

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, APRIL 12, 2019

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

OTHERS PRESENT: Police Chief Chris Isola, Fire Chief Mike Nelson, W.C. Miller Jr, Jane Kratz, Irwin Messer and Valerie Gordon of the Southampton Press

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

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, the Minutes of Regular Meeting held on March 15, 2019 and Budget Public Hearing held on April 1, 2019 were approved.

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried, the Abstract of Audited Vouchers Schedule 04-19, \$191,374.43 and Treasurer's Report for the Month ending March 31, 2019 were approved:

\$ 177,010.89	Checking Account
\$ 7,530,202.42	Investments
<u>\$ 718,187.18</u>	Capital Reserves
\$ 8,425,400.49	Total General Fund 3/31/19

The Clerk gave the report for March 2019 False Fire and Burglar Alarms:

Burglar Billed: \$275; Burglar Collected: \$550

Fire Billed: \$50; Fire Collected: \$50

Chief Mike Nelson gave the March 2019 report for the Fire Department. Chief Chris Isola gave the March 2019 report for the Police Department.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, Madeline B. Sganga is appointed to the position of Part Time Police Officer at a rate of \$21.00 per hour, pending completion of background investigation.

Dieter Von Lehsten, co-chairperson of the Southampton Town Sustainability Committee, discussed the ban on plastics.

W.C. Miller Jr. and Jane Kratz discussed the Special Exception application relating to the proposed public utility facility at 36-38 Old Country Road. Trustee Cardo recused himself from the discussion since he is the owner of the properties.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, a Special Event Permit for a party at the Village Beach on June 8, 2019 is approved.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the Mayor is authorized to execute the engagement letter of Satty, Levine & Ciacco., P.C. for the audit of the Village's financial statements for the year ended May 31, 2019.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the Mayor is authorized to execute the engagement letter of Satty, Levine & Ciacco., P.C. for the audit of the Justice Court's financial statements for the year ended May 31, 2019.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, Margaret Stevenson and Helen Horton are appointed as Election Inspectors and Donna Ellswick is appointed as Alternate Election Inspector for the June 21, 2019 Village Election at a rate of \$13.00 per hour.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, Local Law No. 1 of 2019, entitled A Local Law Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law §3-c is repealed.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the 2019-2020 Budget is approved and the tax rate is set at \$1.9919 per \$1,000 of assessed value.

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, Pamela Chepiga is appointed to the position of alternate member of the Zoning Board of Appeals.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, an informational meeting regarding the request to form an erosion control district on the east end of Dune Road is scheduled for May 25, 2019 at 3:30 P.M.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the minutes of the Fire and Police Departments Boilers Replacement Project is approved and the bid is awarded to Mulco Inc.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, transfers in the amount of \$53,500 from unassigned fund balance to A3410443 Fire Department Building Maintenance and \$43,500 from unassigned fund balance to A3120443 Police Department Building Maintenance are approved.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the following budget transfers are approved:

From A3120210 Police Furniture to A3120413 Police Supplies Electronic \$1,000

From A 3120415 Police Navy Equip & Maintenance to A3120413 Police Supplies Electronics \$1,000

From A3120445 Police Training to A3120413 Police Supplies Electronics \$5,000

From A3120412 Police Supplies Auto Maintenance to A3120441 Police Service Vehicles Labor \$500

From A3410450 Fire Department Physicals to A3410416 Fire Department Supplies Misc \$1,000.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, purchase order 15676 South Shore Fire & Safety is increased in the amount of \$67.65.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a bulkhead reconstruction permit at 125 Dune Road (12-1-15) is approved.

Enactment of "Local Law No. ____ of 2019 A Local Law Amending Chapter 123 (Peace and Good Order) by adding a new Article VIII regarding Peddling and by renumbering the existing Article VIII (Penalties for Offenses)" as introduced at the Board of Trustees meeting held on Friday, February 15, 2019 at 4:00 P.M..

Upon motion made by Mayor Sartorius and seconded by Ted Necarsulmer, it was RESOLVED, the Board of Trustees finds and determines that this proposed local law will not have a significant adverse impact on the environment. The question of enactment of said law as Local Law No. 2 of 2019 was duly put to a roll call vote with the following results:

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

Local Law No. 2 of 2019

A Local Law Amending Chapter 123 (Peace and Good Order) by adding a new Article VIII regarding Peddling and by renumbering the existing Article VIII (Penalties for Offenses)

Section 1. The Board of Trustees hereby finds and determines that in order to enhance the safety of residents and prevent disturbances in the Village, there should be imposed a licensing requirement on place to place sales activities in the Village.

Section 2. Chapter 123 (Peace and Good Order) of the Village Code is hereby amended by adding a new Article VIII thereto to read in its entirety as follows:

Article VIII: Peddling

§ 123-21 Definitions

As uses in this Article, the following terms shall have the meanings indicated:

EXEMPT PERSON

A bona fide charitable, civic, educational, or similar not-for-profit organization and individuals working on behalf of such organization.

PEDDLING

Selling, offering for sale or soliciting offers to purchase goods or services of any kind or description by means of traveling by foot, motor vehicle or other means of conveyance from house to house, place to place or street to street.

PERSON

Any individual, corporation, partnership or other entity.

TOWN

The Town of Southampton, New York.

§ 123-22 License Required

A person, other than an exempt person, shall be permitted to engage in peddling in the Village of Quogue only if such person possesses and displays on demand of any Village police officer or code enforcement officer a valid peddler's license issued by the Town pursuant to Chapter 254 of the Southampton Town Code and, if a motor vehicle is used, a vehicle license card issued pursuant to such Chapter and displayed on such vehicle as required therein. Failure to comply with such requirements shall constitute an offense hereunder.

§ 123-23 Other Restrictions

- A. No loudspeakers, horns, bells or other noisemaking device may be used by any person engaged in peddling in the Village of Quogue.
- B. Nothing herein shall reduce or modify the obligation of any person engaged in peddling to comply with all parking and other traffic regulations. Nor may any peddling occur in any location where it would result in any congestion or public safety hazard, as determined by any police officer of the Village of Quogue.
- C. Any person engaged in peddling in the Village of Quogue must possess all other licenses and permits required to engage in such person's business, including, if food is sold, a valid license to handle food issued by the Suffolk County Department of Health.
- D. There shall be no peddling permitted at any park or recreation area of the Village of Quogue without the express permission of the Board of Trustees.
- E. Nothing in this Article shall be construed to permit peddling on the property of any person who communicates an objection thereto either directly to the person engaged in peddling or by posting a "no soliciting" or similar sign, and any person engaged in peddling shall obey such a direction.
- F. Any failure to comply with the foregoing restrictions shall constitute an offense hereunder.

Section 3. The existing Article VIII of Chapter 123 and existing Section 123-21 (Penalties for Offenses) shall be renumbered as Article IX and Section 123-24, respectively.

Section 4. This local law shall become effective 30 days after the filing thereof with the Secretary of State of the State of New York.

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Upon motion made Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, "Local Law No. ____ of 2019 A Local Law Amending Chapter 123 (Peace and Good Order) by adding a new a new Section Prohibiting Transfers of Trash between Vehicles on any Road was introduced and a public hearing is scheduled to be held on Friday, May17, 2019 at 4:00 PM.

Local Law No. _____ of 2019

A Local Law Amending Chapter 123 (Peace and Good Order)
By adding a new Section Prohibiting Transfers of Trash
between Vehicles on any Road

Section 1. The Board of Trustees hereby finds and determines that trash collection companies have been engaged in transferring trash from one collection vehicle to another on roads in the Village of Quogue and that such activity threatens to spill waste on the streets with attendant harmful effects on the environment and impair the welfare, prosperity and the peace and quiet of inhabitants, and therefore such activity should be prohibited.

Section 2. Chapter 123 of the Village Code is hereby amended by adding a new Section 123-3.1, which shall read in its entirety as follows:

§ 123-3.1 Trash Vehicle Transfers

No person engaged in the business of collection of trash shall transfer any collected trash from one collection vehicle to another vehicle on any public or private road in the Village of Quogue.

Section 3. This local law shall become effective 30 days after the filing thereof with the Secretary of State of the State of New York.

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Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, "Local Law No. ____ of 2019 A Local Law Amending Chapter 111 (Noise) of the Village Code In Relation to Hours of Operation for Trash Collection was introduced and a Public Hearing is scheduled to be held on Friday, May 17, 2019.

Local Law No. _____ of 2019

A Local Law Amending Chapter 111
(Noise) of the Village Code
In Relation to Hours of Operation for
Trash Collection

Section 1. The Board of Trustees hereby finds and determines that trash collection creates significant noise from the operation of collection vehicles and from the loading of trash

containers into collection vehicles and therefore the hours of operation for such activity should be limited in order to better secure and promote the public health, comfort and the peace and quiet of the Village of Quogue and its inhabitants.

Section 2. Section 111-4 (Violating Acts) is hereby amended by modifying Paragraph I (Loading and Unloading) so that it reads in its entirety as follows:

“Trash collection; loading or unloading. The collection of trash from any commercial or residential property other than between the hours of 7:00 a.m. and 6:00 p.m. or the creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers”

Section 3. 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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With no other business to discuss, Mayor Sartorius moved that the Board adjourn into executive session for discussion of employee matters. Such motion was unanimously approved and the Board went into executive session at 5:06 P.M..

In executive session, the Board and the Village Attorney discussed the open Lieutenant position in the Police Department following interviews by the Board earlier in the afternoon with Sergeants Dan Bennett, Dan Hartman and Jason McMunn. After discussion, Chief Isola was called and invited to join the meeting. At the end of a further discussion, the Board dismissed Chief Isola and unanimously determined to appoint Dan Hartman as Lieutenant with the effective date to be determined by the Mayor in consultation with the Chief of Police. The executive session was terminated at 5:53 P.M., and upon motion made unanimously, seconded and passed, the meeting of the Board of Trustees was adjourned.

Aimee Buhl, Village Clerk