

MINUTES FOR THE REGULAR MEETING HELD BY THE BOARD OF TRUSTEES ON FRIDAY, JANUARY 19, 2018 AT 4:00 P.M.

PRESENT: Mayor Peter Sartorius, Trustees Randy Cardo, Jeanette Obser, Kimberley Payne, Village Attorney Richard DePetris and Village Clerk Aimee Buhl

ABSENT: Trustee Ted Necarsulmer

OTHERS PRESENT: Police Chief Robert Coughlan, Fire Chief Chris Osborne, Valerie Gordon of the Southampton Press, Bill Berrien, Dick Gardner, Kittric Motz and Eileen Duffy

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

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, the Minutes of Regular Meeting held on December 15, 2018 and Special Meeting held on December 18, 2017 were approved.

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried, the Abstract of Audited Vouchers Schedule 1-18, \$240,355.04 and Treasurer's Report for the Month ending December 31, 2017 were approved.

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| \$1,097,676.55 | Checking Account |
| \$ 666,940.44 | Capital Reserves |
| <u>\$7,375,511.15</u> | <u>Investments</u> |
| \$9,140,128.14 | Total General Fund 12/31/17 |

The Clerk gave the report for December 2017 Fire and Burglar Alarms:

Fire Billed: \$350; Fire Collected: \$50
Burglar Billed: \$1,650; Burglar Collected: \$1,225

Fire Chief Chris Osborne gave the December 2017 report for the Fire Department. He reminded residents of the importance of keeping residential heating system vents clear of snow and ice. Police Chief Robert Coughlan gave the December 2017 report for the Police Department. Building Inspector Bill Nowak was absent from the meeting.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the General Village Election of the Village of Quogue, New York will be held on Friday, June 15, 2018. The polling place for the 2018 General Village Election shall be at the Quogue Firehouse, Jessup Avenue, Quogue, New York. The polls shall open at 12:00 noon and close at 9:00 p.m. prevailing time and the offices to be filled at said General Village Election and the terms thereof are as follows:

Mayor – one (1) for the term of two (2) years
Trustees – two (2) for the term of two (2) years

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the certified amount of unpaid Village taxes for the fiscal year 2017-2018 submitted by the Treasurer of the Village of Quogue, and as provided in Section 1454 of the Real Property Tax Law of the State of New York, has been compared with the original tax roll and has been found to be correct and the amount of unpaid taxes is \$34,361.76 (see listing attached) and further that the unpaid village taxes for such fiscal year will be sold by Public Tax Sale at

which sale certificates of tax liens for such unpaid taxes shall be properly sold with interest and advertising fee (\$25); such tax sale shall be held in the manner provided by law, at 9:15 A.M. on Tuesday, March 20, 2018 and notices of such tax sale to be published in the Southampton Press-Western Edition for three (3) consecutive weeks in issues dated 03/1/18; 03/8/18 and 03/15/18 in accordance with statutory law.

Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the retirement of Osman Akyol, effective January 15, 2018 is approved with regret. Mayor Sartorius stated the Osman was a valued member of the Highway Department for over 12 years and will be missed.

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, Daniel Pearson is appointed to the position of Highway Department Laborer, with a salary of \$46,000. His employment is to begin before February 19, 2018.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, Cameron Oswald is appointed to the position of Part Time Police Officer, at a rate of \$20.75 per hour, contingent upon the successful completion of application screening.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, Courtney Weber is appointed to the position of Part Time Police Officer, at a rate of \$20.75 per hour, contingent upon the successful completion of application screening.

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, Lauren McGuire is appointed to the position of Detention Attendant, at a rate of \$15.00 per hour, contingent upon the successful completion of application screening.

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, Stephen P. Farrell is appointed to the position of alternate member of the Planning Board.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the renewal of the Flexible Spending Agreement, effective January 1, 2018 through December 31, 2018 with Brown and Brown of NY D/B/A Fitzharris & Company is approved and the Mayor is authorized to execute such agreement.

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, a transfer of \$1,823.26 from A5110190A Highway Vacation Buybacks to A5110443 Highway Building Improvements & Maintenance is approved.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, a budget increase in the amount of \$14,566.21 to fund the sand fencing installed by First Coastal Corporation utilizing revenue code A1001SA (Special Assessment-Sand Fences) and appropriation code A8745400 (Erosion Control-Contractual Services) is approved.

