

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, JUNE 18, 2021

Via Zoom

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

OTHERS PRESENT: Police Chief Christopher Isola, Building Inspector William Nowak, Fire Chief Ben Hubbard, Karen and Andrew Cirincione, Judith Reed, Sally Beatty, Diana Vought, Mark Malloy, Linda Barnett, Tammy MacWilliams, Stuart Disston, Steve Wilson, Stephanie Wilson, Mike Byowitz, Irwin Messer, Eileen Duffy, David Baris, John Sheehan, Steve Giuffre, Diane Wren, Lorie Torpey, Ziggy Golyski, N. Sherman and Brendan O'Reilly

Mayor Sartorius stated that four public hearings regarding new local laws were on the agenda and instructed those who wish to comment on a particular law, leave a comment in the chat box. All other general comments would be heard at the end of the meeting.

The Pledge of Allegiance

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, the Minutes of Regular Meeting held on May 21, 2021 and Special Meeting held on May 28, 2021 were approved.

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, the Abstract of Audited Vouchers Schedule 06-21, \$388,177.26 and Treasurer's Report for the Month ending May 31, 2021 were approved:

\$ 89,279.80	Checking Account
\$ 7,018,998.61	Investments
\$ 869,543.87	Capital Reserves
\$ 7,977,822.28	Total General Fund 5/31/21

The Clerk gave the report for May 2021 False Fire and Burglar Alarms:

Burglar Billed: \$200; Burglar Collected: \$275

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

Fire Chief Ben Hubbard gave the May 2021 report for the Fire Department. Building Inspector Bill Nowak gave the May 2021 report for the Building Department. Police Chief Chris Isola gave the May 2021 report for the Police Department.

Mayor Sartorius stated that the Board of Trustees received a letter dated May 26, 2021 from six neighbors of the Quogue Club at 47 Quogue Street requesting a rehearing and/or reconsideration of the decision of the Board of Trustees rendered on May 21, 2021 pertaining to an outdoor dining area at 47 Quogue Street. He further stated that each board member read the letter carefully and upon not seeing any new areas of fact or law that hadn't been considered in rendering the decision, the Board decided there would not be a rehearing or reconsideration. Currently outdoor dining is in a test period to at least July 31, 2021 and noise levels will be monitored. Since Covid related restrictions have recently been lifted, outdoor dining on the back patio is restricted to Friday and Saturday nights.

The Mayor opened the Public hearing regarding "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 as introduced on May 21, 2021. Sally Beatty, on behalf of the Quieter Quogue Initiative, questioned the Board regarding a summer ban, the enforcement plan and the concerns of two stroke engine pollution. Mayor



Sartorius stated that a summer ban was not on the table for this year, nor likely for next summer. Enforcement will be handled by Code Enforcement Officer, Chris Osborne. He and police officers will respond to complaints, but Mayor Sartorius does not expect 100% compliance at first. As for the question regarding pollution, the Mayor stated that the Village is not in the business of regulating pollution and that area is better addressed by the DEC or OSHA.

Steve Giufree, owner of Steve's Landscaping stated that in his opinion the battery powered blowers are less than one half effective as the gas-powered ones and consequently, jobs will take longer.

Eileen Duffy asked questions regarding the required stickers on leaf blowers.

Steven Wilson and Mike Byowitz spoke in favor of the proposed local law.

Neil Sherman thanked everyone involved in the process of the proposed local law.

Tammy MacWilliams and Stuart Disston spoke in favor of the proposed local law.

Mayor Sartorius stated that Tom Neff had sent him a related article from Connecticut.

Upon motion made by Mayor Sartorius, seconded by Ted Necarsulmer, the Public Hearing was closed.

The Mayor opened the public hearing regarding "Local Law No. \_\_\_\_ of 2021 Amending Chapter 123 (Peace and Good Order), Article VI (Lighting) of the Village Code as introduced on May 21, 2021. He stated that he received an email from Lulie Morrissey who is generally against excessive lighting and from Mrs. Rosen not in favor of minimalist lighting due to possible crime.

Lynn Joyce spoke in favor of limiting outdoor lighting.

Upon motion made Mayor Sartorius and seconded by Kimberley Payne, the public hearing was closed.

The Mayor opened the public hearing regarding "Local Law No. \_\_\_\_ of 2021 A Local Law Adding a New Chapter 114 (Non- Smoking Areas) to the Village Code as introduced on May 21, 2021 and summarized the law. Eileen Duffy asked a question regarding signage.

Upon motion made by Mayor Sartorius and seconded by Ted Necarsulmer, the public hearing was closed.

The Mayor opened the public hearing regarding "Local Law No. \_\_\_\_ of 2021 A Local Law Amending Chapter 105 (Home Improvement Contractors) of The Village Code as introduced on May 21, 2021 and summarized the law.

There were no comments and upon motion made by Mayor Sartorius and seconded by Kimberley Payne, the public hearing was closed.

Upon motion made by Randy Cardo, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that the Organizational Meeting is scheduled to be held on July 1, 2021 at 10 A.M.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that the Special Event Permit application from Frank and Janet DellaFera for use of the Village Beach parking lot on July 17, 2021 from 6:00 P.M. until 11:00 P.M. is approved.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, that the Special Event Permit application from Frank and Janet DellaFera for use of the Village Beach parking lot on June 26, 2021 from 6:00 P.M. until 11:00 P.M. is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the Special Event Permit application from Gordan and Monica Rafajac for a party to be held at the Village Beach on July 3, 2021 from 7:30 P.M. until 10:30 P.M. is approved.

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the contract with the Chief of Police is approved.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the resignation of Lauren McGuire from the position of Jail Attendant is accepted.



Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that resident beach sticker 1047 is revoked due to unauthorized use of such sticker.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that a reimbursement to John Gramins in the amount of \$125 for overpayment of a rental application fee is approved.

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that purchase order 16419 Mulco Plumbing and Heating is increased in the amount of \$400.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that an expense of \$89.90 to Aspatuck Gardens utilizing T93 Jobson is approved.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that the revised Building Department Fee Schedule is approved.

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the request of the Quogue Historical Society to use the Village Green on August 14, 2021 for its annual art show is approved and the Mayor is authorized to sign a license agreement for that purpose.

Karen and Andrew Cirincione addressed the Board regarding excessive traffic on Dune Road and a helicopter flying over Dune Road.

The Mayor stated that the Board would consider adoption of the proposed local laws.

With respect to “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,” as introduced on May 21, 2021, upon motion made by Mayor Sartorius and seconded by Randy Cardo, it was RESOLVED, that the adoption of such local law is considered a Type II action under 6 NYCRR §617.5(c), SEQRA, and the Board of Trustees finds and determines that this local law will not have a significant adverse impact on the environment. The question of adoption of such law was duly put to a roll call vote with the following results:

Mayor Trustee voting Aye  
Trustee Cardo voting Aye  
Trustee Payne voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Treuhold voting Aye

Upon motion made by Mayor Sartorius and seconded by Randy Cardo, it was RESOLVED, that such Local Law is hereby adopted as Local Law No. 2 of 2021 and that the Village Clerk is hereby authorized and directed to publish Notice of Adoption.

With respect to “Local Law No. \_\_\_\_ of 2021, A Local Law Amending Chapter 123 (Peace and Good Order), Article VI (Lighting),” of the Village Code as introduced on May 21, 2021, upon motion made by Mayor Sartorius and seconded by Randy Cardo, it was RESOLVED, that the adoption of such local law is considered a Type II action under 6 NYCRR §617.5(c), SEQRA, and the Board of Trustees finds and determines that this local law will not have a significant adverse impact on the environment. The question of adoption of such law was duly put to a roll call vote with the following results:

Mayor Trustee voting Aye  
Trustee Cardo voting Aye  
Trustee Payne voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Treuhold voting Aye

Upon motion made by Mayor Sartorius and seconded by Randy Cardo, it was RESOLVED, that such Local Law is hereby adopted as Local Law No. 3 of 2021 and that the Village Clerk is hereby authorized and directed to publish Notice of Adoption.

With respect to “Local Law No. \_\_\_\_ of 2021, A Local Law Adding a New Chapter 114 (Non- Smoking Areas),” to the Village Code as introduced on May 21, 2021, upon motion made by Mayor Sartorius and seconded by Ted Necarsulmer, it was RESOLVED, that the adoption of such local law is considered a Type II action under 6 NYCRR §617.5(c), SEQRA, and the Board of Trustees finds and determines that this local law will not have a significant adverse impact on the environment. The question of adoption of such law was duly put to a roll call vote with the following results:

Mayor Trustee voting Aye  
Trustee Cardo voting Aye  
Trustee Payne voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Treuhold voting Aye

Upon motion made by Mayor Sartorius and seconded by Ted Necarsulmer, it was RESOLVED, that such Local Law is hereby adopted as Local Law No. 4 of 2021 and that the Village Clerk is hereby authorized and directed to publish Notice of Adoption.

With respect to “Local Law No. \_\_\_\_ of 2021, A Local Law Amending Chapter 105 (Home Improvement Contractors),” of The Village Code as introduced on May 21, 2021, upon motion made by Mayor Sartorius and seconded by Kimberley Payne, it was RESOLVED, that the adoption of such local law is considered a Type II action under 6 NYCRR §617.5(c), SEQRA, and the Board of Trustees finds and determines that this local law will not have a significant adverse impact on the environment. The question of adoption of such law was duly put to a roll call vote with the following results:

Mayor Trustee voting Aye  
Trustee Cardo voting Aye  
Trustee Payne voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Treuhold voting Aye

Upon motion made by Mayor Sartorius and seconded by Kimberley Payne, it was RESOLVED, that such Local Law is hereby adopted as Local Law No. 5 of 2021 and that the Village Clerk is hereby authorized and directed to publish Notice of Adoption.

With no other business to discuss and upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, the meeting was adjourned at 5:25 PM.

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Aimee Buhl, Village Clerk



Local Law No. 2 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.

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. 3 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. 4 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. 5 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.