AGENDA FOR REGULAR MEETING OF BOARD OF TRUSTEES, HELD ON FRIDAY, MAY 21, 2021 AT 4:00 P.M.

PRESENT:

OTHERS PRESENT:

The Pledge of Allegiance.

Approval of Minutes of Regular Meeting held on April 16, 2021 and Special Meeting held on May 7, 2021.

Motion By: Seconded:

Approval of Abstract of Audited Vouchers Schedule 05-21, $239,746.16 and Treasurer's Report for the Month ending April 30, 2021:

$ 175,980.96	Checking Account
$7,575,182.73	Investments
$1,006,683.44	Capital Reserve
$8,757,847.13	Total General Fund 4/30/21

Motion By: Seconded:

Clerk's report for April 2021 Burglar and Fire Alarms:
Burglar Billed: $50; Burglar Collected: $0
Fire Billed: $300; Fire Collected: $150

Departmental Monthly Reports:
Fire Department
Building Department
Police Department

Proposed decision of the Board of Trustees in regard to the petition of the Quogue Club, LLC to the Board of Trustees to modify the declaration relating to a stipulation of settlement dated February 10, 1981 to eliminate the restriction on providing an outdoor dining area at 47 Quogue Street.

Motion By: Seconded:

Resolution to approve the scheduling of a special meeting of the Board of Trustees to be held on Friday, May 28, 2021 at 4:00 P.M.

Motion By: Seconded:

Resolution to approve Ethan Theune's date of retirement from the position of Police Officer, effective June 2, 2021.

Motion By: Seconded:

Resolution to appoint Tim Henderson to the position of lifeguard for the 2021 summer season at a rate of $24.50 per hour.

Motion By: Seconded:

Resolution to approve the following transfers:

From A1621422 Gym/Heat to A1621443 Improvements & Maintenance in the amount of $25
From A1990400 Special Items/Contingent Acct to A8160000 Sanitation/Refuse Removal in the amount of $250
From A1325416 Clerk-Treasurer/Equipment to A1325423Clerk-Treasurer/Telephone in the amount of $10
From A8710000 Conservation to A8710446 Stormwater Mgmt Consulting in the amount of $7,600
From A3410425 to FD Gas/Diesel to A3410422 in the amount of FD/Heat $10
From A7180421 Beach/Light & Water to A7180423 Beach/Telephone in the amount of $75
From A7180421 Beach/Light & Water to A7180443 Beach/Improvements & Maintenance in the amount of $1000
From A1620422 Bldgs/Heat to A1620421 Bldgs/Light & Water in the amount of $1,000
From A312022A Special Equipment Other to A3120450 Police/Maintenance Contracts in the amount of $2000
From A312022A Special Equipment Other to A3120411A Police/Supplies & Uniforms in the amount of $1,000
From A312022A Special Equipment Other to A3120423 Police/Telephone in the amount of $1,000

Motion By: Seconded:

Resolution to approve the following purchase order increases:

16164	East Island Asphalt Corp	$160.32
16309	Northern Safety & Industrial	$108.69
16412	Otis Ford, Inc.	$77.29
16421	Chip's Evergreen	$492.00
16447	Chesterfield Associates Inc	$500.00
16449	Newman Traffic Signs	$293.11
16485	Suffolk Computer Consultants	$45.99

Motion By: Seconded:

Resolution to approve the following expenditures utilizing the Jobson account:
Seatuck Nurseries Corp in the amount of $1,385 for landscaping at 121 Jessup Avenue
Peat & Son Corp. in the amount of $373 for landscaping at 121 Jessup Avenue
Aspatuck Gardens Inc in the amount of $218.79 for village plantings

Motion By: Seconded:

Resolution to authorize the Mayor to execute a 2021 Cooperative Agreement for Shared Computer Compatibility from date of execution to December 31, 2021.

Motion By: Seconded:

Resolution authorizing the Mayor to execute the engagement letter of Satty, Levine & Ciacco., CPA's, P.C. for the audit of the Village's financial statements for the year ended May 31, 2021.

Motion By: Seconded:

Resolution authorizing the Mayor to execute the engagement letter of Satty, Levine & Ciacco., CPA's, P.C. for the audit of the Justice Court's financial statements for the year ended May 31, 2021.

Motion By: Seconded:

Resolution authorizing the Mayor to execute an agreement for professional services related to permitting for a boat ramp reconstruction at the dock on Quogo Neck Lane.

