

MINUTES
VILLAGE OF SOUTHAMPTON
BOARD OF TRUSTEES
Public Session I – October 10, 2019

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 6:00PM

Present were Mayor Warren, Trustees Yastrzemski, Allan, Parash and Pilaro; Village Administrator Russell Kratoville and Village Attorney Wayne Bruyn

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

EMPLOYEE OF THE MONTH

Mayor Warren acknowledged the October Employee of the Month, Eileen Musarra, Deputy Village Clerk and Registrar, hired 9/21/98. Mayor Warren read a letter that was a collaboration from the Village Hall staff which stated that for many Ms. Musarra is the face of Village Hall and outlined some of the many duties that she performed. The Mayor followed by saying that she was a very special person and the Village will be sad to see her go.

Mr. Kratoville said that a lot of people know the face and personality of Eileen and she has such a deep heart and care for the Village and cares deeply for all of the goings on of the Village. He said that Eileen was a big help when he joined the Village and people may not realize all of the various things that she does in her role for the Village. Trustee Yastrzemski said that when he came on Eileen was an invaluable source to him as a new Trustee.

Mayor Warren offered a special thank you to Christina Redding of the Architectural Review Board who is retiring from her position and to Jim Zuhosky who is stepping down from the Planning Board and represents Southampton Village in many ways. He offered his sincere thank you to them both and said that the Boards are a lot of hard work and take up a tremendous amount of time and encouraged

The Mayor then introduced Alexandra Halsey Storch as the new Assistant Village Attorney and welcomed her.

Mayor's Board Appointments

The Mayor announces the following Board appointment to the Zoning Board of Appeals and asks for a motion to approve: Trustee Yastrzemski made a motion to approve, Trustee Allan seconded the motion and a unanimous vote followed.

The Mayor announces the following appointment to the Zoning Board of Appeals to fill the unexpired term of James Zuhusky:

Board of Zoning Appeals
Kevin Guidera

Term Ends
6/30/2021

The Mayor announces the following Board appointment to the Planning Board and asks for a Board of Trustees – Public Session I – October 10, 2019

motion to approve: Trustee Allan motion, Trustee Yastrzemski seconded the motion and a unanimous vote followed.

Planning Board

Anthony Piazza

Term Ends

6/30/2024

Board of Zoning Appeals

Julia McCormack

Term Ends

6/30/2024

The Mayor announces the following Board appointment to the Board of Architectural Review and Historic Preservation to fill the expired term of Christina Redding and asks for a motion to approve:

Board of Architectural Review & Historic Preservation

Sarah Latham

Term Ends

6/30/2022

Trustee Yastrzemski made a motion to approve, Trustee Allan seconded the motion and a unanimous vote followed.

The Mayor announces the following Board appointment to the Planning Commission to fill his unexpired term and noted that she is a senior at Southampton High School and feels it is very important to connect with the younger generation and tap into knowledge of Southampton High School.

Planning Commission

Tonoa Pender (ex-officio)

Term Ends

6/30/2021

The Mayor will ask for a motion to approve the following appointment for a one-year term ending June 30, 2020:

Attorneys – Planning, ARB and ZBA Boards: Alice Cooley and David Kurst of Matthews, Kirst and Cooley.

Trustee Yastrzemski made a motion to approve; Trustee Allen seconded the motion. Mayor Warren noted that the appointment was to replace Beau Robinson who is graciously stepping down in November.

Trustee Pilaro asked for a discussion and noted that he had not been at the interviews and would have liked to have been consulted with them either by phone or meeting with them prior to the Board meeting. He said as he hadn't been able to meet with them and wasn't given the opportunity to join in the interviews via phone and would have to abstain at this time. Trustee Parash said that there was another person that they had discussed interviewing; Mayor Warren said that he was not putting that person forward and was going with the two attorneys named and therefore Mr. Parash was welcome to vote No and other attorneys could be considered at a later date.

Wayne Bruyn said that the Board is required to hire an individual attorney, not a firm and asked for clarification on what boards which attorney would be representing as there were three Boards mentioned. Mayor Warren said that the two attorneys would be representing all three Boards. Trustee Parash clarified that the two attorneys were Partners at the law firm. Mr. John Bennett asked if there could be Public Comment on the matter; Mayor Warren said that there was not public comment at this time. Mr. Bennett said that he believed the actions being taken were not legal and wished to address the Board regarding the matter and reiterated that the Board could not hire a firm.

Village Administrator Kratoville asked for a motion to amend the resolution. Mayor Warren made a motion to amend the resolution to exclude the firm's name and a second was made by Trustee Yastrzemski. The amendment was unanimously passed.

Motion was made by Trustee Yastrzemski and seconded by Trustee Allan with the following results: 3 Aye (Trustee Yastrzemski and Allan and Mayor Warren); 1 Nay (Trustee Parash) and 1 Abstention (Trustee Pilaro).

Mayor Warren said that Mr. Robinson will be retained through November 30, 2019. Mayor Warren said that he would like to keep Mr. Robinson on in a transitional role. Mr. Kratoville said that there needed to be a motion to

Mayor Warren said that e was elected on a platform of change and that is exactly what he intends to do and people may not be happy and while not all the Board agreed, these are the names he put forward but he is confident that the Village will be pleased with the new attorneys.

Mr. Kratoville asked Attorney Bruyn regarding the fact that the Mayor wanted to retain Mr. Robinson as Counsel until November 30th and the appointment essentially replaced his term that he was held over on, he felt it was necessary to have a motion to re-appoint Mr. Robinson for a period to cover the transition.

Mayor Warren said that he'd like to have Mr. Robinson stay on for a transitional term; Trustee Yastrzemski asked for clarification of Mr. Robinson's role to advise and counsel during the transition. Attorney Bruyn agreed that it was advisable to make such a motion.

Mayor Warren made a motion to re-appoint Beau Robinson until November 15, 2019; Trustee Yastrzemski seconded the motion and a unanimous vote followed.

Trustee Pilaro stated that he doesn't disagree with the need to make changes, but voiced concern over the process of how they came to the decision. He stated that there had been another name put forth and the Board was not given the opportunity to meet or interview that person.

BOARD PRESENTATIONS

SAVE Committee: Tree Legislation – Mackie Finnerty and Roger Blaugh

Mayor Warren introduced the SAVE Committee and thanked them for bringing the matter to the Board's attention.

Linda Stabler Talty began the presentation and said that they started the project 4 years ago and did extensive research. She stated that Southampton Advocates for Village Environment (SAVE) was a Mayor's Advisory Committee composed of Roger Blaugh, Mackie Finnerty, Susan Dubner and herself and are in attendance to advocate for new legislation which has come to pass after studying many municipalities including Muttontown, Roslyn Harbor and Oyster Bay in regard to clear cutting.

Mackie Finnerty: legislation began in 2015 and asked everyone to think of the amount of trees that have been cut down in Southampton during those 4 years and asked people to drive around and see what has happened to the trees and see what has happened to the water, air. Best example is on Meadow Lane where acres of land have been clearcut and essentially abandoned; the trees have been cut down on a huge piece of property. She said it was an excellent piece of legislation and is a way to preserve the trees, it is an enforceable law and the penalties are fair. She said the lawyers did a wonderful job in writing this legislation. She said that Trustee Parash

had suggested that in January 2020 when people are going to be licensed to work in the Village that they be given a copy of this law as well as the law on the use of leaf blowers in the Village. She concluded by saying that this law and all laws have to be what's good for the whole community.

Susan Dubner then spoke and said that SAVE started in 2007 and their responsibility is to protect preserve the beauty and uniqueness of the Village. The law will make it unlawful to remove, cut down or destroy or substantially alter living trees under specific limitations, specifically those over 6" in diameter will need a permit which would be obtained from the Building Department. The law outlines fines and the needs for replacement. They are supportive of the law's passage.

Roger Blough of SAVE spoke and gave a personal story on trees in his own back yard that in the end had to be taken down. He reviewed the process which needs to be adhered to; he said the legislation is practical and has been rewritten from what had been submitted 4 years prior.

Mayor Warren asked Mr. Blough what are property rights and if Mr. Blough considers himself a property rights advocate and if he felt if the proposed legislation violates some type of property rights. Mr. Blough said that this is a trophy piece for developers protects the good developers from the bad developers and everyone has to do the right thing, not just anything.

Mr. Kratoville stated that Gary Goleski wasn't able to be here but had a couple of questions and noted that the Village has excellent tree staff and they work with Bartlett Tree Service and asked what the proposed legislation does with regard to the authority of DPW to maintain or determine whether trees are still viable or safe to be in place.

Mayor Warren then showed a clip from Dr. Seuss' The Lorax pertaining to tree preservation.

Mayor Warren then asked if anyone from the public wanted to come forward as a discussion of the presentation.

John Bennett, 212 Windmill Lane, asked if there had been any legislation as he had not seen a notice of public hearing and asked if there had been a notice of Public Hearing and that he didn't see it on the agenda.

Mr. Kratoville said that there may be a resolution being put forth with a notice of Public Hearing that evening.

Mr. Bennett said that he has concern as he is used to having the Public Agendas well in advance of the meetings and the agenda wasn't available until the day of the meeting. He said he would suggest that the public be made aware of the public hearing and proposed legislation well in advance. He said he felt there needs to be more transparency and notice given to the public with regard to the Board meeting.

Orson Cummings, 57 Walnut Street, thanked the SAVE committee for their work and that he thought the legislation was very good and felt that this fits in with what the whole world is doing to turn the tide, whether it's climate change or the aesthetics of the Village and supported the legislation.

Mr. Kratoville reminded the public that this was comments on the presentation and if there is a Public Hearing the public will have the opportunity to make their comments as part of the Public record.

Susan Burke, 175 Herrick Road, said she moved to the Village 27 years ago, largely because of the

old fashioned leafy, shaded trees, and hopes that the legislation will be passed. She said the trees are where the birds and other little animals live and are very important to our environment.

Zoe Kamitses, 175 Herrick Road, said she has a 200-300 year old Beech tree and that she lives in fear that if something happened to her, someone would come in and remove that tree. She also suggested that there be a tree registry in the Village that could list important trees that have to be qualified as a danger to the house; others remove the trees because the house is more important than the beauty of the Village.

Trustee Allan commented that they are meeting with the Village's grant writer tomorrow and part of the topic is to discuss a tree registry. She also noted that there are efforts underway with the DEC for 1million seedlings be planted and the Town of Southampton will be leading that effort.

PUBLIC COMMENT

John Bennett, Bennett & Reed, said that he was under the impression that there would be a discussion item regarding a resolution to authorize his client to do the work on the property at 2070 Meadow Lane, to the west of the heliport parking lot property who wanted to donate a substantial of landscaping, paving and improvement, all at no cost to the Village with the appropriate performance bonds and maintenance bonds. He said he has Steve Nieroda of Araiys Design in the audience if they wanted to discuss the plan.

Mr. Kratoville commented that there was some last minute editing that needed to be done and that it was planned to be part of the resolution package. Trustee Allan confirmed that it was being addressed that evening, even though it wasn't on the agenda. Mr. Bruyn clarified that any Board member could bring forth a resolution and then reviewed the matter and said that he had reviewed the proposed license agreement as well as the proposed maintenance plan and that it all appeared to be appropriate. He said that the draft resolution would accept the donation authorize the board to approve the license agreement, and accept the performance bond based on the estimated cost of the project and license agreement all subject to the finalization and submission of those documents, and upon receipt of those documents and the Board's final review, the Mayor can then execute the document and the work can begin.

Trustee Allan said that one question had come up and asked if there was a replacement for the Japanese Cedar which was non-native. Mr. Nieroda said that the plants that she referred to were already there and that everything that was proposed was native. Mr. Bennett said that the performance bond is usually an irrevocable letter of credit but they would be happy to write a check; Mr. Bruyn said the resolution would reflect that either an irrevocable letter or an official bank check be accepted.

Peter Grealish, 54 Post Lane, a Village resident since 1976, and has been in the tree business since that time. He said that he felt that he was unprepared as he didn't have knowledge of the items being discussed and asked how he would know that the meeting was going on.