Upon motion made by Jeanette Obser seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the following purchase orders are increased:

15201 Fox Land Surveying in the amount of \$200

15213 Firematic Supply in the amount of \$35.84

15229 Patrol PC in the amount of \$70

Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the introduction of “Local Law No. ____ of 2018 Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law §3-c” and scheduling of a public hearing to be held on Friday, February 16, 2018 at 4:00 PM. were approved.

Local Law No. ____ of 2018

A Local Law Authorizing A Property
Tax Levy In Excess Of The Limit Established
In General Municipal Law §3-c

Section 1. Legislative Intent.

It is the intent of this local law to allow the Village of Quogue to adopt a budget for the fiscal year commencing June 1, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override.

The Board of Trustees of the Village of Quogue is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2018 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Repeal.

If the Board of Trustees of the Village of Quogue adopts a budget for the fiscal year commencing June 1, 2018 that does not require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c (to wit, if the authorization contained in Section 3 of this local law is not utilized), this local law may be repealed by resolution of the Village Board of Trustees (to wit, without a public hearing and without any further local law).

Section 5. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect , impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual,

firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date.

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

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Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the introduction of “Local Law No. ___ of 2018 A Local Law Amending Chapter 73 (Building Construction and Fire Prevention) of the Village Code to add a new Article Requiring Innovative and Alternative On-Site Wastewater Treatment Systems for Certain Residential Projects” and the scheduling of a public hearing to be held on Friday, February 16, 2018 at 4:00 PM were approved.

Local Law No. of 2018

A Local Law Amending Chapter 73 (Building Construction and Fire Prevention)
of the Village Code to add a new Article Requiring Innovative and Alternative On-Site
Wastewater Treatment Systems for Certain Residential Projects

Section 1. The Board of Trustees hereby finds and determines that the Village of Quogue is bordered by the Atlantic Ocean, Shinnecock Bay and Quantuck Bay and contains the Quogue Canal connecting the bays and various creeks and ponds. It is an objective of the Village to preserve and protect the quality of the groundwater and surface waters in and adjacent to the Village of Quogue. It has been well documented that waters in and around the Village of Quogue are receiving more nitrogen than the waters can naturally assimilate. This condition is caused mainly by the wastewater from both older and newer houses that are predominantly stored and treated in cesspools and conventional on-site sanitary septic systems that do not adequately remove nitrogen; and the nitrogen from these facilities is being released into the groundwater, which ultimately discharges into the waters in and around the Village of Quogue. Thus, nitrogen loading to these waters must be reduced in order to restore their health. The Suffolk County Comprehensive Water Resources Management Plan found that "while all sources of water pollution are concerning, nitrogen pollution from septic systems has clearly emerged as the most widespread and least addressed of the region's growing list of water pollutants." As a result, the Suffolk County Department of Health Services (“SCDHS”) has recently authorized the use of innovative and alternative on-site wastewater treatment systems in lieu of conventional sanitary septic systems. These innovative and alternative systems discharge significantly less nitrogen from sanitary waste into the groundwater and work towards achieving less nitrogen in our bays, ponds and other waterways. The Town of Southampton Community Preservation Fund Water Quality Improvement Project Plan (“WQIPP”) was adopted by the Town Board of the Town of Southampton to complement the existing Community Preservation Fund Project Plan and identifies water protection priorities and criteria for expenditures throughout the Town of Southampton, including the Village of Quogue. One of the stated objectives of the WQIPP is to promote wastewater treatment improvement projects, and the Town of Southampton has adopted a Septic System Rebate and Incentive Program that is applicable to Village of Quogue residents

located within the High Priority and Medium Priority Areas as identified in the WQIPP. Most of the Village of Quogue is located within one of these two Areas.

Accordingly, to further the aforesaid objectives and based upon the approval of these new systems by the SCDHS, the intent of this local law is to require that new residential wastewater treatment systems located anywhere in the Village of Quogue and replacements and substantial changes, repairs or upgrades to residential wastewater treatment systems in High Priority and Medium Priority areas utilize an innovative and alternative on-site treatment system authorized or approved by the SCDHS.

Section 2. Chapter 73 of the Quogue Village Code (Building Construction and Fire Prevention) is hereby amended by adding a new Article IV to read in its entirety as follows:

Article IV. Innovative and Alternative On-Site Wastewater Treatment Systems (I/A OWTS)

§73-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING INSPECTOR

The Village Building Inspector appointed pursuant to Chapter 15 or his/her designee.

