dollars in cash, bringing us to a million-five of  
13 spent cash of the two million that we were going to  
14 have to spend with the original Capital Program.

15           We are intending to continue to accumulate  
16 cash over the course of the next year or so to be  
17 able to complete the balance of the Capital  
18 Project.

19           So what this is doing is continuing to move a  
20 program that was stagnating, and I'm not going to  
21 go into details as to why it was stagnating.  
22 Suffice it to say that that obstacle has been  
23 removed, and we are going to continue making the  
24 upgrades necessary at that plant to make sure that  
25 we can supply clean, efficient and effective



1 electric to the Village.

2 With that, I will offer a motion to have the  
3 Clerk re-notice the public hearings for both the  
4 Matassa Wetlands Permit Application and the  
5 McCarthy Wetland Permit Application when those  
6 applications are complete and submitted to the  
7 Clerk's Office. So moved.

8 TRUSTEE PHILLIPS: Second.

9 MAYOR NYCE: All those in favor?

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE ROBINS: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 MAYOR NYCE: Any opposed or abstentions?

15 (No Response.)

16 MAYOR NYCE: That motion carries.

17 And I will offer a motion adopting the  
18 September 2013 agenda as printed.

19 TRUSTEE MURRAY: Second.

20 MAYOR NYCE: All those in favor?

21 TRUSTEE MURRAY: Aye.

22 TRUSTEE HUBBARD: Aye.

23 TRUSTEE ROBINS: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 MAYOR NYCE: Any opposed or abstentions?

1 (No Response.)

2 MAYOR NYCE: That motion carries.

3 I'll ask Trustee Murray to read RESOLUTION 2.

4 TRUSTEE MURRAY: RESOLUTION 09-2013-2,  
5 RESOLUTION accepting the monthly reports of the  
6 Greenport Fire Department, Village Clerk, Village  
7 Treasurer, Village Administrator, Director of  
8 Utilities, Village Attorney, Mayor and Board of  
9 Trustees.

10 So moved.

11 TRUSTEE HUBBARD: Second.

12 MAYOR NYCE: All those in favor?

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE ROBINS: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Any opposed or abstentions?

18 (No Response.)

19 MAYOR NYCE: That motion carries?

20 TRUSTEE HUBBARD: RESOLUTION #09-2013-3,  
21 RESOLUTION approving the application for membership  
22 of Helen Reiss to the Greenport Fire Department  
23 Rescue Squad, as already approved by the Greenport  
24 Fire Department Board of Wardens on September 18,  
25 2013.

1 So moved.

2 TRUSTEE ROBINS: Second.

3 MAYOR NYCE: All those in favor?

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE HUBBARD: Aye.

6 TRUSTEE ROBINS: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 MAYOR NYCE: Any opposed or abstentions?

9 (No Response.)

10 MAYOR NYCE: That motion carries.

11 TRUSTEE ROBINS: RESOLUTION #09-2013-4,  
12 RESOLUTION authorizing Treasurer Kagel to perform  
13 the attached budget adjustments concerning:  
14 Transmission rights, electric meters,  
15 insurance recovery at McCann Campground.

16 So moved.

17 TRUSTEE PHILLIPS: Second.

18 MAYOR NYCE: All those in favor?

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE HUBBARD: Aye.

21 TRUSTEE ROBINS: Aye.

22 TRUSTEE PHILLIPS: Aye.

23 MAYOR NYCE: Any opposed or abstentions?

24 (No Response.)

25 MAYOR NYCE: That motion carries.

1 TRUSTEE PHILLIPS: Resolution #09-2013-5,  
2 Resolution adopting the following:

3 Whereas the Village of Greenport is required  
4 to make the second payment of Transmission Credits  
5 for the purchase of power and the proposed funding  
6 plan includes an appropriation of the Electric Fund  
7 Balance surplus in the amount of \$251,909; now be  
8 it resolved that Treasurer Kagel is authorized to  
9 make the attached Budget Amendment and pay the  
10 second TCC installment.

11 So moved.

12 TRUSTEE MURRAY: Second.

13 MAYOR NYCE: By way of further explanation,  
14 we have explained this now the last two meetings.  
15 The Village entered into contracts to pre-purchase  
16 its transmission rights. This is -- this payment  
17 represents 75% for the balance of the payment from  
18 the contract that we entered into in January of  
19 last year.

20 And we have been in discussions with the New  
21 York Power Authority. Everything that we are doing  
22 at this point has their blessing, and we are moving  
23 ahead to hedge against transmission congestion with  
24 these transmission charges.

25 All those in favor?

1 TRUSTEE MURRAY: Aye.

2 TRUSTEE HUBBARD: Aye.

3 TRUSTEE ROBINS: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 MAYOR NYCE: Any opposed or abstentions?

6 (No Response.)

7 MAYOR NYCE: The motion carries.

8 TRUSTEE MURRAY: RESOLUTION #09-2013-6,  
9 RESOLUTION authorizing the following Fall training  
10 schedule for the Treasurer's Office: October 8  
11 2013, Robert Brandt and Linda Topalian - New York  
12 State GFOA Fall Training - Hamlet Windwatch -  
13 Hauppauge, New York, at a cost of \$170.00 to be  
14 expensed from line item number A.1325.400,  
15 (Treasurer Contractual) and October 23, 2013:  
16 Linda Popalian - New York State Health Insurance  
17 Plan Annual Update Meeting at the Hyatt Regency in  
18 Hauppauge, New York, at no cost to the Village of  
19 Greenport.

20 So moved.

21 TRUSTEE HUBBARD: Second.

22 MAYOR NYCE: Everyone's got that, right, the  
23 one there is a charge for, and the other one  
24 there's not? All right?

25 TRUSTEE MURRAY: Okay.

1 MAYOR NYCE: All those in favor?

2 TRUSTEE MURRAY: Aye.

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE ROBINS: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR NYCE: Any opposed or abstentions?

7 (No Response.)

8 MAYOR NYCE: The motion carries.

9 TRUSTEE HUBBARD: Resolution #09-2013-7,  
10 RESOLUTION authorizing Mayor Nyce to sign and  
11 execute the 2013/2014 Service Award Program Service  
12 Fee Agreement between the Village of Greenport and  
13 Penflex, Inc., per the proposal dated September 6,  
14 2013.

15 So moved.

16 TRUSTEE ROBINS: Second.

17 MAYOR NYCE: All those in favor?

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE HUBBARD: Aye.

20 TRUSTEE ROBINS: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 MAYOR NYCE: Any opposed or abstentions?

23 (No Response.)

24 MAYOR NYCE: The motion carries.

25 TRUSTEE ROBINS: RESOLUTION #09-2013-8,

1 RESOLUTION authorizing Penflex, Inc. to offer  
2 Length of Service Award Program beneficiaries the  
3 option to be paid a lump-sum in lieu of remaining  
4 guaranteed monthly payments, as per the attached  
5 resolution, and as previously approved by the  
6 Greenport Fire Department Board of Wardens on  
7 September 18, 2013.

8 So moved.

9 TRUSTEE PHILLIPS: Second.

10 MAYOR NYCE: All those in favor?

11 TRUSTEE MURRAY: Aye.

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE ROBINS: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 MAYOR NYCE: Any opposed or abstentions?

16 (No Response.)

17 MAYOR NYCE: That motion carries.

18 TRUSTEE PHILLIPS: RESOLUTION #09-2013-9,  
19 RESOLUTION approving the Public Assembly Permit  
20 Application as submitted by the Greenport Public  
21 Schools for the use of certain Village streets from  
22 5:45 p.m. through 6:15 p.m. on October 18, 2013;  
23 for the Annual Homecoming Parade.

24 So moved.

25 TRUSTEE MURRAY: Second.

1 MAYOR NYCE: All those in favor?

2 TRUSTEE MURRAY: Aye.

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE ROBINS: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR NYCE: Any opposed or abstentions?

7 (No Response.)

8 MAYOR NYCE: That motion carries.

9 TRUSTEE MURRAY: RESOLUTION #09-2013-10,  
10 RESOLUTION approving the Public Assembly Permit  
11 Application as submitted by the Floyd Memorial  
12 Library and the Greenport PTA for the street  
13 closure on Front Street from Mitchell Park to First  
14 Street, and of First Street from Front Street to  
15 the Floyd Memorial Library, for the Halloween  
16 Parade, on October 20th, 2013 from 1:00 p.m. to  
17 2:15 p.m.

18 So moved.

19 TRUSTEE HUBBARD: Second.

20 MAYOR NYCE: All those in favor?

21 TRUSTEE MURRAY: Aye.

22 TRUSTEE HUBBARD: Aye.

23 TRUSTEE ROBINS: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 MAYOR NYCE: Any opposed or abstentions?



1 (No Response.)

2 MAYOR NYCE: That motion carries.

3 TRUSTEE HUBBARD: RESOLUTION #09-2013-11,  
4 RESOLUTION scheduling a public hearing for November  
5 25th, 2013 at 6:00 p.m. at the Third Street  
6 Firehouse, regarding a proposed amendment to  
7 Chapter 142 (Wetlands, Floodplains and Drainage) of  
8 the Village of Greenport Code and directing Clerk  
9 Pirillo to notice the hearing accordingly.

10 So moved.

11 TRUSTEE ROBINS: Second.

12 MAYOR NYCE: By way of explanation, that is  
13 for changing the fee structure for wetlands permit  
14 applications as they come to the Village.

15 I'm sorry, you were --

16 TRUSTEE PHILLIPS: I was going to say,  
17 shouldn't that be in the resolution, that that  
18 is -- I mean, it's kind of vague, the resolution,  
19 that's why I'm asking.

20 MAYOR NYCE: Which is why I did the  
21 explanation.

22 TRUSTEE PHILLIPS: Okay. Do we need to put  
23 it in the resolution?

24 MAYOR NYCE: It doesn't need to be in the  
25 resolution, it's specific to that chapter.

1 TRUSTEE PHILLIPS: Okay.

2 MAYOR NYCE: Any further discussion?

3 All those in favor?

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE HUBBARD: Aye.

6 TRUSTEE ROBINS: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 MAYOR NYCE: Any opposed or abstentions?

9 (No Response.)

10 MAYOR NYCE: That motion carries.

11 TRUSTEE ROBINS: RESOLUTION #09-2013-12,  
12 RESOLUTION approving the attached proclamation  
13 declaring October 2013 as Anti-Bullying Awareness  
14 Month.

15 So moved.

16 TRUSTEE PHILLIPS: Second.

17 MAYOR NYCE: All those in favor?

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE HUBBARD: Aye.

20 TRUSTEE ROBINS: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 MAYOR NYCE: Any opposed or abstentions?

23 (No Response.)

24 MAYOR NYCE: That motion carries.

25 TRUSTEE PHILLIPS: RESOLUTION #09-2013-13,

1 RESOLUTION adopting a SEQRA resolution regarding  
2 Local Law #6 of 2013 creating Chapter 103 - Rental  
3 Regulations for Residential Properties adopting  
4 lead agency status, determining that the action is  
5 an unlisted action, and adopting a negative  
6 declaration.

7 So moved.

8 TRUSTEE MURRAY: Second.

9 MAYOR NYCE: All those in favor?

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE ROBINS: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 MAYOR NYCE: Any opposed or abstentions?

15 TRUSTEE PHILLIPS: No.

16 MAYOR NYCE: That motion carries.

17 Before we do the next resolution, I'm going  
18 to recommend that we do this as a roll call vote,  
19 giving each person a chance to state their opinion  
20 prior to the vote. But I also wanted to ask the  
21 Village Attorney if he had any comment that he  
22 wanted to make based on prior comment?

23 MR. PROKOP: Based on the public comment? I  
24 had --

25 MAYOR NYCE: If that would be appropriate.

1 MR. PROKOP: You know, the letter that I  
2 received -- the letter that the Village received  
3 tonight, I haven't even read, the letter from the  
4 Housing Agency, so I really couldn't comment on it.  
5 You know, it's just being read to the Board  
6 tonight.

7 Verbally, the things that came out of that  
8 letter verbally, I think there were a few things in  
9 the letter that were mentioned that were maybe  
10 misreadings or misunderstandings about the Local  
11 Law. But I would have to read the letter and  
12 compare it to the Local Law to point those out to  
13 you. I don't think I could do -- you know, do the  
14 level of detail from the attorney who wrote the  
15 letter. I don't think I could do it verbally.

16 MAYOR NYCE: Okay, that's fair enough. With  
17 that, then I'll ask Trustee Murray to read  
18 RESOLUTION 14, and then we'll ask for the Deputy  
19 Clerk to call the roll after it has been seconded.

20 TRUSTEE MURRAY: RESOLUTION #09-2013-14,  
21 RESOLUTION adopting Local Law #6 of 2013, creating  
22 Chapter 103 - Rental Regulations for Residential  
23 Properties - of the Village of Greenport Code, per  
24 the attached document dated September 9th, 2013.

25 So moved.

1 TRUSTEE HUBBARD: Second.

2 MAYOR NYCE: Resolution's been made and  
3 seconded. I will ask the Deputy Clerk to please  
4 call the roll.

5 MS. ODDON: Trustee Murray, how do you vote?

6 TRUSTEE MURRAY: Yes.

7 MS. ODDON: Trustee Hubbard, how do you vote?

8 TRUSTEE HUBBARD: Are we allowing comments at  
9 this point?

10 MAYOR NYCE: Please, absolutely.

11 TRUSTEE HUBBARD: Okay. I would like to  
12 comment on this.

13 Last week I sat through the Zoning Board  
14 meeting for two-and-a-half hours on a subdivision  
15 and other issues, and it seemed like a common  
16 comment between the four public hearings we've had  
17 on this law, the Zoning Board meeting, and  
18 everything, that a lot of the stuff that's going on  
19 around the Village is not being enforced and taken  
20 care of. I think before this law, we've talked  
21 about a part-time Code Enforcement Officer or  
22 something, we should have something -- somebody to  
23 handle this law before we vote it in, because we  
24 can't handle the code that we have now.

25 A lot of different issues, different

1 properties, it wasn't all pertaining to one  
2 property, but, in general, the people, neighbors  
3 from all around the whole Village have voiced their  
4 opinion, thinking we should enforce more of what we  
5 have before we go put another law on the books.  
6 I've been enlightened to a lot of the complaints  
7 and comments. We've had letters. We've had the  
8 public hearings on this started last year; I think  
9 there's four of them we've had now. And being as  
10 this is excluding the summer rentals, which I  
11 talked about before, I think that should be in  
12 there. It was never an issue on the south side  
13 until just recently, and we're putting something  
14 new in place that does not have any way to enforce  
15 that in the future. We're excluding that whole  
16 population. That could happen. It's not happening  
17 here, we're trying not to, but East Hampton didn't  
18 think the same thing was going to happen there.

19 My opinion, I think we should not enforce  
20 this. Excuse me, let me re phrase that.

21 Mr. Saladino, if this passes, we have to enforce  
22 all rules and regulations of the codes that are on  
23 the books. I am not in favor of this, I'm voting  
24 no on it, because I think we should enforce what we  
25 already have. And if we need more help doing it,

1 let's hire a part-time Code Enforcement Officer now  
2 and start enforcing what we have before we put  
3 something new on there. But if it does pass, we  
4 have to enforce what we have.

5 So I vote no.

6 MAYOR NYCE: Thank you.

7 MS. ODDON: Trustee Robins, how do you vote?

8 TRUSTEE ROBINS: Before I mention my vote, I  
9 will say that I have believed, before I became a  
10 member of the Board, in the need for safe,  
11 affordable rentals in the Village. Having worked  
12 as a building contractor and been involved with,  
13 you know, building codes for many years, and now  
14 having been involved in real estate for five years,  
15 I have seen numerous apartments throughout the  
16 Village and greater Greenport that are far from  
17 code compliant.

18 I am not a homeowner, I haven't been for over  
19 15 years now. I have myself had to deal with  
20 several rentals, some of which were better than  
21 others. I'm fortunate right now to be in a decent  
22 rental, but I'm very aware of a number of rental  
23 properties and living conditions where people are  
24 living in subpar conditions.

25 I feel that this law is -- would serve to

1 give strength to the Village to make landlords  
2 provide safe -- basic safety things for residents  
3 and tenants. I do not think it targets tenants  
4 specifically. And I feel that we don't have a law  
5 specific to rentals. We have basic building codes  
6 and fire codes, not a law that specifically deals  
7 with rentals.

8 That being said, I am going to cast a yes  
9 vote on this resolution. Thank you.

10 MS. ODDON: Trustee Phillips, how do you  
11 vote?

12 TRUSTEE PHILLIPS: First of all, Mr. Latney,  
13 I appreciate the fact that you wanted someone who  
14 was born in Greenport. To be honest with you, my  
15 husband and I raised our child here. We bought our  
16 home here. We've invested in the Village of  
17 Greenport. And regardless of whether I was born in  
18 Eastern Long Island Hospital or Central Suffolk  
19 Hospital, I am a Greenporter. Okay? And I have  
20 watched over the years what's transpired. So,  
21 please, I need to make a note of that, because I  
22 found that highly insulting.

23 Now, to get on to the next stage. I happen  
24 to agree with what has been coming out from the  
25 North Fork Housing Alliance as far as some of the



1 constitutional of this law. I, and the Code  
2 Committee, as the Mayor will probably give a great  
3 description, we have not agreed with this. I feel  
4 that, and I have said from the beginning, you put  
5 any law on the books, you have to be able to  
6 enforce it.

7 Our Building Department has been understaffed  
8 for years. When I first came on the Board four  
9 years ago before my second term, part of my  
10 description or one of my -- one of my wishes was to  
11 have a new plan of action out of the Building  
12 Department. So I agree with what you're saying. I  
13 have problems with -- landlords have issues of  
14 privacy. I have to give 24 hours notice to get  
15 into my tenant's property. What makes the Village  
16 be able to get in before I can get into the  
17 property to take a look at what's going on?

18 We all do -- we all have tenants that we have  
19 problems with. And we also have landlords who take  
20 pride in what they do, or they take the best they  
21 can of their property, given some tenants are a  
22 little extreme and heavy on their usage. I will  
23 tell you, we have a rental and we have not  
24 renovated yet, and we have not rented it out,  
25 because I wouldn't rent it to someone who would

1 live in those conditions.

2 So, as to my vote, I'm going to vote no on  
3 this.

4 MS. ODDON: Mayor Nyce, how do you vote?

5 MAYOR NYCE: This proposed law has been  
6 around, as Trustee Hubbard mentioned, for quite a  
7 while, and the genesis of it goes back four or five  
8 years. The sole intent in bringing it up was for  
9 the health, safety and welfare, not only of the  
10 tenants in buildings, but also the property owners  
11 themselves and the adjacent property owners. And,  
12 in most cases, laws are written because there is no  
13 other way to correct the problem.

14 We have codes on the -- we have laws on our  
15 books now, and if those regulations were effective,  
16 there would have been no reason to draw up a rental  
17 permit law. There are plenty of municipalities  
18 that have gone through exactly the same thing.  
19 Some have come to this same -- some have come to  
20 this conclusion, some have not. I have seen or  
21 heard nothing over the several years that this has  
22 been going on to dissuade me from believing that  
23 this is a good law, and I think that it's well  
24 written, I think that it's -- I think that it's  
25 fair. It has been through a couple of

1 incarnations. It went through -- its first one was  
2 much more heavy-handed, and, thanks to the comments  
3 from the public, we went back to Code Committee and  
4 addressed it and corrected those issues within it.

5 If you read this rental permit law, next to  
6 any other rental permit law that I've seen, and I'm  
7 not going to state that I've seen all of them, but  
8 any that I've seen, it is less intrusive to both  
9 the tenant and the property owner. All it's really  
10 looking to do is to make sure that the rental  
11 properties in the Village are safe.

12 It is, and it's being written -- and I  
13 understand the comment about leaving out seasonal  
14 rentals. I described at our last month's meeting,  
15 the Code Committee went around on that several  
16 different times. I initially had proposed that all  
17 rentals be included. And at Code Committee, it was  
18 discussed back and forth, and the Code Committee  
19 believed that that was one of the few areas right  
20 now that the marketplace will truly correct issues,  
21 and I understand that other people are going to  
22 disagree with that.

23 I'm siding with what the Code Committee  
24 determined, because I think that, overall, this is  
25 a very well written law. I'm happy with the way

1 the process went, and I am going to vote in favor  
2 of this law.

3 That resolution then passes three to two.

4 Thank you all very much.

5 And I believe Trustee Hubbard --

6 TRUSTEE HUBBARD: Yes. RESOLUTION  
7 #09-2013-15, RESOLUTION awarding the annual bid for  
8 Delivery of Liquid Fuels (2013) to Hands Fuel,  
9 d/b/a Demarest Holding Corp. This is per the bid  
10 opening as held on August 30th, 2013 at 9:35 a.m.  
11 Hands Fuel/Demarest Holding Corp prices as quoted  
12 are as follows:

13 Unleaded Gasoline at a price of \$0.13 per  
14 gallon over the "rack" wholesale price, which has  
15 an equivalent annual cost of \$3,380 over wholesale  
16 price, based upon an estimated 26,000 gallons of  
17 gasoline per year.

18 Second one, Heating Oil at a unit cost of  
19 \$0.13 per gallon over the "rack" wholesale price,  
20 which has an equivalent annual cost of \$1,755 over  
21 wholesale price, based on the estimated 13,500  
22 gallons of gasoline per year. That should be oil,  
23 not gasoline.

24 MAYOR NYCE: Yup, noted.

25 TRUSTEE HUBBARD: Heating oil. Third one is

1 Diesel Fuel at a cost of \$0.13 per gallon over the  
2 "rack" wholesale price, which has an equivalent  
3 annual cost, including temporary tank rental of  
4 \$1,950 over wholesale price, based on -- upon an  
5 estimated 15,000 gallons --

6 MAYOR NYCE: Of diesel.

7 TRUSTEE HUBBARD: -- of diesel fuel per year.  
8 So moved.

9 TRUSTEE ROBINS: Second.

10 MAYOR NYCE: Thanks for catching that.

11 TRUSTEE PHILLIPS: Can I have clarification  
12 on something on here?

13 MAYOR NYCE: Yup.

14 TRUSTEE PHILLIPS: This temporary tank  
15 rental --

16 MAYOR NYCE: Will be corrected soon, assuming  
17 we move forward with the continued proposal of the  
18 power plant.

19 TRUSTEE PHILLIPS: Okay. So, just out of  
20 curiosity, how long have we been temporarily  
21 renting that tank for?

22 MAYOR NYCE: It's a couple of years.

23 TRUSTEE PHILLIPS: Is it a couple of years?

24 MAYOR NYCE: Yes. Is there any other  
25 discussion on that motion?

1 (No Response.)

2 MAYOR NYCE: I'll call the vote. All those  
3 in favor?

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE HUBBARD: Aye.

6 TRUSTEE ROBINS: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 MAYOR NYCE: Any opposed or abstentions?

9 (No Response.)

10 MAYOR NYCE: That motion carries.

11 Trustee Robins.

12 TRUSTEE ROBINS: RESOLUTION #09-2013-16,  
13 RESOLUTION authorizing the Village of Greenport to  
14 conduct a lottery for permission to hunt deer, via  
15 bow and arrow, as per New York State hunting  
16 regulations, in the western portion of Moore's  
17 Woods, beginning October 1st, 2013; with not more  
18 than five people at one time hunting in the western  
19 portion of Moore's Woods.

20 So moved.

21 TRUSTEE PHILLIPS: Second.

22 MAYOR NYCE: All those in favor?

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE HUBBARD: Aye.

25 TRUSTEE ROBINS: Aye.

1 TRUSTEE PHILLIPS: Aye.

2 MAYOR NYCE: Any opposed or abstentions?

3 (No Response.)

4 MAYOR NYCE: That motion carries.

5 TRUSTEE PHILLIPS: RESOLUTION #09-2013-17,  
6 RESOLUTION authorizing David Berson to use the  
7 Village of Greenport Old Schoolhouse on Saturday  
8 mornings beginning in October 2013 for the Glory  
9 Going Green Art, Science and Writing program.

10 So moved.

11 TRUSTEE MURRAY: Second.

12 MAYOR NYCE: I'd like to thank Mr. Berson and  
13 his crew for continuing that program, it's a  
14 very -- it's a wonderful program.

15 All those in favor?

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE ROBINS: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 MAYOR NYCE: Any opposed or abstentions?

21 (No Response.)

22 MAYOR NYCE: That motion carries.

23 TRUSTEE MURRAY: RESOLUTION #09-2013-18,  
24 RESOLUTION authorizing the reimbursement to Ray  
25 Dunbar of the following expenses affiliated with

1 attendance on August 21st, 2013 at the New York  
2 Water Environment Association sponsored Wastewater  
3 Treatment License recertification class in  
4 Rochester, New York as required by the New York  
5 State Department Of state:

6 \$32.00 in tolls, \$60.00 class charge, and  
7 \$446.35 in travel expenses, to be expensed from  
8 line item number G.8110.407 (Employee Training).

9 So moved.

10 TRUSTEE HUBBARD: Second.

11 MAYOR NYCE: All those in favor?

12 TRUSTEE MURRAY: Aye.

13 TRUSTEE HUBBARD: Aye.

14 TRUSTEE ROBINS: Aye.

15 TRUSTEE PHILLIPS: Aye.

16 MAYOR NYCE: Any opposed or abstentions?

17 (No Response.)

18 MAYOR NYCE: That motion carries.

19 TRUSTEE HUBBARD: RESOLUTION #09-2013-19,  
20 RESOLUTION ratifying the attendance of Ray Dunbar  
21 on September 11th, 2013 at the New York Water  
22 Environment Association Filament Identification and  
23 Control class in Watertown, New York as required by  
24 the New York State Department of State, at a cost  
25 of:



1           \$15.00 in tolls, \$60.00 class charge, and  
2           \$212.44 in travel expenses, to be expensed from  
3           line item number G.8110.407 (Employee Training).  
4           So moved.

5           TRUSTEE PHILLIPS:   Second.

6           MAYOR NYCE:   All those in favor?

7           TRUSTEE MURRAY:   Aye.

8           TRUSTEE HUBBARD:   Aye.

9           TRUSTEE ROBINS:   Aye.

10          TRUSTEE PHILLIPS:   Aye.

11          MAYOR NYCE:   Any opposed or abstentions?

12          (No Response.)

13          MAYOR NYCE:   That motion carries.

14          TRUSTEE ROBINS:   RESOLUTION #09-2013-20,  
15          RESOLUTION authorizing Mayor Nyce and Jim Fogarty  
16          to attend the NYAPP Annual Conference from  
17          September 25th through September 26th, 2013 in  
18          Albany, New York at a conference fee of \$255.00 per  
19          person and room rate of \$149.00 per night per  
20          person, plus all applicable travel costs, to be  
21          expensed from line item number A.1210.400 (Mayor  
22          Contractual Expense) for Mayor Nyce, and the line  
23          item number E.0781.100 (Executive Department) for  
24          Jim Fogarty.

25          So moved.

1 TRUSTEE PHILLIPS: Second.

2 MAYOR NYCE: By way of explanation,  
3 Mr. Fogarty and I will be carpooling, and his  
4 expense is being paid out of the Director of  
5 Utilities' line item, because there was not a line  
6 item for him for -- that would cover this.

7 All those in favor?

8 TRUSTEE MURRAY: Aye.

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE ROBINS: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MAYOR NYCE: Any opposed or abstentions?

13 (No Response.)

14 MAYOR NYCE: That motion carries.

15 TRUSTEE PHILLIPS: RESOLUTION #09-2013-21,  
16 RESOLUTION adopting a SEQRA resolution regarding  
17 the proposal for Genesys Engineering for services  
18 related to the Phase II capital improvement upgrade  
19 program at the power plant and adopting lead agency  
20 status, determining that the action is an unlisted  
21 action, and adopting a negative declaration.

22 So moved.

23 TRUSTEE MURRAY: Second.

24 MAYOR NYCE: All those in favor?

25 TRUSTEE MURRAY: Aye.

1 TRUSTEE HUBBARD: Aye.

2 TRUSTEE ROBINS: Aye.

3 TRUSTEE PHILLIPS: Aye.

4 MAYOR NYCE: Any opposed or abstentions?

5 (No Response.)

6 MAYOR NYCE: That motion carries.

7 TRUSTEE MURRAY: RESOLUTION #09-2013-22,  
8 RESOLUTION accepting the proposal of Genesys  
9 Engineering for services related to the Phase II  
10 capital improvements upgrade program at the power  
11 plant, and further authorizing Attorney Prokop to  
12 create the corresponding contract between Genesys  
13 Engineering and the Village of Greenport, to cover  
14 the work to be performed per the prioritized  
15 recommendations as outlined in the proposal as  
16 prepared by Genesys Engineering.

17 So moved.

18 TRUSTEE HUBBARD: Second.

19 MAYOR NYCE: By way of further explanation on  
20 this, the intent is to have this agreement drawn up  
21 by the Village Attorney. There is -- you'll notice  
22 there is no authorization to execute that  
23 agreement --

24 TRUSTEE PHILLIPS: That's what I was going to  
25 ask.

1           MAYOR NYCE:  -- which would be the next phase  
2           in this.  What we need to do is continue to move  
3           the project forward, and in order to do so and to  
4           have Genesys begin making the bid packages, which  
5           we could also refuse, this was the way I was  
6           proposing that we go.  There will be likely,  
7           depending upon the timing of it, there will likely  
8           be a special meeting called to execute the contract  
9           and review the contract as submitted by the Village  
10          Attorney.

11          TRUSTEE PHILLIPS:  So the comments that came  
12          from the public earlier were a little misleading in  
13          that this resolution still has to come back to us  
14          for finalization, correct?

15          MAYOR NYCE:  Absolutely.

16          TRUSTEE PHILLIPS:  Thank you.

17          MAYOR NYCE:  All those in favor?

18          TRUSTEE MURRAY:  Aye.

19          TRUSTEE HUBBARD:  Aye.

20          TRUSTEE ROBINS:  Aye.

21          TRUSTEE PHILLIPS:  Aye.

22          MAYOR NYCE:  Any opposed or abstentions?

23          (No Response.)

24          MAYOR NYCE:  That motion carries.

25          TRUSTEE HUBBARD:  RESOLUTION #09-2013-23,

1 RESOLUTION authorizing the creation of both legal  
2 and technical bid specifications for Phase II of  
3 the capital improvement upgrades program at the  
4 power plant, per the prioritized recommendations as  
5 outlined in the proposal as prepared by Genesys  
6 Engineering to include: And is there something  
7 missing there?

8 MAYOR NYCE: That's the --

9 TRUSTEE PHILLIPS: Attachment.

10 MAYOR NYCE: Attached.

11 TRUSTEE HUBBARD: That's the paper that we  
12 got this evening?

13 MAYOR NYCE: Yes.

14 TRUSTEE HUBBARD: Okay, the whole form. So  
15 that would be --

16 MAYOR NYCE: The whole form up to -- again,  
17 this is -- is there a second on it?

18 TRUSTEE ROBINS: Yeah, I'll second it.

19 MAYOR NYCE: Seconded by Trustee Robins.  
20 This is the same prioritized list that we've had  
21 since 2005. What has happened, as we've completed  
22 items, they have been highlighted. That amount  
23 does not carry forward. So we're starting from the  
24 top of the priority list still and basically  
25 working up to we get to the two million dollar

1 range.

2 The other thing that I explained to the  
3 Trustees with this, and I believe said at the Work  
4 Session, was that anything that comes in with this  
5 bid that would have an additional charge from  
6 Genesys will be added to what goes on. So all  
7 we're approving is the beginning stage of putting  
8 these bid specs together. Genesys' fee for that  
9 will be included in the bid specs, and will be  
10 written into the agreement that we further will  
11 approve.

12 TRUSTEE PHILLIPS: So, in other words, once  
13 again, to clarify --

14 MAYOR NYCE: Yes, we are --

15 TRUSTEE PHILLIPS: -- from the comments that  
16 came from the public, that we're not -- we're right  
17 on target.

18 MAYOR NYCE: Exactly.

19 TRUSTEE PHILLIPS: We, as the Board, still  
20 have the availability to refuse --

21 MAYOR NYCE: Yes.

22 TRUSTEE PHILLIPS: -- or to question --

23 MAYOR NYCE: Yes.

24 TRUSTEE PHILLIPS: -- or to stomp our feet,  
25 if we wish to --

1           MAYOR NYCE: Absolutely.

2           TRUSTEE PHILLIPS: -- on the proposals and  
3 either say yea or nay?

4           MAYOR NYCE: Absolutely.

5           TRUSTEE PHILLIPS: Okay. One other question  
6 that I just want clarified, because I -- we've had  
7 this document for quite a while --

8           MAYOR NYCE: Yes.

9           TRUSTEE PHILLIPS: -- as far as this  
10 particular spread sheet, so this isn't really  
11 anything new, correct?

12           MAYOR NYCE: No, it's not. The only thing  
13 that's been updated is --

14           TRUSTEE PHILLIPS: Is the highlighted stuff.

15           MAYOR NYCE: The newer highlighted stuff  
16 represents what's been completed in this last  
17 portion of the upgrade. And what he also did was  
18 in that original proposal, because the proposal was  
19 made so long ago --

20           TRUSTEE PHILLIPS: Right.

21           MAYOR NYCE: -- five-and-a-half million  
22 dollars went a little bit further than it does now.  
23 You will notice, as you read through the end of the  
24 proposal, there had been in that original proposal  
25 monies to upgrade the EMD engines that are at that

1 plant. We have backed off of that, because we  
2 clearly do not have the money to do that at this  
3 point. At some point, I'm hopeful that the  
4 Electric Fund will be making enough money that we  
5 can complete that portion. But what he's done is  
6 taken the unnecessary work out, just stuck with the  
7 priorities, and staying with the priority as we go  
8 through.

9 I welcome anybody's input on if there's stuff  
10 in here that we don't think we should prioritize.  
11 He's done it by, as he did from the start, what  
12 needs the most work first to provide safe,  
13 efficient electricity to our customers --

14 TRUSTEE PHILLIPS: Right.

15 MAYOR NYCE: -- and to make the plant itself  
16 safe and efficient as well. That's what the  
17 priorities have been. We have -- the engines are  
18 basically rebuilt, the switch gears rebuilt.  
19 There's a redundant transformer.

20 As a further update, I said at the Work  
21 Session as well, he did meet with the contractors  
22 on that first portion of the project. They had  
23 some punch list items that they will be working on  
24 during the end of this week. We will be  
25 contracting with an outside engineering firm to



1 commission a transformer, that being the proper way  
2 to go. Rather than having our Engineer commission  
3 it, we should have an outside firm commission that  
4 transformer. All of that is going to be done  
5 within the next several weeks prior to our next  
6 DMNC test, which is early November.

7 TRUSTEE PHILLIPS: Thank you for that.

8 MAYOR NYCE: Absolutely.

9 TRUSTEE HUBBARD: Okay. Now also on this,  
10 that's -- you were not here at the June Work  
11 Session. This is the same list that he proposed to  
12 us at the June Work Session?

13 MAYOR NYCE: Absolutely.

14 TRUSTEE HUBBARD: So that should anybody who  
15 had the Work Session reports from that meeting,  
16 when he gave it to us, that should have been  
17 available at that time.

18 MAYOR NYCE: Absolutely. The list basically  
19 hasn't changed since 2005. The only thing that  
20 changes slightly is the cost of the different  
21 items. And, again, the stuff that has been done  
22 has now been highlighted and backed out of --

23 TRUSTEE HUBBARD: Okay.

24 MAYOR NYCE: -- the proposal. Everything  
25 else is still --

1 TRUSTEE HUBBARD: Because he had the box, and  
2 actually he got late to the meeting.

3 MAYOR NYCE: Yeah.

4 TRUSTEE HUBBARD: He was last on the agenda.  
5 But this is the same paper he submitted that night.

6 TRUSTEE PHILLIPS: This is the same paper.

7 MAYOR NYCE: Absolutely.

8 TRUSTEE HUBBARD: So that should have been  
9 available.

10 MAYOR NYCE: Yes, it should have been.

11 TRUSTEE HUBBARD: Okay.

12 TRUSTEE PHILLIPS: And, to be honest --

13 TRUSTEE ROBINS: It would be with the Work  
14 Session documents, I believe.

15 MAYOR NYCE: It would be with the Work  
16 Session documents, yes.

17 MR. SWISKEY: It wasn't available to us.

18 MAYOR NYCE: If there's no further  
19 discussion, I will call the vote. All those in  
20 favor?

21 TRUSTEE MURRAY: Aye.

22 TRUSTEE HUBBARD: Aye.

23 TRUSTEE ROBINS: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 MAYOR NYCE: Any opposed or abstentions?

1 (No Response.)

2 MAYOR NYCE: That motion carries.

3 I believe Trustee Robins.

4 TRUSTEE ROBINS: RESOLUTION #09-2013-24,  
5 RESOLUTION approving an increase in the hourly wage  
6 rate of William Schultz, from \$13.00 per hour to  
7 \$14.08 per hour, for the assumption of additional  
8 duties and responsibilities, as detailed in the  
9 current collective bargaining agreement between the  
10 Village of Greenport and the CSEA - Article VII -  
11 Section 9(a) - Merit Clause.

12 So moved.

13 TRUSTEE PHILLIPS: Second.

14 MAYOR NYCE: All those in favor?

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE HUBBARD: Aye.

17 TRUSTEE ROBINS: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 MAYOR NYCE: Any opposed or abstentions?

20 (No Response.)

21 MAYOR NYCE: That motion carries.

22 TRUSTEE PHILLIPS: RESOLUTION #09-2013-25,  
23 RESOLUTION authorizing Dan Prindle to complete the  
24 Re-Certification Cross Connection Control Course to  
25 be held at Hydronic Supply located in Copiague, New

1 York at a cost of \$300.00, to be expensed from line  
2 item number F.8310.410 (Employee Training).

3 So moved.

4 TRUSTEE MURRAY: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE MURRAY: Aye.

7 TRUSTEE HUBBARD: Aye.

8 TRUSTEE ROBINS: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 MAYOR NYCE: Any opposed or abstentions?

11 (No Response.)

12 MAYOR NYCE: Motion carries.

13 TRUSTEE MURRAY: RESOLUTION #09-2013-26,  
14 RESOLUTION hiring John Fudjinski as a full-time  
15 Laborer effective September 24th, 2013 at a pay  
16 rate of \$14.00 per hour, for a 40-hour work week,  
17 including all applicable health and retirement  
18 benefits, and with the requisite six-month  
19 probationary period.

20 So moved.

21 TRUSTEE HUBBARD: Second.

22 MAYOR NYCE: All those in favor?

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE HUBBARD: Aye.

25 TRUSTEE ROBINS: Aye.

1 TRUSTEE PHILLIPS: Aye.

2 MAYOR NYCE: Any opposed or abstentions?

3 (No Response.)

4 MAYOR NYCE: That motion carries.

5 TRUSTEE HUBBARD: RESOLUTION #09-2013-27,  
6 RESOLUTION authorizing C & L Concrete Corp to  
7 perform curb replacements and install new curbs at  
8 various locations throughout the Village of  
9 Greenport at a cost of \$17.50 per linear foot, and  
10 a total cost of approximately \$26,075.00, and not  
11 to exceed \$33,000.00; per the estimate dated August  
12 27th, 2013; to be expensed as follows:

13 \$15,000.00 from line item A.5110.451 (CHIPS),  
14 and the balance from A.5110.406 (Sidewalks and  
15 Curbs).

16 So moved.

17 TRUSTEE ROBINS: Second.

18 TRUSTEE PHILLIPS: Mayor, I have a question.  
19 This project here is going to be taking place,  
20 because we now have an approximate and an exceed --  
21 not-to-exceed-to.

22 MAYOR NYCE: Yup.

23 TRUSTEE PHILLIPS: If there should during the  
24 project become some question about what needs to be  
25 done, or expense, or whatever, are we going to be

1 receiving as a Board change orders before that  
2 takes place?

3 MAYOR NYCE: I don't believe it falls into  
4 change order. I think what we did was -- there's  
5 an estimated amount of work to be done. The  
6 Village Administrator was looking for a little bit  
7 of leeway in case it went over or under. It  
8 generally goes over by a couple of feet, but he did  
9 not need to stop the work, get another resolution  
10 to further it. So what I suggested was a  
11 not-to-exceed number, which keeps us within our  
12 procurement policy and allows him a little bit of  
13 leeway. We are strongly suggesting that he not go  
14 over the estimated amount, because we don't have  
15 sufficient funding to cover much more work, but  
16 we're giving him --

17 TRUSTEE PHILLIPS: I guess I'm looking for a  
18 procedural -- an answer to a procedural question,  
19 because there is this leeway and there is -- this  
20 is going to be going on, and, you know, it's the  
21 push to want to get done. So that if he is getting  
22 near this 33,000, he is in the mindset that he  
23 needs to say, "Stop."

24 MAYOR NYCE: He is cut off at 33,000. That  
25 was why I put in a not-to-exceed number.

1 TRUSTEE PHILLIPS: Okay. That's why I'm just  
2 checking.

3 MAYOR NYCE: And I put the not-to-exceed  
4 number in as a number that I thought was still --  
5 would still allow the work to be done and was not  
6 excessive. If anyone wants to change that number,  
7 I'm open to suggestions, but that was the reason  
8 for this method.

9 TRUSTEE PHILLIPS: I don't have a problem  
10 with the number. I just want to make sure that the  
11 procedure is followed, so that the contractor and  
12 our Department Head are both on the same page.

13 MAYOR NYCE: Absolutely. You're reading that  
14 page?

15 MR. ABATELLI: I am.

16 MAYOR NYCE: Perfect. If there's no further  
17 discussion, I'll call the vote. All those in  
18 favor?

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE HUBBARD: Aye.

21 TRUSTEE ROBINS: Aye.

22 TRUSTEE PHILLIPS: Aye.

23 MAYOR NYCE: Any opposed or abstentions?

24 (No Response.)

25 MAYOR NYCE: That motion carries.

1 TRUSTEE ROBINS: RESOLUTION #09-2013-28,  
2 RESOLUTION authorizing the attendance of David  
3 Abatelli at the New York State Building Officials  
4 Conference in Colonie, New York from October 21st  
5 through 23rd, 2013, at a class fee of \$315.00 with  
6 hotel charges not to exceed \$280.00, and all  
7 applicable travel costs to be expensed from line  
8 item number A.3620.400 (Safety Inspector  
9 Contractual expense).

10 So moved.

11 TRUSTEE PHILLIPS: Second.

12 MAYOR NYCE: All those in favor?

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE ROBINS: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Any opposed or abstentions?

18 (No Response.)

19 MAYOR NYCE: That motion carries.

20 TRUSTEE PHILLIPS: RESOLUTION #09-2013-29,  
21 RESOLUTION approving all checks per the Voucher  
22 Summary report dated September 18th, 2013, in the  
23 total amount of \$471,397.44, consisting of:

24 All regular checks in the amount of  
25 \$416,533.60, and all prepaid checks (including wire



1 transfers) in the amount of \$54,863.84.

2 So moved.

3 TRUSTEE MURRAY: Second.

4 TRUSTEE PHILLIPS: I have one question. Is  
5 the Fire Department voucher -- I mean, abstract,  
6 did it make it in this time?

7 MAYOR NYCE: It believe it did.

8 TRUSTEE PHILLIPS: Oh, okay, because, I  
9 mean --

10 MAYOR NYCE: Yeah, they had a little snag  
11 last month.

12 TRUSTEE PHILLIPS: No. I know they did,  
13 that's why I'm asking.

14 MAYOR NYCE: Yeah. No, it's in this -- it's  
15 in this month.

16 All those in favor?

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE ROBINS: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR NYCE: Any opposed or abstentions?

22 (No Response.)

23 MAYOR NYCE: That motion carries.

24 It being 7:38, that concludes the business  
25 for this Board tonight.

1 I will offer a motion to adjourn to executive  
2 session to discuss a personnel issue in the  
3 Utilities Department.

4 TRUSTEE HUBBARD: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE MURRAY: Aye.

7 TRUSTEE HUBBARD: Aye.

8 TRUSTEE ROBINS: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 MAYOR NYCE: Any opposed or abstentions?

11 (No Response.)

12 MAYOR NYCE: We are adjourned. Thank you.

13 (Whereupon the meeting was adjourned at

14 7:38 p.m.)

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C E R T I F I C A T I O N

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STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on September 23, 2013.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of October, 2013.



Lucia Braaten

<b>A</b>			
<b>Abatelli</b> 1:22 13:15 87:15 88:3	10:13 14:2,16,23 15:21 18:10 20:8 31:16 37:24 44:5 45:24	31:23,24,25 32:1 32:2,19,21,23 33:2,7,10 54:12 75:20,23 78:10 83:9	<b>anyone's</b> 46:8 <b>anyway</b> 32:14 33:22 37:7 39:17
<b>ability</b> 22:1	<b>addressed</b> 18:19 67:4	<b>ahead</b> 32:6 52:23	<b>apartment</b> 17:15 <b>apartments</b> 63:15
<b>able</b> 7:23 28:19 33:18 43:3 48:17 65:5,16	<b>adjacent</b> 66:11	<b>aide</b> 23:5	<b>Apparently</b> 46:16 46:18,18
<b>absolutely</b> 10:5,10 26:22 30:16 31:6 31:10 32:10,12 34:12 61:10 76:15 79:1,4 81:8,13,18 82:7 87:13	<b>adjourn</b> 90:1	<b>aides</b> 21:9	<b>Appeals</b> 21:17
<b>abstentions</b> 24:14 49:14,25 50:17 51:8,23 53:5 54:6 54:22 55:15 56:6 56:25 58:8,22 59:14 70:8 71:2 71:20 72:16 73:11 74:12 75:4 76:22 82:25 83:19 84:10 85:2 87:23 88:17 89:21 90:10	<b>adjourned</b> 90:12 90:13	<b>Albany</b> 73:18	<b>Appellate</b> 21:14
<b>abstract</b> 89:5	<b>adjustment</b> 33:22	<b>Alliance</b> 2:6,8	<b>applicable</b> 73:20 84:17 88:7
<b>abuse</b> 5:14	<b>adjustments</b> 33:25 51:13	<b>Alliance</b> 6:2 7:3,11 8:19 9:24 64:25	<b>application</b> 15:13 21:10 27:4,10 49:4,5 50:21 55:20 56:11
<b>accept</b> 43:5,25	<b>administering</b> 8:21	<b>allow</b> 21:4 87:5	<b>applications</b> 26:3 26:19 38:5,6 49:6 57:14
<b>accepting</b> 35:24 36:2 50:5 75:8	<b>Administrator</b> 1:22 50:7 86:6	<b>allowing</b> 35:1 61:8	<b>apply</b> 20:6,9
<b>accommodate</b> 28:19	<b>admit</b> 41:23	<b>allows</b> 22:9,21 86:12	<b>appreciate</b> 42:24 64:13
<b>accumulate</b> 48:15	<b>adopting</b> 35:19 49:17 52:2 59:1,3 59:5 60:21 74:16 74:19,21	<b>amendment</b> 52:9 57:6	<b>appropriate</b> 10:9 59:25
<b>acknowledge</b> 35:9	<b>adversely</b> 22:7	<b>America</b> 43:21	<b>appropriation</b> 52:6
<b>acknowledged</b> 33:16	<b>advocacy</b> 19:8,12 19:18	<b>American</b> 8:15	<b>approve</b> 78:11
<b>action</b> 4:9 10:1 23:13,14 40:20 46:10 59:4,5 65:11 74:20,21 91:14	<b>advocates</b> 20:23	<b>Amol</b> 21:11 23:21	<b>approved</b> 19:6 50:23 55:5
<b>actions</b> 46:23	<b>affect</b> 22:7	<b>amount</b> 10:23 14:22 47:12,14,20 52:7 77:22 86:5 86:14 88:23,24 89:1	<b>approving</b> 31:20 50:21 55:19 56:10 58:12 78:7 83:5 88:21
<b>activities</b> 19:17	<b>affiliated</b> 28:2 71:25	<b>analyses</b> 20:11	<b>approximate</b> 85:20
<b>added</b> 78:6	<b>affirmatively</b> 23:12	<b>Ann</b> 5:6	<b>approximately</b> 28:21 85:10
<b>additional</b> 45:4,6 78:5 83:7	<b>afford</b> 47:14	<b>announced</b> 4:10	<b>area</b> 20:21 21:6
<b>address</b> 2:20 5:4,19	<b>affordable</b> 9:15 19:12 63:11	<b>announcements</b> 2:18,22 3:15	<b>areas</b> 7:18 19:14 67:19
	<b>afternoon</b> 6:4	<b>annual</b> 53:17 55:23 68:7,15,20 69:3 73:16	<b>arrow</b> 70:15
	<b>age</b> 20:20	<b>answer</b> 13:2,6,6,9 15:1,14 41:6 42:21,24 43:3 86:18	<b>Art</b> 71:9
	<b>agency</b> 19:7 35:20 59:4 60:4 74:19	<b>anticipated</b> 38:11	<b>Article</b> 83:10
	<b>agenda</b> 2:21 4:13 4:17,19 24:19,19 26:18 31:17 32:15 37:25 38:2 49:18 82:4	<b>Anti-Bullying</b> 58:13	<b>aside</b> 47:16
	<b>ago</b> 33:6 65:9 79:19	<b>anti-climactic</b> 42:11	<b>asked</b> 6:17 35:23 35:24 37:5 39:1 40:1,2 41:8 42:3 42:19
	<b>agree</b> 9:16 11:14 15:24 64:24 65:12	<b>anybody</b> 3:8 35:8 36:5 40:8 44:10 81:14	<b>asking</b> 13:6 15:5 36:7 57:19 89:13
	<b>agreed</b> 42:15,19 65:3	<b>anybody's</b> 80:9	<b>Assembly</b> 55:19 56:10
	<b>agreement</b> 31:21		<b>assess</b> 23:11
			<b>assistance</b> 22:10
			<b>assisted</b> 19:17
			<b>Association</b> 43:5 72:2,22
			<b>assume</b> 12:2
			<b>assuming</b> 4:17 15:17 69:16
			<b>assumption</b> 83:7
			<b>assure</b> 4:8
			<b>attached</b> 51:13 52:9 55:4 58:12 60:24 77:10
			<b>Attachment</b> 77:9
			<b>attend</b> 73:16
			<b>attendance</b> 72:1,20 88:2
			<b>attended</b> 3:22
			<b>attorney</b> 1:20 4:7 20:24 23:21,21 24:20 27:12 50:8 59:21 60:14 75:11 75:21 76:10
			<b>attorneys</b> 8:3
			<b>August</b> 68:10 72:1 85:11
			<b>authority</b> 7:24 47:7 52:21
			<b>authorization</b> 75:22
			<b>authorize</b> 44:2
			<b>authorized</b> 32:1 48:7 52:8
			<b>authorizing</b> 46:24 51:12 53:9 54:10 55:1 70:13 71:6 71:24 73:15 75:11 77:1 83:23 85:6 88:2
			<b>availability</b> 78:20
			<b>available</b> 19:22 29:14 36:3,4 81:17 82:9,17
			<b>Avenue</b> 18:18
			<b>Award</b> 54:11 55:2

<b>awarding</b> 68:7	<b>bad</b> 9:12 31:22	<b>biggest</b> 34:17,17	<b>bow</b> 70:15	<b>careful</b> 20:11 23:11
<b>aware</b> 63:22	<b>balance</b> 47:22	<b>Bill</b> 35:2 36:3,11,13	<b>box</b> 82:1	<b>caregivers</b> 16:25
<b>Awareness</b> 58:13	48:17 52:7,17	36:17,21	<b>Braaten</b> 91:7,23	<b>carpooling</b> 74:3
<b>Aye</b> 24:10,11,12,13	85:14	<b>Billy</b> 38:18	<b>Brandt</b> 53:11	<b>carries</b> 24:16 49:16
49:10,11,12,13,21	<b>bank</b> 38:15	<b>binding</b> 43:11,13	<b>Braun</b> 35:15 36:19	50:2,19 51:10,25
49:22,23,24 50:13	<b>bargaining</b> 83:9	<b>bit</b> 31:18 33:12	37:18 38:18,21	53:7 54:8,24
50:14,15,16 51:4	<b>Barry</b> 10:15 44:6	39:16 79:22 86:6	39:21	55:17 56:8 57:2
51:5,6,7,19,20,21	<b>based</b> 20:16 22:23	86:12	<b>bring</b> 17:1 27:5,8	58:10,24 59:16
51:22 53:1,2,3,4	23:3 59:22,23	<b> blessing</b> 52:22	27:16 34:2 44:7	70:10 71:4,22
54:2,3,4,5,18,19	68:16,21 69:4	<b>blood</b> 91:14	<b>bringing</b> 6:10 34:4	72:18 73:13 74:14
54:20,21 55:11,12	<b>basic</b> 64:2,5	<b>blue</b> 12:17	48:12 66:8	75:6 76:24 83:2
55:13,14 56:2,3,4	<b>basically</b> 7:11	<b>Board</b> 1:3 2:4,16	<b>brings</b> 4:4 26:22	83:21 84:12 85:4
56:5,21,22,23,24	11:15 12:9,11	2:20 3:18 4:11,18	48:8	87:25 88:19 89:23
58:4,5,6,7,18,19	15:4 26:3 37:13	5:8,19 6:23 9:25	<b>Bruce</b> 27:2	<b>carry</b> 77:23
58:20,21 59:10,11	77:24 80:18 81:18	10:13 14:2,20	<b>brush</b> 2:22,24,25	<b>case</b> 6:10 19:5 86:7
59:12,13 70:4,5,6	<b>basis</b> 34:1 47:3,5	15:21 17:23 18:4	<b>budget</b> 33:22 38:8	<b>cases</b> 66:12
70:7,23,24,25	<b>bathroom</b> 16:15	18:11,20,25 23:9	38:9 51:13 52:9	<b>cash</b> 47:16,21
71:1,16,17,18,19	<b>bear</b> 4:1 20:15	24:17 27:19 29:7	<b>building</b> 9:2 14:21	48:12,13,16
72:12,13,14,15	21:23	29:19 30:9 31:17	15:11 18:1,6,7	<b>cast</b> 64:8
73:7,8,9,10 74:8,9	<b>beautiful</b> 16:25	31:19,20,25 34:25	41:20 45:7 63:12	<b>catching</b> 69:10
74:10,11,25 75:1	<b>bedroom</b> 21:3,6	37:16,25 38:19	63:13 64:5 65:7	<b>caught</b> 25:25 36:22
75:2,3 76:18,19	23:4	41:22 42:15 43:12	65:11 88:3	<b>cause</b> 9:19
76:20,21 82:21,22	<b>bedrooms</b> 21:4	43:13 44:1,5,8	<b>buildings</b> 18:6	<b>celebration</b> 3:14
82:23,24 83:15,16	<b>beginning</b> 30:7	45:6,11,12,18,24	66:10	<b>Central</b> 64:18
83:17,18 84:6,7,8	65:4 70:17 71:8	46:7,9 47:1 50:8	<b>burden</b> 21:22	<b>certain</b> 10:23 22:3
84:9,23,24,25	78:7	50:24 55:6 60:5	<b>bureaucracy</b> 45:15	22:12 38:24 55:21
85:1 87:19,20,21	<b>behalf</b> 19:1	61:13,17 63:10	<b>business</b> 22:2 34:22	<b>certainly</b> 25:22
87:22 88:13,14,15	<b>believe</b> 7:5 8:1,12	65:8 78:19 86:1	89:24	<b>certify</b> 91:9,13
88:16 89:17,18,19	12:17 27:20 30:21	89:25	<b>busy</b> 41:21	<b>challenge</b> 45:10
89:20 90:6,7,8,9	40:25 68:5 78:3	<b>Boards</b> 45:18	<b>butts</b> 35:11	<b>challenging</b> 19:19
<b>a.m</b> 68:10	82:14 83:3 86:3	<b>Board's</b> 41:15	<b>B.7</b> 22:15	<b>chance</b> 10:7 59:19
<b>A.1210.400</b> 73:21	89:7	<b>boat</b> 27:6,6,7,8,14		<b>change</b> 27:14 43:9
<b>A.1325.400</b> 53:14	<b>believed</b> 63:9 67:19	27:17,21 28:2,5	<b>C</b>	86:1,4 87:6
<b>A.3620.400</b> 88:8	<b>believing</b> 66:22	28:15,20 30:10	<b>C</b> 85:6 91:1,1	<b>changed</b> 16:16,16
<b>A.5110.406</b> 85:14	<b>beneficiaries</b> 55:2	31:21 42:18	<b>cable</b> 12:13	27:10 81:19
<b>A.5110.451</b> 85:13	<b>benefits</b> 84:18	<b>Bohemia</b> 18:18	<b>Cablevision</b> 12:14	<b>changes</b> 10:20
	<b>Berson</b> 71:6,12	<b>books</b> 41:19 62:5	<b>call</b> 2:4 36:24 37:1	25:11 81:20
	<b>BESS</b> 1:16	62:23 65:5 66:15	59:18 60:19 61:4	<b>changing</b> 10:19
	<b>best</b> 39:22 65:20	<b>boon</b> 40:7	70:2 82:19 87:17	57:13
	<b>bet</b> 37:17	<b>born</b> 64:14,17	<b>called</b> 2:1 76:8	<b>chapter</b> 18:23 19:3
	<b>better</b> 37:18 63:20	<b>borrow</b> 48:10	<b>Campground</b>	21:11 23:22 57:7
	<b>beyond</b> 21:25	<b>borrowed</b> 47:11,18	51:15	57:25 59:2 60:22
	<b>bicycles</b> 13:13	<b>borrowing</b> 47:14	<b>capital</b> 35:18 47:9	<b>charge</b> 53:23 72:6
	<b>bid</b> 46:24,25 47:2,2	48:8	47:24 48:10,14,17	73:1 78:5
	68:7,9 76:4 77:2	<b>boss</b> 11:23	74:18 75:10 77:3	<b>charges</b> 33:24
	78:5,8,9	<b>bothers</b> 44:22	<b>care</b> 16:22 26:7	38:10 52:24 88:6
	<b>bidding</b> 42:16	<b>bought</b> 16:19 64:15	61:20	<b>check</b> 6:11 12:1

<b>checking</b> 87:2 <b>checks</b> 88:21,24,25 <b>child</b> 16:6 64:15 <b>children</b> 16:23 17:1 20:19 <b>CHIPS</b> 85:13 <b>choice</b> 23:16 <b>choose</b> 30:2 42:21 47:1 <b>circumvents</b> 22:12 <b>Cite</b> 9:9 <b>citizen</b> 40:10 <b>Civil</b> 21:12 <b>clarification</b> 24:22 69:11 <b>clarified</b> 79:6 <b>clarify</b> 78:13 <b>class</b> 72:3,6,23 73:1 88:5 <b>classes</b> 20:17 22:24 <b>Clause</b> 83:11 <b>clean</b> 26:10 48:25 <b>clear</b> 26:14 <b>clearing</b> 19:20 <b>clearly</b> 24:18 80:2 <b>Clerk</b> 1:21 6:25 10:6 18:14,20 30:22 33:6,7 35:24 49:3 50:6 57:8 60:19 61:3 <b>Clerk's</b> 4:22 49:7 <b>clients</b> 19:13 <b>close</b> 6:9 18:14 23:24 <b>closed</b> 3:13 40:18 <b>closes</b> 4:18 <b>closure</b> 56:13 <b>code</b> 9:5,8 11:2,19 11:25 12:6,7,8 13:7 15:13 18:24 19:4 57:8 60:23 61:21,24 63:1,17 65:1 67:3,15,17 67:18,23 <b>codes</b> 12:1 62:22 63:13 64:5,6 66:14	<b>collect</b> 34:7,15 <b>collected</b> 33:25,25 38:11,13 <b>collecting</b> 34:5 <b>collective</b> 21:1 83:9 <b>collectively</b> 40:3 <b>Colonie</b> 88:4 <b>color</b> 20:18 <b>Columbus</b> 3:14 14:10 <b>combination</b> 48:5 <b>come</b> 4:14 9:24 28:17 29:15,20 30:2,9,15 31:19 38:24 40:4,9 46:7 46:15 57:14 66:19 66:19 76:13 <b>comes</b> 78:4 <b>coming</b> 9:11 12:14 13:14 64:24 <b>commendable</b> 5:8 <b>comment</b> 33:18 36:5 40:16,16 42:7 46:5 59:21 59:22,23 60:4 61:12,16 67:13 <b>comments</b> 4:24 21:1 23:18 41:5 44:7,16 61:8 62:7 67:2 76:11 78:15 <b>commercial</b> 34:15 34:16 38:14 <b>commission</b> 81:1,2 81:3 <b>commitment</b> 15:2 15:15 41:15 42:3 <b>committed</b> 43:5,10 <b>committee</b> 10:25 11:3,4,5 65:2 67:3 67:15,17,18,23 <b>common</b> 61:15 <b>community</b> 9:15 <b>company</b> 39:21 43:20,20,22 <b>compare</b> 60:12 <b>compared</b> 20:13 <b>compel</b> 21:20	<b>complaining</b> 13:19 <b>complaint</b> 10:25 <b>complaints</b> 11:20 62:6 <b>complete</b> 26:20 47:24 48:17 49:6 80:5 83:23 <b>completed</b> 77:21 79:16 <b>compliant</b> 63:17 <b>comply</b> 17:4,22 <b>component</b> 6:18 9:17 <b>comprehensive</b> 19:6 <b>concern</b> 19:2 <b>concerned</b> 7:21 47:7 <b>concerning</b> 20:4 51:13 <b>concerns</b> 6:16 7:9 20:1,22 <b>conclude</b> 46:1 <b>concludes</b> 89:24 <b>conclusion</b> 66:20 <b>Concrete</b> 85:6 <b>condition</b> 21:25 <b>conditions</b> 63:23,24 66:1 <b>conduct</b> 70:14 <b>conference</b> 73:16 73:18 88:4 <b>confused</b> 45:2 <b>congestion</b> 32:19 33:24 38:10 52:23 <b>congratulate</b> 3:24 <b>congratulations</b> 3:17 <b>Connection</b> 83:24 <b>consent</b> 21:21 22:3 <b>consider</b> 35:13 <b>consideration</b> 20:25 23:17 <b>consistent</b> 22:20 <b>consistently</b> 20:9 <b>consisting</b> 88:23 <b>Constitution</b> 22:4	<b>constitutional</b> 11:17 20:3 <b>constitutionality</b> 65:1 <b>consulted</b> 8:3 21:11 <b>contacted</b> 6:7 19:24 <b>contains</b> 11:15 91:10 <b>continue</b> 47:16 48:15,23 76:2 <b>continued</b> 69:17 <b>continues</b> 46:24 <b>continuing</b> 48:19 71:13 <b>contract</b> 33:17 43:11 52:18 75:12 76:8,9 <b>contracting</b> 80:25 <b>contractor</b> 63:12 87:11 <b>contractors</b> 48:4 80:21 <b>contracts</b> 52:15 <b>Contractual</b> 53:15 73:22 88:9 <b>Control</b> 72:23 83:24 <b>Copiague</b> 83:25 <b>copied</b> 23:20 <b>copies</b> 6:13 <b>copy</b> 6:10 7:6 32:25 33:10 <b>Corp</b> 68:9,11 85:6 <b>correct</b> 27:20,24 28:4,7,22 66:13 67:20 76:14 79:11 91:11 <b>corrected</b> 67:4 69:16 <b>correspondence</b> 7:4 <b>corresponding</b> 75:12 <b>cost</b> 53:13,18 68:15 68:18,20 69:1,3 72:24 81:20 84:1 85:9,10	<b>costs</b> 8:21 22:8 73:20 88:7 <b>counseling</b> 19:7,13 <b>counselors</b> 20:23 <b>counter-bid</b> 40:9 <b>County</b> 1:1 3:4,12 19:9 91:5 <b>couple</b> 4:2 6:5 14:9 25:10 26:25 27:4 42:23 66:25 69:22 69:23 86:8 <b>course</b> 3:19 48:16 83:24 <b>court</b> 21:14,17 22:14 35:11 37:22 45:13 91:7 <b>cover</b> 74:6 75:13 86:15 <b>cracked</b> 42:25 <b>create</b> 19:3 30:22 75:12 <b>creating</b> 59:2 60:21 <b>creation</b> 77:1 <b>Credits</b> 52:4 <b>crew</b> 3:17 71:13 <b>Cross</b> 83:24 <b>cruise</b> 27:5,16,25 <b>CSEA</b> 83:10 <b>curb</b> 13:21 85:7 <b>curbs</b> 85:7,15 <b>curiosity</b> 69:20 <b>current</b> 83:9 <b>cursor</b> 11:22 13:18 <b>customers</b> 80:13 <b>cut</b> 86:24
<b>D</b>				
<b>Damiani</b> 2:11 <b>Dan</b> 83:23 <b>dated</b> 18:18 54:13 60:24 85:11 88:22 <b>David</b> 1:14,17,22 36:20 71:6 88:2 <b>day</b> 3:14 14:10,10 17:1,25 91:18 <b>days</b> 2:25 4:2 32:12				

33:9 40:12	<b>determining</b> 59:4 74:20	82:16	<b>elimination</b> 19:10	<b>Environment</b> 72:2 72:22
<b>dead</b> 42:25	<b>dialogue</b> 38:17	<b>dog</b> 15:8	<b>email</b> 6:11 18:19 33:11	<b>equivalent</b> 8:6 68:15,20 69:2
<b>deal</b> 30:9 39:19,24 40:6 43:8 63:19	<b>diesel</b> 69:1,6,7	<b>doing</b> 7:12,17 34:3 39:20,21 43:22 45:20 48:19 52:21 62:25	<b>EMD</b> 79:25	<b>Erik</b> 23:20
<b>deals</b> 32:17 64:6	<b>difference</b> 39:16	<b>dollar</b> 47:9 77:25	<b>emergency</b> 3:4,9,12	<b>especially</b> 20:18 25:11,18
<b>Dear</b> 18:25	<b>different</b> 22:19 39:12 41:13,14 42:17 43:23 61:25 61:25 67:16 81:20	<b>dollars</b> 34:16 37:12 37:13 42:23 47:19 47:21,23 48:1,8,9 48:12 79:22	<b>Employee</b> 72:8 73:3 84:2	<b>estate</b> 63:14
<b>decent</b> 19:11 63:21	<b>differently</b> 8:14	<b>door</b> 16:3,12,25 17:9,24	<b>enact</b> 46:10,12	<b>estimate</b> 85:11
<b>decide</b> 40:21 41:16 41:23 43:9	<b>directing</b> 57:8	<b>downstairs</b> 16:3,18 17:21	<b>enacted</b> 46:9	<b>estimated</b> 68:16,21 69:5 86:5,14
<b>decision</b> 21:17	<b>Director</b> 6:1,20 21:12 23:19,22 50:7 74:4	<b>Drainage</b> 57:7	<b>encourage</b> 20:25	<b>etcetera</b> 3:11,11
<b>decisions</b> 40:24	<b>disabilities</b> 3:7 21:9	<b>draw</b> 66:16	<b>enforce</b> 9:9 11:1,5 11:19 12:10 15:2 41:15 44:23 45:3 46:9,10 62:4,14 62:19,21,24 63:4 65:6	<b>evacuated</b> 3:11
<b>declaration</b> 59:6 74:21	<b>disability</b> 3:9 20:19 22:24 23:5	<b>drawn</b> 32:1 75:20	<b>enforceable</b> 12:8	<b>Evacuation</b> 3:5
<b>declaring</b> 58:13	<b>disagree</b> 67:22	<b>dream</b> 8:15	<b>enforced</b> 15:6 41:20,24 42:1 61:19	<b>evening</b> 4:19 10:1 77:12
<b>deer</b> 70:14	<b>discard</b> 23:10	<b>due</b> 8:4 20:5 22:13	<b>enforcement</b> 11:2 11:25 19:8 41:14 61:21 63:1	<b>evenings</b> 28:1
<b>defeat</b> 23:10	<b>discrimination</b> 19:11,19	<b>Dunbar</b> 71:25 72:20	<b>enforcing</b> 15:25 17:13 63:2	<b>evening's</b> 4:19
<b>defined</b> 22:25	<b>discriminatory</b> 19:25 21:7 22:23 23:3	<b>duties</b> 83:8	<b>engage</b> 22:1	<b>event</b> 3:9
<b>definition</b> 14:5 22:21,21	<b>discuss</b> 29:10,13 39:12 90:2	<b>dwelling</b> 14:7	<b>engine</b> 37:14	<b>everybody</b> 6:10,14 8:14,16,16,17 13:22 32:3
<b>Definitions-Conv...</b> 21:3	<b>discussed</b> 4:12 10:18 67:18	<b>d/b/a</b> 68:9	<b>engineer</b> 37:18 40:6 81:2	<b>everybody's</b> 18:7
<b>Delivery</b> 68:8	<b>discussing</b> 46:4		<b>engines</b> 79:25 80:17	<b>everyone's</b> 10:6 53:22
<b>Demarest</b> 68:9	<b>discussion</b> 24:18 40:19 58:2 69:25 82:19 87:17	<b>E</b>	<b>enlightened</b> 62:6	<b>eviction</b> 22:11,15
<b>Department</b> 9:3 14:21 32:18 41:22 42:2 45:7 50:6,22 50:24 55:6 65:7 65:12 72:5,24 73:23 87:12 89:5 90:3	<b>discussions</b> 52:20	<b>E</b> 1:13,13 91:1	<b>ensure</b> 20:14 46:23	<b>evidence</b> 22:17
<b>Department's</b> 15:12 41:20	<b>dish</b> 9:20 12:13	<b>earlier</b> 76:12	<b>enter</b> 24:21	<b>exactly</b> 27:13 66:18 78:18
<b>depending</b> 76:7	<b>disparate</b> 20:15	<b>early</b> 81:6	<b>entered</b> 52:15,18	<b>example</b> 21:15 34:14
<b>Deputy</b> 1:15,21 6:25 10:6 18:14 60:18 61:3	<b>disrespectful</b> 37:21	<b>earned</b> 33:20	<b>entertain</b> 23:24	<b>exceed</b> 4:9 85:11,20 88:6
<b>described</b> 67:14	<b>dissuade</b> 66:22	<b>East</b> 62:17	<b>entertaining</b> 18:13	<b>Excellent</b> 6:15
<b>description</b> 65:3,10	<b>distribute</b> 7:2	<b>Eastern</b> 64:18	<b>entire</b> 47:19	<b>excessive</b> 87:6
<b>deserve</b> 15:1,14,14 15:18	<b>distributed</b> 31:2	<b>economic</b> 23:14	<b>entirely</b> 39:9	<b>exchange</b> 21:23
<b>designated</b> 42:12	<b>disturbed</b> 5:10	<b>Ed</b> 7:4	<b>entitled</b> 8:13 36:1	<b>excluded</b> 14:14
<b>detail</b> 60:14	<b>diverse</b> 11:4	<b>edge</b> 11:16		<b>excluding</b> 62:10,15
<b>detailed</b> 6:19 83:8	<b>DMNC</b> 81:6	<b>education</b> 19:12		<b>exclusion</b> 20:5
<b>details</b> 48:21	<b>dock</b> 28:6	<b>effect</b> 17:8 19:25		<b>excuse</b> 20:12 22:16 32:15 35:4 62:20
<b>determine</b> 9:18	<b>docked</b> 27:21	<b>effecting</b> 22:14		<b>execute</b> 54:11 75:22 76:8
<b>determined</b> 46:8 67:24	<b>document</b> 33:15 36:9 60:24 79:7	<b>effective</b> 48:25 66:15 84:15		<b>executed</b> 31:25 32:2
	<b>documents</b> 82:14	<b>efficient</b> 48:25 80:13,16		<b>executive</b> 6:1,20 23:19 73:23 90:1
		<b>either</b> 79:3		
		<b>electric</b> 32:18 49:1 51:14 52:6 80:4		
		<b>electricity</b> 80:13		

