

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Monday, July 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

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**MOMENT OF SILENCE—PATRICIA STINCHI and SUSAN O’ROURKE**

Mayor Teller requested a moment of silence for two Village employees who recently passed away, former Deputy Clerk and Zoning Board of Appeals Member Patricia Stinchi and Building Department Confidential Secretary Susan O’Rourke.

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**OATH OF OFFICE - ELECTED MAYOR & TRUSTEES**

Village Clerk Rebecca Molinaro swore in Mayor Conrad Teller and newly elected Trustees Charles Palmer and Ralph Urban and congratulated them all.

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**ORGANIZATIONAL MEETING-ANNUAL APPOINTMENTS**

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**Appoint Deputy Mayor**

Motion by Trustee Urban:

RESOLVED, that Hank Tucker is here by appointed Deputy Mayor of the Village of Westhampton Beach for a term of one year.

Seconded by Trustee DiBenedetto and voted on as follows:

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

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**Appoint Village Attorney**

Motion by Trustee DiBenedetto:

RESOLVED, that Richard Haefeli is hereby appointed to serve as the Village Attorney to perform the functions and duties as legal counsel to the Board of Trustees, Planning Board, Zoning Board of Appeals, and Architectural Review Board for an annual retainer of \$61,000.00 to be paid in twelve equal installments, with litigation as authorized by the Board of Trustees to be compensated at the rate of \$200.00 per hour, subject to an accounting of hours once each month.

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

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**Appoint Special District Attorney**

Mayor Teller stated this resolution will be held over.

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**Approve 2012-13 Board of Trustees Meeting Schedule**

Motion by Trustee Palmer:

RESOLVED, that the Board of Trustees shall hold its regular meeting on the first Thursday of the month at 7:00 p.m. in the Municipal Building located at 165 Mill Road, Westhampton Beach unless the first Thursday is a holiday in which event the regular meeting shall be held on the first Friday thereafter which is not a holiday or as specifically noted on the attached schedule; and be it further

RESOLVED, that the work session will be held at the Municipal Building at 7 p.m. on the last Wednesday of the month, except as indicated on the attached schedule. The Annual Organizational Meeting will be held on Monday, July 1, 2013 at 7:00 p.m. at the Municipal Building.

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

**Approve Meeting Schedule for Appointed Boards**

Motion by Deputy Mayor Tucker:

RESOLVED, that the Planning Board shall hold its regular meeting at 7:00 p.m. on the second Thursday of each month and work sessions, as necessary, shall be held on the fourth Thursday at 5 p.m. of the preceding month, the Zoning Board of Appeals shall hold its regular meeting on the third Thursday of each month at 7:00 p.m. and the Architectural Review Board shall hold meetings on the first and third Tuesdays of each month at 7:00 p.m.

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

**Designate Trustee Liaison Assignments**

Motion by Trustee Urban:

WHEREAS, pursuant to NYS Village Law §4-400(1) only the Village Mayor has the legal authority to exercise supervision and direct all non-elected public officers and employees;

WHEREAS, the Village has a long standing tradition of designating Trustees to act as liaisons to various Village departments, appointed boards and advisory committees, to promote and enhance communication between the Mayor, Trustees and the various Departments/Boards/Committees; and therefore be it

RESOLVED, that the Mayor and Village Trustees shall serve as liaisons for the following Village Departments and/or functions:

- Police Department & Law Enforcement- Mayor Conrad Teller & Trustee Ralph Urban
- Building Department - Trustee Hank Tucker
- Department of Public Works - Mayor Conrad Teller & Trustee Ralph Urban
- Beautification Committee – Trustee Patricia DiBenedetto
- Building Maintenance & Yacht Basin – Trustee Patricia DiBenedetto
- Village Beach Operations – Mayor Conrad Teller
- Insurance Issues - Trustee Charles Palmer
- Community Development Program – Trustee Charles Palmer

Police Commissioner, Budget Officer & Labor Negotiations- Mayor Conrad Teller

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

**Designate official depositories**

Motion by Trustee DiBenedetto:

RESOLVED, that Capital One Bank, TD Bank, J.P. Morgan Chase Bank, Suffolk County National Bank, MBIA Municipal Investors Service Corporation (CLASS Program), and Bridgehampton National Bank are hereby designated the official depositories of the Village of Westhampton Beach during the ensuing year and that the Village Clerk-Treasurer is hereby ordered to deposit all funds therein.

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

**Authorize check signers**

Motion by Trustee Palmer:

RESOLVED, that all Village of Westhampton Beach checks shall be signed by Conrad Teller, Mayor, or the Deputy Mayor, and Rebecca Molinaro, Village Clerk-Treasurer or Elizabeth Lindtvit, Deputy Village Treasurer, except for Trust and Agency checks which shall be signed by either Rebecca Molinaro or Elizabeth Lindtvit.

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

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**Appoint Acting Village Justice**

Motion by Deputy Mayor Tucker:

RESOLVED, that Rose Lowe is hereby appointed as the Acting Village Justice of the Village of Westhampton Beach, to serve for a one-year term at an annual salary of \$3,250.00.

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

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**Appoint Marriage Officer**

Motion by Trustee Urban:

RESOLVED, the Deputy Mayor is hereby appointed to serve as Marriage Officer for a term of one-year pursuant to the provisions of NYS Domestic Relations Law §11-c.

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

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**Appoint Village Clerk-Treasurer**

Motion by Trustee DiBenedetto:

RESOLVED, that Rebecca Molinaro is hereby appointed as the Village Clerk-Treasurer for a term expiring on June 30, 2014.

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

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**Appoint Village Deputy Treasurer**

Motion by Trustee Palmer:

RESOLVED, that Elizabeth Lindtvit is hereby appointed as the Village Deputy Treasurer for a term expiring on June 30, 2014.

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

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**Designate Official Newspapers**

Motion by Deputy Mayor Tucker:

RESOLVED, that *The Southampton Press-Western Edition*, *Newsday*, and *The New York Times* are hereby designated as the official newspapers of the Village of Westhampton Beach during the ensuing year.

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

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**Approve mileage Reimbursement for Official Business**

Motion by Trustee Urban:

RESOLVED, that all employees and officials of the Village who use their vehicles or other private vehicles for official Village business shall be reimbursed mileage at the rate allowed by the Internal Revenue Service in effect at the time the request is made.

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

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**Appoint Mayor as Commissioner of Licenses**

Motion by Trustee DiBenedetto:

RESOLVED, that Mayor Conrad Teller is hereby appointed Commissioner of Licenses for a term of one year.

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

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**Approve Village Investment Policy**

Motion by Trustee Palmer:

RESOLVED, that the attached investment policy is hereby approved.

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

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**RESOLUTIONS**

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**Accept Departmental Reports**

Motion by Deputy Mayor Tucker:

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

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

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**Accept minutes of Board of Trustees Meetings**

Motion by Trustee Urban:

RESOLVED, that the minutes of the Board of Trustees Meetings of June 7, 2012 and Special Meeting of June 18, 2012 are hereby accepted.

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

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**Accept Results of General Village Election**

Motion by Trustee DiBenedetto:

RESOLVED, that the results of the General Village Election of June 15, 2012 are hereby accepted as set forth in the attached Official Return of Votes.

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

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**Appoint Architectural Review Board Chairman**

Motion by Trustee Palmer:

RESOLVED, that Gregory Minasian is hereby appointed to serve as Chairman of the Village Architectural Review Board for a term of one year to expire May 31, 2013.

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

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**Appoint Architectural Review Board Member**

Motion by Deputy Mayor Tucker:

RESOLVED, that Marion Covello is hereby appointed to serve a five year term as a member of the Village Architectural Review Board to commence June 1, 2012 through to May 31, 2017.

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

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**Appoint Zoning Board of Appeals Chairman**

Motion by Trustee Urban:

RESOLVED, that Gerard Piering is hereby appointed to serve as Chairman of the Village Zoning Board of Appeals for a term of one year to expire May 31, 2013.

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

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**Appoint Zoning Board of Appeals Member**

Motion by Trustee DiBenedetto:

RESOLVED, that Jim Badzik is hereby appointed to serve a five year term as a member of the Village Zoning Board of Appeals to commence June 1, 2012 through to May 31, 2017.

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

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**Appoint Planning Board Chairman**

Motion by Trustee Palmer:

RESOLVED, that Victor Levy is hereby appointed to serve as Chairman of the Village Planning Board for a term of one year to expire May 31, 2013.

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

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**Appoint Planning Board Member**

Motion by Deputy Mayor Tucker:

RESOLVED, that Steve Frano is hereby appointed to serve a five year term as a member of the Village Planning Board to commence June 1, 2012 through to May 31, 2017.

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

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**Accept Proposal from EMT Governmental Accounting Services**

Motion by Trustee DiBenedetto:

RESOLVED, that the proposal submitted by EMT Governmental Accounting Services for the 2012-13 Fiscal Year is hereby accepted pursuant to the attached proposal.

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

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**Authorize Use of Village Property-Westhampton War Memorial Ambulance**

Motion by Trustee Palmer:

RESOLVED, that Westhampton War Memorial Ambulance is hereby authorized to use the Village Green on Friday, July 13, 2012 (rain date July 20<sup>th</sup>) from 4 p.m. to 10 p.m. for a CPR awareness class.

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

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**Authorize Use of Village Property-Harbor House Corporation**

Motion by Deputy Mayor Tucker:

RESOLVED, that the Harbor House-Library Avenue Owners Corporation is hereby authorized to use the Village Hall Trustee Meeting room on Saturday, August 11, 2012 from 9 a.m. to 12 p.m. for their Annual Shareholder Meeting.

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

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**Authorize Use of Village Property-Beach United Methodist Church**

Motion by Trustee Urban:

RESOLVED, that Beach United Methodist Church is hereby authorized to conduct its first Annual Family Pedal on Saturday, September 22, 2012 from 9 a.m. to 10:30 a.m. beginning at the Mill Road Municipal Parking Lot and following the route as indicated on the use application.

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

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**Appoint Substitute Seasonal Personnel**

Motion by Trustee DiBenedetto:

RESOLVED, that Vincent Zorbo is appointed Lifeguard at a rate of \$11.50 per hour and Emma Gristina is appointed Attendant at a rate of \$9.50 per hour for the 2012 season as substitute personnel.

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

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**Authorize Property Maintenance**

Motion by Trustee Palmer:

WHEREAS the Building Inspector has advised the Board of Trustees that premises' located at 48 Bayfield Lane, 9 Griffing Avenue and 72 South Road 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 Trustee DiBenedetto and unanimously approved. 4 Aye, 0 Nay.

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### **Approve warrant for July 2012**

Motion by Deputy Mayor Tucker:

RESOLVED, that the warrant for the month of July 2012 in the amount of \$ 247,309.67 for the General Fund is hereby approved.

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

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### **PUBLIC DISCUSSION**

Susan Assalti, owns Messina Jewelry and 103 Main Street. There was an incident Saturday night, where a man set up a make shift table with jewelry and I sell jewelry in front of my store. It looked like a flea market. I thought it was rude for someone to set up in front of a jewelry store. I understand he is a veteran and they are allowed to as long as they have a permit, they are allowed to display their wares. He did have a permit and remained there for a few hours. It was very upsetting. Us business owners have a very short window to make money, to keep our stores running. If he sells jewelry, someone else can sell clothes, I know he had scarves and Shock sells clothing. One of the Trustees spoke to my son, and he assured my son that it probably would not happen again. What are the laws?

Village Attorney Richard Haefeli said that according to General Municipal Law sections 32 and 37 says an honorably discharged, disabled veteran has the right, provided he gets a peddlers license from the Village, to peddle within the Village. He is not limited to date, time or location. That law went into effect probably 100 years ago and has been in effect since that time. There are three court decisions, one out of the Appellate Division 1<sup>st</sup> Part, which affirms the fact that an honorably discharged, disabled veteran has those rights. Someone said there was an article in the paper today about New York City. New York City has a specific provision, that was adopted three or four years ago, that gives more latitude with honorably discharged disabled veterans than other municipalities. Basically, we have no control, the state law controls.

Ms. Assalti said basically we can't do anything.

Mr. Haefeli said basically the man can come into the Village and set up.

Ms. Assalti said so twenty veterans can come in.

Mr. Haefeli said the only issue would be if he was impeding people's ability to get around on the sidewalk, that would be the only thing you could come in on. He would be required to move to another location. We cannot do anything about it.

Ms. Assalti said my only concern is that these people can come in and set up their wares, I feel for them, but what will this Village look like?

Police Chief Raymond Dean said he has spoken with the individual about the stores on Main Street. He is allowed under the law, I am trying to negotiate a compromise with him.

Ms. Assalti said there are other parts of Main Street and the Village he can go. By 103 Main Street, it congests. Thank you.

David Assalti, he owns with his wife Susan. Mr. Haefeli said there is nothing we can do but what about size, location, ...

Mr. Haefeli said no there is nothing. The State Law does say it, the courts have held you cannot control the time, space, or manner in which they occupy. That has been the law for 100 years.

Mr. Assalti, said with all the restrictions in town, there is nothing you can do.

Mr. Haefeli said in all the years I have been an attorney, this issue have never come up before. I can only tell you what hasn't happened and what the state law is.

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Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion at 7:22 p.m. to adjourn the meeting. The motion was seconded by Deputy Mayor Tucker and unanimously approved. 4 Aye, 0 Nay

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Respectfully submitted,

Rebecca Molinaro  
Clerk-Treasurer