Motion By: Seconded:

Resolution authorizing the Mayor to sign and execute an agreement with Sound Actuarial Consulting for the preparation of a GASB 75 analysis for the 2020-2021 fiscal year.
Motion By: Seconded:

Resolution to authorize the Mayor to sign and execute the Johnson Electrical Construction Corp. Traffic Signal Maintenance Contract for the term June 1, 2021 to May 31, 2022.
Motion By: Seconded:

Resolution authorizing the Mayor to sign and execute a contract with D&B Engineers and Architects for assistance with responding to the United States Environmental Protection Agency (USEPA) Municipal Separate Storm Sewer System (MS4) Records Request.
Motion By: Seconded:

Resolution to approve the minutes of the bid openings in accordance with RFP for services for the 2021 -2022 fiscal year.
Motion By: Seconded:

Resolution to accept the proposal of Anacarolina Schaffauer for Office Cleaning Services, June 1, 2021 through May 31, 2022.
Motion By: Seconded:

Resolution to accept the proposal of Mulco Plumbing for Plumbing Services, June 1, 2021 through May 31, 2022.
Motion By: Seconded:

Resolution to accept the proposal of Sullivan Electric for Electric Services, June 1, 2021 through May 31, 2022.
Motion By: Seconded:

Resolution to approve a refund of $120 to David Mastrocola for the overpayment of a beach sticker.
Motion By: Seconded:

Resolution to open a new account with Signature Bank for the deposits of online tax payments.
Motion By: Seconded:

Resolution to approve a Special Event Permit for a party to be held at the Village Beach on June 18, 2021 from 6 PM until 9 PM.
Motion By: Seconded:

Resolution to approve a Special Event Permit for use of the Village Beach for Quogue School's Beach Day on June 22, 2021 from 10 AM until 2 PM.
Motion By: Seconded:

Resolution to approve a Special Event Permit for a party to be held at the Village Beach on July 17, 2021 (rain date July 24, 2021) from 6 PM until 9 PM.
Motion By: Seconded:

Resolution to approve a Special Event Permit for a party to be held at the Village Beach on August 20, 2021 from 6 PM until 9 PM.
Motion By: Seconded:

Resolution to approve a Special Event Permit for use of the parking lot only at the Village Beach on August 21, 2021.

Motion By: Seconded:

Resolution to approve a modification of a trustee dock permit, 2020-0003, 27 Bay Road (902-6-1-16) to allow for a 16-foot extension.

Motion By: Seconded:

Resolution to approve a permit for stone placement and fill at 4 Old Oak Lane (902-6-1-7.7) to control erosion.

Motion By: Seconded:

Resolution to approve a modification of the equipment of T-Mobile at the telecommunications tower at 40 Old Country Road (902-1-1-20.10) (installation of a generator).

Motion By: Seconded:

Resolution to introduce "Local Law No. ____ of 2021 A Local Law Amending Chapter 111 (Noise) of The Village Code In Relation to Hours of Operation for Gas Powered Leaf Blowers and schedule a public hearing to be held on Friday, June 18, 2021 at 4:00 PM.
See attached.

Motion By: Seconded:

Resolution to introduce "Local Law No. ____ of 2021 Amending Chapter 123 (Peace and Good Order), Article VI (Lighting) of the Village Code and schedule a public hearing to be held on Friday, June 18, 2021 at 4:00 PM.
See attached.

Motion By: Seconded:

Resolution to introduce "Local Law No. ____ of 2021 A Local Law Adding a New Chapter 114 (Non-Smoking Areas) to the Village Code and schedule a public hearing to be held on Friday, June 18, 2021 at 4:00 PM.
See attached.

Motion By: Seconded:

Resolution to introduce "Local Law No. ____ of 2021 A Local Law Amending Chapter 105 (Home Improvement Contractors) of The Village Code and schedule a public hearing to be held on Friday, June 18, 2021 at 4:00 PM.
See attached.

Motion By: Seconded:

Discussion of proposed notice to bidders regarding Jessup Avenue Reconstruction Project.
See attached.

Discussion of special exception request from Homeslice Pizza (10 Quogue Plaza Trail).

