

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, 7 VILLAGE LANE, QUOGUE, NEW YORK, HELD ON FRIDAY, MARCH 22, 2013 AT 4:00 P.M.

PRESENT: Mayor Peter S. Sartorius, Trustees Jeanette Obser, Randy Cardo, Ted Necarsulmer and Kimberley Payne, Village Attorney Richard E. DePetris and Village Clerk Marcia Rose Koziarz.

OTHERS PRESENT: Police Chief Robert Coughlan, Fire Department Chief Tim Shea, Fire Chief Bruce Davidson, Chief Building Inspector Bill Nowak, Dick Garner, Lee Wadelton, Katharine Peiffer, Bruce Peiffer, Frances Ryan, Jerry Schwartz, Jane Dietche, Paul Dietche, Beth D'Alessio and Carol Moran of The Southampton Press.

The Mayor invited everyone to join him in the Pledge of Allegiance.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, the minutes of regular meeting held on February 15, 2013 are hereby approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, the Abstract of Audited Vouchers Schedule 03-13, \$246,047.06 and Treasurer's Report for the Month ending February 28, 2013 are hereby approved as follows:

\$ 32,520.36 Checking Account
\$ 6,233,871.32 Investments
\$ 6,266,391.68 Total General Fund 02/28/13

The Clerk gave the report for February 2013 False Fire and Burglar Alarms as follows:

Burglar Billed: \$100.00; Burglar Collected: \$250.00
Fire Billed: \$0; Fire Collected: \$500.00

Fire Department Chief Tim Shea gave the February 2013 report for the Fire Department. Police Chief Robert Coughlan gave the February 2013 report for the Police Department. Chief Building Inspection Bill Nowak gave the February 2013 report for the Building Department.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a special meeting of the Board of Trustees will be held at 11:00 A.M. on March 26, 2013 to receive the 2013-2014 tentative budget.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a public hearing will be held at 10:00 A.M. on April 15, 2013 to review the 2013-2014 tentative budget.

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Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, a transfer in the amount of \$44,801.00 (received from the Office of the Suffolk County Legislature for 2012) is hereby approved to be transferred from the General Fund to A3120.15 (Police-Overtime), which amount represents the Sales Tax Revenue share from the County of Suffolk which is restricted for public safety use only.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the fees for the 2013 Village Beach Permit Application for access to the Village Beach are hereby approved as follows:

Vehicle (Resident)	- \$90.00
Vehicle (Renter)	- \$240.00
Walk- On	- \$12.00

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the following budget transfers for the Police Department are hereby approved:

\$1,000.00 from A3120.411C (Detention Facility)	to A3120.415 (Navy Equip & Maint)
\$2,500.00 from A3120.130 (Part Time Services)	to A3120.412 (Supplies Auto Maint)
\$3,000.00 from A3120.450 (Police Contracts)	to A3120.150 (Police Overtime)

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, a transfer in the amount of \$25,000.00 from A1990.400 (Special Items Contingency) to A8745.401 (Hurricane Sandy Damage Repairs) is hereby approved.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, a budget transfer in the amount of \$1,500.00 from A7180.49 (Beach-Misc Expenses) to A7180.411 (Beach Supplies-Equipment) is hereby approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, an increase in the amount of \$5,251.00 from revenue code A2680 (Insurance Recovery) to A3120.240 (Police Vehicles) for water damage of Police vehicles from Glatfelter Claims Management is hereby approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, an increase in the amount of \$1,535.33 from revenue code A2680 (Insurance Recovery) to A3620.220 (Safety Vehicles) for water damage of Safety vehicles from Glatfelter Claims Management is hereby approved.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, a budget transfer in the amount of \$275.00 from A3410.411 (Fire Department-Personnel Protection) to A3410.450 (Fire Department-Physicals) is hereby approved.

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Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the following budget transfers to A1325.22 (Clerk-Equipment):

\$3,000.00 from A1325.49 (Clerk-Misc)

\$5,000.00 from A1325.411 (Clerk-Supplies & Materials)

\$5,000.00 from A1325.450 (Clerk-Maintenance Contract)

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the minutes of bid opening held on March 8, 2013 for one (1) new pumper fire truck and award the contract to Pierce Manufacturing Inc., which bid \$595,800.00 are hereby approved. (see attached)

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the use of the Quogue Village Beach on Saturday, May 11, 2013 at 10:00 A.M. for the 2nd Annual Spring Plunge fundraiser to benefit LI 2 Day Breast Cancer Walk on June 8th & 9th is hereby approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the bid held on March 21, 2013 at 4:00 P.M. for the operation of the Village Beach Snack Bar for the 2013 summer season, as advertised in the Southampton Press, Western Edition issues dated February 21st & 28th and March 7th & 14th, 2013 are hereby approved and the bid is hereby awarded to Jessup Foods LLC (dba Quogue Country Market).

