

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, JANUARY 15, 2016.

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

OTHERS PRESENT: Police Chief Robert Coughlan, Building Inspector William Nowak, Fire Chiefs John Sipala and Chris Osborne, Amanda Bernocco of the Southampton Press, Larry Hoffman, Lee Wadelton, Wyck Coddington, Betsy Rowe, Katrina Hering, Dick Gardner, Meredith Murray, Nancy Mullan, Frances Ryan and Bill Berrien.

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

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, the Minutes of Regular Meeting held on December 18, 2015 were approved.

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried, the Abstract of Audited Vouchers Schedule 01-16, \$188,521.37 and Treasurer's Report for the Month ending December 31, 2015 were approved.

\$ 36,238.27	Checking Account
\$ 469,541.24	Capital Reserves
<u>\$ 6,630,583.90</u>	Investments
\$ 7,136,363.41	Total General Fund 12/31/15

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

Burglar Billed: \$1,600; Burglar Collected: \$1,300
Fire Billed: \$450; Fire Collected: \$250

Police Chief Robert Coughlan gave the December 2015 report for the Police Department.
Building Inspector William Nowak gave the Building Department report for December 2015.
Fire Chief John Sipala gave the December 2015 report for the Fire Department.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the General Village Election of the Village of Quogue, New York will be held on Friday, June 17, 2016. The polling place for the 2016 General Village Election shall be at the Quogue Firehouse, Jessup Avenue, Quogue, New York. The polls shall open at 12:00 noon and close at 9:00 p.m. prevailing time and the offices to be filled at said General Village Election and the terms thereof are as follows:

Mayor – one (1) for the term of two (2) years
Trustees – two (2) for the term of two (2) years

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the certified amount of unpaid Village taxes for the fiscal year 2015-2016 submitted by the Treasurer of the Village of Quogue, and as provided in Section 1454 of the Real Property Tax Law of the State of New York, has been compared with the original tax roll and

has been found to be correct and the amount of unpaid taxes is \$49,860.59 (see listing attached) and further to approve that the unpaid village taxes for such fiscal year will be sold by Public Tax Sale at which sale certificates of tax liens for such unpaid taxes shall be properly sold with interest and advertising fee (\$25); such tax sale shall be held in the manner provided by law, at 9:15 A.M. on Tuesday, March 15, 2016 and notices of such tax sale to be published in the Southampton Press-Western Edition for three (3) consecutive weeks in issues dated 02/25/16; 03/3/16 and 03/10/16 in accordance with statutory law.

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, an increase to purchase order 4497 Chip's Evergreen in the amount of \$311.50, utilizing T93J (Jobson Account), for additional fees was approved.

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

A1990400 Special Items/Contingent to A1910400 Special Items /Unallocated Ins. \$500
A341023 Fire Dept Equipment to A3410443 Fire Dept Building Maintenance \$2,000
A3120411C Police Special Equip to A3120130A Police Jail Attendants \$1,000
A9089810 Compensated Absences to A5110190 Highway Compensated Absences \$1,473.84
A9089810 Compensated Absences to A1325190 Clerk-Treasurer Compensated Absences \$6,204.29
A9089810 Compensated Absences to A3120190 Police Compensated Absences \$14,594.81
Reserve For Compensated Absences to A3120190 Police Compensated Absences \$7,678.31

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, an increase in the amount of \$5,140 from revenue code A2680 (Insurance Recovery) to A3120443 (Police Improvements Building Maintenance) for damage to generator as a result of a lightning strike was approved.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, an increase in the amount of \$1,323.70 from revenue code A2680 (Insurance Recovery) to A3410443 (Fire Department Improvements & Maintenance) for damage to generator as a result of a lightning strike was approved.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, an increase in the amount of \$2,821.82 from revenue code A2680 (Insurance Recovery) to A3120441 (Police Service Vehicles Labor) for damage to police vehicle was approved.

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, an increase to the 2015-2016 budget to fund the sand fencing installed by First Coastal Corporation in the amount of \$17,072.51 utilizing revenue code A2770 (Unclassified Revenues) and appropriation code A8745400 (Erosion Control- Contractual Services) was approved.

Upon motion made by Mayor Sartorius, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the request made by 52 Quogue Street LLC to add three or four additional

hedges to complete a privacy hedge and to remove the brick walkway and replace with grass was granted.

Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, Section 174-13 (Truck Route System) of the Quogue Village Code was amended as follows:

(1) By adding in each of paragraphs B and C after the word “property” the following: “or provision of services, such as (but not limited to) landscaping or pool maintenance,” and

(2) By adding at the end of the section a new paragraph D to read in its entirety as follows:

D. All commercial vehicles are prohibited from using Scrub Oak Road, except that this this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property or provision of services, such as (but not limited to) landscaping or pool maintenance, along Scrub Oak Road.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, Section 174-44 Schedule X: Truck Route System of the Quogue Village Code was amended by deleting the existing table in its entirety and replacing it with the following new table:

Name of Street	Location
Dune Road	Entire length in Village
Jessup Avenue	Between Montauk Highway and Quogue Street
Montauk Highway	Entire length in Village
Old Country Road	Entire length in Village
Post Lane	Entire length in Village
Quogue-Riverhead Road (Route 104)	Entire length in Village
Quogue Street	Entire length in Village
South Country Road	Entire length in Village

The Mayor opened the Public Hearing with respect to Local Law No. of 2016, A Local Law Amending Chapters 149 (Seasonal Rentals) and 196 (Zoning) of the Village Code in relation to short-term and partial rentals. Mayor Sartorius explained the proposed local law which clarifies the prohibition of renting less than all of a house and defined the term “transient rental property.” Comments were made by Larry Hoffman, Meredith Murray and Nancy Mullan. The Mayor

closed the public hearing for further review. The Hearing will remain open for written comments until the February meeting.

Local Law No. of 2016

A Local Law Amending Chapters 149 (Seasonal Rentals) and 196 (Zoning) of the Village Code in relation to short-term and partial rentals

Section 1. The Board of Trustees hereby finds and determines that in order to maintain the character of the Village of Quogue primarily as a quiet family-oriented village and to better secure and promote the public health, comfort, safety, welfare and prosperity of the Village of Quogue and its inhabitants, there should be imposed additional standards pertaining to rentals of one-family dwellings.

Section 2. Section 149-3 (License Required) is hereby amended by adding the following sentence at the end thereof: “For avoidance of doubt, a lease of a one-family dwelling for a period of less than 14 consecutive days is prohibited in the Village of Quogue by Section 196-16L of the Quogue Village Code, and a Transient Rental Property, as defined in Section 196-2B of the Quogue Village Code, may not be licensed as a seasonal rental.”

Section 3. Section 149-12 (Prohibitions; Restrictions) is hereby amended by deleting the existing provisions of paragraphs C and D thereof and amending them so that they read in their entirety as follows:

C. No owner or other person shall permit a one-family dwelling that is a seasonal rental to be occupied by any person in such a manner that the property involved constitutes a Transient Rental Property.

D. If a one-family dwelling is utilized as a seasonal rental, the entire dwelling must be rented and occupied for such purpose. As provided in Section 196-16M of the Quogue Village Code, rental to and the use and occupancy by a person of less than all of a one-family dwelling is prohibited.

Section 4. Section 196-2B (Definitions) of the Quogue Village Code is hereby amended by adding the following definition in alphabetical order:

Transient Rental Property

A one-family dwelling that is or may be occupied as a residence by any person for a period of less than 14 consecutive days for which rent or other compensation is paid or payable directly or indirectly to the owner or any other person. The presence of either of the following shall create a rebuttable presumption that the dwelling is being used as a Transient Rental Property: (1) the dwelling is offered for lease or other occupancy on a website or other electronic medium that features short-term rentals or other occupancy without specifying a minimum term of at least 14 consecutive days or (2) the dwelling is

offered for lease or other occupancy in any medium for a period of less than 14 consecutive days.

Section 5. Section 196-16 (Uses Restricted) of the Quogue Village Code is hereby amended by adding the following two subparagraphs at the end thereof:

L. A Transient Rental Property.

M. If a one-family dwelling is rented, the entire dwelling must be rented and occupied for such purpose. Rental to and the use and occupancy by a person of less than all of a one-family dwelling is prohibited.

Section 6. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

* * *

Upon motion made by Peter Sartorius, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the introduction of “Local Law No. ____ of 2016 Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law §3-c” and scheduling of a public hearing to be held on Friday, February 19, 2016 at 4:00 PM. were approved.

Local Law No. ____ of 2016

A Local Law Authorizing A Property
Tax Levy In Excess Of The Limit Established
In General Municipal Law §3-c

Section 1. Legislative Intent.

It is the intent of this local law to allow the Village of Quogue to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override.

The Board of Trustees of the Village of Quogue is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Repeal.

If the Board of Trustees of the Village of Quogue adopts a budget for the fiscal year commencing June 1, 2016 that does not require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c (to wit, if the authorization contained in Section 3 of this local law is not utilized), this local law may be repealed by resolution of the Village Board of Trustees (to wit, without a public hearing and without any further local law).

Section 5. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date.

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 thanked Village Historian Frances Ryan for completing and submitting the Village history for 2014 and complimented her work.

Katrina Hering asked the Board why it was necessary to raise taxes at this time. Mayor Sartorius answered that the tax rate has not been set yet and that the proposed local law needs to be adopted in the event the tax rate does pierce the cap.

With no other business to discuss and upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, the meeting was adjourned at 4:50 PM.

Aimee Buhl, Village Clerk