Meeting Adjourned: ____PM

_____
Aimee Buhl, Village Clerk

Local Law No. of 2021

A Local Law Amending Chapter 111
(Noise) of The Village Code
In Relation to Hours of Operation for
Gas Powered Leaf Blowers

Section 1. The Board of Trustees hereby finds and determines that the permissible hours of operation of gas-powered leaf blowers should be reduced, and the use of loud gas-powered leaf blowers should be restricted in certain months when their power is needed, in order to better secure and promote the comfort, welfare, prosperity and the peace and quiet of the Village of Quogue and its inhabitants.

Section 2. Section 111-4 (Violating Acts) is hereby amended by adding the following underlined sentences at the end of Paragraph O (Landscaping):

> Landscaping. The use or operation, on a Sunday or a holiday and other than between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 7:00 a.m. and 4:00 p.m. on Saturday, of any engine- or motor-powered lawn-care equipment, leaf blower, lawn mower or trimmer by any person other than a homeowner on his own property or the use or operation, other than between the hours of 7:00 a.m. and 7:00 p.m. on any day, of any engine- or motor-powered lawn-care equipment, leaf blower, lawn mower or trimmer by a homeowner on his own property. **Notwithstanding the foregoing, engine- or motor-powered leaf blowers that use gasoline as fuel ("GPLBs") shall not be used or operated on any Sunday or holiday, on any Saturday between May 15 and October 15 or before 8:00 a.m. or after 4:00 p.m. on any other Saturday, or before 8:00 a.m. or after 5:00 p.m. on any Monday through Friday. Commencing on May 15, 2022, all GPLBs used between May 15 and October 15 must have a rated sound level not exceeding 65dB(A) (and bear a sticker affixed to the device so stating) and in fact operate at that level.**

Section 3. This local law shall become effective on July 1, 2021 or upon the filing thereof with the Secretary of State of the State of New York, whichever is later.

Local Law No. of 2021

A Local Law Amending Chapter 123 (Peace and Good Order),
Article VI (Lighting) of the Village Code

Section 1. The Board of Trustees hereby finds and determines that nuisance lighting should be better defined and that nonessential overnight lighting should be prohibited in order to better secure and promote the public health, comfort, convenience, safety, welfare, prosperity and the peace and quiet of the Village of Quogue and its inhabitants.

Section 2. Section 123-14 (Operation as a nuisance prohibited) is hereby amended by changing the title thereof to "(Certain Lighting Prohibited)" and by changing the text thereof so that it reads in its entirety as follows:

§ 123-14 (Certain Lighting Prohibited)

A. If the Village Ordinance Enforcement Officer determines that nuisance lighting exists on a property, he or she shall notify the property owner that lighting on the property shall comply with either (1) or (2) below.

(1) To the extent that the abatement of nuisance lighting will require re-aiming a fixture or re-lamping to reduce lumen output, such lighting shall be re-aimed and/or re-lamped so that it ceases to be nuisance lighting.

(2) To the extent that the abatement of nuisance lighting will require removing, replacing, shielding, retrofitting, or relocating a fixture, such lighting shall be removed, replaced, shielded, retrofitted, or relocated so that It ceases to be nuisance lighting.

B. For purposes of the foregoing, the following definitions shall apply:

Glare
A visual effect produced when a light source within the field of view is brighter than the level to which the eyes are adapted. Glare may cause annoyance, discomfort, loss of visual acuity, or momentary blindness.

Light Trespass

Light projected from a light source on a property onto another property or onto a road.

Nuisance Lighting

Any lighting that creates a potential hazard to the public by reason of its positioning or brightness or light trespass or glare to a neighboring property or properties that would cause a material loss of enjoyment, comfort, or repose to a reasonable person on such a neighboring property.

C. Essential outdoor lighting that is minimalist in nature and reasonably sufficient in the judgment of the Ordinance Enforcement Officer for security purposes may be in operation continuously from midnight until dawn. All other outdoor lighting shall not remain on continuously from midnight until dawn.

Section 3. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

Local Law No. of 2021

A Local Law Adding a New Chapter 114
(Non-Smoking Areas) to the Village Code

Section 1. Because second-hand smoke generated by the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or cannabis or cannabinoid hemp and the discharge caused by vaping with an electronic cigarette can be annoying to others in the vicinity and potentially hazardous to their health, the Board of Trustees hereby finds and determines that a prohibition on smoking in certain public areas owned by the Village of Quogue is necessary and appropriate for the health and welfare of the inhabitants of the Village, and such a prohibition is authorized by Section 1399-r(3) of the New York Public Health Law.