<b>exempted</b> 14:5	<b>familial</b> 20:19 23:3	50:24 55:6 64:6	<b>four</b> 12:4 61:16	<b>genesis</b> 66:7
<b>existed</b> 36:10	<b>familiar</b> 19:5	89:5	62:9 65:8 66:7	<b>Genesys</b> 35:17
<b>existing</b> 11:25	<b>families</b> 17:18	<b>Firehouse</b> 1:8 57:6	<b>Francis</b> 2:11	46:22 74:17 75:8
<b>exists</b> 33:3	20:19 21:8	<b>firm</b> 48:5 80:25	<b>Freeport</b> 35:11	75:12,16 76:4
<b>expense</b> 33:24	<b>family</b> 3:3 11:10	81:3	<b>Freeport's</b> 21:18	77:5 78:6,8
73:22 74:4 85:25	17:21 22:18,21	<b>first</b> 25:11 26:12	<b>FRES</b> 3:5	<b>gentleman</b> 15:24
88:9	23:4,4	27:6 32:15 44:8	<b>friend</b> 13:16	<b>Gentlemen</b> 10:15
<b>expensed</b> 53:14	<b>Fantastic</b> 29:23	45:11 56:13,14	<b>friends</b> 11:5	<b>George</b> 1:15 44:15
72:7 73:2,21 84:1	<b>far</b> 6:17 7:14,16,19	64:12 65:8 67:1	<b>front</b> 27:2 43:1	<b>getting</b> 13:23 86:21
85:12 88:7	8:1,22 9:2,14	80:12,22	56:13,14	<b>GFOA</b> 53:12
<b>expenses</b> 71:25	15:15 46:3 47:6	<b>five</b> 6:9 17:16 22:22	<b>Fudjinski</b> 84:14	<b>give</b> 7:9 26:14 40:2
72:7 73:2	63:16 64:25 79:9	44:25 63:14 66:7	<b>fuel</b> 68:8 69:1,7	40:3,4 43:7 64:1
<b>experience</b> 16:2,21	<b>favor</b> 24:9 49:9,20	70:18	<b>Fuels</b> 68:8	65:2,14
37:20	50:12 51:3,18	<b>five-and-a-half</b>	<b>Fuel/Demarest</b>	<b>given</b> 6:18 65:21
<b>experienced</b> 15:11	52:25 54:1,17	79:21	68:11	<b>giving</b> 37:19 59:19
16:13	55:10 56:1,20	<b>flags</b> 20:3	<b>full</b> 46:11	86:16
<b>expertise</b> 20:21	58:3,17 59:9	<b>flat</b> 36:16	<b>full-time</b> 84:14	<b>glad</b> 34:25 35:1
<b>explain</b> 34:20 46:20	62:23 68:1 70:3	<b>Floodplains</b> 57:7	<b>Fund</b> 52:6 80:4	<b>Glory</b> 71:8
<b>explained</b> 42:16	70:22 71:15 72:11	<b>Floyd</b> 56:11,15	<b>funding</b> 33:23 38:9	<b>go</b> 7:24 10:21 13:5
52:14 78:2	73:6 74:7,24	<b>Fogarty</b> 73:15,24	52:5 86:15	15:16 22:10 26:5
<b>explaining</b> 40:15	76:17 82:20 83:14	74:3	<b>further</b> 23:12 52:13	32:6 34:9,19
<b>explanation</b> 34:19	84:5,22 87:18	<b>FOIL</b> 32:7	58:2 75:11,19	36:19 48:21 62:5
52:13 57:12,21	88:12 89:16 90:5	<b>FOILed</b> 32:20 33:6	78:10 79:22 80:20	76:6 80:7 81:2
74:2 75:19	<b>favorite</b> 35:14	<b>folder</b> 30:22	82:18 86:10 87:16	86:13
<b>express</b> 19:2	<b>federally</b> 20:16	<b>follow</b> 9:9 16:12	91:13	<b>goals</b> 19:13
<b>expressed</b> 6:16	<b>fee</b> 54:12 57:13	<b>followed</b> 87:11	<b>future</b> 34:2 62:15	<b>God</b> 34:4,15
<b>extent</b> 3:15 46:11	73:18 78:8 88:5	<b>following</b> 52:2 53:9	<b>F.8310.410</b> 84:2	<b>goes</b> 15:4 41:24
<b>extra</b> 9:21	<b>feel</b> 6:20 8:13,18	71:25		45:11,12 66:7
<b>extreme</b> 65:22	9:4 15:7 26:13	<b>follows</b> 68:12 85:12	<b>G</b>	78:6 86:8
<b>e-mailed</b> 6:9	63:25 64:4 65:3	<b>foot</b> 28:21 85:9	<b>gallon</b> 68:14,19	<b>going</b> 7:1 10:23
<b>E.0781.100</b> 73:23	<b>feels</b> 12:2	<b>forced</b> 13:20 22:2	69:1	11:1,3,4 12:9,10
	<b>feet</b> 29:1 78:24 86:8	<b>foreclosure</b> 19:15	<b>gallons</b> 68:16,22	13:9,14,15 14:25
<b>F</b>	<b>fellow</b> 6:4	<b>forego</b> 22:3	69:5	15:6,10,15,16,17
<b>F</b> 1:13 91:1	<b>felt</b> 10:8 37:20 41:3	<b>foregoing</b> 91:10	<b>garbage</b> 37:11,19	17:7,9 25:5 26:5
<b>face</b> 21:16	<b>Ferry</b> 28:13	<b>forget</b> 44:15	<b>Garritano</b> 26:23	27:25 29:10 30:3
<b>facility</b> 3:12	<b>festival</b> 3:20,23	<b>Fork</b> 6:2 7:3,11	27:2,2,24 28:4,7	30:4 34:5,6 35:5,5
<b>fact</b> 8:8,8 16:21	42:14	8:18 9:24 44:19	28:11,15,22,25	35:6,7,14,21
64:13	<b>Fifth</b> 15:23	64:25	29:3,6,12,16,18	36:19,25 37:3,11
<b>factual</b> 39:10	<b>fight</b> 15:8	<b>form</b> 32:25 33:23	29:23 30:6,13,16	38:3 39:13,13,15
<b>fair</b> 6:18 8:11,11	<b>figure</b> 13:8	77:14,16	30:19 31:11,13	40:7,9,11,13
19:7,14,18 20:17	<b>Filament</b> 72:22	<b>formal</b> 30:17	<b>gasoline</b> 68:13,17	41:19 42:4,10
20:22,24 22:25	<b>finalization</b> 76:14	<b>forth</b> 67:18	68:22,23	44:23,24,25 45:9
23:12,16 40:22	<b>find</b> 19:21 33:5	<b>fortunate</b> 63:21	<b>gears</b> 80:18	45:9 46:8,11 48:2
60:16 66:25	37:17	<b>forward</b> 30:11	<b>Gees</b> 12:14	48:3,4,13,20,23
<b>fairly</b> 45:8	<b>fine</b> 10:22 30:13	46:24 69:17 76:3	<b>gender</b> 20:20	57:16 59:17 61:18
<b>Fall</b> 53:9,12	<b>finest</b> 10:21	77:23	<b>general</b> 21:24 62:2	62:18 64:8 65:17
<b>falls</b> 86:3	<b>fire</b> 30:10 50:6,22	<b>found</b> 21:15 64:22	<b>generally</b> 86:8	66:2,22 67:7,21



68:1 71:9 75:24  
81:4 85:19,25  
86:20,20  
**good** 6:4 9:3 29:20  
32:5 37:23 39:24  
40:6 66:23  
**Gordon** 15:22,22  
**government** 19:16  
**great** 3:24 16:4  
30:18 31:9,11  
39:19,20 40:6  
65:2  
**greater** 63:16  
**Green** 71:9  
**Greenport** 1:1,9  
2:17 8:20,24  
10:16 18:21,22  
27:3 28:18 42:13  
44:9,12,13,14  
50:6,22,23 52:3  
53:19 54:12 55:6  
55:20 56:12 57:8  
60:23 63:16 64:14  
64:17 70:13 71:7  
75:13 83:10 85:9  
**Greenporter** 64:19  
**groups** 28:17  
**guaranteed** 13:14  
22:3 55:4  
**guess** 17:11 32:18  
33:23 86:17  
**guidelines** 8:10  
**guy** 40:1,1  
**guys** 11:7,11 14:24  
15:10,13,18 39:20  
41:23  
**G.8110.407** 72:8  
73:3

---

**H**


---

**half** 47:20  
**Hall** 3:13 11:20  
31:23 33:1 35:22  
**Halloween** 56:15  
**Hamlet** 53:12  
**Hampton** 62:17  
**Hamptons** 44:18

**hand** 91:18  
**handle** 61:23,24  
**Hands** 68:8,11  
**hand-delivered**  
16:9  
**happen** 17:20  
62:16,18 64:23  
**happened** 39:14,14  
77:21  
**happening** 62:16  
**happy** 35:10 67:25  
**hard** 32:25  
**Hauppauge** 53:13  
53:18  
**hazardous** 22:11  
**head** 43:6 87:12  
**Heads** 41:22 42:2  
**health** 53:16 66:9  
84:17  
**hear** 45:12  
**heard** 38:17 44:16  
66:21  
**hearing** 2:19,20 4:4  
4:5,10,14,15,17  
4:21 23:25 26:12  
40:18 41:10 57:4  
57:9  
**hearings** 24:22  
26:19 49:3 61:16  
62:8  
**Heating** 68:18,25  
**heavy** 9:4 65:22  
**heavy-handed** 67:2  
**hedge** 52:23  
**Heins** 23:20  
**held** 68:10 83:25  
**Helen** 50:22  
**Heller** 5:2,6,6  
**help** 31:1,3,9 62:25  
**Hempstead** 21:15  
**hereunto** 91:17  
**hesitant** 30:10  
**Hi** 15:22  
**highlighted** 77:22  
79:14,15 81:22  
**highly** 64:22  
**hire** 63:1

**hiring** 84:14  
**Holding** 68:9,11  
**holds** 28:24  
**home** 42:13 64:16  
**Homecoming** 55:23  
**homelessness** 19:15  
**homeowner** 8:15  
9:7 63:18  
**homeowners** 8:8  
20:14  
**homeport** 43:23  
**honest** 30:8 31:9  
64:14 82:12  
**honesty** 36:7  
**hope** 5:15 9:25 23:9  
**hopeful** 80:3  
**hospital** 13:3 64:18  
64:19  
**hotel** 88:6  
**hour** 83:6,7 84:16  
**hourly** 83:5  
**hours** 61:14 65:14  
**house** 9:20 12:4,12  
12:22,23 16:19  
19:20 43:1  
**houses** 7:15  
**housing** 6:2,7,18  
7:3,8,11 8:19 9:15  
9:24 18:17 19:1,7  
19:8,11,12,14,18  
20:10,17,22,24  
22:17,25 23:12,16  
60:4 64:25  
**Hubbard** 1:15 24:8  
24:11 40:25 41:9  
41:12 49:11,22  
50:11,14,20 51:5  
51:20 53:2,21  
54:3,9,19 55:12  
56:3,19,22 57:3  
58:5,19 59:11  
61:1,7,8,11 66:6  
68:5,6,25 69:7  
70:5,24 71:17  
72:10,13,19 73:8  
74:9 75:1,18  
76:19,25 77:11,14

81:9,14,23 82:1,4  
82:8,11,22 83:16  
84:7,21,24 85:5  
87:20 88:14 89:18  
90:4,7  
**HUD** 19:6,7  
**hundred** 42:23  
**hunt** 70:14  
**hunting** 70:15,18  
**hurricane** 3:1  
**husband** 64:15  
**Hyatt** 53:17  
**Hydronic** 83:25

---

**I**


---

**idea** 9:12 27:21  
29:20 34:23  
**Identification**  
72:22  
**identify** 23:13  
**ignore** 15:16  
**II** 35:18 36:12  
38:20 47:8 74:18  
75:9 77:2  
**III** 47:8  
**immigrant** 12:3  
**immigrants** 12:12  
**impact** 20:4,15  
21:7 22:23 23:3  
**impede** 23:15  
**impediments** 23:13  
23:15  
**important** 31:8  
**importantly** 8:6  
**impoverished** 22:7  
**improvement**  
35:18 37:14 74:18  
77:3  
**improvements**  
75:10  
**incarnations** 67:1  
**include** 14:13 19:17  
77:6  
**included** 14:15  
39:13 67:17 78:9  
**includes** 14:7,11  
52:6

**including** 69:3  
84:17 88:25  
**income** 21:8 23:6  
**Incorporated**  
18:17 19:2  
**increase** 47:15 83:5  
**indicated** 21:13  
**indicates** 2:3  
**individual** 8:4 9:7  
**individuals** 21:8  
**information** 19:21  
36:15 40:12  
**informed** 40:16  
**inhabited** 20:7  
**inhouse** 48:2  
**initially** 28:20  
67:16  
**input** 80:9  
**inspection** 7:12  
9:13 13:17,18  
21:21 27:7  
**inspections** 7:17  
22:9  
**inspector** 22:10  
88:8  
**install** 85:7  
**installment** 52:10  
**instituted** 47:16  
**insulting** 64:22  
**insurance** 51:15  
53:16  
**intelligent** 40:16  
**intend** 34:15  
**intending** 48:15  
**intent** 19:25 20:4  
26:2 46:12 66:8  
75:20  
**interested** 25:17  
26:12 91:15  
**intervention** 22:14  
**intrusive** 67:8  
**invested** 64:16  
**investigate** 11:21  
**investigating** 11:24  
**investigation** 11:22  
30:12  
**investigations**

19:18 <b>invitation</b> 29:21 <b>involved</b> 8:21 63:12 63:14 <b>Island</b> 6:7 18:17 19:1 28:16 64:18 <b>issue</b> 7:13 41:13,14 41:14 42:15 62:12 90:2 <b>issues</b> 44:19 61:15 61:25 65:13 67:4 67:20 <b>item</b> 4:13,17,19,23 5:1 10:13 15:21 18:11 24:19,19 35:5 53:14 72:8 73:3,21,23 74:5,6 84:2 85:13 88:8 <b>items</b> 31:17 37:25 38:24 39:12 77:22 80:23 81:21	<b>keeping</b> 12:3,12 <b>keeps</b> 86:11 <b>kicked</b> 35:11 <b>kind</b> 15:9 42:10 43:2 57:18 <b>know</b> 3:7 6:5,22 8:20,21 9:18 11:7 12:16,21 14:20 17:3,4,10,12,16 17:20,24,25 18:5 24:23 25:1,3,18 28:11,17 30:1,8,8 30:11 32:11,20,22 32:23 33:9 34:11 35:23 38:20 39:17 39:22,23 40:5,10 40:22 42:6,6,22 43:1 44:9,15 60:1 60:5,13 63:13 86:20 89:12 <b>knows</b> 13:22 34:5	11:15,18 12:7 13:24 14:5,15,15 15:2,5,8,15,16 18:23 19:3 20:1,9 20:17 21:2,15,19 35:7 40:15 41:3 41:16,17,19 42:5 44:20,23 45:3,4 45:21,22 46:3,7 46:10,12 59:2 60:11,12,21 61:17 61:20,23 62:5 63:25 64:4,6 65:1 65:5 66:5,17,23 67:5,6,25 68:2 <b>Lawrence</b> 2:10,12 <b>laws</b> 15:3 17:13 21:14 22:25 41:24 41:24,25 66:12,14 <b>lay</b> 20:23 <b>layer</b> 45:14,16 <b>Lazzari</b> 18:20 <b>lead</b> 35:19 41:22 42:2 59:4 74:19 <b>lease</b> 27:11,11 31:21 <b>leases</b> 27:16 <b>leave</b> 16:15 18:4 36:25 37:4,5 <b>leaving</b> 67:13 <b>leeway</b> 86:7,13,19 <b>legal</b> 77:1 <b>legislation</b> 9:12 20:15,25 <b>legitimate</b> 21:6 <b>Length</b> 55:2 <b>letter</b> 6:8,19,21,23 7:5 8:2 16:9 18:15,16 60:1,2,3 60:8,9,11,15 <b>letters</b> 62:7 <b>let's</b> 33:16 37:8 44:15 63:1 <b>level</b> 15:1 41:15 42:3 60:14 <b>liar</b> 36:24 37:1 <b>Liberties</b> 21:12	<b>liberty</b> 6:9 9:18 <b>Library</b> 56:12,15 <b>license</b> 28:2,12 72:3 <b>lie</b> 36:23 <b>lies</b> 17:12 20:21 <b>lieu</b> 55:3 <b>life</b> 3:10 5:15 37:7 <b>lifelong</b> 10:17 44:9 44:13 <b>light</b> 47:21 <b>LIHS</b> 19:2,5,10,17 20:21 21:11 <b>limit</b> 4:9 <b>Limited</b> 21:4 <b>Linda</b> 15:22 53:11 53:16 <b>line</b> 12:14 40:24 53:14 72:8 73:3 73:21,22 74:5,5 84:1 85:13 88:7 <b>linear</b> 85:9 <b>Linnet</b> 10:16 <b>Liquid</b> 68:8 <b>liquor</b> 28:2,12 <b>list</b> 36:18 39:7 47:3 47:25 77:20,24 80:23 81:11,18 <b>listening</b> 14:19 <b>little</b> 4:3 31:18 33:2 33:12 39:16 65:22 76:12 79:22 86:6 86:12 89:10 <b>live</b> 9:21 10:16 17:5 17:8,24 18:1 22:22 46:13 66:1 <b>lives</b> 11:9 <b>live-in</b> 21:9 <b>living</b> 12:15 16:7 16:12 21:5,6 63:23,24 <b>local</b> 4:6,9 18:23 19:3,6 20:1,16 21:2 59:2 60:10 60:12,21 <b>located</b> 18:21 83:25 <b>locations</b> 85:8 <b>long</b> 6:7 17:2 18:16	19:1 31:5 34:5 64:18 69:20 79:19 <b>long-term</b> 5:10 <b>look</b> 6:17 13:5 16:16 36:2 65:17 <b>looking</b> 67:10 86:6 86:17 <b>lot</b> 5:22 11:8,8,15 13:13,13 15:2,3 28:17 42:9,22 61:18,25 62:6 <b>lottery</b> 70:14 <b>love</b> 37:22 <b>lower</b> 21:8 22:8 23:6 <b>Lucia</b> 91:7,23 <b>lucked</b> 3:21 <b>lump-sum</b> 55:3 <b>L'Hermione</b> 43:22
<b>J</b>	<b>L</b>		<b>M</b>	
<b>jail</b> 10:20,23 <b>January</b> 27:5,15 52:18 <b>Jeanmarie</b> 1:21 36:6 <b>Jim</b> 73:15,24 <b>job</b> 37:18 39:22 <b>John</b> 14:3 38:1 41:1 84:14 <b>Johnson</b> 18:18 <b>join</b> 2:6 <b>Joint</b> 3:4 <b>JOSEPH</b> 1:20 <b>JR</b> 1:15 <b>judge</b> 11:10 <b>judiciously</b> 23:10 <b>Julia</b> 1:18 31:3 <b>July</b> 7:4 <b>June</b> 81:10,12 <b>jury</b> 11:10	<b>L</b> 85:6 <b>Laborer</b> 84:15 <b>Ladies</b> 10:15 <b>landlord</b> 16:8,10 17:19 22:10 <b>landlords</b> 17:4,13 17:23 64:1 65:13 65:19 <b>landlord/tenant</b> 19:14 22:13 <b>Lane</b> 6:3 <b>larger</b> 21:7 28:16 <b>largest</b> 8:19 <b>late</b> 82:2 <b>latest</b> 33:7 <b>Latney</b> 10:15,16 11:14 44:6,6,13 45:5,14,20,22 64:12 <b>Laugh</b> 36:20 <b>Laughter</b> 5:21 <b>laughing</b> 36:21 <b>Laughter</b> 5:24 <b>law</b> 4:6,9 5:17		<b>maintaining</b> 47:5 <b>making</b> 17:13 19:19 38:21 43:15 48:23 76:4 80:4 <b>man</b> 39:22 <b>manner</b> 39:8 <b>marital</b> 20:20 22:23 <b>Maritime</b> 3:20 <b>Mark</b> 2:11 <b>marketplace</b> 67:20 <b>marriage</b> 91:15 <b>MARY</b> 1:16 <b>Matassa</b> 49:4 <b>matter</b> 35:8 41:18 91:16 <b>Mattituck</b> 6:3 <b>mattresses</b> 23:2 <b>max</b> 29:1 <b>Mayor</b> 1:14,15 2:3 2:9,15 5:3,18 6:4 6:12,15,24 10:3,5 10:10,12 11:13 14:1 15:20 18:9 18:13 23:23 24:2 24:4,6,9,14,16	
<b>K</b>				
<b>Kagel</b> 51:12 52:8 <b>keep</b> 27:13 29:3				

25:5,14,22 26:1,9 26:16,22 27:18,25 28:5,8,14,20,23 29:2,5,7,13,17,19 29:24 30:21,24 31:2,6,10,12,14 31:24 32:6,10,24 34:20 35:1,4 36:10,13,17,21,24 37:3,24 38:4,16 39:5 41:2 43:12 43:17,21 44:1,4 44:24 45:2,6,16 45:21,23 46:1,16 46:20 49:9,14,16 49:20,25 50:2,8 50:12,17,19 51:3 51:8,10,18,23,25 52:13 53:5,7,22 54:1,6,8,10,17,22 54:24 55:10,15,17 56:1,6,8,20,25 57:2,12,20,24 58:2,8,10,17,22 58:24 59:9,14,16 59:25 60:16 61:2 61:10 63:6 65:2 66:4,5 68:24 69:6 69:10,13,16,22,24 70:2,8,10,22 71:2 71:4,12,20,22 72:11,16,18 73:6 73:11,13,15,21,22 74:2,12,14,24 75:4,6,19 76:1,15 76:17,22,24 77:8 77:10,13,16,19 78:14,18,21,23 79:1,4,8,12,15,21 80:15 81:8,13,18 81:24 82:3,7,10 82:15,18,25 83:2 83:14,19,21 84:5 84:10,12,22 85:2 85:4,18,22 86:3 86:24 87:3,13,16 87:23,25 88:12,17	88:19 89:7,10,14 89:21,23 90:5,10 90:12 <b>McCann</b> 51:15 <b>McCarthy</b> 25:12 49:5 <b>mean</b> 8:14 9:2,13 12:5,7,15 13:4,5 13:23 17:4,8,24 18:3 25:23,24 33:1,15 38:8 39:17 40:22 42:24 57:18 89:5,9 <b>means</b> 9:10,20 30:14 32:12 34:20 34:23 <b>meet</b> 4:11 80:21 <b>meeting</b> 2:1,4,16 3:23 4:12 31:15 41:1,2 42:12 44:16 53:17 61:14 61:17 67:14 76:8 81:15 82:2 90:13 <b>meetings</b> 31:19 52:14 <b>member</b> 63:10 <b>members</b> 3:3 17:23 18:25 27:19 44:8 <b>membership</b> 50:21 <b>Memorial</b> 14:10 56:11,15 <b>memory</b> 31:4,22 32:5 <b>men</b> 16:5 <b>mention</b> 40:19 63:8 <b>mentioned</b> 60:9 66:6 <b>merchants</b> 3:19 <b>Merit</b> 83:11 <b>meters</b> 51:14 <b>method</b> 87:8 <b>Michelle</b> 6:17 8:1 18:15 23:18 <b>midst</b> 3:2 <b>million</b> 37:12,12 47:9,19,20,23 48:1,7,9,11,13	77:25 79:21 <b>million-five</b> 48:12 <b>mind</b> 41:1 43:9 <b>mindset</b> 86:22 <b>minimal</b> 27:23 <b>minimum</b> 16:5 <b>misleading</b> 76:12 <b>misreadings</b> 60:10 <b>missed</b> 38:21 <b>missing</b> 28:9 77:7 <b>mission</b> 9:16 19:10 <b>misunderstandin...</b> 60:10 <b>Mitchell</b> 56:13 <b>mod</b> 38:8,9 <b>model</b> 3:22 <b>moment</b> 2:10,14 <b>money</b> 18:5 35:13 38:12,15,24 42:22 43:2 47:12 48:3 80:2,4 <b>monies</b> 38:10 79:25 <b>month</b> 25:2,16,21 26:8,9 34:2 41:5 58:14 89:11,15 <b>monthly</b> 34:1 50:5 55:4 <b>months</b> 25:7,10 <b>month's</b> 42:12 67:14 <b>Moore's</b> 70:16,19 <b>mornings</b> 71:8 <b>mortgage</b> 19:15 <b>motion</b> 18:14 23:24 24:2,4,7,16 26:18 49:2,16,17 50:2 50:19 51:10,25 53:7 54:8,24 55:17 56:8 57:2 58:10,24 59:16 69:25 70:10 71:4 71:22 72:18 73:13 74:14 75:6 76:24 83:2,21 84:12 85:4 87:25 88:19 89:23 90:1 <b>motor</b> 22:19 23:7	<b>mouth</b> 6:22 <b>move</b> 30:11 31:14 35:9 46:24 48:19 69:17 76:2 <b>moved</b> 49:7 50:10 51:1,16 52:11 53:20 54:15 55:8 55:24 56:18 57:10 58:15 59:7 60:25 69:8 70:20 71:10 72:9 73:4,25 74:22 75:17 83:12 84:3,20 85:16 88:10 89:2 <b>moving</b> 52:22 <b>multifamily</b> 22:17 <b>municipalities</b> 66:17 <b>Murray</b> 1:17 24:10 43:6 49:10,19,21 50:3,4,13 51:4,19 52:12 53:1,8,25 54:2,18 55:11,25 56:2,9,21 58:4,18 59:8,10 60:17,20 61:5,6 70:4,23 71:11,16,23 72:12 73:7 74:8,23,25 75:7 76:18 82:21 83:15 84:4,6,13 84:23 87:19 88:13 89:3,17 90:6 <b>Museum</b> 3:17	11:24 12:6,7 15:5 21:9 22:7 24:25 25:8 57:22,24 62:25 63:10 64:21 76:2 86:9 <b>needs</b> 23:5 44:1 80:12 85:24 86:23 <b>nefarious</b> 33:13 <b>negative</b> 59:5 74:21 <b>negatively</b> 23:15 <b>negotiate</b> 42:17,18 <b>neighborhood</b> 16:17 <b>neighborhoods</b> 12:20 <b>neighbors</b> 62:2 <b>Nelson</b> 2:11 <b>never</b> 31:24 32:2 46:6,11,11 62:12 <b>new</b> 1:1,9 6:3 18:18 18:22 21:12,17 27:8 39:3 47:7 52:20 53:11,13,16 53:18 62:14 63:3 65:11 70:15 72:1 72:4,4,21,23,24 73:18 79:11 83:25 85:7 88:3,4 91:3,8 <b>newer</b> 79:15 <b>Nicholas</b> 2:11 <b>night</b> 37:23 73:19 82:5 <b>nonprofit</b> 19:6 <b>nonsensical</b> 34:13 <b>North</b> 6:1 7:3,11 8:18 9:23 44:18 64:25 <b>Notary</b> 91:7 <b>note</b> 3:4 20:22 64:21 <b>noted</b> 21:13 68:24 <b>notice</b> 57:9 65:14 75:21 79:23 <b>noting</b> 21:16 <b>not-to-exceed</b> 86:11,25 87:3 <b>not-to-exceed-to</b>
--	--	---	---	--

85:21  
**November** 57:4  
 81:6  
**number** 3:5 29:2,5  
 40:14 53:14 63:22  
 72:8 73:3,21,23  
 84:2 86:11,25  
 87:4,4,6,10 88:8  
**numerous** 63:15  
**NYAPP** 73:16  
**Nyce** 1:14 2:3,9,15  
 5:3,18 6:4,12,15  
 6:24 10:3,5,10,12  
 11:13 14:1 15:20  
 18:9,13 23:23  
 24:2,4,6,9,14,16  
 25:5,14,22 26:1,9  
 26:16,22 27:18,25  
 28:5,8,14,20,23  
 29:2,5,7,13,17,19  
 29:24 30:24 31:2  
 31:6,10,12,14,24  
 32:6,10,24 35:1  
 36:10,13,17,21,24  
 37:3,24 38:4,16  
 39:5 43:12,17,21  
 44:1,4 45:2,6,16  
 45:21,23 46:1,16  
 46:20 49:9,14,16  
 49:20,25 50:2,12  
 50:17,19 51:3,8  
 51:10,18,23,25  
 52:13 53:5,7,22  
 54:1,6,8,10,17,22  
 54:24 55:10,15,17  
 56:1,6,8,20,25  
 57:2,12,20,24  
 58:2,8,10,17,22  
 58:24 59:9,14,16  
 59:25 60:16 61:2  
 61:10 63:6 66:4,5  
 68:24 69:6,10,13  
 69:16,22,24 70:2  
 70:8,10,22 71:2,4  
 71:12,20,22 72:11  
 72:16,18 73:6,11  
 73:13,15,22 74:2

74:12,14,24 75:4  
 75:6,19 76:1,15  
 76:17,22,24 77:8  
 77:10,13,16,19  
 78:14,18,21,23  
 79:1,4,8,12,15,21  
 80:15 81:8,13,18  
 81:24 82:3,7,10  
 82:15,18,25 83:2  
 83:14,19,21 84:5  
 84:10,12,22 85:2  
 85:4,22 86:3,24  
 87:3,13,16,23,25  
 88:12,17,19 89:7  
 89:10,14,21,23  
 90:5,10,12  
**NYCLU** 23:21

---

**O**

**O** 1:13 91:1  
**objections** 21:13  
**obligations** 23:12  
**obstacle** 48:22  
**obviously** 39:18  
 40:8,22 41:17  
**October** 2:23 3:13  
 14:13 25:6 53:10  
 53:15 55:22 56:16  
 58:13 70:17 71:8  
 88:4 91:18  
**ODDON** 1:21  
 18:16 61:5,7 63:7  
 64:10 66:4  
**offer** 26:18 49:2,17  
 55:1 90:1  
**Office** 3:7 4:22  
 49:7 53:10  
**Officer** 11:2 61:21  
 63:1  
**official** 7:22 12:11  
 13:20  
**officially** 25:1  
**Officials** 88:3  
**Oh** 13:12,15 35:6  
 89:8  
**oil** 68:18,22,25  
**okay** 7:1 26:21

27:18 29:7 30:6  
 30:12,19 31:11  
 38:7 41:9 44:13  
 53:25 57:22 58:1  
 60:16 61:11 64:19  
 69:19 77:14 79:5  
 81:9,23 82:11  
 87:1 89:8  
**old** 26:25 71:7  
**omitted** 39:13  
**once** 3:20 26:16  
 38:5 40:21 43:4  
 46:25 78:12  
**one's** 12:23  
**one-bedroom** 17:15  
**one-family** 14:7  
**open** 21:23 29:11  
 87:7  
**opening** 68:10  
**operator** 37:15  
**opinion** 6:19 9:25  
 42:8 59:19 62:4  
 62:19  
**opposed** 24:14  
 49:14,25 50:17  
 51:8,23 53:5 54:6  
 54:22 55:15 56:6  
 56:25 58:8,22  
 59:14 70:8 71:2  
 71:20 72:16 73:11  
 74:12 75:4 76:22  
 82:25 83:19 84:10  
 85:2 87:23 88:17  
 89:21 90:10  
**option** 4:18 55:3  
**order** 2:1,5 32:16  
 76:3 86:4  
**orders** 86:1  
**ordinarily** 4:13  
**organization** 19:8  
 42:19  
**Orient** 28:12  
**origin** 20:18  
**original** 30:1 48:14  
 79:18,24  
**Originally** 14:4  
**ostensibly** 4:8

**outcome** 91:16  
**outlined** 39:4 75:15  
 77:5  
**outset** 47:13  
**outside** 27:22 48:3  
 80:25 81:3  
**overall** 67:24  
**overcharges** 34:1,3  
**overcome** 23:15  
**overcrowding** 20:9  
 23:2  
**overloaded** 16:6  
**overlooked** 41:25  
**oversight** 48:5  
**overworked** 41:21  
**owner** 21:23 67:9  
**owners** 66:10,11  
**owner's** 21:20 22:1  
**owner-occupied**  
 20:5,10  
**owns** 18:1  
**o'clock** 2:4

---

**P**

**packages** 46:25,25  
 47:2,2 76:4  
**page** 34:12 87:12  
 87:14  
**paid** 55:3 74:4  
**Palmore** 5:22,25,25  
 6:13,16 7:1 10:4,8  
 10:11  
**paper** 77:11 82:5,6  
**paperwork** 26:15  
**Parade** 55:23 56:16  
**Park** 56:13  
**part** 5:16 9:16 13:1  
 13:7 14:8,12,13  
 17:17 32:19 34:17  
 34:18 65:9  
**particular** 18:6  
 79:10  
**parties** 91:14  
**party** 16:10  
**part-time** 61:21  
 63:1  
**pass** 3:16 6:11

24:25 27:6 35:7  
 35:21 39:24 44:20  
 63:3  
**passed** 13:11 36:6  
**passengers** 29:5  
**passes** 42:5 62:21  
 68:3  
**passing** 38:19  
**passion** 7:8  
**patient** 32:13  
**pay** 9:1 10:22 32:19  
 35:12 52:9 84:15  
**payment** 52:4,16  
 52:17  
**payments** 55:4  
**Penflex** 54:13 55:1  
**people** 3:7 9:15,21  
 11:8 12:4,24  
 13:14 14:17 15:1  
 15:9 16:7,14,18  
 16:20,22 17:5,8  
 17:17 25:17 26:11  
 27:23 28:17,19,24  
 37:6 40:15 42:7  
 44:25 62:2 63:23  
 67:21 70:18  
**people's** 16:23  
 40:24  
**Perfect** 87:16  
**perform** 51:12 85:7  
**performed** 75:14  
**period** 27:19 84:19  
**permission** 70:14  
**permit** 4:6 21:10,19  
 25:13 38:5 46:3  
 49:4,5 55:19  
 56:10 57:13 66:17  
 67:5,6  
**permits** 24:23 45:8  
 45:11  
**person** 7:6 11:23  
 13:12 18:1 32:13  
 59:19 73:19,20  
**personal** 3:2 16:2  
**personnel** 48:6  
 90:2  
**persons** 22:22

62:1	48:11	<b>presentations</b>	86:18	19:3,25 20:6,25
<b>phase</b> 35:18 36:12	<b>plant</b> 35:19 47:6,21	19:19	<b>procedure</b> 87:11	21:2 52:5 57:6
38:20 47:7,8,8,9	48:24 69:18 74:19	<b>presented</b> 36:19	<b>proceedings</b> 91:11	66:5 67:16 81:11
74:18 75:9 76:1	75:11 77:4 80:1	<b>presumption</b> 22:18	<b>process</b> 8:5 22:14	<b>proposing</b> 8:23
77:2	80:15	23:1,7	42:16 68:1	13:7 30:12 76:6
<b>Phillips</b> 1:16 24:13	<b>please</b> 2:5,9,24 3:2	<b>Presumptive</b> 22:17	<b>proclamation</b>	<b>protected</b> 20:17
24:15,21 25:9,15	3:3 5:4 6:12	<b>pretty</b> 14:11 28:10	58:12	22:24
25:23 26:7,10,21	30:14 61:3,10	32:5	<b>procurement</b> 86:12	<b>protection</b> 45:17
30:21,25 31:3,7	64:21	<b>prevention</b> 19:15	<b>professional</b> 38:22	<b>protections</b> 22:13
36:9 43:19 44:11	<b>Pledge</b> 2:6,7	19:16	<b>program</b> 3:5 35:19	<b>protocol</b> 7:16 25:19
49:8,13,24 50:16	<b>plenty</b> 66:17	<b>Prevents</b> 22:5	47:24 48:11,14,20	<b>provide</b> 64:2 80:12
51:7,17,22 52:1	<b>plus</b> 40:23 73:20	<b>previously</b> 55:5	54:11 55:2 71:9	<b>provision</b> 8:4 22:9
53:4 54:5,21 55:9	<b>podium</b> 5:3	<b>pre-purchase</b>	71:13,14 74:19	<b>provisions</b> 9:5 20:4
55:14,18 56:5,24	<b>point</b> 11:17 24:20	52:15	75:10 77:3	21:1
57:16,22 58:1,7	25:7 26:6 28:13	<b>price</b> 68:13,14,16	<b>programs</b> 7:16	<b>PTA</b> 56:12
58:16,21,25 59:13	47:18 48:7 52:22	68:19,21 69:2,4	19:17	<b>public</b> 2:19,19,20
59:15 64:10,12	60:12 61:9 80:3,3	<b>prices</b> 68:11	<b>project</b> 39:8 46:23	4:4,5,10,14,15,17
69:11,14,19,23	<b>policy</b> 86:12	<b>pride</b> 65:20	47:8,10,15,17,22	4:21 13:19 19:20
70:7,21 71:1,5,19	<b>politician</b> 13:16	<b>Prindle</b> 83:23	48:18 76:3 80:22	19:22 21:24 23:24
72:15 73:5,10	<b>polled</b> 41:2 42:14	<b>printed</b> 49:18	85:19,24	24:17,22 26:12,17
74:1,11,15 75:3	<b>Popalian</b> 53:16	<b>prior</b> 2:25 18:13	<b>Prokop</b> 1:20 59:23	26:18,23 27:1
75:24 76:11,16,21	<b>population</b> 20:11	21:17 59:20,22	60:1 75:11	31:15,16 36:1
77:9 78:12,15,19	62:16	81:5	<b>promotion</b> 19:11	40:18 41:2,10
78:22,24 79:2,5,9	<b>port</b> 42:13	<b>priorities</b> 80:7,17	<b>proper</b> 81:1	42:6 43:9 46:1
79:14,20 80:14	<b>portion</b> 4:4 24:17	<b>prioritize</b> 38:24	<b>properly</b> 4:21	49:3 55:19,20
81:7 82:6,12,24	26:17,23 27:1	80:10	<b>properties</b> 5:9,11	56:10 57:4 59:23
83:13,18,22 84:9	31:15 46:2 70:16	<b>prioritized</b> 39:3,6,6	7:13 14:5 59:3	61:16 62:8 67:3
85:1,18,23 86:17	70:19 79:17 80:5	75:14 77:4,20	60:23 62:1 63:23	76:12 78:16 91:8
87:1,9,22 88:11	80:22	<b>priority</b> 39:7 47:3,5	67:11	<b>punch</b> 80:23
88:16,20 89:4,8	<b>postpone</b> 24:25	77:24 80:7	<b>property</b> 7:22	<b>punishment</b> 17:6,7
89:12,20 90:9	<b>postponed</b> 24:24	<b>prisoners</b> 8:7	13:22 16:24 21:22	<b>purchase</b> 38:13
<b>phrase</b> 62:20	25:7	<b>privacy</b> 8:13 65:14	21:24 22:1 62:2	52:5
<b>pickup</b> 2:23,25	<b>potential</b> 5:14 20:2	<b>private</b> 19:6	65:15,17,21 66:10	<b>purchased</b> 34:9
<b>picture</b> 26:15	<b>potentially</b> 19:24	<b>probable</b> 9:18	66:11 67:9	<b>purpose</b> 20:8
<b>pictures</b> 18:3	<b>power</b> 17:11 21:25	<b>probably</b> 5:13 16:5	<b>proposal</b> 23:10	<b>pursue</b> 19:13
<b>piece</b> 37:11	34:9 35:19 38:13	29:13 65:2	30:5,18 35:17,24	<b>push</b> 86:21
<b>Pier</b> 27:22,23	47:6,7 52:5,21	<b>probationary</b>	36:1,4,6,10,12,14	<b>put</b> 2:24 4:16 6:21
<b>Pirillo</b> 18:20 35:25	69:18 74:19 75:10	84:19	37:9 39:1,3,5 40:2	12:9 18:5 33:8
57:9	77:4	<b>problem</b> 7:12,14,17	46:22 54:13 69:17	41:25 57:22 62:5
<b>place</b> 6:20 16:15	<b>PPA</b> 33:24,25 34:1	7:19,23 9:6,8 12:1	74:17 75:8,15	63:2 65:4 86:25
26:14 32:22 62:14	34:3,6	12:2,19,21,23,24	77:5 79:18,18,24	87:3
85:19 86:2	<b>prepaid</b> 88:25	13:4,8 14:23	79:24 81:24	<b>putting</b> 62:13 78:7
<b>places</b> 43:23	<b>prepared</b> 6:8 7:4,5	22:15 66:13 87:9	<b>proposals</b> 35:15	<b>p.m</b> 1:11 2:2 55:22
<b>plain</b> 43:14	75:16 77:5	<b>Problematic</b> 23:8	39:17 43:18,24	55:22 56:16,17
<b>plan</b> 3:2 9:1,1 52:6	<b>presentation</b> 26:24	<b>problems</b> 12:18	79:2	57:5 90:14
53:17 65:11	26:24 30:2 38:22	65:13,19	<b>proposed</b> 4:6 6:6	
<b>planning</b> 45:18	38:23	<b>procedural</b> 86:18	7:18 8:22 18:23	

