

MINUTES FOR THE REGULAR MEETING HELD BY THE BOARD OF TRUSTEES ON FRIDAY, OCTOBER 16, 2020 AT 4:00 P.M.

Via ZOOM

PRESENT: Mayor Peter Sartorius, Trustees Randy Cardo, Kimberley Payne, Ted Necarsulmer and Robert Treuhold, Village Attorney Wayne Bruyn and Village Clerk Aimee Buhl

OTHERS PRESENT: Police Chief Chris Isola, Fire Chief Ben Hubbard, Building Inspector William Nowak, Lynn Joyce, Ruth Holzer, Holland Cunningham, Eileen Duffy, Gus Kelly, Barry Altman, Frances Beatty and Alan Adler

The Mayor recited the Pledge of Allegiance.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, the Minutes of Regular Meeting held on September 18, 2020 are approved.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, the Abstract of Audited Vouchers Schedule 10-20, \$221,077.64 and Treasurer's Report for the Month ending September 30, 2020 are approved.

\$ 928,556.56	Checking Account
\$11,015,870.49	Investments
<u>\$ 1,057,127.41</u>	<u>Capital Reserves</u>
\$13,001,554.46	Total General Fund 9/30/20

The Clerk gave the report for September 2020 False Burglar and Fire Alarms:

Burglar Billed: \$550; Burglar Collected: \$250

Fire Billed: \$1,800; Fire Collected: \$450

Fire Chief Ben Hubbard gave the September 2020 report for the Fire Department. Chief Building Inspector William Nowak gave the September 2020 report for the Building Department. Police Chief Chris Isola gave the September 2020 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 2020/2021 taxes as a result of court decision reducing Town of Southampton 2019/2020 assessment as follows:

<u>TM#</u>	<u>NAME</u>	<u>ORIG ASSMNT</u>	<u>REDUCED TO</u>	<u>REFUND DUE</u>
9-3-7	Sperber	\$1,364,000	\$1,200,000	\$296.32
16-2-16	McMillen	\$2,400,500	\$2,267,000	\$241.21

Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, a refund in the amount of \$230.48 to the Patricia R. Demming 2008 Rev Trust for overpayment of 2020-2021 Village taxes is approved.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a transfer from A1900400 Special Items/Contingent to A1620443 Buildings Improvements & Maintenance in the amount of \$24,500 is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a transfer from A1900400 Special Items Contingent to A8160000 Sanitation in the amount of \$5,000 is approved.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, a transfer from fund balance to A7180100 Beach Personal Services in the amount of \$40,271.07 is approved. This is due to additional safety protocol.

Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, a maintenance and service agreement with Fitness Showrooms for the period of November 2020 to November 2021 for one visit for the cleaning, lubrication and adjustments to all exercise units in the Village gym at cost of \$995 to be funded one half through the Tift Fund T93PD (\$497.50) & one half through Tift Fund T93FD (\$497.50) is approved.

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the following purchase orders are increased:

16217 Cleanco	\$32.45
16222 South Fork Asphalt	\$10,781.42
16226 Sea Level Mapping	\$290

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, Michelle Bertorello is reappointed to the position of Part Time Clerk at a rate of \$19 per hour.

Upon motion made by Mayor Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, Chad Lynch is appointed to the position of Maintenance Specialist at a salary of \$48,000 per year. Chad currently holds the part time position of Houseman at the fire department.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the terminal leave for Ethan Theune commencing November 1, 2020 per section 8 of the Memorandum of Agreement dated April 29, 2019 between the Village and the PBA is authorized. Chief Isola said the department will hold the traditional walkout on July 21, 2021 at Police Officer Theune's request.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, Scott Hickerson is authorized to be hired as a police officer on or about November 1, 2020.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, Robert J. Gerstacker is appointed to the position of Part Time Police Officer at a rate of \$25 per hour, pending a background investigation.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, the Mayor is authorized to sign a letter of agreement with the PBA extending the Relief Officer position created by the Memorandum of Agreement dated April 29, 2019.

Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, unionized employees of the Village of Quogue shall contribute to the healthcare insurance (currently the NYSHIP Empire Plan) premiums as provided in the respective collective bargaining agreements applicable to such employees, non-union, full time employees hired after June 1, 2018 (other than in positions subject to election) shall contribute to healthcare insurance premiums on the same basis as set forth in the collective bargaining agreement relating to the highway department employees, and persons holding elected positions who commenced holding such positions after June 1, 2018 shall contribute 15% of the premiums

Regarding agenda item to approve a permit to install a grade wood walkway surround of a boat slip at 127 Dune Road (902-15-1-16): Mayor Sartorius stated that this did not require Board of Trustees approval and that Building Inspector Bill Nowak can review and approve the application.

Mayor Sartorius stated that a public hearing is necessary in order to amend the covenants and restrictions associated with 52 Quogue Street. He also stated that in paragraph 3 of the proposed Amendment No. 1 to Declaration of Covenants and Restricts, the square footage would need to be changed from 4,000 square feet to 4,700 square feet, which would include the attached garage. The applicant, Barry Altman, agreed.

