

AGENDA FOR THE REGULAR MEETING TO BE HELD BY THE BOARD OF TRUSTEES
ON FRIDAY, JUNE 17, 2022

PRESENT:

OTHERS PRESENT:

The Pledge of Allegiance.

Approval of Minutes of Regular Meeting held on May 20, 2022 and Special Meeting held on May 31, 2022.

Motion By: Seconded:

Approval of Abstract of Audited Vouchers Schedule 06-22 \$635,851.22 and Treasurer's Report for the Month ending May 31, 2022:

\$ 112,505.61	Checking Account
\$7,150,201.46	Investments
<u>\$ 846,454.85</u>	<u>Capital Reserve</u>
\$8,109,161.92	Total General Fund 05/31/22

Motion By: Seconded:

Clerk's report for May 2022 False Fire and Burglar Alarms:

Burglar Billed: \$200; Burglar Collected: \$250

Fire Billed: \$350; Fire Collected: \$50

Departmental Monthly Reports:

Fire Department

Building Department

Police Department

Resolution to schedule the Organizational Meeting to be held on July 5, 2022 at 10:00 A.M.

Motion By: Seconded:

Resolution to accept the resignation of Robert Joyce from the position of Police Officer PT effective June 14, 2022.

Motion By: Seconded:

Resolution to approve a Special Event Permit application from Geralyn DellaCava for a party to be held at the Village Beach on July 2, 2022 from 6 P.M. until 9 P.M.

Motion By: Seconded:

Resolution to approve a Special Event Permit application from John Sadlier for a party to be held on the Village Beach on July 30, 2022 from 6 P.M until 10:30 P.M.

Motion By: Seconded:

Resolution to approve a Special Event Permit application from Joseph and Nazee Moinian for use of the parking lot only on August 13, 2022 from 6:30 P.M. until midnight.

Motion By: Seconded:

Resolution to approve a refund of \$250 to Susan Ach for a cancelled Special Event.

Motion By: Seconded:

Resolution to approve a permit to dredge and maintain the boat slip at 35 Ogden Lane (902-14-1-43) and to place wet fill at 15 Bay View Drive (11-3-9.1).

Motion By: Seconded:

Resolution to consent to equipment changes by Verizon Wireless under its Land Lease Agreement dated September 1, 1998, as amended, pertaining to the cell tower and grounds at 40 Old Country Road (902-1-1-20.10).

Motion By: Seconded:

Resolution to authorize the Mayor to execute a Site Lease Agreement with Dish Network LLC for location of telecommunication facilities at the cell tower at 40 Old Country Road at an initial rental of \$5,000 per month.

Motion By: Seconded:

Resolution to approve the minutes of bid opening held on June 10, 2022 at 3:00 P.M. for the Boat Ramp Reconstruction Project, as advertised in the Southampton Press, Western Edition issues dated June 2, 2022 (see attached), and award bid to South Shore Docks, Inc.

Motion By: Seconded:

Resolution to accept South Fork Asphalt's Change Order No. 4 in the amount of \$12,620.98 pertaining to the Jessup Avenue Project, increasing the total contract amount from \$806,300.11 (including Change Order No. 1, 2 and 3 previously approved) to \$818,921.09.

Motion By: Seconded:

Resolution to transfer \$12,621.09 from Fund Balance to A5110447 Jessup Avenue Reno.

Motion By: Seconded:

Resolution to increase the following purchase orders:

PO #16807 Con-strux LLC in the amount of \$46.00

PO #16801 The Fire Store in the amount of \$83.00

PO #16816 Komatsu America Corp in the amount of \$51.10

PO #16574 Westhampton True Value in the amount of \$31.60

PO #16781 United Ag & Turf in the amount of \$98.83

PO #4194 South Fork Asphalt in the amount of \$12,621.09

Motion By: Seconded:

Resolution to approve an expenditure of \$503.52 to Aspatuck Gardens from the Jobson account.

Motion By: Seconded:

Resolution to approve the closure of Village Offices on Monday, June 20, 2022 in observance of the Juneteenth holiday.

Motion By: Seconded:

Resolution to approve an application from the Moriches Bay Project for an event at the Quogue Village Dock in honor of its new Flupsy from 5:00 P.M. to 6:30 P. M on July 8, 2022.

Motion By: Seconded:

Public hearing regarding “Local Law No. ____ of 2022 amending Chapter 5 of the Quogue Village Code (Administration of Government) to allow public bodies of the Village to hold meetings via videoconferencing,” as introduced on May 20, 2022.

LOCAL LAW NO. ____ OF 2022

A LOCAL LAW amending Chapter 5 of the Quogue Village Code (Administration of Government) to allow public bodies of the Village to hold meetings via videoconferencing.

Section 1. As part of its response to the COVID-19 pandemic, by emergency declarations New York State authorized local governments to utilize videoconferencing to conduct the business of the locality, including, but not limited to, meetings of the Board of Trustees of the Village of Quogue, as well as local land use boards such as the Zoning Board of Appeals and the Planning Board. As a result of this accommodation, public participation was maintained – and likely enhanced – throughout the pandemic by the public’s ability to access these local government boards through videoconferencing.

Given this realization, the New York State legislature has worked to amend New York State Public Officers Law to permanently allow remote public participation, while still ensuring the ability of the public and the media to directly access government officials, in person. The result is an amendment to New York State Public Officers Law through the enactment of §103-a, realized as Part WW of Chapter 56 of the Laws of 2022, which enables local governments, in their discretion, to use videoconferencing to conduct their meetings, provided that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend, and certain criteria are met.

The Board of Trustees of the Village of Quogue seeks to authorize the use of this option. Thus, the purpose of this local law is to authorize the Village’s public bodies, in their discretion, to hold meetings using videoconferencing technology in a manner consistent with Public Officers Law §103-a. A public body that wishes to do so will adopt videoconferencing procedures to further identify the manner in which videoconferencing will occur.

Section 2. Chapter 5 of the Quogue Village Code (Administration of Government) is hereby amended by adding a new Section 5-6 to read in its entirety as follows:

§ 5-6. Videoconferencing at Meetings of Public Bodies.

- A. Pursuant to Section 103-a of the New York State Public Officers Law, the Village’s public bodies (as such term is used in such Section) are authorized to hold meetings using videoconferencing technology in a manner consistent with Public Officers Law §103-a and written procedures governing member and public attendance to be established by such public body as provided in Section 103-a 2(b) of the Public Officers Law and conspicuously posted on such public body’s section of the Village of Quogue website.
- B. Such written procedures governing member and public attendance shall be consistent with the Public Officers Law §103-a and may be amended or modified from time to time by such public body as it may deem necessary or desirable.

C. Nothing herein shall require any public body to utilize videoconferencing technology. Rather, the decision to use videoconferencing technology at any meeting or meetings shall be discretionary on the part of such public body.

Section 3. This local law is enacted pursuant to the New York State Public Officers Law §103-a.

Section 4. If any clause, sentence, paragraph, or part of this local law, or the application thereof to any person, firm, or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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 5. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

Resolution for enactment of Local Law of 2022.

Resolution for adoption of Procedures Applicable to Meetings of the Board of Trustees via Videoconferencing.

Motion By: Seconded:

Discussion of requests made by George Motz and Harry Mainzer at the May 2022 meeting.

Meeting Adjourned: ____PM

Aimee Buhl, Village Clerk

Village of Quogue

Procedures Applicable to Meetings of the Board of Trustees **Held via Videoconferencing**

1. At least three members of the Board of Trustees ("Board") must be present at Village Hall or by videoconference at a physical location or locations open to the general public in order to fulfill the Board's quorum requirement. Each of such members shall be considered physically present at the meeting. Members of the Board who are not physically present because of extraordinary circumstances (defined below) may participate via videoconference in discussions and vote on matters.
2. A member of the Board shall be physically present at any meeting held unless such member is unable to be physically present due to extraordinary circumstances, which shall include disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's physical presence at the meeting. A significant factor precluding attendance at the meeting shall include, without limitation, absence of a member from the Village of Quogue without convenient, cost-free access to a place open to the general public that is of such a nature that it will assure that the meeting of the Board will not be disturbed.
3. Except in the case of executive sessions conducted pursuant to Public Officers Law §105, the method of videoconferencing shall ensure that members of the Board can be heard, seen, and identified while the meeting is being conducted, including, but not limited to, any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
4. The minutes of the meeting shall include which, if any, members participated remotely and shall be available to the public pursuant to Public Officers Law §106.
5. The public notice for the meeting shall state:
 - a. that videoconferencing may be used;
 - b. if videoconferencing is used, how or where the public can obtain the information to view and/or participate in such meeting and that requests for videoconferencing access information must be received by the Village Office at least one hour before the scheduled start of the meeting;
 - c. where required documents and records will be posted or available; and
 - d. the physical location or locations for the meeting where the public can attend.
6. Each member of the Board shall advise the Mayor whether he or she desires to attend a meeting via videoconference at least five days before the meeting (and, if applicable, the place open to the general public where such member will be located) or, if the need to attend via videoconference arises thereafter, promptly after such need becomes apparent. In the event that no member of the Board has advised the Mayor that he or she intends to participate via videoconference, the Mayor shall make the decision whether to use videoconferencing technology at the meeting. The notice of the meeting shall be updated on the Board's page on the Village website to state whether videoconferencing technology will be utilized.

7. When meetings are held via videoconferencing, the meeting shall be recorded, and such recordings shall be posted or linked on the Board's page on the Village's website within five business days following the meeting, and shall remain available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
8. When meetings are held via videoconferencing, members of the public shall have the opportunity to view the meeting via video and to participate in proceedings via videoconference in real time where public comment or participation is authorized. Such videoconferencing must allow for the same public participation or testimony as in person participation or testimony.
9. When meetings are held via videoconferencing, the meetings shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act, as amended, and corresponding guidelines. For purposes of this provision, "disability" shall have the meaning defined in Executive Law §292.
10. In the event a state of disaster emergency is declared by the Governor of the State of New York or a state of emergency is proclaimed by the Mayor pursuant to Executive Law §24, the in-person requirements of paragraphs 1 and 2 above shall not apply if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.
11. These procedures may be amended or modified by the Board from time to time as it may deem necessary or desirable
12. These procedures shall be conspicuously posted on the Board's page on the Village's website for as long as videoconferencing is utilized.