

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, January 3, 2013 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**

---

## **PRESENTATION: HOLIDAY LIGHTING AWARDS**

Mayor Teller introduced Trustee Patricia DiBenedetto to present the 2013 Holiday Lighting Awards.

Trustee DiBenedetto said that on behalf of Mayor Teller and the Village of Westhampton Beach and members of the Holiday Lighting Committee, they wanted to thank the residents of the Village who participated in the 11<sup>th</sup> Annual contest. She also thanked the Highway Department for making the Village look nice. The judges this year were a nice mix, and she also thanked Neil Salvaggio for taking this year's pictures.

Awards were handed out to the winners for residences, small businesses and large businesses who were in the audience. Two honorable mention awards were also given out. Trustee DiBenedetto also thanked local businesses for allowing the Village to tap into their electrical.

---

## **PUBLIC HEARINGS**

---

### **Local Law to Amend Vehicle and Traffic Code-Chapter 178-42 Speed Limits**

Mayor Teller made a motion to open the public hearing on an amendment to Village Code relating to speed limits. Seconded by Deputy Mayor Tucker and unanimously approved.

Mayor Teller asked if anyone would like to be heard.

Deputy Mayor Tucker asked if there would be any issues with the State.

Chief of Police Raymond Dean said he did not foresee any issues.

Mayor Teller made a motion to hold open the public hearing. Seconded by Deputy Mayor Tucker and unanimously approved.

---

## **RESOLUTIONS**

---

### **Accept Departmental Reports**

Motion by Deputy Mayor Tucker:

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

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

---

### **Appoint Acting Village Justice**

Motion by Trustee Urban:

RESOLVED, that Francis G. Fineo is hereby appointed as the Acting Village Justice of the Village of Westhampton Beach for a term to expire June 30, 2013 at an annual salary of \$3,250.00.

---

**Schedule Village Tax Lien Sale-March 12, 2013 at 10:30 a.m.**

Motion by Trustee DiBenedetto:

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 2013 or years 2012-13 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 12, 2013, 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 21, February 28, and March 7, 2013, in accordance with the statutory law.

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

---

**Schedule 2013 General Village Election**

Motion by Trustee Palmer:

RESOLVED, that the General Election of the Village of Westhampton Beach, New York shall be held on Friday, June 21, 2013 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:

Trustees                      Two (2) for a term of two (2) years

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

---

**Approve 2013-14 Real Property Tax Exemptions**

Motion by Deputy Mayor 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 DiBenedetto and unanimously approved. 4 Aye, 0 Nay

---

**Authorize Payment of 2011–12 Assessment Roll Small Claims Property Tax Reductions**

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 \$2,949.31 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

---

**Approve 2013 Annual Telephone Service Maintenance Contract**

Motion by Trustee DiBenedetto:

RESOLVED, that the Annual 2013 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 Urban and unanimously approved. 4 Aye, 0 Nay

---

**Authorize Mayor to Execute Vehicle Lease-Purchase Agreement**

Motion by Trustee Palmer:

RESOLVED, that the Police Department is hereby authorized to purchase two (2) 2013 Chevrolet Tahoes 4WD, 4 Door 1500 Commercial as replacements under New York State Contract number PC65854 and the Mayor is hereby authorized to execute a three-year lease-purchase agreement with Leasehampton at an annual cost of \$26,317.76 for both vehicles.

Deputy Mayor Tucker asked Village Clerk Rebecca Molinaro if the Village heard back from the other company the bid went out to.

Ms. Molinaro responded that there is a list of the companies that sent the bid back. Only two sent bids back.

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

---

**Approve Purchase of Computer Equipment**

Motion by Trustee Urban:

RESOLVED, that the Board of Trustees hereby approve the purchase of computer equipment for the Village Building Department at a cost not to exceed \$5,490.00 to be paid from A.1620.405.

Deputy Mayor Tucker asked if this is bid out at all.

Ms. Molinaro responded the quotes are provided by Fluid Imagery and they are less than the State Contract.

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

---

**Authorize Use of Village of Property-WHB HS Student Government**

Motion by Trustee DiBenedetto:

RESOLVED, that the Westhampton Beach High School Student Government is hereby authorized to conduct a 5K Walk on Sunday, March 10, 2013 (rain date March 17, 2013) from 8:30 am to 10:00 am per the route on file.

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

---

**Approve 2011–12 Fiscal Year Budget Transfers**

Motion by Trustee Palmer:

RESOLVED, that 2011–12 fiscal year budget transfers in the amount of \$248,236.33 ...

Deputy Mayor Tucker stated that this agenda item has been on for the past few weeks and we are waiting for reports from auditors and the State in the near future, the reason we have been holding over is so we have the back up on the \$248,000 we are over and need to cover said budget items. I think it is prudent to wait until we have the back-up data from the auditors we hired and we don't even have or know, potentially with overpayments, we don't even see that in the budget transfers and how that was handled. So I think it is prudent to sit and not even take a vote on this item, table it until we have the back-up data.

Mayor Teller asked if he wanted to make a motion.

Motion by Deputy Mayor Tucker to table the budget transfers to the February meeting.

Seconded by Trustee Palmer and voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

---

**Approve Warrant for January 2013**

Motion by Deputy Mayor Tucker:

RESOLVED, that the warrant for January 2013 in the amount of \$150,706.32 for the General Fund is hereby approved.

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

---

**PUBLIC DISCUSSION**

Frank Isler, attorney for Andrew Mendelson, with regard to the amended petition filed this summer to consider a modification to the B-3 zoning for grocery stores as a permitted use. He is not going to discuss the merits of it, he is only asking for a member of the Board to make a motion, have it seconded and voted on, to consider the modification of the petition. It is not an adoption of the amendment, you are letting the issue be vetted. I believe we have submitted to the Board, significant public interest in this issue, we think it is warranted the issue get vetted. By resolving to move the issue forward, you are not adopting the zone change at all. I was not at the last meeting but there were some comments made about how defective or improper it was. I am at a loss to understand because there is no forum for a citizen to petition for relief, anybody can ask you to consider a change to your law, any of you can initiate that on your own. If any one of you feel it is warranted to have this issue considered, you can do your own initiative. I have examined your codes, your website and building and zoning forms and there is nothing for a citizen to use to consider an amendment to a legislative initiative. The only requirement in your zoning code is that the process complies with Village Law of the State. I don't know what the issue with the petition, we feel it is a valid one. We have been here before and we are asking you to consider, it has been on the public agenda for a while and that it be moved and considered. By doing so, you are not adopting the zoning change, you are moving a process forward. We urge you to please act on our amended petition by starting the process. One of you making a motion, accepting our amended petition, if it gets seconded, take a vote, if it gets three votes, then you start the process. We ask you to, on your own initiative to move it forward.

Mr. Haefeli said that you and your client have been here on a number of occasions, during the public portion of the meeting, not on a formal meeting agenda.

Mr. Isler said if that is a requirement of your process, then...

Mr. Haefeli said you did not say that, you said it has been on the agenda in the past...

Mr. Isler said he stated it has been on the public agenda, not the Board's agenda. If there is something it has to be on your agenda, I ask that you please do that.

---

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion to adjourn the meeting and enter into Executive Session for litigation purposes. The motion was seconded by Trustee Urban and unanimously approved. 4 Aye, 0 Nay.

---

Respectfully submitted,

Rebecca Molinaro  
Clerk-Treasurer