Mayor Sartorius opened the Public Hearing on the proposed Amendment No. 1 to Declaration of Covenants and Restrictions pertaining to 52 Quogue Street (see attached). Frances Beatty inquired why some of the previous neighbors were listed on the survey. Attorney Gus Kelly stated that land surveyors do not typically do a title search, and will list previous property owners. Ms. Beatty also inquired why neighbors did not receive a notice of the public hearing. Mayor Sartorius stated that a separate notice is not required and that it was scheduled at the last Board of Trustees meeting. Holland Cunningham stated the some of the plantings have died and she is concerned about the buffer and privacy. Mayor Sartorius said that there is a gap in the planting and that area will be enhanced. He also stated that the owner of the property is not required to do more planting than what was approved in 2011. Randy Cardo asked the neighbors if they objected to the proposal of one house rather than two. He stated that the proposed house will not be any higher than the original two houses and will not be any closer to the property line. Frances Beatty stated that she hopes the plantings will be enhanced. The 2011 plan will be reviewed and any plants that have died will be replaced. The Mayor closed the Public Hearing. Upon motion made by Mayor Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the Amendment No. 1 Declaration of Covenant and Restrictions (with the change of 4,000 square feet to 4,700 square feet in maximum gross floor area) pertaining to 52 Quogue Street is approved upon the signature of Barry Altman.

Upon motion made by Mayor Sartorius and unanimously carried, the plans of the house as submitted, is approved by the Board of Trustees, subject to approval by the DRB.

With no other business to discuss and upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, the meeting was adjourned at 5 P.M.

Eileen Duffy asked for clarification regarding the gym. Mayor Sartorius stated that the gym, located behind the police department is used by the members of the Police and Fire Departments. Equipment has been donated or purchased (utilizing the Tift Fund).

Frances Beatty thanked the Mayor and Board for their service.

Aimee Buhl, Village Clerk

AMENDMENT NO. 1 TO DECLARATION OF COVENANTS AND RESTRICTIONS

THIS AMENDMENT NO. 1 ("Amendment") made the day of , 2020 by 52 Quogue, LLC, a Colorado limited liability company, having an address of PO Box 916, Quogue, NY 11959 (hereafter called the "Declarant").

WITNESSETH:

WHEREAS, The Declarant is the sole owner of certain real property (the "Property") situate in the Village of Quogue, Town of Southampton, County of Suffolk, State of New York, identified as Quogue Street Condominium, SCTM No. District 0902 Section 008.01 Block 1 Lot 12.1 and Section 008.02 Block 01.00 Lots 1, 2, 3, 4, 5 and recorded as set forth in a Declaration of Condominium executed by the prior owner of the Property and recorded in the Office of the Suffolk County Clerk at Liber D00012795, Page 700, and

WHEREAS, the Board of Trustees of the Village of Quogue granted special exception use approval on May 28, 2010 for development of the Property, subject to certain conditions set forth therein, and

WHEREAS, such special exception use approval required that the conditions set forth therein be imposed on the Property as covenants and restrictions and be recorded in the Suffolk County Clerk's Office prior to issuance of a building permit, and a Declaration of Covenants and Restrictions (the "Original Declaration") executed by the prior owner of the Property was recorded in the Office of the Clerk of Suffolk County at Liber D0001210, P196, and

WHEREAS, Declarant has advised the Board of Trustees of the Village of Quogue that it wishes to combine lots 4 and 5 of Quogue Street Condominium into a single lot (the "Combined Lot"), and the Board of Trustees has approved such combination subject to execution delivery of this Amendment, and WHEREAS, the Board of Trustees has approved this Amendment following a public hearing, and WHEREAS, The Declarant has considered the foregoing and has determined that same will be in the best interest of the Declarant and subsequent owners of the Property.

NOW, THEREFORE,

The Declarant for the purpose of carrying out the intentions above expressed, does hereby amend and modify the Original Declaration as follows:

1. The above-referenced special exception use approval shall hereafter authorize four, rather than five, one-family detached dwellings on the Subject Parcel.
2. The one-family dwelling and other improvements to be constructed as the Combined Parcel shall be as set forth on the "Site Plan (prepared Michael Mapes P.E. and Fox Land Surveying) for 52 Quogue Street 'Proposed Structures'" last revised on January 31, 2020 (the "Combined Lot Site Plan").
3. The maximum gross floor area (as defined in section 196-49C of the Quogue Village Code) of the one-family dwelling to be constructed in the Combined Lot shall be not more than 4,700 square feet. The design of such one-family dwelling and each accessory structure shall be subject to further approval by the Board of Trustees
4. The accessory uses and structures authorized to be placed on the Combined Lot shall be only those shown on the Combined Lot Site Plan. Such accessory uses and structures shall be located as depicted on the Combined Lot Site Plan.
5. Capitalized terms used but not defined herein shall have the meaning set forth in the Original Declaration.

6. Except as amended hereby, the covenants and restrictions contained in the Original Declaration shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant above named has executed the foregoing Amendment as of the day and year first above written.

52 Quogue, LLC

BY: _____

Barry Altman, Manager

STATE OF NEW YORK)

) ss:

COUNTY OF SUFFOLK)

On the day of , 2020, before me, the undersigned, personally appeared Barry Altman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is described to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC