

**MINUTES
VILLAGE OF SOUTHAMPTON
BOARD OF TRUSTEES
Public Session II – January 22, 2019**

Due notice having been given, the Public Meeting of the Board of Trustees was held at the Southampton Village Hall, 23 Main Street, Southampton, New York at 6:00 PM

Present were Mayor Irving, Trustees Yastrzemski, McGann, Hattrick and Allan; Village Administrator Russell Kratoville and Village Attorney, Wayne Bruyn.

Mayor Irving opened the meeting by leading the Pledge of Allegiance.

PUBLIC COMMENT

Sheila Peiffer, 56 Hildreth Street, would like to support the International Dark Sky movement. Referred to Village Code section 9.9 – what is being done to address the issue? Is looking for lights that do not create glare, trespass neighbor to neighbor. Referred to the Town’s guide and would like the Village to enact what the Town does.

BOARD PRESENTATIONS:

None

PUBLIC HEARINGS:

Proposed Local Law: Annual Registration Landscapers

Mayor Irving made a motion to open the Public Hearing on the proposed local law; Trustee Yastrzemski seconded.

Village Attorney Bruyn then suggested that as the two Public Hearings went together it might make sense to open the second hearing at the same time.

Mayor Irving then made a motion to open the **Public Hearing on Proposed Local Law: Nuisances/Unnecessary Noise from Construction/Property Maintenance**. Trustee Yastrzemski seconded the motion and a unanimous vote followed.

Mr. Bruyn then provided background and stated that over the past year the Village held meetings with stakeholders, landscapers, residents and representatives from the Long Island Landscapers Association and the Quiet Communities. Based on those discussions, the Board requested Mr. Bruyn to review legislation and draft proposed legislation for the Board to consider.

A proposal that came from those discussions was that the Village consider a home improvement license for landscapers that would require an annual registration of the landscapers and stickers would then be available for the vehicle. To get a registration they would need to have proof of a license with Suffolk County and a DEC certificate for spraying.

Mr. Bruyn stated that the proposed law was modeled after the Village of Irvington.

Mr. Kratoville stated for the record that there were 16 communications received from the public in support of the proposed legislation and each would be added to the public record.

Mr. Bruyn also reviewed the proposed legislation on nuisance/unnecessary noise which came about after the Board stating that certain activities related to construction, property management and landscaping could be considered a nuisance. In addition, the Board identified that gas powered leaf blowers operating at a certain decibel exceed the Village's noise ordinance and serve as a nuisance. The discussions stressed that education was a key component and the importance of the landscapers to receive instruction in the proper use of the equipment. The issue primarily has come up as to the use and timing of the gas leaf blowers; the proposed law would address the times of the day, week and season. The limitations as proposed for construction are identical to what is listed in the noise ordinance. Similarly, for property maintenance and landscaping. Regarding gas powered leaf blowers, the Board determined that in particular during the summer months the use of leaf blowers is problematic.

Many individuals addressed the Board regarding the proposed legislation including:

Walter Stretch, 90 Wooley Street, Southampton

Hillary Woodward, 151 Edge of Woods Road, Southampton

Sally Van Allen, 49 North Main Street, Southampton

Orson Cummings, 57 Walnut Street, Southampton

Pat Voges, Nassau-Suffolk Landscape Grounds Association

H. Pat Voges, Nassau-Suffolk Landscape Grounds Association

Ben Cummings, 57 Walnut Street, Southampton

Brendan O'Dwyer, Summerhill Landscapes, 6 Sharon Road, Sag Harbor

Evan Dackow, President, Nassau-Suffolk Landscape Grounds Association

Cathy Bellows, 52 Lewis Street, Southampton

David Raynor, 49 Breese Lane, Southampton

Patty Wood, 52 Main Street, Port Washington

Bill Fox, County Road 39, Southampton

Cindy McNamara, Lewis Road, East Quogue
Rob DeLuca, Group for the East End
Richard Grodski, 107 County Road 39a, Southampton
James Carlton, Power Equipment Plus, Southampton
Elizabeth Lillywhite, 121 Toylesome Lane, Southampton
James Rewinski, PO Box 2183, Southampton
Fran Adamczeski, 40 West Prospect Street, Southampton
Dan McNamara, Lewis Road, East Quogue

A lengthy discussion followed with many points being made and issues raised including:

Concerns and questions regarding the landscapers' registration centered on the documents that would be required with many of the landscapers questioning why having a Southampton Town license would not suffice and the necessity for a Suffolk County license which they said the Town doesn't accept. There was also a question as to the permits and licenses required for applications of chemicals and spray. Many of the landscapers voiced concern over the registration fee, especially the smaller businesses or independent contractors.

The residents that spoke felt very strongly that the use of the gas powered leaf blowers was very negatively effecting their quality of life. Individuals from environmental groups spoke regarding the harmful effects of the gas powered blowers on the environment with mention made of noise and air pollution as well as quality of life issues.

The landscapers also expressed concern over the cost to switch equipment from gas powered to electric and asked if there would be an incentive given to help offset those costs. It was suggested that a rebate on the landscaper registration fee could be given. Mr. Dackow of Nassau-Suffolk Landscape Grounds Association stated that the expensive aspect was not the actual license but the insurance that was required to get the license.

The timing of the proposed legislation was also discussed with the landscapers stating that they felt May 15-September 15 was too long of a total ban on gas leaf blowers, noting that Memorial Day is the start of the season and there is a big push by homeowners for the landscapers to have the properties groomed and ready.

A concern voiced by all speakers, both landscapers and residents was the issue of enforcement with many questioning the ability to enforce these new laws should they be enacted given the Village's limited resources for code enforcement.

Mayor Irving commented that the Village did have a code enforcement officer and that the intent would be to have a Village sticker on every landscaping vehicle.

Dave Raynor, 49 Breese Lane, suggested that there be a separate meeting with local landscapers and the residents as well as someone from the equipment industry to discuss ways they can work together. The Board agreed and stated that there would be a meeting scheduled with representatives from each group.

The issue of education was also raised with respect to the landscapers needing education on how to properly use the equipment and the new equipment that became available. The representatives from the Nassau Suffolk Landscape Grounds Association offered to provide such education.

The landscapers commented that the issue of education was also necessary for the Village homeowners as they make the requests of the landscapers regarding leaf and lawn clippings. It was also mentioned that the Town of Southampton no longer allowed lawn clippings to be brought to the waste management facilities and had closed the Bridgehampton “pit” which had been used for such material in the past.

Trustee Allan asked how many landscapers in the audience currently had licenses and Trustee Yastrzemski asked that if the Town had a landscaper license. Village Administrator Kratoville stated that the question that was being raised was if the landscaper had a license with the Town would that be sufficient for the Village or was the Village going to rely on having a Suffolk County license.

Village Attorney Bruyn suggested that the public submit their comments in writing to the Village Clerk’s office and they would then be entered into the record.

Mayor Irving then made a motion to adjourn the Public Hearing on Proposed Local Law: Annual Registration Landscaper and the Public Hearing on Proposed Local Law: Nuisances/Unnecessary Noise from Construction/Property Maintenance until the March 14, 2019 Board of Trustees Meeting. Trustee Hattrick seconded the motion and a unanimous vote followed.

COMMUNICATIONS TO THE BOARD

Southampton Soccer Club

Village Administrator Kratoville reviewed the request from Timothy Rumph of Southampton Soccer Club for the use of Down’s Family Park. Mayor Irving commented that this is done every year and that it was good for the community.

Mayor Irving then suggested the following resolution:

RESOLVED, that the Board of Trustees authorizes the use of the Down’s Family Park soccer fields by Southampton Soccer Club, Ltd. as per the attached schedule

Trustee McGann seconded the motion and a unanimous vote followed.

SUGGESTED RESOLUTIONS

RESOLVED, that the reading of the minutes for the Public Session of January 10, 2019 be dispensed with and that those minutes be accepted as filed by the Village Administrator and that the actions taken at that meeting be and hereby are ratified and approved.

Trustee Hattrick made a motion to approve; Trustee Allan seconded the motion and a unanimous vote followed.

RESOLVED, that the claims for the warrants dated January 22, 2019 totaling \$478,763.68 (Warrant #11 - General Fund), \$146,618.25 (Warrant #9 – Capital Reserve Fund) and the Village payrolls for the period from January 4, 2019 to January 17, 2019 be audited and approved..

Trustee McGann made a motion to approve; Mayor Irving seconded the motion and a unanimous vote followed.

RESOLVED, that the Board of Trustees hereby approves Andrew Cassel as a probationary member of Agawam Hose Co. 1 effective January 22, 2019.

Trustee Yastrzemeski made a motion to approve; Mayor Irving seconded the motion and a unanimous vote followed.

DISCUSSION ITEMS

1. Request from the Town of Southampton Housing Authority to waive administrative application fees.

Mayor Irving stated that he would like to see the particular application before agreeing to waive the fee.

2. Pyrrhus Concer Project

Mr. Bruyn reviewed the matter stating that there had been a number of bids for the project and that the bids had come in higher than anticipated. Paul Rogers, the architect for the project has stated that the construction material and structural elements had been stored. The architects feel they now need to go back and evaluate the material stored and its condition and has prepared a Scope of Work and received bids for the project.

Mayor Irving made a motion to accept the bid submitted by Lipsky Associates of \$29,000 as per the resolution. Trustee McGann seconded the motion and a unanimous vote followed.

COMMENTS FROM THE BOARD:

Trustee Yastrzemski thanked everyone for attending the meeting and bringing forth their ideas. He commented that the Village was creating a new business model and the landscapers would have to work with their clients.

Trustee Allan thanked everyone for their input and said that the Village needed to lead by example and that currently the Village DPW is using 50% electric equipment for their work.

Trustee McGann stated that she and Mayor Irving had held a meeting on the Village business district with merchants and that the Village had requested positive suggestions and input as to what the Village could do regarding the situation. Many ideas were put forth including the request to hire a consultant to study the retail district, working with the merchants, property owners and real estate companies on how to work together to resolve concerns. In addition all those present had been in favor of the Village installing a new sewage treatment system which would allow for more restaurants which would help to increase the vibrancy of the Village.

Trustee Hattrick – no comment

Mayor Irving commented that the meeting had generated great input from the general public and the landscapers and that noise during the summer months had gotten out of control. He further stated that licensing would help regulate who is working in the Village.

The Mayor discussed the business district meeting and stated that it was the first of many meetings with the retail merchants with the group working together to address concerns.

Mayor Irving concluded by saying that the Village looked great and the Department of Public Works was doing a great job.

2nd PUBLIC COMMENT: NONE

MOTION TO ADJOURN:

Mayor Irving made a Motion to adjourn to Executive Session at 8:08PM for the purpose of discussing personnel matters involving Village employees. Trustee Hattrick seconded and a unanimous vote followed.

The Board returned to Public Session at 8:53PM and Mayor Irving suggested the following resolution:

RESOLVED, THAT THE Board of Trustees hereby authorizes the Mayor to sign a Stipulation of Settlement with an employee.

On the motion of Trustee Yastrzemski and seconded by Trustee Hatrick, the resolution was unanimously approved.

MOTION TO ADJOURN:

Mayor Irving made a motion to adjourn the Public Meeting; Trustee Hatrick seconded the motion and a unanimous vote followed.

The meeting was adjourned at 8:53PM.

Russell Kratoville, Village Administrator

1/22/19