

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Monday, May 10, 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 Chester Morris
Trustee Harold Williams

**Clerk-Treasurer Kathleen McGinnis
Village Attorney Richard T. Haefeli**

Mayor Strebel opened the meeting at 10 a.m. with the Pledge of Allegiance. He asked if everyone would observe a moment of silence for Jeanne Waller. Mayor Strebel noted that she had been a stalwart of the community, she was involved in many charitable organizations and had been a member of the Board of Directors of the East End Hospice for many, many years.

Public Hearings:

Special Exception - Shock Homemade Ice Cream outdoor tables/benches

Mayor Strebel re-opened the public hearing of April 12, 2004 and asked if anyone in the audience would like to address the Board.

Elyse Richman, owner of Shock Homemade Ice Cream, showed the Board pictures of the apartment of Jeffrey Gallen, who voiced his objections at last month's meeting. She said he had an air-conditioning unit in the window of his apartment. His apartment was closer to the restaurant than to the ice cream store. He has a bench in front of his window and his father has a business right next to his apartment, which is also open late on the weekends. She did not think he would hear any excessive noise because of the tables and benches she was seeking approval for.

Village Attorney Richard Haefeli asked what the operating hours were on the weekend.

Ms. Richman responded they were open from 12 noon to 11:00 at night. She added that there had never been a complaint of excessive noise. This was confirmed by Village-Clerk Treasurer Kathleen McGinnis.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, a motion was made by Trustee Williams to close the public hearing. Seconded by Trustee Raynor and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Williams:

The applicant has applied for a special exception pursuant to the provisions of Article VIII of the Zoning Code to permit the placement of outdoor tables and chairs located at 99A Main Street.

The application has been submitted to the Planning Board for its recommendation which was issued at its meeting on Thursday, February 12, 2004.

The Planning Board recommended that the application be granted for 3 six foot long by five foot wide tables with attached bench to be placed perpendicular to the stockade fence on the east side of the walkway. The first bench to be placed south and across from the business entranceway of the business and the space between the tables shall be at 3 foot intervals. There shall also be a fourth table less than 6 feet in length with attached benches to be placed on the west side of the alley adjacent to the stockade fence. A copy of the proposed plan and location of the tables is attached to the Planning Board recommendation. The applicant shall provide adequate refuge

contained in the immediate area and the container shall be emptied on a regular basis at the owner's expense.

This Board hereby adopts the recommendation of the Planning Board and grants the applicant a special exception to permit four tables with attached benches as is set forth above in the walkway adjacent to the applicant's business. The location of the tables shall be as shown on the attached plan and the table shall not be moved to a different location without further approval of this Board.

The special exception set forth herein shall expire on December 31, 2004 and may be revoked prior thereto in the event that the special exception conditions set forth herein are violated.

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

A motion was made by Trustee Raynor to close the Public Hearing portion of the meeting. Seconded by Trustee Williams and unanimously approved. 4 Aye, 0 Nay

Regular Meeting:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Raynor:

RESOLVED, that the minutes of the Board of Trustees regular meeting of April 12, 2004 are hereby approved.

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

Accept departmental reports

Motion by Trustee Barnett:

RESOLVED, that the Treasurer's report for March 2004, and the Police Department, and Building Administrator's reports for April 2004 are hereby accepted.

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

Refer Special Exception to Planning Board – Angelo's Auto Works

Motion by Trustee Morris:

RESOLVED, that the Special Exception Use application submitted by the 30 Old Riverhead Road Corporation (Angelo's Auto Works) for an existing second floor apartment above the garage located at 30 Old Riverhead Road Corp. (SCTM# 905-4-2-8), is hereby referred to the Planning Board.

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

Refer Special Exception to Planning Bd. –The Sandwich Club

Motion by Trustee Williams:

RESOLVED, that the Special Exception application for outdoor tables and chairs submitted by The Sandwich Club located at 160 Montauk Highway (SCTM# 905-6-1-19), is hereby referred to the Planning Board.

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

Appoint part time Senior Justice Court Clerk

Motion by Trustee Raynor:

RESOLVED, that Leanne Gionta is hereby appointed as a part time Senior Justice Court Clerk effective May 17, 2004, to be compensated at the rate of \$17.50 per hour and to work as scheduled by the Village Justice.

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

Appoint part time Justice Court Clerk

Motion by Trustee Barnett:

RESOLVED, that Maureen Wright is hereby appointed as a part time Justice Court Clerk effective May 17, 2004, to be compensated at the rate of \$16.50 per hour and to work as scheduled by the Village Justice.

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

Authorize Mayor to execute 2004 CDBG Agreement

Motion by Trustee Barnett:

RESOLVED, that the Mayor is hereby authorized to execute the 2004 Community Development Block Grant Agreement to receive \$15,000 in federal funding.

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

Authorize Grant Award – NYS Criminal Justice Services

Motion by Trustee Williams:

RESOLVED, that the Mayor is hereby authorized to execute a contract with the New York State Division of Criminal Justice Services to receive a grant in the amount of \$35,000 for the purchase of five (5) Police Department mobile data terminals, with a matching Village share of \$3,889.00 as provided in the 2004/05 Police Department budget.

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

Authorize inter-municipal agreement with Town of Southampton

Motion by Trustee Raynor:

RESOLVED, that the Mayor is authorized to enter into an agreement with the Town of Southampton to permit the Village to dispose of its leaves, brush, and yard waste at the

waste disposal facility maintained by the Town in Westhampton, in consideration for the Village providing patrol and police protection for a one mile portion of Dune Road located within the Town.

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

Appoint 2004 seasonal Police Officers

Motion by Trustee Barnett:

RESOLVED, that the following Seasonal Police Officers will be hired at the rate of \$15/hour and will be scheduled to work at the discretion of the Chief of Police:

Steve Frano Ryan Lucas
John Rankin Ken Bigora

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

Appoint Traffic Control Officers

Motion by Trustee Barnett:

RESOLVED, that the following Traffic Control Officers will be hired at the rate of pay of \$11/hour and will be scheduled to work at the discretion of the Chief of Police:

Joe Pesapane	Ron Gholson	Daniel Misvesky
Robert Laube	Marc DeMartino	Michael Walsh

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

Appoint seasonal beach personnel

Motion by Trustee Williams:

RESOLVED, that the following persons are appointed to the positions specified below at Rogers and Lashley beaches for 2004:

Managers (40 hrs/wk)

Max Mascia	\$18.00/hr.
Tom Betjemann	\$18.00/hr.
Stephen Wisnoski	\$13.75/hr.

Lifeguards (48 hrs/wk)

Justin Zorbo	Head Lifeguard	13.00
James Raynor	Lifeguard	11.75
Bevin Kenny	Lifeguard	10.75

Christopher Zorbo	Lifeguard	10.75
Clarke Nobiletti	Lifeguard	10.50
Christopher Mascia	Lifeguard	10.50
Tyler Abbatiello	Lifeguard	10.25

Beach Attendants (35 hrs/wk)

Sean Doyle	Attendant	8.50
Robert Duca	Attendant	7.50
Kelly Martin	Attendant	7.00
Heather Martin	Attendant	6.75
Cory Doyle	Attendant	7.00
Mark Nordman	Attendant	6.25
James Carr	Attendant	6.25
Brittany Jenks	Attendant	6.25
Brooke O'Hara	Attendant	6.25

Seconded by Trustee Barnett and approved. 3 Aye, 0 Nay (Trustee Raynor abstained)

Appoint Dockmaster

Motion by Trustee Raynor:

RESOLVED, that Ira Marcus is hereby appointed as Dockmaster for the 2004 season at an hourly rate of \$13.00/hour.

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

Authorize extension of annual asphalt contract

Motion by Trustee Barnett:

Resolved, that the annual asphalt contract with Rosemar Asphalt Paving is hereby extended to 12/31/04.

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

Authorize Imaging Project – Board of Trustees Minutes

Motion by Trustee Barnett:

RESOLVED, that the proposals submitted by Imaging & Microfilm Access for the conversion of the existing microfilm records of the official minutes of the Board of Trustees, Planning Board, Zoning Board of Appeals and Architectural Review Board at a total cost of \$3,138.40, is hereby accepted.

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

Approve warrant for May 2004

Motion by Trustee Williams:

RESOLVED, that the warrant for May 2004 in the amount of \$141,897.33 for the General Fund and \$8,580.00 for the Capital Fund is hereby approved.

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

Public Discussion

Mayor Strebel asked if anyone in the audience would like to address the Board.

Ben Larson, 12 Montauk Highway, inquired as to whether the two “monstrosities” that were being built on Mill Road and Sunset Avenue were legal since they were so close to the street.

Building Inspector Paul Houlihan responded that both these buildings are located in the B-1 District and under the Village Ordinance, they have to be no further than five feet back from the front property line. They could be as close as zero feet. There is still room to put in a sidewalk sometime down the road on the Village right-of-way, which is usually somewhere between five and seven feet beyond the paved road. This is like many of the buildings you see down on Main Street. The ordinance is still the same. Responding to Mr. Larson’s question regarding the parking for the building on Sunset, Mr. Houlihan said parking will be behind the building and accessed through the front driveway they share with the property to the south of it and there will also be a cross access agreement with 7-11.

Mr. Larson also asked why the cellar of the building is practically on the ground level. He thought the excavation for the building was usually put a little bit higher.

Mr. Houlihan explained that on a commercial building they actually get closer and closer to grade level because of the handicapped accessibility requirements where they have to be able to roll in and they can’t have stairs going into it, so it has to be a very slight incline. Most of the new commercial buildings are very close to grade as opposed to the old ones where they were up a few steps. He offered to show Mr. Larson the site plans for the two buildings and said he would be happy to go over it with him and answer any questions he might have, if he would stop by the Building Department.

Mayor Strebel asked Mr. Houlihan if this was a national trend for downtown cities in the US to have their buildings next to the sidewalks and the parking behind them. Mayor Strebel said that highway zoning is different - the highway business is set back from the highway. This is not something we dreamed up - this has been like this for many years.

Mr. Houlihan answered that this was normal for most village business type areas. If you look at Hampton Bays and East Quogue, the new buildings that were built not long ago are built next to the sidewalks. He said in the B-1 districts, or Village business type districts, it promotes someone using a municipal parking lot or any parking lot, and then walking throughout the Village to several stores, restaurants, etc. This is as opposed to the highway business uses where people generally drive to a destination with their car and they don’t walk from business to business.

Mr. Larson asked if he wanted to put a building on his property on Depot Road and Montauk Highway, how close could he come to Montauk Highway.

Mr. Houlihan responded that this property was in the B-2 business district on the highway that was mentioned before and it would have to be set back from the highway fifty feet.

Mr. Larson then asked if they were ever going to put a sidewalk on South Road. He also wanted to know if there could be no parking for the length of that road. He felt the current situation was dangerous and wanted to know if there had to be a problem there before they would act on it.

Mayor Strebel responded that he felt there was a definite need for a sidewalk on South Road and they were working on it. With regards to no parking there, he said that you can’t just change traffic laws without doing a thorough study.

Police Chief Ray Dean said that sometimes if there is no problem and you do something, you can actually create a problem. He said that is why you go to the traffic engineer, so they can examine it. A lot of times when you do an action, you are actually creating a problem and can make it worse.

Mayor Strebel said that early in his administration, they were asked to put up a stop sign somewhere. They put up the stop sign and then were informed that the stop sign should never have been put up in that location and if there was an accident because of it, the Village would be held liable. He said he was just trying to explain why he now always insists on a traffic study and uses a traffic consultant. Mayor Strebel wanted to make a note that this was the second time that Mr. Larson asked for this and he would contact Dunn Engineering regarding doing a study.

Mr. Larson again asked what was being done about the sidewalk on South Road. He said he has been asking about this for the last few years.

Mayor Strebel responded that you have to figure out how to pay for it. There are a lot of things on the fire right now and a lot of things have been done in the past two or three years. He said the Village has repaired over a mile of sidewalks in ten miles of roads and there are only twenty-five miles of roads in the Village.

Mr. Larson wanted to know if the Village puts money into new sidewalks every year.

Trustee Raynor said it would be quite a lot of money to do all the sidewalks that were needed in the Village. He said they do as much as they can every year to try and catch up. He said there had been quite a few years when nothing was done.

Village Clerk-Treasurer Kathleen McGinnis added that when you have a repair needed on a sidewalk, it is generally a safety concern, so that has to take priority. The Village gets sued quite a bit, so we have to be very careful if there is a defect on a sidewalk and we have to address that. That has to be a priority before creating new ones. It is purely budgetary. If there was no bottom line, you could do anything you wanted, but we have to prioritize. That is what the taxpayers want us to do. We have put in a tremendous amount of handicapped curb cuts in the past ten years because of the Americans with Disabilities Act. It has been ongoing and every year we do new projects.

Trustee Barnett said that the Village tries to get grants to install new sidewalks. She said they are currently working on grants for South Road, Jessup and Old Riverhead. It isn't just laying the sidewalk. You have to put in drainage and in a lot of cases you have to take the land and pay the people for the full value of the land you are taking. It is very expensive, but we keep working on obtaining these grants so we can get these sidewalks. Unfortunately, with government it is a slow process.

Mayor Strebel said that he had gone with the Southampton Town Supervisor and the Mayor of Westhampton Dunes to see Senator Lavalley. They explained to him that Dune Road and Jessup Avenue was a federal emergency evacuation route. We felt it should have sidewalks and bike lanes so that people could bicycle right from the train down to Dune Road, instead of bringing more cars into our area. We thought we had a good shot at a grant for this, and it took almost two years to find out that we weren't going to get it. It was a blow, because I personally thought we were going to get it. There are a lot of things the Village needs and we are doing our best to do all of them without raising the taxes too high. The Village taxes only went up about 4% this year.

Mr. Larson asked if the new tax bill would be affected by the Town of Southampton reassessment.

Mrs. McGinnis responded that the new Southampton Town assessments won't kick in until next year. She said the tax bills going out the end of the month reflect the current assessments and the new assessments will be reflected on next year's bill.

Mayor Strebel asked if anyone else would like to address the Board. There being no response, a motion was made at 10:30 a.m. by Trustee Raynor to adjourn the meeting

to Executive Session. Seconded by Trustee Williams and unanimously approved. 3
Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk