

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Monday, May 9, 2005 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.

Public Hearings:

Special Exception "Unit W" North Mall children's dance hall/party store

Mayor Strebel opened the hearing and asked if anyone would like to address the Board regarding this issue.

Kerry Delena informed the Board that she and her husband would like to open up a party store for little girls ages 4 - 12. She said they would come in and get their hair done, pick out a costume, a little eyeshadow. They will learn a little dance, get their picture taken and have a little fun.

Trustee Barnett asked if they would be having any dance recitals.

Ms. Delena responded that they would not. She said this will just be for birthday parties. A little girl can come in, get her hair done, have her picture taken and pick out a few souvenirs to go home with.

Jean Sweibish, 159 Mill Road, asked what part of the North Mall this was going to be in.

Ms. Delena answered that it was right next to the dance center, by the locksmith.

Village Clerk-Treasurer Kathleen McGinnis added that this was referred to the Planning Board and the Planning Board sent a communication back saying they had reviewed it and had no problem with it.

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

Motion by Trustee Laube:

The applicant is the owner of a complex known as North Mall and is requesting a Special Exception to allow a dance studio for children. A dance studio is a use permitted by way of Special Exception under the code.

The applicant appeared before the Planning Board and the Planning Board was satisfied that the use was appropriate and that no additional site plan work was needed to convert one of the existing stores to a dance studio.

Based upon the foregoing, the applicant's request for a Special Exception is allowed and the dance studio is granted.

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

Local Law amending Zoning Code Re: Accessory Apt.

Mayor Strebel opened the public hearing and asked if anyone would like to address the Board regarding this issue.

Village Attorney, Richard Haefeli, explained that this local law was regarding accessory apartments in the R-2, R-4 and R-5 Districts. He felt it should be put over because there is an additional amendment to be made based upon the discussion at the work session. According to this law, the owner of the premises must live on the property if they are going to rent it out. The question was, if the owner could rent out the principle building or the accessory building. The way this was originally drafted, the owner could only rent out the accessory building. The revision will permit the owner to live in either the principle or the accessory and rent out the other one.

Ms. Sweibish asked if there will be more than one hearing regarding this. She wanted to know specifically if there would be an evening hearing as well as a day-time hearing.

Mayor Strebel responded that after the next hearing, it will be decided. This was on last month, it has been talked about in the work sessions and there have been articles in the newspaper several times.

Melissa Bishop, 38 South Road #A, said she had not been to as many of these meetings as she would like, but she had been following the Town legislation closely. She wanted to know if the Village was coordinating with the Town in any way regarding their pending legislation regarding accessory apartments.

Mr. Haefeli responded that the provision that the Village has is a take-off on the existing accessory apartment provisions that have been in the Town code for the last six to nine years, since 1992. It is basically a take-off on that.

Mayor Strebel said that they had checked with the Town to see if there were any problems. He said that most of the restrictive laws were passed in the days where the summer rentals were problematic. He said this was done in such a manner as it would be for affordable housing and not so much for summer rentals.

Michael Cruise, 61 Aspatuck Road, wanted to share some comments regarding this issue. He said his family has had some adverse experiences with this, not so much in the Village, but when he lived in the Town. He was not so sure that the risks this brings is worth the potential rewards. He said he felt it was easy to enact these things and sometimes not so easy to enforce them. He also felt it could become a nightmare. Right now the Board is very aware of the situation and if it went into effect, they would be very vigilant, but future Boards may not be. The real victims here can be, and would be, the neighboring properties. They are the ones that eventually can be adversely affected. He said the Board was increasing the density and imposing on the neighbors the responsibility of enforcing the ordinance. Because once it is done and the people submit their paperwork and get their approval, the burden falls on the neighbors to report violations. Then there is hostility between the neighbors. The motivation here is most likely to make some money, greed makes a good motivation. People rent their units and there are people that can look the building authorities right in the eye and tell you it is going to be one thing and they have no intention of doing it. They can change the accessory use in the same way and it becomes an enforcement difficulty. It is not always easy to enforce these things. There are property rights to deal with, privacy to deal with. On the other hand, what should the Village do? Historically, the Village has had apartments over stores. He felt it has worked very well. He thought they could be restricted to people who have to work in the Town. He also felt they should support the Town, which they are doing to improve transportation and find affordable housing on a permanent basis for people who can have a proprietary interest in their property. Those things should be encouraged. There has been some mention about encouraging volunteers to live in the community, such as the ambulance and the Fire Department. He felt the Fire Department does not have any problems recruiting new members now, the ambulance may have. If you go a few miles west of here to Brookhaven Town you pass a firehouse up there with a big sign up front pleading with people to join the Fire Department. This is even with a much larger and a year-round population. He felt the

volunteer problem was not necessarily connected with the affordable housing problem. He felt that his concerns are very real and that the enforcement of laws and ordinances is difficult. He said they used to live in the hamlet of Westhampton and do not live there anymore, because those types of ordinances could not be enforced. The Town did not have the resources and it just could not get done. He could not understand why it was only the R-2 and R-4 that are affected. Those are the smaller lots. He said that what happens on one piece of property affects the quality of life of the surrounding properties. In the R-1 and R-3 you have bigger acreage and if those people were inclined to do it, they could probably do it. He felt this was being burdened on the residents of the R-2 and R-4. He felt the Board was trying to stop change. The community has changed dramatically in the time he has lived here and his wife had lived here all of her life. Everybody used to know each other. It has changed a lot in the last ten years and you cannot go back again. He said the Board was imposing this transient housing on the neighbors. He did not expect to have a problem, but his experience with trying to enforce these ordinances was not a favorable one. He asked the Board to consider it very carefully because he felt the risk is not worth the possible rewards.

Trustee Laube asked what Mr. Cruise envisioned as transient apartments, he wanted to know what Mr. Cruise was worried about.

Mr. Cruise said that right now you can have an apartment like a converted garage or a mother/daughter and you are allowed to have two people living there. The parking, of course, is a concern. He wanted to know where the extra cars are going to go. An annual lease is required and the renter is required to have employment within the Town, working in a restaurant or a bar, etc., and he might be coming home late at night. All of a sudden there is double the occupancy you used to have, with twice as many cars as you used to have. Then if the neighbor complains saying there is too much activity, cars coming home at two o'clock in the morning, the Inspector comes out with limited resources, he can't be there 24 hours a day, so he doesn't know what is going on. He goes to the landlord and the landlord says they have a lease for a year, but at the end of the summer the person leaves. The landlord says he didn't know they were only staying for the summer since they had a lease. Mr. Cruise said he felt that when you have a small piece of property, what happens on one property affects the lifestyle and quality of life to the surrounding properties. People are paying large amounts of money to live here and they are coming here for the quiet enjoyment of their property. It is difficult enough as it is, with cell phones and leaf blowers and all the rest of it, but when you have all of this additional activity next door, it could be something they will not be too happy about. He felt the Board would be risking this kind of situation for a couple apartments.

Mayor Strebel responded that he had been approached by a few residents in the Village that had told him this could keep them living in the Village. He said they felt they would actually have to leave the Village because they need some kind of additional income to stay here. He had also been approached by people whose parents are now too old to take care of themselves and they would like to have an accessory apartment. He said the Board was trying their best to make sure these are not summer rentals. That is why they are limiting the size, etc. One thing that interested him very much, was the fact that Southampton Town had been doing this for thirteen years and they have not had a problem.

Paul Houlihan, Building Inspector, added that the last time he checked with the Town of Southampton about six months ago, they had issued a little over sixty permits in the thirteen years. He said that when he worked for the Town from 1992 to 2001 they did not have any problems with the thirty-five or so they had issued at that time. He had spoken to the Public Safety Administrator for the Town and she said the only problems they had were with illegal accessory apartments. She told him that when people came in and followed the Town's guidelines for legal accessory apartments, they had not had any problems. Mr. Houlihan felt that the word transient should not even be used with this. The people that own these houses have to be year-round landlords and the people they rent to have to be year-round tenants. These people will be your neighbors, someone you would work with at the firehouse, this is not going to be someone who comes in here for the summer and moves on. There are safeguards for this such as having to provide a signed lease. The Village cannot guarantee that there will never be

a problem with one of these, but at the same time, they sign a covenant that specifically allows the Village at any reasonable hour to investigate a complaint and look at the apartment and their lease agreement. He said he could also look at their parking situation and have them provide more parking if necessary. He feels there are a lot of safeguards in this legislation.

Mr. Cruise indicated it was good to hear that, but said he still felt bad for the people who were trying to enjoy their property. He also felt that if the Board went through with this, they should include all of the R Districts and the neighboring homes should have their property taxes cut.

Trustee Laube asked if Mr. Cruise would describe him as a transient. He said he had lived here for thirty-seven years and he rents.

Mr. Cruise answered "Why not?"

Trustee Laube felt that if his definition of a transient was thirty-seven years then that was a wide definition.

Trustee Raynor asked if it would be too difficult to make the permit yearly and if there was a problem one year, it would not be renewed.

Mr. Haefeli responded that the permit is issued for three years, but can be revoked at any time if there is a problem and then the rental is no good.

Mayor Strebel added that the Village did not have covenants years ago when they allowed certain things that allowed you to go onto the property. That was one of the major stumbling blocks. If there was a problem you could not go into a residential area unless you were called by the police. Now, these people are signing a covenant to that effect.

Ms. Sweibish said she agreed with what Mr. Cruise said. She felt what he said was pretty important but the main point to her is that it seems like this is an item that could go permit by permit, application by application instead of being written into the law. She wanted to know if that had been considered.

Mr. Houlihan answered that there is a little bit of that written into this. There is an as of right if you meet all the dimensional conformities up to 70% and have a dimensional conformity that gives you a setback of less than 70% of what is required, then that would be a Zoning Board of Appeals case taken on a case by case basis, where they could also put special conditions on it. We were talking about this at one of the earlier meetings about how many parcels will qualify and there are several hundred that will qualify by physical size, but some of them may have dimensional non-conformities that would force them to go to the Zoning Board of Appeals. At that point they would be taken on a case by case basis.

Ms. Sweibish said she was not talking about with this legislation in place. She agreed with Mr. Cruise that once this gets put into place it will not be an easy thing to watch. She asked if there had been a study of how many people said they could not stay in the Village. She felt that the law was a little bit unweilding. To take a senior citizen that is having a hard time making ends meet in the Village, as a lot of people are who aren't Senior Citizens, and have something in place where the Zoning Board and Planning Board say that this person can put in an application, they will review it, they will look at the need, look at the parameters of the property, as opposed to having a law that says that anybody can do it. As Mr. Cruise has said, why is it only the R-2 and the R-4, why isn't it across the board.

Mayor Strebel responded that there was no study, but what they used for a study was Southampton Town's history of thirteen years of having this in place and whether they had problems or whether they didn't have problems. He asked her to address her comments to the Board in its entirety. He said the Board was trying to help people. If the general public does not want this, that is why the Board is here.

Mr. Haefeli said it is only in the R-2 and the R-4 because if you put this type of thing in the R-3 and the R-5, which are oceanfront, and the R-1, it would be encouraging what would then be a group rental. This law is an attempt to provide moderate housing. He felt that the people on Dune Road who have their very expensive homes may not be as inclined to have some sort of moderate housing there on a year round basis. He added that Dune Road does not fit itself to year round. This also holds true for the R-1 District. It is limited to the R-2 and R-4 because they are the districts that fairly represent the normal neighborhoods as opposed to the others. He felt that these areas would be more inclined to have individuals that would meet the criteria. This would exclude basically everything north of Main Street, between Main Street and the bay is basically the R-1 District. The R-3 District is all of Dune Road except for Pond Point. He did not feel that there would realistically be people living on Dune Road in the middle of January and February.

Ms. Sweibish said that the kinds of jobs that people in this community would be prone to having are usually service industry jobs. She said that a lot of the people that are in need of those service industry employees are people that are south of Main Street, so why wouldn't it behoove them to have something on their properties as well as these other properties.

Mr. Haefeli responded that the issue Ms. Sweibish was creating is bringing in someone in from wherever to be the doorman, housekeeper or whatever for the homes in the estate district in the R-1 District. He said that is not the purpose of this law. The purpose of this law is to provide some additional reasonable housing for people that either live here or would be moving here for purposes of working here.

Mr. Houlihan explained that one of the reasons this has worked so well in the town is because you are insisting that the owner has to be the owner/occupant. He did not feel the Board would want to create a situation where you do not have the owner living there year round. He felt there would be more of a likelihood that the tenant could get out of control. He said that if someone was living there and this was their home and principle dwelling, they are not going to have someone who is causing a lot of noise and commotion because they will not want it on their property either. They will want peace and quiet. He said that when they looked at some of the other districts like the R-5 and the R-3, the R-5 obviously had extremely small lots and was tremendously problematic. He said the R-3 is actually similar because it has the coastal erosion regulations that push people back away from the dunes and those very large pieces of land have a very small developable property. They also have flood plain regulations and the DEC wetlands regulations on the north side of Dune Road, so that whole area is very problematic and he felt it would be more difficult to have an apartment there. He said that as far as the R-1 District there is the wetlands issues and there is the flood plain issues, too, so the areas we are talking about are basically north of Main Street and out of those problematic areas. He said they should keep an eye on making sure that the person is a year round person, because it is very important to have the landlord there on the property. He felt that is what makes this work and keeps the tenants in check.

Ms. Sweibish said she felt that a law that is as long and as involved as this is too much for too little for the Village. She liked the idea of apartments over stores as it always made sense to her, but she agreed with Mr. Cruise that to put in an apartment with all the things that go along with it is a little bit tricky. She said they were talking about possibly two people in an apartment with "a car". She felt there were no two people in an apartment that has "a car", it becomes two cars and what do you do then with the parking.

Trustee Laube said this does address the number of cars.

Mr. Haefeli responded that they are allowed one car for each bedroom. The regular code says you need two parking spaces for a three bedroom house and one parking space for each additional, so if you have a five bedroom house you would need four spaces, assuming you just built your own house. He said that this law says that each bedroom in the accessory apartment would require a parking space. The original law did not say that and the reason this is on for a hearing today is to clarify that issue.

Ms. Sweibish asked if each Board member would express why they feel that this is a necessary law and if there had been studies to know how many people would actually take advantage of this.

Trustee Laube said he felt it would create more places for people who can't afford to live here to be able to live here and save money to be able to buy a house someday. He said he would take advantage of this and so would a lot of other young people and older people.

Ms. Sweibish felt there should be some reason besides people saying they have friends who need apartments or people have told me they need apartments because we could do lots of things that way. Everybody could have a pool in the front of their yard because they don't have the setbacks they need. She felt it opened it to a lot of things.

Mayor Strebel responded that a pool is a recreational thing. He said that what this Board is trying to do is to help people that are in need. He said they are trying to tailor this law so that the local people, the elderly people, the people that are related to the residents, young people that want to live in the Village and try to work in the Village have a place to live. It is very difficult here to find an apartment. It would be very hard to discourage an apartment north of Main Street or on Dune Road to not be a summer rental. He felt it just smacks of summer rental. He said the Board is trying to help the local people. He has been approached by families since he has been Mayor, he did not keep a record of how many, that would like to have their mom and dad living with them, or their son or daughter when they get out of college. He said that is what they are trying to do. He said it would be nice to keep the local kids here.

Ms. Sweibish felt they would not be able to afford the cost of living in this area. She wanted to know who these "people" are that would be needing these apartments.

Kurt Hofmann, 23 Pin Oak Lane, gave an example. He said that his son was born in Southampton Hospital and lived at their home at 23 Pin Oak, and was basically born in that house. He went through the local school system, went to college and graduated in 2002. He said his son came back to the Village and lived with them on and off, he wants to have his own place. His son started his own computer business, basically on his own, three years ago. He has a very successful business with four or five hundred people on his clientele list. He said his son would like to stay here, right now he is renting, he's very lucky he has a place. When his son just renewed his lease, the owners raised his rent quite a bit, so that he is not going to be able to afford it next year. He said his son would like to be able to stay in this Village and eventually buy a house and he's probably ten or fifteen years younger than Trustee Laube.

Ms. Sweibish said her only concern is that this is a law that is not going to be easy to police. She said that things were already not that easy to police.

Trustee Laube asked Mr. Houlihan if they would be able to enforce this law.

Mr. Houlihan felt they would be able to enforce it. He said that they enforced it quite handily in the Town when he was there. There were no problems and he does not anticipate any problems in the Village. He said that does not mean that there might be one apartment billed as a problem, but they would be able to easily police that. He felt it would be effective. He felt one of the most important things about this legislation is that it is homeowner occupied. He said that many of the things that Mr. Cruise and Ms. Sweibish are concerned about are legitimate things you would be concerned about as a neighbor, but you have to remember that the person living there wants his peace and quiet, too. He said that most of the problems they had in the Town were with absentee landlord types of situations. There is usually not a situation where there is a lot of commotion or noise or parties when the landlord lives there.

Trustee Barnett said that the way this law has been written, it has been gone over with a fine tooth comb. She felt that it was written so that the owner has to apply for this apartment, it has to be a certain dimension, they have to have parking, their house has

to have a C.O. and it has to be in a zone where we can keep an eye on what is going on. She said we have a Building Inspector who says they haven't had problems in the Town with this law and the Village law has been written the same way. She felt that if we don't do something about this for our children, they are going to leave. There are jobs for young people, but what they need is a place to live.

Mayor Strebel said that the Town of Southampton had a study. He believes that study showed a need for 600 workforce housing units. He felt the Village could certainly make a little dent in that even if we provide a half dozen or so units.

Mr. Houlihan said that there were actually somewhere around two to four thousand units that were needed out here. He felt the bottom line was that there would not be any reason why proportionately we would not have the same needs as the rest of the Town. He said that certainly from comments people have made to him there are an ample amount of people that have grown up in the Westhampton Beach area that can't find dwelling units or accessory apartments.

Trustee Raynor said this would help a lot of the seniors that have trouble making ends meet where they could rent to somebody that grew up here and they are going to know them. He felt this will help them. The lease has to be renewed every year, so this is pretty tight the way we wrote it. This is not just going to go out to anybody that wants to rent. That is why we have the restrictions in there.

Trustee Kametler said he agrees with the Board. He said that last year when he campaigned to get this position, he made it a point that something had to be done for the housing, especially for young people. He said he was very proud of this. He said they did not just throw this on the table and say they were going to do this. They looked into it, they talked to Mr. Houlihan quite a bit. He said he personally talked to Mr. Houlihan quite a bit about it. He felt it could be enforced and it will be great for the young people who need a place to live. He said it will help the senior citizens who have a family that has moved away because they couldn't find a place to live here. Now they can rent out part of their house or an apartment. He felt it would work fine and said we have to give it a try.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, a motion was made by Trustee Raynor to hold this hearing over to June 13, 2005. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

Local Law 3/2005 amending Zoning Code Re: Apt. over Stores

Mr. Haefeli said that this law was on last month for a public hearing and was continued. It was changed to limit the number of apartments over a store on any single piece of property to two. If we get to the point of allowing three apartments over a store on one piece of property, it gets into the issue of being a multiple dwelling and it causes other problems from the Health Department. Any piece that wants to have it will be limited to two, other than that this is the same as it was advertised last month.

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

Motion by Trustee Raynor:

WHEREAS, this Board has advertised a local law adding Chapter 197 of the Village Code, entitled "ZONING" and

WHEREAS, a public hearing was held on Monday, May 9, 2005, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt Local Law 3/2005 as advertised and attached.

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

Local Law 4/2005 amending various Sections of the Zoning Code

Mr. Haefeli noted that this hearing was closed at the April 11th meeting. This was on for a decision.

Motion by Trustee Barnett:

WHEREAS, this Board has advertised a local law adding Chapter 197 of the Village Code, entitled "ZONING" and

WHEREAS, a public hearing was held on Monday, May 9, 2005, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt Local Law 4/2005 as advertised and attached.

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

Regular Meetings:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Kametler:

RESOLVED, that the minutes of the Board of Trustees regular meeting of March 14, 2005, Grievance Day 2/15/05 and the Special Meeting of 2/8/05, are hereby approved.

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

Accept departmental reports

Motion by Trustee Laube:

RESOLVED, that the Treasurer's report for March 2005, and the Police Department, and Building Administrator's reports for April 2005 are hereby accepted.

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

Authorize Mayor to execute 2005 CDBG Agreement

Motion by Trustee Raynor:

RESOLVED, that the Mayor is hereby authorized to execute the 2005 Community Development Block Grant Agreement to receive \$14,500.00 in federal funding.

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

Appoint seasonal DPW Laborer

Motion by Trustee Barnett:

RESOLVED, that Robert Smalls is hereby appointed as a part time seasonal DPW Laborer, effective May 2, 2005, to be compensated at the rate of \$12.00 per hour.

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

Appoint Seasonal Police Officers

Motion by Trustee Kametler:

RESOLVED, that the following Seasonal Police Officers will be hired at the rate of \$16.50/hour and will be scheduled to work at the discretion of the Chief of Police:

| | | |
|-------------|---------------|--------------|
| Steve Frano | David Santora | Jeff Platt |
| John Rankin | Ken Bigora | Joe Pesapane |

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

Appoint Traffic Control Officers

Motion by Trustee Laube:

RESOLVED, that the following Traffic Control Officers will be hired at the rate of pay of \$ 12.50/hour and will be scheduled to work at the discretion of the Chief of Police:

| | | |
|----------------|---------------|----------------|
| Ron Gholson | Michael Walsh | Mark Yakaboski |
| Robert Laube | Mathew Dean | |
| Marc DeMartino | Dirk Adams | |

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

Appoint seasonal beach personnel

Motion by Trustee Barnett:

RESOLVED, that the following persons are appointed to the positions specified below at Rogers and Lashley beaches for 2005:

Managers (40 hrs/wk)

| | |
|------------------|-------------|
| Max Mascia | \$20.50/hr. |
| Tom Betjemann | \$20.50/hr. |
| Stephen Wisnoski | \$16.75/hr. |

Lifeguards (48 hrs/wk)

| | | |
|-------------------|----------------|-------|
| James Raynor | Head Lifeguard | 14.50 |
| Justin Zorbo | Lifeguard | 15.25 |
| Bevin Kenny | Lifeguard | 13.00 |
| Christopher Zorbo | Lifeguard | 13.00 |
| Clarke Nobiletti | Lifeguard | 12.75 |
| Robert Duca | Lifeguard | 12.25 |
| Tyler Abbatiello | Lifeguard | 12.50 |
| John Westfield | Lifeguard | 12.25 |
| John Balzano | Lifeguard | 12.25 |

Beach Attendants (35 hrs/wk)

| | | |
|----------------|-----------|------|
| Nicholas Sanna | Attendant | 8.50 |
| James Carr | Attendant | 8.50 |
| Kelly Martin | Attendant | 9.25 |
| Heather Martin | Attendant | 9.00 |
| Robert Doyle | Attendant | 8.50 |
| Brooke O'Hara | Attendant | 8.50 |
| Brittany Jenks | Attendant | 8.50 |

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

Appoint Dockmaster

Motion by Trustee Kametler:

RESOLVED, that Ira Marcus is hereby appointed as Dockmaster for the 2005 season at an hourly rate of \$13.25/hour.

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

Schedule Bid Opening – Annual Asphalt Contract

Motion by Trustee Laube:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Bid Opening to be held on Thursday, June 9, 2005 at 11:00 a.m. at the Village Hall for the asphalt paving of various roads.

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

Approve settlement of tax certiorari – Newtown Associates

Motion by Trustee Raynor:

WHEREAS, the Village of Westhampton Beach is a party respondent in certain tax certiorari proceedings commenced by the property owners of property located at 132 Main Street, Town of Southampton, Village of Westhampton Beach, New York, a/k/a Tax Map #0905-12.02-1-(1-9); 905-12.4-2-(2-6) et al for assessment years 1999 through 2004, and

WHEREAS, the parties to said litigation have attempted to narrow their differences, and,

WHEREAS, the petitioner has agreed to discontinue and withdraw its claims for tax years 1999/00 through and including 2001/02, and,

WHEREAS, after a review of the relative merits of the petitioners' remaining claims, the parties have agreed to settle the above tax certiorari claims on terms set forth on the annexed proposed Order and Judgment and Stipulation of Settlement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Board of Trustees hereby approves of and agrees to settle the claims of the petitioner (Newtown Associates, LLC, et al), on the terms as set forth on the annexed Consent Order and Judgment, as in the best interests of the Village and its taxpayers, and, it is,

FURTHER RESOLVED, that Special Counsel is authorized and directed to execute the appropriate Stipulations of Settlement, if any, and consent to the entry of an Order of Judgment implementing the aforesaid settlement, and be it,

FURTHER RESOLVED, that the Village Clerk/Treasurer, if needed, is hereby authorized and directed to make the necessary arrangements, pursuant to the Local Finance Law or otherwise, for payment of the aforesaid judgment, and be it,

FURTHER RESOLVED, that the Village Clerk is directed to provide Special Counsel with a certified copy of this resolution upon adoption.

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

Approve settlement of tax certiorari – Spa 77 N.L.P. #70

Motion by Trustee Barnett:

WHEREAS, the Village of Westhampton Beach is a party respondent in certain tax certiorari proceedings commenced by the property owners of property located at Sunset Avenue, Town of Southampton, Village of Westhampton Beach, New York, a/k/a Tax Map #0905-12-4-20.1 et al for assessment years 1998 through 2004, and

WHEREAS, the parties to said litigation have attempted to narrow their differences, and,

WHEREAS, the petitioner has agreed to discontinue and withdraw its claims for tax years 1998/99 through and including 2000/01, and,

WHEREAS, after a review of the relative merits of the petitioners' remaining claims, the parties have agreed to settle the above tax certiorari claims on terms set forth on the annexed proposed Order and Judgment and Stipulation of Settlement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Board of Trustees hereby approves of and agrees to settle the claims of the petitioner (Spa 77 N.L.P. #70, et al), on the terms as set forth on the annexed Consent Order and Judgment, as in the best interests of the Village and its taxpayers, and, it is,

FURTHER RESOLVED, that Special Counsel is authorized and directed to execute the appropriate Stipulations of Settlement, if any, and consent to the entry of an Order of Judgment implementing the aforesaid settlement, and be it,

FURTHER RESOLVED, that the Village Clerk/Treasurer, if needed, is hereby authorized and directed to make the necessary arrangements, pursuant to the Local Finance Law or otherwise, for payment of the aforesaid judgment, and be it,

FURTHER RESOLVED, that the Village Clerk is directed to provide Special Counsel with a certified copy of this resolution upon adoption.

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

Approve warrant for May 2005

Motion by Trustee Kametler:

RESOLVED, that the warrant for May 2005 in the amount of \$133,770.16 for the General Fund and \$117,118.63 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 would like to address the Board with regard to any issues.

Ms. Bishop asked about the affordability of the accessory apartments and how much the rent would be. She hoped it would be affordable. She asked what the guidelines would be for how much rent can be charged.

Mr. Haefeli responded that this was a take-off on what the Town did in '92 or '93 just to provide accessory apartments. Because of the size of these units, we are hoping the rents will not be outlandish. He said this is not an affordable housing proposal per se. It is an attempt to get there. This law limits who can rent and that in and of itself hopefully will limit what the amount is going to be.

Ms. Bishop said that the drag strip development in Westhampton was required to have an affordable component by the Town of Southampton. This affordable component is really not affordable and these units are going for \$350,000, along with maintenance fees. She said that no one in the Town was monitoring it. She said that according to Town Councilman Steve Kenny, these were for some of our senior citizens who are getting older and don't need a big house, they can sell it and have another place to live.

These units are selling for \$500,000 to \$600,000. She just wanted to caution the Board to keep an eye on this because it is all too easy to throw around the word affordable when it is not. She said she really hopes this works.

Dean Speir, 256 E. Main Street, wanted to give the Mayor an opportunity to confirm a rumor he was hit with when he was out to dinner last night. He said he heard that the Mayor is about to resign and turn the Mayorship over to Deputy Mayor Mark Raynor.

Mayor Strebel responded that this was news to him. He has never heard of a Mayor of Westhampton Beach resigning, and he is not about to do it.

Trustee Barnett reported that the Habitat for Humanity House on Peters Lane is completely sited and now up to the point of being sheetrocked and they expect to be in it in early August. She added that they were having Arbor Day in the Village on May 20th at 2:30 pm in conjunction with the high school. She also said that the Westhampton Railroad Station is receiving improvements to the parking lot, courtesy of Senator LaValle and Assemblyman Fred Theile. They got the railroad to pay for the cost of the parking lot improvements. However, they are not paying for improvements to the site as far as landscaping. She said they had been working with the Town and with the Pine Barrens authority to see what we can do about getting landscaping up there. She said the one problem is the guardrail which was put up originally in front of the platform. It is an ugly metal guardrail that is not needed and they are trying to get it removed. She said if anyone knew how to get them to take down that guardrail, it would be nice.

Ms. Sweibish commented that all of the trees were removed from the old Six Corners school property on Earth Day. She felt that it seemed a little pathetic to have a Tree City USA sign up when they are busy removing trees on inappropriate days and then planting them on Arbor Day. She also suggested that instead of calling the Village a "Tree City", that the Village be called "Bench City" considering the number of benches there are.

Kathleen McGinnis, Village-Clerk Treasurer, responded that the Village received death certificates for those trees.

Mayor Strebel added that these trees were diseased and the Village received a letter from FOX IPM. He said that the pine trees in front of the building could not be removed without dying.

Ms. Sweibish wanted to know the reason for taking those down.

Mayor Strebel responded that they were in the way of a sewer project, of curbing and for the new Village hall. He said that the drainage systems that were taking care of the School Lane and the one on Main Street were severely clogged and there wasn't anything passing through them. They were flooding over and going to another one. He said that has been corrected and new ones are being installed. They are trying to do a first flush system instead of things going strictly out to Moniebogue Bay. He said they were also going to design a few drains in areas that do not allow us to have a first flush system. Trustee Laube brought a company to a meeting that has a system that is a carbon filter, that if you don't have the first flush system, you can use this carbon filter before the water goes into Moniebogue Bay. He said they would be installing two of those down right in front of Moniebogue Bay. He said the new bulkheading will be going in there.

Ms. Sweibish asked if that was the bulkheading that was sitting in the parking lot, all of that CCA stuff. She said green lumber is CCA treated. She also wanted to know if the

Conservation Advisory Board had encouraged them to use plastic instead of this stuff, since it leaches into Moniebogue.

Mayor Strebel said that it was all DEC approved. He said the Board has an engineering firm that guides them as to what they can and should do. He said they also get permits from the NYS Department of Environmental Conservation.

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

Respectfully submitted,

Christine Owen
Deputy Clerk