---



---

 Q
 

---

<b>qualified</b> 19:7	<b>received</b> 7:6 18:16 60:2,2	<b>remained</b> 2:13	<b>residences</b> 20:5	73:12 74:13 75:5
<b>quality</b> 5:15 37:14	<b>receiving</b> 86:1	<b>remaining</b> 55:3	<b>resident</b> 10:17	76:23 83:1,20
<b>question</b> 13:11 14:4 14:18,19,20 25:9 41:4,8 42:20 78:22 79:5 85:18 85:24 86:18 89:4	<b>recertification</b> 72:3	<b>remedy</b> 9:10	<b>residential</b> 4:6 22:2 34:10 38:14 59:3 60:22	84:11 85:3 87:24 88:18 89:22 90:11
<b>questions</b> 29:8,17 30:20 31:8 44:7	<b>recommend</b> 26:2 59:18	<b>remember</b> 13:19 31:20 32:4 38:19 38:21	<b>residents</b> 20:12,13 20:13 44:9 64:2	<b>responsibilities</b> 83:8
<b>quite</b> 33:12 66:6 79:7	<b>recommendation</b> 4:7	<b>remembered</b> 38:23	<b>residents/tenants</b> 20:7	<b>responsibility</b> 17:12
<b>quote</b> 21:16	<b>recommendations</b> 39:4 75:15 77:4	<b>remembers</b> 32:4	<b>resolution</b> 4:16 25:20 32:8,15,16 35:16 38:20 40:14 50:3,4,5,20,21 51:11,12 52:1,2 53:8,9 54:9,10,25 55:1,5,18,19 56:9 56:10 57:3,4,17 57:18,23,25 58:11 58:12,25 59:1,1 59:17 60:18,20,21 64:9 68:3,6,7 70:12,13 71:5,6 71:23,24 72:19,20 73:14,15 74:15,16 74:16 75:7,8 76:13,25 77:1 83:4,5,22,23 84:13,14 85:5,6 86:9 88:1,2,20,21	<b>responsible</b> 16:10 17:14,23
<b>quoted</b> 68:11	<b>recommended</b> 20:14	<b>removed</b> 48:23	<b>resolutions</b> 24:25 38:2	<b>rest</b> 31:4 44:14
<b>R</b>	<b>reconsider</b> 5:16 9:25 13:24	<b>renovated</b> 7:14 65:24	<b>Resolved</b> 61:2	<b>rethink</b> 11:8
<b>R</b> 1:13 91:1	<b>record</b> 4:24 5:4 6:1 6:25	<b>rent</b> 8:7 65:25	<b>resolved</b> 52:8	<b>retirement</b> 84:17
<b>race</b> 20:18	<b>recovery</b> 51:15	<b>rental</b> 4:6 5:9,11,12 7:18 12:19 14:6 15:8 16:3 19:16 20:12 21:10,14,15 21:18,24 22:2,5,8 35:7 40:14 41:3 45:8,10 46:3 59:2 60:22 63:22,22 65:23 66:16 67:5 67:6,10 69:3,15	<b>resources</b> 19:21	<b>returned</b> 47:1
<b>racial</b> 23:14	<b>red</b> 12:17 20:3	<b>rentals</b> 5:10,13 8:23 9:7 14:6,10 14:14 20:6,7,10 62:10 63:11,20 64:5,7 67:14,17	<b>respect</b> 8:12 37:4,6 37:7	<b>revenues</b> 38:12
<b>rack</b> 68:14,19 69:2	<b>reduce</b> 23:14	<b>rented</b> 16:4 65:24	<b>respond</b> 43:3	<b>review</b> 76:9
<b>raised</b> 20:1,4 64:15	<b>redundant</b> 80:19	<b>renters</b> 8:9	<b>responding</b> 43:17 43:24	<b>reviewed</b> 20:24
<b>range</b> 28:23,25 78:1	<b>refresh</b> 27:18	<b>renting</b> 69:21	<b>response</b> 18:12 29:9 40:17 43:14 43:16 45:25 49:15 50:1,18 51:9,24 53:6 54:7,23 55:16 56:7 57:1 58:9,23 70:1,9 71:3,21 72:17	<b>revision</b> 25:3
<b>rapport</b> 9:3	<b>refurbishing</b> 47:21	<b>replacements</b> 85:7	<b>resources</b> 19:21	<b>revolving</b> 17:18
<b>rate</b> 47:15 73:19 83:6 84:16	<b>refuse</b> 47:1 76:5 78:20	<b>report</b> 88:22	<b>Respect</b> 8:12 37:4,6 37:7	<b>Re-Certification</b> 83:24
<b>ratifying</b> 72:20	<b>regarding</b> 18:22 22:15 35:16 57:6 59:1 74:16	<b>Reporter</b> 91:7	<b>Respect's</b> 61:2	<b>re-notice</b> 4:21 26:6 49:3
<b>Ray</b> 71:24 72:20	<b>regardless</b> 64:17	<b>reports</b> 50:5 81:15	<b>resolved</b> 52:8	<b>re-noticed</b> 4:5 25:19,20 26:19
<b>read</b> 6:21,23,25 10:6,20 18:15 33:18 50:3 60:3,5 60:11,17 67:5 79:23	<b>Regency</b> 53:17	<b>represent</b> 9:23	<b>resources</b> 19:21	<b>re-noticing</b> 38:4
<b>reading</b> 10:9 45:3 87:13	<b>regular</b> 1:4 2:16,21 4:12 26:17 41:7 88:24	<b>represents</b> 52:17 79:16	<b>respect</b> 8:12 37:4,6 37:7	<b>RFP</b> 37:17 42:16 42:20 43:4,14,15 43:16 46:20
<b>ready</b> 26:5	<b>regulate</b> 5:9	<b>Request</b> 43:18,24	<b>respond</b> 43:3	<b>RFPs</b> 43:23
<b>real</b> 30:11 43:1 63:14	<b>regulation</b> 6:6 7:10 7:19 8:22,25	<b>require</b> 22:13	<b>responding</b> 43:17 43:24	<b>right</b> 7:24 10:24 11:11,20 12:5 21:23 26:1 28:14 29:12 32:17,22 33:1,16,20,20 34:7,13,14 35:15 35:20 37:3 40:13 53:22,24 63:21 67:19 78:16 79:20 80:14
<b>Reale</b> 7:4	<b>regulations</b> 5:12 11:1 22:5 59:3 60:22 62:22 66:15 70:16	<b>required</b> 48:10 52:3 72:4,23	<b>resources</b> 19:21	<b>rights</b> 7:25 8:5 19:14 20:23 22:3 51:14 52:16
<b>reality</b> 8:16	<b>rehearing</b> 2:19	<b>requires</b> 47:22	<b>responding</b> 43:17 43:24	<b>Rights/NYS</b> 20:2
<b>really</b> 11:16 16:1 17:12 25:13 34:8 44:22,22 60:4 67:9 79:10	<b>reimbursement</b> 71:24	<b>requisite</b> 84:18	<b>response</b> 18:12 29:9 40:17 43:14 43:16 45:25 49:15 50:1,18 51:9,24 53:6 54:7,23 55:16 56:7 57:1 58:9,23 70:1,9 71:3,21 72:17	<b>rise</b> 2:6
<b>reapply</b> 25:6,8 26:4	<b>Reiss</b> 50:22	<b>Rescue</b> 50:23	<b>resources</b> 19:21	<b>Robert</b> 53:11
<b>reason</b> 66:16 87:7	<b>related</b> 3:8 11:23 35:18 74:18 75:9 91:13	<b>reside</b> 6:2	<b>respect</b> 8:12 37:4,6 37:7	<b>Robins</b> 1:18 24:1,3
<b>rebuilt</b> 80:18,18	<b>remain</b> 2:9	<b>residence</b> 22:18		
<b>rebuttal</b> 40:20				

24:5,12 29:25 30:7,14,17 33:4 49:12,23 50:15 51:2,6,11,21 53:3 54:4,16,20,25 55:13 56:4,23 57:11 58:6,11,20 59:12 63:7,8 69:9 70:6,11,12,25 71:18 72:14 73:9 73:14 74:10 75:2 76:20 77:18,19 82:13,23 83:3,4 83:17 84:8,25 85:17 87:21 88:1 88:15 89:19 90:8	<b>sat</b> 61:13 <b>Sate</b> 70:15 <b>satellite</b> 9:19 <b>Saturday</b> 71:7 <b>saving</b> 48:2 <b>saying</b> 65:12 <b>says</b> 7:7 11:22 12:11 14:11 24:23 32:22,23 35:8,25 36:2 <b>scan</b> 33:11 <b>schedule</b> 53:10 <b>scheduling</b> 57:4 <b>Schoolhouse</b> 71:7 <b>Schools</b> 55:21 <b>schoolyard</b> 17:2 <b>Schultz</b> 83:6 <b>Science</b> 71:9 <b>scratch</b> 30:4 <b>search</b> 7:21 <b>searches</b> 9:17 21:22 <b>season</b> 3:1 27:9 <b>seasonal</b> 5:13 14:6 14:6 20:10,13 67:13 <b>seated</b> 2:15 <b>second</b> 24:1,3,6,8 27:7 49:8,19 50:11 51:2,17 52:4,10,12 53:21 54:16 55:9,25 56:19 57:11 58:16 59:8 61:1 65:9 68:18 69:9 70:21 71:11 72:10 73:5 74:1,23 75:18 77:17,18 83:13 84:4,21 85:17 88:11 89:3 90:4 <b>seconded</b> 60:19 61:3 77:19 <b>secret</b> 39:25 40:5 <b>section</b> 7:15,15 13:2,2,3,3 83:11 <b>secure</b> 26:13 <b>see</b> 8:25 12:19,21 12:25,25,25 13:12	13:13 17:22,25 18:4 30:4 36:1 40:8 <b>seeking</b> 22:11 <b>seen</b> 25:13 36:6,8 37:10 63:15 66:20 67:6,7,8 <b>segregation</b> 23:14 <b>select</b> 11:2 <b>selected</b> 44:24 45:1 <b>send</b> 29:21 33:11 <b>sense</b> 29:19 33:14 34:11,12 <b>sent</b> 43:23 <b>September</b> 1:10 2:16 7:5 18:19 49:18 50:24 54:13 55:7 60:24 72:21 73:17,17 84:15 88:22 91:12 <b>SEQRA</b> 35:20 59:1 74:16 <b>serve</b> 28:13 63:25 <b>service</b> 39:20 54:11 54:11 55:2 <b>services</b> 6:7 18:17 19:1 35:17 74:17 75:9 <b>servicing</b> 19:9,20 <b>session</b> 1:4 25:6 26:2 29:11,14,15 29:21 30:3,15 31:5 39:11 41:7 42:14 78:4 80:21 81:11,12,15 82:14 82:16 90:2 <b>set</b> 3:10 47:16 91:17 <b>seven</b> 16:5 <b>sheet</b> 79:10 <b>Shelter</b> 28:16 <b>shelters</b> 3:10 <b>shifting</b> 3:23 <b>ship</b> 27:25 42:13 <b>Ships</b> 43:4,19,20,21 46:21 <b>Shook</b> 43:6	<b>show</b> 37:4,6 <b>side</b> 41:25 62:12 <b>sidewalk</b> 13:21 42:25 <b>Sidewalks</b> 85:14 <b>siding</b> 67:23 <b>sign</b> 13:19 27:16 54:10 <b>signage</b> 27:23 <b>silence</b> 2:10,14 <b>silly</b> 13:23 <b>similar</b> 21:13 22:15 <b>simple</b> 13:6 43:14 <b>Sincerely</b> 23:18 <b>Sinha</b> 21:11 23:21 <b>Siren</b> 25:4 <b>sit</b> 11:7,9 40:21 46:12 <b>situation</b> 22:12 30:10 <b>six</b> 2:4 <b>Sixth</b> 14:3 38:1 <b>six-month</b> 84:18 <b>size</b> 23:4 <b>slate</b> 26:11 <b>slightly</b> 81:20 <b>small</b> 47:12 <b>smile</b> 33:19 34:23 35:2 <b>smirk</b> 34:23 <b>snag</b> 89:10 <b>SOB</b> 37:22 <b>sold</b> 27:8 <b>sole</b> 66:8 <b>somebody</b> 6:22 11:22 12:2,3,5,15 12:20,22 61:22 <b>somebody's</b> 43:1 <b>someone's</b> 7:25 <b>soon</b> 6:24 69:16 <b>sorry</b> 57:15 <b>Sounded</b> 25:4 <b>south</b> 62:12 <b>Southold</b> 44:11 <b>space</b> 21:6 <b>spaces</b> 17:9 <b>spacey</b> 4:3	<b>speak</b> 4:23 5:1 10:7 12:6,24 16:8 35:3 41:6 <b>special</b> 76:8 <b>specific</b> 13:1 14:11 21:1 41:8 47:6 57:25 64:5 <b>specifically</b> 64:4,6 <b>specifications</b> 77:2 <b>specs</b> 78:8,9 <b>spend</b> 37:11 48:11 48:14 <b>spending</b> 47:22 <b>spent</b> 37:12 47:19 47:20 48:13 <b>spoke</b> 14:17 41:3 <b>sponsored</b> 72:2 <b>spread</b> 79:10 <b>Squad</b> 50:23 <b>SS</b> 91:4 <b>staff</b> 3:17,18 20:24 23:20 <b>stage</b> 64:23 78:7 <b>stagnating</b> 48:20 48:21 <b>stake</b> 11:9 <b>standing</b> 2:10,13 <b>start</b> 26:10 27:15 30:3 63:2 80:11 <b>started</b> 30:22 39:8 47:10 62:8 <b>starting</b> 77:23 <b>state</b> 1:1 4:20 5:4 7:7 20:16 21:25 53:12,16 59:19 67:7 72:5,5,24,24 88:3 91:3,8 <b>status</b> 20:19,20 22:24 23:3 35:20 59:4 74:20 <b>statutory</b> 45:18 <b>stay</b> 23:5 <b>staying</b> 80:7 <b>step</b> 45:8 <b>steps</b> 23:11 <b>stomp</b> 78:24 <b>stood</b> 2:7
<b>S</b>				
<b>safe</b> 63:10 64:2 67:11 80:12,16 <b>safety</b> 3:3 5:14 9:14 20:8 64:2 66:9 88:8 <b>Saladino</b> 14:3,3 38:1,1,7,17 39:9 41:8,10,13 43:7 43:15,25 44:3 46:5,13,17,18 62:21 <b>sales</b> 34:10,15,16 34:18 38:14,14 <b>Santantonio</b> 18:15 23:18				

<b>stop</b> 86:9,23	<b>support</b> 3:10	<b>technically</b> 39:2	26:11,13,14 28:8	<b>town</b> 13:1,4,8 27:6
<b>strange</b> 31:18 33:5	<b>supposed</b> 17:16,20	<b>tell</b> 12:22 13:4,4,9	28:9 29:10,20	27:9,11,12,17
<b>strategies</b> 19:16	36:5	13:15 16:13 65:23	31:8 37:16 41:16	<b>traffic</b> 16:23
<b>street</b> 1:8 5:7 10:16	<b>sure</b> 15:7 25:2 45:7	<b>telling</b> 34:4 38:23	43:2 44:20 45:2	<b>trained</b> 37:15
14:3 15:23 18:22	48:24 67:10 87:10	<b>temporarily</b> 69:20	60:8,13,15 61:20	<b>training</b> 53:9,12
27:3 38:1 56:12	<b>surnames</b> 22:20	<b>temporary</b> 69:3,14	62:8,11,18,19,24	72:8 73:3 84:2
56:13,14,14,14	<b>surplus</b> 32:18 52:7	<b>tenant</b> 67:9	64:3 66:23,24,24	<b>transcription</b> 91:11
57:5	<b>survey</b> 13:21 27:7	<b>tenants</b> 7:15,20	67:24 80:10 86:4	<b>transfer</b> 32:17
<b>streets</b> 55:21	<b>survive</b> 8:17	8:12 20:23 22:7	<b>thinking</b> 62:4	<b>transfers</b> 89:1
<b>strength</b> 64:1	<b>Swiskey</b> 10:14	64:3,3 65:18,21	<b>thinks</b> 7:22	<b>transformer</b> 80:19
<b>strong</b> 17:5	11:13,14 31:18	66:10	<b>Third</b> 1:8 5:6 18:21	81:1,4
<b>strongly</b> 86:13	32:3,7,11,25 33:5	<b>tenant's</b> 20:2 65:15	57:5 68:25	<b>transmission</b> 32:19
<b>struck</b> 21:14,18	35:3 36:12,15,18	<b>Terence</b> 2:11	<b>thorough</b> 30:11	33:24 38:9 51:14
<b>structure</b> 57:13	36:22 37:1,6	<b>term</b> 14:11 65:9	<b>thought</b> 38:22 87:4	52:4,16,23,24
<b>stuck</b> 80:6	46:15 82:17	<b>terms</b> 39:23	<b>thousand</b> 42:23	<b>transpired</b> 64:20
<b>stuff</b> 15:3 26:5	<b>Swiskey's</b> 12:12	<b>test</b> 81:6	<b>threat</b> 17:6	<b>travel</b> 72:7 73:2,20
61:18 79:14,15	<b>switch</b> 80:18	<b>testing</b> 19:18	<b>three</b> 22:19 25:7	88:7
80:9 81:21	<b>Sylvia</b> 18:20 35:25	<b>thank</b> 2:15 5:5,17	33:6 39:17 47:25	<b>Treasurer</b> 50:7
<b>subdivision</b> 61:14	<b>sympathize</b> 15:9	5:18 6:12 10:3,4	68:3	51:12 52:8 53:15
<b>subjected</b> 5:12 8:10	<b>systems</b> 3:10	10:11 11:12 13:25	<b>three-and-a-half</b>	<b>Treasurer's</b> 53:10
<b>submitted</b> 47:4		15:19 18:8,9,9	48:9	<b>treated</b> 8:14
49:6 55:20 56:11	<b>T</b>	23:17,23 26:21	<b>throw</b> 26:3	<b>treating</b> 8:6
76:9 82:5	<b>T</b> 91:1,1	30:18,19 31:12,13	<b>time</b> 4:9,23 10:4,18	<b>Treatment</b> 72:3
<b>subpar</b> 63:24	<b>table</b> 37:16	32:11 44:3 45:22	10:21,23 13:20	<b>tree</b> 42:25
<b>success</b> 3:24	<b>take</b> 4:9,18 16:22	63:6 64:9 68:4	18:8 29:16,18	<b>true</b> 91:10
<b>successful</b> 3:20,25	23:11,13 26:7	71:12 76:16 81:7	37:16 41:4 47:11	<b>truly</b> 67:20
<b>sued</b> 35:10	41:22 42:2 65:17	90:12	47:13 70:18 81:17	<b>Trustee</b> 1:16,17,18
<b>suffer</b> 15:10	65:19,20	<b>thanks</b> 3:16 67:2	89:6	24:1,3,5,8,10,11
<b>Suffice</b> 48:22	<b>taken</b> 4:24 61:19	69:10	<b>times</b> 67:16	24:12,13,15,21
<b>sufficient</b> 86:15	80:6 91:11	<b>theory</b> 21:21	<b>timing</b> 76:7	25:9,15,23 26:7
<b>Suffolk</b> 1:1 3:4	<b>takes</b> 8:20 24:16	<b>thing</b> 9:14 16:1,20	<b>today</b> 6:8 35:23	26:10,21 29:25
19:9 21:11 23:21	46:9 86:2	16:21 27:14 28:11	<b>tolls</b> 72:6 73:1	30:7,14,17,21,25
64:18 91:5	<b>talk</b> 8:1 16:1	28:12 33:7 34:10	<b>tomorrow</b> 32:8	31:3,7 33:4 36:9
<b>suggested</b> 86:10	<b>talked</b> 15:25 61:20	35:22 42:10 44:22	<b>tonight</b> 14:25 29:11	40:25 41:9,12
<b>suggesting</b> 86:13	62:11	62:18 66:18 78:2	35:8 36:7 38:3	43:6,19 44:11
<b>suggestion</b> 25:15	<b>talking</b> 18:7 42:25	79:12 81:19	39:15 40:11 41:11	49:8,10,11,12,13
<b>suggestions</b> 87:7	<b>Tall</b> 42:13 43:4,19	<b>things</b> 4:14 6:5	60:3,6 89:25	49:19,21,22,23,24
<b>suing</b> 37:21	43:20,21 46:21	8:22 9:21 11:16	<b>tonight's</b> 32:14	50:3,4,11,13,14
<b>Suite</b> 18:18	<b>tank</b> 69:3,14,21	16:15 18:3 60:7,8	<b>Tonya</b> 5:20,25	50:15,16,20 51:2
<b>Summary</b> 88:22	<b>target</b> 78:17	64:2	<b>top</b> 77:24	51:4,5,6,7,11,17
<b>summer</b> 5:13 14:7	<b>targets</b> 23:6 64:3	<b>think</b> 3:22 5:8,11	<b>Topalian</b> 53:11	51:19,20,21,22
14:8,12,12,14	<b>taxpayer</b> 8:19	8:10,11 9:11,19	<b>topic</b> 40:11	52:1,12 53:1,2,3,4
20:6 62:10	<b>taxpayers</b> 35:13	10:19,21,22 11:7	<b>total</b> 48:9 85:10	53:8,21,25 54:2,3
<b>summers</b> 26:25	<b>TCC</b> 52:10	11:11,12 12:12	88:23	54:4,5,9,16,18,19
<b>summertime</b> 16:24	<b>team</b> 44:23,24 45:3	13:24 14:25 15:13	<b>tour</b> 27:6,17 28:2	54:20,21,25 55:9
<b>sunset</b> 27:5,16 28:1	<b>technical</b> 77:2	15:18,24 16:10	28:15 31:21	55:11,12,13,14,18
<b>supply</b> 48:25 83:25	<b>technicality</b> 4:16	17:3,11 25:8,12	<b>tours</b> 28:1	55:25 56:2,3,4,5,9



56:19,21,22,23,24 57:3,11,16,22 58:1,4,5,6,7,11,16 58:18,19,20,21,25 59:8,10,11,12,13 59:15 60:17,20 61:1,5,6,7,8,11 63:7,8 64:10,12 66:6 68:5,6,25 69:7,9,11,14,19 69:23 70:4,5,6,7 70:11,12,21,23,24 70:25 71:1,5,11 71:16,17,18,19,23 72:10,12,13,14,15 72:19 73:5,7,8,9 73:10,14 74:1,8,9 74:10,11,15,23,25 75:1,2,3,7,18,24 76:11,16,18,19,20 76:21,25 77:9,11 77:14,18,19 78:12 78:15,19,22,24 79:2,5,9,14,20 80:14 81:7,9,14 81:23 82:1,4,6,8 82:11,12,13,21,22 82:23,24 83:3,4 83:13,15,16,17,18 83:22 84:4,6,7,8,9 84:13,21,23,24,25 85:1,5,17,18,23 86:17 87:1,9,19 87:20,21,22 88:1 88:11,13,14,15,16 88:20 89:3,4,8,12 89:17,18,19,20 90:4,6,7,8,9	<b>two</b> 2:25 23:1 24:23 44:7 46:23 47:23 48:13 52:14 68:3 77:25 <b>two-and-a-half</b> 47:23 61:14 <b>two-family</b> 16:3							
	<b>U</b>							
	<b>Uh-huh</b> 32:24 <b>ultimately</b> 16:11 <b>unconstitutional</b> 8:5 21:16 <b>underpaid</b> 41:21 <b>understaffed</b> 65:7 <b>understand</b> 7:16 9:13 34:21,24 38:7 39:25 44:17 44:21 67:13,21 <b>understands</b> 34:25 <b>undertaking</b> 47:10 <b>unfairly</b> 23:6 <b>Union</b> 21:12 <b>unit</b> 68:18 <b>unlawful</b> 19:10 <b>Unleaded</b> 68:13 <b>unlisted</b> 59:5 74:20 <b>unnecessary</b> 80:6 <b>unrelated</b> 22:22 <b>untied</b> 28:13 <b>untruth</b> 36:16 <b>update</b> 26:24 53:17 80:20 <b>updated</b> 79:13 <b>upgrade</b> 35:18 74:18 75:10 79:17 79:25 <b>upgrades</b> 47:5 48:24 77:3 <b>upstairs</b> 12:15 16:4 16:22 <b>usage</b> 65:22 <b>use</b> 14:6 16:14 21:4 55:21 71:6 <b>usually</b> 32:12 <b>Utilities</b> 50:8 74:5 90:3	<b>V</b>	<b>vague</b> 57:18 <b>various</b> 85:8 <b>Vehicle</b> 23:7 <b>vehicles</b> 22:19 <b>venture</b> 3:25 <b>verbally</b> 60:7,8,15 <b>VII</b> 83:10 <b>village</b> 1:1,20,21,22 2:17 3:13 4:7,22 6:2 7:22 8:20,24 11:11,20 12:11,18 13:20,22 14:9,20 14:24 15:3,4,13 17:13 18:2,21,24 19:4 20:15 21:15 21:18,20 22:21 23:9 24:20 30:22 31:20,23 33:1 35:22 38:12 39:20 40:7 41:15,22,24 45:19 46:14 47:10 49:1 50:6,6,7,8 52:3,15 53:18 54:12 55:21 57:8 57:14 59:21 60:2 60:23 61:19 62:3 63:11,16 64:1,16 65:15 67:11 70:13 71:7 75:13,21 76:9 83:10 85:8 86:6 <b>Village's</b> 22:20 <b>violates</b> 8:4 <b>violation</b> 7:23,25 9:6 <b>violations</b> 5:14,15 20:2,3 <b>voice</b> 9:24 <b>voiced</b> 42:8 62:3 <b>voluminous</b> 33:8 <b>volunteers</b> 3:18,19 <b>vote</b> 4:13 14:25 15:10,17,19 38:3 39:15,23 40:11,13 40:20,21,23 41:17		41:18 59:18,20 61:5,7,23 63:5,7,8 64:9,11 66:2,2,4 68:1 70:2 82:19 87:17 <b>voted</b> 43:13 46:6 <b>votes</b> 43:12 <b>voting</b> 37:9,10 62:23 <b>voucher</b> 88:21 89:5 <b>Voyage</b> 43:22	<b>W</b>	<b>wage</b> 83:5 <b>wait</b> 25:17 32:12 35:10 <b>waiting</b> 25:24 <b>walk</b> 13:11 <b>want</b> 3:16,24 7:7,9 9:14,23 11:21 25:2 27:13 28:18 33:19 34:24 43:10 79:6 86:21 87:10 <b>wanted</b> 6:22 42:7 59:20,22 64:13 <b>wants</b> 87:6 <b>Wardens</b> 50:24 55:6 <b>warrantless</b> 7:21 9:17 21:21 <b>wasn't</b> 62:1 82:17 <b>Wastewater</b> 72:2 <b>watched</b> 64:20 <b>water</b> 28:18 72:2 72:21 <b>Watertown</b> 72:23 <b>way</b> 33:21 34:2 40:13 52:13 57:12 62:14 66:13 67:25 74:2 75:19 76:5 81:1 91:15 <b>weather</b> 3:21 4:2 <b>website</b> 19:22 <b>week</b> 31:5 39:11,11 39:15 61:13 80:24 84:16 <b>weeks</b> 33:6 81:5	<b>welcome</b> 80:9 <b>welfare</b> 66:9 <b>went</b> 35:22 47:11 67:1,3,15 68:1 79:22 86:7 <b>weren't</b> 27:19 <b>West</b> 27:22,23 <b>western</b> 70:16,18 <b>wetland</b> 24:23 49:5 <b>wetlands</b> 38:5 49:4 57:7,13 <b>we'll</b> 2:21 4:25 6:24 27:1 29:13 31:14 35:9,11 43:7 60:18 <b>we're</b> 7:21 15:11 26:5 27:8 29:3,10 42:24 43:10 44:14 62:13,15,17 77:23 78:7,16,16 86:16 <b>we've</b> 7:14 25:12 25:24 39:7 47:20 61:16,20 62:7,7,9 64:16 77:20,21 79:6 <b>WHEREOF</b> 91:17 <b>whistle</b> 2:3 <b>white</b> 12:17 <b>wholesale</b> 68:14,15 68:19,21 69:2,4 <b>William</b> 83:6 <b>willing</b> 41:5 <b>Windwatch</b> 53:12 <b>winter</b> 14:9,14 <b>wire</b> 88:25 <b>wish</b> 36:18 37:24 78:25 <b>wishes</b> 4:25 5:19 10:12 14:1 15:20 18:10 31:16 44:4 45:23 65:10 <b>wishing</b> 4:22 <b>WITNESS</b> 91:17 <b>woman</b> 16:5 <b>wonderful</b> 16:20 17:22 71:14 <b>Woods</b> 70:17,19
<b>Trustees</b> 1:3 2:5,17 6:4 18:20 36:8 50:9 78:3 <b>truth</b> 39:2 <b>try</b> 37:21 <b>trying</b> 5:9 8:17 28:8 29:3 33:1 44:18,20 62:17 <b>turn</b> 35:3 44:18								

<b>wording</b> 10:19	65:8,9 66:8,21	<b>\$471,397.44</b> 88:23	59:2 60:22	60:24 68:8,10
<b>words</b> 6:21 78:12	69:22,23	<b>\$5,000</b> 10:21,22	<b>103-12(e)</b> 22:5	70:17 71:8 72:1
<b>work</b> 14:22 25:6	<b>year-round</b> 8:7	<b>\$54,863.84</b> 89:1	<b>103-13</b> 22:9	72:21 73:17 84:15
26:2 29:14,15,21	20:7,11,12	<b>\$60.00</b> 72:6 73:1	<b>103-16</b> 22:16	85:12 88:5,22
30:3,15 31:5	<b>York</b> 1:1,9 6:3		<b>103-17(6)</b> 22:16	91:12,18
39:10 42:14 47:12	18:18,22 21:12	<hr/> <b>#</b> <hr/>	23:8	<b>2013-5</b> 32:17
48:1 75:14 78:3	47:7 52:21 53:11	<b>#09-2013-10</b> 56:9	<b>103-19(a)</b> 23:1	<b>2013/2014</b> 54:11
80:6,12,20 81:10	53:13,16,18 70:15	<b>#09-2013-11</b> 57:3	<b>103-19(b)</b> 23:7	<b>2014</b> 27:9 38:8
81:12,15 82:13,15	72:1,4,4,21,23,24	<b>#09-2013-12</b> 58:11	<b>103-4</b> 21:3	<b>2015</b> 42:14
84:16 86:5,9,15	73:18 84:1 88:3,4	<b>#09-2013-13</b> 58:25	<b>103-7</b> 21:10	21 35:16
87:5	91:3,8	<b>#09-2013-14</b> 60:20	<b>103.7</b> 22:15	<b>21st</b> 72:1 88:4
<b>worked</b> 63:11	<b>York's</b> 21:17	<b>#09-2013-15</b> 68:7	<b>104,000</b> 34:9	22 35:16
<b>workers</b> 12:3	<b>you's</b> 39:12	<b>#09-2013-16</b> 70:12	<b>11th</b> 72:21	<b>23</b> 1:10 35:16 53:15
<b>working</b> 8:17 39:7	<b>Yup</b> 30:24 68:24	<b>#09-2013-17</b> 71:5	<b>110</b> 29:1,4	91:12
77:25 80:23	69:13 85:22	<b>#09-2013-18</b> 71:23	<b>11944</b> 18:22	<b>23rd</b> 18:19 88:5
<b>workload</b> 9:4 14:22		<b>#09-2013-19</b> 72:19	<b>12th</b> 27:5	<b>236</b> 18:21
<b>works</b> 45:17	<hr/> <b>Z</b> <hr/>	<b>#09-2013-20</b> 73:14	<b>13,500</b> 68:21	24 65:14
<b>worth</b> 48:1,8	<b>ZBA</b> 25:1 45:17	<b>#09-2013-21</b> 74:15	14 24:20 60:18	<b>24th</b> 84:15
<b>wouldn't</b> 33:13	<b>Zoning</b> 61:13,17	<b>#09-2013-22</b> 75:7	<b>14th</b> 3:13	<b>25th</b> 57:5 73:17
40:2,3,4 65:25		<b>#09-2013-23</b> 76:25	<b>142</b> 57:7	<b>26th</b> 73:17
<b>writing</b> 18:25 71:9	<hr/> <b>S</b> <hr/>	<b>#09-2013-24</b> 83:4	<b>149</b> 29:6	<b>26,000</b> 68:16
<b>written</b> 11:15 27:12	<b>\$0.13</b> 68:13,19 69:1	<b>#09-2013-25</b> 83:22	<b>15</b> 63:19	<b>27th</b> 85:12
33:15 66:12,24	<b>\$1,755</b> 68:20	<b>#09-2013-26</b> 84:13	<b>15,000</b> 69:5	
67:12,25 78:10	<b>\$1,950</b> 69:4	<b>#09-2013-27</b> 85:5	<b>17th</b> 7:5	<hr/> <b>3</b> <hr/>
<b>wrong</b> 12:5 27:20	<b>\$13.00</b> 83:6	<b>#09-2013-28</b> 88:1	<b>1705</b> 6:2	<b>30</b> 32:12 35:12
<b>wrote</b> 16:8 60:14	<b>\$14.00</b> 84:16	<b>#09-2013-29</b> 88:20	<b>18</b> 20:20 33:9 50:24	<b>30th</b> 68:10
<b>www.LIFairHou...</b>	<b>\$14.08</b> 83:7	<b>#09-2013-3</b> 50:20	55:7,22	<b>33,000</b> 86:22,24
19:23	<b>\$149.00</b> 73:19	<b>#09-2013-4</b> 51:11	<b>18th</b> 88:22	
	<b>\$15,000.00</b> 85:13	<b>#09-2013-5</b> 52:1	<b>19B</b> 27:2	<hr/> <b>4</b> <hr/>
<hr/> <b>X</b> <hr/>	<b>\$15.00</b> 73:1	<b>#09-2013-6</b> 53:8		<b>40</b> 34:10,22
<b>x</b> 1:2,6	<b>\$17.50</b> 85:9	<b>#09-2013-7</b> 54:9	<hr/> <b>2</b> <hr/>	<b>40-hour</b> 84:16
	<b>\$170.00</b> 53:13	<b>#09-2013-8</b> 54:25	<b>2</b> 50:3	<b>400</b> 8:23
<hr/> <b>Y</b> <hr/>	<b>\$200,000</b> 43:8	<b>#09-2013-9</b> 55:18	<b>2nd</b> 91:18	<b>44</b> 19:9
<b>yard</b> 13:13 16:14	<b>\$212.44</b> 73:2	<b>#13</b> 24:19	<b>2.4</b> 47:18	
16:25	<b>\$251,909</b> 52:7	<b>#6</b> 59:2 60:21	<b>2:15</b> 56:17	<hr/> <b>5</b> <hr/>
<b>yea</b> 79:3	<b>\$255.00</b> 73:18		<b>20</b> 33:9 40:12	<b>5.5</b> 47:9
<b>Yeah</b> 25:22 31:6	<b>\$26,075.00</b> 85:10	<hr/> <b>0</b> <hr/>	<b>20th</b> 56:16	<b>5:45</b> 55:22
33:19 37:1 43:8	<b>\$280,408</b> 34:6	<b>09-2013-2</b> 50:4	<b>2005</b> 36:11,14 39:2	<b>543</b> 5:6
46:15 77:18 82:3	<b>\$280.00</b> 88:6		39:5,14 47:4	<hr/> <b>6</b> <hr/>
89:10,14	<b>\$3,380</b> 68:15	<hr/> <b>1</b> <hr/>	77:21 81:19	<b>6</b> 54:13
<b>year</b> 27:15 38:8	<b>\$300.00</b> 84:1	<b>1st</b> 2:23 27:15	<b>2008</b> 47:11	<b>6:00</b> 1:11 2:2 57:5
42:17 48:16 52:19	<b>\$315.00</b> 88:5	70:17	<b>2012</b> 27:5	<b>6:15</b> 55:22
62:8 68:17,22	<b>\$32.00</b> 72:6	<b>1,000</b> 34:16	<b>2013</b> 1:10 18:19	<b>631</b> 3:5,6
69:7	<b>\$33,000.00</b> 85:11	<b>1:00</b> 56:16	49:18 50:25 53:11	<b>640</b> 18:17
<b>years</b> 19:9 20:20	<b>\$40,000</b> 35:12	<b>10</b> 12:3	53:15 54:14 55:7	
27:4 34:22 63:13	<b>\$416,533.60</b> 88:25	<b>100</b> 28:21	55:22 56:16 57:5	<hr/> <b>7</b> <hr/>
63:14,19 64:20	<b>\$446.35</b> 72:7	<b>103</b> 18:23 19:3 20:1	58:13 59:2 60:21	<b>7</b> 21:10

7:38 89:24 90:14  
75% 52:17

---

8

8 7:15,16 18:18  
53:10  
807 10:16  
852-4900 3:6  
853-8333 3:6

---

9

9th 60:24  
9(a) 83:11  
9:35 68:10  
90 29:4