

78 The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, May 9, 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 Elizabeth Lindtvit  
Village Attorney Richard Haefeli

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## RESOLUTIONS

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### Accept minutes of Board of Trustees Meeting

Motion by Deputy Mayor Tucker:

RESOLVED, that the minutes of the Board of Trustees Meeting of April 4, 2013 are hereby accepted.

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

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### Accept Departmental Reports

Motion by Trustee Urban:

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

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

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### Accept Proposal for Services – EMT Governmental Accounting

Motion by Trustee DiBenedetto to hold over:

RESOLVED, that the proposal submitted by EMT Governmental Accounting Services for the 2013-14 Fiscal Year is hereby accepted pursuant to the attached at a rate of \$92.00 per hour.

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

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### Appoint Satty, Levine and Ciacco to Audit 2012-13 Financial Statements

Motion by Trustee Palmer:

RESOLVED, that the firm of Satty, Levine and Ciacco is appointed to audit the Village of Westhampton Beach's financial statements for the 2012-13 at a cost of \$19,500.00 and an audit of the Village Justice Court at a cost of \$3,750.00.

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

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### Schedule Public Hearing – Amend Chapter 123 of Village Code – Parks and Recreation

Motion by Deputy Mayor Tucker:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, June 6, 2013 at 7:00 p.m. at the Village Hall on a proposed amendment to Chapter 123 of the Village Code Entitled "Parks and Recreation".

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

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**Schedule Public Hearing – Amend Chapter 178 of Village Code – Vehicle and Traffic**

Motion by Trustee Urban:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a

Notice of Public Hearing to be held on Thursday, June 6, 2013 at 7:00 p.m. at the Village Hall on a proposed amendment to Chapter 178 of the Village Code Entitled "Vehicle and Traffic".

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

**Schedule Public Hearing – Amend Chapter 196 of Village Code – Outdoor Dining, Tables Chairs and Benches and Outdoor Music**

Motion by Trustee DiBenedetto:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, June 6, 2013 at 7:00 p.m. at the Village Hall on a proposed amendment to Chapter 196 of the Village Code Entitled "Outdoor Dining, Outdoor Tables, Chairs and Benches and Music".

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

**Schedule Public Hearing – Beach Bakery Outdoor Dining Special Exception**

Motion by Trustee Palmer:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, June 6, 2013 at 7:00 p.m. at the Village Hall on the Outdoor Dining permit application submitted by Beach Bakery Café located at 112 Main Street.

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

**Schedule Public Hearing – Beach Bakery Outdoor Music Special Exception**

Motion by Deputy Mayor Tucker:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, June 6, 2013 at 7:00 p.m. at the Village Hall on the Outdoor Music permit application submitted by Beach Bakery Café located at 112 Main Street.

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

**Schedule Public Hearing – Sweet Andy's Outdoor Dining Special Exception**

Motion by Trustee Urban:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, June 6, 2013 at 7:00 p.m. at the Village Hall on the Outdoor Dining Permit Application submitted by Sweet Andy's Cookies located at 136 Old Riverhead Road and identified as Tax Map #0905-1-1-4.

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

**Approve Use of Village Property – Westhampton Free Library**

Motion by Trustee DiBenedetto:

RESOLVED, that the Board of Trustees hereby approves the attached applications for Use of Village Property submitted by the Westhampton Free Library.

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

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**Amend Building Department Fee Schedule**

Motion by Trustee Palmer:

RESOLVED, that the Board of Trustees hereby increase the fee for a building permit from \$3.50 to \$6.00 per 1000 as provided for in Chapter A200-1.A. (1) Of the Village Code excluding any Sandy damage repair will be grandfather in at old rate.

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

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**Authorize 2013 Renewal of Whitney's Deli Outdoor Tables, Chairs and Benches Permit**

Motion by Deputy Mayor Tucker:

WHEREAS, Whitney's Delicatessen has applied to renew the Outdoor Dining Permit for 2013 to place (2) bistro tables and four (4) chairs pursuant to Chapter 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 Urban and unanimously approved. 4 Aye, 0 Nay

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**Authorize 2013 Renewal of Dee Angelo's Outdoor Dining Permit**

Motion by Trustee Urban:

WHEREAS, Dee Angelo's has applied to renew the Outdoor Dining Permit for 2013 to place (8) bistro tables or four (4) standard tables and (16) chairs pursuant to Chapter 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 original plan and subject to the same set of conditions approved in 2006.

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

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**Authorize 2013 Renewal of Jonesey's Outdoor Dining Permit**

Motion by Trustee DiBenedetto:

WHEREAS, Jonesey's has applied for an Outdoor Dining Permit for 2013 to place fourteen (14) chairs and five (5) tables pursuant to the provisions of Chapter 196-1 of the Village Code with respect to the premise located at 141 Montauk Highway and identified as SCTM # 0905-5-2-6.1 and located in the B-2 Zoning District; and

WHEREAS, there are no incidents, reports or violations filed with respect to said premises and 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 original plan approved June 2, 2011 and subject to the same set of conditions.

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

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**Approve 2011-12 Fiscal Year Annual Financial Statements**

Motion by Trustee Palmer:

RESOLVED, that the 2011-12 Fiscal Year Annual Financial Statements prepared by Satty, Levine and Ciacco for the Village of Westhampton Beach and the Village Justice Court are hereby approved.

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

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

Motion by Deputy Mayor Tucker:

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.

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

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

Motion by Trustee Urban:

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.

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

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

Motion by Trustee DiBenedetto:

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.

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

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

Motion by Trustee Palmer:

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.

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

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

Motion by Deputy Mayor Tucker:

RESLOVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.105 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.

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

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**Approve Financial Review from Satty, Levine and Ciacco**

Motion by Trustee Urban:

RESOLVED, that the Board of Trustees hereby accept the financial review performed by Satty, Levine and Ciacco received March 6, 2013.

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

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

Motion by Trustee DiBenedetto:

RESOLVED, that the Board of Trustees hereby authorize the payment of 2012/13 tax year property tax reductions in the amount of \$1,696.52 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

**Appoint Seasonal Employee**

Motion by Trustee Palmer:

RESOLVED, that Erin Moloney be appointed as a Beach Attendant for the 2013 season at the rate \$9.00 per hour to replace Samuel Wils, who has taken another job and will not be working for the Village.

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

**Approve Implementation of Financial Controls**

Motion by Deputy Mayor Tucker:

WHEREAS, the Village Board is obligated, as per New York State Village Law Section 4-412, to manage and protect the finances of the Village, and

WHEREAS, the Village Board is concerned that debts, obligations and employee payments have been paid without the approval of the Board, and

WHEREAS, in light of the findings of financial discrepancies confirmed by our Village Auditing firm, we are hereby implementing measures of checks and balances.

NOW THEREFORE LET IT BE RESOLVED THAT:

Other than typical salaries, utilities, fixed monthly payments based upon prior contractual agreements approved by the Village Board, emergencies or public safety overtime and payments where an existing collective bargaining agreement requires payment sooner than Village Board meetings; any other payments, bills, invoices or contractual employee payments such as but not limited to compensatory time, shall not be paid without the prior approval of the Board of Trustees.

Let it be further resolved that:

The warrant needs to be available by the close of business on the Friday preceding the scheduled board meeting to ensure that the Board of Trustees has adequate time to thoroughly examine all bills and invoices.

Seconded by Trustee Palmer and voted on as follows:

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

Approve Warrant for May 2013

Motion by Trustee Urban:

RESOLVED, that the warrant for May 2013 in the amount of \$ 205,234.72 for the General Fund is hereby approved.

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

PUBLIC DISCUSSION

Simon Jorna asked why so long a wait for the public hearing on his outdoor music request and outdoor dining special exception request. Mr. Haefeli explained that the application was just approved by planning board and this was first meeting since approval to schedule the public hearing. Mr. Houlihan stepped in to clarify the situation, told Mr. Jorna that he cannot receive the approval because he doesn't have the CO for the restaurant therefore no outdoor dining will be granted. Mr. Jorna questioned the board about not wanting music on Main Street asked them to state that they didn't want music on Main Street. Deputy Mayor Tucker told Simon he came to them with a new application to change and add more on, Simon stated the only change was the music would move from ground level to patio, as for seating had approval for 23 now has 22. Mr. Haefeli stated that if the application is changed it must go to a public hearing. Joan Levan, 17 Oneck Road, read resolution regarding hiring an attorney, no hourly rate stated or cap on amount to spend. Questioned Trustee Urban about reading the dismissal and asked the Trustees why they have spent over \$18,000 and a \$750.00 ticket. This is necessary to enforce our Village laws. Angelo Delafuente asked questions about signs, difference in Ice Cream cone and hanging items, was told the hanging items are in a pre-existing display area. Paul Houlihan explained the village code on signs and was asked about the election signs, are they enforced. Dean Speir, Main Street commented that the budget transfers were approved, asked Deputy Mayor Tucker to explain the total amount of financial errors. Deputy Mayor Tucker told Dean to speak to him in a proper way and continued to explain. Victor Levy also spoke at the meeting about the special audit report.

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

Respectfully submitted,



Elizabeth Lindtvit  
Clerk-Treasurer