

VILLAGE OF OLD FIELD
BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, MARCH 11, 2008 – 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 Clerk Dale Salzberg
Village Treasurer Anne Cadden
Code Enforcement Officer Joseph Matthews

Present

Bruce Feller
Marianne Feller
Lee Lambert
Marc Salzberg
Margaret Sobel
Tom Taranto
Carl Weiner

Mayor Staller called the meeting to order at 7:10.

PUBLIC EXPRESSION

Carl Weiner addressed the Board.

Marc Salzberg addressed the Board. On behalf of the Village residents, Dr. Salzberg asked the Board to adopt the following resolution thanking Mayor Staller for his service as Village Mayor:

RESOLVED, that the Village residents record their appreciation and gratitude to Mayor Staller for his leadership, counsel and guidance to the Board of Trustees during his 9 years as Mayor; and

FURTHER RESOLVED, that the Village residents are grateful to Mayor Staller for the time he volunteered and interest shown in working toward the betterment of the Village of Old Field; and

FURTHER RESOLVED, that the above resolution be recorded in the official minutes of the Village in recognition and with thanks from the Village residents he served so well.

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On motion made by Trustee Von Lintig and seconded by Trustee Gulbransen, the foregoing resolution was passed on vote as follows:

Mayor Staller	abstain
Thomas C. Gulbransen, Trustee	aye
John Von Lintig, Trustee	aye
William P. Schaefer, Trustee	aye
Donald A. Pius, Trustee	aye

Dated: Old Field, New York
March 11, 2008-03-16

Trustee Gulbransen noted that the March 11th Board of Trustees meeting was the last for Trustee Von Lintig, who was not seeking re-election, and offered the Board's thanks for his service:

RESOLVED, that the Board of Trustees and the residents of Old Field record their appreciation and gratitude to Trustee Von Lintig for his leadership, counsel and guidance to the Board of Trustees during his 4 years in service; and

FURTHER RESOLVED, that the Board of Trustees and the Village residents are grateful to Trustee Von Lintig for the time he volunteered and interest shown in working toward the betterment of the Village of Old Field, and

FURTHER RESOLVED, that the above resolution be recorded in the official minutes of the Village in recognition and with thanks from the village residents he served so well.

On motion made by Trustee Gulbransen and seconded by Mayor Staller, the foregoing resolution was passed on vote as follows:

Mayor Staller	aye
Thomas C. Gulbransen, Trustee	aye
John Von Lintig, Trustee	abstain
William P. Schaefer, Trustee	aye
Donald A. Pius, Trustee	aye

Dated: Old Field, New York
March 11, 2008-03-16

MINUTES

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to approve the February Minutes. The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

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TREASURER'S REPORT

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to approve the payment of warrants for February 2008. The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

CORRESPONDENCE

Mayor Staller reported that **Mr. and Mrs. Swartz**, 199 Old Field Road, had asked the Village for permission to put on a 10 minute fireworks display on July 5th at approximately 9:30 p.m., and also to utilize the Lighthouse grounds for parking.

A motion was made by Trustee Von Lintig and seconded by Trustee Pius to grant permission to the Swartz's for a fireworks display and use of the Lighthouse grounds for parking on July 5th between 6:30 p.m. and 12:00 midnight subject to the Village's standard insurance requirements. The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

The Mayor also reported that **Molly Hopkins**, 2 Evans Lane, had written to the Village complaining of the runoff from the Patel residence at 166 Old Field Road. The Mayor noted that the Village Building Inspector had advised the resident to build an earthen berm in order to keep water from flowing onto adjacent properties. In addition, the Village Engineer will review the property to assure that drainage has been properly installed and to direct the resident to clean out the drainage pools as necessary.

Next, Mayor Staller reported that **Gary Quinn**, 2 Pheasant Run, has asked permission to utilize the Lighthouse grounds for parking for approximately 20-25 cars on April 10, 2008 from 6:00 p.m. to 8:30 p.m. and that he will be providing transportation between the Lighthouse grounds and his home.

A motion was made by Trustee Pius and seconded by Trustee Von Lintig to grant permission to Mr. Quinn to utilize the Lighthouse grounds on April 10, 2008 from 6:00 p.m. to 8:30 p.m. subject to the Village's standard insurance requirements. The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

ENVIRONMENTAL REPORT'S

A motion was made by Trustee Gulbransen and seconded by Trustee Schaefer to approve the Building Permit for **LaSala, 10 Shore Drive**, to construct a 300 square foot first floor addition and covered porch at the existing dwelling. The motion was approved 5-0 with

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Trustees Gulbransen, Pius, Schaefer, 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 Zoning Permit for **Meli**, 2 North Ridge Road, for removal of three trees. The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

CODE ENFORCEMENT OFFICER'S REPORT

In the absence of Administrator McGuire, Captain Joseph Matthews gave the monthly Code Enforcement report. Trustee Schaefer also reported that the Village vehicle OF1 needs maintenance repairs and that some automotive repair work was done on the vehicle without prior authorization. Trustee Schaefer noted that the cost of the unauthorized repairs would be made part of the negotiation for the price of additional work.

MS4 ANNUAL REPORT

Trustee Gulbransen reported that the New York State Department of Environmental Conservation Division of Water has sent a checklist to Villages in order to compile data for the Pilot Municipal Separate Storm Sewer System (MS4) Audit Report. Trustee Gulbransen noted, and Village Attorney Guardino confirmed, that the scope of the 74 questions and the level of details required to answer the questions is extensive. A more complete MS4 Report will be added to the agenda of the April Board of Trustees meeting.

COMMISSIONER'S REPORTS

PARKS AND BULDINGS

Trustee Schaefer reported that Bianculli & Sons would be going to a 5 week recycling plan. The plan will alternate Wednesday morning pick-up of glass/plastic/metal and paper.

STREETS AND ROADSIDES

Trustee Von Lintig reported that a list of potholes in the Village had been sent to Town of Brookhaven Highway Department and that repairs should be scheduled soon.

FIRE AND SPECIAL PROJECTS

Trustee Pius reported that the Fire District had sent a bill for dispatch services. He also reported that he had prepared a letter to send to the Fire District to address the Village's concerns. He noted that the Board would look into alternatives for Fire District dispatch

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services and that the Board would investigate more closely what dispatch services are included in the Fire District contract.

COMMUNITY EMERGENCY RESPONSE TEAM

Trustee Gulbransen reported that Suffolk County will have training for members of the Community Emergency Response Team (CERT) and noted that Old Field will be a part of the Northern Brookhaven Division.

NEW BUSINESS

REVETMENT

Mayor Staller reported that the Village had received two proposals for engineering services in connection with the revetment repair and that the cost of the work would be reimbursed by FEMA and SEMO.

A motion was made by Trustee Schaefer and seconded by Trustee Von Lintig to authorize Mayor Staller to sign the agreement to retain Eschbacher VHB for engineering services in connection with the revetment project. The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

COAST GUARD AGREEMENT

Mayor Staller reported that the lease between the Village and the Coast Guard to utilize the light at the Lighthouse had expired.

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to authorize Mayor Staller to execute a lease extension. The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

INSURANCE

The Village insurance policy expires on March 31, 2008. Mayor Staller reported that the Village has received a renewal quote from our insurance broker that is lower than the cost of our existing policy.

A motion was made by Trustee Von Lintig and seconded by Trustee Schaefer to authorize Mayor Staller to bind the insurance contract before March 31, 2008. The

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

ZONING BOARD OF APPEALS

The Mayor reported that Cliff Swartz has resigned from the Zoning Board of Appeals. On behalf of the Board, and Village residents, the Mayor thanked Prof. Swartz for his many years of distinguished service to the Village. The Mayor appointed Steve Shybunko to the ZBA to serve the remainder of Prof. Swartz term, ending in 2012.

PAYMENT OF INSURANCE DEDUCTIBLE

A motion was made by Trustee Schaefer and seconded by Trustee Von Lintig to authorize the payment of the \$2,500.00 deductible to NYMIR in connection with the settlement of the lawsuit brought by Donald Pius against the Village of Old Field. The motion was approved 3-1-1 with Trustees Schaefer and Von Lintig and Mayor Staller voting in favor of the motion and Trustee Gulbransen voting against the motion. Trustee Pius abstained from the vote.

RULES OF PROCEDURE

A motion was made by Trustee Schaefer and seconded by Trustee Pius to adopt:

RESOLUTION ADOPTING RULES OF PROCEDURE GOVERNING THE
OPERATIONS OF AND THE FACILITATION OF PUBLIC DISCOURSE BY THE
VILLAGE OF OLD FIELD BOARD OF TRUSTEES

WHEREAS, the State of New York provides only limited guidance with respect to rules of procedures of public bodies including Village Boards of Trustees; and

WHEREAS, written procedures provides Village Boards of Trustees and the public with an effective outline of effective government operations and the conducting of meetings; and

WHEREAS, rules of procedure can help Boards of Trustees not only to function smoothly but also facilitate constructive, transparent, and thorough public discourse while avoiding unproductive contentiousness; and

WHEREAS, the New York State Conference of Mayors and Municipal Officials recommends that each Village Board of Trustees adopt their own rules of procedure; and

WHEREAS, the Board of Trustees of the Village of Old Field (hereinafter “Old Field Board”) recognizes the need for simple, straightforward, and uncomplicated rules of procedure; and

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WHEREAS, the purpose of public discourse of the Old Field Board is to have transparent, inclusive, truthful, and candid dialogue to reflect residents' interests, to educate, to seek input, and to comply with the law and the Constitution of the State of New York;

NOW, THEREFORE BE IT RESOLVED, that the Old Field Board adopts the following rules of procedure:

Section I: Compliance With Open Meetings Law

- A. Any official convening of the Old Field Board for the purpose of conducting public business shall constitute a meeting subject to the requirements of the Open Meetings Law, Article 7 of the Public Officers Law of New York State.
- B. The following situations shall constitute a meeting of the Old Field Board:
 - 1. When three or more members of the Old Field Board physically gather for the purpose of discussing business whether or not the Old Field Board intends to take action. Chance meetings and social gatherings shall not be considered meetings but members of the Old Field Board should not discuss Village business at such chance meetings or social gatherings.
 - 2. When three or more members of the Old Field Board engage in conference or coordinated telephone calls or engage in a coordinated exchange of e mails for the purpose of discussing business whether or not the Old Field Board intends to take action. Telephone calls and e-mail exchanges between three or more members limited to the dissemination of information and material or the scheduling of meetings or the coordination of procedural issues shall not be considered a meeting.

Section II: Public Notice of Meetings

- A. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations within the Village of Old Field at least seventy-two hours before such meeting.
- B. Public notice of the time and place of all other meetings shall be given to the extent practicable, to the news media and shall be conspicuously

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posted in one or more designated locations at a reasonable time prior thereto.

Section III: Regular Meetings

- A. The dates, starting times and location of the regular meetings will be established by the Board of Trustees at the Organizational Meeting held in April of each year.
- B. Any deviation of the foregoing must be determined by the Board of Trustees.

Section IV: Work Sessions

- A. The dates, starting times, and location of the work sessions will be established by the Board of Trustees at the Organizational Meeting held in April of each year.
- B. Any deviation of the foregoing must be determined by the Board of Trustees.

Section V: Special Meetings

- A. Special meetings of the Board of Trustees are all those Board meetings except the scheduled regular meetings discussed in Section III and the scheduled work sessions discussed in Section IV.
- B. A special meeting may be called by the Mayor or any two Trustees upon notice to the entire Board of Trustees.
- C. Notice may be given by telephone, in person, in writing, or by e-mail at least 24 hours in advance unless an emergency exists.

Section VI: Executive Sessions

- A. Executive sessions will be held in accordance with Public Law Section 105.
- B. All executive sessions will be commenced in either a regular meeting, a special meeting, or a work session. A motion must be made, during an open meeting, to enter into an executive session. The member making the motion must specify the subject area or areas which qualify for executive session and the motion must be carried by a majority vote.

Section VII: Quorums

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- A. A quorum of the Board of Trustees must be present to conduct business.
- B. A quorum of the five-member Board of Trustees is three.

Section VIII: Agendas

- A. The agenda of every regular meeting of the Board of Trustees will be prepared by the Clerk at the direction of the Mayor.
- B. The Mayor or any Trustee may place an item on the agenda.
- C. Where possible, items for the agenda of the regular meeting should be introduced at the work session or, if that is not possible, at least 24 hours before the regular meeting.
- D. The agenda will be prepared and distributed to all members of the Board of Trustees by 12:00 Noon of the day of the regular meeting.
- E. Where possible, written resolutions or motions that a member of the Board of Trustees intends to introduce at the regular meeting should be distributed at the work session preceding the regular meeting, or, if that is not possible, distributed to each member of the Board of Trustees at least 24 hours before the regular meeting.
- F. Written resolutions or motions which were not distributed consistent with the provisions of subsection E above, may be introduced and debated only upon the approval of the majority of the Board members present at the regular meeting. No discussion of such written resolutions or motions may occur until the Board has, by majority vote, approved introduction of the written motion or resolution.

Section IX: Voting

- A. Each member of the Board of Trustees has one vote. The Mayor may vote on any matter but must vote in the case of a tie.
- B. A vote upon any question will be taken by “yes,” “no,” or abstain.
- C. The Clerk must record in the minutes for each member of the Board whether they voted yes, voted no, abstained from voting, recused himself or herself from voting, or was absent.

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- D. Unless otherwise specified by state law, a majority of the totally authorized voting power of the Board of Trustees must vote yes for the matter to pass.

Section X: Minutes

- A. Minutes will be taken by the Clerk.
- B. Minutes must include the following:
 - 1. Name of the Board;
 - 2. Date, place and time of the meeting;
 - 3. Notation of whether a member of the Board of Trustees is present or absent, and the Board member's time of arrival and departure if different from the time the meeting was called to order and adjourned;
 - 4. Name and time of other village officials and employees present;
 - 5. Names of attendees who have signed the attendance sheet and an approximate number of attendees;
 - 6. Identification of all communications presented to the Board of Trustees;
 - 7. Record of reports made by members of the Board of Trustees or other Village personnel;
 - 8. The full title and summary of any motion, proposal, resolution, or other matter voted upon and the vote of each member of the Board of Trustees.
 - 9. The complete text of any motion, proposal, resolution, or other matter that is passed by a majority vote of the Board of Trustees;
 - 10. Time of adjournment; and
 - 11. Signature of Clerk or person who took the minutes if not the Clerk.

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- C. Minutes shall not include a summary of the discussion leading to any actions taken (including passage, defeat, withdrawal, or deferral of motions, proposals, resolutions, or other matters).
- D. The text of any motion, proposal, resolution, or other matter that is acted upon but not passed by the Board of Trustees shall be included in an attached appendix to the minutes.
- E. Minutes must be taken at executive session of any action that is taken by vote and must consist of a record or summary of the final determination of the action, and the date and the vote thereon. The summary need not include any matter which is not required to be made public by the Freedom of Information Law. Subsections C & D above apply to minutes of an executive session.
- F. The initial draft of the minutes (labeled unapproved) shall be prepared by the Clerk.
- G. Minutes should be approved by the Board of Trustees at the next regular meeting. Minutes may be amended only by a majority vote of the Board of Trustees.
- H. Minutes shall be made accessible to the public.

Section XI: Order of Business

- A. The order of business will be as follows:
 - 1. Call to order;
 - 2. Roll call;
 - 3. First public comment period;
 - 4. Approval of previous meeting's minutes;
 - 5. Treasurer's report;
 - 6. Report of correspondence;
 - 7. Code Enforcement report;
 - 8. Environmental actions;

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9. Commissioner reports;
 10. Old business;
 11. New business;
 12. Second public comment period; and
 13. Adjournment
- B. The Board may, by majority vote, either modify or add additional items to the order of business as set forth above.

Section XII: General Rules of Procedure

- A. The Mayor presides at the meeting. In the Mayor's absence, the Deputy Mayor presides. The presiding officer may debate, make motions, and take all other actions that other Board members may take.
- B. Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking. The presiding officer must recognize any member of the Board who seeks to be recognized.
- C. A member may not be interrupted when speaking unless it is to call him/her to order or for a point of parliamentary inquiry. If a member is called to order or if a point of parliamentary inquiry is made, the member must cease speaking until the question of order is determined and/or the point of parliamentary inquiry is resolved.
- D. A motion to table a matter requires the vote of at least three members of the Board of Trustees. A motion to table, if seconded, takes precedence over all matters, and must be voted upon immediately. Any matter which has been tabled must be addressed at the next regular meeting unless withdrawn.
- E. The Village Attorney is designated as the parliamentarian during the Board of Trustees meeting and shall be responsible for interpreting these rules and resolving any conflicts in the Board's interpretation.

Section XIII: Public Comment

- A. The public may speak, within any reasonable time period established by the Board of Trustees, during the meeting's public comment periods and

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at any other time a majority of the Board allows.

- B. Speakers must be recognized by the presiding officer who may not withhold recognition from any resident of the Village. Speakers must give their name and address.
- C. All remarks must be addressed to the Board of Trustees as a body and not to individual Board members.
- D. Board members may interrupt a speaker during their remarks only for the purpose of clarifications or information.
- E. Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

Section XIV: Adjournment

Meetings may only be adjourned by motion and majority vote.

Section XIII: Amendments To The Rules of Procedure

The foregoing rules of procedure may be amended from time to time by a majority vote of the Board of Trustees.

The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, 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 amend the Minutes of the January 8, 2008 Board of Trustees meeting to include as an appendix 2 failed Resolutions of the Board. The motion was approved 4-0-1 with Trustees Gulbransen, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion. Trustee Pius abstained from the vote.

LEAGUE OF WOMEN VOTERS

A motion was made by Trustee Gulbransen and seconded by Trustee Schaefer to authorize the Village to pay the sum of \$200 to the League of Women Voters for their help in moderating the two Meet the Candidates events. The motion was approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

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UPCOMING VILLAGE EVENTS

Village Elections will be held on March 18, 2008 from 12:00 noon to 9:00 p.m. at the Lighthouse.

The Board of Trustee's Annual Organizational Meeting will be held on April 8, 2008 at 7:00 p.m. at the Neighborhood House.

ADDITIONAL PUBLIC EXPRESSION

Margaret Sobel took the opportunity to thank Mayor Staller and Trustee Von Lintig for their service to the Village.

Mayor Staller thanked residents for participating in the democratic process and encouraged residents to volunteer for Village service.

Trustee Von Lintig thanked the Mayor and the Board for their service and thanked residents for their trust and faith in the Board.

A motion was made by Trustee Schaefer and seconded by Trustee Pius to adjourn the Regular Meeting at 8:25 p.m. The motion was unanimously approved 5-0 with Trustees Gulbransen, Pius, Schaefer, Von Lintig and Mayor Staller voting in favor of the motion.

Respectfully submitted,
Dale Salzberg
Village Clerk