

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, AUGUST 21, 2015.

PRESENT: Mayor Peter Sartorius, Trustees Jeanette Obser, Kimberley Payne, Ted Necarsulmer, Randy Cardo, Village Attorney Richard DePetris and Village Clerk Aimee Buhl.

OTHERS PRESENT: Police Chief Robert Coughlan, Fire Chief Bruce Davidson, Building Inspector William Nowak, Kyle Campbell of the Southampton Press, Cecelia Lazarescu, Blanche Napoleon-McCoun, John & Natalie Blaney, Diana Vought, Tom Lawson, Ed & Jenn Seltenreich, Briana Seltenreich, Lynn Joyce, Ed Corballis, Marcia Bradley, Jane Campbell, Bill Vogel, Ann E. Janis, Barbara Sartorius, Vita Reinoso and Ethan Theune

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

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, the Minutes of Regular Meeting held on July 24, 2015 were approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, the Abstract of Audited Vouchers Schedule 08-15, \$224,183.50 and Treasurer's Report for the Month ending July 31, 2015 were approved.

\$ 4,288.56 Checking Account
\$ 9,854,634.01 Investments
\$ 487,191.24 Capital Reserves
\$10,346,113.81 Total General Fund 07/31/15

The Clerk gave the report for July 2015 False Fire and Burglar Alarms:

Burglar Billed: \$ 0; Burglar Collected: \$ 0
Fire Billed: \$ 0; Fire Collected: \$ 350

Chief Building Inspector Bill Nowak gave the July 2015 report for the Building Department. Fire Chief Bruce Davidson gave the July 2015 report for the Fire Department. Chief Robert Coughlan gave the July 2015 report for the Police Department.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the following tax refunds of the Village's 2015/2016 taxes as a result of court decisions reducing Town of Southampton 2014/2015 assessments are approved:

<u>TM#</u>	<u>NAME</u>	<u>ORIG ASSMNT</u>	<u>REDUCED TO</u>	<u>REFUND DUE</u>
4-1-41	Dornfeld	930,500	900,000	\$64.68
13-3-9	Macrae	2,543,400	2,300,000	\$516.13
2-1-54.4	Kriegel	955,100	840,000	\$244.07
4-1-88	Frey	1,076,700	815,000	\$554.94

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the following 2014/15 year end budget transfers are approved:

From	To	Amount
A1110.140	A1110.120	\$490
A1110.140	A1110.150	\$237
A1325.411	A1320.400	\$895
A1325.411	A1325.190-A	\$3,838
A1325.411	A1325.446	\$725
A1620.422	A1620.443	\$271
A1930.400	A1920.400	\$314
A3120.412	A3120.150	\$1,905
A3120.412	A3120.160	\$620
A3120.412	A3120.421	\$970
A3120.412	A3120.441	\$65
A3120.412	A3120.444	\$195
A3120.412	A3120.448	\$925
A3410.450	A3410.421	\$45
A3410.450	A3410.443	\$230
A3410.450	A3410.470	\$330
A9010.800	A4020.400	\$830
A5110.490	A5110.150	\$60
A5110.490	A5110.441	\$970
A5110.490	A5110.442	\$160
A5182.448	A5182.446	\$745
A7180.100	A7180.443	\$4,310
A8745.490	A8010.49	\$55
A8745.490	A8020.446	\$5,825
A8745.490	A8710.446	\$765
A9010.800	A9030.800	\$8,680
A9010.800	A9089	\$255
A9010.800	A9089.800	\$1,600

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, an increase to Quogue Plumbing and Heating purchase order 14487 (Park Fund) in the amount of \$557.65 for miscellaneous materials needed for beach bathroom renovation was approved.

Upon motion made by Peter Sartorius, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the appointment of Anthony D. Comito as probationary full-time police officer, effective September 15, 2015 is approved.

Upon motion made by Peter Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the Village of Quogue will sponsor Ronan Seltenreich to attend the upcoming Suffolk County Police Academy class.

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the regulations under the columns in §174-46 of the Village Code is amended by adding the following items in alphabetical order:

Name of Street	Side	Location
Montauk Highway	South	East from the intersection of Jessup Avenue for a distance of 353 feet
Montauk Highway	North/South	Entire length—within 10 feet of any driveway

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED, a Special Event Permit for use of the Village beach parking lot only on August 22, 2015 from 7 P.M. until 12 A.M. is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a Special Event Permit for a party to be held at the Village beach on September 5, 2015 from 6 P.M until 10 P.M. is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a Special Event Permit for a party to be held at the Village beach on August 29, 2015 from 6 P.M until 10:30 P.M. is approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED, a permit for St. Paul AME Zion Church to hold a bake sale on the Village Green on Saturday, September 5, 2015 from 10 A.M. until 5 P.M. is approved.

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the reimbursement of \$100.00 to Nan Rubin for refund of building permit application fee which was reviewed but not processed is approved.

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the highway department's 1995 Ford F-450 dump truck is declared as surplus and unneeded property. The minutes of bid opening held on August 13, 2015 are approved for the sale thereof to the high bidder shown in said minutes.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the utilization of the Highway Department Capital Reserve Fund for the purchase of a 2016 Ford F-350 XL Regular Cab 4x4 in the amount of \$49,523, subject to a permissive referendum, is approved.

Upon motion made by the Mayor, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the renewal adoption of the Suffolk County, NY Mutual Aid Plan is approved. (See Resolution attached)

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the renewal of the Maintenance Service Agreement with Arenz Heating & Air Conditioning for the heating and air conditioning equipment in Village Hall (2 gas boilers, 6 condensing units) at a cost of \$1,291.50 for the term of 09-01-15 through 02-29-16 is hereby approved.

Upon motion made by Peter Sartorius, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the renewal of street lighting maintenance contract with New York Trenchless, Inc. is approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the Mayor is authorized to execute a Service Agreement with Penflex, Inc. of Latham, NY for assistance in the establishment of a Service Award Program for the Quogue Fire Department for a total cost of \$4,450 to be funded from Clerk Miscellaneous A1325.490.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the bulkhead and walkway permit for 5 Old Point Road (tax map # 5-1-4) is approved.

The Mayor stated that the Village Municipal and Fire Department insurance policies have been renewed with Salerno Brokerage Corp.

Upon motion made by Peter Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED,

WHEREAS, in August 2015, Sergeant Edward A. Seltenreich is retiring as a member of the Quogue Village Police Department after more than 18 years of full-time service to the Department; and

WHEREAS, Ed Seltenreich was appointed a Quogue Police Officer in 1997 and rose to the rank of Sergeant in 2006; and

WHEREAS, Sergeant Seltenreich received seven awards from the Village attributable to his exemplary performance as a police officer and was credited with multiple actions that were directly responsible for saving the lives of Quogue citizens; and

WHEREAS, in numerous incidents Sergeant Seltenreich's skills as a firefighter, emergency medical technician and master electrical inspector enhanced his response to a police emergency ; and

WHEREAS, having suffered a serious injury to a shoulder while on duty on two different occasions, Sergeant Seltenreich underwent surgery each time and fought through rehabilitation to return to full duty in the fastest possible time; and

WHEREAS, Sergeant Seltenreich's sense of duty and commitment to the Village of Quogue contributed enormously to the safety, security and quality of life of its citizens;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Quogue expresses its deep appreciation to Edward A. Seltenreich for his exemplary service to the Village, wishes him a happy and healthy retirement from the police force and looks forward to a continuing relationship with him for many years to come.

APPROVED AND ADOPTED as of the 21st day of August, 2015 by the following vote:

AYES: Mayor Peter Sartorius
Trustee Randy Cardo
Trustee Jeanette Obser
Trustee Ted Necarsulmer
Trustee Kimberley Payne

Upon motion made by Peter Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the introduction of "Local Law No. ____ of 2015 adding Chapter 75 (Buildings and Structures, Unsafe) of the Village Code" and scheduling of a public hearing to be held on Friday, September 18, 2015 at 6:00 PM is hereby approved.

Local Law No. ____ of 2015

A Local Law Amending The Village Code With
Respect To Unsafe Buildings And Structures

Section 1. The Village Code is hereby amended by adding a new Chapter 75 to read as follows:

Chapter 75
Buildings And Structures, Unsafe

§75-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Structure – Anything constructed or erected on or under the ground or upon another structure or building. The term "structure" includes a building.

Unsafe structure – An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible. The term “unsafe structure” also includes a structure unfit for human occupancy.

Unsafe equipment – Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Structure unfit for human occupancy – A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by law, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

§75-2. Inspection and report.

A. When the Building Inspector has reason to believe that any building or structure may be an unsafe structure, the Building Inspector may take such steps as may be authorized or allowed by law for inspection of the building or structure.

B. When in the opinion of the Building Inspector any building or structure shall be deemed to be an unsafe structure, the Building Inspector shall file a report with the Board of Trustees containing his findings with respect to the condition of the structure and his recommendations with respect to removal or repair.

§75-3. Notice to repair or remove.

A. When in the opinion of the Board of Trustees, pursuant to the Building Inspector’s report, any building or structure shall be deemed to be an unsafe structure, the Board may by resolution direct the Building Inspector to give notice to be served on the owner or some one of the owner’s executors, legal representatives, agents, lessees or other persons having a vested or contingent interest in the same.

B. Such notice shall be served either personally or by registered or certified mail, addressed to the last known address, as shown by the most recent tax assessment roll and/or as shown by the records of the Village Clerk and/or in the office of the County Clerk. If service is made by registered or certified mail, a copy of such notice shall be posted on the premises.

C. Such notice shall contain the following:

- (1) A description of the premises.
- (2) A statement of the particulars in which the building or structure is unsafe.
- (3) An order requiring the building or structure to be repaired and secured or removed.

(4) A statement that the securing or removal of the building or structure shall commence within 10 days from the date of service of the notice and shall be completed within 30 days thereafter. The Building Inspector may extend the time of compliance specified in the notice where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Building Inspector may impose such conditions as he may deem appropriate.

(5) A statement that, in the event of the neglect or refusal of the person served to comply with the order contained in the notice, a hearing will be held before the Board of Trustees, notice of which and the time and place thereof to be specified in the notice referred to in this section.

(6) A statement that, in the event that the Board of Trustees, after the hearing, shall determine that the building or structure is unsafe, the Board of Trustees may order the building or structure to be repaired and secured or taken down and removed.

(7) A statement that, in the event that the Board of Trustees, after the hearing, shall determine that the building or structure is unsafe, and in the event of the neglect or refusal of the owner to repair and secure or remove the building or structure within the time provided, the Village may cause such building or structure to be repaired and secured or removed by whatever means it deems appropriate and assess all costs and expenses incurred by the Village in connection with the proceedings to repair and secure or remove, including the costs of actually repairing and securing or removing said building or structure, against the land on which said building or structure is located.

§75-4. Filing of notice.

Notice served pursuant to this chapter may also be filed in the office of the County Clerk. Such notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency, except as otherwise provided. Notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Village Attorney. The Clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

§75-5. Hearing and determination.

The Board of Trustees shall conduct the public hearing at the time and place specified in the notice to repair or remove. The Board may adjourn the hearing from time to time until the hearing is completed. After completion of the hearing, the Board shall determine whether the building or structure is unsafe, the Board may revoke, modify or affirm the order contained in the notice to repair or remove, and the Board may issue or direct the Building Inspector to issue such further order as the Board may determine to be appropriate.

§75-6. Costs and expenses.

A. All costs and expenses incurred by the Village in connection with the proceedings to repair and secure or demolish and remove any unsafe building or structure, including the costs and expenses of actually repairing and securing or demolishing and removing the unsafe building or structure, shall be charged against such property. A statement of such costs and expenses shall be filed with the Board of Trustees and shall be presented to the owner of such property by notice as hereinafter provided. Such notice may be served upon the owner of such property as shown on the most recent tax assessment roll by regular mail addressed to such owner at the address shown on the most recent tax assessment roll. Such notice may be served upon the last known owner of such property by regular mail addressed to such owner at the last known address. Such notice may also be served by certified mail or by personal service. Such notice may also be served by posting such notice in a conspicuous place on such property.

B. At the option of the Board of Trustees, such costs and expenses may be recovered and collected by either of the following methods:

(1) The Board of Trustees may commence a special proceeding pursuant to §78-b of the General Municipal Law to collect such costs and expenses, including reasonable and necessary legal expenses.

(2) The Board of Trustees may direct that such costs and expenses be assessed and levied against such property. In such event, the amount of such costs and expenses shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Village of Quogue.

§75-7. Prohibition and penalties for offenses.

A. All unsafe buildings and structures are hereby declared to be illegal and are prohibited. All unsafe buildings and structures shall be abated by repair and rehabilitation or by demolition and removal.

B. Each and every violation of this chapter shall constitute a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of a violation of this chapter shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.

C. Each and every person responsible for, causing, permitting, assisting in or failing or refusing to abate or correct any violation of this chapter shall be guilty of such violation.

§75-8. Other remedies.

A. Nothing in this chapter shall be construed as depriving the Village or the Building Inspector of any other available remedy relevant to a violation of this chapter.

B. The Board of Trustees, in its discretion, may elect to apply to the Supreme Court of the State of New York for an order directing that an unsafe building or structure be repaired and secured or demolished and removed.

§75-9. Severability.

The invalidity of any section, subsection or provision of this chapter shall not invalidate any other section, subsection or provision thereof.

Section 2. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

There was discussion, including questions from attendees and responses from the Mayor and trustees, regarding the proposed Jessup Avenue project.

With no other business to discuss and upon motion made by Peter Sartorius, seconded by Randy Cardo and unanimously carried, the meeting was adjourned at 7:15 PM.

Aimee Buhl, Village Clerk