



## Town Board Meeting of September 1, 2015 East Hampton, New York

### I. Call to Order

10:00 AM Meeting called to order on September 1, 2015 at Town Hall Conference Room, 159 Pantigo Road, East Hampton, NY.

Attendee Name	Organization	Title	Status	Arrived
Kathee Burke-Gonzalez	Town of East Hampton	Councilwoman	Present	
Peter Van Scoyoc	Town of East Hampton	Councilman	Present	
Sylvia Overby	Town of East Hampton	Councilwoman	Present	
Fred Overton	Town of East Hampton	Councilman	Present	
Larry Cantwell	Town of East Hampton	Supervisor	Present	
Carole A. Brennan	Town of East Hampton	Town Clerk	Present	
John Jilnicki	Town of East Hampton	Town Attorney	Present	

### II. Public Hearings

#### 1. NOPH- the Ciao Music Permit Violations

History:

08/18/15 East Hampton Town Board ADJOURNED Next: 09/01/15

COMMENTS - Current Meeting:

The Town Board of the Town of East Hampton held a public hearing in the Town Hall Courtroom, Town Hall, 159 Pantigo Road, East Hampton, New York, on Tuesday, September 1, 2015 beginning at 10:05 a.m. and adjourning at 10:40 a.m.

Town Clerk Carole A. Brennan read the Notice of Public Hearing as posted and published as required by law.

The following persons spoke at the hearing:

Assistant Town Attorney gave a briefing on the need for this hearing. He spoke about the five summons that Ciao has received. This hearing is within the Town Code in order for the Town Board to decide what steps they would like to take. Michael spoke on the details of each of the five violations.

Tina Piette, Attorney for would like to speak after the rest of the public.

Barbara Howard lives directly across from the establishment. She does not want to shut down any establishment but urges the board to suspend Ciao's music permit.

Bill Akin says we have codes and punishments within the code that need to be followed up on. As a result of what is going on at Ciao with no punishments, others are doing the same thing.

Martin Drew asks how many complaints have come in on this establishment. Work on a solution and allow them to continue doing business .

David Buda thinks that not only the noise level but the time in which these violations occurred.

Bob Mulligan says he thinks the board will do the right thing. Take there license away.

Tom Bognan spoke about compliance. He lives a mile away from the establishment. After 9 at night he could still hear the music a half a mile away. This establishment knew they were under the microscope and they still do what they want.

Rona Klopman says that the owner could have done some sound proofing. Why aren't they trying to do their part.

Tina Piette says that she realizes that the code says after three violations but she feels that a summons is not worth the piece of paper it is written on. She does not feel that the Town Board has the right to make a decision before the matter has gone through the court system. The first three summonses were given to a music promoter. The other two are persons that she will be representing. She cannot speak about any of the details at a public meeting until the case has been heard by the Justice Court.

Larry asked what steps they are taking to mitigate the situation. Tina states that they terminated their relationship with the promoter. She does not believe that the establishment understood that outside music must be off at nine o'clock.

John Allen says that they also have a problem with the noise of the train. When Ciao has their music playing they cannot hear the train. When establishments knowingly violate the code we need to take steps to cure that.

Tyler Armstrong spoke about who has the power to revoke a permit. If the Town issued the Town should be able to revoke. Sound does travel and we need to enforce the laws.

There being no further public comment, a motion was made to close the hearing and leave the record open for one week for written comments only.

**RESULT: CLOSED [UNANIMOUS]**

**MOVER:** Peter Van Scoyoc, Councilman

**SECONDER:** Sylvia Overby, Councilwoman

**AYES:** Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

### **III. Public Portion**

The following persons spoke a briefing of their comments follows:

Peter Wolf resident of East Hampton speaking about noise problems at the airport. The new laws have done nothing to help with the noise problem. He states that the curfew must be extended to help with the problem.

Jim Matthews says here we are again speaking about the airport noise. The word on the street is that this Board is not really concerned with the noise. What is this doing to our children.

Laura Leever lives in Sag Harbor and questions the board on whether or not they feel there is a problem at the airport. She received an e-mail from the Quiet Sky group that said so. She says she puts in fifty complaints per day. She asked the status of the lawsuit. Happy to hear that you hired Ms. Sullivan as your attorney.

Martin Drew is running again for Town Supervisor. Change in our community is needed by a neutral board. He spoke about parking at Maidstone Park. Last night he counted 35 cars, 11 without permits. He asked if a Recreation Committee will be appointed in the future.

Gene from Noyac spoke about noise from the airport. No one wants flights coming over their homes. The problem is self evident without complaints. Don't think that just because there aren't complaints there is no problems. Where ever there is aircraft there is problems. Don't let air taxis in.

Kathy Cunningham spoke about the airport noise. It has been worse for her this summer. The issue is the same as in Montauk. Our area has become a place to make money. The residents can no longer enjoy their homes. It is difficult to keep calling in complaints.

David Buda speaking about the basement in bedrooms issue. The same mentality of profit is the problem behind this. There may be times when it should be allowable but that needs to be on a special permit basis. You need to establish the rule first then make the exceptions. Definitions in this area of the code are difficult to understand. He spoke on gross floor area.

Don Matheson here to speak in favor of the basement bedroom issue. He handed out drawings on homes that have eight bedrooms and four baths without anything in the basement. He is for net zero homes. 50% of the cost of the home can be accomplished below ground.

Larry Cain agrees with Mr. Buda in regards to the bedrooms in basements as far as the illegal issues that comes with this. Please don't punish the people that are using the space legally.

Tina Piette says that basement space that is finished is taxable. She spoke about affordable apartments within homes. Space needed for expanding families is important. She is against the proposed law.

Tyler Armstrong says that Don's home that he built is wonderful. Restrictions like this can block out opportunities for the young. He lived in a basement apartment this summer.

Michael Forst is against the proposed legislation. We do have problems in our town with overcrowding but that should not punish the rest of the residents. He doesn't like the exemption rule because then who gets on and who doesn't. If you can legally finish off your basement then why can't it be a bedroom. People will do this anyway so why not allow them to do it in a safe way.

Jon Woudsma says this is going to hurt the average family that is trying to stay in the area. He wonders if anyone realizes the problems this will cause. If the gross floor area is the problem then please revisit this proposal. He would love to work with the board on this matter.

Britton Bistran who is a fireman and involved in the building business. She is against the proposal. You can have bedrooms in the basement everywhere in New York State. Why not East Hampton Town.

## **IV. Topics**

### **A. Discussion: Basement Bedrooms**

Peter Van Scoyoc says that this raises more questions than answers. We need to look at gross floor space. All living space should be included in gross floor counts. Nothing we do can solve the illegal issues the Town has. He has questions on pre-existing non conforming issues. Perhaps we should form a committee to look at the issue.

Sylvia Overby would like to see Planning, Zoning, Attorney and Building Department to get together and iron this out. Energy saving is very important to her. She does not think we are there yet. She would like info from our experts first then maybe add outsiders.

Fred Overton says that he has always been concerned with people being trapped. Not only in basements but also on second floors. He thinks that this law will not stop illegal basement apartments. He would rather see a legal room that has been inspected and has the necessary equipment. He feels the proposal needs more work.

Kathee Burke Gonzalez agrees that she is not ready to move forward with this law. She feels this is a knee jerk reaction to the large homes that were built in Springs. She would like to go back to the drawing board.

Larry Cantwell says that the overcrowding of the lots is a problem in the town is a problem. The gross floor area on small lots does create a density problem. He does not have a problem taking a broader look at the problem. We need to turn to our experts to find a cure. When you are faced with a new home on a half acre lot that contains eight bedrooms is a concern.

Sylvia and Peter will sit down with experts from our departments to try to come up with a better solution.

### ***B. Digitization of Building Department Records***

Larry Cantwell states that Charlene Kagel-Betts looked into the cost per document that other Town's have paid.

Charlene spoke about the facts that she found out while inquiring with other town's on what they are doing. Many town's have an in-house system. The company we are looking at is off the NY State bidding list. The issue of what we legally need to maintain and what we want to maintain was discussed.

### ***C. L.K. McLean Associates' Proposal for the Traffic and Parking Study of Downtown Montauk***

Larry Cantwell says that Chief Sarlo gave recommendations for helping with the traffic in downtown Montauk. The board would like to make some changes before next summer without having to wait for all the hamlet studies to be completed.

Peter feels this will help the town to address some of the problems and concerns that are facing the Montauk area now.

Kathee Burke-Gonzalez says we need to look now.

A resolution will be put on the agenda in the near future.

***D. L.K. McLean Associates' Design of a New Municipal Parking Field in Downtown Montauk***

Larry Cantwell says the town recently purchased this property in order to add more parking to the Montauk Downtown area and we need to start this project soon also. A resolution on this item will be forth coming.

**V. Liaison Reports**

Kathee Burke-Gonzalez says that the WCAC will be meeting this Saturday. She also spoke about the Springs Fire District Cell Tower issue. We have gotten many questions about this issue. She read parts of a letter from our Town Attorney that states that the Town Board does not have a right to interfere with this matter at any time.

Fred Overton spoke about Showtime wanting to come back to the area on September 8-10th.

Peter VanScoyoc spoke about the Fort Hill Cemetery. There is a native designation to a section of the cemetery that they would like to have dedicated. He also spoke about establishing a committee with staggered terms that would help with the LWRP and associated matters.

Sylvia Overby says that we are going to have a new member added to the CPF Committee. Energy Committee to get new members, Frank Dalene will be leaving the committee. See spoke about the gross floor issue once again. Business Committee meetings were discussed. They would like to give a presentation later in the year regarding outdoor dining. She spoke about a new PSEG landscaping plan for Amagansett.

Fred Overton spoke about individuals that would like to join the Nature Preserve Committee. He also spoke about the recommendations from the Deer Management Committee regarding additional signage in areas around the town to warn motorists about the deer in the area. He also spoke about the selective deer hunting.

Larry Cantwell states that Alex Walters and Kim Shaw had a meeting yesterday with the Army Corps of Engineers which he will report on at a later date, possibly at the work session in Montauk next week.

## VI. Resolutions

### 1. Resolution 2015-966

Category: Appointments  
 Sponsors: Councilman Peter Van Scoyoc  
 Department: Human Resources

#### Appoint Seasonal Lifeguard Jennifer Morrison Recreation Department

RESOLVED, that Jennifer Morrison be and she is hereby appointed on a temporary/seasonal basis to the position of Senior Lifeguard with the Department of Recreation, at the hourly rate of \$13.75, payable biweekly from budget account #A7180-51200, said appointment to take effect retroactive to August 28, 2015 through September 21, 2015, and be it further

RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the appropriate personnel

ü Vote Record - Resolution RES-2015-966						
			Yes/Aye	No/Nay	Abstain	Absent
þ Adopted						
.. Adopted as Amended	Kathee Burke-Gonzalez	Voter	þ	..	..	..
.. Defeated	Peter Van Scoyoc	Mover	þ	..	..	..
.. Tabled	Sylvia Overby	Secunder	þ	..	..	..
.. Withdrawn	Fred Overton	Voter	þ	..	..	..
	Larry Cantwell	Voter	þ	..	..	..

### 2. Resolution 2015-967

Category: Amendment  
 Sponsors: Supervisor Larry Cantwell  
 Department: Human Resources

#### Amend Resolution Number 2015-819 Jesse Stavola Police Department

WHEREAS, by resolution # 2015-819 Jesse Stavola was appointed as a first year police Officer at the yearly salary of \$56,293.61 and she is not a first year police officer now therefore be it

RESOLVED, that resolution #2015-819 be and is hereby amended to read: that Jesse Stavola is hereby appointed to the position of Police Officer at the annual salary of \$50,239.99 as per the PBA training step schedule from budget account # B3120.51100 retractive to July 17, 2015

Ú Vote Record - Resolution RES-2015-967						
			Yes/Aye	No/Nay	Abstain	Absent
þ Adopted						
.. Adopted as Amended	Kathee Burke-Gonzalez	Voter	þ	..	..	..
.. Defeated	Peter Van Scoyoc	Seconder	þ	..	..	..
.. Tabled	Sylvia Overby	Voter	þ	..	..	..
.. Withdrawn	Fred Overton	Voter	þ	..	..	..
	Larry Cantwell	Mover	þ	..	..	..

**3. Resolution 2015-968**

Category: Amendment  
 Sponsors: Supervisor Larry Cantwell  
 Department: Human Resources

**Amend Resolution Number 2015-683 James Stavola Police Department**

WHEREAS, by resolution # 2015-683 James Stavola was appointed as a first year police Officer at the yearly salary of \$56,293.61 and he is not a first year police officer now therefore be it

RESOLVED, that resolution #2015-683 be and is hereby amended to read: that James Stavola is hereby appointed to the position of Police Officer at the annual salary of \$50,239.99 as per the PBA training step schedule from budget account # B3120.51100 retractive to May 31, 2015.

Ú Vote Record - Resolution RES-2015-968						
			Yes/Aye	No/Nay	Abstain	Absent
þ Adopted						
.. Adopted as Amended	Kathee Burke-Gonzalez	Voter	þ	..	..	..
.. Defeated	Peter Van Scoyoc	Seconder	þ	..	..	..
.. Tabled	Sylvia Overby	Voter	þ	..	..	..
.. Withdrawn	Fred Overton	Voter	þ	..	..	..
	Larry Cantwell	Mover	þ	..	..	..

**VII. Executive Session - CPF, Litigation**

A motion was made at 12:39 p.m. by Councilman Van Scoyoc, seconded by Councilwoman Overby to go into executive session.





East Hampton Town Board  
159 Pantigo Road  
East Hampton, NY 11937

Meeting: 09/01/15 10:00 AM  
Department: Human Resources  
Category: Appointments  
Prepared By: Kathleen Keller  
Initiator: Kathleen Keller  
Sponsors: Councilman Peter Van Scoyoc  
DOC ID: 15803

ADOPTED

RESOLUTION 2015-966

## Appoint Seasonal Lifeguard Jennifer Morrison Recreation Department

RESOLVED, that Jennifer Morrison be and she is hereby appointed on a temporary/seasonal basis to the position of Senior Lifeguard with the Department of Recreation, at the hourly rate of \$13.75, payable biweekly from budget account #A7180-51200, said appointment to take effect retroactive to August 28, 2015 through September 21, 2015, and be it further

RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the appropriate personnel

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Peter Van Scoyoc, Councilman
<b>SECONDER:</b>	Sylvia Overby, Councilwoman
<b>AYES:</b>	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



**East Hampton Town Board**  
159 Pantigo Road  
East Hampton, NY 11937

**ADOPTED**

**RESOLUTION 2015-967**

Meeting: 09/01/15 10:00 AM  
Department: Human Resources  
Category: Amendment  
Prepared By: Kathleen Keller  
Initiator: Kathleen Keller  
Sponsors: Supervisor Larry Cantwell  
DOC ID: 15808

## **Amend Resolution Number 2015-819 Jesse Stavola Police Department**

WHEREAS, by resolution # 2015-819 Jesse Stavola was appointed as a first year police Officer at the yearly salary of \$56,293.61 and she is not a first year police officer now therefore be it

RESOLVED, that resolution #2015-819 be and is hereby amended to read: that Jesse Stavola is hereby appointed to the position of Police Officer at the annual salary of \$50,239.99 as per the PBA training step schedule from budget account # B3120.51100 retractive to July 17, 2015

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry Cantwell, Supervisor
<b>SECONDER:</b>	Peter Van Scoyoc, Councilman
<b>AYES:</b>	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



**East Hampton Town Board**  
159 Pantigo Road  
East Hampton, NY 11937

**ADOPTED**

**RESOLUTION 2015-968**

Meeting: 09/01/15 10:00 AM  
Department: Human Resources  
Category: Amendment  
Prepared By: Kathleen Keller  
Initiator: Kathleen Keller  
Sponsors: Supervisor Larry Cantwell  
DOC ID: 15806

## **Amend Resolution Number 2015-683 James Stavola Police Department**

WHEREAS, by resolution # 2015-683 James Stavola was appointed as a first year police Officer at the yearly salary of \$56,293.61 and he is not a first year police officer now therefore be it

RESOLVED, that resolution #2015-683 be and is hereby amended to read: that James Stavola is hereby appointed to the position of Police Officer at the annual salary of \$50,239.99 as per the PBA training step schedule from budget account # B3120.51100 retractive to May 31, 2015.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry Cantwell, Supervisor
<b>SECONDER:</b>	Peter Van Scoyoc, Councilman
<b>AYES:</b>	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell