

**VILLAGE OF EAST HAMPTON BOARD OF TRUSTEES
AGENDA FOR APRIL 17, 2020 MEETING, AT 11:00 A.M.**

Pursuant to Executive Order 202.2 the public will not be permitted to attend in person. Meeting will be held via video conference online and published by Local TV, Inc. (Channel 20/22 LTV – public access) Call in will be available.

Public may submit comment by e-mail to: jlester@easthamptonvillage.org, fax: 631-324-4189 or mail: Board of Trustees, Village of East Hampton, 86 Main Street, East Hampton, NY 11937.

PUBLIC COMMENT

DISCUSSION: Wi-Fi at Georgica Beach

PUBLIC HEARINGS (notices are attached):

1. Introductory # 1- 2020; a proposed code amendment to Chapter 278 Zoning, to allow take-out food stores to have up to 16 seats for a customer sitting area.
2. Introductory # 2- 2020; a proposed code amendment to Chapter 62 Alarm Systems, to add emergency access via a key lock box to residential and commercial properties upon which fire alarm systems have been installed.

RESOLUTIONS/MOTIONS:

1. Make a motion to approve claim vouchers for the month of April.
2. Make a motion to approve Warrants #49, #51 & #52 (General Fund), #48 (Trust Fund), # 50 (LOSAP Fund) and #53(Capital Fund).
3. Make a motion to approve Budget Transfer Schedule # 1, Reference # 9, dated April 13, 2020.
4. Make a motion to approve departmental reports.
5. Make a motion to adopt a negative SEQRA declaration in reference to Introductory #1-2020.
6. Make a motion to adopt Introductory # 1- 2020 as LOCAL LAW # TWO - 2020; hereby amending Chapter 278 Zoning, to allow take-out food stores to have up to 16 seats for a customer sitting area.
7. Make a motion to adopt negative SEQRA declaration in reference to Introductory # 2 – 2020.
8. Make a motion to adopt Introductory # 2- 2020 as LOCAL LAW THREE - 2020; a proposed code amendment to Chapter 62 Alarm Systems, to add emergency access via a key lock box to residential and commercial properties upon which fire alarm systems have been installed.

9. Make a motion to notice for a public hearing to be held on May 15, 2020 at 11:00 a.m. at the Emergency Services Building, One Cedar Street, East Hampton, New York, or via video-conferencing if necessary, at which time all persons interested will be heard, for Introductory # 3 - 2020, a proposed local law authorizing a property tax levy in excess of the limit established in General Municipal Law § 3-c. Hearing will be held via video conference and published by Local TV, Inc. (Channel 20/22 LTV – public access) Call in will be available.
10. Make a motion to notice for a public hearing to be held on May 15, 2020 at 11:00 a.m. at the Emergency Services Building, One Cedar Street, East Hampton, New York, or via video-conferencing if necessary, at which time all persons interested will be heard, pursuant to N.Y.S. General Municipal Law §247, with respect to the acceptance of a Scenic & Conservation Easement from 25 Cove Hollow Farm Robot LLC and 25 Cove Hollow Farm Unicorn LLC over property located at 25 Cove Hollow Farm Road (SCTM#301-12-10-5)
11. Make a motion to adopt Resolution # 19-2020; hereby appointing Anthony Long the permanent title of Police Captain, effective April 1, 2020.
12. Make a motion to employ Jamie Tulp as Seasonal Beach Manager for the 2020 season at the salary of \$ 32,000.00.
13. Make a motion to accept Charlene Irizarry as a new member of the Ambulance Association (please refer to April 2nd memo from Chief Charde)
14. Make a motion to deem items listed in DPW Superintendent Collins April 7th memo as surplus, approve all items deemed surplus to be listed for sale by Auctions International online, accept all bids received that meet or exceed minimum bids set and approve disposal of unsold items.
15. Make a motion to approve Change Order #5 on the Dominy Shop Restoration Project in the amount of \$89,366.67 (please refer to March 19th memo from R. Hefner)
16. Make a motion to notice to bidders for assorted fire department equipment as listed in Chief Turza's April 10th memo, with the bid opening to be held on Tuesday, May 12, 2020 at 2:00 p.m. at Village Hall.
17. Make a motion to accept 2020 - 2021 East Hampton Fire Department Officers as per recent Fire Dept election; Gerard Turza, Jr. - Chief Engineer, Duane Forrester -1st Asst. Engineer, Brian Stanis - 2ndAsst Engineer and Reed Jones as Treasurer (please refer to April 5th letter from Chief Turza)
18. Make a motion to notice to bidders for the lease of Sea Spray Cottage #8, with the bid opening to be held Friday, May 1, 2020 at 2:00 p.m. at Village Hall.

NOTICE OF PUBLIC HEARING

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, hearing will be held via video conference and published by Local TV, Inc. (Channel 20/22 LTV – public access) Call in will be available at which time all interested persons will be heard with respect to a Local Law amending the Code of the Village of East Hampton, Ch. 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.

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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

NOTICE OF PUBLIC HEARING

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, via video conference and published by Local TV, Inc. (Channel 20/22 LTV – public access) Call in will be available. 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 62 Alarm Systems, to add emergency access via a key lock box to residential and commercial properties upon which fire alarm systems have been installed.

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

SECTION I. The provisions of Chapter 62 of the Code of the Village of East Hampton are hereby amended as follows (added material is underlined & highlighted):

INTRODUCTORY NO. TWO-2020
LOCAL LAW NO. _____ - 2020

Chapter 62

ALARM SYSTEMS; EMERGENCY ACCESS

Article I.

§ 62-1. Purpose.

- 1) The purpose of this chapter is to establish standards and controls for the various types of fire, intrusion, holdup and other emergency signals from fire and police alarm devices that require Fire Department or police response, investigation or safeguarding of property at the location of an event reported by a signal which is transmitted by telephone or radio to the Police or Fire Department from a central station as hereinafter defined.
- 2) **This chapter requires owners and lessees of property, both residential and nonresidential, upon which fire and/or police alarm systems have been installed to register the same with the Village Clerk. In addition, all commercial structures, and new residential structures, or existing residential properties for which a building permit is issued, having fire alarm systems which, when activated, transmit a signal to a central alarm station shall be required to provide a key lock box and, if required by the Fire Marshal, an information storage cabinet, which will assist the responding fire department in gaining access to the premises, as well as providing important information which can assist the responding emergency services department during an emergency call.**

Article II. Alarm Systems

§ 62-2. through § 62-7

NO CHANGE

Article III. Emergency Access

§ 62-10. Purpose.

The purpose of this article is to provide a means of emergency access to buildings, fire suppression equipment, fire alarm equipment, building systems and information specified by the Fire Marshal, for use by the fire department at the time of an emergency or a reported emergency on the subject premises.

§ 62-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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INFORMATION STORAGE CABINET

A cabinet-style vault approved by the Fire Marshal, installed in an accessible location for the purpose of safe-keeping information and documents related to premises, as may be required by the Fire Marshal, including such items as

information on hazardous materials stored on premises, site plans, building plans, emergency notification information or any other information the Fire Marshal may deem to be pertinent to the operations of the responding Fire Department.

KEY LOCK BOX

A UL-listed box or container of a type approved by the fire department having jurisdiction, installed in a conspicuous and accessible location on the premises approved by the fire department, for the purpose of containing keys, combinations and/or codes necessary to gain access to the premises.

PREMISES

The site upon which a building, structure, or groups of buildings and/or structures are located, together with such buildings and/or structures. Premises may exclude such structures, buildings, or parts thereof as the Fire Marshal may determine are not necessary to access in the event of an emergency, including, but not limited to, fireproof safes, storage vaults, etc.

§ 62-30. Applicability.

- A. All commercial premises equipped with fire or police alarm systems (as defined in this chapter) shall comply with the requirements hereof within six months of the effective date of this local law. All new residential construction, and existing residential construction for which a building permit is issued or renewed subsequent to the effective date of this local law for new construction or alteration (as defined in Chapter 278, Zoning, § 278-1A, Definitions, of the East Hampton Village Code) of a residence, shall comply with the requirements hereof.**
- B. Any of the foregoing premises to which this local law is made applicable pursuant to Subsection A hereof, which are equipped with fire alarms which when activated transmit a signal to a central alarm station, shall be required to have a key lock box, installed in a conspicuous location approved by the fire department having jurisdiction, as well as an information storage cabinet, if so required by the Fire Marshal.**

§ 62-40. Inspection; certificate of compliance.

No equipment installed pursuant to § 62-30 shall be deemed acceptable or approved until an inspection of the same has been conducted by the Fire Marshal's office and/or fire department having jurisdiction, and an appropriate certificate of compliance has been issued.

§ 62-50. Maintenance.

Key lock boxes, information storage cabinets or combinations thereof which have been installed in compliance with any permit or order pursuant to this chapter shall be maintained in operative condition at all times. It shall be unlawful for any owner or occupant to reduce the effectiveness of any such emergency access system, but this limitation shall not prohibit the owner or occupant from making necessary repairs which temporarily reduce the usefulness of the system, provided such repairs are completed within 10 business days. The fire department having jurisdiction shall be notified before any alterations or repairs are made.

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§ 62-60. Lock cylinder.

All key lock boxes and information storage cabinets shall be equipped with single lock cylinder and shall be opened only with the master key held by the fire department having jurisdiction for protecting the subject premises. Each fire department key shall be unique in its ability to open only key lock boxes within the department's own jurisdiction. In no case shall any person or entity, other than a member of the fire department having jurisdiction for protecting the subject premises, be issued, possess or use any key intended to operate the fire department lock cylinder on any key lock box or information storage cabinet.

§ 62-70. Violations; penalties.

A. Violations. The following shall constitute violations of this article:

(1) Failure to obtain a letter of approval within 30 days from the time the same is required, from the fire department having jurisdiction, to install a key lock box and/or information storage cabinet;

(2) Failure to install a key lock box or information storage cabinet in accordance with the requirements of the permit and/or approved plans;

(3) Failure to adequately maintain a key lock box or information storage cabinet in proper working order;

(4) Failure to maintain an operable key, combination or access code to the subject premises inside the key lock box or maintain such necessary information as required by the Fire Marshal inside the information storage cabinet;

(5) Possessing a key lock box key or information storage cabinet key by other than the appropriate fire department.

B. Penalties. Any person, firm or corporation who or which is found to have committed a violation of this article shall be subject to a fine not to exceed \$250 for the first offense, and \$500 for each offense after the first in any five-year period.

SECTION II. 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 III. EFFECTIVE DATE

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

Dated: March 20, 2020

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