

The Board of Trustees of the Village of Westhampton Beach held their Organizational Meeting on Tuesday, July 5, 2005 at 10 a.m. in the Municipal Building, 92 Sunset Avenue, Westhampton Beach

PRESENT: Mayor Robert Strebel
Trustee Ora Belle "Ridgie" Barnett
Trustee James Kametler
Trustee Timothy Laube
Trustee Conrad Teller

Clerk-Treasurer Kathleen McGinnis
Village Attorney Richard T. Haefeli

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

Oath of Office – Trustee Barnett & Trustee Teller

Mayor Strebel congratulated Trustees Barnett and Teller and welcomed Trustee Teller aboard. They were then sworn in by Village Clerk-Treasurer Kathleen McGinnis, after which she congratulated each of them.

Presentation of Proclamations

Mayor Strebel announced that Trustee Laube would be handing out awards to students that attended the Westhampton Beach High School that had excelled in sports. He said it was a pleasure to have them here and the Village was very proud of these young people.

Trustee Laube presented proclamations (see attached list) to the respective teams that had won County Championships this year - the girl's cross-country team, the girl's basketball team that went all of the way up state to the Final Four and Dillon Pottish, who went to the finals of the State Championships in tennis. He said that Dillon was the first boy in thirty years from Westhampton Beach High School to win the County Championship in tennis. Trustee Laube remarked that this was quite an accomplishment, as were all of these championships. He then presented proclamations to the coaches of each team. Trustee Laube also thanked Richard Schaub, the athletic director and general manager for the Westhampton Beach High School athletic program.

Annual Appointments:

Appoint Deputy Mayor

Motion made by Trustee Teller:

RESOLVED, that Timothy Laube is hereby appointed Deputy Mayor of the Village of Westhampton Beach for a term of one year.

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

Appoint Village Attorney

Motion by Trustee Laube:

RESOLVED, that Richard Haefeli is hereby appointed to serve as the Village Attorney to perform the functions and duties as legal counsel to the Board of Trustees, Planning Board, Zoning Board of Appeals, and Architectural Review Board for an annual retainer of \$56,700 to be paid in twelve equal installments, with litigation as authorized by the Board of Trustees to be compensated at the rate of \$155.00 per hour, subject to an accounting of hours once each month.

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

Approve Special District Attorney

Motion by Trustee Barnett:

RESOLVED, that Richard Haefeli is hereby appointed Special District Attorney to prosecute violations of the ordinance of the Village of Westhampton Beach.

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

Approve 2005-06 Board of Trustees meeting schedule

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees shall hold its regular meeting on the first Thursday of every month either at 6 p.m. or 10 a.m. every other month pursuant to the attached schedule. The Board of Trustees meetings will be held in the Municipal Building located at 92 Sunset Avenue in Westhampton Beach; and be it further

RESOLVED, that the work session will be held each month at the Municipal Building at 10 a.m. on the Wednesday two weeks prior to the regular meeting. The Annual Organizational Meeting will be held on Monday, July 3, 2006 at 6:00 p.m. at the Municipal Building.

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

Approve meeting schedule for appointed boards

Motion by Trustee Teller:

RESOLVED, that the Planning Board shall hold its regular meeting at 7:00 p.m. on the second Thursday of each month and work sessions, as necessary, shall be held on the last Thursday of the preceding month at 4 p.m., the Zoning Board of Appeals shall hold its regular meeting on the third Thursday of each month at 7:00 p.m. and the Architectural Review Board shall hold meetings on the first and third Tuesdays of each month at 8:00 p.m.

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

Trustee Liaison Assignments

Motion by Trustee Laube:

RESOLVED, that the Mayor and Village Trustees shall serve as liaisons for the following Village Departments and/or functions:

Police Department & Law Enforcement	Mayor Strebel and Deputy Mayor Laube
Building Dept/Code Enforcement	Timothy Laube
Dept. of Public Works	Conrad Teller
Building Maintenance	James Kametler
Yacht Basin	James Kametler
Village Beautification/Beach Operations	Ora Belle Barnett
Insurance Issues	Mayor Strebel
Community Development Program	Ora Belle Barnett
Police Commissioner, Budget Officer & Labor Negotiations:	Mayor Strebel and Deputy Mayor

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

Appoint Board of Trustees as Board of Assessors

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees will hereby act as Assessors for the Village of Westhampton Beach during the ensuing year.

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

Appoint Marriage Officer

Motion by Trustee Kametler:

RESOLVED, that Timothy Laube is hereby appointed to serve as a Marriage Officer for a term of one-year pursuant to the provisions of NYS Domestic Relations Law Section 11-c.

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

Appoint Associate Village Justice

Motion by Trustee Teller:

RESOLVED, that Gair Betts is hereby appointed as the Associate Village Justice of the Village of Westhampton Beach, to serve for a one-year term at an annual salary of \$10,278.00.

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

Designate official depositories

Motion by Trustee Laube:

RESOLVED, that the Bank of New York, the Suffolk County National Bank, MBIA Municipal Investors Service Corporation (CLASS Program) and North Fork Bank are hereby designated the official depositories of the Village of Westhampton Beach during the ensuing year and that the Village Clerk Treasurer is hereby ordered to deposit all funds therein.

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

Authorize check signatories

Motion by Trustee Barnett:

RESOLVED, that all Village of Westhampton Beach checks shall be signed by Robert Strebel, Mayor, or Timothy Laube, Deputy Mayor, and Kathleen McGinnis, Village Clerk-Treasurer or Elizabeth Schunk, Deputy Village Treasurer, except for Trust and Agency checks which shall be signed by either Kathleen McGinnis or Elizabeth Schunk.

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

Designate official newspapers

Motion by Trustee Kametler:

RESOLVED, that *The Southampton Press-Western Edition* (formerly the *Hampton Chronicle-News*), *Newsday*, *N.Y. Times* and *The Long Island Traveler-Watchman* be and hereby are designated the official newspapers of the Village of Westhampton Beach during the ensuing year.

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

Approve mileage reimbursement for official business

Motion by Trustee Teller:

RESOLVED, that all employees and officials of the Village who use their vehicles or other private vehicles for official Village business shall be reimbursed mileage at the rate allowed by the Internal Revenue Service in effect at the time the request is made.

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

Appoint Mayor as Commissioner of Licenses

Motion by Trustee Laube:

RESOLVED, that Mayor Robert Strebel is hereby appointed Commissioner of Licenses for a term of one year.

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

Approve Village Investment Policy

Motion by Trustee Barnett:

RESOLVED, that the attached Village investment policy is hereby approved.

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

Public Hearing:

Bridgehampton National Bank Special Exception Outdoor tables & chairs

Mayor Strebel explained that when someone would like tables and chairs, this Board authorizes the Planning Board to look into it and the Planning Board makes a decision as to how many tables and chairs and where they can be placed. The applicant then comes back to this Board and we would either approve or deny it. Mayor Strebel then opened this hearing and asked if anyone would like to address the Board.

Mr. Haefeli advised that in this particular case the applicant is present. They have a site plan that was approved last year to put in a bank and a coffee house. At the time that approval went into effect, they also showed exactly where the two tables and eight chairs would be located. It was really part of the approved site plan, although they didn't come before this Board at that point in time. All they are really doing is following up with what they did last year. Last month the Planning Board again looked at the location of the tables and chairs and had no problems with it. Mr. Haefeli said he also thought there was a written submission from the bank indicating the basis for the request.

Lisa Kombrink and Chris Becker were at the meeting representing Bridgehampton National Bank.

Trustee Laube asked if there was any talk as to what vendor would be moving into the coffee house.

Mr. Becker responded that they were negotiating a lease with a local that he felt they would recognize once the deal is complete. He did not want to name them until the negotiations were finalized.

Arthur DiPietro, 41 Sunset Avenue, felt he needed some clarification, if only for himself. He said he thought an application for outdoor tables and chairs had to be made by the operator of the business. He also felt that this application was premature, despite the fact that it was reviewed by the Planning Board, he still felt it would be premature to the code unless and until a Certificate of Occupancy was issued. It had been his experience that any time an application for tables and chairs has been before this Board, it has been for an existing business so you can assess what is happening on the site, if it is appropriate, etc. He said that he and his wife, Bonnie, had intentionally deferred making any kind of an application until they were operational in fairness to the Board and the Village to see if it is appropriate under the circumstances, because it is an add-on type of situation. He did not believe it was appropriate for it to be folded in to a site-plan application. Even though this Board relies on a report recommendation of the Planning Board, it is this Board's decision. If this applicant is not ready to identify its tenant who is going to be responsible for all of the conditions imposed, namely keeping the site clean, then he felt this application is premature.

Mr. Haefeli responded that this application was not premature and what he had indicated to the Board is that when the site plan was approved this was shown on the site plan. Since that time the applicant's made a separate application for the tables and chairs and that is the application that was referred to the Planning Board and the Planning Board made the recommendation that the two tables and eight chairs would be appropriate and the location where they are to be placed. There is nothing in the Code that prohibits an applicant from making the application prior to the issuance of the Certificate of Occupancy. Obviously the use can't start until that time and the

application has to, at a minimum, be signed by the owner, which it is in this case. Whether it is the owner or operator that actually comes before the Board to discuss the application, it could be one or the other, but the owner has to be the one who files the application. So, from a legal point of view there is nothing wrong with the application and the Board could act on it today.

Trustee Laube asked Mr. DiPietro if he said he would like to see the tenant come forward.

Mr. DiPietro responded that it was fine. He just wanted to know what would be appropriate in his circumstances and he had gotten his answer. He assumed the same rule would apply when our application is submitted.

Mayor Strebel answered it certainly would.

Trustee Laube asked Ms. Kombrink if they would notify the Board when they find their tenant.

Ms. Kombrink said they absolutely would.

Mayor Strebel asked if anyone else in the audience would like to address the Board regarding this issue. There being no response, a motion was made by Trustee Laube to close this public hearing. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Kametler:

The applicant is converting an existing building located at Six Corners into a commercial bank and a coffee house and has applied for a special exception pursuant to the provisions of Article VIII of the Code of the Village of Westhampton Beach to permit the placement of two (2) tables and eight (8) chairs as shown on the site plan of the applicant approved by the Planning Board on November 9, 2004.

Outdoor tables, chairs and benches are permitted in the B-2 Zoning District by way of Special Exception issued by this Board.

The application's proposal was part of the site plan review and approved by the Planning Board and upon the filing of the present application, it was referred to the Planning Board for their recommendation. The Planning Board recommended approval of the application for two (2) tables and eight (8) chairs as proposed by the applicant.

The Board finds that the applicant's request for outdoor tables and chairs meets the general special exception standards for granting a special exception together with the specific provisions with respect to outdoor tables and chairs set forth in section 197-88.3. Accordingly, the applicant's proposal for two (2) outdoor tables and eight (8) chairs is granted.

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

Regular Meeting:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Teller:

RESOLVED, that the minutes of the Trustee Meeting of June 13, 2005 and Special Meetings of May 31, 2005 and June 23, 2005 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Laube:

RESOLVED, that the Police Department and Building Inspector's reports for June 2005 are hereby accepted.

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

Mr. Haefeli explained that on the next two applications, since we already had one for tables and chairs, once this Board goes through the Public Hearing process and approves tables and chairs for a place, the Code states the following year the applicant may just file the application. Then the Board, provided there has been no problem with the operation the year before, will adopt the resolution and there is no public hearing required. That is what you have with reference to the next two resolutions that are on.

Renew Special Exception Permit – Dee Angelo's Pleasant Ave. Café

Motion by Trustee Barnett:

WHEREAS, Dee Angelo's Pleasant Avenue Café has applied to renew the Special Exception permit granted in 2002 to place four bistro tables and 8 chairs pursuant to Chapter 197.80.3 and Section 197-76 of the Code; and

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

RESOLVED, that the Board of Trustees hereby authorize the placement of outdoor tables and chairs as shown on the original plan and subject to the same set of conditions.

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

Renew Special Exception Permit –Funcho's Fajita Grill

Motion by Trustee Kametler:

WHEREAS, Funcho's Fajita Grill has applied to renew the Special Exception permit granted in 2002 to place five tables and 20 chairs pursuant to Chapter 197.80.3 and Section 197-76 of the Code; and

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

RESOLVED, that the Board of Trustees hereby authorize the placement of outdoor tables and chairs as shown on the original plan and subject to the same set of conditions.

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

Accept bid for raised access floor for the new Village Hall – Erector Specialist, Inc.

Motion by Trustee Teller:

RESOLVED, at the recommendation of Sandpebble Builders, Inc., construction managers, the bid submitted by Erector Specialist Inc. for raised floor access for the new Village Hall, contract # 10.270, at a cost of \$98,000.00 base bid plus additional work to be done on an as needed basis at a cost not to exceed \$13,900.00, is hereby accepted.

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

Accept fire alarm proposal for the new Village Hall – Richard Security, Inc.

Motion by Trustee Laube:

RESOLVED, at the recommendation of Sandpebble Builders, Inc., construction managers, the proposal submitted by Richard Security Inc. for the fire alarm system for the new Village Hall, contract # 16.350, at a cost of \$44,362.00, is hereby accepted.

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

Accept window installation bid for the new Village Hall – Godsell Contracting

Motion by Trustee Barnett:

RESOLVED, at the recommendation of Sandpebble Builders, Inc., construction managers, the proposal submitted by Godsell Contracting Corp. for the installation of windows at the new Village Hall, contract # 8.500, at a cost of \$6,984.00 base bid, plus the hourly rate of \$97.00 for carpenter work, is hereby accepted.

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

Accept results of General Village election of June 17, 2005

Motion by Trustee Kametler:

RESOLVED, that the results of the General Village Election of June 17, 2005 are hereby accepted as set forth in the attached Official Return of Votes.

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

Appoint Planning Board Chairman

Motion by Trustee Teller:

RESOLVED, that Kurt Hofmann is hereby appointed to serve as Chairman of the Village Planning Board for a term of one year to expire May 31, 2006.

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

Appoint Zoning Board of Appeals Chairman

Motion by Trustee Laube:

RESOLVED, that Christopher Bean is hereby appointed to serve as Chairman of the Village Zoning Board of Appeals for a term of one year to expire May 31, 2006.

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

Appoint Architectural Review Board Chairman

Motion by Trustee Barnett:

RESOLVED, that Greg Minasian is hereby appointed to serve as Chairman of the Village Architectural Review Board for a term of one year to expire May 31, 2006.

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

Authorize refund of boat slip rental fee

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby approve a refund of a boat slip rental fee in the amount of \$660.00 to Eleanor C. Dix.

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

Schedule public hearing- Spec. Exception Jimmy Boylan outdoor tables

Motion by Trustee Teller:

RESOLVED, that the Village Clerk is hereby authorized and directed to publish and post a Notice of Public Hearing to be held on Thursday, August 4, 2005 at 6 p.m. on the Special Exception Use Permit application submitted by E.K. Riverhead Partners, d/b/a Jimmy Boylan Pub & Restaurant for the placement of six (6) outdoor tables and twenty four (24) chairs to be located at 101 Riverhead Road, identified by SCTM# 905-2-1-5.1.

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

Accept lumber proposal for the new Village Hall – Speonk Lumber

Motion by Trustee Laube:

RESOLVED, at the recommendation of Sandpebble Builders, Inc., construction managers, the proposal submitted by Speonk Lumber to provide lumber for the new Village Hall, contract # 6.110, at a cost of \$4,316.12, is hereby accepted.

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

Accept Drywall & Acoustic bid for the new Village Hall – Valdini Drywall Corp.

Motion by Trustee Barnett:

RESOLVED, at the recommendation of Sandpebble Builders, Inc., construction managers, the bid submitted by Valdini Drywall Corp. in the amount of \$222,400.00 for the drywall and acoustic work contract # 9.1, is hereby accepted.

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

Approve warrant for July 2005

Motion by Trustee Kametler:

RESOLVED, that the warrant for July 2005 in the amount of \$112,287.28 for the General Fund is hereby approved.

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

Public Discussion

Mayor Strebel announced that this was the public portion of the meeting and asked if anyone would like to address the Board.

Arthur DiPietro felt that since there was a new Board member on board, he should update him regarding several pending items in the Village.

1) He said that one of the things Trustee Teller had said during his campaign was that although he was generally in favor of the swimming pool proposal, he wanted to see it, if at all possible, located inside the Village and not outside. Mr. DiPietro said that is the position he had expressed about a year or year and a half ago when the swimming pool proposal first came to light. He wanted to see some kind of response with the Board with regard to where they were at with regard to the swimming pool proposal. He also wanted to know whether or not the unnamed benefactor was flexible enough to consider, if at all feasible, to locate it in the Village that we do so. He wanted to know if the Village was locked into the Quogue site.

2) He said there was some criticism, without any specifics, about the Police Department in the most recent campaign. There was a Trustee elected a year ago who was elected on the basis that at least in part, if not stating, eluding to some unhappiness with the Police Department. He said that from his vantage point, he might not have all the facts, this has been kind of a festering issue that nobody seems to want to address specifically. He submitted that from the standpoint of the morale of the Police Department, and the best interest of the Village, if in fact there is something that needs to be discussed and addressed, then let's bring it out, air it and discuss it and if it is not, and it is just innuendo or other issues that are more personal than public policy, he felt we should put them to bed and join ranks and therefore have the most efficient Police Department possible. He felt that one way or the other the air needs to be clear regarding the Police Department.

3) He said he would like to see a specific report from the Village Trustees as to where we are at with the Sewer District, what it is going to cost, the exact proposed mapping area of the District, what properties are going to be involved, what assessment is going to be involved to those properties that will be members of the Sewer District and what specific benefits are going to accrue with regard to buildability. Obviously if there is a Sewer District the present Health Department regulations with regard to wastewater management would not apply under Article 7. However, it may well be an illusory victory for developers to think that since they now have a Sewer District, they can now have a much more intense building envelope or building use and then run into

other Village regulations, such as off-street parking, fire code and so on, which may not justify the added expense the property owner has with regard to paying the Sewer District tax each year. He also wanted to know if there was going to be a Special Assessment over and above the tax.

4) Mr. DiPietro said that he had been following the progress of the asphalt plant over these many years through the Zoning Board of Appeals and other litigation. He believed that he had heard recently that the assessed value of the asphalt plant is now in excess of five million dollars, when around 2000-2001 it was a million dollars and change. He also believed the affordable housing initiative, which is tied to the Sewer District, would also extend a carrot to the asphalt plant as far as converting the use from its present use to multi-family housing which would at least justify that five million dollar value. Based on all of that, it was his understanding and belief that they have more than adequately and successfully amortized their situation as an asphalt plant. He said it was horrendously improper for any governmental authority, the Village, the Town or whatever to be considering supporting their bid to be relocated at the airport property. He felt an asphalt plant is totally inappropriate for the airport property. He thought that if you locate it just north of the railroad tracks it is going to be a nuisance to residential owners on the south side of the railroad tracks. If you sponsor that, he could see no justifiable, valid reason for the powers that be, whether it be the lease screening committee, the County legislature, the Senior Citizens Advisory Committee or whatever review process is proposed in the future, to deny other asphalt plants, transfer stations and like facilities at the airport. He said he didn't know if anyone in the room was here about ten or fifteen years ago. About once every generation there is a quandary about what to do with the airport and there is a flurry of activity. But then County Legislator Gregory Blass was in this room proposing that all kinds of shelters and affordable housing and halfway houses, substance treatment centers and like human resources facilities be located at the airport and at that time Mr. DiPietro and several other members of the community felt that the potential of the airport for a high tech, state of the art, something related to the East End economy, industrial or business commercial facility was appropriate. That kind of a use, even though it has to go somewhere and he said he had never been a "NIMBY", would be throwing a big bucket of cold ice water on any kind of state of the art development of the airport. He respectfully submitted that to have "asphalt row" at Suffolk County Airport is going to do the same thing to many of the proposals that are now on the table.

5) Lastly, he wanted to ask a question about this outdoor seating issue. He believed there were five benches in front and adjacent to the Beach Bakery. He wanted to know if they were on Village property or Beach Bakery property and if they were considered outdoor tables and chairs under the Code issue.

Mayor Strebel answered Mr. DiPietro's questions as follows:

1) The pool is not a dead issue. There is a benefactor and some council people from Southampton Town that Mayor Strebel would be meeting with sometime this month. The reason for the Quiogue lot is to try and get some Southampton Town cooperation with funding. What the Board planned on doing was to take the thirteen acres and sell them to the Town through the Community Preservation Fund. The Town would receive that money and give it to the not-for-profit organization that was going to put up the two pools. If anyone ever has the opportunity to take a ride to East Hampton, they could see what a beautiful facility they have there. The people there range from toddlers to ninety year old people. They open the place at six in the morning for the Senior Citizens to swim. He said he gets calls from a Senior Citizen organization on a monthly basis asking when we are going to get them a swimming pool because it is the best exercise that a person can get. It is the least invasive of anything, being in the water. Running, jogging and weight lifting and so forth, when you get older you just can't do. Again, the reason for putting it in Quiogue is to get participation from Southampton Town Parks and Recreation. He said they were trying to do this so they would not have to dig into the Village coffers. There is a man that wants to give us two million dollars. The thirteen acres seems to be such an ideal thing because on another note, since I've been Mayor, I've had organizations like Little League call and say they had no place to go. We envision this building not only that would house a full health

club facility, swimming pool, but also outdoor sports such as tennis, baseball, skateboarding, etc. There are thirteen acres there. This is a very large undertaking. It is not something a little Village can do by itself. Mayor Strebel felt it would be too large an undertaking even for the Town if it wasn't for the setup whereby this man would be giving two million dollars. The property is available and that's the reason. I don't know another piece of property in this Village with that kind of acreage that is available to do that. There are other things on the table, too. Trustee Kametler is talking about a kiddie park on Main Street, which would be very nice for the toddlers and so forth. This facility would be the closest facility available. People are now going to William Floyd or East Hampton to swim. He said he had not talked to Trustee Teller about it yet, but the Board that sits here with him, including Trustee Kametler, was in favor of having something like this. He said he hopes that we can see it. It would be a big financial burden if we don't get the Town to help us. Whether or not the benefactor would be willing to change the spot, the only thing the benefactor is disappointed in is how long it is taking and we could lose him. Mayor Strebel said it has been two years that he has been working with the Town and to him it is such a wonderful thing we could have for our children and our senior citizens.

Trustee Kametler interjected that there had been some talk that the private benefactor wanted some special exemptions on a time where he can use it for his special use.

Mayor Strebel responded that the benefactor did not want a special exemption and it was not personal. What he said from the beginning is that he would like to see disadvantaged children be able to use it. We spoke about that and we would want that in writing. The benefactor is not the only one. Mayor Strebel said he had gotten a call from Lynn Schwartz, the Superintendent of the Westhampton Beach Schools asking if the school could use it. We want to open it to everybody in Southampton Town including the benefactor. We are very fortunate that a lot of people in this room have their own swimming pools. There are some kids that don't see the water. He said that something else bothers him. To have a pool like this and be able to instruct kids how to swim, there are still kids living on Long Island that don't know how to swim. There were two or three that drowned this past week. It is something that we should really be looking into. He said a lot depends on the two million dollars. Without that two million dollars, it is not going to happen. We need four million dollars. If the benefactor will give two, we get some money from selling the property in Quogue and the Town's Parks and Recreation will kick in. Hopefully, there will be people that want to support something like this. He honestly could not think of anyone that would be against this.

2) Mayor Strebel said he had met with the PBA within the last month two or three times. He was not apprised of any festering problem going on over there. He said he receives telephone calls and accolades all of the time about the efficiency of the men. He said he is personally happy with the men over there. To the best of his knowledge the Trustees are happy with the men over there. There are the normal things that go on with any kind of group of men whether it be policemen or coffee workers or department of public works. There is always something, but to talk about a festering problem, he said he knows of no festering problem.

Mr. DiPietro clarified it by saying this was not his issue. He has no position one way or the other. It is just that it has been rattling around and has come up in this campaign again and he felt it should be over with.

Mayor Strebel responded that there are a lot of things that are said and he has no idea why people just don't either come to a public meeting and say it in front of everybody or come to his office and talk to him about it. He said he does not take second hand information. He said that if a person does not say it to his face, it does not mean a lot to him. If a person cannot put a name on an article that they write, and we still get that once in a while, how can you take it seriously? He said that was his position.

Mr. DiPietro said he agreed with him one hundred per cent. He said he was exactly the same way.

3) Mayor Strebel explained that the Sewer District kind of fits here like a

hand in a glove. The County is very happy with this situation. We've got three shots here. The County has five million dollars in a fund and nobody has tapped it yet. The first thing we will be able to do is to clean up Moneybogue Bay. That is an environmental issue. The second thing is downtown revitalization. He said the only thing you hear is downtown revitalization. What Westhampton Beach needs to bring the downtown revitalization is a sewer. The third thing is workforce housing. He said he thinks that some people are under the impression that it is for homeless people or something. In order to qualify for this your salary range has to start somewhere around \$60,000 a year. Trustee Laube took a little survey with the Fire Department and found out that over the last couple of years the average age of a fireman has gone up about five or six years. What we hope to be able to do with this sewer is those three things. As far as a surplus tax on taxpayers, definitely not, unless you want to join the Sewer District. If you want to join, there is a saying, "If you want to play, you've got to pay". He said he has been approached by different businessmen that are waiting with open arms to see something like this. There was someone that wanted to put a health club in one of the large vacant stores on Main Street. They could not do it because of density problems. So, this would be a big boon for all of us. He felt that we need all three things. He said if he hasn't been clear enough, to please ask him. He said he would try and answer. He added that the Sewer District itself has agreed that we form the Special District. We have to form the Special District before it can happen. The Workforce Housing Commission unanimously voted in favor of it. He said that as far as the parking, lots and such, we have hired a planner to help us figure out what we can have. He did not think there was anyone on this Board that was qualified to say how many lots on an acre, or how many cars in the yard or any of those things. That is why we have asked Mr. Emilita, who has done work for this Village and Southampton Town, to look into it. We also have Mr. Aldo Andreoli, formerly of Suffolk County Department of Health Services, looking into it. We don't have all the answers, but we are excited about it and we would like to see it happen. He felt this was the only thing that could save Moneybogue Bay and certainly help the Main Street revitalization.

Trustee Laube explained that the Village would have to do a study at some point and analyze how it is built, how much it will cost and what type of needs have to be met afterwards. At the same time, the County needs to investigate whether they want to let the Village tap into the sewage treatment plant. He had toured the plant on Friday. It is a four year old plant, state of the art, and currently it is processing ten per cent of its capacity. It can handle about a hundred thousand gallons of sewage a day. It has about ten thousand gallons in it now. Our idea is to use the other ninety thousand gallons. The question is, why would the County let a Village use the rest of its sewage treatment plant once it got the gain. The idea was to approach the County and say we have buildable acreage to the north of the Village that developers are looking at to put homes on now. If we made a commitment to the County to a certain percentage for workforce housing, would that be enough of a carrot to entice them to let us use their sewage treatment plant. That is what they are debating now. If they want to give us that ninety thousand and then County Executive Levy, who to his credit, has seen that the airport, which loses money for the County right now, could be a profit maker for the County. They want to start encouraging possible industrial, commercial, technical growth up there. That is four or five years away, if they ever do it. But, if they do that, then they will need room in that sewage treatment plant, which they would have given to us. That would mean they need to make a decision now whether or not they want to expand that plant. The County has already done a study and determined that it would cost them about four million dollars to double the size of that plant. That would be their loss to incur. We have to decide if this is feasible for us. To say that we are in the embryonic stages of this, is an understatement. People always say we don't talk to the community about what we are doing. That is what this is. We are reaching out. He said he had written a couple of letters to the paper and met with their reporter to work on a story to help explain this to our residents about what we are doing. Right now we are still in the investigatory stages of this idea. This is the time where people come in and ask questions and we will try and answer them. If we don't have the answers, he said he would be more than willing to find out what the answers are for the people.

Mr. DiPietro said that Trustee Laube had made a reference to a special district. He wanted to know if that would be formed by the Village or the County. He felt this was a

very important issue.

Trustee Laube responded that it was one of the things they are looking at now, as to who would be best suited to form that district and see to it.

Mayor Strebel agreed that this was a very important issue. He said he has had meetings with the County and what we are looking for is for the Village to regulate it and the County would run it. The County seems to be going for that. He felt that if it was going to be in the Village, we don't want the Village to lose the authority of saying what happens in that District. However, we don't want the Village to have to have the authority of maintaining it. We are just a little Village with twelve or thirteen people in the DPW and the County realizes that. This is all in the talking stages, but Mayor Strebel felt that this was very important that the Village did not lose control of regulating it.

Trustee Kametler added that the County would let us know by November or December if this is actually going to happen.

Mr. DiPietro said he was not trying to put anyone on the spot, but he felt it was good to talk about this kind of stuff while the horse is still in the barn. He added that since Trustee Laube was riding point on this, from now on he was officially nicknaming him Ed Norton.

Trustee Laube responded that this was about the fifteen millionth joke about sewers he has heard. He said he was very "pumped" about this.

Dennis Yuen, Director of the Chamber of Commerce, stated that one of the concerns of some of the business owners out there and potentially home owners is how the assessment is going to be evaluated or valued tax wise.

Mayor Strebel answered that if you don't hook up to the sewers it will not cost you anything. If you do hook up to it, there will be a cost.

Trustee Laube said he had gone to a meeting with a company called H2M two weeks ago, just for educational purposes for him to learn about sewer districts and collection systems and how they all work. He said he had a number of questions and still has a number of questions and felt he still has a lot to learn. For example, if you have a building on Main Street, how will this affect you. He said the first thing he asked was what this would do to the land value. If you own a building there and have the ability to tap into the sewer district, it increases your potential. The general number he was given, was that it doubles the land value. It increases density and gives you more options that you don't have to be just light office. It could be a café, a spa or a number of things. He felt that this was the root of the problem on Main Street, that we were very limited on what we could have down there. He had heard a lot of people talking in the Village about what had happened a couple of years ago when there was a spa that wanted to go into the old Marakesh building. They wanted to know why the Village put the kibosh on it. He said this was before his time, but it wasn't the Village that was stepping in. It was the County Health Department that controls how much goes into the ground, you can't put anymore into the ground. He said that unless we can figure out how to deal with what is going into the ground, we can't have any other uses on Main Street. He felt that this was one of the number one complaints he hears from people, is that we have too many light office type uses on Main Street and what can we do about it.

Mr. Yuen commented that the business owners understand that, but the concern is how much it will cost to join the district.

Trustee Laube replied that this will be one of the next stages of this. If and when the County comes to us and says this is feasible, they will do this, then it will be our turn to do a design study to find out where it gets built, how it gets built and how much it will cost. That is where all of those questions get put in and we can find everything out. But generally, he said, that he had met with several building owners on Main Street in the

last couple of months and they were all very positive. One actually is a light office building and she told him that she would love to be able to get the option of tapping into it and she is willing to pay whatever it takes because she understands it will help her down the road.

4) Mayor Strebel disagreed with Mr. DiPietro regarding the asphalt plant. He said that two years ago they were ready to move the asphalt plant to Gabreski Airport. It would have been out of the Village. Mayor Strebel said it killed him to tell them not to move it where they were moving it. They were moving it directly behind a recently developed Southampton Town subdivision all loaded with kids. He did not know how many houses were in there, but it would have been right behind them. He went to the screening committee with County officials. Mr. Levy was not County Executive then, Mr. Guldi was in charge. He could not remember everyone that was at this meeting, but Mr. Heaney was there representing Southampton Town. He explained to them that it would be good to get the asphalt plant out of the Village, but it would not be good for these other families. He told them he would like them to take a ride down to the asphalt plant and look at the traffic signs on the road close to the asphalt plant. They are full of soot. As you get farther and farther away from the plant the soot gets lighter. He felt it certainly was a quality of life issue and problem down there. His suggestion was how many feet away from any sort of a residence it should be. He said we could do that by past experience. We know where the neighborhood ends where people stop complaining. It has to be at least a couple of thousand feet away from any residence. It is true that he has asked the County to give them some levity there. As far as asphalt row, yes, there are other ones. But, those other ones do not have quality of life issues. These people that live next to the asphalt plant, mind you it was there first, but it still is a problem. We all have another problem. We need an asphalt plant. Where do you think we get the asphalt for the roads. We have them in court and are buying asphalt from them, but what are we going to do, go to New Jersey for asphalt.

Trustee Laube explained that his understanding with the County is that they have four or five other asphalt applications in front of them right now to get into Gabreski. Up until a month ago, the County was not receptive to having any asphalt plants up there. Now, they have reached out to the Village and asked what could we expect from this asphalt plant and how would it help your Village out. Trustee Laube felt it would help us out by improving the quality of life for our residents in the area. The County does not want to have a bunch of asphalt plants up there, but they would like to help out the residents of Westhampton Beach by moving that one in. The problem is how do they separate that one from the others.

Mr. DiPietro felt this site definitely had a quality of life issue, but that reason wouldn't cut it. He guaranteed that if the County allows it, the other asphalt plants will have an equal right to the site.

Trustee Laube responded that this was the issue the County was trying to solve right now.

Mayor Strebel added that the quality of life issue should cut it. If the stop signs are full of soot, how about the kids lungs that live on the street.

Mr. DiPietro replied that he was not proposing that the asphalt plant remain at the north end of Rogers Avenue in perpetuity. He said what he is proposing is that they have gotten their cake, they have eaten it, they've digested it and now they are ordering dessert again and it is potently unfair.

Mr. Haefeli responded that in April of this year the Zoning Board of Appeals rendered a decision which held that the asphalt plant's period under the five year amortization had expired and that they have to vacate as of July 1st. Practically speaking, they will not be vacated by then, because no court will enforce it. We have to be back in before the Judge in September. When we go before the Judge, the Judge will have the decision of the Zoning Board of Appeals. The ZBA found that the asphalt plant was purchased in the mid 1990's for under a million dollars and that in 2002 when the property was zoned industrial, it was valued at a million five. This Village re-zoned the asphalt plant

property and the adjacent property, which was industrially zoned, to MF20 or multiple family 20. As a result of that re-zoning, the appraisal that was most recently submitted to the Zoning Board indicated the value of the property was 5.6 million dollars. Based upon those factors, Mr. Haefeli firmly believes that the Court will decide that what the Zoning Board did in the amortization will be upheld because the applicant or the owner of the property has received a reasonable return on their property, which is all that a municipality has to insure an applicant when they enter into one of these amortization provisions. The asphalt plant would like to move away from there according to their people as soon as possible so they could then submit an application to the Village under the MF20 to provide for senior citizen housing, which would be permitted as indicated to them. We do not have any senior citizen criteria yet, but we will. They have also been notified that if they come in with an application, there will have to be an affordable component to that application, so it will not be strictly multimillion dollar senior citizen housing. Mr. Haefeli did not know when this will be resolved. He said it was up to the Judge and if the Judge decides in our favor, then we can move forward. If they do not, then we will have to enter into the appeals process. He said that even if we are favorable, he would assume that until such time as the asphalt plant physically moves out of the area, they will contest whatever determination is made by the Supreme Court to the Appellate Division. He said that when that final decision will occur, nobody knows. He stated that the asphalt plant will be shut down and moved to another location. He could not predict when because it is in the courts and it is up to the Judges to decide.

Harris Palmer, 69 Beach Road, asked if it was the Village's position that it was desirable to have an asphalt plant somewhere nearby, providing that there will not be any other instances of quality of life issues.

Mayor Strebel reiterated that this is a quality of life issue and if we can't have it closed, it has to go. We want it to go, even if it has to go to Arkansas. He personally sees no harm with putting it a couple of thousand feet north, where there are no residences. He felt this should not be inflicted on anyone. He also felt they should have an environmental study done to make sure that there are no problems. It has to be a safe distance from residences. If they limit it to what it has and they look and see whatever damage or problems it has caused, you can get a pretty good scope of what is going on. He said it was a tough thing to close a business. This Village has been after that asphalt plant for ten or twelve years and this is the closest we are getting. He said that that no matter if they get into Gabreski, the Village wants them to go, even if they have to send the trucks farther for the asphalt.

5) Mayor Strebel asked Paul Houlihan, the Village Building Inspector, to address the Beach Bakery benches question.

Mr. Houlihan said he believed that these benches were benches that were given by the Village. They are Village sponsored benches with plaques that are put in place by resolution.

Trustee Barnett explained that these benches are donated by people, but they are using the Village specifications, which is one style.

Mr. Houlihan said he would look into it and get that information back to the Mayor right away, but he believed these were the Village approved benches. He felt they were on the Beach Bakery property.

Mr. Haefeli felt they might be on the Boyce property and possible Beach Bakery.

Mr. DiPietro said there were three in a horseshoe in the alleyway and there were two in the little nooks between the stairways.

Mr. Haefeli said that is correct and it was his understanding that the alleyway belongs to the adjacent property owners for their use.

Mr. Houlihan said he was talking about the two benches in the little nooks between the

stairways. He felt they were on Beach Bakery property and they had been approved by the Village. He said he would check on the others and get that information.

Mayor Strebel said there used to be one near what used to be the Barefoot Contessa store.

Mr. Houlihan said they are actually all over. There are quite a few that have been given approval. They are all that standard type like we see in front of the Beach Bakery. What the Village did not want to do was to allow any fiberglass or plastic benches that might be dangerous when someone sat on them and it falls over. So, we have specific Village specifications.

Trustee Barnett added that it is in the Village ordinance that any benches, whether they are on private property or public property and they are facing the public streets, they do have to conform to the Village specifications.

Mr. Yuen asked how a business owner has a bench put in front of their location. He wanted to know how they go about obtaining one, do they have to make a donation or does someone have to make a donation and apply for a permit.

Trustee Barnett responded that there was a committee that checks on the number and actual placement of benches, so there is not a proliferation of them. The people that donate the bench are told the size of the bench that goes in a certain spot. If they come up with a spot that will work into the plan and a size of bench that will work into the plan, then that is certainly allowed.

Dean Speir, Main Street, stated that he was coming before the Board for the fifth consecutive year. He said he knew the Board was doing a complete review regarding the installation and replacement of sidewalks. He wanted to again call the Board's attention to the situation on East Main Street, specifically between Griffing Avenue and Beach Lane, condition of sidewalks in some places because of the fact that it is overgrown with flora and fauna on private property. He said that every year he has to do this and then someone reluctantly writes the homeowner a letter. He wondered why this just couldn't be done.

Mr. Houlihan assured Mr. Speir that it was not reluctant. He said it was true that Mr. Speir calls them once a year. The truth of the matter is that the Building and Zoning Departments are all over the Village every year telling people to trim back hedges, trees and other vegetation that falls over the sidewalk. It is an ongoing issue and they will be over there shortly.

Mr. Speir said the one thing he wondered about, having seen the survey done of the property adjacent to his the summer before last, was that we now realize that the offending hedges fall actually almost in toto on Village property. Why doesn't the Village either chop it down or direct the property owner to move it onto their property.

Mr. Houlihan asked if Mr. Speir had a new survey.

Mr. Speir said it was one that a family on the corner of Aspatuck and Main had done prior to the Village issuing a building permit.

Mr. Houlihan said if it is actually on the survey showing it on Village property, he would look into it and address it with the Village Trustees.

Trustee Barnett said we do have a law in our Code that anyone putting up a hedge has to put it 36" away from the property line. What has happened in the past and why we have so much trouble with hedges in different spots is they were planted probably 12" and sometimes 24" from the property line and those hedges grow every year and are always problems. That is why they passed this 36" rule, but we are still stuck with hedges that are pre-existing.

Mr. Speir said that as long as he can remember there has been an ordinance on the Village books concerning hedges on corners having to be cut back so there is a decent sight line, so if there is somebody pulling out of a side street onto another thoroughfare either crossing it or making a turn, they are able to see. He said he has found that over the past five or ten years that has been almost totally ignored. He felt it was a safety issue.

Mr. Houlihan responded they have not ignored this over the last four years. He has dozens of properties that are on corners where there was a sight triangle problem. We have had them remove vegetation, move them back on a regular basis. When people would be planting new plants too close to the property we would have them move them back three feet. We just did that recently on the corner of Brook and Woodland. We do it all over the Village. However, if there is a hedge that is growing over onto the Village right of way and they can trim it back and it is on their property, we can't retroactively make them put it three feet in. We have to keep going back and asking them to trim it back. If it is actually on Village property in the right of way, which some of them may be, then that is a different story. The Trustees can actually deal with that. He said we talk to people all over the Village. Unfortunately, some of it is just maintenance and we just have to keep going back every year on a regular basis. He said when it is a life safety issue we take care of it on a regular basis.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, Trustee Laube made a motion at 11:15 a.m. to adjourn the meeting to Executive Session. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk