

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, OCTOBER 16, 2015.

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

OTHERS PRESENT: Police Chief Robert Coughlan, Fire Chief Bruce Davidson, Building Inspector William Nowak, Amanda Bernocco of the Southampton Press, Frances Ryan, Dick Gardner and Ann E. Janis

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

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, the Minutes of Regular Meeting held on September 18, 2015 was approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, the Abstract of Audited Vouchers Schedule 10-15, \$221,734.10 and Treasurer's Report for the Month ending September 30, 2015 were approved.

\$ 189,920.46	Checking Account
\$ 8,406,864.48	Investments
<u>\$ 487,191.34</u>	<u>Capital Reserves</u>
\$ 9,083,976.18	Total General Fund 09/30/15

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

Burglar Billed: \$600; Burglar Collected: \$1,225
Fire Billed: \$350; Fire Collected: \$1,450

Chief Building Inspector Bill Nowak gave the September 2015 report for the Building Department. Fire Chief Bruce Davidson gave the September 2015 report for the Fire Department. Chief Robert Coughlan gave the September 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 refund of the Village's 2015/2016 taxes as a result of a court decision reducing Town of Southampton 2014/2015 assessment is approved:

<u>TM#</u>	<u>NAME</u>	<u>ORIG ASSMNT</u>	<u>REDUCED TO</u>	<u>REFUND DUE</u>
5-1-3	Seymour	1,032,800	800,000	\$493.65

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the proposal from Chip's Evergreen for the purchase and installation of arborvitae on Old Country Road by the Wildlife Refuge utilizing \$2,311 from the Jobson fund (T93J) is accepted.

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, an expenditure of Jobson funds in the amount not to exceed \$5,000 for planting of trees throughout the Village by Chip's Evergreen is approved. The trees were donated by Whitman's Nurseries.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the following budget transfers were approved:

A142042 Law Contractual Other to A1420440 Law Southampton Town Trustees \$5,000

A1990400 Special Items Contingent to A1620443 Buildings Improvements and Maintenance \$10,000

A3410450 Fire Department Physicals to A3410470 Fire Department Memorial Project \$300

A1990400 Special Items Contingent to A8020446 Planning/Engineer Contractual Services \$3,000

The Mayor reported that he had received a letter from the New York State Office of Parks, Recreation and Historic Preservation inviting him to comment on the proposed Quogue Historic District, which is scheduled to be considered by the New York State Board for Historic Preservation on December 3, 2015. After the discussion the Board authorized the Mayor to write a letter in support.

The minutes of the bid opening held on October 9, 2015 for the dump truck were approved. Alternate ways to sell the vehicle will be researched since no bids were received.

The Mayor discussed the proposed termination of the existing defined contribution service award program for members of the Quogue Fire Department (including Trustees Cardo, Necarsulmer and Payne) and adoption of a new defined benefit service award program and gave the background of the proposal, which was also detailed in the recent Quogue Village Voice.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, the attached Resolution Terminating the Current Defined Contribution Service Award Program and Establishing a Defined Benefit Service Award Program For Active Members of the Quogue Fire Department was adopted.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, the Village of Quogue Service Award Program Point System attached to the foregoing resolution was adopted.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the attached proposition to be submitted to the electors of the Village of Quogue Terminating the Existing Defined Contribution Service Award Program and Adopting a Defined Benefit Service Award Program For Active Volunteer Firefighter Members of the Quogue Fire Department was approved.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the following election inspectors for the referendum to be held on November 3, 2015 were appointed: Margaret Stevenson, Theresa Fontana, Frances Ryan, Richmond Gardner and Joan Scanlon.

Upon motion made by Jeanette Obser, and receiving aye votes from Ted Necarsulmer and Kimberley Payne and a nay vote from Randy Cardo, it was RESOLVED, the Quogue Village Code Section 174-42 is amended by adding in alphabetical order:

Stop Sign on	Direction of Travel	At Intersection of
Shinnecock Road*	North/South	Quaquanantuck Lane

The Mayor reopened the Public Hearing with respect to Local Law No. ___ of 2015, A Local Law Amending The Village Code With Respect To Unsafe Buildings And Structures. No written comments from the public were received since the last meeting, and the Mayor closed the public hearing. Upon motion made by Mayor Sartorius and unanimously carried, it was RESOLVED, that the Board of Trustees finds and determines that this proposed local law will not have an adverse impact on the environment, and it was RESOLVED, that “Local Law No. ___ of 2015 Amending The Village Code With Respect To Unsafe Buildings And Structures” is hereby enacted as Local Law No. 4 of 2015. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Sartorius:	Voting Aye
Trustee Payne:	Voting Aye
Trustee Necarsulmer:	Voting Aye
Trustee Cardo:	Voting Aye
Trustee Obser:	Voting Aye

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 Mayor 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 Mayor, pursuant to the Building Inspector's report, any building or structure shall be deemed to be an unsafe structure, the Mayor may 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 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. If service is made by certified mail, a copy of such notice shall be posted on the premises. Failure of a person actually to receive a notice properly sent shall not affect the validity thereof.

C. Such notice shall contain the following:

- (1) The physical address or other 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 60 days from the date 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 or in a subsequent notice given in the same manner.

(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.

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The Mayor asked the audience for any questions or comments. Frances Ryan asked for an explanation of the auction sign at the Weathervane. The Mayor stated that he was told by the auction company that there was a dissolution of partnership of the current owners. The auction will be held at an auction house and run by the auction company. Trustee Necarsulmer stated that the auction was not an absolute auction.

Ann Janis asked why Quogue was not participating in Breast Cancer Awareness month. Mayor Sartorius stated that a ribbon is displayed at Village Hall. The Village has a consistent policy to keep rights of ways free of signs and ribbons, which he had explained to the committee organizers.

With no other business to discuss and upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, the meeting was adjourned at 6:30 PM.

Aimee Buhl, Village Clerk