

**VILLAGE OF OLD FIELD
BOARD OF TRUSTEES MONTHLY MEETING
TUES., DEC. 10, 2019 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 Anthony Guardino
Village Clerk Adrienne Kessel
Village Treasurer Andrea Podolsky
Building Insp. Joseph Arico

Mayor Levine and Trustee Pirro have notified the Clerk's office they will not be able to attend tonight's meeting.

Pledge to the Flag

Deputy Shybunko led the Pledge and opened the meeting at 7:00 PM.

Public Hearing continued from 11/12/19

Notice of Violation and Public Hearing

PLEASE TAKE NOTICE, that by ORDER of the Village of Old Field Building Inspector, dated October 12, 2019, these premises, known as 1 WOODHULL COVE LANE in the Village of Old Field (SCTM: 0203-018.00-01.00-002.000) are in violation of the property maintenance standards published in Chapter 80 of the Village of Old Field Code.

ACCORDINGLY, PLEASE TAKE FURTHER NOTICE, that if the nuisances existing on these premises are not addressed by November 11, 2019, the Board of Trustees of the Incorporated Village of Old Field shall hold a public hearing on Tuesday, NOVEMBER 12, 2019, at 7:00 P.M., at the Keeper's Cottage, 207 Old Field Road, Setauket, New York 11733, to consider and vote upon a course of action to abate the public nuisances hereon and assess the cost therefor as a lien against the property. Minutes by court reporter.

- On a motion by Trustee Feller, seconded by Trustee Owen, the Public Hearing was closed without further action, 3-0. Property has been sold.

Public Comment

Billy Williams, candidate for Setauket Fire Commissioner attended the meeting, with a reminder to vote before 9:00 PM at the Nichols Road fire station.

Building

- Brian & Christina O'Keefe, 59 Mt. Grey Road, Permit # 2019-0027 for the demolition of a barn
On a motion by Trustee Shybunko, seconded by Trustee Feller, the Board approved the permit, 3-0.

Minutes

- Tabled: Approve Minutes of Nov.12, 2019

Treasurer

- Tabled: Approve the warrants and Treasurer's report for Nov., 2019
- Set date for Budget Hearing-Jan. 14, 2020
- Introduce LL 02-2020 Exceed Tax Cap Limit of 2%

VOF Bill No. 02-2020-A Local Law Overriding the Tax Levy Limit Established in General Municipal Law § 3C

Be it enacted by the Board of Trustees of the Incorporated Village of Old Field as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Old Field to adopt a budget for the fiscal year commencing March 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-C.

It is the intent of this local law to allow the Village of Old Field to adopt a budget for the fiscal year commencing March 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Old Field is hereby authorized to adopt a budget for the fiscal year commencing March 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

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

New Business

- On a motion by Trustee Feller, seconded by Trustee Shybunko, the Board approved awarding the Snow Bid for Jan. 01, 2020 to Sept. 30, 2020, with one year option of the Board to extend the contract to Sept. 30, 2021, to Landscaping by Gaspar LaRosa, as proposed by the Village, without an advance retainer and with the insurance coverage as required in the bid, 3-0.
- On a motion by Trustee Shybunko seconded by Trustee Feller, the Board approved Town of Brookhaven extension of 2019 highway agreement (with option to renew for three additional one year terms) to purchase salt/sand from Jan. 1, 2020 to Dec. 31, 2020, 3-0.
- Introduction of LL 01-2020 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 requests 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 on the application. The Board of Trustees has the power to impose reasonable conditions on all approvals pursuant to this chapter.
- D. A complete application shall consist of:
 - (1) A written request for permission to install a deer fence on a specific property in the Village;
 - (2) A survey 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) An application fee of \$100.
- E. 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.
- F. 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 restrictions.
- B. All deer fences installed adjacent to a public or private road or public place shall be installed with adequate vegetative screening to shield them 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.

Negative Declaration Resolution

LOCAL LAW NO. 01-2020 ENACTING CHAPTER 122 OF THE VILLAGE CODE DEER FENCES

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.

The Board discussed the Deer Fence law and the possible permit fee changes from \$100 to \$500, which is the Village fence permit fee. Haley Ogle and Rebecca Van Der Bogart commented on the possible change to the fees. Rebecca Van Der Bogart said some Villages do not charge a fee for fences.

Attorney Guardino said there are always administrative costs to the Village for processing and inspections. He also said some additional requirements should be written into the law; a survey marking the exact location of the fence, and specifying the product, with photos and actual product and color samples.

Code Report

Deputy Shybunko discussed the Code Report, and announced that each month Pulse magazine would profile a Code officer, so residents would get to know each officer.

Old Business

- Elite Cell Tower, on hold; waiting for a proposal from Verizon on a DAS system.

Trustee Reports

- Mayor Michael Levine-Safety
- Deputy Mayor Stephen Shybunko-Fire, Special Projects, discussed the monitoring of signs in the Village and the impact of the law, which limited the length of time they can be installed.
- Trustee Jeffrey Owens-Parks, Bldg. & Street Trees, Commissioner of P/T Code Enforcement
- Trustee Bruce Feller-Environmental Council
- Trustee Thomas Pirro-Street and Road Repairs

Additional Public Comment

Haley Ogle discussed a burglary on Holly Lane.

Adjourned

On a motion by Trustee Feller, seconded by Trustee Owen, the Board adjourned the meeting at 8:00 PM.

Calendar

Next Work Session Thursday, Jan. 9, 2020, Monthly Meeting Tuesday, Jan. 14, 2020

Respectfully submitted,
Adrienne Kessel
Village Clerk