

**INC. VILLAGE OF PLANDOME  
BOARD OF TRUSTEES  
Minutes of the Regular Meeting  
Tuesday, October 11, 2016 8:00 pm**

PRESENT:           **MAYOR** Lloyd Williams  
                      **DEPUTY MAYOR** Ray Herbert  
                      **TRUSTEE** Andrew Bartels  
                      **TRUSTEE** Don Richardson  
                      **VILLAGE ATTORNEY** John Ritter  
                      **CLERK/TREASURER** Elizabeth Kaye

*ABSENT:           Trustee Katie Saville*

Mayor Williams opened the meeting at 8:00 pm asking everyone to join in the Pledge of Allegiance.

Mayor Williams opened the public hearing at 8:01 pm on proposed Local Law 4-2016 to consider a moratorium on the removal of private trees. Mayor Williams read three written communications from residents who were unable to appear (or who appeared and submitted written comment):

Judy Harrison: Jim and I cannot attend the Tuesday meeting but want to strongly register our opposition to this law. It is our understanding that most of the tree removal issues are related to new construction and renovations. If that is the case it is not prudent to have a blanket policy that would prevent residents from removing trees from their property. A few questions: What is the Village process for timely removal of large trees for health and safety issues under this law? Who is responsible for approving the timely removal of diseased, damaged or dangerous large trees? Does the Village have the resources to manage this law? Has tree removal been such a pressing issue that we need to interfere on private property?

David Rosen: Notwithstanding the board meeting is scheduled on the holiest of Jewish Holidays, I think any moratoriums on tree removal is unreasonable. We live in area of small lots, above ground utilities, lots of trees with branch overhanging improvements...Coming from Sands Point this is a grueling and subjective process that has major negative impact on property valuation and adds government expense to administer. I am aware of other municipalities that have instituted a procedure whereby if a 12" diameter tree has been removed at least 18" of tree(s) diameter need to be planted on that lot. In my opinion establishing an architectural review board to ensure all homes built or renovated are kept in the character of our neighborhood and fixing the roads would be a far better use of time and resources. It would be appreciated that if you decide to have this meeting on 10/11 this is read into the record.

George & Susan Fooks: Thank you for your interest in the well-being of Village

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residents. Our family has lived here since 1950 and this is the first time we can remember such a visible, clear cutting of a large parcel without a building permit. Admittedly someone did an unsightly thing. However, this one, isolated action should not lead to new laws being imposed on all Village residents.

Builders and landscapers know not to allow runoff when building/landscaping and generally this approach is followed. Plandome unlike other villages in the area has a more individual approach that allows residents to maintain their property without the necessity of "group" approval, permit standards, delay and cost both in time and money. With the above exception, this approach has been effective.

Because of history and current State law (IPMC Sec. 301.3, 507.1 as of Oct. 2016) we believe that the Village has no need for a moratorium or a new law. Indeed, making these requirements more restrictive could trigger State approvals. Residents typically change landscaping for one reason or another on individual lots without runoff affecting neighbors. No one except the homeowner can make a better decision on what is proper for their family's use.

We believe this proposal should be thought about in more depth, without a moratorium, since building permit standards and State law already contain requirements to be followed and can be enforced by the Village. Clear cutting is infrequent, while changing landscaping for one reason or another is a normal occurrence.

Residents in attendance gave the following commentary either for or against the moratorium:

David Moss- thinks moratorium is going too far. Trees in the lower village trees are well maintained but upper village trees need attention

Heidi McNamara – in favor of moratorium; gives the Board a chance to think about the right type of law

Mrs. Denihan - against moratorium; large properties in village where clearing occurred had a lot of dead wood and attractive landscaping will eventually replace these trees.

Betty Craco - in favor of moratorium. In 2007, she was part of drafting a tree law which didn't pass. Plandome is the only Village without a tree law.

George Fooks- New York state law already exists which contains requirements for clearing trees

There being no further comments from the public, Mayor Williams closed the public portion of the hearing at 8:35 pm.

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Board members commented as follows; Deputy Mayor Herbert understands the negative reaction toward clear cutting trees. Trustee Bartels proposed increasing the number of trees allowed to be removed during the moratorium and shorten the moratorium time-period. Attorney Ritter advised that the process to pass a local law takes two months; therefore recommends six months.

There being no further comments from the Board, Trustee Bartels moved to adopt Local Law 4-2016 to enact a six-month moratorium on the removal of more than two trees on private property with a diameter of 10” or more with two three-month extensions. The motion was seconded by Trustee Richardson and all approved.

Trustee Richardson moved to approve the minutes of September 12, 2016, seconded by Trustee Bartels and all approved. Trustee Bartels moved to approve the minutes of October 3, 2016, seconded by Trustee Richardson, all approved except for Deputy Mayor Herbert who recused himself (not present at the October 3<sup>rd</sup> meeting).

Trustee Richardson moved to approve Harder Tree Services for the 2016 tree program for a cost of \$19,340, seconded by Deputy Mayor Herbert and all approved. The Davey Tree Service previously approved as the lowest bidder had withdrawn its bid.

Trustee Bartels informed Mr. Brittingham, Willets Lane, who was in attendance, that the drainage problem in front of his house would be included in the Phase II road work.

Public Works report; Trustee Bartels reported that Highway Foreman Flynn proposed purchasing a new salt spreader for the older truck. The Board was not in favor of spending the money.

Public Safety Report; Deputy Mayor Herbert reported on the following:

Police report for August - five non-auto aided, twenty-one moving and twelve parking violations

Police report for September - four auto accidents, three non-auto aided, twenty-five moving and eleven parking violations.

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Fire Department for August – two mutual aid, three false alarm, one motor vehicle accident, one ambulance call, one carbon monoxide

Fire Department expenses at 34% of budget through September 20<sup>th</sup>

Deputy Mayor Herbert moved to approve the following new members to the Fire Department, seconded by Trustee Richardson and all approved:

- John Arianas
- Shane Burns
- Toby Costello
- Peter Furlong
- Christian Marchetti
- Jim George
- Bob Sharma
- Mathew Torpe

Design Review & Buildings, PATV; none given

Utility/OEM Report; Trustee Richardson provided the Board with a written detailed plan on hurricane preparedness.

The Clerk presented the Report of Receipts and Disbursements for the period June thru September, 2016. Trustee Richardson requested that the Board be made aware of any unusual activity.

Trustee Bartels moved to assign \$178,150 from Unassigned Fund Balance to pay for the Water Meter replacement project, seconded by Trustee Richardson, all approved.

Upon a motion by Deputy Mayor Herbert, seconded by Trustee Richardson, the Abstract of Claims #5-2016-17 was unanimously approved; General Fund \$83,110.53, \$1,966.02, \$674.75; Water Fund \$85,161.91, \$43.77, \$39.33; Capital Fund \$9,828.61; Trust & Agency \$1,797.79.

There being no further business before the Board, Trustee Bartels moved to close the meeting at 9:50 pm. The motion was seconded by Deputy Mayor Herbert and unanimously approved.

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Elizabeth Kaye, Clerk/Treasurer