The Mayor opened the Public Hearing for proposed dedication of Lemuria Lane and the 10 foot open space area adjoining the road. The Chief Building Inspector, Bill Nowak, asked if the open space strip would always remain as an open space area. The Mayor answered that it would remain an open space and owned by the Village. The Mayor closed the public hearing at 4:19 P.M. Upon motion made by Randy Cardo, seconded by Mayor Sartorius and unanimously carried, it was RESOLVED, the Village of Quogue accepts the dedication of Lemuria Lane and the 10 foot open space area adjoining Lemuria Lane into the Village highway system, subject to the receipt by the Village Attorney of all required legal documents, in form satisfactory to the Village Attorney, effective upon confirmation by the Village Attorney of such receipt.

Upon motion made by Ted Necarsulmer, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the introduction of Local Law # ____ of 2013, "A Local Law Amending Chapter 73 (Building Construction and Fire Prevention) Of The Village Code In Relation To Appointment of Electrical Inspectors and the Conduct of Electrical Inspections And Adding Penalties for Offenses under Article III" is hereby scheduled for a public hearing on April 19, 2013 at 4:00 P.M.

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The Mayor opened the public hearing and possible adoption of Local Law No. ____ of 2013, A Local Law Amending Chapter 196 (Zoning) Of The Village Code With Respect To Design Review. The introduction of this proposed local law was held at the Village Trustee meeting on February 15, 2013. The Mayor opened the floor to comments. Kittric Motz asked to what degree is “material” considered relevant to be reviewed by the Design Review Board. Mayor Sartorius stated that the Chief Building Inspector Bill Nowak will make an initial determination and if necessary, refer the question to the Design Review Board. Paul Dietche commented that this proposed Local Law is most appropriate to preserve the character of Quogue. After hearing all comments the Mayor closed the public hearing at 4:25 P.M. Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the Board of Trustees finds and determines that the proposed local law entitled, Local Law No. ____ of 2013, A Local Law Amending Chapter 196 (Zoning) Of The Village Code With Respect To Design Review, will not have an adverse affect on the environment. RESOLVED, Local Law No. ____ of 2013, A Local Law Amending Chapter 196 (Zoning) Of The Village Code With Respect To Design Review is hereby enacted as Local Law No. 3 of the year 2013. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Sartorius: Voting Aye
Trustee Cardo: Voting Aye
Trustee Obser: Voting Aye
Trustee Necarsulmer: Voting Aye
Trustee Payne: Voting Aye:

Local Law No. 3 of 2013

A Local Law Amending Chapter 196 (Zoning) Of The Village Code With Respect To Design Review

Section 1. The first sentence in §196-36A is hereby amended by inserting a comma after the words “poor quality of design” and inserting the words “materials or color” after said comma.

Section 2. §196-36.2A (1) is hereby amended by deleting the words “Village Clerk, who shall promptly transmit the same to the”.

Section 3. Article VII A is hereby amended by adding §196-36.6 to read as follows:

§196-36.6. Material change in exterior appearance.

A. The exterior appearance of a building or structure shall not be materially changed without first obtaining approval from the Design Review Board. A material change includes a change in exterior materials or color which materially affects the exterior appearance.

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B. If the material change involves work which requires a building permit, the procedure set forth in §196-36.2 shall be applicable. If the material change does not involve work which requires a building permit, an application for Design Review Board approval shall be filed with the Zoning Administrator (who shall refer said application to the Design Review Board), and the procedure set forth in §196-36.2A (2), (3), (4) and (5) shall be applicable.

Section 4. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

* * * *

The Board discussed with Beth Dalessio (Beth's Café) possible signage of four limited hour parking space signs in the four spaces of her place of business. The Board will assess the parking space usage and determine an appropriate response.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the PBA grievance heard by the Board of Trustee at its meeting held on February 15, 2013 is denied for the reasons set forth in the written opinion presented. (See attached)

With no further business to discuss, and upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, the meeting was adjourned at 4:36 P.M.

Marcia Rose Koziarz, Village Clerk

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Minutes of bid opening in accordance with notice published in the Southampton Press, Western Edition issue on February 14, 2013 for one (1) new pumper fire truck, were opened and publicly read at 3:00 P.M. on Friday, March 8, 2013.

Present for the bid opening were: Deputy Clerk Denise Michalowski and Assistant to the Mayor, Stephanie Wagner.

One bid was received:

Pierce Manufacturing Inc., PO Box 2017, Appleton, WI 54912 - \$595,800.00

Marcia Rose Koziarz, Village Clerk

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Minutes of bid opening in accordance with notice published in the Southampton Press, Western Edition issues on February 21 and 28, March 7 and 14, 2013 for proposals to operate the snack bar at the Quogue Village Beach Pavilion for the 2013 summer season were opened and publicly read at 4:00 P.M. on Thursday, March 21, 2013.

Present for the bid opening were: Deputy Treasurer Aimee Buhl, Deputy Clerk Denise Michalowski and Assistant to the Mayor, Stephanie Wagner.

One bid was received:

Jessup Foods LLC, P O Box 1302, Quogue, NY 11959 - \$3,500.00

Marcia Rose Koziarz, Village Clerk

Village of Quogue

**Decision of the Board of Trustees
on the matter of the Grievance of the
Quogue Police Benevolent Association
Pertaining to the Use of Part-time Police
Officers during the Emergency
Caused by Super Storm Sandy**

Facts

The hurricane that eventually became known as Super Storm Sandy struck the south shore of Long Island during October 28-29, 2012. The Mayor of the Village of Quogue ("Village") declared a state of emergency pursuant to Section 2B of the Executive Law of the State of New York that became effective at 1000 hours on October 28, 2012 and by its terms continued for five days. Beginning on the morning of October 28, residents of Dune Road and other flood-prone areas in the Village were advised through door-to-door visits that there would be a mandatory evacuation. In coordination with the Town of Southampton and the Village of Westhampton Beach, in the afternoon of October 28 access to Dune Road was halted, resulting in the stationing of a police officer and vehicle at the Quogue Bridge. Limited access to Dune Road was not restored until the afternoon of October 31, and regular access to Dune Road in the Village was not permitted until approximately 12:00 Noon on November 1.

By letter dated January 24, 2013 to Chief Robert Coughlan, counsel for the Quogue Police Benevolent Association ("PBA") filed a grievance on behalf of the PBA pursuant to Section 33 of the collective bargaining Agreement dated as of June 1, 2012 ("Agreement") between the Village and the PBA. The letter recites that a part-time officer worked 26 hours during a several day period and that another part-time officer worked five hours. At the hearing before the Board of Trustees, counsel for the PBA stated that the number of hours set forth in the letter was somewhat understated and that a total of 33 hours was involved. The letter alleges that this use of part-time officers violated Section 20B of the Agreement.

Chief Coughlan denied the grievance by letter dated January 29, 2013, stating that Section 20B of the Agreement did not apply to overtime of the type involved in this instance. Chief Coughlan also stated that Section 24C of the Agreement is the correct provision to apply to the Super Storm Sandy situation.

The PBA appealed to the Board of Trustees as provided in Section 33 of the Agreement, and the Board of Trustees heard arguments on the matter at its meeting on February 15, 2013.

Decision

Section 20 B of the Agreement states as follows:

Seasonal and/or part time police officers shall not be used for any special overtime work such as DWI, seat belt tours, etc., other than normal patrol tours, unless all members of the bargaining unit refuse said overtime. The Chief of Police or his delegate shall notify all Employees of the availability of special overtime work in advance and shall allocate such special overtime work among Employees who request it and are available in a fair and equitable manner so as to give all such Employees an opportunity to perform such work; provided, however, that in assigning such work the Chief of Police or his delegate shall be entitled to take into account the effectiveness of an Employee on prior special overtime.

In his letter, and again at the hearing before the Board of Trustees, Chief Coughlan stated that Section 20B, whose origin dates back to the 1990's, is intended to be specific to DWI, seat belt and similar tours, such as aggressive driving, which are normally paid for via a grant. The second sentence of Section 20B, which was added in 2012, is also supportive of the notion that Section 20B is intended to apply to special details of a preplanned nature.

Furthermore, even if there is some ambiguity concerning the meaning of Section 20B, Section 24C of the Agreement provides:

The parties acknowledge that the Village retains the right in its sole discretion to employ qualified part-time police officers during any special event or emergency.

It seems to us clear that Super Storm Sandy qualified as an emergency and that Section 24C squarely covers the situation it presented. Accordingly, the use of part-time officers did not violate the Agreement, and the appeal of the PBA is therefore denied.

Approved by the Board of Trustees and issued the 22nd day of March, 2013.