

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, February 7, 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**

RESOLUTIONS

Accept minutes of Board of Trustees Meeting

Motion by Deputy Mayor Tucker:

RESOLVED, that the minutes of the Board of Trustees Meetings of December 5, 2012, January 3, 2013 and Special Meeting on January 23, 2013 and February 1, 2013 are hereby accepted.

Trustee DiBenedetto said that before they Board voted she wanted to say that usually the meetings are videotaped and unfortunately we don't have that for the December 5th meeting so she would like to request the audio transcript as well as the written record; on the website.

Village Clerk Rebecca Molinaro responded that yes, as she told Trustee DiBenedetto, once the minutes are approved, they can absolutely go up on the website.

Trustee DiBenedetto said ok, thank you.

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

Accept Departmental Reports

Motion by Trustee Urban:

RESOLVED, that the Treasurer's reports for December 2012, Justice Court, Police Department's and Building Inspector's reports for January 2013, are hereby accepted.

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

Refer Special Exception Application to Planning Board-Sweet Andy's Cookies

Motion by Trustee DiBenedetto:

RESOLVED, that the Special Exception Application for Outdoor Tables, Chairs and Benches submitted by Sweet Andy's Cookies located at 136 Old Riverhead Road and identified by SCTM# 905-1-1-4 is hereby referred to the Village Planning Board for review.

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

Refer Special Exception Application to Planning Board-Contractor's Office

Motion by Trustee Palmer:

RESOLVED, that the Special Exception Application for a general and special trade contractor's administrative office submitted by Julie Oliverio and LSM Development Corporation is hereby referred to the Village Planning Board for review.

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

Approve 2013 Marina Rates

Motion by Deputy Mayor Tucker:

RESOLVED, that the attached marina rates for 2013 are hereby approved.

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

Approve 2013 Beach Rates

Motion by Trustee Urban:

RESOLVED, that the attached beach rates for 2013 are hereby approved.

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

Authorize Retirement of Police Officer

Motion by Trustee DiBenedetto:

RESOLVED, that the Board of Trustees hereby regretfully accept the retirement of Police Officer Thomas J. Speer effective January 31, 2013.

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

Approve 2013 Shared Computer Services with Southampton Town

Motion by Trustee Palmer:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2013 Shared Computer Services Agreement with the Town of Southampton at a cost of \$13,877.36; which may vary according to the addition or deletion of services during the calendar year.

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

Approve 2013 Electrical Inspection Services with Southampton Town

Motion by Deputy Mayor Tucker:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2013 Electrical Inspection Services Agreement with the Town of Southampton pursuant to fees established by the Town of Southampton and the type of necessary service.

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

Approve Purchase of Police Department Radio Equipment

Motion by Trustee Urban:

RESOLVED, that the Board of Trustees hereby approve the purchase of six handheld Police Department radios from New York State Contract #PT62495 at a cost of \$9,011.10 to be paid from A.3120.410 pursuant to a mandate from the Federal Communications Commission.

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

Authorize 2013 Stormwater Management Plan Annual Report

Motion by Trustee DiBenedetto:

RESOLVED, that the Board of Trustees hereby authorizes the preparation of the 2013 Annual Stormwater Management Plan report by D & B Engineers and Architects at a cost not to exceed \$2,500.00 for submission to the New York State Department of

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

Adopt Snow and Ice Removal Plan

Motion by Trustee Palmer:

RESOLVED, that the Board of Trustees hereby adopt the attached snow and ice removal plan for the Village of Westhampton Beach of which may be modified time to time by the Village Superintendent of Public Works.

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

Authorize Renewal of 2013 Boom Burger Outdoor Dining Permit

Motion by Deputy Mayor Tucker:

WHEREAS, Boom Burger (formally Big City Burger) has applied to renew the Outdoor Dining Permit for 2013 to place three (3) picnic tables, measuring 6' each and seat a maximum of eighteen (18) persons pursuant to §196-1 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved June 18, 2012 and subject to the same set of conditions.

