

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

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## **PUBLIC HEARINGS**

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### **Outdoor Dining Permit Application-The Sandwich Club**

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

Mayor Teller asked if anyone would like to speak.

Mr. Bohner, 18 Hazelwood Avenue, said he has some questions. I realize they want outdoor tables, what it be? Furniture, tables, chairs, umbrellas?

Trustee Farrell said it is the same as what is already there. The picnic tables that are there.

Mr. Bohner asked if there was any new equipment?

Trustee Farrell said no, it is the same picnic tables, nothing new. They are just getting their permit to have the picnic tables, they never had the permit.

Mr. Bohner asked if they are able to have alcohol.

Village Attorney Richard Haefeli said they have to have a liquor license from the SLA to sell alcohol and he doesn't believe they have one.

Mr. Bohner said not to sell alcohol but to drink it. Can they purchase beer at the Beverage Barn and bring it to the tables and drink it?

Mr. Haefeli said they should not be allowed to do that.

Mr. Bohner said so nothing is changing?

Mayor Teller said that is correct.

Suzanne Bohner asked if they are able to play music?

Trustee Farrell said no.

Ms. Bohner asked about the hours of operation for the picnic tables.

Trustee Farrell said they are for when they are open, people can buy the food and then sit on the tables.

Ms. Bohner asked what their hours of operation?

Trustee Farrell said I don't know.

Mr. Haefeli said there is a noise ordinance and if the sound is too loud, you can call the Police and they will come down and check.

Mayor Teller said it is what they have asked for.

Ms. Bohner asked how many are they having?

Mayor Teller said eight.

Mayor Teller asked if anyone else would like to speak. There being no response, he closed the public hearing, seconded by Deputy Mayor Birk and unanimously approved.

Motion by Trustee Tucker:

WHEREAS, the applicant has applied for an outdoor dining permit, pursuant to the provisions of Chapter 196 of the Zoning Code of the Village of Westhampton Beach at the above premises located in the B-2 Zoning District and the application was referred to the Planning Board, and the Board recommended approval of the permit pursuant to the plans date stamped received October 4, 2011 by the Village; and

WHEREAS, a public hearing was held before the Board of Trustees on May 3, 2012, at which time applicant produced testimony and exhibits in compliance with the provisions of Chapter 196 of the Zoning Code. Based on the information submitted, this Board grants approval of the permit, subject to any conditions or limitations set forth by the Planning Board which includes a recommendation of eight (8) picnic tables which measure 5' by 8' each.

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

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**Outdoor Dining Permit Application-Beach Bakery**

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

Brad Kenealy, 553 Broadway Avenue, Massapequa, New York. He represents Rolling Pin and has sent a letter he would like to read into the record (attached). He then referred to the enacted resolution from last year, these are very detailed and meticulous plans and discussions. I believe we are at the threshold for approval from the Planning Board and just need a little more time to finish it with Wastewater Management. They are reviewing them and that process should be complete by the end of the week. It does take a lot of time for an application to be done the right way and I know this application has been pending for some time for various reasons and he asks that the Board please approve the outdoor dining.

Mayor Teller said it is nice to see you here Counselor and I want to ask Simon a few questions. What size are the tables going to be in front of the store?

Mr. Jorna said the same size they have been, 27 inches

Mr. Kenealy said 24 inches on the chair.

Mayor Teller said there is a slight problem. We have a 30 inch area, down to 22 inch for the property line. So Simon will have to put smaller tables out.

Mr. Kenealy said they will consent to that.

Mr. Jorna said if you look anywhere on Main Street you will see many people where property comes out onto Main Street.

Mayor Teller said he understands the sidewalk varies up and down Main Street but here the approval says the tables and chairs must be on his property.

Trustee Tucker asked Mr. Jorna that if he gets his approvals and permits, how long after that when do you plan on starting the project?

Mr. Kenealy said they hope to be up and running in the fall this year, after the season.

Mr. Haefeli said you don't mean up and running the project?

Mr. Kenealy said no, I mean started.

Mr. Haefeli said you hope to have approvals by the fall which would allow you to start

construction after that.

Mr. Kenealy said yes, and completed this time next year.

Mr. Jorna said we hope to have Planning Board approval by second week in June.

Mr. Haefeli said that is not going to happen. Your attorney is correct, there probably will not be approval until July or August. You have to be realistic.

Trustee Tucker said our problem has been how long your violations have been in effect and we recognize you are trying to remedy those violations by getting the permits for your property. Our concern is how long it's been and we want those violations fixed. What if you don't get your permits, can you tell us that you will fix them? You have had a long time and we have given you two years to rectify.

Mr. Kenealy said we are on the threshold of approval and we are not going to withdraw it, it has taken and lot of time.

Trustee Tucker said can we hear from Simon?

Mr. Kenealy said I am speaking for him.

Deputy Mayor Birk wanted to read a statement in the record of a list of what has transpired with Rolling Pin/Beach Bakery, that the Village is not holding up this project. I did read this at the Work Session but for those who are here tonight, I would like to read into record. June 25, 2010 applicant submitted an application for a trailer at the rear of the Beach Bakery to be used as storage. The uses on the property are a Bakery, Luncheonette and an apartment, although the Luncheonette does not have a Certificate of Occupancy because of documented site plan violations and is operating without approval. October 14, 2010 the applicant submitted a new application for a 1000 sq. ft. addition to the first and 2nd floor for storage. October 28, 2010 the applicant submitted a substantially different plan and the Planning Board determined this was a new application and would have to be readvertised. November 4, 2010 applicant submitted a new application for a 1326 sq. ft. addition to the first floor and an 1142 sq. ft. addition to the 2nd floor and the uses will not be a Bakery, apartment and two luncheonettes. May 12, 2011 applicant's attorney, by letter withdrew the existing application and stated in his letter that a new application would be submitted. May 26, 2011 applicant submitted a new application which was now proposing a Bakery, apartment and a full 32 seat restaurant. June 23, 2011 applicant submitted more details showing the new Restaurant layout. From July 2001 to January 2012 there were 7 sets of plans filed to comply with Village Code with respect to lighting, landscape, drainage and Building Code. March 22, 2012 applicant's attorney told the Planning Board they had just obtained a Variance from Suffolk County Board of Health for the Project. He now requested a SEQRA determination so they could apply for the actual approval for the project from the Board of Health. April 12, 2012 the Planning Board issued the SEQRA determination as requested by the applicant at the previous meeting. Currently the Planning Board is waiting for the applicant to obtain Suffolk County Board of Health approval and to submit several revisions that the applicant was required to submit to comply with Village Code. It should be noted that this list does not include the many applications and revisions that were submitted to the Planning Board by the applicant which were either incomplete and returned or not code compliant from 2003 until July 19, 2007 at which time the Planning Board removed it from the agenda for lack of progress. I just wanted it on the record that we, the Village, are not holding progress up.

Dean Speir, Main Street, said that the word on the street is from Simon himself which appeared in a newspaper two weeks ago, who said the Village was holding him up. I patronize the Beach Bakery but he keeps getting extensions and it's not getting done. He asked how long has this been going on?

Mr. Haefeli said 2001, I'll accept that.

Mr. Speir said the Village has been more than accommodating to get this done.

Mayor Teller asked if anyone else wanted to be heard. There being no response, he closed the public hearing, seconded by Trustee Tucker and unanimously approved.

Motion by Deputy Mayor Birk:

WHEREAS, Beach Bakery has requested a permit for outdoor dining pursuant to the provisions of Section 196-1 of the Code; and

WHEREAS, there are outstanding violations on the property; and

WHEREAS, this Board granted Beach Bakery a permit for outdoor dining in 2011. As a condition to the issuance of the permit, Beach Bakery was required to obtain site plan approval from the Planning Board and a building permit had been issued for the work authorized in the site plan by May 1, 2012. If no building permit has been issued, the application for outdoor dining shall be denied unless, Beach Bakery shall after hearing before this Board, establish upon good cause the reason why the building permit has not been issued; and

WHEREAS, Beach Bakery has filed an application with the Planning Board for site plan approval but has not receive a site plan approval as of this date; and

WHEREAS, pursuant to said resolution, a public hearing has been held and Beach Bakery has established that it is in the final process of receiving site plan approval from the Planning Board.

NOW BE IT RESOLVED AS FOLLOWS:

That the Board of Trustees hereby authorizes and grants to Beach Bakery a permit for outdoor dining, subject to all of the conditions set forth in Section 196-1 of the Code together with the following conditions:

1. Beach Bakery shall be entitled to a set number tables and chairs to be to be determined and location to be determined.
2. All of the tables and chairs shall be located on the private property of Beach Bakery and tables and chairs shall not be permitted to extend onto the Village sidewalk and shall not interfere with pedestrian traffic using the Village sidewalk.
3. This permit is further subject to and conditioned upon Beach Bakery proceeding with its application before the Planning Board for site plan approval and if that application is withdrawn during the period this permit is in effect, this permit shall automatically be revoked.
4. It shall be a condition to the submission and acceptance of an application for a permit for outdoor dining and the issuance of a permit in the year 2013 that site plan approval has been obtained from the Planning Board and a building permit has been issued for the work authorized in the site plan by May 1, 2013. If no building permit has been issued, the application for outdoor dining shall be denied unless, Beach Bakery shall after hearing before this Board, establish upon good cause the reason why the building permit has not been issued.

Mr. Haefeli said that before a vote is taken, the Board can discuss the number of tables and chairs and their location and size. You can insert that, or put it over, or you can give it over to the Planning Board for next week.

Trustee Farrell said it would come back to us anyway right?

Mr. Haefeli said the Planning Board is meeting Thursday so they would be able to tell Simon the number of tables and chairs, location and their size. They could let him know otherwise this Board would have to have a Special Meeting.

Mayor Teller made a motion to make an amendment to the Determination pursuant to the following:

WHEREAS, the Board of Trustees grants the application from Beach Bakery subject to a Determination from the Planning Board at their May 10, 2012 meeting and the Determination will contain the number of tables and chairs, and the size and location of the tables and chairs; and therefore be it

RESOLVED, that Beach Bakery must submit by Monday, May 7<sup>th</sup> to the Chief Building Inspector a copy of their plans for number of tables and chairs and their respective locations.

Seconded by Trustee Tucker and voted on as follows:

Deputy Mayor Birk	Nay	Trustee Farrell	Aye
Trustee DiBenedetto	Aye	Trustee Tucker	Aye

**RESOLUTIONS**

**Authorize 2012 Renewal of Beach Bakery Outdoor Music Permit**

Motion by Trustee Farrell:

WHEREAS, Beach Bakery has requested a permit for outdoor music pursuant to the provisions of Section 196-2 of the Code; and

WHEREAS, there are still outstanding violations on the property; and

WHEREAS, this Board granted Beach Bakery a permit for outdoor music in 2011. As a condition to the issuance of the permit, Beach Bakery was required to obtain site plan approval from the Planning Board and a building permit had been issued for the work authorized in the site plan by May 1, 2012. If no building permit has been issued, the application for outdoor music shall be denied unless, Beach Bakery shall after hearing before this Board, establish upon good cause the reason why the building permit has not been issued; and

WHEREAS, Beach Bakery has filed an application with the Planning Board for site plan approval but has not receive a site plan approval as of this date; and

WHEREAS, pursuant to said resolution, a public hearing has been held and Beach Bakery has established that it is in the final process of receiving site plan approval from the Planning Board;

NOW BE IT RESOLVED AS FOLLOWS:

That the Board of Trustees hereby authorizes and grants to Beach Bakery a permit for outdoor music, subject to all of the conditions set forth in Section 196-2 of the Code and the original Determination dated May 24, 2006, together with the following conditions:

1. That no music shall start prior to 7:30 PM on any evening.
2. It shall be the obligation of Beach Bakery that the public sidewalk not be obstructed and that no structures shall be placed on Main Street, preventing the use of any parking spaces in front of Beach Bakery.
3. There shall be no advertising of any type, with respect to any musician, musicians or artists performing on the property of Beach Bakery.
4. This permit is further subject to and conditioned upon Beach Bakery proceeding with its application before the Planning Board for site plan approval and if that application is withdrawn during the period this permit is in effect, this permit shall automatically be revoked.
5. It shall be a condition to the submission and acceptance of an application for a permit for outdoor music and the issuance of a permit in the year 2013 that site plan approval has been obtained from the Planning Board and a building permit has been issued for the work authorized in the site plan by May 1, 2013. If no building permit has been issued, the application for outdoor music shall be denied unless, Beach Bakery shall after hearing before this Board, establish upon good cause the reason why the building permit has not been issued.

Seconded by Trustee Tucker and voted on as follows:

Deputy Mayor Birk	Nay	Trustee Farrell	Aye
Trustee DiBenedetto	Aye	Trustee Tucker	Aye

Mr. Jorna asked why it was changed from 7 p.m. to 7:30 p.m.

Mr. Haefeli said it was changed to 7:30 p.m. because on a number of dates the Library or some other non-profit was having concerts and it was felt there shouldn't be any conflicts between a non-profit and a profit making having it on Main Street.

Mr. Jorna said I don't see...

Mr. Haefeli said you asked a question and it has been answered, the Board adopted the resolution.

Mark Raynor said if he has all these violations and has them in the summertime, can his permit be revoked at any time?

Mr. Haefeli said it can be used for his permit for next year. The issues that have to be straightened out now will be rectified once the site plan is approved.

Mr. Raynor said I understand, if he is in violation then it should be revoked until he straightens it out.

Mr. Haefeli said I understand everything and all the background. The Board cannot assume someone is going to violate in their resolution.

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**Accept Minutes of Board of Trustees Meeting**

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees Special Meetings of April 18, 2012 and April 20, 2012 are hereby accepted.

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

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**Accept Departmental Reports**

Motion by Deputy Mayor Birk:

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

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

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**Accept Proposal from Aquarius Capital for GASB 45 Actuarial Services**

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby accept the proposal from Aquarius Capital to prepare an actuarial valuation of post-employment benefits as required under GASB 45 at a cost of \$1500.00.

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

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**Authorize 2011-12 Budget Amendment and Transfer**

Motion by Trustee DiBenedetto:

RESOLVED, that the Board of Trustees hereby authorize the following 2011-12 Budget transfers:

JCAP Justice Court Grant

Increase Revenue Code	A.4289.1	\$ 1,873.00
Increase Expense Code	A.1110.4	\$ 1,873.00

Additional Justice Court Revenue

Increase Revenue Code	A.2610	\$13,500.00
Increase Expense Code	A.1110.4	\$13,500.00

Additional Community Development Funds

Increase Revenue Code	A.4289	\$ 1,487.33
Increase Expense Code	A.8989.0	\$ 1,487.33

FEMA Award-Hurricane Irene

Increase Revenue Code	A.4960	\$41,515.25
Increase Expense Code	A.5110.102	\$18,000.00
Increase Expense Code	A.5110.103	\$23,515.25

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

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**Appoint Special Counsel**

Motion by Trustee Tucker:

WHEREAS, the Justice Court has rendered a decision dismissing the complaint for violating the sign code filed against Elyse Richman; and

WHEREAS, the Board believes that the decision of the Justice Court is incorrect and that it is in the best interest of the Village to appeal the decision; now therefore be it

RESOLVED, that the Board of Trustees authorizes Hermon J. Bishop, as Special Village Counsel, to appeal the Justice Court's decision in dismissing the complaint against Elyse Richman to the Appellate Term.

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

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**Authorize Use of Village Property-Responsible Solutions for Valued Pets**

Motion by Deputy Mayor Birk:

RESOLVED, that Responsible Solutions for Valued Pets is hereby authorized to use Main Street for a dog walk and the Village Green for a pet fair on Saturday, June 16, 2012 from 10 a.m. to 2 p.m.

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

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**Authorize Payment of 2010–11 Assessment Roll Small Claims Property Tax Reductions**

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby authorize the payment of 2011–12 tax year property tax reductions in the amount of \$5,497.10 to the property owners specified on the attached list as a settlement of Small Claims ordered by the NYS Supreme Court.

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

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**Appoint Part Time DPW Laborers**

Motion by Trustee DiBenedetto:

RESOLVED, that Raymond Swanson and Lee Kearns are hereby appointed as Part-Time Laborers in the Department of Public Works to work as assigned by the Highway Superintendent at an hourly rate of \$14.50 per hour effective May 15, 2012.

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

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**Appoint 2012 Seasonal Village Marina Personnel**

Motion by Trustee Tucker:

RESOLVED, that Frank Prudente is appointed as Dock Manager to be compensated at a rate of \$16.25 per hour, Vincenzo Portelli is appointed as Dock Attendant to be compensated at a rate of \$15.00 per hour and Joseph Miletta as Dock Attendant to be compensated at a rate of \$9.75 per hour.

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

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**Appoint 2012 Seasonal Beach Personnel**

Motion by Deputy Mayor Birk:

RESOLVED, that the following persons are appointed to the positions specified below at Rogers and Lashley Beaches for 2012:

Lifeguards (40 hours per week)

Matthew Montpetit	\$14.75/hour
Christopher Tagliavia	\$13.00/hour
Connor Raynor	\$12.25/hour
Brendon Spano	\$11.75/hour
Christopher Rothe	\$11.75/hour
Zack Moore	\$11.50/hour
Timothy Murphy	\$11.50/hour

Attendants (40 hours per week)

Michael Polan	\$ 9.75/hour
Sam Wiles	\$ 9.50/hour
Kaitlyn Gristina	\$ 9.25/hour
Donald Caldwell	\$ 9.25/hour
Foster Rignola	\$ 9.25/hour
Joseph DiBenedetto	\$ 9.00/hour

Attendants (16 hours per week)

Andrew Boskamp	\$ 9.25/hour
Patrick Dean	\$ 9.00/hour
Samantha Vickers	\$ 9.00/hour
Brian Corrigan	\$ 9.00/hour

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

**Appoint 2012 Seasonal Police Officers**

Motion by Trustee Farrell:

RESOLVED, that the following 2012 Part Time/Seasonal Police Officers will be hired at the rate of \$20.00 per hour and will be scheduled to work at the discretion of the Chief of Police:

John Rankin	Marc DeMartino	Steven Frano
Jeffrey Platt	Kevin Nolan	Jason Luhrs
Richard Spera		

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

**Appoint 2012 Seasonal Traffic Control Officers**

Motion by Trustee DiBenedetto:

RESOLVED, that the following 2012 Part Time/Seasonal Traffic Control Officers will be hired at the rate of \$16.00 per hour and will be scheduled to work at the discretion of the Chief of Police:

Vincent Ianella	Ronald Gholson	Thomas Glover
Jenna Elco		

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

**Authorize 2012 Renewal of Café Mambo Outdoor Dining Permit**

Motion by Trustee Tucker:

WHEREAS, Café Mambo has applied to renew the Outdoor Dining Permit for 2012 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 Birk and unanimously approved. 4 Aye, 0 Nay

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**Authorize 2012 Renewal of Whitney’s Delicatessen Outdoor Dining Permit**

Motion by Deputy Mayor Birk:

WHEREAS, Whitney’s Delicatessen has applied to renew the Outdoor Dining Permit for 2012 to place two (2) bistro tables and four (4) 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 July 5, 2011 and subject to the same set of conditions.

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

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**Authorize 2012 Renewal of Shock Ice Cream Outdoor Music Permit**

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby approve the renewal of Shock Ice Cream Outdoor Music Permit for 2012 subject to the same set of conditions as set forth on the Determination dated August 3, 2006, the provisions of Chapter 196-2 of the Village Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

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

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**Authorize 2012 Renewal of Starr Boggs Outdoor Music Permit**

Motion by Trustee DiBenedetto:

RESOLVED, that the Board of Trustees hereby approve the renewal of the Starr Boggs Outdoor Music Permit for 2012 subject to the same conditions as set forth in the Determination dated September 3, 2009, the provisions of Chapter 196-2 of the Village Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

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

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**Authorize 2012 Renewal of Funcho’s Fajita Grill Outdoor Music Permit**

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby approve the renewal of the Funcho’s Fajita Grill Outdoor Music Permit for 2012 subject to the same conditions as set forth in the Determination dated January 6, 2011, the provisions of Chapter 196-2 of the Village

Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

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

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**Authorize 2012 Renewal of Wetter or Not Outdoor Music Permit**

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby approve the renewal of the Wetter or Not Outdoor Music Permit for 2012 subject to the same conditions as set forth in the Determination dated August 2, 2007, the provisions of Chapter 196-2 of the Village Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

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

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**Authorize Construction of Deck Extension at Rogers Beach Pavilion**

Motion by Trustee Farrell:

WHEREAS, the Board of Trustees approved at the April 5, 2012 meeting the construction of a deck extension at the Rogers Beach Pavilion at a cost not to exceed \$2,450.00; and

WHEREAS, the cost for the construction was increased, now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the construction of a deck extension at a cost not to exceed \$3,500.00 on the south side of the concession at the Rogers Beach Pavilion.

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

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**Approve Warrant for May 2012**

Motion by Trustee DiBenedetto:

RESOLVED, that the warrant for May 2012 in the amount of \$ 168,607.95 for the General Fund is hereby approved.

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

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**PUBLIC DISCUSSION**

Mr. Kenealy asked why Simon's was different than anyone else's.

Mr. Haefeli said Simon has music every weekend more than everyone else and his music is substantially louder than anyone else. He can be treated somewhere differently for the reasons I said. Not for profits have music until 8 pm and the Board felt that having him start after the non-profit finished would not interfere. And it is discretionary. The Board has discretion.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion at 7:47 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