Section 2. The Village Code is hereby amended by adding a new Chapter 114 (Non-Smoking Areas) to read in its entirety as follows:

CHAPTER 114

NON-SMOKING AREAS

§ 114-1. **Definitions.**

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

“Cannabinoid hemp” means any hemp and any product processed or derived from hemp that is used for human consumption.

"Cannabis” means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

"Electronic cigarette" or "e-cigarette" means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.

“Smoking” means the burning of a lighted cigar, cigarette, pipe or any other matter or substance that contains tobacco or cannabis or cannabinoid hemp.

“Vaping” means the use of an electronic cigarette.

“Village” means the Incorporated Village of Quogue.

§ 114-2. **Smoking and Vaping Prohibited in certain Village-owned and controlled areas.**

Smoking and Vaping by any person shall be prohibited in the following Village-owned and controlled areas:

A. Village-owned properties and sidewalks bordering on the west side of Jessup Avenue from and including the Quogue Village Police Department at 115 Jessup Avenue and extending in a southerly direction to the southern border of the Village Green adjacent to 44 Quogue Street,
B. The sidewalk on the east side of Jessup Avenue between Midland Street and Quogue Street,
C. The sidewalk on the north side of Quogue Street from 44 Quogue Street to 52 Quogue Street,
D. The sidewalk on the southerly side of Midland Street,
E. The pond property on the northeast corner of Jessup Avenue and Midland Street and the adjacent property at 114 Jessup Avenue,
F. The Quogue Wildlife Refuge, the entrance of which is at 5 Old Country Road,
G. The Quogue Village Dock Recreational Area, located at the southern end of Quogo Neck Lane,
H. The Quogue Village Beach, located at 170 and 172 Dune Road, and
I. The boardwalk located on the northerly side of Dune Road approximately opposite number 194 Dune Road.

§ 114-3. **Penalties for offenses**.

Any person Smoking or Vaping at any place where it is prohibited by this Chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine of $100 for the first offense under this Chapter and not exceeding $500 for the second and each subsequent offense.

Section 3. The provisions of this local law are intended to supplement but not to modify or impair in any manner the provisions of Article 13E of the New York Public Health Law

Section 4. The appropriate Village departments shall prominently post and maintain the signage required by Section 1399-p (1) of the New York Public Health Law.

Section 5. This local law shall take effect upon filing with the Secretary of State.

Local Law No. of 2021

A Local Law Amending Chapter 105
(Home Improvement Contractors) of the Village Code

Section 1. The Board of Trustees hereby finds and determines that the definition of "Home Improvement" in Section 105-1 of the Village Code should be modified in order to conform it more closely to the definition thereof in Chapter 143 (Licensing of Home Improvement Contractors) of the Southampton Town Code.

Section 2. Section 105-1 (Definitions) of the Village Code is hereby amended by deleting in paragraph A the parenthetical phrase "(using construction materials only)" after the word "landscaping."

Section 3. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

NOTICE TO BIDDERS

Sealed proposals for the following contract for the Incorporated Village of Quogue, Suffolk County, New York, will be received by the Village Clerk at the Village Hall, 7 Village Lane, Quogue, New York, until 2:00 P.M. prevailing time on Thursday, June 24, 2021 at which time and place they will be publicly opened and read aloud:

VILLAGE OF QUOGUE, SUFFOLK COUNTY, NEW YORK
JESSUP AVENUE ROAD RECONSTRUCTION PROJECT
RG PROJECT NO. 3456

Starting on or about Thursday, June 3, 2021, the plans and specifications may be examined and obtained at the Office of the Village Clerk between the hours of 9:00 A.M. and 4:00 P.M. daily except Saturdays, Sundays and Holidays. Additionally, they may be obtained electronically from the Village Engineer. Call the Village Clerk at 631-653-4498 to arrange electronic delivery.

There will be a charge of fifty dollars ($50.00) for each set of plans and specifications delivered as a hard copy. Fees will be returned to unsuccessful bidders and non-bidders in accordance with Section 102 of the General Municipal Law.

Each proposal must be submitted on the Proposal Forms provided and must be accompanied by a bid surety as stated in the Instructions to Bidders.

The Village Board of Trustees reserves the right to reject any and all bids, waive any informality in the bids and accept the bid, which is deemed most favorable in the interest of the Village of Quogue. The Board of Trustees will use its discretion and judgment in determining the lowest qualified bidder as stated in the Instructions to Bidders.

Dated: May 21, 2021

Aimee Buhl
Village Clerk