

VILLAGE OF OLD FIELD
PUBLIC HEARING ON PROPOSED LAWS 1,2,3,4,5 AND
BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, SEPTEMBER 11, 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 Rachel Scelfo
Village Administrator William McGuire
Village Clerk Dale Salzberg
Village Treasurer Anne Cadden

PRESENT

Ash Agrawal
Jyoti Agrawal
Kevin Bove
Paul Broder
Neill DeTolla
Bruce Feller
Marianne Feller
Renee Fondacaro
John Fondacaro
Gudjon Hermannson
Steve Johnson
Evelyn Lambert
Lee Lambert
Cristina Leske.
Gary Leske
Sue Nalewajk
Ted Rosenberg
Steve Shybunko
Tom Taranto
Ying Xing Wang

Mayor Staller called the meeting to order at 7:05 and asked all in attendance to observe a moment of silence to reflect on the horrors of September 11, 2001.

**MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)
PROPOSED LOCAL LAWS**

The New York State, Department of Environmental Conservation is requiring local municipalities to enact local laws to regulate stormwater management by the end of 2007.

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A Public Hearing on the four Proposed Local Laws for the Municipal Separate Storm Sewer Systems (MS4) was held during the Board of Trustees meeting on July 10, 2007. At that time, the Suffolk County Planning Commission had not yet made a determination that the proposed laws were a matter for local determination without any significant county-wide or inter-community impacts. That determination has since been made and the Board may now vote on the proposed local laws.

1. Proposed Local Law No. 1 of 2007 entitled "Stormwater Management and Erosion and Sediment Control."

The proposed action is an Unlisted Action pursuant to SEQRA. Accordingly, a motion was made by Trustee Schaefer and seconded by Trustee Pius to adopt a Negative Declaration pursuant to SEQRA, determining that Local Law #1 of 2007 (attached hereto as Appendix A), will not have a significant adverse effect on the environment and neither a draft environmental impact statement nor a final environmental impact statement will be prepared. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

Thereafter, upon a motion of Trustee Schaefer and seconded by Trustee Pius, Local Law No. 1 of 2007 was approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

2. Proposed Local Law No. 2 of 2007 entitled "Illicit Discharges, Activities, and Connections to Separate Storm Sewer System."

The proposed action is an Unlisted Action pursuant to SEQRA. Accordingly, a motion was made by Trustee Schaefer and seconded by Trustee Pius to adopt a Negative Declaration pursuant to SEQRA, determining that Local Law #2 of 2007 (attached hereto as Appendix B), will not have a significant adverse effect on the environment and neither a draft environmental impact statement nor a final environmental impact statement will be prepared. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

Thereafter, upon a motion of Trustee Schaefer and seconded by Trustee Von Lintig, Local Law No. 1 of 2007 was approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

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

The proposed action is an Unlisted Action pursuant to SEQRA. Accordingly, a motion was made by Trustee Schaefer and seconded by Trustee Pius to adopt a Negative

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Declaration pursuant to SEQRA, determining that Local Law #3 of 2007 (attached hereto as Appendix C), will not have a significant adverse effect on the environment and neither

a draft environmental impact statement not a final environmental impact statement will be prepared. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

Thereafter, upon a motion of Trustee Schaefer and seconded by Trustee Pius, Local Law No. 1 of 2007 was approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

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

The proposed action is an Unlisted Action pursuant to SEQRA. Accordingly, a motion was made by Trustee Schaefer and seconded by Trustee Von Lintig to adopt a Negative Declaration pursuant to SEQRA, determining that Local Law #4 of 2007 (attached hereto as Appendix D), will not have a significant adverse effect on the environment and neither a draft environmental impact statement not a final environmental impact statement will be prepared. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

Thereafter, upon a motion of Trustee Schaefer and seconded by Trustee Von Lintig, Local Law No. 1 of 2007 was approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

Re-Open Public Hearing on Proposed Local Law 5 of 2007

At the Board's July 10, 2007 meeting, Public Hearing was held on Proposed Local Law #5 which would impose a Moratorium on the construction or alteration of structures located within the waterfront areas of the Village. The Board of Trustees finds that there is a critical and compelling need, in the public interest, to impose a moratorium on the construction and alteration of structures located within the waterfront areas adjoining to Flax Pond, Conscience Bay, Smithtown Bay and the Long Island Sound in the Village of Old Field. The proposed local law expires without further action of the Board of Trustees one (1) year following the effective date of the Local Law.

The Mayor re-opened the Public Hearing, calling for any additional comments.

Ted Rosenberg addressed the Board.
Christine Leske addressed the Board.
Paul Broder addressed the Board.

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Tom Taranto addressed the Board.
Sue Nalewajk addressed the Board.
Bruce Feller addressed the Board.

This is a Type II Action pursuant to SEQRA. Because Type II actions have been deemed not to have a significant impact on the environment, no further environmental review pursuant to SEQRA is necessary.

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to approve Local Law #5 of 2007 (attached hereto as Appendix E). 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 close the Public Hearing and open the regular meeting of the Board of Trustees. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

PUBLIC EXPRESSION

Paul Broder addressed the Board.
Gudjon Hermannsson addressed the Board.
Lee Lambert addressed the Board.
Evelyn Lambert addressed the Board.

MINUTES

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to approve the minutes of the regular Old Field Board of Trustees Meeting of July 10, 2007 as amended. The motion was unanimously approved 4-0 with Trustees Gulbransen, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

TREASURER'S REPORT

A motion was made by Trustee Gulbransen and seconded by Trustee Schaefer to approve the Treasurer's Report and payment of warrants for August 2007. The motion was

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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 Treasurer's Report and payment of warrants for September 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.

CORRESPONDENCE

Mayor Staller reported that the Village had received a letter dated August 8, 2007 from Christine D'Alessandro concerning the FEMA and SEMO funding for repair of the revetment. The Mayor reported that the project is ongoing and is progressing.

The Mayor also reported that the Village received a letter from Aileen Rankin dated August 12, 2007 concerning speeding in the Village. That Mayor asked Chief McGuire to arrange for the Suffolk County Police to come to the Village in order to enforce the speed limit.

ENVIRONMENTAL

A motion was made by Trustee Schaefer and seconded by Trustee Pius to re-affirm a previously issued building permit for **Bove, 177 Old Field Road**, to construct a 4' x 60' fixed dock, 3' x 20' ramp and 8' x 20' floating dock. 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 Permit for **Bahl, 3 Pheasant Run**, to remove 6 dead and diseased trees. 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 Zoning Permit for **Damianos, 14 Blueberry Ridge Road**, to remove nine trees. 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 Permit for **DeTolla, 1 Pheasant Run**, to remove ten dead trees in the front yard subject to the resident entering into a prior written agreement with the Environmental Committee detailing a remediation plan to install new plantings. The

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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 Permit for **Intorcia, 176 Old Field Road** to remove three trees. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

COMMISSIONER'S REPORTS

CHIEF CODE ENFORCEMENT OFFICER'S REPORT

As given by Administrator McGuire

PARKS AND BUILDINGS

Trustee Schaefer reported that LIPA has finished removing those trees along Village roads that were creating a safety hazard. He noted that LIPA would be available to remove any other trees that interfered with power lines and asked residents to inform him if they know of other problem areas.

STREETS AND ROADSIDES

Trustee Von Lintig reported that pot hole repair work along Village roads has been completed. In addition, he noted that the Village would begin repaving Mt. Grey Road between West Meadow Road and North Ridge Road as well as striping all Village roads.

COMMUNITY EMERGENCY RESPONSE TEAM (CERT)

Trustee Gulbransen reported that 52 CERT surveys had been returned to Village Hall. He urged those who have not yet returned the surveys to do so and noted that additional surveys could be obtained at Village Hall. Trustee Gulbransen also noted that "Red Alert", a Fire Department questionnaire would be mailed to all residents along with the next newsletter. "Red Alert" provides an opportunity for residents to register information with the Fire Department.

ADDITIONAL PUBLIC EXPRESSION

Bruce Feller addressed the Board.
Ted Rosenberg addressed the Board.

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NEW BUSINESS

AUDIT OF VILLAGE COURT

The Mayor reported that the Village received a letter from Ann Pfau, Chief Administrative Judge for the State of New York, asking for a copy of the Village's most recent audit of our local court's records as well as a Board resolution acknowledging that the required audit was conducted. He further noted that the audit was conducted and that a copy of that audit had been sent to Judge Pfau.

A motion was made by Trustee Von Lintig and seconded by Trustee Pius to approve a resolution acknowledging that the required audit of the activities of the Village Court was conducted and to forward a copy of that resolution to Judge Pfau. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

RESOLUTIONS ON FIREARMS, VEHICULAR STOPS and HIGH SPEED PURSUITS

The Mayor noted that the Board of Trustees, Village Attorney and Chief McGuire have all worked together to craft new policies for the use of firearms by Village Code Enforcement Officers, ownership of guns by the Village and rules pertaining to vehicle stops and high speed pursuits.

A motion was made by Trustee Schaefer and seconded by Trustee Pius to approve the resolution that would establish a policy with respect to the carrying of firearms by Code Enforcement Officers (attached hereto as Exhibit F). 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 approve a resolution authorizing the sale and/or disposal of firearms and ammunition owned by the Village (attached hereto as Exhibit G). 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 resolution prohibiting Code Enforcement Officers from making vehicle stops and engaging in high speed pursuit (attached hereto as exhibit H). The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

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ASHLEY BUILDERS

The Mayor reported that the Planning Board had recommended that the Board of Trustees release the performance bond for Ashley Builders Corp. and further noted that Mr. Agrawol had agreed that any monies presently owed to the Village in processing the subdivision application should be subtracted from the performance bond before its release.

A motion was made by Trustee Schaefer and seconded by Trustee Von Lintig to approve the resolution finding that Ashley Builders Corp has fulfilled its obligation to install and complete the improvements required in connection with the "Wooded Field Estates" subdivision and authorize the Village Clerk to release the performance bond after deducting the amount of monies owed to the Village by Ashley Builders Corp. (attached hereto as Exhibit I). The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

PIUS LITIGATION

Trustee Schaefer noted that the Board of Trustees was committed to defending the legality, accuracy and appropriateness of the Village's actions for reimbursement of expenses incurred in connection with the Pius subdivision application.

A motion was made by Trustee Schaefer and seconded by trustee Von Lintig to approve a resolution affirming the continued defense against the pending lawsuit filed by Donald A. Pius against the Village of Old Field (attached hereto as Exhibit J). The motion was unanimously approved 4-0 with Trustees Gulbransen, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

TOWN OF BROOKHAVEN HIGHWAY DEPT. CONTRACT

Mayor Staller asked the Board to pass a resolution to enter into a contract with the Town of Brookhaven Highway Department for general repair of roads in the Incorporated Village for the upcoming year November 1, 2007-October 31, 2008, and noted that it was the same contract that the Village had used for the past number of years.

A motion was made by Trustee Von Lintig and seconded by Trustee Pius to approve a resolution to enter into a contract with the Town of Brookhaven Highway Department for general repair of Village roads. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

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RESOLUTION TO PURCHASE CAR

A motion was made by Trustee Schaefer and seconded by Trustee Von Lintig to approve a resolution for the purchase of a 2007 Chevrolet Impala for approximately \$16,500 with an extended warranty costing approximately \$2,400 to replace the Crown Victoria. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

INCREASED FEES FOR VILLAGE ATTORNEY

The Mayor noted that Village Attorney Anthony Guardino's law firm, Farrell Fritz P.C., has asked for an increase in its fee structure. The firm has held its rate steady since 2004.

A motion made by Trustee Schaefer and seconded by Trustee Von Lintig, to approve the new fee structure for the Village Attorney that would increase the monthly retainer from \$2,000 to \$2,300 and, for matters outside the general retainer, increase the hourly rate from \$200 to \$230 for attorneys and from \$100 to \$115 for paralegals. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

UPCOMING VILLAGE EVENTS

Board of Trustees Meeting: October 9, 2007

Annual Trick or Treat throughout Crane Neck beginning at 1 Crane Neck Road on Wednesday, October 31st at 4:30 p.m.

A motion was made by Trustee Schaefer and seconded by Trustee Von Lintig to adjourn the regular meeting at 9:30 p.m., and 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 10:45 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 Schaefer and seconded by Trustee Gulbransen to adjourn the Regular Meeting at 10:46 p.m. The motion was unanimously approved 4-0 with

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Trustees Gulbransen, Schaefer and Von Lintig and Mayor Staller voting in favor of the motion.

Respectfully submitted,
Dale Salzberg
Village Clerk