HIGH PRIORITY AREA

Those areas in the Village of Quogue mapped as such in the WQIPP.

INNOVATIVE AND ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM (also referred to as “I/A OWTS”)

An on-site wastewater treatment system that, at a minimum, is designed to result in total nitrogen in treated effluent of 19 mg/l or less, as approved or authorized for use by the SCDHS.

MEDIUM PRIORITY AREA

Those areas in the Village of Quogue mapped as such in the WQIPP.

SCDHS

The Suffolk County, New York Department of Health Services or any department or entity that may succeed to its functions insofar as they involve the approval or authorization for use of residential wastewater treatment systems.

SUBSTANTIAL SEPTIC SYSTEM UPGRADE

A replacement of an existing residential cesspool or septic system or a change, repair or upgrade to an existing residential septic system where the cost of such change, repair or upgrade would equal or exceed fifty (50%) percent of the cost of replacement of the current system.

WQIPP

The Southampton Town CPF Water Quality Improvement Project Plan dated June/July 2016 adopted by the Town Board of the Town of Southampton as it may be amended from time to time.

§73-11. I/A OWTS Required.

- A. An I/A OWTS shall be required for the following projects:
 - (1) All new residential construction in the Village of Quogue;
 - (2) Any substantial septic system upgrade in a High Priority Area or a Medium Priority Area;
 - (3) An addition or renovation to an existing residence in the Village of Quogue that results in an increase of 25% or more in the gross floor area (as defined in Section 196-49) of such residence; or
 - (4) A substantial renovation to an existing residence in the Village of Quogue (whether or not the gross floor area is increased), the cost of which, as determined in connection with the granting of a building permit, exceeds \$500,000.

- B. Notwithstanding any other provision of this Code, a building permit shall be required for installation of an I/A OWTS, and all above-ground equipment and electrically-powered equipment that is part thereof shall be required to meet applicable setback requirements in Chapter 196, subject to the right of an owner to seek and obtain a variance from the Zoning Board of Appeals.

§73-12. SCDHS Approval; Exceptions

- A. SCDHS approval of an I/A OWTS proposed to be installed for a particular project of the type identified in Section 73-11 shall be submitted to the Village prior to the issuance of a building permit therefor.

- B. The Building Inspector shall not issue a Certificate of Occupancy or a Certificate of Compliance for any project of the type identified in Section 73-11 above unless such project has received final approval from the SCDHS for the installation of the I/A OWTS.

- C. The Building Inspector may, at any time, require a monitoring report, engineer's report, and/or performance and maintenance report demonstrating that the proposed system complies with the SCDHS requirements.

- D. All installations of an I/A OWTS shall comply with all applicable provisions of the State Code.

- E. Notwithstanding the foregoing, this article shall not be applicable in those cases where (1) the SCDHS has determined that an I/A OWTS is not appropriate at a given location and the applicant shall have provided a copy of the determination of the SCDHS to the Village or (2) the applicant shall have demonstrated to the satisfaction of the Building

Inspector that installation of an I/A OWTS in connection with a particular project is not reasonably practical because of space or other physical constraints.

§73-13. Applicability. This article shall apply to applications made for a building permit after March 15, 2018 that meet the criteria described above, except for applicants that have complete applications pending review with the SCDHS on or prior to March 15, 2018, as verified by the SCDHS's records, shall not have to comply with the requirements herein.

§73-14. Penalties for offenses.

Any violation of the provisions of this article shall constitute a violation punishable by a fine of not less than \$1,000.00, as well as remediation of the subject premises to the satisfaction of the SCDHS. Such remediation efforts shall include, but not be limited to, the installation of a compliant I/A OWTS when required.

Section 3. This local law is enacted pursuant to Village Law §4-412(1)(a), as well as Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11) and 10(1)(ii)(a)(12)).

Section 4. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 5. This local law shall take effect upon filing with the Secretary of State.

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Valerie Gordon of the Southampton Press asked a question regarding "priority areas" and Kittric Motz asked a question regarding above-ground equipment and setbacks.

With no other business to discuss and upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, the meeting was adjourned at 4:40 P.M.

Aimee Buhl, Village Clerk