

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, January 5, 2012 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

**PRESENT: Mayor Conrad Teller
Deputy Mayor Toni Jo Birk
Trustee Patricia DiBenedetto
Trustee Leola "Sue" Farrell
Trustee Hank Tucker**

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

Mayor Teller opened the meeting with a Presentation of Awards for the Village's Annual Holiday Lighting Contest and congratulated all of this year's winners.

PUBLIC HEARINGS

Local Law to Amend Vehicles for Sale Code

Mayor Teller made a motion to open the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay.

Mayor Teller asked if there was anyone who wished to speak.

Mark Raynor, asked about the provision relating to one vehicle for sale at a time. He inquired about the Rubio property which has numerous cars, he would not be able to puy any of his cars out?

Village Attorney Dick Haefeli said yes he would, he has an approved site plan for that use. This code would exclude someone who has a dealership.

Mr. Raynor inquired about the renewal proposal. It seems unclear if you can or cannot renew within a 30 day period.

Mr. Haefeli said the proposal says you can renew it once in the 30 day period.

Mr. Raynor wanted to know if he worked at A and P for eight hours and he parked his car there, would he need a permit? What about anyone on a business property?

Mr. Haefeli said if you are displaying the car, then yes. If you are parking the car, and parking where employees are supposed to park, then no. If you are putting it out front, to display, yes, you need a permit.

Mr. Raynor asked about 7-11. What if someone is parked on the side? Do they need a permit?

Mr. Haefeli said if it is displayed for purposes of sale, then yes.

Mr. Raynor asked if there was a time limit.

Mr. Haefeli said if you are displaying a car for sale, it doesn't matter how long it's there, if it is displayed for sale you have to have a permit.

Mr. Raynor said what about on streets? There are no time limits to park on the streets, so I can park there as long as I want.

Mayor Teller said you are supposed to park the car for sale in the driveway or traditional parking area. You cannot park on the road for sale. Theoretically, you can park your car there, but you can't park it for sale there.

Mayor Teller asked if anyone else would like to speak. There being no further response, he made a motion to close the hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay.

Motion by Trustee Tucker:

WHEREAS, this Board has advertised a local law amending Chapter 181 of the Village Code, entitled "VEHICLES FOR SALE" and

WHEREAS, a public hearing was held on January 5, 2012, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt the Local law as advertised and attached.

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

Local Law to Amend Alarms and Alarm Systems Code

Mayor Teller made a motion to open the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay.

Mayor Teller asked if anyone would like to speak on this proposal.

Mark Raynor, wanted to know if this local law deletes the fines for fire alarms.

Mr. Haefeli said yes, it does. We are not involved with those, we leave it to the fire department.

Mr. Raynor said but you dispatch the police department.

Mr. Haefeli said it is for alarms where the police respond.

Mr. Raynor said so a homeowner can say they don't want the police to respond to a fire?

Mr. Haefeli said a homeowner can say whatever they want but when the police respond to a fire, they will be charged. This local law says we are no longer part of the fire department and we don't collect those fees. The Village used to collect them when they were part of the fire department. We collect the alarm fees when the police respond. That's what this does and increase the fees.

Mr. Raynor said why can't the Village charge for fire alarm fees?

Mr. Haefeli said we have no jurisdiction over it. The fire department is a separate district, separate state corporation.

Mayor Teller said we do not charge.

Police Chief Ray Dean said we do get dispatched to a fire alarm but we do not charge for fire.

Mr. Raynor you should charge for the fire alarms, there are probably more fire alarms than burglar alarms, if you are looking for revenues.

Mayor Teller said the Town is billing for the entire fire district.

Mayor Teller asked if anyone else would like to speak. There being no further response, he made a motion to close the hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay.

Motion by Deputy Mayor Birk:

WHEREAS, this Board has advertised a local law amending Chapter 51 of the Village Code, entitled "ALARMS AND ALARM SYSTEMS" and

WHEREAS, a public hearing was held on January 5, 2012, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt the Local law as advertised and attached.

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

Mr. Raynor asked if there is an annual fee for the alarm? How much is it? The village should ask people to register their alarms.

Village Clerk Rebecca Molinaro indicated that there is an annual fee.

Local Law to Create Security Breach Notification Code

Mayor Teller made a motion to open the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay.

Mayor Teller wanted to know if anyone would like to speak.

Dean Speir asked what is it?

Mayor Teller said this local law says that if the Village finds out that records have been hacked into or compromised, we have to notify people.

Trustee Tucker said is it a state law.

Mayor Teller said we are following the state law.

Mayor Teller asked if anyone else would like to speak. There being no further response, he made a motion to close the hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay.

Motion by Trustee Farrell:

WHEREAS, this Board has advertised a local law adding Chapter 24 of the Village Code, entitled "SECURITY BREACH NOTIFICATION" and

WHEREAS, a public hearing was held on January 5, 2012, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt the Local law as advertised and attached.

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

Cablevision Franchise Fee Amendment

Mayor Teller made a motion to reopen the public hearing on the Cablevision Franchise Fee. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay.

Mayor Teller asked if anyone would like to speak.

Dean Speir, said he objected to this at the last meeting for one reason. He said that most people were probably unaware of this because they were confident that the Village was opposed to a fee. It is a pass along tax to the residents of the Village who have Cablevision services. The residents have relied on this. He doesn't think anyone thought about it or made their case for it. He told board members to make their case for it.

Mayor Teller said you will tell with the vote.

Mr. Speir said that is not making your case; that is just doing it.

Mayor Teller said \$65,000 into the Village coffers, it is another tax.

Trustee Farrell said it is only for those who use the service and \$65,000 could save a job in the Village. We are facing a tax cap like everyone else.

Mr. Speir said that it is incumbent on the Board to make their case for this since they are changing their position.

Trustee Tucker said he was not at the last meeting but in his opinion, Cablevision already charges enough money to the residents. He doesn't feel we should add an extra tax and we should look at other places for additional revenues.

Trustee DiBenedetto asked if Joan Gilroy broke down how many residents subscribe to Cablevision when she was here last.

Ms. Molinaro said when Ms. Gilroy first came to the Board when they were doing their renewal last year, she was basing the estimates on just under 2,000 customers. The number was 1,850. Ms. Gilroy had provided the numbers to the Board previously.

Trustee Tucker said we should look at the full budget and the tax cap implications before we use this for revenue.

Mr. Speir said the numbers aren't working and are way short of what Cablevision is proposing.

Trustee Tucker said it could be \$3.00 per month. We could also make it 5% if we wanted.

Deputy Mayor Birk said we can repeal it in the future if we wanted.

Mayor Teller asked if anyone else would like to speak. There being no further response, Mayor Teller made a motion to hold over the public hearing and keep it open.

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

RESOLUTIONS

Accept Minutes of Board of Trustees Meeting

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees Meeting of December 7, 2011 are hereby accepted.

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

Accept Departmental Reports

Motion by Deputy Mayor Birk:

RESOLVED, that the Treasurer's reports for November 2011, Justice Court, Police Department's and Building Inspector's reports for December 2011, are hereby accepted.

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

Schedule Village Tax Lien Sale-March 13, 2012 at 10:30 a.m.

Motion by Trustee Farrell:

WHEREAS, from the accounts of unpaid taxes heretofore returned by the Treasurer of the Village of Westhampton Beach, New York, to this Board for the year 2012 or years 2011-12 both inclusive, the following taxes still remain due and unpaid after due notice and demand on each of the property owners for the payment of said taxes, to wit:

(See attached copy of unpaid taxes)

WHEREAS, no action has been commenced to recover said unpaid taxes and no sale, on account of said unpaid taxes, has heretofore been held pursuant to law and therefore let it be

