

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Monday, December 13, 2004 at 10 a.m. in the Municipal Building, 92 Sunset Avenue, Westhampton Beach

PRESENT: Mayor Robert Strebel
Deputy Mayor Mark Raynor
Trustee Ora Belle "Ridgie" Barnett
Trustee James Kametler
Trustee Timothy Laube

Clerk-Treasurer Kathleen McGinnis
Village Attorney Richard T. Haefeli

Mayor Strebel opened the meeting at 10 a.m. with the Pledge of Allegiance.

Regular Meeting:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Laube:

RESOLVED, that the minutes of the Board of Trustees regular meeting of November 9, 2004 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Raynor:

RESOLVED, that the Treasurer's Office, Police Department and Building Department reports for November 2004 are hereby accepted.

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

Authorize 2005-06 Community Development Budget

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby allocate the federal fiscal year 2005-06 Community Development Block Grant funding in the amount of \$14,500.00 to the Family Counseling Service to provide therapeutic mental health counseling services to low to moderate income families.

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

Authorize traffic signal maintenance contract for 2005

Motion by Trustee Kametler:

RESOLVED, that the Mayor is hereby authorized to execute an agreement with Johnson Electrical Construction Corporation for the maintenance and repair of the Village's traffic signals for 2005 at a cost of \$650.00 per month plus \$4 per bulb replaced during the bi-annual relamping and inspection.

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

Authorize Southampton Town assessment and computer services contract

Motion by Trustee Laube:

Resolved, that the Mayor is hereby authorized to sign an extension of the contract with the Town of Southampton to use the Town's computer system and assessment records from October 5, 2004 through to October 4, 2005.

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

Authorize 2005 Youth Recreation Program

Motion by Trustee Raynor:

RESOLVED, that the Mayor is hereby authorized to expend \$3,200.00 for the 2005 Youth Recreation Program maintained by the Westhampton Beach School District subject to reimbursement of \$1,600.00 by New York State and approval of the Westhampton Beach UFSD budget in May 2005.

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

Appoint Registrar, Deputy Registrar and Sub Registrar for 2005

Motion by Trustee Barnett:

RESOLVED, that Kathleen McGinnis is hereby appointed Registrar of Vital Statistics for the Village for 2005 with an annual stipend of \$400, and Christine Owen is appointed Deputy Registrar with an annual stipend of \$300, and Rosemary Kienast is appointed Sub Registrar of Vital Statistics with an annual stipend of \$300.

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

Authorize Miller Lilly to audit the 2004-05 fiscal year statements

Motion by Trustee Kametler:

RESOLVED, that Miller Lilly & Pearse are hereby authorized to audit the Village financial statements for 2004-05 at a cost of \$ 17,500.00.

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

Authorize renewal of Rogers Beach food concession contract for 2005

Motion by Trustee Laube:

RESOLVED, that the Board of Trustees hereby authorize the renewal of the Rogers Beach Snack Bar concession contract with Loughlin's East End Deli for the 2005 summer season pursuant to the same terms and conditions of the 2004 contract.

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

Authorize additional architectural services – Village Hall

Motion by Trustee Raynor:

RESOLVED, that the scope of architectural design services contract with Beatty Harvey & Associates for the Village Hall is hereby amended to include design changes at a cost of \$11,500.00.

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

Accept proposal for temporary fence at Village Hall site – Riverhead Fence

Motion by Trustee Barnett:

RESOLVED, that the proposal submitted by RVGCO Inc. d/b/a Riverhead Fence to install a temporary fence at the Village Hall construction site at a cost of \$1,750.00 is hereby accepted.

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

Accept proposal from Speonk Lumber - Deck/Plan Table Materials

Motion by Trustee Kametler:

RESOLVED, that at the recommendation of Sandpebble Bldrs. Inc., construction managers for the Village Hall project, the bid submitted by Speonk Lumber for deck plan table materials at a cost of \$1,098.00 is hereby accepted.

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

Accept bid for interior doors, frames & hardware for Village Hall

Motion by Trustee Laube:

RESOLVED, that at the recommendation of Sandpebble Bldrs. Inc., construction managers for the Village Hall project, the bid submitted by Metropolitan Door Industries in the amount of \$61,618.00 to provide interior doors, frames and hardware supply for the Village Hall is hereby accepted.

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

Accept surveying services proposal from Young & Young – Village Hall

Motion by Trustee Raynor:

RESOLVED, that the proposal submitted by Young & Young for surveying services for the Village Hall project is hereby accepted at a cost of \$18,350.00.

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

Accept bid from Island Waste for construction debris carting

Motion by Trustee Barnett:

RESOLVED, that the proposal submitted by Island Waste for the removal of construction debris from the Village Hall project site in accordance with a LEED certification requirements is hereby accept pursuant to the attached fee schedule.

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

Authorize RCI Technologies to implement a fixed asset Management Program

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby accept the proposal submitted by RCI Technologies, Inc. to implement a GASB 34 compliant fixed asset management program lat a cost of \$7,000.00

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

Authorize renewal of Fire Inspection Services contract with Southampton Town

Motion by Trustee Laube:

RESOLVED, that the Mayor is hereby authorized to execute a renewal of the Fire Inspection Services contract with the Town of Southampton for 2005

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

Authorize renewal of planning consultant contract

Motion by Trustee Raynor:

RESOLVED, that the Mayor is hereby authorized to execute a renewal of the contract with David J.S. Emilita, AICP, to provide planning consulting services to the Village, at the cost of \$120 per hour effective January 1, 2005.

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

Authorize Ryan Lucas military leave of absence

Motion by Trustee Barnett:

WHEREAS, as a consequence of the Iraq war incident, Police Officer Ryan Lucas has been called to active duty in the armed forces of the United States, and therefore be it

RESOLVED, that Police Officer Ryan Lucas is hereby granted a military leave of absence effective July 14, 2004 and will continue on the payroll at a supplemental rate which will be the difference between his gross Military pay and his base pay as a Village Police Officer.

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

Authorize amendment to Village Office/Administrative Staff contract

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby approve the following amendment to the Village Administrative Staff contract retroactive to June 1, 2004:

Department Heads not covered by individual terms of employment agreements shall be credited with 30 vacation days annually.

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

Accept electrical system proposal Celi Electrical Lighting – DPW Facility

Motion by Trustee Laube:

RESOLVED, that the Board of Trustees hereby accept the proposal from Celi Electrical Lighting Inc. to install the electrical service at the DPW facility at a cost of \$7,100.00

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

Authorize purchase of John Deere Tractor for DPW Dept.

Motion by Trustee Raynor:

RESOLVED, that the Board of Trustees hereby authorize the purchase of a tractor with accessories from the John Deere Company under state contract # PC60688 at a cost of \$13,903.83 for use by the Department of Public Works.

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

Approve December 2004 warrant

Motion by Trustee Barnett:

RESOLVED, that the warrant for December 2004 in the amount of \$536,808.21 for the General Fund and \$204,386.68 for the Capital Fund is hereby approved.

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

Mayor Strebel announced that he and the Trustees were looking to help the affordable housing situation in the Village. He said that Southampton Town enacted a law five or six years ago that enables homeowners to have accessory uses as long as they are owner occupied. There are many stringent regulations pertaining to this law to prohibit it from becoming something we don't want. He said the Board is looking to help year-round people to have an affordable place to live. They are not doing this to have more summer rentals, this would require a year-round lease. The other thing they have been working on is allowing apartments above stores. It happens to be legal in the Village except for some uses. Mayor Strebel asked the Building Inspector, Paul Houlihan, to explain this further. He explained that since this is a significant change, they will also be asking the Village Planner, David Emilita, to come and talk about this. They want to get as much information as possible out to the public.

Paul Houlihan explained that he had prepared a proposed Accessory Apartment Law at the direction of the Village Trustee's, that it was just a preliminary draft and he had not

had any formal input from anyone on the various boards or even the Village Planner yet. He said they were in the process of getting that input. It was basically an accessory apartment law geared at allowing homeowners in certain residential districts to create an accessory apartment within their dwelling or accessory structure. He said it was similar to the Town's accessory apartment law with some modifications. Mr. Houlihan then went over the key elements from the attached proposed accessory apartment law.

Trustee Raynor asked if you could have two apartments with one bedroom each.

Mr. Houlihan responded that you could only have one dwelling with one apartment that could have up to two bedrooms.

Trustee Raynor then asked if you could sub-let the two bedrooms.

Mr. Houlihan said that you could not rent out individual bedrooms. This is intended for a whole apartment to be rented out to a family for a minimum period of one year and is not meant for transients. The owner would have to show documentation that he owned the house and lived in it year round. That documentation might be in the form of a driver's license made out to that address. They also would have to provide a lease for the accessory apartment that would be for a minimum period of one year.

Trustee Barnett asked if you could add on to your house.

Mr. Houlihan answered that yes, you could, subject to the accessory apartment being no more than 35% of the primary dwelling.

Mayor Strebel said that the Village Planner, David Emilita, will be at a future meeting to discuss this. He said he wanted to get this out to the public so this can be studied and the Board can see if anyone has any recommendations. He said the thing he likes about this proposal, is the fact that it has been proven in Southampton Town for about five or six years and it has been helpful and they have had no problems with it.

Mr. Houlihan remarked that this law actually goes back to 1992 in the Town of Southampton. He was there at that time as the Building Inspector. Over the eight or nine years he was there, he said they probably issued about forty permits and there were no problems or issues with accessory apartments. Since then they have probably issued another twenty permits, for a total of sixty over a twelve year period. He said there were no problems when he was with the Town, and he has not heard of any since then.

Trustee Barnett asked if this would raise your taxes.

Village Attorney, Richard Haefeli, answered that any time you make an improvement to your property, the assessment will go up. It will only go up, however, at the time of an assessment review.

Trustee Laube inquired as to how many residents would be able to take advantage of this.

Mr. Houlihan responded that he did not have a number, but he could run some reports and get a rough number based on footage.

Mayor Strebel asked how many residences there are in the Town of Southampton.

Mr. Houlihan said there are something like 50,000 parcels and about 23 or 24,000 developed parcels. He didn't know how many of those are residential parcels.

Mayor Strebel commented that we should certainly do the study, but that sixty actual accessory apartments applied for is a small percentage.

Trustee Laube remarked that he was trying to determine how many people we could potentially help with this.

Village Clerk, Kathleen McGinnis, said that we have 2,493 parcels in the Village with a very high percentage of that number that are developed, but with two zones it would probably be more like 1,200.

Mr. Houlihan said he could get the number of parcels in the R2 and R4 that have at least 70% of the 20,000 square foot lot area so that would give them an idea. He said they would also have to remember these owners will have the ability to make an appeal if there are some that are marginal or they have mitigating circumstances and they could probably get it approved.

Trustee Laube asked Mr. Houlihan to explain #E5 in the proposal pertaining to subsidies.

Mr. Houlihan responded that he left that in as it was in the Town's regulations and this pertains to the fact that we are looking for people that live and work in the Village and could possibly be on a rental subsidy program.

Mrs. McGinnis added that this pertains to people that are on the Town's rental subsidy program known as "Section 8". She said she is certain there are people in the Village that are on this program. She said it is administered by the Town of Southampton.

Trustee Kametler wanted to add that this was definitely a step in the right direction for our community. He said we have to do something for our volunteer firefighters and ambulance services workers. We want to keep these people in our community and this is the right approach.

Trustee Raynor asked if Mr. Houlihan would be inspecting each one of these apartments since there had to be proper egress and for safety issues.

Mr. Houlihan answered that these apartments would have to comply with the NYS Building Code and they would also be inspected on a follow-up basis according to whatever schedule is adopted in the final law.

Mayor Strebel commented that by making this law it might make the illegal accessory apartments safer because now they could get a permit and do it right. He agreed with Trustee Kametler that this was a step in the right direction and they had been talking about this for a long time and maybe now it will get done.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, he wished everyone a Merry Christmas, Happy Hanukah and a Happy, Healthy New Year. A motion was made at 10:20 a.m. by Trustee Raynor to adjourn the meeting to Executive Session. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk