

**VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MONTHLY MEETING MINUTES  
TUES., JAN. 14, 2020 7:00 P.M.**

**Mayor Michael Levine-Safety  
Deputy Mayor Stephen Shybunko-Fire, Special Projects,  
Trustee Jeffrey Owen-Parks, Bldg. & Street Trees, Commissioner of P/T Code Enforcement  
Trustee Bruce Feller-Environmental Council  
Trustee Thomas Pirro-Street and Road Repairs**

Attorney Philip Butler  
Village Clerk Adrienne Kessel  
Village Treasurer Andrea Podolsky  
Building Insp. Joseph Arico

**Pledge to the Flag**

Mayor Levine opened the meeting at 7:00 PM and led the Pledge to the Flag.

**Public Hearings-Minutes are by a court reporter service, see attached.**

- **First Public Hearing Village Budget**
  
- **Second Public Hearing LL01-2020 Deer Fence**

A LOCAL LAW ADOPTING CHAPTER 122 OF THE VILLAGE CODE CONCERNING DEER FENCES

**BE IT HEREBY ENACTED**, by the Board of Trustees of the Village of Old Field, as follows:

**Section 1. Enactment**

Chapter 122 of the Village Code, entitled “Deer Fencing,” is hereby adopted as follows:

**§ 122-109. Purpose and Findings.**

Notwithstanding any other chapter, article or section of this code, deer fences shall be permitted as a barrier to exclude deer from private residential property in the Village, subject to the standards and process set forth in this chapter.

The Board of Trustees hereby finds that the proliferation of the local deer population in and around the Village of Old Field has created a growing problem affecting private property and public health. Village residents have reported increased incidents of severe illnesses caused by ticks, which are hosted and transported on deer. Residents have also reported deer destroying local habitats and residential landscaping. The Board of Trustees has resolved to enact the following legislation in an effort to help mitigate these impacts on Village residents and to protect the public health, safety and welfare.

**§ 122-110. Approval Process.**

- A. The Board of Trustees is hereby authorized and empowered to decide applications for permits for the installation of deer fences on residential property in the Village.
- B. A complete application pursuant to this chapter shall first be referred to the Deer Fence Advisory Committee, which shall issue an advisory report and recommendation to the Board of Trustees within 30 days after the Village Clerk forwards copies of the complete application to the Committee members.
- C. On every application pursuant to this chapter, the members of the Board of Trustees shall review and consider the advisory report and recommendation of the Deer Fence Advisory Committee and may adopt the Committee’s report and recommendation in whole or in part in the Board’s discretion. However, if the Committee fails to issue its report and recommendation within the 30-day period allotted in subsection B, the Board of Trustees shall be free to act upon the application. The Board of Trustees has the power to impose reasonable conditions on all approvals pursuant to this chapter.

A complete application shall consist of:

- (1) A completed application for a building permit to install a deer fence on a specific property in the Village;
- (2) A survey prepared by a licensed land surveyor, which may be an existing survey or one prepared in conjunction with the application, depicting the location and layout of the proposed deer fence on the subject real property;
- (3) A manufacturer's specification, representative photograph, or drawing of the materials comprising the proposed fence; and
- (4) A permit fee of \$500.

D. The Board of Trustees may request that any applicant attend a meeting before the Board to answer questions concerning the application and to present samples of the applicant's proposed fence materials.

E. An applicant granted permission pursuant to this chapter shall obtain a building permit before installing the approved deer fence. Except as otherwise provided herein, applications for building permits for deer fences shall be processed and approved in the same manner as all other building permits issued by the Village Building Inspector.

### **§ 122-111. Fencing Standards.**

A. No deer fence shall be taller than eight feet, except that support posts may be up to nine feet tall. If a deer fence is installed on top of a wall or another fence, as an extension or otherwise, the total height of the barrier shall not exceed the foregoing height restriction.

B. Any deer fence installed adjacent to a public or private road or public place shall be installed with adequate vegetative screening to shield it from public view.

C. Deer fences shall be constructed of materials generally accepted in the industry for the construction of deer fences and shall be colored to blend in with surrounding vegetation or landscaping, as the case may be. In selecting the materials and colors for a specific deer fence, the applicant shall give specific consideration to the effectiveness of the materials, concealment of the fence, and associated aesthetic impacts. In no event shall a deer fence be constructed of razor wire, barbed wire, chicken wire, cloth, canvas, or electrically charged fencing.

D. All deer fences installed in the Village shall comply with the intersection visibility requirement set forth in Section 121-23 of the Village Code.

E. The Board of Trustees and Deer Fence Advisory Committee shall consider the following factors on every application pursuant to this chapter:

- (1) Whether the proposed deer fence meets the standards set forth in subsections B, C, D and E of this section.
- (2) Whether the proposed deer fence will have an adverse visual or aesthetic impact on public roads or spaces, or on adjoining properties in the Village.
- (3) Whether the proposed deer fence will be adequately screened to mitigate adverse visual or aesthetic impacts.
- (4) Whether the deer fence, as proposed, would present a public health or safety hazard.
- (5) Whether the deer fence will result in some other negative impact on the surrounding environment.

### **§ 122-112. Deer Fence Advisory Committee.**

- A. There is hereby established in the Village the “Deer Fence Advisory Committee.” The Committee shall serve in an advisory capacity to the Board of Trustees on applications pursuant to this chapter.
- B. The Committee shall consist of five members, all of whom shall be current residents of the Village.
- C. The Committee members shall be nominated by the Mayor and appointed by a majority vote of the Board of Trustees. The Mayor shall select a Chair from among the appointed members who shall serve in that capacity at the Mayor’s pleasure.
- D. Committee members shall serve at the pleasure of the Board of Trustees and be removed by the Board of Trustees by a majority vote.
- E. The Committee may set its own internal rules and procedures.

**Section 2. Severability.**

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof declared by said court to be invalid.

**Section 3. Effective Date.**

This local law shall take effect immediately upon filing with the Office of the New York Secretary of State.

**Resolution Negative Declaration**

**REASONED ELABORATION FOR NEGATIVE DECLARATION**

The Proposed Action is the Board of Trustees’ adoption of Local Law No 01-2020. The law will enact Chapter 122 of the Village Code (Deer Fences) governing the installation of deer fences on residential properties in the Village.

Under Chapter 122, deer fences will be permitted on residential properties in the Village by permission of the Board of Trustees, subject to certain standards published in the code. Chapter 122 will also create the Village of Old Field “Deer Fence Advisory Committee,” which will advise the Board of Trustees on applications filed pursuant to that chapter.

The adoption of the law itself will not result in a significant adverse environmental impact on any resources within the Village. Applying the criteria set forth in 6 NYCRR 617.7(c) (1), the Board of Trustees hereby finds:

**(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;**

The Proposed Action is the adoption of legislation establishing a regulatory framework for the installation of deer fences on residential properties in the Village of Old Field. The law does not approve any particular project and does not otherwise commit the Village to any future action that might be reasonably anticipated to affect environmental or historic resources in the Village. Therefore, the Proposed Action is not likely to result in any of the adverse environmental impacts listed above.

**(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;**

No. For the same reasons articulated in response to 6 NYCRR 617.7(c) (1) (i).

**(iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;**

No. For the same reasons articulated in response to 6 NYCRR 617.7(c) (1) (i).

**(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;**

No. The adoption of Chapter 122 of the Village Code will not materially change the Village's planning goals. The sole impact of the law will be to create a regulatory framework for the installation of deer fences on residential properties in the Village. Deer fences are a kind of fencing, and the Village Code already permits a variety of fences on residential property in the Village.

**(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;**

No. For the same reasons articulated in response to 6 NYCRR 617.7(c) (1) (i).

**(vi) a major change in the use of either the quantity or type of energy;**

No. Neither the local law nor the fencing it permits will materially affect the quantity or type of energy consumed in the Village.

**(vii) the creation of a hazard to human health;**

No. In fact, the opposite is true. The local law is being enacted in an effort to help the Village combat the growing human health issue of tick-borne illnesses, which are attributed to the presence of deer in the Village. Therefore, the Proposed Action is aimed at eliminating an existing hazard to human health.

**(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;**

No. The local law will not impact the use or intensity of uses in the Village. Its scope is limited to the installation of a certain type of fencing.

**(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;**

No. The local law does not create new housing or employment opportunities in the Village. Therefore, it will not encourage or attract large number of people to the Village.

**(x) the creation of a material demand for other actions that would result in one of the above consequences;**

No. The installation of a specific kind of fencing in the Village is not likely to result in any of the foregoing adverse environmental impacts.

**(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or**

No. The local law will not result in changes to two or more elements of the environment in the Village.

**(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.**

No. There are no cumulative impacts associated with the adoption of the local law.

**WHEREFORE**, the Village of Old Field Board of Trustees, as Lead Agency, finds that the Proposed Action will not result in one or more significant adverse environmental impacts. Accordingly, the Board resolves to adopt a Negative Declaration of Environmental Significance. No further environmental review is required, and no environmental impact statement shall be prepared.

## **RESOLUTION**

### **APPOINTING MEMBERS TO THE VILLAGE OF OLD FIELD DEER FENCE ADVISORY COMMITTEE**

**WHEREAS**, on Jan. 14, 2020 the Board of Trustees of the Village of Old Field (the "Board of Trustees") adopted Local Law No.01 of 2020 (the "Local Law") enacting Chapter 122 of the Village Code governing the installation of deer fences on residential property in the Village of Old Field; and

**WHEREAS**, the Local Law also created the "Deer Fence Advisory Committee" to advise the Board of Trustees on applications filed pursuant to Chapter 122 of the Village Code; and

**WHEREAS**, the Board of Trustees wishes to appoint the individuals named below to serve as members of the Deer Fence Advisory Committee; and

**WHEREAS**, the proposed Committee members meet the minimum requirements for eligibility set forth in Chapter 122 of the Village Code;

**WHEREAS**, the proposed action is a Type II Action for purposes of environmental review pursuant to the State Environmental Quality Review Act and its implementing regulations (SEQRA), and accordingly no further environmental review is required and no environmental impact statement shall be prepared.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees hereby appoints the following individuals to serve as the members of the Village of Old Field Deer Fence Advisory Committee:

1. Christine D'Alessandro
2. Thomas Gulbransen
3. Don Pius
4. Rebecca Van Der Bogart
5. Karen Wexler

Upon a motion by Trustee Pirro, seconded by Mayor Levine, the foregoing resolution was adopted by a vote of 4 to 0, by the Trustees at a regular meeting of the Board held on Jan. 14, 2020.

Voting:	Michael Levine, Mayor:	Yea
	Stephen Shybunko, Deputy Mayor	Yea
	Bruce Feller, Trustee	Yea
	Jeffrey Owen, Trustee	Yea
	Thomas Pirro, Trustee	Yea

Filed in the Office of the Village of Old Field Village Clerk on 1/16/2020.

**RESOLUTION ADOPTING LOCAL LAW 1 OF 2020  
ENACTING CHAPTER 122 OF THE VILLAGE CODE CONCERNING DEER FENCES**

**WHEREAS**, the Board of Trustees of the Village of Old Field (the “Board of Trustees”) is considering a proposed Local Law No.1 of 2020 (the “Local Law”) to enact Chapter 122 of the Village Code governing the installation of deer fences on residential properties in the Village; and

**WHEREAS**, notice of a public hearing on the Local Law was published in the Times Beacon Record on Jan. 2, 2020 and

**WHEREAS**, on Jan. 14, 2020, 2019, the Board of Trustees opened the duly noticed public hearing on the Local Law, at which time all persons in attendance were given an opportunity to be heard; and

**WHEREAS**, the Board of Trustees closed the public hearing on Jan. 14, 2020 and

**WHEREAS**, the Trustees have reviewed and considered the following materials in addition to the testimony received at the public hearing:

1. The Local Law.
2. Completed Short Environmental Assessment Form, Parts 1 and 2.

**WHEREAS**, the Local Law has been on the Trustees’ desks in final form for at least seven days prior to the date hereof; and

**WHEREAS**, the Local Law is an Unlisted Action for purposes of environmental review pursuant to the State Environmental Quality Review Act and its implementing regulations (SEQRA).

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees hereby:

1. Adopts the attached SEAF Part 3 and Reasoned Elaboration annexed thereto.
2. Adopts a Negative Declaration of Environmental Significance for purposes of SEQRA; accordingly, no further environmental review is required and no environmental impact statement shall be prepared.
3. Adopts the Local Law in its entirety.
4. Directs the Village Clerk to file the Local Law immediately with New York Secretary of State.

Upon motion by Trustee Pirro, seconded by Mayor Levine, the foregoing resolution was adopted by a vote of 4 to 0, by the Trustees at a regular meeting of the Board held on Jan. 14, 2020. Trustee Feller abstained.

Voting:	Michael Levine, Mayor:	Yea
	Stephen Shybunko, Deputy Mayor	Yea
	Bruce Feller, Trustee	Abstained
	Jeffrey Owen, Trustee	Yea
	Thomas Pirro, Trustee	Yea

Filed in the Office of the Village of Old Field Village Clerk on Jan. 16, 2020.

**Public Comment**

Jeff Schnee discussed the pending Verizon proposal, by late spring, for 4G service in the Village. Verizon can improve coverage for only Verizon customers, but will provide 911 service to all cell phone users. He also discussed the refuse company, used by most residents in Old Field, and questioned their recycling service. The company had notified the Village of eliminating a separate pick up day for recycling, siting their transfer station

contractor for the separation of recycling and garbage used a single stream method. Mayor Levine will look into the method used to determine if they are actually recycling paper, plastic and small metal items.

Karen Wexler asked about the Village Code for outdoor lighting, noting some lights were poorly placed and created a driving hazard on the road, and an intrusion into neighboring homes. The Board will review Chapter 68, Outdoor Lighting, to determine solutions.

### **Building**

- On a motion by Trustee Shybunko, seconded by Mayor Levine, the Board approved Brian & Christina O'Keefe, 59 Mt. Grey Road, Permit # 2019-0027, for the demolition of a barn, 5-0.
- On a motion by Trustee Shybunko, seconded by Mayor Levine, the Board approved Georgia & Robert Kulina, 100 Mt. Gray Road, Permit # 2020-0001 for a pool fence, 5-0.

### **Minutes**

- On a motion by Trustee Shybunko, seconded by Trustee Feller, the Board approved the minutes of Nov.12, 5-0.
- On a motion by Trustee Shybunko, seconded by Trustee Feller, the Board approved the minutes of Dec. 10, 2019, 3-0. Trustee Pirro and Mayor Levine were not at the Dec. meeting.

### **Treasurer**

- On a motion by Trustee Pirro, seconded by Trustee Shybunko, the Board approved \$6850 for updating the Village computer system to Microsoft 10, 5-0.
- On a motion by Mayor Levine, seconded by Trustee Pirro, the Board approved the resolution for journal entry adjustments for year ending Feb. 28, 2019, 5-0.
- On a motion by Mayor Levine, seconded by Trustee Pirro, the Board approved the warrants and Treasurer's report for Nov., and Dec. 2019, 5-0.
- The Board will review replacing the 2013 Ford Code vehicle.

### **Code Report**

The Mayor reviewed the Code activity report.

### **New Business**

None

### **Old Business**

- Elite Cell Tower, on hold

### **Additional Public Comment**

None

On a motion by Mayor Levine, seconded by Trustee Shybunko, the meeting was adjourned at 8:00 PM.

### **Executive Session**

The Board went into Executive Session at 7:55 PM to discuss a legal and personnel issue. The Board came out of Executive Session at 8:10 PM.

### **Adjourned**

The meeting was adjourned at 8:10 PM.

Respectfully submitted,  
Adrienne Kessel, Village Clerk

### **Calendar**

Next Work Session Thursday, Feb. 6, 2020, Monthly Meeting Tuesday, Feb. 11, 2020