Mr. Kratoville said that the Village often has groups or committees that make presentations to the Board regarding projects that they are working on and they'd like to bring it to the Board. The Board can then weigh what is being presented and determine if they like what is being proposed and can then authorize Mr. Kratoville to do a notice of a Public Hearing at which time the public is invited to make comments and changes.

Mr. Grealish then said that he moved to Post Crossing in 1989 and removed 80% of the trees as they

were inappropriate for the landscape that he was looking to achieve on a long-term level but he did save a lot of foundation plantings and relocated them. He questioned the right of the Village to legislate how a homeowner should landscape their own property. He said that rarely does a property owner want to take trees down and not replace them and have beauty on his property. He said he understands the concern and feels the concept of preservation is great and is in favor to save magnificent trees, like spruce, elm and maple trees that have been there but would like to know what the procedure would be to remove trees,

Mayor Warren said that Mr. Grealish could be of help in this process and said that he is exactly who they would like to be involved in this effort. Mr. Grealish said that the Mayor and Board were welcome to visit his home and see the property and the landscaping that has been installed over the years to replace what he originally removed. Mayor Warren asked about he heard about this and Mr. Grealish said that it was through Lane Brettschneider.

Trustee Allan said that part of their role as legislators is to get feedback from all stakeholders.

Mr. Grealish said the last thing he wanted was more bureaucracy to do his job and he suggested that the process be streamlined and not make it more difficult and be a burden to the business who will then have to put that cost onto the customer. Trustee Allan said that this is exactly the feedback that is needed from all the different constituents and the Board's next job is to pull a group similar to what they did with the leaf blower legislation. Mr. Grealish asked who would make the decisions on which trees were able to be removed; Trustee Yastrzemeski said that hadn't yet been determined and this is the beginning part of legislation, next would be Public Hearing phase when the public can make comments. Trustee Parash noted that the last page of the proposed legislation outlines the proposed dates for the Public Hearing.

DISCUSSION ITEMS

Access Control and Security Cameras – Ambulance Facility

Mr. Kratoville said that progress on the ambulance barn is doing very well and SCC is doing a phenomenal job on keeping the contractors on task. One of the things that the Village will be responsible for doing which wasn't part of the original proposal is to have access control cameras and security so that safeguards are in place. They are working with County bids as well as the Town of Southampton who is doing an access control process at this time as well. He said the cost will be somewhere in the \$100,000 range but felt it was important for the Board to be aware prior to having a presentation by potential vendors.

Trustee Allan said that she is aware that we currently have access control at our current ambulance facility and asked if we have security cameras there as well; Trustee Yastrzemeski replied that we did. Trustee Allan also asked if we were on time and on budget and on quality. Mr. Kratoville said that until the architect and site managers sign off on level and quality of work and attest that everything is completed and satisfactory to that level. Ms. Allan said she thought there was a slight reserve in the current budget and perhaps that could be some remaining funds that could be put towards the Access Control and Security Cameras.

Mr. Kratoville said he would have to look at what the bond is allowing as this is outside of the bid specs but that certainly if there are any funds left they could refund that part of the bond and have that savings on the principal and interest in paying off the bond. He noted that there had been some changes, which the Board had approved that were within the scope of the bond but that this would likely be outside of the bond.

PUBLIC HEARINGS

Local Law: Vacant Buildings and Storefronts

Mayor Warren made a motion to reopen the Public Hearing; Trustee Parash seconded it and a unanimous vote followed.

Mr. Bruyn provided an update and said that one of those who had commented at the previous hearings was Morley Quatroche who manages many properties in the Village and had reached out to Trustee Parash with comments which were then forwarded to Mr. Bruyn. Mr. Bruyn has begun drafting some of those changes and in addition the Mayor shared East Hampton Village's Guideline book which Mr. Bruyn also reviewed and suggested that the Village also create a guideline book. One of the questions raised was whether the time period for a vacancy was too long – other municipalities is 14 days while the Village's current proposal is for 30 days. Also was whether to have the windows completely screened and based on comments they were looking to keep the doors free so that they could be looked in and to allow for a floor plan of the building to be placed in the window. The legislation models what many other municipalities are doing and creates some clearer standards in statutory form. Mr. Bruyn recommended to hear any further public comment and make any modifications so that it can be presented at the next Board meeting.

Mr. Kratoville said he had reached out to the Village of East Hampton and their Village Administrator is going to provide their legislative file to Mr. Kratoville in the next week and will summarize some of the issues they have as they're having discrepancies as to what's enforceable and what's not. Some of the issues are with the language in their code in particular the word "display" – what is display – the definition is causing some concern. Mr. Bruyn said that input would be important and had been raised by Mr. Quatroche as well.

Trustee Parash said that he would like see some wordsmithing take place so that you don't have "See You Next Summer" and gives a better appearance. He also said that he feels that the Village should also reach out to Mary Godfrey and the Arts Center and some of the other places that they've discussed.

Mayor Warren said he felt it was a good idea to keep the hearing open, but that he would like everyone to work together with the goal to get legislation ready and pass it at the next meeting.

Tim Maran, 45 Skinner Street, commercial property owner since the mid-1970's, said the window screen proposition aspects that concerns him is that he doesn't find any aesthetic appeal in papered windows and referenced a few properties on Hampton Road and Jagger Lane that have paper covering. He feels there's a vandalism issue that hasn't been looked at with papering the windows. As a property owner he likes to be able to look into the window before he enters the building and feels it's a safety issue. He referenced ground floors issues - §108.2 - all of his properties have an elevation issue that would not address the properties that are elevated as well as those that are set back from the sidewalk. He asked to differentiate between unoccupied and vacant for buildings that have multiple units – if some units are unoccupied is the building considered vacant? He said for insurance purposes it would be considered unoccupied and not vacant.

