

**MINUTES**  
**VILLAGE OF SOUTHAMPTON**  
**BOARD OF TRUSTEES**  
**Public Session I – March 14, 2019**

Due notice having been given, a Special Meeting of the Board of Trustees was held at the Southampton Village Hall, 23 Main Street, Southampton, New York at 3:00 PM

Present were Mayor Irving, Trustees Yastrzemski, McGann, Hattrick and Allan; Village Administrator Russell Kratoville.

Mayor Irving called the meeting to order at 3:05PM.

On a motion by Trustee Allan and seconded by Trustee Hattrick, the Board unanimously voted to go into Executive Session for the purpose of discussing contracts at 3:05PM.

Village Attorney Wayne Bruyn appeared at 4:00PM.

On a motion by Mayor Irving and seconded by Trustee Allan, the Board unanimously voted to close the Executive Session at 5:55PM

On a motion by Trustee McGann and seconded by Trustee Allan, the Board unanimously voted to close the Special Meeting at 5:57PM

Mayor Irving opened the meeting by leading the Pledge of Allegiance at 6:05PM

**EMPLOYEE OF THE MONTH**

Mayor Irving acknowledged the March Employee of the Month, **Ken Booth**, Maintenance Mechanic III in the Highway Department, hired 6/19/2006. Mayor Irving read a letter of recommendation from Deputy Village Clerk Eileen Musarra, recognizing his work and the Mayor then thanked him for his service to the Village. Mr. Kratoville also noted that Ken was the CSEA President and supports the men and women of his membership and does so fairly and is an outstanding leader.

**BOARD PRESENTATIONS**

**Christopher Epley – Ambulance Chief** addressed the Board to request the purchase of a new First Response car to replace a 10 year old Chevy Tahoe. Chief Epley explained that in the past they've been on a two-year turnover for First Responder vehicles and the Tahoe is over 2 ½ years old. The proposed vehicle is identical to Tahoe purchased in 2016 – the price is \$66,697.63 which includes a

special conversion package as required. Mr. Kratoville asked Chief Epley to explain how the vehicle conversion process works. Chief responded that the new vehicle would be the Chief's vehicle and the other vehicles would move down the line and be used for next in command, etc. Trustee Yastrzemski asked the Chief to explain the wear and tear of the vehicles. Chief explained that the vehicles are used on the beach, in the snow, etc. and therefore undergo a lot of wear and tear and have high engine hours. Trustee McGann asked why the new vehicle wouldn't go to the First Responder rather than the Chief. Trustee Yastrzemski noted it was part of the standard operating procedure for the use of the vehicles. Mayor Irving commented that emergency vehicles generally don't wear out on mileage it's the hours on the engine that provides the most wear and tear and is more mechanical stress. Mayor Irving asked that they do not tint the two side windows.

**Gary Goleski – Superintendent of Public Works** – addressed the Board on behalf of the Highway Department which has requested a compactor roller to help in the street patching program. The Department got three prices and the lowest was from Taylor Equipment for \$16,342.00. Mr. Kratoville noted that this season the Highway Department has not needed to use as many funds from their contractual line and so there is money in the Highway Department budget that could be used. Mayor Irving also said that as the Village is creating a walking path in the Moses Lane Park, this equipment can be used to roll down the nature trail and make it more suitable for walking.

Mr. Kratoville mentioned that he had also received a request from the Fire Department for fire protection equipment including eight dry suits.

### **PUBLIC COMMENT - NONE**

### **PUBLIC HEARINGS**

#### **Proposed Local Law: Construction of an Accessory Building**

Mayor Irving made a motion to open the Public Hearing; Trustee Yastrzemsk seconded the motion and a unanimous vote followed.

Village Attorney Wayne Bruyn provided an overview of the proposed legislation explaining that this law has been on the calendar since January 10<sup>th</sup>, with multiple Public Hearings and was held open for Suffolk Planning Commission who said it was a matter of local determination; Southampton Town Planning Commission and Southampton Village Planning Commission have asked the Board to consider removing the consideration of the corner lots from the proposed Local Law. Mr. Bruyn stated that this revision has been made to the current proposed Local Law.

Mayor Irving made a motion to close the Public Hearing; Trustee Allan seconded the motion and a unanimous vote followed. Mayor Irving made a motion to adopt the proposed Local Law #1 of 2019 as follows:

***RESOLVED, that the Board of Trustees hereby adopts Local Law 1 of 2019 amending §116-9A(3), §116-9A(10)(a) and §116-9A(11)(a) to permit the construction of an accessory building or structure in the front yard on waterfront lots provided the required accessory street setback is maintained.***

Trustee Hattrick seconded the motion and a roll call vote took place with the following results: Trustee Yastrzemski: Aye; Trustee Allan: Aye; Mayor Irving: Aye; Trustee McGann: Aye; Trustee Hattrick: Aye.

### **Proposed Local Law: Wireless Facilities**

Mayor Irving made a motion to open the Public Hearing; Trustee McGann seconded the motion and a unanimous vote followed.

Village Attorney Wayne Bruyn provided an overview of the proposed legislation explaining that this law has been on the calendar since January 10<sup>th</sup>, with multiple Public Hearings and was held open for comments from Suffolk Planning Commission which said this was a matter of local determination. Mayor Irving stated that the installation of wireless equipment is becoming a bigger and bigger issue and it is proactive of the Village to address the matter.

Mayor Irving made a motion to close the Public Hearing; Trustee Allan seconded the motion and a unanimous vote followed.

Mayor Irving then asked to adopt Local Law #2 of 2019 as follows:

***RESOLVED, that the Board of Trustees hereby adopts Local Law 2 of 2019 amending §116-23b(27) of the Zoning Law to clarify the types of wireless facilities and antennas that are exempt from special exception review, including certain facilities located on municipal buildings and structures***

Trustee Hattrick seconded the motion and a roll call vote took place with the following results: Trustee Yastrzemski: Aye; Trustee Allan: Aye; Mayor Irving: Aye; Trustee McGann: Aye; Trustee Hattrick: Aye.

### **Proposed Local Law: Annual Registration Landscapers and Proposed Local Law: Nuisances/Unnecessary Noise from Construction/Property Maintenance**

Mayor Irving made a motion to open the Public Hearing on both Annual Registration for Landscapers and Nuisances/Unnecessary Noise; Trustee Allan seconded, and a unanimous vote followed.

Trustee Yastrzemski asked for clarification on the registration for landscapers. Village Attorney Bruyn reviewed the specifics of the proposed nuisance/unnecessary noise and noted that emergency repairs and clean-ups after major storms and snow removal was not included in the proposed law; as well as construction work.

Mr. Bruyn stated that this proposed legislation was modeled after the Village of Irvington. From discussions with the landscapers in the Village and representatives from Nassau Suffolk Landscaping Association it emerged that there was a need for compliance and was suggested that a registration requirement be implemented for the Village of Southampton. Trustee Yastrzemski noted that currently the Village has no requirement. Suffolk County and the Town of Southampton both require a home improvement license for landscapers although there was question as to whether it was needed if the company just mowed lawns.

Mayor Irving stated that the purpose of the time restrictions for leaf blower usage is two-fold: to bring it in slowly and to all the industry time to catch up with the proper equipment needed.

Many people spoke on the proposed legislation including:

- Dieter von Lehsten, member of Southampton Town Sustainability Committee, spoke in support of the legislation.
- Pat Voges, Governor and Past Chairman of Nassau-Suffolk Landscapers Association – expressed concern regarding the timing of the law to take effect May 15<sup>th</sup> and requested a later start date to allow landscapers to have properties ready for Memorial Day. Also expressed concern on the fees and asked for clarification between \$100 and \$250 fee.
- Orson Cummings, 57 Walnut Street- spoke in support of legislation and urged the board to move quickly into implementing legislation; would prefer the ban to be year-round.
- Mackie Finnerty, Wooley Street – supports legislation and requested that ban start immediately and not wait until May.
- Don Mahoney, Mahoney & Associates – in support of licensing so that there is a level playing field. Questioned excluding municipalities; and clubs (Bath & Tennis, Bathing Corp, Meadow Club) – stated same regulation should apply to all
- Mark Antilety, Jacob Antilety Landscaping – expressed concerns about dates of proposed legislation and enforcement
- Francis Adamczeski – expressed concerns about dates of proposed legislation and enforcement

- Evan Dackow, Nassau Suffolk Landscape Grounds Association – supports licensing
- James Rewinski, Landscaper – concerned about enforcement and raised issue of enforcement of other issues including fences on residential properties
- Pat Voges, Nassau Suffolk Landscape Grounds Association – their organization will help to spread the word on the legislation
- Kevin Green, Landscaper – concerned about implementation of legislation for 2019 and financial impact. Questioned if use of gas hedge trimmers was being addressed.
- Gary Goleski, SH Village Superintendent of DPW – echoed the comments and concerns of the landscapers regarding efficacy of battery powered leaf blowers in many conditions. He stated that Village would need to use the water truck to clean sidewalks as it had done in the past prior to using the gas leaf blowers.

The Board members addressed many of the concerns that were voiced with Mayor Irving agreeing that enforcement would be difficult and that the Village would look into hiring additional code enforcement officers. Trustee Yastrzemski commented that to some degree it would be a matter of self-policing.

Mayor Irving also suggested that the Board go back to the legislation and make adjustments for the dates of the ban based on the comments made; additionally he stated that the Village needed to lead by example if this legislation passed and would recommend that the exemptions for municipalities and clubs be removed from the proposed legislation. Trustee Allan echoed that stating it would be a hypocrisy for the Village to ask others to abide by such a law and not do it themselves. She added that the Town of Southampton is offering a free seminar on electric equipment on March 29<sup>th</sup> for those interested. Trustee Hatrick requested that Village Administrator Kratoville reach out to the Meadow Club to inform them of the proposed legislation so that they would be aware of its impact on their business.

Mayor Irving made a motion to keep the Public Hearings on Annual Landscaper Registration and Nuisances/Unnecessary Noise from Construction/Property Maintenance open for all intents and purposes until the March 26, 2019 Board meeting; Trustee McGann seconded the motion and a unanimous vote followed.

### **Proposed Local Law: Tax Cap Override**

Mayor Irving made a motion to open the public Hearing, Trustee Yastrzemski seconded and a unanimous vote followed.

Russell – this local law is a pro forma law that takes place each year to give the opportunity to go beyond the tax cap law but doesn't mean you have to. If not used, it can be repealed without holding another public hearing. Mayor Irving noted that we have never had to use it.

Mayor Irving made a motion to close the Public Hearing; Trustee Allan seconded and all in favor.

Mayor Irving made a motion to accept the Local Law #3 of 2019 as follows:

***RESOLVED, that the Board of Trustees hereby adopts Local Law 3 of 2019 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.***

Trustee Allan seconded the motion and a roll call vote took place with the following results: Trustee Yastrzemski: Aye; Trustee Allan: Aye; Mayor Irving: Aye; Trustee McGann: Aye; Trustee Hattrick: Aye.

### **COMMUNICATIONS TO THE BOARD**

Senator Kenneth LaValle – Home Rule Request: Town Trustees  
Village Administrator Kratoville reviewed and there were no comments from the Board.

### **SUGGESTED RESOLUTIONS**

***RESOLVED, that the reading of the minutes for the Public Session of February 26, 2018 be dispensed with and that those minutes be accepted as filed by the Village Administrator and that the actions taken at that meeting be and hereby are ratified and approved.***

Mayor Irving made a motion to approve; Trustee Hattrick seconded the motion and a unanimous vote followed. Trustee McGann abstained as she wasn't in attendance.

***RESOLVED, that the claims for the warrants dated March 14, 2019 totaling \$1,471,879.44 (Warrant #A14 - General Fund), \$370,245.59 (Warrant #H11 – Capital Reserve Fund) and the Village payrolls for the period from February 28, 2019 to March 14, 2019 be audited and approved.***

Trustee Hattrick made a motion to approve; Mayor Irving seconded the motion and a unanimous vote followed.

***RESOLVED, that the Board of Trustees hereby approves the attached schedule of budget transfer to eliminate overages for the period ending March 14, 2019.***

Mayor Irving made a motion to approve; Trustee McGann seconded the motion and a unanimous vote followed.

***RESOLVED, that the Board of Trustees hereby approves a budget transfer of \$8,000.00 from Parks – Contractual (A7110.44) to Trees – Contractual (A8560.4).***

Trustee McGann made a motion to approve; Trustee Hattrick seconded the motion and a unanimous vote followed.

***RESOLVED, that the Board of Trustees hereby approves a budget transfer of \$13,000.00 from Street Maintenance – Contractual (A5110.44) to Equipment (A5110.2).***

Mayor Irving made a motion to approve; Trustee McGann seconded the motion and a unanimous vote followed.

***RESOLVED, that the Board of Trustees hereby approves the purchase of fire truck appurtenances from Fire Truck Reserve in the amount of \$1,896.96 subject to permissive referendum.***

Trustee Yastrzemeski made a motion to approve; Mayor Irving seconded the motion and a unanimous vote followed.

***RESOLVED, that the Board of Trustees hereby approves that, with respect to the Village general election to be held on Friday, June 21, 2019, the polling place shall be the Levitas Center (Cultural Center of Southampton), Pond Lane, Southampton, NY and that the polls shall be open from 9:00 AM until 9:00 PM.***

Trustee Hattrick made a motion to approve; Mayor Irving seconded the motion and a unanimous vote followed.

***RESOLVED that the Board of Trustees authorizes the Mayor or his designee to sign any and all necessary documents to submit a grant application to the Town of Southampton Community Preservation Fund for Agawam Lake Stormwater Remediation at Railroad Plaza.***

Trustee Hattrick made a motion to approve; Trustee Yastrzemeski seconded the motion and a unanimous vote followed.

***RESOLVED that the Board of Trustees hereby approves the hiring of Robert Vecchio as an EMT Paramedic for the Southampton Village Ambulance at an hourly rate of \$25.00 an hour, effective March 21, 2019***

Trustee Yastrzemeski made a motion to approve; Trustee Hattrick seconded the motion and a unanimous vote followed. Trustee Yastrzemeski stated that this was adding to the roster so he will get drawn into the rotation; Mr. Kratoville noted that this will help with the overtime situation and save the Village some funds.

***RESOLVED, that the Board of Trustees hereby authorizes the Mayor to enter into a contract with the Southampton Fire District for fire protection.***

Trustee Yastrzemeski made a motion to approve; Trustee McGann seconded the motion and a unanimous vote followed.

***RESOLVED, that the Board of Trustees hereby approves the purchase of fire protection equipment from Fire Equipment Reserve in the amount of \$16,676.39 subject to permissive referendum.***

Trustee Yastrzemski made a motion to approve; Trustee Hattrick seconded the motion and a unanimous vote followed.

***RESOLVED, that the Board of Trustees hereby approves the purchase of a Chief's Vehicle for the Ambulance Department Chevrolet Tahoe from Major Equipment Reserve in the amount of \$66,697.63 subject to permissive referendum.***

Trustee Yastrzemski made a motion to approve; Mayor Irving seconded the motion and a unanimous vote followed.

## **DISCUSSION ITEMS**

### **1. Suffolk BOE - Request for SAC for Primary/Gen. Elections: 2019/20**

Village Administrator Kratoville stated that the Village had received the notification from the Suffolk County Board of Elections requesting to use the Southampton Arts Center as a polling place for Primary and General Elections during 2019 and 2020. The Board noted that this was an ongoing request.

Trustee Hattrick made a motion to approve the request from the BOE as stated in their letter; Trustee Allan seconded the motion and a unanimous vote followed.

### **2. Gail DeMarco - Request for Party at Little Plains Bch: June 21, 2019**

Village Administrator Kratoville reviewed the request made to hold a beach party on June 21, 2019 at Little Plains Beach. After a discussion during which concerns were raised regarding the number of guests, parking and use of tent and restroom facilities. The Board asked Mr. Kratoville to get clarification on these issues and present at a future meeting.

### **3. SCC – Request for Agawam Park: August 22 & 23**

Village Administrator Kratoville reviewed the request by Southampton Cultural Center to hold the 13<sup>th</sup> annual Free Shakespeare in the Park presentations on Friday, August 22 and Saturday, August 23 as outlined in a letter dated March 12, 2019. Julie Fitzgerald, Mayors Assistant, noted that this is an ongoing request but that this year they had added a program for children on each day for 30 minutes prior to the start of the production. Mayor Irving made a motion to approve the request as stated in the letter from SCC; Trustee Allan seconded the motion and a unanimous vote followed.

### **4. Rogers Memorial Library – Movie at Agawam Park: August 13, 2019**

Village Administrator Kratoville reviewed the request by Rogers Memorial Library to show a film in Agawam Park on either August 6<sup>th</sup> or August 13<sup>th</sup> in conjunction with its Teen's Summer Reading Club. The screening of "Hidden Figures" would be offered

free of charge to the public. The Board requested that Ms. Fitzgerald speak to the CVO to get their approval prior to the Board making a decision.

### **COMMENTS FROM THE BOARD:**

**Trustee Yastrzemski** – thanked everyone who came to the meeting to voice their concerns, questions, comments and Happy St. Patrick’s Day. He extended condolences to Chief Tom Cummings on the loss of his mother this week.

**Trustee Allan** – stated that it was a good meeting and that all have come a long way in a year and a half and are striking a good balance on the issue of the leaf blower legislation. There will be help from the Village in educating the Public and the Town is also offering assistance to the public. Trustee Allan also thanked the audience for their help in reaching out to the residents for not requesting a perfect lawn.

**Trustee McGann** – no comment

**Trustee Hattrick** – asked Russell Kratoville to call the Meadow Club regarding the proposed ban on leaf blowers. Alan McFarland stated that he believed the Meadow Club uses electric equipment.

Mr. Hattrick also commented regarding the proposed affordable housing complex on County Road 39 which adjoins Village property and stated that he is amazed that anyone can hook up to a Village street without getting permission of the Village.

Village Attorney Bruyn said that as it is a public street there is nothing currently that would prevent them from doing it.

Mr. Hattrick continued that it is a very wrong thing to do and the Village should fight it.

Trustee McGann commented that it would require a zone change which would be a very bad thing for the area. She also said that another issue is that we need affordable housing for people who work here and this particular project does not stipulate that it is for housing for people who work here and therefore we should go against it.

Mr. Kratoville stated that he had been in contact with the Town as had Julie Fitzgerald, the Mayor’s Assistant, and nothing has been scheduled yet with the Town to hold a hearing or work session on the matter.

Mayor Irving informed the Board that at his request, Ms. Fitzgerald had hand delivered letters from the Village to the Town Supervisor, Town Council and Town Clerk to express the Village’s concern and the need to be informed of any further discussions or plans.

Trustee Hattrick stated the importance of affordable housing and questioned the ability

to use CPF funds for affordable housing projects to provide assistance to those who are working in the Village and Town and need housing; commenting that it should also be for People Preservation.

Trustee McGann agreed that a certain percentage of CPF funds should be used for affordable housing. Ms. McGann also noted that by taking properties off the tax roll with CPF it creates higher taxes for the other residents which is causing local people to not be able to afford to stay here.

Trustee Allan stated that Assemblyman Thiele is recommending an Affordable housing tax be added to property sales. She also commented that the statistics show that the area needs 6,000-7,000 affordable housing units and only 200-300 have been built in the past twelve years.

Alan McFarland, of Southampton Village, mentioned the Southampton Point project and the fact that there are 15 units assigned for affordable housing. Need to deal with the allocation process.

Mayor Irving stated that the position of the Town is that they would have the applicant present to the Village before it is reviewed by the Town Board.

**Mayor Irving** commented that one of the concerns about the developments that border the Village is that the Village then provides emergency services to those developments and must absorb the cost. The Mayor then reviewed a list of events at local cultural arts organizations and encouraged everyone to check the organizations' website for their particular events.

The Mayor mentioned the Chamber of Commerce Networking Breakfast on March 21<sup>st</sup> and encouraged the public to attend and support the organization and the Village.

Mayor Irving commented that he and Trustee McGann have been facilitating meetings with members of the Village Business District and are exploring ways to support the businesses and come up with creative ideas to support the business district. Trustee McGann mentioned that Topiaire was a prime example of a business being creative in its marketing.

**2<sup>nd</sup> PUBLIC COMMENT: NONE**

### **MOTION TO ADJOURN:**

Mayor Irving made a motion to adjourn the Public Meeting; Trustee Hattrick seconded the motion and a unanimous vote followed.

The meeting was adjourned at 9:23PM.

