

VILLAGE OF OLD FIELD  
PUBLIC HEARING ON VERIZON CABLE TV FRANCHISE AGREEMENT AND  
BOARD OF TRUSTEES MEETING  
TUESDAY, JUNE 12, 2007  
NEIGHBORHOOD HOUSE  
95 MAIN STREET, SETAUKET

PRESENT

Mayor Cary Staller  
Trustee Tom Gulbransen  
Trustee John Von Lintig  
Trustee Donald Pius  
Trustee William Schaefer  
Village Attorney Anthony Guardino  
Village Administrator William McGuire  
Deputy Village Clerk Dale Salzberg  
Village Treasurer Anne Cadden

PRESENT

Paul Broder  
Larry Buscemi  
Maureen Carmody  
Doug Casimir  
Bruce Feller  
Marianne Feller  
Kathy Griffiths  
Richard Hamburg  
Gudjon Hermannsson  
Ken Jaeggi  
Patti Jaeggi  
Evelyn Lambert  
Lee Lambert  
Ed Licalzi  
Juanita Mayr  
Sue Nalewajk  
Jeffrey Owens  
Christine Smith  
Margaret Sobel  
Richard Sobel  
Brian Sullivan  
Tom Taranto  
Al Tisch  
Maryanne Von Lintig  
For Verizon:  
Steven Zahn  
Diane Sherry  
Aldo Bianchi

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Lynn Gallart  
For Cablevision:  
James Gaughran  
Joan Gilroy

Mayor Staller called the Public Hearing on the Verizon Cable TV Franchise Agreement to order at 7:05 pm.

The Mayor noted that Verizon had applied to the Village for permission to use their fiber optic network to provide cable television to those residents who would like to purchase these services. The Mayor introduced Steven Zahn, Esq., Diane Sherry and Aldo Bianchi who spoke on behalf of Verizon. Following the presentation by Verizon, James Guaghan and Joan Gilroy, representatives of Cablevision, addressed the Board. A lengthy discussion followed the formal presentations.

Tom Taranto addressed the Board.  
Richard Hamburg addressed the Board.  
Doug Casimir addressed the Board.

The following motion was made by Trustee Gulbransen and seconded by Trustee Pius:

WHEREAS, the Village has negotiated and reviewed a proposed cable television Franchise Agreement submitted by Verizon and forwarded it to the Board of Trustees for its consideration and review; and

WHEREAS, the Board of Trustees has determined that the Agreement is in the best interests of the Village, since it gives Village residents competitive options for cable television service; and

WHEREAS, a public hearing was held on June 12, 2007 to obtain citizen input on the award of the franchise and the terms of the proposed cable Franchise Agreement; and

WHEREAS, the Franchise Agreement shall become effective on the date that the New York Public Service Commission issues a Certificate of Confirmation of this franchise; and

WHEREAS, the terms of the enclosed Franchise Agreement have been negotiated and are determined to be fair and equitable and acceptable to this Board.

NOW, THEREFORE, BE IT RESOLVED, that the application by Verizon New York, Inc. for the award of a cable television franchise from the Village of Old Field is

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hereby granted for a ten (10)-year term in substantial conformity with the terms and conditions stated in the Franchise Agreement, annexed hereto as Exhibit "A"; and

BE IT FURTHER RESOLVED, that the Mayor be and hereby is authorized to execute a cable franchise agreement with Verizon New York, Inc. in substantial conformity with the cable Franchise Agreement annexed hereto as Exhibit "A", with the following modifications:

1. Substitute the word "pre-existing" for the word "serviceable" in the second line of Section 2.9; and
2. Add the following as Section 2.10:

"2.10 Restoration of Subscriber Property: The Franchisee shall ensure that the Subscriber's premises are restored to at least their pre-existing condition if damaged by the Franchisee's employees or agents in any respect in connection with the installation, repair, or disconnection of Cable Service."

On motion by Trustee Gulbransen and seconded by Trustee Pius, the foregoing resolution was adopted on vote as follows:

Cary F. Staller, Mayor - aye  
Thomas C. Gulbransen, Trustee - aye  
John H. Von Lintig, Trustee - aye  
William P. Schaefer, Trustee - no  
Donald Pius, Trustee - aye

The Mayor closed the Public Hearing on the Verizon Cable TV franchise agreement and reopened the regular Board of Trustees meeting at 8:30 pm.

**PUBLIC EXPRESSION**

Christine Smith addressed the Board.  
Richard Hamburg addressed the Board.  
Al Tisch addressed the Board.  
Doug Casimir addressed the Board.  
Tom Taranto addressed the Board.  
Susan Folan addressed the Board.

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**MINUTES**

A motion was made by Trustee Pius and seconded by Trustee Schaefer to approve the minutes of the Board of Trustees Regular Meeting of May 8, 2007. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Schaefer and seconded by Trustee Pius to approve the minutes of the Board of Trustees Special Meeting of May 10, 2007. The motion was approved 4-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig voting in favor of the motion. Mayor Staller was not in attendance at that meeting and refrained from voting.

**TREASURER'S REPORT**

The Board agreed to defer approval of the Treasurer's report and payment of the June warrants until the July Board meeting to allow time for further review.

**CORRESPONDENCE**

1. Mayor Staller reported that the Village had received a letter dated May 2, 2007 from Jennifer Pymm of the law firm of Rutherford & Christie, LLP concerning the lawsuit brought by Mr. Pius against the Village of Old Field. Trustee Pius addressed the Board and outlined the history of the suit. The Board agreed to address the issue more fully in Executive Session.

2. The Mayor also reported that the Village had received a letter dated May 10, 2007 from Diana Sanford, Environmental Assistant of the Department of Parks, Recreation and Conservation for Suffolk County, requesting permission to utilize Village property in connection with the County's efforts to help nesting piping plovers on Whitehall Beach.

A motion was made by Trustee Gulbransen and seconded by Trustee Von Lintig to approve the Department of Parks, Recreation and Conservation's request to utilize Village property in connection with the County's efforts to help nesting piping plovers on Whitehall Beach. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

3. The Village received a letter dated June 4, 2007 from the Suffolk County Bicycle Rider's Association asking for permission to utilize a small section of the Lighthouse grounds for an event canopy and port-o-jon during a biking event for the benefit of the Guide Dog Foundation of Smithtown.

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A motion was made by Trustee Gulbransen and seconded by Trustee Pius to approve use of a portion of the Lighthouse property for an event canopy and port-o-jon during the Guide Dog Bike-a-Thon on Sunday September 16, 2007, subject to meeting the Village's insurance and clean up requirements. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

4. The Village received a letter dated May 24, 2007 from Lawrence Buscemi concerning his property at 92 Old Field Road and asking that the Village reduce the number of drywells in his site plan. Mayor Staller noted that Village Engineer Steve Hyman had written to Mr. Buscemi's engineer explaining that the number of drywells could be reduced, while still providing the same drainage capacity, through better design. The Mayor also asked Village Attorney Guardino to send Mr. Buscemi a letter regarding the engineer's response.

## **ENVIRONMENTAL**

A motion was made by Trustee Gulbransen and seconded by Trustee Schaefer to approve the Zoning Application for **Quinn, 2 Pheasant Run**, to remove 2 trees: one tree is dead and the other was partially knocked down during the last storm. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Pius and seconded by Trustee Gulbransen to approve the Building Application for **Nalewajk, 111 Old Field Road**, to remove the existing flat portico roof and build a new gabled portico roof subject to approval of the Village Building Inspector. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Gulbransen and seconded by Trustee Schaefer to approve the Zoning Application for **Arato, 169 Old Field Road**, to remove 3 trees: one tree is dead and the others are rotten at the base. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Pius and seconded by Trustee Gulbransen to approve the Building Application for **Sullivan, 124 Old Field Road**, to install an in-ground

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swimming pool with a brick patio subject to Village Building Inspector approval and approval by the Village Engineer of a partial site plan, including verification by the Village Engineer that the pool overflow is located in the proper place. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Pius and seconded by Trustee Von Lintig to approve the Zoning Application of **Damianos, 61 Crane Neck Road**, to remove landscape debris from the face of the bluff on the north side of the property; re-grade the eroded bluff face to meet existing grade, and re-plant the re-graded areas subject to the following conditions:

1. No removal of existing vegetation;
2. Installation of fabric erosion control matting; and
3. Satisfactory proof to the Village Engineer that all of the pipes on the bluff have been removed.

The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to deny the building application of **Intorcia, 176 Old Field Road** to construct 1,078 square foot second floor addition and a 632 square foot second floor terrace. Since the property is on a 1.45 acre lot, the Board of Trustees must deny the application and the applicant may apply to the Zoning Board of Appeals for a variance. The **motion to deny** the application was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Schaefer and seconded by Trustee Von Lintig to require Site Plan Review for the Zoning Application for **Simons, 189 Old Field Road**, to restore a six acre woodland area to a healthy diversity of native plant species. The motion was approved 3-2 with Trustees Pius, Schaefer and Von Lintig voting in favor. Trustee Gulbransen and Mayor Staller opposed the motion.

A motion was made by Trustee Gulbransen and seconded by Trustee Schaefer to declare the application for **Simons, 189 Old Field Road**, to restore a six acre woodland area to a healthy diversity of native plant species, to be a Type II SEQRA action. The motion was approved 4-0 with Trustees Gulbransen, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion. Trustee Pius abstained from voting.

A motion was made by Trustee Von Lintig and seconded by Trustee Gulbransen to approve the Site Plan for **Simons, 189 Old Field Road**, subject to approval by the

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Village Engineer and receipt of a letter of non-jurisdiction from the New York State DEC. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

## **CHIEF CODE ENFORCEMENT OFFICER'S REPORT**

As given by Administrator McGuire

## **WAYS AND MEANS COMMITTEE**

Susan Folan, speaking on behalf of the Ways and Means Committee, informed Village residents that this year's July 4<sup>th</sup> Party had been cancelled. She noted that many Village residents are away during the July 4<sup>th</sup> holiday and that a survey would be mailed to residents to determine if another weekend would be more suitable.

## **COMMISSIONER'S REPORTS**

### **Parks and Buildings**

Trustee Schaefer reported that all the trees on public roads that were knocked down by the April nor'easter have now been removed.

### **Streets and Roadsides**

Trustee Von Lintig reported that the Village has funds available for additional drainage projects and asked residents to report the location of road sites in need of drainage or any other special attention.

### **Community Emergency Response Team**

Trustee Gulbransen reported that the CERT survey would be mailed out to residents during the week following the Board meeting. The Village of Old Field CERT planning effort seeks to increase awareness, resiliency and readiness to help residents in concert with outside authorities.

At the conclusion of Trustee Gulbransen's report, Trustee Von Lintig thanked him, on behalf of the Board, for his tremendous effort in establishing this CERT review.

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**NEW BUSINESS**

A motion was made by Trustee Von Lintig and seconded by Trustee Pius to hold a public hearing on July 10, 2007 for the following Proposed Local Laws 1,2,3 and 4 of 2007 that would place the Village in compliance with the New York State stormwater management requirements:

- Proposed Local Law No. 1 of 2007, Creating a New Chapter of the Code of the Village of Old Field Entitled “Stormwater Management and Erosion and Sediment Control”.

- Proposed Local Law No. 2 of 2007, Creating a New Chapter of the Code of the Village of Old Field Entitled “Illicit Discharges, Activities, and Connections to Separate Storm Sewer System”.

- Proposed Local Law No. 3 of 2007, Amending Chapter 95 of the Code of the Village of Old Field as it Relates to Requirements for Preliminary and Final Plat Approval.

- Proposed Local Law No. 4 of 2007, Amending Chapter 121 of the Code of the Village of Old Field as it Relates to Requirements for a Site Plan Review Application.

The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Schaefer and seconded by Trustee Gulbransen to hold a public hearing on July 10th on the following proposed Local Law 5 of 2007:

- Proposed Local Law No. 5 of 2007, Imposing a Moratorium on the Construction or Alteration of Structures Located Within the Waterfront Areas of the Incorporated Village of Old Field.

The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

**ADDITIONAL PUBLIC EXPRESSION**

Tom Taranto addressed the Board.

Paul Broder addressed the Board.

Ed Licalzi addressed the Board.

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A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to adjourn the regular meeting at 11:00 p.m., and to enter into Executive Session. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to adjourn the Executive Session at 11:56 p.m. The motion was unanimously approved 4-0 with Trustees Gulbransen, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to adjourn the regular meeting at 11:57 p.m. The motion was unanimously approved 4-0 with Trustees Gulbransen, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

Respectfully submitted,  
Dale Salzberg  
Village Clerk