Mr. Maran also referenced §108.4– and questioned the term "unobstructed view" and how it relates to the proposed legislation which says the window has to be covered. He also questioned political advertising in a window – is that permitted? He said the suggestion of lights being on all night is a waste of energy and not environmentally friendly. Who determines what is on the signs and what should or should not be in the window? Mr. Maran said owners and landlords are not the cause of

unoccupied buildings; they all want to rent their properties and do it as economically feasible as possible. Mr. Maran suggested the Village does an inventory of the vacant buildings and then write to the property owners to ask their cooperation in filling those buildings. He said once you pass legislation you have it forever and this Board will change but the legislation remains

Trustee Yastrzemski thanked Mr. Maran for dissecting the legislation and giving his input; Mayor Warren said that he made a good point regarding vacancy vs. unoccupied.

Dave Johns, 14 Cove Neck Lane, from the Southampton Artists Association (SAA) with Jim Slezak and mentioned that they have about 100 members and run 4 shows a year at Southampton Cultural Center and have many talented artists including photography. They would be willing to donate art on a basis and would like to pursue that opportunity. An option would be to work with them and they would offer artwork and curate it for the Village and property owners. Their next show is November 6 at the Southampton Cultural Center with 25-40 artists and they'd like to help as a community service.

Trustee Allan asked if they would be willing to work with Mr. Maran to put together a pilot program to show how it could work. Mr. Johns and Mr. Maran both said they'd be happy to work together. Mr. Maran said that it would be nice to do this on a level of cooperation rather than a level of intimidation – working with the SAA would be a delight and artwork would add something, papering the windows doesn't do anything.

Mayor Warren made a motion to adjourn to the October 22nd Board Meeting; Trustee Yastrzemski seconded the motion and a unanimous vote followed.

COMMUNICATIONS TO THE BOARD:

1. Community Baptist Church - Request for Fee Waiver

Mr. Kratoville read a letter from Bennett & Read regarding the Baptist Church and asked for a waiver of the application fee.

Mayor Warren made a motion to approve the waiver, Trustee Parash seconded the motion and a unanimous vote followed.

2. Roux Enviro. on behalf of Several Property Owners - Request for Fee Waiver

Mr. Bruyn said these are for wetland fees not variances; Mayor Warren said he supports the efforts. Trustee Pilaro asked what the fees were – Mr. Bruyn said that he believes that there are several property owners who are allowing Roux to access their property. He said there were 5 property owners each with a \$750 fee.

Mayor Warren made a motion to waive the \$3,750 in fees; Trustee Pilaro seconded and a unanimous vote followed.

3. USA Endurance Events – Women's Half Marathon

Mr. Kratoville reviewed the request to bring a new race to the Village, noting that the organization is flexible on a date and would like to hold the race in May or early June. Mr. Kratoville noted that the Village had done a lengthy analysis of whether to allow Hamptons Marathon to hold their event before giving permission. Lee Ann Yarbor – race director for the USA Endurance Events – spoke about their organization and said that they had reached out to Stony Brook Southampton to be a beneficiary of the event, in particular for their Ellen Hermanson Breast Center. She said they would

restrict it to a few thousand runners and keep it an exclusive event – they anticipate about 70% will come from out of state and they would work with area businesses to help with accommodations.

A lengthy discussion ensued with issues discussed including the number of anticipated runners (1,500-2,000), the cost of the race (\$249 per runner) and for the organization to hold the event in the Village (reimbursement of EMS services), dates to be considered (May 2 or 9, 2020), the amount that could be donated to a local charity (\$7,000-15,000 anticipated) and the course itself.

Trustee Yastrzemeski said that the Board has to consider how it impacts the residents with street closures, etc. and the police are a huge part of it and safety is first. Mayor Warren said they need to deal with concerns of the community members and would need to get input from the Police so that they are comfortable with the event. Trustee Yastrzemeski said that the Police would need to be consulted to make sure that they have adequate staffing available to support the needs of the race if done prior to Memorial Day and seasonal staffing. Trustee Yastrzemeski and Mr. Kratoville both asked for further details on the financial aspect of the event and Ms. Yarbor said they would be happy to work with the Village.

4. Michael C. Hayes – Request for Change in Parking at 26 Hill Street

Mr. Kratoville reviewed the letter that was addressed to Gary Goleski noting that they are owners of the UPS store and are asking for 3 street parking space in front of 26 Hill Street to be 15 minute parking as opposed to the 2 hour parking that is currently in place.

Mr. Hayes, owner of UPS at 50 Hill Street and the owners of building at 26 Hill Street where they will be relocating their business to. Moving to the new location causes them to lose good parking and they have very high turnover; 15,600 UPS store transactions plus 16,000 in drop-off transactions for a total of over 32,000 customer transactions in a year. He said they are very short transactions and noted that they have a residential apartment as well which he is looking at renting to employees. Mr. Kratoville asked if the limited parking could be during the business hours of 9-5pm, Monday- Saturday. Mr. Hayes said that he would be amenable to working with the Village.

Mayor Warren and Trustee Yastrzemeski both said that they would support the idea.

SUGGESTED RESOLUTIONS

License agreement – Heliport property

Following a brief discussion the following was put forth:

RESOLVED, that the Board of Trustees of the Village of Southampton hereby accepts the donation of improvements and services offered by 2080 Meadow Lane LLC, and hereby grants 2080 Meadow Lane, LLC a license in order to permit the construction of said landscaping, curbing, pavement and other related improvements within the 2070 Meadow Lane Parking Lot Property as depicted and detailed on the plans and documents submitted to the Board of Trustees, prepared by Araiys Design, L.A., last revised on August 21, 2019; SUBJECT TO submission of fully executed license agreement in a form satisfactory to the Village Attorney; and

BE IT FURTHER RESOLVED, that the Performance Bond Agreement, which will be secured by an irremovable letter of credit in the sum of \$161,900.00, submitted to guarantee the satisfactory completion of the construction of said landscaping, curbing, pavement and other related improvements within the 2070 Meadow Lane Heliport Parking Lot Property, be and hereby are accepted; SUBJECT TO submission of fully executed performance bond agreement and irrevocable letter of credit in a form satisfactory to the Village Attorney; and

BE IT FURTHER RESOLVED, that upon submission of the original instruments and final review by the Village Attorney, the Mayor is authorized to execute necessary documents to implement the aforesaid license agreement.