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

Authorize Renewal of 2013 Hampton Coffee Outdoor Tables, Chairs and Benches

Motion by Trustee Urban:

WHEREAS, Hampton Coffee Company has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2013 to place four (4) tables and sixteen (16) standard chairs pursuant to §196-2 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved in 2006 and subject to the same set of conditions.

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

Authorize Renewal of 2013 Café Mambo Outdoor Dining Permit

Motion by Trustee DiBenedetto:

WHEREAS, Café Mambo has applied to renew the Outdoor Dining Permit for 2013 to place four (4) tables and sixteen (16) chairs pursuant to §196-1 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved October 6, 2011 and subject to the same set of conditions.

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

Authorize Use of Village Property-East End Little League

Motion by Trustee Palmer:

RESOLVED, that East End Little League is hereby authorized to use the Great Lawn from March 15, 2013 through July 1, 2013, Monday through Friday from 3 p.m. to 7 p.m. for tee ball and little league games and practices.

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

Accept Bid for Municipal Building Office Cleaning Services

Motion by Deputy Mayor Tucker:

RESOLVED, that the bid submitted by Professional Cleaning People, Inc. for the cleaning of the building and windows at Village Hall and the public restrooms at the Chamber of Commerce office, at an annual cost of \$25,420.00 pursuant to the bid specifications, is hereby accepted.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Urban:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to Clerk's Office Personal Service A1325.1 in the amount of \$3,935.94 from account P/T Clerical A1325.01 effective 5/31/12, is hereby approved.

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

Trustee DiBenedetto said for the remaining budget transfers, we have been working with our auditors and helping us to prepare information to substantiate questions, there were on the budget transfers. She wants to make the public aware it is work in progress and still have not received all the answers they need so some of these transfers will be approved and some of these should be held over to the next meeting.

Deputy Mayor Tucker said why don't we take the one that...

Trustee Urban said before we do that he would like to remind the Trustees that they received an audit, or an exit interview from the state, they audited our books, we have our annual audit that we have also received. We also received a detailed letter from Becky back in December, we have quite a bit of information to go on. The postponement of these transfers does not solve any problems. They do not fix the errors. All they do is postpone closing the books. There is no solution to be arrived at by delaying them.

Trustee DiBenedetto said she is not denying that, she is clarifying is that the State performed a risk assessment and our auditors are still reviewing some of the issues with payroll and legal. We were advised by Scott Augustine that it was in our best interest to try to resolve some of this. The breakdown of the budget transfers was done prior to the Trustees being informed this was going to be handled this way. We can go through and itemize the ones that are ok and hold the ones that our auditors are still looking at. In all fairness we wait for the report from Lundy to come back in.

Mayor Conrad Teller said Mr. Lundy in four weeks has shown up once and he sent two other people. On these particular items you are requesting, it took him four weeks to get here. We are paying him and we also got an email today from Mr. Augustine and I'll tell you the budget transfers before you are the same as the ones presented August 31, 2012. The Village Clerk has been advised by me not to make any statement that they are the exact same or anything else. She is prepared tonight to go through and give an answer...

Trustee DiBenedetto said she is not questioning that any number has changed or is

different... There are no number changes, I am not disagreeing with you on that one. I'm just trying to move forward and not approve something that we still are waiting for information on.

Trustee Urban said let's pass all the budget transfers and listen to Lundy and see what they have to say in the newest report and then we can address the problems at that time. Postponing these does not solve any problem.

Trustee DiBenedetto said no it does not but...

Trustee Urban said all it does to me is arouse awareness that there perhaps is a problem and that has been accomplished. It is time to move on.

Trustee DiBenedetto said it does not rectify the problem at hand.

Trustee Palmer said haven't the budget transfers already been posted to the accounts?

Ms. Molinaro said they were internally, that's how we produce the document to show the transfers.

Trustee Palmer said ok so they have been posted to the accounts already.

Ms. Molinaro said but they have not been formally adopted by the Board.

Trustee Palmer said that is true. Getting back to the comment Ralph had about the OSC, like Pat alluded to they did a risk assessment came and did a short thing. As far as Lundy is concerned, they exerted materiality as far as the thing is concerned. We asked them to look at something specific in nature so really it was it was outside the scope of the regular audit. We asked them to look at certain accounts we felt may need some looking into and that was not part of the normal scope. Like Pat alluded to, we should wait for this, it's just about done. To not do it at this point would, they have already been posted and we do have the actuals of the account codes, you know, I mean what has been happening, things have been leaking out, we have a dribs and drabs as far as certain police personnel and some clerical staff, some payments that were made to clerical staff so the fact that some of these things have come out and Lundy has alluded to in some of his findings I think just, we should wait.

Trustee Urban said with the \$9 million budget, if you take all these things we have been considering, to assess the severity of this problem in my estimation, we are talking about less than one third percent of an error.

Trustee Palmer said that's why these things would not come up in the general audit. If you pay someone \$40,000 and you over pay them \$20,000 that is a 50% error in that object line. So you can't really...with all the departments, police, buildings and grounds...

Trustee Urban said yes there a lot to deal with.

Trustee Palmer said you should look within the department themselves.

Trustee Urban said if you deal with a lot of things and you are dealing with a less than one third percent error rate, that is extremely good.

Trustee Palmer said that's how you get an unqualified opinion, that is true. But with this specific work here, it is a little different in nature.

Trustee Urban said fine, that is being done but not passing these budget transfers will not help the situation.

A member of the audience stated that didn't Lundy recommend getting the budget passed?

Trustee DiBenedetto said Scott Augustine suggested we move forward but without the information we cannot move forward 100%. Because things we are looking at are outside the scope of a general audit.

Trustee Urban said that is a matter of opinion.

Trustee DiBenedetto said that was stated by Mr. Augustine.

Trustee Palmer said no we don't have anything from the State at all.

Trustee DiBenedetto said the State gave us no written report whatsoever.

Trustee Urban said they decided there was one area they wanted to look at and that was in our computer, management, the computer situation needs to be tightened up and addressed. And we have been looking at new computer systems since I have been here for the police, planning, the whole municipality because they are lacking.

Trustee DiBenedetto said the State did point out some weaknesses but said it was a matter of interpretation.

Trustee Palmer said just recently, OSC had something on their website about Richmond Village, which is similar to ours, they point out the usual lack of segregation of duties like a lot of municipalities, it also talked about...

Mayor Teller said let's stop right there. They said something here about us, that someone should supervise the Deputy. I sign twice a month an affidavit and I see everyone on the payroll. Lundy didn't even pick that up.

Trustee DiBenedetto said not in the audit but in the communication of significant deficiencies.

Mayor Teller said I know what they said, they are wrong...

Trustee DiBenedetto said let's move on to the budget transfers and see where we are at.

Approve 2011-12 Fiscal Year Budget Transfers

Motion by Trustee DiBenedetto:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to Clerk's Office, account A1325.406 office supplies and expense in the amount of \$984.66 from account A1325.2 Equipment, leaving a balance of \$1090.58 effective 5/31/12, is hereby approved.

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

Approve 2011-12 Fiscal Year Budget Transfers

Motion by Trustee Palmer:

RESOLVED, that the following 2011-12 Fiscal year Budget Transfer to Yacht Basin account A7230.400 in the amount of \$152.13 from account A5010.1 P/S Public Works Dept. effective 5/31/12, is hereby approved.

Mayor Teller asked the Village Clerk what that one was for.

Ms. Molinaro responded that was the Yacht Basin, there was one unanticipated expense which was flag purchases for almost \$400.00

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

Approve 2011-12 Fiscal Year Budget Transfers

Motion by Deputy Mayor Tucker:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A1355.4 Assessment in the amount of \$65.50 from account 1420.401 Litigation, leaving a balance of \$18,418.07 effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Urban:

RESOLVED that the following 2011-12 Fiscal Year Budget Transfer to account A1420.4 Contractual in the amount of \$44,538.12 from account A1420.401 Litigation, leaving a balance of \$18,418.07 effective 5/31/12, is hereby approved.

Deputy Mayor Tucker said this is one we should table. This is one that our auditor is looking at and we should table it.

Motion by Deputy Mayor Tucker to table the resolution.

Seconded by Trustee DiBenedetto and voted on as follows:

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

Deputy Mayor Tucker made a motion to table the next resolution.

Seconded by Trustee DiBenedetto and voted on as follows:

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

Approve 2011–12 Fiscal Year Budget Transfers

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A1430.4 Personal Attorney in the amount of \$18,418.07 from account A1420.401 Litigation effective 5/31/12, is hereby approved.

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Urban:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A1450.4 Contractual in the amount of \$1,090.58 from account A1325.2 Equipment effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee DiBenedetto:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A 1620.423 Repairs-Rogers Beach in the amount of \$732.95 from account A1620.405 Supplies & Expense, leaving a balance of \$158.48 effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Palmer:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A1620.424 Repairs-Lashley Beach in the amount of \$158.48 from account A1620.405 Supplies & Expense effective 5/31/12, is hereby approved.

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

Motion by Trustee DiBenedetto to table the next three budget transfers dealing with the Police Department.

Seconded by Deputy Mayor Tucker and voted on as follows:

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

Approve 2011–12 Fiscal Year Budget Transfers

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.100 Police Department – Personal in the amount of \$124,601.55 from account A1990 Contingent Items, leaving a balance of \$40,485.98 effective 5/31/12, is hereby approved.

Approve 2011–12 Fiscal Year Budget Transfers

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.103 Police Department-Overtime-Personal in amount of \$24,312.07 from account A190 Contingent Items, leaving a balance of \$16,174.91 effective 5/31/12, is hereby approved.

Approve 2011–12 Fiscal Year Budget Transfers

RESLOVED, that the following 2011-12 Fiscal Year Budget Transfer to account A31120.105 PD Detective Overtime-Personal Service in the amount of \$2,054.28 from account A1990 Contingent Items, leaving a balance of \$14,120.63 effective 5/31/12, is hereby approved.

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Deputy Mayor Tucker:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.106 Public Safety Dispatcher-Personal in the amount of \$2,611.72 from account A1990 Contingent Items, leaving a balance of \$11,508.91 effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Urban

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.401 Gasoline in the amount of \$3,039.95 from account A1990 Contingent Items, leaving a balance of \$8,468.96 effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee DiBenedetto:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.402 Equipment Repair & Service in the amount of \$5,014.85 from account A1990 Contingent Items, leaving a balance of \$3,454.11 effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Palmer:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A5110.401 Gas, Oil & Supplies in the amount of \$4,362.08 from account A5110.405 Materials leaving a balance of \$6,400.64 effective 5/31/12 is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Deputy Mayor Tucker:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A5110.402 Equipment Repairs & Service in the amount of \$3,838.34 from account A5110.405 Materials, leaving a balance of \$2,562.30 effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Urban:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A8160.4 Contractual Expense in the amount of \$2,562.30 from account A5110.405 Materials effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee DiBenedetto:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to Account A7310.401 Beach Utilities in the amount of \$1,587.62 from account A7310.2 Equipment Beach, leaving a balance of \$546.00 effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Palmer:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to Account A7310.405 Beach Personnel Physicals in the amount of \$546.00 from account A7310.2 Equipment Beach effective 5/13/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Deputy Mayor Tucker:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A8010.4 Contractual Expense in the amount of \$20.00 from account A3620.4 Contractual Bldg. & Zoning effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee Urban:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A8510.406 Decorations Seasonal in the amount of \$155.03 from account A8510.402

Materials effective 5/31/12, is hereby approved.

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

Approve 2011–12 Fiscal Year Budget Transfers

Motion by Trustee DiBenedetto:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.407 Telephone in the amount of \$3,454.11 from account A1990 Contingent Items effective 5/31/12, is hereby approved.

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

Approve Warrant for February 2013

Motion by Trustee Palmer:

RESOLVED, that the warrant for February 2013 in the amount of \$269,603.03 for the General Fund is hereby approved.

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

Deputy Mayor Tucker wanted to comment on the process they just went through, which is a healthy process. We are charged with a fiduciary responsibility to make sure numbers are proper and we understand those numbers before we vote on them. We had questions and didn't get answers so we took steps as a duly elected Board, a majority of the Board, so we could find the facts out and make determinations, there are things we had questions on and still have questions on. We had our auditors, as stated, before did not find these things in the normal audit, that's why they are not in the audit, looking at those items and others. It is tax dollars, it is money that adds up. so it's not just one little part it's a sum of all the parts we are looking at, at the same time.

Trustee Urban said he has spoken with the State auditors, on several occasions, and the other auditors from Lundy and I would like to thank Becky and the office staff, Rosey, Liz and Veronica, for their professional demeanor, cooperation and they were highly praised by both sets of auditors.

Mayor Teller said he left out a memo in the interest of being courteous. Our budget increased the surplus by 60%, we had a couple of errors, nothing that warranted some of this baloney that has been passed around. I am keeping my remarks to myself this time, in deference to a couple of learned people. As far as I am concerned, this was a simple budget, there were a couple of errors. We had an outside person making phone calls, I only will say there is one error, I will leave the rest up to our auditor and when he gets done I will make my statement. I want to thank Becky, I want to thank the staff, the fact is one of them said today she gave the third set of records on the same particular item, this is the same firm so if they can't get their act together I don't know what the hell is gonna go on. As far as I am concerned, there is no monies lost, no monies saved by all of this, if we break even, we will be lucky.

Trustee DiBenedetto said it is a matter of accountability, a matter of doing business...

Mayor Teller said we have accountability, I understand what you're talking about, we're gonna save money...

Trustee DiBenedetto said we are trying to, we are trying to be accountable.

Mayor Tell said Washington can spend more, the State of New York can spend more than we can ever dream of.

Trustee DiBenedetto said she is here to do more than plant trees.

Mayor Teller thanks the staff for putting up with the auditors and doing what was necessary.

PUBLIC DISCUSSION

Andrew Mendelson, said he heard an interesting political comment earlier this week. The role of politics is to put things off until they don't matter. Well, that's not going to happen here, the situation keeps getting worse. The zoning law needs to be amended to allow for grocery stores. I have put in a formal request to this Village Board to make an amendment to that code. People are saying there is nothing before this Board, this entire document is in front of the Village. All you have to do is make a motion and it can get the process started. Will anyone make that motion? (no answer) I will take that as a "no." I want to read you a couple of comments that have been in the local papers the last few weeks. "I think it is important to ask the Trustee where they shop for groceries. I don't think they would be surprised to find out they are shopping in Riverhead, Hampton Bays and Eastport."

Village Attorney Richard Haefeli said wait a minute, you are asking the Trustees to respond to something I believe is a personal matter, they don't have to respond.

Mr. Mendelson said I am not asking anyone to respond to that.

Mr. Haefeli said you asked a question and want them to respond to that. I am saying they have no obligation to respond.

Mr. Mendelson said I would appreciate it Mr. Haefeli if you would let me speak and then you can say what you want to respond.

Mr. Haefeli said he wouldn't mind if Mr. Mendelson would speak properly but when you are asking them for their personal opinion you are out of order.

Mr. Mendelson said he did not ask them for their personal opinion, I am reading what's in the paper. I would suggest the Mayor and the four Trustees get in their car and visit the Stop and Shop in Hampton Bays, King Kullen in Bridgehampton or the new Shop Rite in Patchogue. Maybe then they will do something about giving the residents what they need and more importantly what they deserve. In October 2011, this article was published in the Westhampton-Hampton Bays Patch. They put out a poll, 243 responses were received by the Patch. 76% or 185 people responded that Westhampton Beach needs a new supermarket. I then went on to poll 700, with a 70% favorable opinion and then on a petition in three weeks, yet nobody is paying attention to that. Why is it when 42 residents request with a petition to reduce the speed limit on three blocks in the Village from 30 to 25, this was important enough to put on the Trustees agenda within a couple of months, with a public hearing a few weeks back and when Mr. Mendelson wants to be heard, it is an issue that definitely needs to be heard and discussed in a public forum he is seen as the enemy and it is unfair to him and it is unfair to the residents. Just last week this comment was made in the paper-None of this makes any sense, somebody that is in business here in the Village may come into contact with quite a few people who are full time residents or summer people, they will have the same sentiment, disdain and disappointment with their current supermarket option in the Village. In fact, the phrase I most commonly hear is I hate going in there. You would think Mr. Mendelson is asking the Village to pay for this project. It is Mr. Mendelson that's incurring all the risk and perhaps maybe residents would stay local and not have to go to Hampton Bays, Eastport or Riverhead for their major grocery needs. As it stands, it seems the Village is ignoring what the vast majority of the residents want, I have yet to hear one valid reason against a new supermarket nor have I ever heard one person tell me what a pleasure it is to go into Waldbaums. Baffling to say the least. Just one more, this was published this week. It says after 14 months the new Westhampton Beach supermarket request is still not being entertained. The issue just needs to be addressed again and again. Below is a copy and paste from October 2011, the Westhampton Beach Village Trustees said they are not quite ready to hold a public meeting on a proposal on a local developer on a new supermarket in the area. When the question came up during the monthly work session, mayor Conrad tell said it's not on the agenda, it will be soon. I am wondering what Mayor Teller's definition of soon is. The time is now, not soon.

Trustee DiBenedetto said she appreciated him coming before the Board. She said she told some Board members a few months ago, because the issue simply is not does

Westhampton Beach need another supermarket, I could tell you my thoughts on that myself. It's terrible, in bad shape but what we have here is a zoning issue. I recommended each trustee get a copy of the master plan, read through it and see if there is anything that needs to be changed with this day and time. I would recommend that be the first step, I recommend that as a Trustee and as a resident.

Mr. Mendelson asked, so your suggestion is they read the Master Plan?

Trustee DiBenedetto said yes to give an idea what the progress of the Village of Westhampton Beach. You are asking the Board to make a decision...

Mr. Mendelson said I am asking to start a process...

Trustee DiBenedetto said you are asking for a grocery store and a zone change and we need to be educated...

Mr. Mendelson said as you do that zoning change you will become educated, I am not asking for a decision, just a process to be started.

Dean Speir, Main Street, Westhampton Beach. There are a couple things I want to bring up. The document that Mr. Mendelson held up, what is the date of that, the nature of that?

Mayor Teller said petition.

Mr. Speir said so not an application. I want to talk about the fiduciary responsibility. In the last two weeks there's been a resolution to a disciplinary for a local attorney Jim Hulme, concerning a matter that directly impacted the Village. I would like to know what legal costs the Village incurred because of that particular situation, the Hazelwood Avenue Extension.

Mr. Haefeli said you can file a Freedom of Information request to get the legal costs.

Mr. Speir asked if the Village has considered any type of action to recoup those legal costs?

Mr. Haefeli said he is not going to get into the discussion on legal issues. If you want to know what the legal costs are, file a Freedom of Information...

Mr. Speir said yes he would file that but he is asking the Village if they have considered getting back those monies that was spent on essentially a frivolous action. Defending a frivolous action. You talked about a fiduciary responsibility...

Mr. Haefeli said I heard what you said and the Village is not going to respond to that.

Mr. Speir said he would file the Freedom of Information request and then we can discuss all the amounts of money that were spent.

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 personnel purposes. The motion was seconded by Trustee DiBenedetto and unanimously approved. 4 Aye, 0 Nay.

Respectfully submitted,

Rebecca Molinaro
Clerk-Treasurer