

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, August 2, 2012 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

**PRESENT: Mayor Conrad Teller
Trustee Patricia DiBenedetto
Trustee Charles Palmer
Deputy Mayor Hank Tucker
Trustee Ralph Urban**

**Clerk-Treasurer Rebecca Molinaro
Village Attorney Richard Haefeli**

RESOLUTIONS

Accept Departmental Reports

Motion by Deputy Mayor Tucker:

RESOLVED, that the minutes of the Board of Trustees Meetings of July 2, 2012 and Special Meeting of July 16, 2012 are hereby accepted.

Seconded by Trustee Urban and unanimously approved. 4 Aye, 0 Nay

Accept minutes of Board of Trustees Meetings

Motion by Trustee Urban:

RESOLVED, that the Police Department's and Building Inspector's reports for June 2012, and Justice Court for May 2012 and June 2012 are hereby accepted.

Seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

Schedule Public Hearing-Amendment to Chap. 196 Outdoor Dining & Music Code

Motion by Trustee DiBenedetto:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, September 6, 2012 at 7:00 p.m. at the Village Hall on proposed amendments to Chapter 196 of the Village Code entitled Outdoor Dining and Music.

Seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

Schedule Public Hearing-Amendment to Chap. 178 Vehicle & Traffic Code

Motion by Trustee Palmer:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, September 6, 2012 at 7:00 p.m. at the Village Hall on proposed amendments to Chapter 178 of the Village Code entitled Vehicle and Traffic.

Seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

Authorize Refund of Duplicate Tax Payments

Motion by Deputy Mayor Tucker:

RESOLVED, that the Board of Trustees hereby authorize the refund of a duplicate real property tax payments in the amount of \$38,258.87 to property owners specified on the attached list.

Seconded by Trustee Urban and unanimously approved. 4 Aye, 0 Nay

VILLAGE BOARD
Authorize Payment of 2011/12
Tax Reductions

2 **August 2, 2012**
Assessment Roll Small Claims Property

Motion by Trustee Urban:

RESOLVED, that the Board of Trustees hereby authorize the payment of 2012/13 tax year property tax reductions in the amount of \$43,927.96 to the property owners specified on the attached list as a settlement of Small Claims as ordered by the NYS Supreme Court.

Seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

Appoint Special Counsel

Motion by Trustee DiBenedetto:

RESOLVED, that Hermon Bishop has been appointed to serve as Special Counsel to be paid retroactively from July 12, 2012 for representing the Westhampton Beach Planning Board and Westhampton Beach Zoning Board of Appeals in the Sunset West LLC and Tessera LLC applications, to represent the Zoning Board and Planning Board when there is a conflict of interest by the Village Attorney and to be paid at the rate of \$190.00 per hour.

Seconded by Trustee Urban and unanimously approved. 4 Aye, 0 Nay

Appoint Special District Attorney

Motion by Trustee Palmer:

RESOLVED, that Anthony Rattoballi is hereby appointed Special District Attorney to prosecute violations of the ordinances of the Village of Westhampton Beach, at the rate of \$130.00 per hour and substitute for the Village Attorney at such time that the Village Attorney is unable to act.

Seconded by Deputy Mayor Tucker and voted on as follows:

Trustee DiBenedetto	Aye	Trustee Palmer	Aye
Deputy Mayor Tucker	Aye	Trustee Urban	Abstain

Accept Proposal for Computer Server

Motion by Deputy Mayor Tucker:

RESOLVED, that the attached proposal from Fluid Imagery, Inc. for the purchase and installation of the main network server replacement at a cost of \$10,473.90 is hereby approved and is to be paid from budget account A.1325.2.

Seconded by Trustee DiBenedetto and unanimously approved. 4 Aye and 0 Nay

Approve Elevator Maintenance Agreement

Motion by Trustee Urban:

RESOLVED, that the Mayor is authorized to execute an agreement with ThyssenKrupp Elevator for the maintenance of the two Village Hall elevators at a cost of \$570.00 per month.

Seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

Authorize Property Maintenance

Motion by Trustee DiBenedetto:

WHEREAS the Building Inspector has advised the Board of Trustees that premises' located at 3 Woodland Avenue is not being maintained as required by Section 96-28 of the Village Code, and

WHEREAS a notice as required by Section 96-29 of the Village Code is to be sent to the last known address of the property owner, and

WHEREAS, if the property owner fails to comply with the notice to maintained the property as required in said notice, the Board of Trustee shall have the premises maintained; now therefore be it

RESOLVED, if the property owner fails to maintain the property as required in said notice within 10 days of said notice, the Highway Department is hereby directed to cut and trim the grass and bushes and take any other action necessary to insure that the property is in compliance with the provisions of Article 96 of the Code; and be it further

RESOLVED, the cost and expense of bring the premises into compliance with Article 96 of the Code shall become a lien and charge upon the real property until it is paid or otherwise satisfied or discharged and shall be collected in the same manner provided by law for the collection of delinquent taxes.

Seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

Declare and Approve Sale of Village Surplus Vehicle

Motion by Trustee Palmer:

WHEREAS, the Building Department has indicated the 2002 GEM vehicle indicated on the attached list is no longer in use by the Department; and

WHEREAS, that the Village-owned vehicle is hereby declared surplus and obsolete for Village purposes; and be it further

RESOLVED, that the Building Department is authorized to publicize the item for sale on GovDeals and to dispose of any items that may remain unsold after the auction period has closed.

Seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

Authorize Use of Village Property-Westhampton Beach Fire Department

Motion by Deputy Mayor Tucker:

RESOLVED, that the Westhampton Beach Fire Department is hereby authorized to use Sunset Avenue on Sunday, August 19, 2012 from 2:00 p.m. to 5:00 p.m. for the Fire Department Open House.

Seconded by Trustee Urban and unanimously approved. 4 Aye, 0 Nay

Authorize Use of Village Property-Westhampton Beach Fire Department

Motion by Trustee Urban:

RESOLVED, that the Westhampton Beach Fire Department is hereby authorized to use the Rogers Beach Pavilion on Saturday, September 8, 2012 (rain date September 9th) for the annual member barbeque from 10:00 a.m. to 6:00 p.m.

Seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

Authorize Use of Village Property-Wedding Ceremony

Motion by Trustee DiBenedetto:

RESOLVED, that Teresa Gordon is hereby authorized to use Rogers Beach on Saturday, October 13, 2012 for a wedding ceremony from 5:00 p.m. to 6:00 p.m.

Seconded by Trustee Urban and unanimously approved. 4 Aye, 0 Nay.

Appoint Seasonal Personnel

Motion by Trustee Palmer:

RESOLVED, that Kyra Williams is appointed Lifeguard at a rate of \$11.50 per hour with a start date of August 13, 2012 for the remaining 2012 summer season.

Seconded Trustee Urban and unanimously approved. 4 Aye, 0 Nay.

Approve Warrant for August 2012

Motion by Deputy Mayor Tucker:

RESOLVED, that Kyra Williams is appointed Lifeguard at a rate of \$11.50 per hour with a start date of August 13, 2012 for the remaining 2012 summer season.

Seconded Trustee Urban and unanimously approved. 4 Aye, 0 Nay.

PUBLIC DISCUSSION

Andrew Mendelson, welcomed the new Board members and he said he knows the type of commitment it takes to do a good job here. Monday morning, he handed in an amended application to the Town to add the works grocery store to the B3 District and the subsequently rezoned his industrial property into the B3. This would allow the entire 4.2 acre parcel to be used with the permitted use grocery store. The entire industrial and B3 district is represented here (he shows zoning map of Village). This represents the entire Village, the industrial district has four properties in it, the mini storage, the tennis bubble, a strip along the rail road tracks, and my piece. The B3 is where the restaurant Finn McCools is, Ocean Spray, Beach Auto Wash, the shopping plaza north of the tracks and my parcel. Every time I come here to speak, there is backlash in the paper about what this is going to open things up to. I really want people to understand how small the parcels are. It doesn't require, or I don't think it requires, a huge amount of study, the planners may think differently. I would like this new Board to give serious consideration to this new application. This will take us through the public hearing process and that is all we are asking for. We want to give the public a chance to weigh in on this. That is all I am asking for tonight.

Angelo de la Fuente, Riverhead Road, there have been a lot of discussion about the Master Plan that was done a few years back. My understanding is the Master Plan was done to protect Main Street, how long is a Master Plan good for? Five years, two years? Fifty years? Who makes the decision to update the Master Plan? Does it require signatures from the people in the Village? The Village is only three square miles, how many tracts of land are left to have a Master Plan. What are the reasons to have a Master Plan? I have been here since 1960 and I have not seen anyone with a plastic grocery bag on Main Street. If a supermarket opens in the north part of the Village, it will not hurt Main Street. It will help our area. How long is the Master Plan good for?

Village Attorney Richard Haefeli said a Master Plan is good for as long as the Village wants it good for. There is no statutory period.

Mr. de la Fuente asked what would it take to change that?

Mr. Haefeli said a review of the current Master Plan. That is statute, I am not saying my opinion, I am telling you what the State Law requires. If you are going to make changes in a zoning district, under 7-722 of the Village Law, it has to be done pursuant to Master Plan in those districts because there was a Master Plan already done.

Mr. de la Fuente said in the same way the Master Plan was imposed, it can be changed right?

Mr. Haefeli said the Trustees have the discretion to adopt, not adopt, act or not act. It is a legislative action on the part of the Trustees.

Mr. de la Fuente asked if it requires petitions from people in the Village?

Mr. Haefeli said the Trustees can consider anything they want but the action to change a zoning classification or do anything in zoning is a legislative act and done by the five individuals sitting up here, not by the village residents generally. This is not Massachusetts, where they have meetings where they make those determinations on that, where it is the community itself, the Board of Trustees make the decisions.

Mr. de la Fuente said so they way you have explained it, in a year or so they can change things?

Mr. Haefeli said I am not going to speculate as to when they can do it, I am just telling you what the law is.

Mr. de la Fuente asked what is your experience, you have been doing this a long time, how long a Master Plan is good for?

Mr. Haefeli said we have already answered that. It will last as long as the Trustees think it should be in effect and control the specific area in question.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion at 7:18 p.m. to commence an Executive Session for the purposes of discussing contract negotiations. The motion was seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay.

Meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Rebecca Molinaro
Clerk-Treasurer