

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, JUNE 17, 2022

PRESENT: Mayor Peter Sartorius, Trustees Randy Cardo, Ted Necarsulmer and Robert Treuhold, Village Attorney Wayne Bruyn and Village Clerk Aimee Buhl

ABSENT: Trustee Kimberley Payne

OTHERS PRESENT: Police Chief Christopher Isola, Building Inspector William Nowak, Fire Chiefs Mike Nelson and Dave Schaffauer, Vita Reinoso, Sally Beatty and Grenville Gooder

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

Upon motion made by Ted Necarsulmer, seconded by Robert Treuhold and unanimously carried, the Minutes of Regular Meeting held on May 20, 2022 and Special Meeting held on May 31, 2022 were approved.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, the Abstract of Audited Vouchers Schedule 06-22, \$635,851.22 and Treasurer's Report for the Month ending May 31, 2022 were approved:

|                      |                            |
|----------------------|----------------------------|
| \$ 112,505.61        | Checking Account           |
| \$ 7,150,201.46      | Investments                |
| <u>\$ 846,454.85</u> | Capital Reserves           |
| \$ 8,109,454.92      | Total General Fund 5/31/22 |

The Clerk gave the report for May 2022 False Fire and Burglar Alarms:

Burglar Billed: \$200; Burglar Collected: \$250  
Fire Billed: \$350; Fire Collected: \$50

Fire Chief Mike Nelson gave the May 2022 report for the Fire Department. Building Inspector Bill Nowak gave the May 2022 report for the Building Department. Police Chief Chris Isola gave the May 2022 report for the Police Department.

Upon motion made by Ted Necarsulmer, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that the Organizational Meeting is scheduled to be held on July 5, 2022 at 10 A.M.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the resignation of Robert Joyce from the position of Police Officer PT effective June 14, 2022 is accepted.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the 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. is approved.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the Special Event Permit application from John Sadlier for a party to be held at the Village Beach on July 30, 2022 from 6 P.M. until 10:30 P.M. is approved.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that a Special Event Permit application from Joseph and Nazee Moinian for use of the Village Beach parking lot only August 13, 2022 from 6:30 P.M. until midnight is approved.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that a refund of \$250 to Susan Ach for a cancelled Special Event is approved.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that 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 (902-11-3-9.1) is approved.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that 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) may be made.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the Mayor is authorized 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.

Upon motion made by Robert Treuhold seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the minutes of the bid opening held on June 10, 2022 at 3 P.M. for the Boat Ramp Reconstruction Project, as advertised in the Southampton Press, Western Edition issue dated June 2, 2022 (see attached) are approved and the bid is awarded to South Shore Docks, Inc.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that 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 \$806,300.98 (including Change Order No. 1, 2 and 3 previously approved) to \$818,921.09 is accepted.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that a transfer of \$12,621.09 from Fund Balance to A5110447 Jessup Avenue Reno. is approved.

Upon motion made by Robert Treuhold, seconded by Randy Cardo and unanimously carried, it was RESOLVED, that the following purchase orders are approved:

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

Upon motion made by Ted Necarsulmer, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that an expenditure of \$503.52 to Aspatuck Gardens from the Jobson account is approved.

Upon motion made by Robert Treuhold, seconded by Randy Cardo and unanimously carried, it was RESOLVED, that the Village Offices will be closed on Monday, June 20, 2022 in observance of the Juneteenth holiday.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that an application from the Moriches Bay Project for an event at the Quogue Village Dock in honor of its new Flupsy from 5 P.M. to 6:30 P.M. on July 8, 2022 is approved.

The Mayor opened the 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. There were no comments and upon motion made by Ted Necarsulmer, seconded by Robert Treuhold and unanimously carried, the Mayor closed the public hearing.

Sally Beatty asked what is the overall goal of the local law. Mayor Sartorius stated that the objective of the New York state law is not clear. He explained that the law allows members of the board to participate via videoconferencing and allows better accessibility to the public. It does not make it mandatory nor does it give the public the right to demand access via videoconferencing. If the board decides to have a meeting via videoconferencing where a member is participating via videoconferencing, the meeting has to be open to the public.

Upon motion made by Mayor Sartorius, seconded by Randy Cardo and unanimously carried, it was RESOLVED, that this proposed law be enacted as Local Law 3 of 2022. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Trustee Necarsulmer voting Aye

Trustee Cardo voting Aye

Trustee Treuhold voting Aye

Mayor Sartorius voting Aye

**RESOLUTION OF ADOPTION OF 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.**

WHEREAS, Board of Trustees of the Village of Quogue have proposed a local law to allow public bodies of the Village to hold meetings via videoconferencing; and

WHEREAS, a public hearing was held on June 17, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 3 of 2022 is hereby adopted as follows:

**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.

Upon motion made by Mayor Sartorius, seconded by Robert Treuhold and unanimously carried, it was RESOLVED that the Procedures Applicable to Meetings of the Board of Trustees via Videoconferencing is adopted.

There was a discussion of the independent requests made by George Motz and Harry Mainzer at the May 2022 meeting. Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that their requests are denied. Mayor Sartorius will send each of the them a letter regarding the Board's decision not to name the Dune Road nature walk after Art Cooley and the pond property on Midland Street and Jessup Avenue after Alfred Mainzer.

Vita Reinoso addressed the Board regarding speeding vehicles on Dune Road. The mobile speed sign will be placed on Dune Road at various locations.

Grenville Gooder inquired what measures are being taken to increase the safety at the curve on Montauk Highway where last summer's fatal accident occurred. Mayor Sartorius acknowledged receipt of his recent email. Mr. Gooder noted the very recent accident that had occurred in a similar location. The Mayor said that a driver had fallen asleep at the wheel and an earlier accident was not actively at the curve. Mr. Gooder offered

various recommendations including straightening the road, reducing the speed limit, erecting a stop sign or speed bump. Mayor Sartorius stated that Chief Isola and Trustee Treuhold have been in contact with Suffolk County and Bridget Fleming and some painting of lines on the road had occurred and more are coming soon. Mr. Gooder also suggested that the speed limit be reduced to 30 mph on Montauk Highway or at least that stretch of the road.

With no other business to discuss and upon motion made by Ted Necarsulmer, seconded by Robert Treuhold and unanimously carried, the meeting was adjourned at 4:47 PM.

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Aimee Buhl, Village Clerk