

BOARD OF TRUSTEES
WORK SESSION - SPECIAL MEETING – EXECUTIVE SESSION
MARCH 5, 2020

The Board of Trustees held a work session and special meeting on the above date at 11:00 a.m., at the Emergency Services Building, 1 Cedar Street, East Hampton. An executive session followed the meeting

<i>Those present were:</i>	Richard T. Lawler	Mayor
	Barbara Borsack	Deputy Mayor/Trustee
	Arthur S. Graham	Trustee
	Rosemary G. Brown	Trustee
	Rebecca Hansen	Village Administrator
	Elizabeth Baldwin	Village Attorney
	David Collins	Superintendent of Public Works
	Michael Tracey	Police Chief
	Tony Long	Police Captain
	Robert Hefner	Historic Services
	Billy Hajek	Planner
	Ken Collum	Code Enforcement Officer
	Gerard Turza, Jr.	Chief Engineer, Fire Dept.
	Hugh King	Historic Site Manager & Historian
	Don Horowitz	Wittendale's Florists
	Valerie Smith	The Monogram Shop
	John & Gusty Folks	Visitors
	Gerard Larsen	Visitor
	Danielle Koyles	LTV
	Jamie Bufalino	East Hampton Star
	Virginia Garrison	East Hampton Press
	June Lester	Secretarial Assistant

Mayor Richard Lawler opened the meeting by leading the Pledge of Allegiance.

Hugh King spoke briefly of the history of the Roxanne and Lyman Beecher House, now Village Hall at 86 Main Street. Mr. King also noted Alex McCourt, a teacher at the Middle School, has formed the East Hampton History Club. The club will visit historic sites after school, starting with Village Hall. They hope to create a booklet for walking tours.

PUBLIC COMMENTS

There were no comments from the public other than those made in reference to the below discussions.

CHAMBER OF COMMERCE SPRING FESTIVAL

The Mayor gave a brief overview of the event, which has been held the last few years. The Board has received both positive and negative comments concerning the festivals. The Chamber's representative has been unable to be present. While the Chamber's website states the 2020 Spring Festival is being held on May 16th, Mayor Lawler noted that no application has been submitted by the Chamber and the Board has not approved that date. As not to disrupt local businesses, the event cannot be held after the first weekend in May.

The Mayor invited public comment:

Don Horowitz, of Wittendale's Florists, located at 89 Newtown Lane: Mr. Horowitz voiced his concern over how closing the street for the fairs affects businesses. Wittendale's Florists & Greenhouses/Vetault's has been in business for 99 years. Wittendale's employs ten people year-round and does 60% of their business in May and June. Mr. Horowitz noted that the entire month of December doesn't equal to one week in May. Main Street and Newtown Lane business owners need the street open. Mr. Horowitz added that after 37 years he is no longer a Chamber member, and thanked the board for being more of an advocate for the local businesses.

Valerie Smith, of The Monogram Shop, located at 19 Newtown Lane: Ms. Smith voiced her concern over the quality of the past two festivals. In addition to the impact on businesses, the festival also negatively impacts the residents – leaving them unable to run errands. The parking lot was inaccessible during the December event – on a Saturday early in December. Ms. Smith added, if the Chamber wants to revitalize the village business district the time to hold an event would be when business is slowest – January through April.

Arthur Graham, Trustee: Considered the festival beneficial to the chamber, not chamber members, and was not in favor of it.

Barbara Borsack, Deputy Mayor/Trustee: Suggested the quality of the participating vendor booths be improved.

Rosemary Brown, Trustee: The events shouldn't negatively impact any local businesses, and was surprised that the Chamber had posted an unapproved date.

Richard Lawler, Mayor: Through discussion we hope to make it better. There is no decision to make today. The Mayor noted the village can be contacted thru it's Facebook page, website or telephone and we want to hear from village residents.

ZONING CODE – RETAIL FOOD STORES

Billy Hajek gave a brief review of the proposed code amendment that would allow take-out food stores to have up to sixteen seats for a customer sitting area. The proposed legislation would not trigger a change to restaurant use. Calculation of seating permitted would be by occupancy rating.

NOTICE OF PUBLIC HEARING (DRAFT)

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton will hold a public hearing on Friday, the 17th day of April, 2020 at 11:00 a.m. at the Emergency Services Building, One Cedar St, East Hampton, NY, at which time all interested persons will be heard with respect to a Local Law amending the Code of the Village of East Hampton, Chapter 278 Zoning, to allow take-out food stores to have up to 16 seats for a customer sitting area.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

**INTRODUCTORY NO. ONE -2020
LOCAL LAW NO. _____ - 2020**

SECTION I. PURPOSE

It has come to the attention of the Village Board of Trustees that allowing take-out food store (retail stores that serve food), such as delicatessens and bakeries, to have a limited number of seating for customers would provide a valuable service to the community.

This proposal eliminates the existing definition for "retail food store" because the definition is duplicative of "take-out food store." The take-out food store definition will be revised to allow for up to 16 seats to eat within or outside of the establishment. The total number of seats may be a combination of indoor and outdoor seats, provided the outdoor seats are located on premises. Allowing a limited number of seats within take-out food stores will not change the underlying use of the property and therefore no impacts to parking or sanitary are anticipated.

The number of seats permitted in this local law is based upon the number of seats set forth in the Suffolk County Sanitary Code for seating in take-out and full-service food establishments. According to Suffolk County Sanitary Code, once a take-out establishment exceeds 16 indoor seats or converts to full services, it is considered a restaurant and flow rates are calculated as such. The County refers to the 16-seat "rule" as "Single-Service", meaning a customer buys the product over the counter and all products must be served in disposable containers. There is no wait staff, no table service and all utensils, cups and plates must be disposable. In other words, the permission of 16 seats does not translate to table service or operation as a restaurant.

This local law also adds "Take-out Food Store" as a permitted use within the Commercial and Core Commercial Zoning Districts. While the current zoning code contains a definition of the "Take-out Food Store" use, the use was not added to the list of permitted uses within the commercial zoning districts.

SECTION II.- VILLAGE CODE AMENDED

The provisions of Chapter 278 of the Code of the Village of East Hampton are hereby amended as follows (added material is underlined & highlighted):

278-1A. Definitions

[Only the following definitions shall be amended as indicated. Take-out food store shall be replaced in its entirety.]

RETAIL FOOD STORE: DELETE

TAKE-OUT FOOD STORE – A retail store wherein food and/or beverages are prepared, served and sold over a counter for immediate consumption primarily off premises and which may have a customer sitting area. A customer sitting area shall be limited to no more than 16 seats, to eat within or outside of the establishment, at one time. A take-out food store includes, but is not limited to, delicatessens, ice cream parlors, bakeries, tea/coffee houses and specialty gourmet shops. A take-out food store excludes restaurants, fast-food restaurants or drive-in restaurants, bars and taverns.

278-2. Zoning Districts

[Add the following use to permitted uses within Commercial and Core Commercial Zoning District]

D. (1) (n) Take-out Food Store

SECTION III. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION IV. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated:

By Order of the
BOARD OF TRUSTEES
Inc. Village of East Hampton
REBECCA HANSEN
Village Administrator

The Mayor invited public comment:

John and Gusty Folks, commercial property owners: Thanked the Board for acting quickly on the proposal.

As the board agreed to move forward, the proposed legislation will be noticed at the March 20th meeting for a public hearing to be held on April 17th.

Gerard Larsen: Asked if the proposal included outdoor seating on public property, which it did not, only on private property.

COASTAL ASSESSMENT RESILIENCY PLAN ("CARP")

Village Administrator Becky Hansen gave a brief overview of the Coastal Resiliency Plan. In 2017, the Village agreed to participate in the Town's creation of a Coastal Assessment Resiliency Plan and to contribute \$13,000 toward the plan. Since the Town began the process, they have changed consultants and have been working with GZA since the end of 2018. GZA is not at the point where they will be developing the Village portion of the plan. The Village will not have its own separate plan, but will be included in the Town Plan.

The plan examines flooding and erosion risks, storm vulnerability and expected degree of recovery. The plan will also advance the understanding of coastal hazards facing the Village and will provide the foundation needed to develop and implement strategies to increase resiliency and protect the Village's infrastructure, businesses, homes and community. Some of the plan goals include:

- Reduce exposure to assets vulnerable to coastal storms and flooding, facilitate quicker response and recovery;
- Protect natural system and habitats, including beaches and wetlands;
- Raise public awareness of resiliency approaches;
- Review and recommend changes to Village's coastal regulations and policies to improve coastal resiliency, reduce vulnerability and encourage adaptation to climate change.

GZA will create a set of illustrations that show flood risk scenarios, and identify key assets and options for strategies. The Village proposal will also be the topic of a public meeting once it is completed. The cost for inclusion in the Town Plan is \$13,000.00 (has been budgeted). The Village will have to vote to approve the Agreement with GZA at the next meeting so that the Town may execute it on their end.

Deputy Mayor Barbara Borsack suggested forming an Environmental Advisory Committee, which could meet quarterly.

GEORGICA BEACH WI-FI

Police Captain Tony Long explained the options for the installation of equipment that would provide wi-fi service at Georgica Beach. It would require the installation of two antennae on the building and a third closer to the beach. Concerns were raised over where third would be placed. The Board preferred incorporating the third in a flagpole, which besides flying the American and Village flags the water conditions flag could also be displayed on the pole. The cost for the equipment, I.T. labor, Wi-Fi software and electrical would be \$13,311. The flagpole would cost \$3,000 - \$4,000, with the flags at an additional cost.

Upon motion made by Trustee Rosemary Brown, seconded by Deputy Mayor Barbara Borsack and unanimously carried, it was RESOLVED to adopt Resolution #13-2020, hereby authorizing the issuance pursuant to sections 90.00 or 90.10 of the Local Finance Law of refunding bonds of the Village of East Hampton, to be designated "public improvement refunding (serial) bonds", and providing for other matters in relation thereto and the payment of the Bonds to be refunded thereby.

Upon motion made by Trustee Barbara Borsack, seconded by Mayor Richard Lawler and unanimously carried, it was RESOLVED to accept Andrew Daige as a new probationary member of the Ambulance Association

Upon motion made by Deputy Mayor Barbara Borsack, seconded by Trustee Arthur Graham and unanimously carried, it was RESOLVED to approve the Fire Department's request to use the Emergency Services Building meeting room on Sunday, March 29, 2020 from 8:00 am to 11:00 am to host a benefit breakfast for the East Hampton High School Class of 2022.

Upon motion made by Deputy Mayor Barbara Borsack, seconded by Trustee Arthur Graham and unanimously carried, it was RESOLVED to notice to bidders for the lease of Sea Spray Cottage #8, w/bid opening to be held Tuesday, April 7, 2020 at 2:00 p.m. at Village Hall.

Upon motion made by Deputy Mayor Barbara Borsack, seconded by Trustee Rosemary Brown and unanimously carried, it was RESOLVED to notice to Bidders for the Town Pond Dredge Project, with the bid opening to be held on Monday, April 13, 2020 at 2:00 p.m.

Upon motion made by Trustee Arthur Graham, seconded by Deputy Mayor Barbara Borsack and unanimously carried, it was RESOLVED to approve Change Order Request #1 for the Northwest Fire Sub-Station in the amount of \$37,329.

PUBLIC/ADDITIONAL COMMENTS

Deputy Mayor Barbara Borsack announced the Village's Facebook page would be live tomorrow.

The Deputy Mayor also noted that the Ambulance Association is well stocked and well trained, Southampton Hospital is well equipped.

With no other business to discuss motion to adjourn the meeting and enter into an executive session to discuss personnel was made by Trustee Arthur Graham, seconded by Deputy Mayor Barbara Borsack and unanimously carried at 12:05 p.m.

(APPROVED BY BOARD OF TRUSTEES JUNE 19, 2020)



REBECCA HANSEN, CLERK OF THE BOARD



RICHARD T. LAWLER, MAYOR



BARBARA S. BORSACK, DEPUTY MAYOR/TRUSTEE



ARTHUR S. GRAHAM, TRUSTEE



ROSEMARY G. BROWN, TRUSTEE