

**DRAFT MINUTES – TO BE REVIEWED AND APPROVED AT A FUTURE
BOARD OF TRUSTEES MEETING**



**Minutes
Public Hearing/ Public Meeting/ Business Meeting
June 7, 2010**

1. Approved: Close the Cablevision public hearing at 7:50PM.
2. Approved: Close the Public Forum portion of the meeting at 8:35pm
3. Approved: Set a public hearing date of August 2, 2010 a public hearing needs to be set for the Marine Waterfront Zoning Change for the Marine Waterfront Zoning and Code Change.
4. Approved: Authorize Sea Level Mapping (Bob Fox) to complete a survey to locate wetland boundary, spring high-water, mean high and low water boundaries, in addition to improvements (buildings, curbs etc.) at a price not to exceed \$4,250.00
5. Approved: Hire Peter Koutrakos to identify and locate debris deposited in the East Beach swim area at a cost not to exceed \$2,800.00.
6. Approved: Renew the LIPA consulting agreement with White Birch Consulting at a price not to exceed \$2,500.00.
7. Approved: Consulting agreement with EEA for the permitting phase of the permanent work restoration projects at East Beach and Crystal Brook Hollow Rd at a cost of \$7,500.00 per site and \$3,500.00 contingency item for NYDEC sediment sampling plan for Mt. Sinai Harbor.
8. Approved: Rescind the Lead Agency status concerning the Cold Storage Building at the Port Jefferson Country Club Maintenance Yard and does transfer that status to the Planning Board of the Village of Port Jefferson.
9. Approved: Authorize the Mayor to enter into a contract with Tennis Pro Joe Arias for professional tennis services at the PJCC, at a monthly rate of \$2,575.00.
10. Approved: The Home Rule Request of S.7887/ A.11149 concerning Parkland Alienation of Caroline Ave. Park.
11. Approved: The performance bond of North Shore Professional Center and that a maintenance bond, in the amount of \$390,000 (or 10% of the original/revised bond amount), be submitted and maintained in effect for a period of one (1) year.
12. Approved: Hire Bryan Morin, John Gattusso and Steven Tricarico at \$8.00/hour
13. Approved: Authorize the depositing of the East Beach Concrete and Blacktop Debris at Sundial with an estimated cost of \$8,000 – 10, 000.
14. Approved: 1. Give 25 tokens to each Village merchant to be used at their discretion to promote the Parking Partner Program. 2. Number skating spots. 3. Resident spots behind Village Hall.
15. Approved: Hire Eric Fisk as an intern at the Court Clerk Office at an hourly salary the same as last year.
16. Approved: The request of Hoyt Lane Residents to close Hoyt Lane on July 10, 2010, with a rain date of July 11, 2010 from 2:00 pm to 9:00 pm
17. Approved: Request from Alternatives for Children, Our Lady of Wisdom School and Juvenile Diabetes Foundation for a 4-play of golf at PJCC for a fundraiser raffle.
18. Approved: hire Donald Pearce at \$9.50/hour to work with the collection of Village Taxes and in the Clerk's office.
19. Approved: The requested corrections from Village Assessor Ron Matuza and change the assessments of 206/021-04-029.000 to \$4,875; and 206/004-02-025.000 to \$6,750.
20. Approved: Renewal of its cable television franchise agreement
21. Approved: Two warrants as presented with the exception of fuel for K. Bates.
22. Approved: Go into executive session at 10:34PM to discuss personnel issue in Code, and personnel issue concerning pay, a personnel issue -employee matter, grievance issue, litigation matter and 2 personnel matters.
23. Approved: come out of executive session at 12:10PM.
24. Approved: 3 payment stipend totaling \$7,500.00 for Code Chief Wally Tomaszewski for working additional hours from May 15th to September 15th.
25. Approved: Adjourn the meeting at 12:20AM

PRESENT: Mayor Garant
Trustees Erland, Kessel and Snyder
Administrator/Clerk Juliano
Village Attorney Warren
Treasurer Pearce

ABSENT: Trustees Dell Aquila

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Meeting was transcribed by a court stenographer and available for viewing at Village Hall.

RESOLUTIONS

Public Hearing

To consider the application for renewal by Cablevision, 1111 Stewart Avenue, Bethpage, New York, of its cable television franchise with the Village of Port Jefferson.

Motion by Trustee Erland, second by Trustee Kessel to close the Cablevision public hearing at 7:50PM. Motion approved: 4-0.

Public Forum - Floor open for General Comments

Motion by Trustee Erland, second by Trustee Kessel, to close the Public Forum portion of the meeting at 8:35pm. Motion approved: 4-0.

Business Meeting

- Minutes of April 19, 2010.
Motion by Mayor Garant, second by Trustee Erland, to approve the Minutes of April 19, 2010 as revised. Motion approved: 4-0.
- Marina Waterfront Zoning and Code Change
Motion by Mayor Garant, second by Trustee Kessel, to set a public hearing date of August 2, 2010 A public hearing needs to be set for the Marine Waterfront Zoning Change for the Marine Waterfront Zoning and Code Change. Motion approved: 4-0.
- East Beach – a survey is required for the East Beach FEMA Application.
Motion by Mayor Garant, second by Trustee Erland, to authorize Sea Level Mapping (Bob Fox) to complete a survey to locate wetland boundary, spring high-water, mean high and low water boundaries, in addition to improvements (buildings, curbs etc.) at a price not to exceed \$4,250.00. Motion approved: 4-0.
- East Beach – A diver needs to be hired to identify and locate any debris that may have been deposited in the swim area as a result of the storms and damage done to the beach from those storms.
Motion by Mayor Garant, second by Trustee Kessel, to hire Peter Koutrakos to identify and locate debris deposited in the East Beach swim area at a cost not to exceed \$2,800.00. Motion approved: 4-0.
- Renew the LIPA consulting agreement with White Birch Consulting
Motion by Mayor Garant, second by Trustee Erland, to renew the LIPA consulting agreement with White Birch Consulting at a price not to exceed \$2,500.00. Motion approved: 4-0.
- EEA – consulting agreement for the permitting phase of the permanent work restoration projects at East Beach and Crystal Brook Hollow Rd
Motion by Mayor Garant, second by Trustee Kessel, to approve the consulting agreement with EEA for the permitting phase of the permanent work restoration projects at East Beach and Crystal Brook Hollow Rd at a cost of \$7,500.00 per site and \$3,500.00 contingency item for NYDEC sediment sampling plan for Mt. Sinai Harbor. Motion approved: 4-0.
- PJCC Maintenance Area – a motion is needed allowing the Village’s Planning Board to be the lead agent regarding the Cold Storage Maintenance Shed Area concerning SEQRA and other environmental concerns.
Motion by Mayor Garant, second by Trustee Erland, to rescind the Lead Agency status concerning the Cold Storage Building at the Port Jefferson Country Club (PJCC) Maintenance Yard, as approved at the Public Meeting on April 7, 2008, for the following reasons:
The Board of Trustees failed to follow due process under SEQRA regarding the proposed Cold Storage Building, by not circulating their intent to serve as Lead Agency to all involved and interested agencies and waiting the required 30 days before assuming Lead Agency under SEQRA; There were numerous inconsistencies in the Environmental Assessments supporting the proposed action. Also, the Board of Trustees practiced segmentation by reviewing the Cold Storage Building independent of the proposed upgrades of the entire Maintenance Yard without: a) providing supporting reasons why the independent review of the Cold Storage Building was as protective as a comprehensive review of the Maintenance Yard upgrades; and b) identifying related actions such as the proposed upgrades to the Maintenance Yard;
Numerous environmental concerns were raised at Public Hearings that were not addressed in the Full Environmental Assessment Form or other SEQR documents, and no alternatives, avoidance measures or mitigation were described in the supporting SEQRA documents;
Board of Trustees Resolution dated 5/12/08 improperly classified the replacement of the Cold Storage Building as an Unlisted Action per SEQR and adopted a negative declaration of significance. Based upon the Village consultants interpretation of the Village Code Section 129, as per Section 129.B.(9) the action should be classified as a Type I action since the proposed action exceeds 25% of a threshold presented within Section 129, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space;

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Since the proposed action involves a development and an amendment to the site layout; consequently, it is appropriate that the Village Planning Board consider the proposed action and be requested to assume Lead Agency.

The Village Planning Board has indicated their willingness to assume Lead Agency, to ensure that the proper SEQRA process will be followed, examine the environmental concerns for the PJCC Maintenance Yard including the Cold Storage Building, and coordinate their review with all involved and interested agencies, including the PJCC Task Force.

Therefore the Board of Trustees of the Inc. Village of Port Jefferson does hereby rescind the Lead Agency status concerning the Cold Storage Building at the Port Jefferson Country Club Maintenance Yard and does transfer that status to the Planning Board of the Village of Port Jefferson. **Motion approved: 4-0.**

- The Village has finalized a contract with Tennis Pro Joe Arias.
Motion by Mayor Garant, second by Trustee Erland, to authorize the Mayor to enter into a contract with Tennis Pro Joe Arias for professional tennis services at the PJCC, at a monthly rate of \$2,575.00. Motion approved: 4-0.
- Parkland Alienation Resolution
The EPA wishes to use a portion of Caroline Field for a ground water treatment facility. In order to allow this to happen the Village must request of the State authority to discontinue that section of the use of Caroline Ave. Park as parkland and substitute it with a substantially larger area of parkland located at Crystal Brook Hollow Road. It is important to note that the remainder of Caroline Ave. Park will continue to be used as parkland and ball field/ recreational field.
Motion by Mayor Garant second by Trustee Kessel to approve the Home Rule Request of S.7887/ A.11149 concerning Parkland Alienation of Caroline Ave. Park. Motion approved: 4-0.
- Village Engineer Kevin Koubek has received a request of North Shore Professional Center, Dr. Robert Fry, the release of his performance bond. As of this time, all aspects of the work have been completed in accordance with the approved site plan. Mr. Koubek is requesting that the board formally release the bond and further requests that a maintenance bond, in the amount of \$390,000 (or 10% of the original/revised bond amount), be submitted and maintained in effect for a period of one (1) year – subject to his verification of planning /vegetation plans.
Motion by Mayor Garant, second by Trustee Erland, to release of the performance bond of North Shore Professional Center and that a maintenance bond, in the amount of \$390,000 (or 10% of the original/revised bond amount), be submitted and maintained in effect for a period of one (1) year. Motion approved: 4-0.
- PJCC Golf Professional Bill Mackedon is recommending the hiring of Bryan Morin new hire, John Gattusso returning hire and Steven Tricarico new hire, all at \$8.00/hour and start dates 6-15-2010/ end dates 9-1-2010
Motion by Mayor Garant, second by Trustee Erland, to hire Bryan Morin, John Gattusso and Steven Tricarico at \$8.00/hour. Motion approved: 3/0/1 (Trustee Snyder abstained).
- East Beach Debris
Motion by Mayor Garant, second by Trustee Erland, to authorize the depositing of the East Beach Concrete and Blacktop Debris at Sundial with an estimated cost of \$8,000 – 10, 000. Motion approved: 4-0.
- Parking Issues
Motion by Trustee Erland, second by Trustee Kessel, to: 1. Give 25 tokens to each Village merchant to be used at their discretion to promote the Parking Partner Program. 2. Number skating spots. 3. Resident spots behind Village Hall. Motion approved: 4-0.
- Kevin Bates probation
Parking Meter Supervisor Kevin Bates has completed 6 months of probationary service.
Motion by _____ second by _____ make Kevin Bates a permanent employee as he has successfully completed his 6 months of probationary employment.
- Sr. Court Clerk Christine Wood is requesting the re-hiring of Eric Fisk as an intern at the Court Clerk Office. Eric will be replacing Ryan Dermody, who left employment with the village to pursue a career with NYPD.
Motion by Trustee Snyder, second by Mayor Garant, to approve the request of Sr. Court Clerk Christine Wood and hire Eric Fisk as an intern at the Court Clerk Office at an hourly salary the same as last year. Motion approved: 4-0.
- The Village has received a request to have Hoyt Lane closed on July 10, 2010, with a rain date of July 11, 2010 from 2:00 pm to 9:00 pm for a Block Party.
Motion by Mayor Garant, second by Trustee Erland, to approve the request of Hoyt Lane Residents to close Hoyt Lane on July 10, 2010, with a rain date of July 11, 2010 from 2:00 pm to 9:00 pm with the following provisions:
 1. Barricades to block the street to be provided by Village of Port Jefferson, and dropped off and picked up at applicants residence, who will be responsible for erecting them at both ends of the street before the block party starts and returning them for pick up by the Village.
 2. All garbage and debris to be picked up by applicant.
 3. Fireworks are prohibited.
 4. Applicants shall comply with all Village ordinances, including prohibition of alcoholic beverages on public property.

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- 5. Access for emergency vehicles must be maintained. Motor vehicles are not to be used to block any end of the street.
- 6. Use of live and/or recorded music must be kept at reasonable levels in accordance with Village Codes.
- 7. PJFD notification

Motion approved: 4-0.

- Request from Alternatives for Children, Our Lady of Wisdom School and Juvenile Diabetes Foundation for a 4-play of golf at PJCC for a fundraiser raffle.

Motion by Mayor Garant, second by Trustee Kessel, to approve the request from Alternatives for Children, Our Lady of Wisdom School and Juvenile Diabetes Foundation for a 4-play of golf at PJCC for a fundraiser raffle. Motion approved: 4-0.

- Village Administrator/ Clerk is requesting the re-hiring of Intern Donald Pearce

Motion by Trustee Kessel, second by Trustee Erland, to hire Donald Pearce at \$9.50/hour to work with the collection of Village Taxes and in the Clerk’s office. Motion approved: 4-0.

- The Village Assessor has submitted corrections to the 2010 Assessors Role due to clerical errors:

Property 206/021-04-029.000 assessment listed as \$7,250 should be \$4,875;

Property 206/004-02-025.000 assessment listed as \$7,950 should be \$6,750.

Motion by Mayor Garant, second by Trustee Erland, to approve the requested corrections from Village Assessor Ron Matuza and change the assessments of 206/021-04-029.000 to \$4,875; and 206/004-02-025.000 to \$6,750. Motion approved: 4-0.

- As a result of the recent public hearing, a resolution must be passed approving the Cablevision agreement and authorizing the Mayor to sign said agreement.

Motion by Mayor Garant, second by Trustee Kessel, to approve the following resolution:

Whereas, Suffolk Cable Corporation (Cablevision) has applied for renewal of its cable television franchise agreement with the Village of Port Jefferson and, upon Village approval of such a franchise agreement will file a franchise renewal agreement confirmation application with the New York State Public Service Commission (PSC) to continue to provide cable services to the Village of Port Jefferson; and

Whereas, on June 7, 2010, the Board of Trustees of the Village of Port Jefferson duly held a public hearing with respect to the proposed franchise renewal agreement; and

Whereas, the said public hearing has been concluded and, the Board of Trustees has given due consideration to the matters which were the subject of that hearing and the comments received at that hearing,

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees of the Village of Port Jefferson hereby approves the proposed agreement for renewal of the cable television franchise for Suffolk Cable Corporation (Cablevision), and it is further

RESOLVED, that the Mayor is authorized to sign such renewal agreement in a form approved by counsel and substantially in accordance with that which was the subject of said public hearing.

Motion approved: 4-0

- Voucher/ Treasurer

Fiscal Year 2009-10

FUND	AMOUNT	DATE	CHECK
General (A)	\$ 176,812.70	05/31/10	018836-018901
PJCC (CR)	\$ 52,576.17	05/31/10	004845-004881
Trust (T)	\$ 2,776.51	05/31/10	001201-001206
Capital (H)	\$ 35,296.10	05/31/10	000719-000722

Fiscal Year 2010-11

FUND	AMOUNT	DATE	CHECK
General (A)	\$ 117,500.37	06/07/10	018902-018926
PJCC (CR)	\$ 10,664.86	06/07/10	004882-004890
Trust (T)	\$ 1,359.50	06/07/10	001207-001211
Capital (H)	\$ 22,860.00	06/07/10	000723-000724

Motion by Trustee Kessel, second by Trustee Snyder, to approve the two warrants as presented with the exception of fuel for K. Bates. Motion approved: 4-0.

Executive Session

Motion by Mayor Garant, second by Trustee Erland, to go into executive session at 10:34PM to discuss personnel issue in Code, and personnel issue concerning pay, a personnel issue -employee matter, grievance issue, litigation matter and 2 personnel matters. Motion approved: 4-0.

Motion by Mayor Garant, second by Trustee Snyder, to come out of executive session at 12:10PM. Motion approved: 4-0.

Motion by Mayor Garant, second by Trustee Snyder, to approve a 3 payment stipend totaling \$7,500.00 for Code Chief Wally Tomaszewski for working additional hours from May 15th to September 15th. Motion approved: 4-0.

Adjourn

Motion by Mayor Garant, second by Trustee Snyder, to adjourn the meeting at 12:20AM. Motion approved: 4-0.

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BOARD OF TRUSTEES MEETING**

Respectfully submitted,

Robert Juliano
Administrator/Clerk