

MINUTES
VILLAGE OF SOUTHAMPTON
BOARD OF TRUSTEES
Public Session II – July 24, 2018

Due notice having been given, the Public Meeting of the Board of Trustees was held at the Southampton Village Hall, 23 Main Street, Southampton, New York at 6:00 PM

Present were Mayor Irving, Trustees Yastrzemski, Allan, McGann and Hattrick; Administrator Stephen Funsch and Village Attorney, Wayne Bruyn.

Mayor Irving opened the meeting by leading the Pledge of Allegiance.

Mayor Irving made a presentation of an American flag found in NYC following 9/11 – Charles Styler picked up the flag at Ground Zero back in 2001 and gave it to the Village of Southampton in perpetuity. The flag has been framed and will hang in Village Hall.

PUBLIC COMMENT - NONE

BOARD PRESENTATIONS

1. Gary Goleski – Pay loader

Gary Goleski, Superintendent, Public Works, addressed the Board to request a new pay loader for the Highway Department. It will replace an existing 1995 CAT with about 10,000 hours on it. They looked at 4 pay loaders and have chosen to request a 2018 Hitachi unit that is available through the Town of Huntington contract. The new machine would have more power, a larger bucket size and have more capabilities than the current unit. Time to receive unit is approximately 12 weeks.

Mayor Irving asked if the plan was to trade in or sell the CAT and Mr. Goleski stated that his preference would be to sell it outright and felt that he could get substantially more than the \$12,000 trade in value. Trustee Allan asked how the department was managing with the smaller unit. Superintendent Goleski stated that the new machine would allow the Village to use larger rings for digging, etc. Trustee Allan asked if the new machine would allow the Village to respond better to snow storm issues and not outsource to outside contractors. Mr. Goleski stated that the new unit would allow for more capabilities in regards to snow removal.

Mayor Irving made a motion to authorize Mr. Goleski to purchase a 2018 Hitachi ZW180-6 Wheel Loader with accessories through a Town of Huntington Contract in the amount of \$173,300. Trustee McGann seconded the motion and a unanimous vote followed.

2. Hunters for Deer – Michael Tessitore

Mayor Irving introduced Mr. Tessitore, President of Hunters for Deer, and said that he felt that there was a greater need for deer management than just allowing fencing.

Mr. Tessitore provided background on his company, a 501c3 non-profit organization, formed in 2013 that works with municipalities to help with deer management. Program is offered for free; all deer that are taken are utilized for food. He stressed this is not a recreational program.

Trustee Hattrick – is it strictly a bow and arrow program, Mr. Tessitore responded that it is. Trustee Yastrzemski asked what had changed since Mr. Tessitore had presented to the Board 5 years prior. Mr. Tessitore said that his program is something that would be moved about to different locations. Discussed a venison donation program that Shelter Island has and other municipalities. Mayor Irving noted that there a lot of programs that utilize the deer meat. Venison resources can also include Quogue Wildlife Rescue who uses the venison to help feed some of their animals. Recommends that the Village take control of the program and have a deer manager who oversees the process.

Trustee Allan asked about deer hotspots and how to address identifying the larger areas of population. Mr. Tessitore said that property owners can't be compelled to allow deer hunters on their property. Trustee Allan discussed education issues and efforts that the Town of Southampton are doing and asked what Mr. Tessitore would recommend that the Village do. He said that he recommended painting symbols in the roadway to identify the vehicle hotspots where deer have caused accidents.

The Village Board would have to adopt the current DEC regulations of 500' setback for firearms and 250' setback for crossbows and 150' setback for bow and arrows. Current Village law states there is a 500' setback for discharge of firearms.

Mr. Tessitore stated that all of his hunters are put through a training session. Program runs October 1-January 31 and schedule can be set up within that time frame.

A lengthy discussion followed. Mayor Irving thanked Mr. Tessitore for his presentation.

Evelyn Konrad, 16 South Rosko Drive, stated that she felt that the Village needed to also give a blanket permission to also hunt dunes and other areas not in the residential areas.

Trevor Picot, 90 South Main Street, avid sportsman, asked what happens if deer is hit and then gets to another yard – how do you handle that. Mr. Tessitore replied that he can't compel a property owner to give permission to allow for deer hunters but would request permission from the homeowner to retrieve the deer.

Katerina Grinkov, Twomey Latham, on behalf of client Whitefields, stated that the Board of Trustees – Public Session II – July 24, 2018

Whitefields condominium owners are in support of controlled hunting but asked if the Board would still be in favor of allowing 8' deer fencing. Trustee McGann asked if the condominium owners would be in favor of the controlled hunting. Ms. Grinkov stated that she would bring the matter back to the condo boards but that the owners would also like to have the 8' fence and a gate installed.

Mr. Tessitore stated that his belief is if the controlled hunting is approved that would be the first step and recommended that the Board see how that works for a year before instituting a deer fence law.

Evelyn Konrad stated that a concern is if it takes place during the fall and winter months when some of the residents aren't here they wouldn't have access to those properties for the culling.

Gary Goleski stated that the highway department is picking up deer every day and they are often still alive but suffering.

PUBLIC HEARINGS

DEER FENCE LAW

Mayor Irving made a motion to re-open the Public Hearing to establish Local Law No. ____ of 2018 to amend §116-18 (Permitted Fences and Walls) to add a new subsection D with respect to Deer Fences. Trustee Yastrzemeski seconded the motion and a unanimous vote followed. Trustee McGann asked if the Board wanted to keep the hearing open despite the fact that the deer management consultant, Mr. Tessitore, is opposed to the deer fencing.

Christine Witker, Cameron Street, questioned what people do if they have properties less than 20,000 sq. ft. and what do you do on areas such as the school on Pine Street and the cemetery.

Trevor Picot, 90 South Main Street, spoke in opposition to the deer fencing and suggested that more time be given and contact the NY State wildlife and deer biologist come in to make her recommendations.

Trustee Yastrzemeski stated that our current law would need to be changed to the current DEC regulations if we're going to consider changing the current Village code.

Mayor Irving noted that there are other options. Mayor Irving made a motion to adjourn the hearing on the Deer Fence Law until the August 21, 2018 meeting, Trustee Yastrzemeski seconded and a unanimous vote followed.

PARKING RESTRICTIONS - BREESE LANE

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

Village Attorney Bruyn stated that at the last meeting someone had asked what the State law was. Mr. Bruyn said that the state law provides that it is illegal to park in front of a public or private driveway and within 20' of a crosswalk or intersection. He noted that Fordham Road is a narrow road and there is a concern if people park too close to the intersection that there is ample room for visibility. There would need to be signs erected that stated the parking regulations.

Mayor Irving made a motion to adjourn the hearing to the August 9th meeting, Trustee McGann seconded the motion and a unanimous vote followed.

ETHICS CODE REVISION

Mayor Irving made a motion to open Public Hearing, Trustee Hattrick seconded the motion and a unanimous vote followed. Village Attorney Bruyn noted that there had been no changes to the code that had been presented at the July 12 meeting.

Barbara Wilson, PO Box 745, Southampton referenced a Criminal Procedure Law and Code and provided the Board with a copy for their review. Mr. Bruyn noted that the material presented regarding orders of protection and the definition of relative were applicable to New York State Criminal Law but not to the Village Code under discussion.

Mayor Irving made a motion to close the Public Hearing on Ethics Code and revision. Trustee Allan seconded the motion and a unanimous vote followed.

Mayor Irving made a motion to adopt LOCAL LAW NO. 7 of 2018 as follows: “A LOCAL LAW amending the Code of the Village of Southampton by repealing Chapter 7 (Ethics) in its entirety and by replacing it with a new Chapter 7 (Ethics)”. Trustee Allan seconded and a roll call took place with the following results:

Trustee Yastrzemski: Aye; Trustee Allan: Aye; Trustee McGann: Aye; Trustee Hattrick: Aye; Mayor Irving: Aye.

Mr. Bruyn referenced the steps to incorporate the Ethics Code and noted that he had asked Mr. Leventhal to provide a process for instituting the program and train the employees.

PARKING RESTRICTIONS – HILDRETH STREET & JENNINGS AVENUE

Mayor Irving made motion to open Public Hearing on Hildreth Street and Jennings Avenue, Trustee Yastrzemski seconded the motion and a unanimous vote followed.

Village Attorney Bruyn reminded the public that currently the Village Code restricts parking between 12am and 6am on both sides of Hildreth Street and Jennings Avenue and there is no parking on the north side of Layton Avenue within 50 feet of the intersection of North Main Street.

Trustee McGann noted at the last meeting there had been a discussion about the lack of parking for Layton condo owners and requested 4 spots on Hildreth. She said she would like to see no parking on the north side of Layton and stripe an area on the south side of Layton by the condos for parking. Ms. McGann stated that she would like to make accommodations for the condo owners and try to create additional parking for them.

Mayor Irving noted that the parking that had been in effect had not been posted or enforced but that signs were being installed to indicate the parking restrictions.

Trustee Yastrzemski also noted that after speaking with a number of residents, he would recommend that parking on Layton Avenue be moved from the north side to the south side. He questioned if there was an issue with parking large vehicles in the back-parking lot.

Several residents made comments in regards to the proposed legislation:

Donna Nietos, Layton Avenue, property owners don't have rights. She commented that snow removal, sweeping, etc. isn't done because the street is blocked with cars.

Katherine Poremba, stated that they moved the parking from south side to north side because of concerns with people backing out and causing problems.

Barbara Wilson, feels excellent proposal put forth – thank you to the board for going out and look at the situation and thanked the neighbors for all working together.

Pat Cawley, 26 Layton Avenue, work will be done in the next several weeks and is concerned about how much weight it will hold in the back parking lot regarding trucks. Referenced work being done on Layton Avenue that's been taking place for 3 years and takes up a lot of parking

Barbara Wilson asked that the 4 designated spots on Hildreth for the Layton Avenue condos be exempt from the overnight restrictions.

Kristina Gayle, 48 Jennings Avenue, stated that she didn't feel that Jennings Avenue is overly congested and didn't think that restricting overnight parking on Jennings Avenue was necessary.

Sheila Pfieler, 56 Hildreth Street, stated there is a problem with parking on the street during the day and request consideration be given to parking on one side of the street only but is concerned with safety.

Alice Flynn, 59 Layton Avenue, stated that there also needs to be a speed limit sign on Layton Avenue.

Denis Warchola, 37 Jennings Avenue agreed that Jennings Avenue wasn't overly congested.

Penny Wright, Layton Avenue, asked if it was possible to address parking issues for Hildreth Street separately from Jennings Street. Trustee Yastrzemski and Village Attorney Bruyn said that yes they can be separated.

Barbara McEntee, 43 Lee Avenue – stated that the truck situation is out of control on many of the streets in the Village with a large amount of construction vehicles. Ms. McEntee questioned if there should be an ordinance for work trucks and should they have to park on the property that they are working at or is there a lot that they could be told to park their construction vehicles at and walk from there. Trustee McGann said an issue is that people are parking on both sides of the street and the home owners don't always want the work trucks to be on their property. Mrs. McEntee, Trustee McGann and Trustee Allan raised the concern that Village emergency vehicles would not be able to get through because vehicles are parking on both sides of the street. Trustee Allan stating that she had a conversation with the Fire Marshal and the issue is that with vehicles parked on the street there is not always enough width for emergency vehicles to have access.

Village Attorney Bruyn stated that based on comments received in regards to the proposed Local Law there would need to be revisions made and a new hearing set up.

Mayor Irving made a motion to close the Public Hearing; Trustee Yastrzemski seconded the motion and a unanimous vote followed. Trustee Yastrzemski noted that there will be a review of the law and a revision presented at a separate hearing.

Mayor Irving thanked all for their input and comments.

PEDDLING and SOLICITING

Mayor Irving made a motion to open the Public Hearing on Peddling and Soliciting; Trustee Yastrzemski seconded the motion and a unanimous vote followed. The Village Attorney reviewed the resolution which came about after several complaints to the Board. He noted that what was being presented is an update from the current code to incorporate additional beaches and clarifies as to individuals peddling within the business district.

Barbara Wilson, with respect to section A, how does it affect to campaigning in the Village. Village Attorney Bruyn stated that it would not affect campaigning. She also asked if Elm Street could be added to the area listed on the proposed law as a lot of people are going door to door to sell things.

Mr. Bruyn noted that the original draft was for the business district and beach areas. He also noted that currently the Village does not have any requirements for peddling

licenses. He stated that what brought this review of the current law was aggressive sales tactics by certain businesses in the business district.

Trustee Allan noted that the complaints she had received were in regards to people shouting from their stores to potential clients outside on the street.

Mayor Irving noted that the intent is to control what the businesses are doing outside on the street.

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

Mayor Irving made a motion to adopt LOCAL LAW No. 8 of 2018 as follows: “Local Law amending §84-7 of the Village Code with respect to peddling and soliciting on public property with the Village business district”. Trustee McGann seconded and a unanimous vote followed. A roll call took place with the following results:

Trustee Yastrzemski: Aye; Trustee Allan: Aye; Trustee McGann: Aye; Trustee Hattrick: Aye; Mayor Irving: Aye.

Barbara Wilson, referenced a near drowning at the beach yesterday, and noted that the lifeguards all worked well together.

COMMUNICATIONS TO THE BOARD - NONE

RESOLUTIONS

RESOLVED, that the reading of the minutes for the Public Session of July 12, 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 McGann seconded, and a unanimous vote followed.

RESOLVED, that the claims for the warrants dated July 24, 2018 totaling \$528,520.90 (Warrant #5-General Fund), \$40,912.63 (Warrant #4 – General Fund: Payables), \$868.00 (Warrant #2 Expense Trust Fund), \$300.00 (Warrant #4 – Trust Fund), \$84,688.50 (Warrant #3-Capital Reserve Fund) and the Village payrolls for the period ended July 19, 2018 be audited and approved.

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

RESOLVED, that the Board of Trustees hereby approves the attached schedule of budget transfers to eliminate overages through July 24, 2018 for the Fiscal Year ending May 31, 2018

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

RESOLVED, that the Board of Trustees accepts the resignation of Stephen Lemanski from the Planning Board effective July 11, 2018.

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

RESOLVED, that the Board of Trustees hereby approves the hiring of Caroline Wetter as a lifeguard at Coopers Beach for the 2018 season at an hourly rate of \$13.50.

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

DISCUSSION ITEMS:

1. NIGEL GOODHEW – DUNE BEACH SATURDAY, AUGUST 4, 2018

Village Administrator Funsch reviewed the request made by Nigel Goodhew to hold a wedding on Dune Beach on Saturday, August 4, 2018 from 6-11pm. Mayor Irving made a motion to approve the request, Trustee Allan seconded the motion and a unanimous vote followed.

2. COOPERS BEACH SANDCASTLE CONTEST – SATURDAY, SEPT. 1, 2018

Village Administrator Funsch reviewed the request to hold the annual Labor Day weekend Sandcastle Contest on Saturday, September 1, 2018. Mayor Irving made a motion to approve the request, Trustee Hattrick seconded the motion and a unanimous vote followed.

COMMENTS FROM THE BOARD:

Trustee Yastrzemski – thanked everyone for attending and sharing their ideas and stressed that every action has an equal reaction which is sometimes unexpected.

Trustee Allan raised the issue of attainable workforce and referenced the new Southampton Pointe condos on County Road 39. She noted that there are a total of fifteen units available as workforce housing and that some will be sold for the price of \$235,000 and a few of the larger units for \$350,000. Ms. Allan reviewed the requirements as set forth by the Town of Southampton and noted that there will be a lottery held in the late Fall. She recommended that those interested go to the Town of Southampton Registry.

Ms. Allan informed the public that the next Planning Commission meeting would be held on August 2nd and the Hospital plan will be reviewed. She also thanked the Ethics committee for their work on the code revision.

Finally, Ms. Allen stated that there has been a lot of discussion on water quality lately and the Town of Southampton has increased the Septic Program rebates and expanded the eligibility requirements to receive those rebates. She also noted that it is important for people to clean out their septic systems.

Trustee McGann stated that she had met with the Highway Supervisor and walked around the Village – Hampton Road, Main Street, Windmill and Nugent Streets and noted that there are many trees that need to be removed and others heavily pruned. The trees that are removed will be replaced. Ms. McGann noted that she also met with the Parks Department Supervisor and that there was an issue with the Crepe Myrtles in boxes on Windmill Lane and many needed to be removed and replaced. She also commented that for years there have been complaints about work vehicles all over the Village and access to streets is difficult with work vehicles in particular on both sides of the street. Ms. McGann said that she feels the Village has to review and make decision about changing parking regulations to one side of the street only in many areas.

Trustee Allan commented that people really like how the sidewalks were redone and asked if the Village could consider making sidewalks wider for a more livable Village. Trustee McGann stated that some people didn't want the sidewalks on Hill Street. Mayor Irving noted that there used to be sidewalks down First Neck Lane to the beach and the same on South Main Street.

Trustee Hattrick spoke regarding the open position for a new Planning Board member and requested that the Village doesn't appoint people to the Boards who are builders, architects, landscape artists, etc. He referenced the letter from Eric Ruthenberg to the Letter to the Editor of The Southampton Press.

Mayor Irving – stated that there had been an ocean rescue at Cryder Lane beach on July 23 and the joining of different people, coming together to rescue the individuals, is a terrific thing to see in the community. The Mayor read a letter from Fire Chief Chris Brenner acknowledging all those involved: 2 lifeguards from Southampton Bathing Corp, 2 lifeguards from Coopers Beach and members of the Fire Department and Ocean Rescue Department. Mayor Irving thanked all those involved. Trustee Yastrzemski stated that the individuals rescued were very lucky and urged people to be cautious when they go in the water, be mindful of the conditions and if possible, go where there are lifeguards.

Mayor Irving referenced the events taking place at Southampton Arts Center, Southampton Cultural Center and Southampton Chamber of Commerce, stating that it was a very busy time in the Village with so many programs and events taking place.

2nd PUBLIC COMMENT

Denise Simpson, 132 Old Town Road, addressed the Board regarding beach permits and referenced an individual who has purchased a large amount of beach permits for their staff and said she doesn't know what the solution is but felt that it restricted access to other beach permit holders. Trustee Allan stated that no one is being singled out but it has become an issue.

Charles Styler, addressed the Board stating that he hoped the Flag that he donated will serve as a constant reminder that this Country was under attack and still is and urged the public: if you see something say something. He also commented that he realized there are many problems moving around the Village but an issue is when people “block the box” and pull into an intersection and block all traffic and gridlock occurs.

Mayor Irving made a Motion to adjourn to Executive Session at 9:42PM for the purpose of discussing personnel matters involving Village employees. Trustee Allan seconded and a unanimous vote followed.

The Board returned to Public Session at 10:50PM and Mayor Irving suggested the following resolutions:

RESOLVED, that the Board of Trustees hereby approves the purchase of 65 Motorola radios and related accessories in the purchase amount of \$253,163.66 for the Southampton Village Volunteer Ambulance, Inc.

On the motion of Trustee Yastrzemski and seconded by Mayor Irving, the resolution was unanimously approved.

RESOLVED, that the Board of Trustees hereby approves increasing the hourly salary increases for the following lifeguards at Coopers Beach effective July 25, 2018 (except as noted) to the indicated amounts:

- Cardo, Michelle \$17.00
- Farrington, Andriu \$17.00
- Maloney, Patrick \$16.00
- Nichols, David A. \$23.00
- Nichols, David Q \$16.00
- Nichols, Jordan \$15.00
- Oakland, Caroline \$15.00
- Palumbo, Caroline \$15.00
- Purcell, Evelyn \$13.50 (effective 6/16/2018)
- Purcell, Margaret \$15.00
- Purcell, Michael \$21.00
- West, Parker \$13.50 (effective 6/16/2018)
- Wilson-Pepitone, Jaden \$13.50 (effective 6/16/2018)

On the motion of Trustee Hattrick and seconded by Trustee McGann, the resolution was unanimously approved.

RESOLVED, that the Board of Trustees hereby approves the proposal from Squires, Holden, Weisenbacher and Smith in the amount of \$8,000 to prepare a survey of 77 Sebonac Rd., Tuckahoe, NY.

On the motion of Trustee Yastrzemski and seconded by Mayor Irving, the resolution was unanimously approved.

RESOLVED, that the Board of Trustees hereby approves the proposal from Steven Leventhal of the firm Leventhal, Mullaney & Blinkoff, LLP to continue the upgrade of the Ethics Code by preparing a summary booklet and provide training on the new Code to Village employees and Board members at an hourly cost of \$225.

On the motion of Trustee Allan and seconded by Trustee Hattrick, the resolution was unanimously approved.

MOTION TO ADJOURN:

Trustee Hattrick made a motion to adjourn the Public Meeting; Trustee Yastrzemski seconded the motion and a unanimous vote followed. The meeting was adjourned at 10:57PM.

Stephen Funsch, Village Administrator

7/24/18