RESOLVED, that the reading of the minutes for the Public Session of September 24, 2019 and the Special Meetings of October 2, 2019 and October 7, 2019 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 Warren made a motion to approve; Trustee Yastrzemeski seconded the motion and a unanimous vote followed.

RESOLVED, that the claims for the warrants dated October 10, 2019 totaling \$254,598.56 (Warrant # 8 - General Fund), \$433,543.89 (Warrant #5 – Capital Reserve Fund) and the Village payrolls for the period from September 13, 2019 to October 10, 2019 be audited and approved.

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

RESOLVED, that the Board of Trustees hereby approves the attached schedule of budget transfers to eliminate line item overages for the period ending October 10, 2019.

Trustee Pilaro made a motion to approve; Mayor Warren seconded the motion and a unanimous vote followed.

RESOLVED, that the Board of Trustees approves the following purchase from the Capital Reserve fund subject to permissive referendum:

National Auto Fleet Group. \$33,415.23 Major Equipment - Other

Trustee Allan made a motion to approve; Mayor Warren seconded the motion and a roll call vote followed: Trustee Yastrzemeski: Aye; Trustee Allan: Aye; Mayor Warren: Aye; Trustee Parash: Aye; Trustee Pilaro: Aye.

Trustee Allan stated that she would like the Village to look toward a migration to electric vehicles.

RESOLVED, that the Board of Trustees hereby approves the following capital budget transfers:

\$396,000 from H5100.300 Major Equipment – Other

\$ 97,500 to H5100.200 Major Equipment – Highway

\$223,500 to H3120.200 Major Equipment – Police

\$ 75,000 to H7110.200 Major Equipment - Parks

Trustee Pilaro made a motion to approve; Trustee Parash seconded the motion and a unanimous vote followed.

RESOLVED, that the Board of Trustees hereby approves the application from Rapid Recovery Towing, LTD as a Tow Truck Operator for the Village of Southampton as regulated by Chapter 103 of Village Code.

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

COMMENTS FROM THE BOARD:

Trustee Yastrzemski – recognized a few members of the community that had passed away: Duke McCulley and Richard “Dick” Tase both long-standing members of the Southampton Fire Department, and Frank Zyckowski a member of the Hampton Bays Fire Department. He offered condolences to their families and thanked the three gentlemen for their services to the community.

Trustee Allan – had no comment.

Trustee Parash – thanked the SAVE committee for attending and for making the presentation to the Village Board. Mr. Parash echoed what Trustee Yastrzemski had said and also acknowledged the passing of Morley Quatroche Sr. who was committed to the Village in many ways and a very strong anchor in the community. He thanked Christina Redding and Jim Zuhusky for their many years of service to the Village.

Trustee Pilaro – thanked everyone for coming out and appreciated the time and effort that they put into the Village and offered condolences to the families of those who had recently passed away.

Mayor Warren – discussed the visit from Governor Cuomo and the head of the DEC, Basil Seggos as well as the head of our Region; and thanked the Board for their help in getting an access agreement signed quickly. The Mayor said this is a Pilot program for Lake Agawam which suctions off the toxic blue green algae from the Lake and uses technology to create a biomass and then send the clean water back into the lake. It is the start of something amazing, but reminds everyone that the lake will continue to be polluted if we allow inputs to be put into the Lake such as herbicides and pesticides and nitrogen loading. He said this s very exciting as it is the first Village and first body of water in NY State to use this technology by AECOM. The Mayor said this was done by the State at no cost to the tax payers and was done with 100% funding from the DEC and the Village hopes to apply for grants in the future so that they can come back next summer at the height of the blue green algae season. He thanked the Board members for their support and noted that Trustee Yastrzemski was on site every day. He noted that they have now passed through the first 100 days and couldn’t have done it without the guidance and veteran knowledge of Trustee Yastrzemski and also Trustee Allan and appreciates their help.

Mayor also noted that the Halloween Pet Parade is coming up on October 26th. He referenced the upcoming nor’easter and will keep everyone posted, saying the Village has a great Police Department and DPW.

Trustee Yastrzemski suggested that they schedule a Public Hearing on the proposed tree legislation. Mr. Kratoville then entertained a motion for the following:

RESOLVED, that the Board of Trustees of the Village of Southampton hereby directs that a public hearing be held at 6:00 p.m. prevailing time on Thursday, November 14, 2019 on “A LOCAL LAW repealing Chapter 107 of the Code of the Village of Southampton in its entirety and replacing it with a new Chapter 107 entitled Trees.” (Copy attached)

Mayor Warren made a motion to approve the resolution; Trustee Allan seconded the motion and a unanimous vote followed.

Trustee Yastrzemski also noted that the Rag-A-Muffin Parade was taking place on October 27th.

Mr. Kratoville noted that it was Breast Cancer Awareness Month and to keep everyone in their

thoughts. Trustee Allan thanked the Chamber of Commerce, Susie Roden and Millie Fellingham for the Pink Tree Lighting in honor of Breast Cancer Awareness Month and encouraged everyone to take a look at the tree in front of the Chamber.

2nd PUBLIC COMMENT - NONE

MOTION TO ADJOURN TO EXECUTIVE SESSION:

Mayor Warren made a motion to adjourn to Executive Session at 8:40PM for the purpose of discussing legal and personnel matters involving Village employees. Trustee Allan seconded the motion and a unanimous vote followed.

RETURN TO PUBLIC SESSION

On a motion by Trustee Yastrzemeski and second by Trustee Pilaro, the board returned to open session at 10:23PM.

On a motion by Trustee Pilaro and a second by Trustee Yastrzemeski, the board unanimously voted to authorize the Mayor to enter into an agreement with Lombardo Associates in the amount of \$3,500.00.

On a motion by Mayor Warren and a second by Trustee Yastrzemeski, the board unanimously voted to create the position of Temporary Senior Office Assistant in the Village Clerk's Office and appoint Cathy Sweeney at a salary of \$65,000 annually effective October 15, 2019.

RESOLVED, that the Board of Trustees of the Village of Southampton hereby directs that a Public Hearing shall be held at 6:00 p.m. prevailing time on Thursday, November 14, 2019 on "A LOCAL LAW amending §110-43. Schedule L: Stopping, Standing and Parking Restrictions of the Vehicles and Traffic Code to add three 15-minute parking spaces along the south side of Hill Street 225 feet west of Pond Lane."

On a motion made by Trustee Pilaro and a second by Trustee Yastrzemeski, the Board unanimously voted to approve the resolution.

MOTION TO ADJOURN:

On a motion by Trustee Yastrzemeski and a second by Trustee Pilaro, the Board unanimously voted to adjourn at 10:26PM.

Russell Kratoville, Village Administrator

10/10/19

RESOLUTION TO SCHEDULE A PUBLIC HEARING ON A LOCAL LAW REPEALING CHAPTER 107 OF THE CODE OF THE VILLAGE OF SOUTHAMPTON IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 107 ENTITLED TREES.

RESOLVED, that the Board of Trustees of the Village of Southampton hereby directs that a public hearing be held at 6:00 p.m. prevailing time on **Thursday, November 14, 2019** on “A LOCAL LAW repealing Chapter 107 of the Code of the Village of Southampton in its entirety and replacing it with a new Chapter 107 entitled Trees.”

LOCAL LAW NO. OF 2019

A LOCAL LAW repealing Chapter 107 of the Code of the Village of Southampton in its entirety and replacing it with a new Chapter 107 entitled Trees.”

BE IT ENACTED by the Village Board of the Village of Southampton as follows:

Section 1. Amendment. Chapter 107 (Trees) of the Code of the Village of Southampton adopted May 25, 1961 with amendments in 1982, 2002 and 2008, consisting of sections 107-1 through 107-5, inclusive, be and hereby is repealed in its entirety and replaced with a new Chapter 107 entitled Trees as follows:

**CHAPTER 107
TREES**

§107-1. Findings; intent.

A. The Board of Trustees hereby finds that there is a direct relationship between the preservation and planting of trees, shrubs, and associated vegetation in sufficient numbers in the Village and the health, safety, and welfare of Village residents and that trees, shrubs, and associated vegetation are related to the natural, scenic, and aesthetic values and the physical and visual qualities of the environment which the Village is obligated to protect. Trees and such vegetation reduce noise, provide welcome shade to Village residents, preserve the balance of oxygen in the air by removing carbon dioxide and fostering air quality and create a bucolic and rural atmosphere in the Village, especially along the roads. Trees also stabilize the soil and control water pollution by preventing soil erosion and flooding, yield advantageous climatic effects, and provide a natural habitat for wildlife.

B. The destructive and indiscriminate removal of trees and related vegetation causes increased Village costs for proper drainage control, impairs the benefits of occupancy of existing residential properties, and impairs the stability and value of both improved and unimproved real property in the area of the destruction and adversely affects the health, safety, and general welfare of the residents of the Village.

§107-2. Definitions.

For the purposes of this chapter, the following terms, phrases, and words shall have the following meanings:

APPLICANT - The owner, contract vendee, or lessee of the real property or its duly authorized agent.

BUILDING INSPECTOR - The Building Inspector of the Village of Southampton or his designee.

HABIT -The natural growing characteristics of any tree which includes branch spread and distribution, branch height above ground, and root spread and distribution.

PERSON - Any individual, firm, partnership, trust, association, corporation, limited liability company, public agency, public utility, or other legal entity or organization of any kind.

PLANNING BOARD – The Planning Board of the Village of Southampton.

Board of Trustees – Public Session I – October 10, 2019

REAL PROPERTY - All real property, public and private, within the boundaries of the Village of Southampton.

STREET TREE - Any tree located within the right-of-way of a street between the paving or curb and the closest private property line.

SUBSTANTIAL ALTERATION - Any cutting or drastic pruning or elevating the habit of a tree which impairs or endangers the life of such tree or destroys its natural symmetry and shall include, but not be limited to, heavy or unnecessary cutting of top branches and cutting of major lower limbs.

TREE - A tree with a diameter being greater than six inches measured at breast height 4.5 feet above the ground (“DBH”); or, in the case of a tree that, without a permit issued pursuant to this chapter, has been cut or removed so that the foregoing cannot be determined beyond a reasonable doubt, any such tree that shall have a diameter greater than six inches or more at any point.

VILLAGE - The Incorporated Village of Southampton

§107-3. Prohibitions.

- A. It shall be unlawful for any person without a permit to cut down, remove, or destroy any tree or substantially alter the habit of any tree within the Village unless a valid permit shall have been issued for said work pursuant to this chapter.
- B. It shall be unlawful for any person who owns or occupies real property to cause, suffer, permit, or allow the cutting down, removal, or destruction of any tree or the substantial alteration of the habit of any tree on real property, unless a valid permit shall have been issued for said work pursuant to this chapter.
- C. It shall be unlawful for any person, contractor, landscaper, tree service contractor, construction superintendent or their agent(s) to cause, suffer, permit, or allow the cutting down, removal, or destruction of any tree or the substantial alteration of the habit of any tree on real property, unless a valid permit shall have been issued for said work pursuant to this chapter.

§107-4. Application for Permit.

- A. Application for a permit to remove or replace a tree on a residential lot shall be made to the Building Inspector. Application for a permit to remove or replace a tree on a property that is subject to site plan review or subdivision review shall be made to the Planning Board.
- B. The application shall be made on such form(s) as may be prescribed by the Building Inspector, or in the case of site plan or subdivision review, the Planning Board, and shall include, but not be limited to, the following:
 - (1) The name and address of the applicant.
 - (2) The name and address of the owner of the property, including the Suffolk County Tax Map number.
 - (3) A written description of the purpose of the proposed tree removal or alteration.
 - (4) A site plan or map of the property or site of the proposed removal or alteration, including photograph(s) of the tree(s) to be removed or substantially altered and photographs from the trees showing the view toward all neighboring properties. All photographs shall include a point of reference to determine scale, such as a yardstick or person.
 - (5) A description of the size and location of the tree(s) to be removed. In the event that the proposed tree(s) to be removed or altered is within ten (10) feet of a boundary/property line, then the applicant shall provide

a survey from a licensed surveyor.

(6) A written description of the condition of the tree with respect to disease, hazard, proximity to existing or proposed structures, and interference with utility services and other criteria set forth in subsection C.

(7) A written report or recommendation of a certified arborist or qualified tree service company that will be performing the removal. Only a certified arborist or service company shall be permitted to remove or substantially alter the habit of a tree within the Village. Any proposed tree service company shall be required to provide satisfactory proof of its experience and licensing to the Building Inspector upon request.

(8) The written and acknowledged authorization of the owner of the property and all required disclosure forms.

(9) Each tree(s) to be removed and/or altered shall be identified by attaching a ribbon at least five feet high measured from the ground to the tree, to identify the proposed tree(s) to be removed or altered. The ribbon signifying the tree(s) to be removed or altered shall be on said tree(s) for at least ten (10) days before any permit is issued by the Building Inspector.

(10) Such other information deemed necessary by the Building Inspector or Planning Board to assist in the review of the application.

(11) The Building Inspector and Planning board shall have the authority to submit any application which may come before it to professional consultants, such as a planner, environmental expert, landscape architect and/or certified arborist as they may deem necessary to enable them to review such application, and the applicant shall reimburse the Village for the cost thereof. The costs of such professional review involve activities and services beyond the routine processing of these type of applications.

C. Criteria. The decision of the Building Inspector or Planning Board shall be based upon the following criteria:

(1) The age, condition of the tree with respect to disease and danger of falling, proximity to existing or proposed structures, and interference with utility services.

(2) The necessity of the removal or alteration of the tree in question.

(3) The effect of the removal or alteration thereof on ecological systems, including wetlands.

(4) The character established at the proposed site of removal or alteration with respect to existing vegetation management practices.

(5) The potential impact of any removal or alteration upon existing screening of any public property, road or highway bordering the property.

(6) In cases where a property is to be developed under a site plan or subdivision, the potential for clear cutting of trees and natural vegetation.

(7) The noteworthiness of the tree to the character of the community based upon, among other things, its size, species, and location.

D. The Building Inspector and Planning Board shall have the authority, in granting any application to remove or alter a tree, to condition such grant upon the immediate replacement of such tree by one or more trees, in total caliper substantially the same as the tree being replaced, of the same or similar species, in the same or nearby location, or such other reasonable condition or conditions that are directly related to and incidental to the proposed removal or alteration of the tree.

E. Any permit issued hereunder may be revoked and all work authorized by said permit halted if the Building Board of Trustees – Public Session I – October 10, 2019

Inspector shall find that the permit was obtained by false or misleading statements or the work being performed is not proceeding in accordance with the terms of the permit and the provisions of this chapter.

F. A permit issued pursuant to this chapter shall expire six (6) months from and after the date of its issuance. No work may be performed under an expired permit.

§107-5. Fees.

A. The fee for an application to the Building Inspector and to the Planning Board shall be determined from time to time by resolution of the Board of Trustees. The fee shall be paid upon submission of the application and shall not be refundable except with respect to tree(s) that the Building Inspector determines are either substantially dead or are so diseased, damaged, uprooted or otherwise affected that they are, or may reasonably be believed to soon become, a danger to persons or property.

B. The Building Inspector or Planning Board may require an applicant to make a deposit of the estimated cost of professional consultants. This deposit shall be used as an advance against which withdrawals shall be made to reimburse the village for the cost of professional consultant review services.

§107-6. Directive to Remove Unsafe Trees.

A. Any tree growing on real property which constitutes a danger to a public street or public place or the public using the same or which in any way endangers the usefulness of a public water, sewer, drainage or utility lines, or which by reason of infestation or blight endangers other trees in the Village, or which constitutes a danger to life and/or property to private property, including, but not limited to, the property of the owner of the tree and/or such owner's immediate neighbors, shall be removed or the habit thereof altered by the owner of said real property as directed by the Building Inspector.

B. In the event that the property owner fails to comply with the directive of the Building Inspector within the time specified by the Building Inspector, the Village may then take the action directed by the Building Inspector and assess the cost thereof against the property owner. If the assessment is not paid within thirty (30) days of demand, the Village may add such assessment to the Village's annual real estate taxes for the subject real property and collect such sum as a special assessment and as a part of said Village taxes, including all penalties and interest thereon as apply to such real estate taxes.

C. The directive from the Building Inspector shall be in writing, shall clearly state the source of the danger, the action to be taken and the date by which such action must be taken and shall be served on the owner of the real property personally or by certified or registered mail, return receipt requested, addressed to said owner at the last address for said owner on the tax records of the Village. If served by mail, the notice shall be deemed received three days after the notice is deposited in a depository maintained by the United States Postal Service.

§107-7. Street trees; Trees on Village property.

A. No person shall in any way mutilate, cut down, remove, injure or destroy any street tree or any tree on Village property without the prior written permission of the Board of Trustees in consultation with the Superintendent of Public Works.

B. No person shall remove any street tree or any tree on Village property to install, alter or relocate a driveway, drainage structure, sidewalk or utility without the prior written permission of the Board of Trustees in consultation with the Superintendent of Public Works.

C. No person shall place any material, container or dumpster within thirty (30) feet of a street tree or any tree on Village property without the prior written permission of the Board of Trustees in consultation with the Superintendent of Public Works.

D. Permission to remove a street tree or tree on Village property shall not be given by the Board of Trustees until notice of the intent to remove any such tree:

(1) Has been given to the Superintendent of Public Works, who shall provide a written report and recommendation to the Board of Trustees;

(2) Has been given by the person seeking to remove the tree by certified mail, return receipt requested, at least seven (7) days in advance of the date of the meeting of the Board of Trustees in which the matter will be discussed, to the owners of all residentially used property within 100 feet of the tree as the names and addresses of such owners are shown on the most recent Village tax roll;

(3) Has been posted for at least seven (7) days upon such tree; and

(4) Such notice shall state the date, time, and place of the Board of Trustees meeting at which the removal such tree is to be discussed.

(5) The provisions of this section requiring notice and permission of the Board of Trustees before removal of a street tree or tree on Village property shall apply to public utility companies, the Village or other municipal entities, except in the case of an unsafe tree under §107-6 or an emergency.

E. The Board of Trustees shall have the authority, in granting any application to remove or alter a tree, to condition such grant upon the immediate replacement of such tree by one or more trees, in total diameter substantially the same as the tree being replaced, of the same or similar species, in the same or nearby location, or such other reasonable condition or conditions that are directly related to and incidental to the proposed removal or alteration of the tree.

§107-8. Replacement.

A. Anyone wishing to replace a street tree that has been felled may do so with the permission of the Superintendent of Public Works. In doing so, such person will be given a list of the acceptable trees. If a homeowner wishes to plant a street tree, and does so, it will be such person's sole responsibility to guarantee the work and survival of the tree for a period of two years.

B. Any person who cuts down, removes, or destroys a tree or substantially alters the habit of a tree and any person who solicits, requests, commands, importunes, or intentionally aids another person to engage in such conduct and any owner or occupant of real property who causes, suffers, or permits a tree on said property to be cut down, removed, or destroyed without first receiving a permit to do so shall immediately replace the same, substantially in kind, as directed by the Building Inspector. Such replacement, in the sole discretion of the Building Inspector, may be by one or more trees, in total caliper substantially the same as the tree being replaced, of the same or similar species.

§107-9. Protection of Trees.

A. All trees on property on which demolition, excavation, grading or construction activity is conducted shall be guarded with a substantial fence at all times when any of said activities are taking place. The fence shall be at least four feet high and shall completely enclose the trunk of the tree at a distance from the trunk equal to the greater of six inches for each one inch of the tree's diameter at a point one foot above grade at the base of the tree, or four feet.

B. On application of the owner or the owner's agent, the Building Inspector may waive the necessity of the fence for one or more trees where the Building Inspector finds that distance, existing natural features, or man-made structures afford adequate protection for such tree or trees.

C. No person shall conduct any demolition, excavation, grading, or construction activity on real property without Board of Trustees – Public Session I – October 10, 2019

erecting and maintaining thereon the fences above required.

§107-10. Appeals; remedies.

A. Any person aggrieved by an act or determination of the Building Inspector in the exercise of the authority granted in this chapter shall have the right to appeal to the Planning Board, the decision of which shall be final and conclusive. An appeal shall be in writing, stating the decision of the Building Inspector appealed from and the reasons for the appeal. In exercising its appeal authority hereunder, the Planning Board shall consider the criteria set forth in §107-4C and have the same authority to impose conditions as the Building Inspector.

B. The remedy for any person aggrieved by an act or determination of the Planning Board in the exercise of the authority granted in this chapter shall be an Article 78 proceeding which shall be brought with thirty (30) days of the filing of the decision with the clerk.

§107-11. Enforcement; penalties for offenses.

A. The Building Inspector, Code/Ordinance Enforcement Officer and Police department of the Village of Southampton shall have the authority to enforce the provisions of this chapter. In the absence or inability of the Building Inspector to perform said duties, the same shall be performed by an Assistant Building Inspector or other person designated by resolution of the Board of Trustees.

B. Penalties.

(1) Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a violation under the New York State Penal Law and, upon conviction thereof, shall be subject to:

(a) A fine of not more than \$5,000 for each tree illegally removed, destroyed or substantially altered; a fine of not more than \$5,000 for each replacement tree not planted; and a fine of not more than \$5,000 for any other such violation; or

(b) Imprisonment for a term of not more than fifteen (15) days; or

(c) Both such fine and such imprisonment.

(2) Each such violation shall constitute a separate offense and shall be punishable as such hereunder.

§107-12. Suspension of permit or other approval.

A. In the event that any property owner or any other person performing work with the consent, express or implied, of the property owner shall violate any provision or condition of any permit or other approval of an application from any department, board, or committee of the Village by removing, destroying, or substantially altering the habit of a tree, or by suffering, permitting, or allowing the removal, destruction, or substantial alteration of the habit of a tree on such property, such permit or other approval shall be suspended. Such suspension shall continue and no further action shall be taken pursuant to such approval, until such person shall apply to the departments, boards, and/or committees which granted such permits or approvals for modifications thereof based upon the removal, destruction, or substantial alteration of the habit of such tree or trees. Upon such application, such departments, boards, and/or committees may modify such permits or approvals by implementing such conditions, including, but not limited to, the requirement that one or more new trees of the same height and/or DBH as the illegally removed tree or trees be planted and maintained for a specific period of time, not to exceed five years, or such other condition or conditions as such departments, boards, and/or committees might deem appropriate. Such conditions may also include a prohibition of any further work on such property until the replacement tree or trees have been planted and that a declaration of covenants and restrictions be recorded by the owner of the property, running with the land, to assure that such conditions with regard to such replacement trees shall be enforceable against all future owners.

B. Notwithstanding anything to the contrary in this section, the Building Inspector shall have the authority to authorize and/or direct that the property owner and/or any other person performing work with the consent, express or implied, of the property owner take such actions as in the sole discretion of the Building Inspector are reasonable and/or necessary to maintain the property in a safe condition and to assure that all relevant stormwater, sediment and erosion control, and tree protection measures are implemented and maintained, and that such other actions, as the Building Inspector may determine to be in the best interests of the Village, are implemented and maintained until such application has been made, a decision thereon has been rendered by such departments, boards, and/or committees, and the additional conditions, if any, of such departments, boards, and/or committees have been implemented.

Section 2. Authority. The proposed local law is enacted pursuant to §4-412 of the New York State Village Law, as well as Municipal Home Rule Law §§10(1)(i), and 10(1)(ii)(a)(12).

Section 3. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 4. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized and directed to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Village Board of the Village of Southampton at 6:00 p.m. prevailing time on **Thursday, November 14, 2019**, at the Southampton Village Hall, 23 Main Street, Southampton, New York, to hear any and all persons either for or against “A LOCAL LAW repealing Chapter 107 of the Code of the Village of Southampton in its entirety and replacing it with a new Chapter 107 entitled Trees.”

Copies of the proposed law, sponsored by the entire Board of Trustees, are on file in the Village Administrator’s Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF SOUTHAMPTON, NEW YORK
RUSSELL KRATOVILLE, VILLAGE ADMINSTRATOR