RESOLVED, that such unpaid taxes shall be collected by the sale for taxes as provided in Section 1454 of the Real Property Tax Law of the State of New York; that a copy of this resolution, duly certified by the Clerk, shall be transmitted forthwith to the Treasurer of this Village with the account, affidavit and certificate of such unpaid taxes, and that the Village Treasurer, upon receiving such an account of unpaid taxes and a certified copy of this resolution is authorized and directed to cause to be published in the official newspaper of the Village once each week for three successive weeks a list of statement of the real estate upon which such taxes are unpaid, as shown in the tax list, with the amount of the tax, a twenty-five dollar (\$25) advertising fee, interest and charges thereon and also a notice that the said real estate will, on a day subsequent to the expiration of said three weeks, be determined by said Village Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Treasurer, to discharge, the tax, twenty-five dollar (\$25) advertising fees, interest and charges aforesaid, which may be due thereon at the time of such sale, and that said Village Treasurer, at the time and place

specified in said notice, proceed with the sale of said real estate upon which such taxes are unpaid, as above set forth, and continue at the same from day to day until the sale is completed.

BE IT FURTHER RESOLVED, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for amount sufficient to pay the said tax, fees, interest and charges, the said premise shall be deemed to have been sold to and purchased by the said Village of Westhampton Beach, New York.

RESOLVED, that all remaining unpaid taxes for the fiscal year 2011-12 shall be collected by Public Sale to be held on Tuesday, March 13, 2012, at 10:30 a.m. in the Office of the Village Clerk-Treasurer and such unpaid taxes be advertised in the Southampton Press issues dated February 23, March 1, and March 8, 2012, in accordance with the statutory law.

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

Schedule 2012 General Village Election

Motion by Trustee DiBenedetto:

RESOLVED, that the General Election of the Village of Westhampton Beach, New York shall be held on Friday, June 15, 2012 at the Village Hall, 165 Mill Road, Westhampton Beach, New York between the hours of 12 p.m. noon to 9 p.m. prevailing time, and the offices to be filled are:

Mayor	One (1) for a term of two (2) years
Trustees	Two (2) for a term of two (2) years

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

Approve 2012–13 Real Property Tax Exemptions

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby approve the attached list of taxpayers to receive aged exemptions, disability exemptions, veterans exemptions, clergy exemptions and volunteer ambulance/firefighters exemptions.

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

Approve 2012 Seasonal Marina Rates

Motion by Deputy Mayor Birk:

RESOLVED, that the attached marina rates for 2012 are hereby approved.

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

Approve 2012 Annual Telephone Service Maintenance Contract

Motion by Trustee Farrell:

RESOLVED, that the Annual 2012 service contract with CBS Technologies/Black Box Network Services, for the Village Hall telephone system is hereby renewed at a cost of \$7,650.00.

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

Approve Use of Village Hall Meeting Room-Westhampton Beach Historical Society

Motion by Trustee DiBenedetto:

RESOLVED, that the Westhampton Beach Historical Society is hereby authorized to use the Village Hall Meeting Room on Sunday, January 8, 2012 for their Annual Membership Meeting from 1 p.m. to 3 p.m.

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

Mayor Teller stated the next four resolutions are temporarily removed for further discussion.

Trustee Tucker said they are all events we have held in the past and if we are going to change approved uses we should talk about it before voting on it.

Approve Use of Great Lawn-Peconic Bay Medical Center

Approve Use of Great Lawn-Westhampton Beach Performing Arts Center

Approve Use of Great Lawn-Rotary Club Annual Flea Market

Approve Use of Great Lawn-St. Mark's Church Art Show

Accept Letter of Resignation-Architectural Review Board Member Elsie Collins

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustee hereby accept the resignation of Architectural Review Board Member Elsie Collins effective January 1, 2012.

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

Approve Warrant for January 2012

Motion by Deputy Mayor Birk:

RESOLVED, that the warrant for January 2012 in the amount of \$ 263,815.82 for the General Fund is hereby approved.

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

PUBLIC DISCUSSION

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion at 7:39 p.m. to adjourn the meeting. The motion was seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Rebecca Molinaro
Clerk-Treasurer