

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, September 1, 2005 at 10 a.m. in the Municipal Building, 92 Sunset Avenue, Westhampton Beach

**PRESENT: Mayor Robert Strebel
Deputy Mayor Timothy Laube
Trustee Ora Belle "Ridgie" Barnett
Trustee James Kametler
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. He then asked for a moment of silence in memory of the victims of the September 11, 2001 terrorist attacks and the victims of Hurricane Katrina.

Regular Meeting:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Teller:

RESOLVED, that the minutes of the Trustees Meeting of August 4, 2005 are hereby accepted.

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

Accept departmental report

Motion by Trustee Laube:

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

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

Schedule public hearing - Local Law for Senior/Disabled Tax Exemption

Motion by Trustee Barnett:

RESOLVED, that the Village Clerk is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, October 6, 2005 at 6 p.m. in the Village Hall, 92 Sunset Avenue, Westhampton Beach, on a proposed Local Law to amend the income eligibility levels for the senior citizen and disabled property tax exemption.

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

Schedule public hearing - Local Law Fire/Ambulance Volunteer Tax Exemption

Motion by Trustee Kametler:

RESOLVED, that the Village Clerk is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, October 6, 2005 at 6 p.m. in the Village Hall, 92 Sunset Avenue, Westhampton Beach, on a proposed Local Law to amend the code to provide a real property tax exemption for qualified members of volunteer fire companies and ambulance services within the Village.

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

Schedule public hearing – Local Law to amend the zoning code

Motion by Trustee Teller:

RESOLVED, that the Village Clerk is hereby directed to publish & post a Notice of Public Hearing to be held on Thursday, October 6, 2005 at 6 p.m. in the Village Hall, 92 Sunset Avenue, Westhampton Beach, on a proposed Local Law to amend the Zoning Code Chapter 197 to extend the moratorium.

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

Appoint substitute Beach Lifeguard

Motion by Trustee Laube:

RESOLVED, that Brooke O'Hara is hereby appointed to serve as a Lifeguard to be compensated at the rate of \$12/hour, effective August 24, 2005.

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

Appoint member of Zoning Board of Appeals

Motion by Trustee Barnett:

RESOLVED, that Frank DelGiudice is hereby appointed to serve as a member of the Village Zoning Board of Appeals for a five year term effective June 1, 2005 through to May 31, 2010.

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

Memorializing Resolution in support of World Trade Center Memorial

Motion by Trustee Kametler:

WHEREAS, the United States of America was attacked on September 11, 2001 by 19 terrorists who hijacked four commercial airliners and flew them into the World Trade Center Towers, the Pentagon and crashed one into a field in Shanksville, Pennsylvania; and

WHEREAS, the loss of life resulting from those terrorist acts, which caused the devastating collapse of the Twin Towers and a portion of the Pentagon, totaled 2,973 innocent victims; and

WHEREAS, the response of emergency personnel, including the heroic sacrifice of 343 members of the NYC Fire Department, 23 members of the NYC Police Department, 37 members of the Port Authority of NY and NJ Police Department, 9 members of the NY Emergency Medical Services, as well as countless acts of heroism on the part of the first responders and civilians alike, saved thousands of lives; and

WHEREAS, the citizens of New York, Americans hailing from every state and people from all over the world, rallied to offer victims and their families aid, support and comfort; and

WHEREAS, the World Trade Center was previously attacked by terrorists on February 26, 1993, resulting in the deaths of 6 people; and

WHEREAS, the World Trade Center Memorial will be built using a combination of federal and private charitable funds; and

WHEREAS, the World Trade Center Memorial Foundation is charged with fulfilling the mission of remembering the victims of the September 11, 2001 and February 26, 1993 Attacks, with honoring the deeds of those who gave their lives to save others and with creating a memorial which, through respectful commemoration, serves as a beacon of inspiration and hope to all future generations; and

WHEREAS, the memorial to be built at Ground Zero will be looked upon by the citizens of the United States and the world as the National September 11th Memorial; and now therefore be it

RESOLVED, that the World Trade Center Memorial Foundation should fulfill its mission by ensuring that no facilities housing controversial debate, dialogue, artistic impressions or exhibits referring to extraneous historical events occupy space on the sacred site at Ground Zero, and be it further

RESOLVED, that the World Trade Center Memorial must honor the mission of creating a dignified and respectful memorial which focuses exclusively on the victims, heroes and events of September 11, 2001 and February 26, 1993.

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

Authorize Westhampton Chamber “Buy Local” Sidewalk Sale

Motion by Trustee Teller:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to hold the annual “Buy Local” Sidewalk Sale on Saturday September 17 & Sunday September 18th between the hours of 9 am – 5 pm on Main Street between Mitchell Road and Beach Road.

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

Approve performance bond – Commerce Bank

Motion by Trustee Laube:

WHEREAS, the Planning Board at its July 15, 2005 meeting adopted a resolution

approving the site plan of Sutphin Hampton Realty, LLC (Commerce Bank) and among the conditions it imposed was that a performance bond in the amount of \$25,000.00 be posted to insure performance of certain site work, and

WHEREAS, Commerce Bank has executed a performance bond in the amount of \$25,000.00 and has secured it with a check made payable to the Village of Westhampton Beach in the amount of \$25,000.00.

NOW, BE IT RESOLVED AS FOLLOWS:

The Board of Trustees hereby approves and accepts the performance bond posted by Commerce Bank and the check in the amount of \$25,000.00 which secures the bond.

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

Accept bid from Chesterfield Assoc. for surplus bulkhead materials

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby accept the bid in the amount of \$4,860.00 submitted by Chesterfield Associates, Inc. to purchase surplus bulkhead materials from the Village.

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

Accept carpentry proposal for Village Hall – Godsell Contracting Corp.

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby accept the proposal submitted by Godsell Contracting Corporation to provide miscellaneous carpentry services for the Village Hall project at a cost of \$90.00/hour.

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

Schedule bid opening for construction of roundabout

Motion by Trustee Teller:

RESOLVED, that the Village Clerk is hereby directed to publish & post a Notice of Bid Opening to be held on Tuesday, September 27, 2005 at 11 a.m. in the Village Hall, 92 Sunset Avenue, Westhampton Beach, for the construction of a roundabout pursuant to the plans and specifications approved by the NYS Department of Transportation under the Local Safe Streets and Traffic Calming program.

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

Schedule bid opening for sidewalk replacement project

Motion by Trustee Laube:

RESOLVED, that the Village Clerk is hereby directed to publish & post a Notice of Bid Opening to be held on Wednesday, September 28, 2005 at 11 a.m. in the Village Hall, 92 Sunset Avenue, Westhampton Beach, for the new construction at specified sites and

replacement of various existing sidewalks.

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

Approve Village Hall plumbing contract change order - \$1,956.00

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby approved a change order for the plumbing contract #15.200 in the amount of \$1,956.00

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

Schedule bid opening for Village Hall electrical contract #16.200

Motion by Trustee Kametler:

RESOLVED, that the Village Clerk is hereby directed to publish & post a Notice of Bid Opening to be held on Wednesday, September 21, 2005 at 11 a.m. in the Village Hall, 92 Sunset Avenue, Westhampton Beach, for the electrical contract #16.200 for the new Village Hall.

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

Approve Warrant for September 2005

Motion by Trustee Teller:

RESOLVED, that the warrant for the month of September 2005 in the amount of \$255,078.19 for the general fund, and \$332,809.88 for the Capital Fund is hereby approved.

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

Public Discussion

Didi Kelley, 209 Sunset Avenue, asked when the roundabout construction begins, how the Village was planning on handling the traffic problems. She wanted to know which roads would become detours, and how the traffic would be shared.

Mayor Strebel responded that the Village does have those plans, but he did not have them available at this meeting. He said the plan was to not shut down any one road at any particular time. He said the roads would stay open.

Ms. Kelley said that since she lives on Sunset Avenue, she would like to know if the traffic would be shared between Sunset and other roads. While the construction is going on, will the traffic still be going through Oak Street and other roads.

Mayor Strebel said that to the best of his knowledge, they would not be diverting traffic to other roads while the construction is going on.

Angelo de la Fuente, Old Riverhead Road, stated that from the Freedom of Information Act, he was able to get from the Village the budgets from 2000 through 2006. He said

that from 2000 to 2006 the Village has increased \$2,693,000 in the budget. He said that in the last three budgets, the Village did not have to pay the Fire Department any more money according to these records. That budget was about \$300,000. He said since we were saving \$300,000, the increase should be \$3,500,000. He said that last year alone there was an increase of \$1,450,000 in our budget. He said he took the time to check with the budgets in the Villages of Quogue and Southampton and the Town of Southampton. He said they gave him the information without having to go through the Freedom of Information Act and without any hassle. He said he looked at the salaries of four different departments and compared them with the salaries in the Village of Westhampton Beach. He said he found a very interesting difference in the salaries. For example, the square mileage in the Village of Westhampton Beach is 2.9 with 1,900 people. Southampton Town has 128 square miles with 55,000 people. Southampton Village has 6.8 square miles with 3,865 people and the Village of Quogue has 6.7 square miles with 1,080 people. These are year-round residents. He looked at the salary for the Village Clerk-Treasurer. Westhampton Beach is paying right now \$91,000. The one in Southampton Town is making \$72,000. The one in Southampton Village is making \$92,000. The Village Clerk in Quogue is making \$82,000. The Highway Superintendent in Westhampton Beach Village is making \$82,800. The Superintendent in Southampton Town is making \$72,000. The Village of Southampton Superintendent is making \$70,000. The Quogue Village Superintendent is making \$60,000. The Westhampton Beach Village Police Chief is making \$131,000. The Southampton Town Police Chief makes \$125,000. The Village of Southampton Police Chief makes \$123,000. The Village of Quogue Police Chief makes \$130,000. The Building Inspector in the Village of Westhampton Beach makes \$85,000. The Southampton Town Building Inspector makes \$88,000. The Village of Southampton Building Inspector makes \$78,000. The Village of Quogue Building Inspector makes \$73,000. Through Newsday, the Chief Building Inspector in Brookhaven makes \$83,000, just to compare. He said he also found in the Village budget for 2003-2004 an increase of 20% for the salaries of the Village Clerk, 6% for the Building Inspector and 20% for the Chief of Police. That was the same year we stopped paying the Fire Department. So, there should have been a savings if we did not have to pay the Fire Department, but the budget went up. He wanted to know why an increase of 20% in the salary of the Village Clerk was warranted. He also asked the Board what was the fiscal responsibility to the taxpayer when we are paying these high salaries for 32 hours of work a week. He wanted to know what the Board was doing to keep the taxes and expenses down.

Mayor Strebel responded that Mr. de la Fuente was only taking one line of the budget. He said that Mr. de la Fuente runs a business and should know that when you increase the expenses in your business, you also increase the amount of revenue that comes into the business or you are in big trouble. He said he does not have these figures in front of him, but he knew that the Village had increased its money coming in over these years. He also said that when you talk about different personnel, again, you are a business man. You pay people what they are worth. Even in Civil Service, where there are high constraints, there are people who excel and there are people who don't deserve raises. He said this Village traditionally gives everybody a 3.5 per cent raise a year to keep up with the collective bargaining contracts. We have no say in that. He said a few years back, the Village had a very large increase in the New York State Retirement System, which present employees enjoy and past employees enjoy. Some Villages had to come up with millions of dollars. This Village did not. That year our tax increase to the public was 4%. He said he didn't really like to name the Village, but one of the Villages that you are speaking of raised their taxes 21% that year, because they weren't prudent enough to put this money away. The Village is run like a business. If you will take a look at the bottom line, he said he is a bottom line person, the bottom line is that in the past eight to ten years the tax increases to the public, regardless of the things you are talking about, you are talking about one line, has gone up no more than 3% to 5%. Fiscally responsible, he feels they are doing a pretty good job. If we are charging more money and not passing that on to the taxpayer, I'd say we are doing a good job. He said that if he takes an average of these salaries, which is what you do, there is nobody that is running away with the store. Again, you are classifying everyone in one area. He said he believed that Mr. de la Fuente was in the automobile business.

He asked if everyone in the automobile industry is classified as a mechanic. He asked if you would pay a mechanic with twenty or thirty years experience the same as you would pay a mechanic that walks in with five years experience. He said his family had been in business for fifty-five years and what he has tried to introduce into this Village, and he knows that there are those that feel that maybe this is not the right way, is to run this Village like a business and keep the taxes down, and still not forgetting that it is a governmental institution. He said he was proud of his record on what they had done with taxes in this Village. He said if they are paying people a few dollars more, we have the best, the cream of the crop in this Village right now. He said he would not single out people, but that when he came on board, there were problems in this Village, which he would rather speak to Mr. de la Fuente privately about. He would not bring up names and reputations and so forth. He said there is a big difference in the way this Village is today and the way it was eight years ago, financially and the way it is run. He said he stands by his record. (At this time, there was applause from the audience.)

Arma Andon, 39 Beach Road, said he was glad Mayor Strebel said what he did. He added that when Governor Cuomo was Governor, an edict came down that you did not have to contribute for the next so many years for the retirement system. He said he told then Village Clerk, Frances Canedo, let's keep putting this money aside and he said this administration continued to pursue that. He said that he was then the President of the Suffolk County Village Official's Association, and he had learned that the other Villages went crazy because they had to come and replenish what Governor Cuomo said they didn't have to. He said this Village already had this money put aside and he wanted to thank the Mayor for that.

Mayor Strebel said he felt we have the greatest system in the world. However, the problems with most municipality's elected officials is they are very much concerned about their two years or their four years. He said this administration has not looked at it that way. They have looked at the future. He said some of the expenses that Mr. Andon had cited have come because of that. He said they are not trying to make themselves look good in two years.

Mr. de la Fuente reiterated his question as to what warranted a 20% increase in the Village Clerk's salary. He said that in 2003-2004 it increased by 20%. 2004-2005, it was 2%. In 2005-2006, it increased 3.5%. So, in three years there was an increase of 25.5%.

Village Clerk Kathleen McGinnis responded that on December 31, 2002 there was a full-time employee named Barbara Seidler that retired. She said that everyone in her office then went from a thirty hour workweek to a thirty-five hour workweek. She said we re-distributed those duties so we didn't really replace a full-time person. That is why you see that increase. When you go from thirty hours a week to thirty-five hours, there certainly is an increase, but we saved the \$47,000 salary that the person who was retiring was making. Family plan medical insurance is \$12,000 a year. She said that when people retire the Village does not lose the expense of their medical. She said our medical insurance expenses are climbing and climbing because our retirees have full medical insurance, they don't contribute just as the employees don't contribute either. So, you always try to offset. Obviously, if you are bringing in someone to replace someone you want their salary to be a lot less. In this situation we didn't replace the position. She said that they re-allocated the duties and everyone in her office did get an increase, but it was because they went from a thirty hour work week to a thirty five. She also said that in December of 1999, we had another full-time employee that also retired and we didn't replace that person. So, really over the years, I went from a staff of having two extra people to having four full-timers plus one part-time. She felt that she had done that in the best interests of the Village to try and use part-timers because we don't pay part-timers medical insurance and benefits. That is what we tried to do. She said it does look on paper like we had big salary increases, but it was because our hours increased for that year and they have remained at that thirty-five hour work week since then.

Mayor Strebel added that when the first employee retired, we did not increase the work

week at that time. However, the ladies in the office mentioned to him how antiquated everything was in the office. They hadn't done anything in that office in years when it came to filing cabinets, computers and so forth. So, what we did, instead of putting in extra in to the budget, we used that money to re-model that office. You might say that the ladies in the office downstairs paid for that renovation out of their own hide, because they took over the job of the first retiree without adding extra hours. They just did it. He felt that as a result they have been able to operate more efficiently. You need to keep up with the times. He said the Village is not just a municipality government, it is a business and it has to be run like a business. He told Mr. de la Fuente that he had to look at the bottom line, you just can't take things out and say this costs too much and that costs too much. He said Mr. de la Fuente was pulling pieces out of the puzzle. He said it is a puzzle and when you put it together and what he is concerned about is what that bottom line is and public safety and quality of life issues in this Village.

Mr. de la Fuente responded that from 2000 to 2006 the budget had an almost \$3,000,000 increase.

Mayor Strebel asked him how much his taxes had increased.

Mr. de la Fuente said his taxes had increased by about 10%. He said his Southampton taxes went down, but his Village taxes went up.

Mayor Strebel said "not in this Village". He said what had probably gone up was Mr. de la Fuente's assessment in the Town of Southampton. He said the Village had nothing to do with that. He said the Village taxes have not increased on the average of more than three to five per cent. He said there is a 3½ per cent increase in collective bargaining units every year that we have absolutely nothing to say about, the Department of Public Works, the Police Department. He said he did not originate the police union contract, that has been going on for the past thirty or forty years. That is what they are paid and if you don't pay, what happens is you end up going to arbitration. There is not a lot of bargaining power there. That's one thing that he has always said is the difference between the job here trying to run the Village like a business and privately, is like having one arm tied behind your back, because there are many things that you cannot do in a municipality that you would like to do to save money and to cut costs, you just can't do it.

Mr. de la Fuente asked Mrs. McGinnis about when the lady retired, Barbara, he wanted to know if her salary was split equally with twenty per cent going to each of the girls in the Village.

Mrs. McGinnis answered that we did not divvy up her salary. We had four full-time people left, and we all went from a thirty hour work week to a thirty-five. She felt if she could show him, the bottom line of her department did not go up. As far as the savings from losing a person and the additional hours with a normal raise that we get every year, the bottom line did not go up for employee salaries. There was also a savings with not replacing someone and having another \$12,000 health insurance family plan. Everyone who has a family plan from this Village, yourself included, your wife retired and she has a family plan - it costs the Village \$12,000 for that. When we lose people we try and make a savings in bringing in someone with less salary, obviously, or in my case there were two people that left and we didn't replace them and then we added hours, but in the meantime we didn't add someone that needed a cost of all of the other benefits. So, it comes to a point that you can't do that after a while, you do have to fill positions, obviously, because you have to look to the future as to who will be able to assume what duties as people do retire and move forward with things, but you try. She said that when Mr. Houlihan came to this Village he took a substantial decrease in his salary to come to the Village. He said the Village was not able to match what he was making in the Town of Southampton. She said she didn't think he expected to, but he thought that certain other quality of life issues would compensate.

Paul Houlihan, Village Building Inspector, said that he felt he did not have to defend that. He said he would be happy to do a comparison with his duties against anyone's.

He said a personal attack on him would not get him to respond.

Mayor Strebel said that neither one of them should have to defend themselves and that this was nonsense.

Mrs. McGinnis said she probably shouldn't have responded either. She apologized for making statements using people's names. She said she felt bad about that. She apologized to Helen Tuttle for mentioning her name, unfortunately Barbara Seidler who passed away. She said having to mention her name was probably very hurtful to her family. She said this is very embarrassing and shame on people.

Mayor Strebel said he wanted to bring up Mr. de la Fuente's building. He said that before his tenure as Mayor he sat on the Planning Board for twelve years. He said he normally wouldn't do this, but Mr. de la Fuente has brought it up and he brought up tax increase, so he wanted to tell Mr. de la Fuente what he suspected. He said his building was covenanted for absolutely no use upstairs. As a matter of fact, the gentleman who put the building up, and he was not going to mention his name, was caught having something upstairs. They made him remove it and all it was was desks and filing cabinets. They didn't find an employee. The Village government went down there, they removed everything. They said you are not allowed to use that office. Now, since you've bought that building, you've had that changed where you are allowed tenants upstairs and you've been in my office complaining about NYS fire regulations which I tried to explain to you we all have to abide by. He said he thinks that this is part of Mr. de la Fuente's problem. You feel that you are being picked on, you said that right in my office and you weren't being picked on. If you have a 10% increase in your taxes and you are now allowed to have tenants up there, which you were not allowed to have when you bought the building, I think you did pretty good.

Mr. de la Fuente said he did not go to the Mayor to complain about the fire regulations. I went to complain to you about how the Fire Marshal insulted me. That was my complaint to you. Before I even have a tenant there, I have this gentleman come to the building and look into the building and he says yes, this building will pass regulations, go ahead and apply for it and then we applied for it. When I confronted him because he rejected it, in front of Mr. Kametler, he told him I'm sorry I misinformed you. I said you lied to me. He said, "I misinformed you". You're paying \$88,000 to a person who misinforms you. He said the Mayor brought this up, not him.

Mr. Houlihan responded that Mr. de la Fuente was totally incorrect. He said he went down to the building to resolve a problem where in the building Mr. de la Fuente was talking about there was an illegal apartment in violation of the fire codes, building codes and our zoning code. Mr. de la Fuente came down there to resolve the issues. Mr. Houlihan said he told him that the building looked good but there were certain things he was going to have to do, a sprinkler, exiting, fire separations and a Special Exception Application. He put in the Special Exception Application. It turned out the way the Code was written you could not have that above a garage. The new fire codes provide for that with sprinklers, etc. The Village Trustees ended up changing the Code, the Zoning portion of it for Mr. de la Fuente, so that he could move forward with the application. To date he has not moved forward. He has not gotten Board of Health approval. He has not put in an application to install fire protection equipment or the Special Exception standard. He wanted to note, too, that there are several other buildings in this Village going up right now with businessmen who, without question, complied with the Fire Prevention Building Code, had to buy Pine Barrens credits to get the extra apartment up there and got permits and went through the Special Exception Application. He said this is a case of the applicant not wanting to follow the rules and regulations and trying to blame other people for what he was well aware of exactly what he needed to do.

Mr. de la Fuente said he felt also it was a misinforming again. He said he applied through Mr. Noonan, legally to the Board because Mr. Houlihan told us we should apply and we did. For whatever reason the Board said we need this and this and this. He said he questioned Mr. Houlihan why you not told me this before we go into these

expenses. He said Mr. Houlihan said he had not spent a dime. Mr. de la Fuente said he had \$5,000 worth of bills, between lawyers, surveyors, applications, etc., etc. He said he personally came into Mr. Houlihan's office and asked why he told me in the beginning you don't have to have it. I would not have wasted my time and my money. The answer to me, I misinform you, I don't think that is the right answer to me. A man who is in public office and makes \$88,000 cannot misinform people and allow people to spend money for nothing, and that is my question to you is why you allow that.

Mayor Strebel responded that Mr. Houlihan did not misinform Mr. de la Fuente. The law was changed so that you could have the apartment. What you have done with Mr. Noonan really has nothing to do with Village government. He said he had no idea what conversations Mr. de la Fuente had with Mr. Noonan or any other attorney, back and forth, and it doesn't concern us. What concerns us is when you make an application and you come into the Village with that application and you go before the proper Board and you discuss it. To the best of my knowledge, you haven't done that.

Mr. de la Fuente said the application was put on before the zoning was changed. It was exactly denied. The reasons, I don't know. I see this now and it is something else. He wanted to know how much we paid for our lumber. He said he saw it in the paper for \$4,800.

Mayor Strebel asked if Mr. de la Fuente was on a different subject now.

Mr. de la Fuente said it was because he just wanted to bring this up about the lumber.

Mayor Strebel said he wanted to give Mr. Houlihan a chance to respond to Mr. de la Fuente's remarks.

Mr. Houlihan responded that the Village has done everything it can to make the application work. At this point in time there is no reason that the application can't move forward if Mr. de la Fuente will simply get the approvals that he was told he had to have from the beginning like the Board of Health, like the Special Exception Application, like the plans and specifications for the sprinkler system, the exiting, and those were discussed from day one. There has not been any effort on the part of the Village to misinform anyone. It is unfortunate that instead of moving the application forward after the hard work of the Village to allow it to go forward, that they have chosen not to.

Trustee Laube asked if this was for an apartment and asked if anyone was living there now.

Mr. Houlihan said this was an apartment over a business.

Mr. de la Fuente said he has someone staying there now because they are in the process of putting in this application. He said he had not received in any form or letter, only by word, what is required.

Mr. Houlihan said that was not true. He said if Mr. de la Fuente will come by the Building Department, he would be happy to give him a copy.

Mayor Strebel said he had seen the letter that was mailed to Mr. de la Fuente.

Mr. Houlihan said that if it is being used illegally right now the exiting doesn't have the separation, it is not a sprinkled building and it is in a dangerous and unsafe condition. That is why we first got involved in this during the initial yearly inspection the Fire Marshal did. It is not something I can allow to go on. It is something that he has done everything he can to help Mr. de la Fuente and he just will not cooperate and do the very thing that other businessmen, like right here by 7-11 and other places throughout the Village, have done and continue to do in the Village.

Mayor Strebel asked if Mr. de la Fuente had just put this Board on notice that he is right now breaking the law. He said he wanted Mr. de la Fuente to know that this has legal

ramifications. He said he was breaking the law by having a tenant in a building that does not follow fire regulations. He suggested he remove them.

Mr. de la Fuente said he would shut down the place tomorrow, it is no big deal, but he needs a letter. He said there is no tenant because he is not paying rent, because he is actually his security guard. He said his business had been broken into a few times. He said he is living there for nothing and he is not doing any cooking or nothing, he is just sleeping upstairs. He did not know if that was legal or not.

Mayor Strebel said then the rent is part of his salary.

Mr. Houlihan said there are no sleeping facilities upstairs, it's illegal, you can't have it and the applicant understands that and knows it. We still are prepared to help him as much as we can, but he has to get the ball moving.

Mr. de la Fuente responded that he thinks he needs a letter from the Building Department telling him exactly what the requirements are for that, because he doesn't take Mr. Houlihan's word anymore. He said he wants exactly in the letter what is required.

Mr. Houlihan said he would get the letter out again.

Mr. de la Fuente said he had never seen the letter.

Mayor Strebel said he has a copy of the letter and they would see that Mr. de la Fuente gets another one by registered mail.

Mr. de la Fuente then asked about the CCA lumber. He wanted to know what was paid for it.

Mayor Strebel responded that the Village had paid \$25,000 for the lumber. He said they are selling it for \$4,800 because it was pre-cut lumber for a job and where it is sitting now it is starting to warp. He said he would like to go to the beginning of this. He said statements were made at the last public meeting which he could not be at. He said first of all, the Village engineers called the Southampton Town Trustees and asked about this project. They were told that it was not in their jurisdiction, something to do with a man-made canal, but that part of the bulk heading was not, n-o-t, in their jurisdiction. So, the engineers no longer continued to ask the advice of the Southampton Town Trustees. That is all that was offered. Then the engineers went onto the NYS Department of Environmental Control. By the way, we had public hearings before we took this project. Concerned citizens like yourself should have read that in the newspaper and come up and said hey, what are you doing? Now, when the time came to do the project, and we were trying to get the project done before Memorial Day so that we didn't mess up the boating activities and downtown tourism and so forth. We get started on the project and he thought it became a political thing in the election, not as much as he was blaming any candidates, but people who thought they were doing good, and he didn't believe they did good, because they cost the Village money. We have something like 1,400 feet of bulk heading down there that has been done over the years, actually he thought Mayor Wilinski started it and he did some decking with some sort of trek or something that has been improved, because it is warping and so forth. However, all of the bulk heading has been timber and we wanted to match that. That is what we've been doing. Nobody complained in ten years about the CCA until we were going to finish this last little section. He said that Village government works different than private business. Private business, boom, in a New York minute the CCA would have went in. Business wise, economy wise, it would have been the right decision. As a matter of fact, the Board voted unanimously to put it in. Everyone that sat on that Board. Mr. Teller was not on the Board at that time, Mr. Raynor was on the Board, it was a unanimous decision. Then the newspapers got a hold of it and people seemed to get upset about it. So, we got together and said hey, look, if this is what the public wants, it is certainly going to cost them, because first of all, that project is now going to cost \$50,000 or \$60,000 more. To install the environmentally approved bulk heading, in

itself, is \$25,000 extra and to absorb the cost of the lumber is \$20,000. So, \$45,000 is what that is going to cost. Don't say that was anything against our fiscal responsibility. We took every measure that any Board would take when we set out to do that project and I stand by our decisions on that project.

Mr. de la Fuente asked if they went ahead with the project knowing that the CCA lumber was illegal in Southampton Town.

Mayor Strebel said it was not illegal. He said he just finished telling Mr. de la Fuente that the Southampton Trustees said it was not in their jurisdiction. No one on the Board came up to me and said "Hey, this stuff is illegal. Do you want to save money and use it?" Of course not, that is ridiculous. The engineer that we hired, I don't have what we paid him, but they make enough money. He went out and investigated what to use. That's what he came up with. That went into the newspapers, and we went forward with it. That also was voted for unanimously by the Board. Don't forget now, this is NYS DEC approved. We had a heck of a time getting the NYS DEC to approve the other one. It took a couple of months. We wanted the project done so that canal could have been used this summer. As it is, we stopped doing it because we would have lost more parking spaces by continuing the work in the summer after Memorial Day. But this Board made no mistakes, absolutely none, this Board did not make any mistake. We did our due diligence, we hired the engineers and I don't feel the engineers made a mistake.

Trustee Kametler said the only mistake the Board made was buying the lumber. If the contractor had bought the lumber, he would have to eat it, but we're going to eat it, because we bought it.

Mayor Strebel corrected Trustee Kametler by saying that the Board signed a contract to buy that lumber and they had to buy the lumber.

Trustee Kametler said that was the mistake that the Board made.

Mayor Strebel asked how you make that mistake. When you go out to public bid, you have to buy it.

Mrs. McGinnis said that it was part of the bid. When the Village awarded the contract, it had that he was getting the lumber. That was done back in March.

Mr. de la Fuente asked if the Board had not made a mistake, then who made the mistake.

Mayor Strebel responded that he did not believe it was a mistake. He said we went to public apathy. People like yourself made a big deal out of it so we said, if the public wants to spend another \$40,000, it is our duty to spend it.

Mr. de la Fuente asked what said that in one way you are trying to clean the bay and in another way you are poisoning the bay.

Mayor Strebel asked if Mr. de la Fuente realized that this lumber is allowed in other areas. You could put that lumber on top of the water aquifer. Let's put things in its proper perspective. That lumber would be quite legal if we wanted to use that lumber in another area in Southampton Town as long as it wasn't in the water, it's legal. So, don't tell me about cleaning up the bay. We are going to clean up the bay. We are putting in a system in front of this. He said Mr. de la Fuente was only talking about five or ten percent of what is there. He said the Board made the decision because they felt that was what the public wanted to do. His personal feeling was that he would have put the CCA in. That would have been the right decision.

Mr. de la Fuente commented about what he felt was a conflict of interest regarding Trustee Laube. He said the Village has an ethics code and Mr. de la Fuente believes that Trustee Laube working with his brother, who is the head of the PBA for the

Westhampton Beach Police Department, is a conflict of interest. He said to let someone else do it. Trustee Barnett has twenty-two years in government. Other people here are qualified. Trustee Kametler has been a police officer and Trustee Teller has been a police officer. Before that there was an ex-police officer doing that -Trustee Mark Raynor.

Mayor Strebel responded that he had always negotiated the police contract with the Chief of Police himself from the day that Conrad Teller was the Chief, and he can tell you that. He said any meetings that he has had with the PBA, and he has had two or three, he did not have Trustee Laube present at the meeting. He did not feel that the fact that his brother is a police officer is a conflict of interest. He had also asked the Village Attorney. As far as Trustee Barnett, her expertise is beautification and she puts a lot of time in this Village into it and I don't think people realize it. She doesn't have time to take on another thing. As far as Trustee Teller and Trustee Kametler's experience in the Police Department, I'm well aware of it. He said he worked with both of these gentlemen for years. He said he stands by his choice as the Mayor's prerogative to put on the Board who he wants to and that is what he did and he said he stands by it.

Mr. de la Fuente said it was his prerogative as a taxpayer to question it. He asked about changing the night Board of Trustee meetings from 6 pm to 7 pm. He said that every Board in this Village starts at 7:00 in the evening. He wanted to know why the Trustee's meeting could not start at 7 pm.

Mayor Strebel responded that they since he has been Mayor they have tried having the meeting on just about every day of the week. He said they had the meeting on Friday nights, they had the meeting on Monday nights. He said he had asked to start taking attendance at the meetings because there hasn't been this much attendance at our night meetings in the past. He said he was criticized by merchants and ethnic groups about Friday and couldn't we do something. They said the Village is busy and there are certain ethnic groups that practice their religion that night. You have to realize there are four or five boards in this Village. We then put the meetings over to Monday. He was then told that he couldn't have the meeting on Monday because it would conflict with the school board meeting. He had no idea when the school board had their meetings. This year we decided that Thursdays are available, let's do Thursday. Now we are back to nights and you are not happy with that.

Mr. de la Fuente said that 6:00 was not good for him.

Mayor Strebel replied that it was good for him. (At this time, there was applause from the audience.) Mayor Strebel said that they could certainly discuss this.

Trustee Laube remarked that as far as him being the liaison to the Police Department, he thinks he is very qualified for it. He said his job as liaison is to meet with the Chief of Police, who he thinks is doing a great job with this Police Department.

Mr. de la Fuente said he didn't question the job the Police Chief is doing.

Trustee Laube said he speaks with the Police Chief three or four times a week. He said not only does he meet with him, but he will meet with any other police officer who has a problem. He said he has done that on several occasions. They have come to him with concerns about different aspects of the Police Department and he is always available to them. You can go and ask them, the ones that have come to him with problems, they sit in his backyard, they can come over to his house. He said he will meet with them anywhere, anytime. He said he has been extremely available. That is what makes him qualified to be the liaison for the Police Department, because he is available, he is there to solve problems and he is good at solving problems. He said that if Mr. de la Fuente wanted to question his ability to be good at this job, he is perfectly welcome to vote against him next June or to run against him.

Mr. de la Fuente responded that he was not questioning his abilities, he was questioning his ethics.

Trustee Laube asked what he is doing that is ethically wrong.

Mr. de la Fuente said that his brother was the head of the PBA.

Trustee Laube asked Mr. de la Fuente what he was worried about, what could go wrong. The Mayor negotiates the contract.

Mayor Strebel said that he negotiates the contract and this Board has to vote on it, and there is one other important thing about qualification. The people that qualify this man are the registered voters in the Village of Westhampton Beach. He said he doesn't think Mr. de la Fuente votes in the Village, so he wouldn't have voted for him, but they qualified him by electing him a Trustee. His experience, what experience did I have as a Mayor before I came here. None. He had no experience as a Trustee, nor did anybody else on this Board the first time they ran. So, nobody has experience, which is another thing in government that he finds a little shaky. When you hire someone in business, you say, gee I hope the guy knows what he is doing. When it comes to electing public officials, you don't know, but the voters in the Village of Westhampton Beach made him eligible for that position when they elected him.

Trustee Laube remarked to Mr. de la Fuente that how dare he question his ethics and morals when he has an illegal apartment which he just admitted to. How can he stand in front of this Village and accuse him of doing something wrong when you just admitted you had someone sleeping there.

Mr. de la Fuente said he is only sleeping there and that he did not have an illegal apartment. He didn't think Trustee Laube spends any time in this Village. He said you live here and you pay rent, so that means that anyone who comes to this Town and eats at a restaurant and spends ten dollars is a taxpayer. He said that Trustee Laube was no taxpayer. Mr. de la Fuente said he pays taxes.

Mayor Strebel said that this was turning into a personal attack. He told Mr. de la Fuente to have a nice day and asked if there was anyone else that would like to speak.

John Gordon, 11 Bishop Place, said he was retired from the Suffolk County Police Department and does the school crossing at the elementary school. He said he was here in regards to a little bit of additional police presence and enforcement up there. He said it is a nightmare at times and unfortunately, the Chief doesn't have enough cars to be there, but they need to be there. He said that has to be a prime issue. They have to sit there and enforce the traffic laws, everything from red lights to speeds to failing to yield. It is contractors, it is parents.

Mayor Strebel asked if he wasn't positioned in the Southampton Town part of the school district. He said this is the Village of Westhampton Beach. He said he could be wrong, but he did not think we have jurisdiction there.

Mr. Gordon said that was right, but the Village of Westhampton Beach students and the cars also come from the Village of Westhampton Beach. It is right in the middle.

Chief of Police Ray Dean said that Mr. Gordon's post was in the town and the Village police could not enforce the law on the Town side.

Mr. Gordon responded that they could enforce it on the Village side.

Chief Dean said they could absolutely enforce it on the Village's side and that is what they have been doing.

Mr. Gordon said he has only seen an occasional presence. He said that his issue with Westhampton Beach Village is that in the afternoon when the high school students get

out they tend to run a little wild and to race away blowing their horns, they obstruct traffic. He said all he was asking for, for the sake of the residents and the children at that particular time at the middle school, is that the Police Department show up there and shake a few trees, just so that they know that they can't pull away from that parking area any way they wish.

Chief Dean said that if Mr. Gordon had noticed, that in the mornings there is always a police car on Mill Road and he has cars down there when school breaks. He did not know why Mr. Gordon was not seeing the police cars.

Mr. Gordon said he didn't see them, maybe they were out riding on Lilac. He said that Southampton Town says the same thing - that side of the road is Westhampton Beach. If we are going to have a jurisdictional issue here, then I think we have a problem.

Chief Dean responded that he could not speak for the Town but, as you well know, we can't enforce traffic laws on the Town side.

Mr. Gordon said he spent years in law enforcement and he knew everything the Chief was going to say and he also knows that he is here for the children and the members of the PTA and some parents who walk their children and complain about the traffic conditions in the area. He said he was not here because he wants to complain. He was here because he takes care of the kids and the parents come to him and say, can't you do anything. He said as a school traffic guard he has no authority to issue traffic tickets.

Chief Dean said that it was interesting that if Mr. Gordon has been in law enforcement so long that he has never come and spoken to him about this issue. He said that safety is a paramount issue to him and the Police Department was doing everything on the Village side and he will get on the phone with the Chief of Southampton Town and make sure that there is a town car there.

Mr. Gordon said that Southampton Town responds and they come out whenever they can. Obviously, if you have a large area to patrol, they can't stay there, but they do come out whenever they are available. They do tend to write a number of tickets.

Chief Dean said that all he would ask of Mr. Gordon is that the next time he is at his post and he sees a problem, for him to call him up, no problem, we'll have a car there immediately. He said he has to make a complaint to the police department.

Mr. Gordon said the problem is that if he sees it and then they go, anyways, he was not here to argue.

Mayor Strebel said they would make an effort to try and have more presence. He said he comes down by the Bun and Burger in the morning and he sees a police car around that area parked there. He thinks he is there waiting to give out tickets. He felt that maybe Mr. Gordon could not see him from where he is.

Mr. Gordon said that Trustee Laube said the same thing. I've seen the patrol car there at 7:15 am. 7:15 is not when my kids come to school. He said that all he is asking is, as a retired law enforcement professional and a parent and a grandparent, that I'm here before the Westhampton Beach Village Board, and part of that area is Westhampton Beach. I'm just asking that the Board that controls the Westhampton Beach Police Department would take into consideration the fact that members of the PTA have complained to me, parents of the children have complained to me. He said he was relaying to this Board the complaints he has received.

Mayor Strebel said that the Village had complaints before from different neighbors about the kids throwing the garbage around and we've sent the police down there. Maybe what we have to do is try to do a license check. That seemed to shake them up the last time.

Mr. Gordon said they do run wild. He said he is there and he sees it.

Mayor Strebel said it probably is a little worse now with the fact that we have more off-street parking, so that doesn't help with this school thing going up, so I'm sure there is extra chaos. Also, he didn't want to get into much detail with it, but since 9/11 our police officers have to make the rounds on certain hot spots that we consider hot spots in this Village due to the constant terrorist threats. Even though we are a little tiny village away from New York City, there are still a few things here that we are very concerned about. The guys are busy, but we will make an effort to see if we can't be around when they get out of school.

Mr. Gordon thanked Mayor Strebel and said that he also wanted to mention the school parking lot. He said he would be benevolent to the school officials and say it was an oversight, but it appeared to him that the school parking lot was shut down and it would be shut down for some or all of the school year.

Chief Dean said the parking lot was open now for parking. He had spoken to school officials the day before and they told him they were open and they have the space.

Mr. Gordon said his last issue was regarding Bishop Place and Liberty Street and the students parking there and destroying the streets. He asked if the residents need to have any concerns regarding students parking on those residential streets where the Village put no parking signs.

Mayor Strebel said they did not eliminate the parking on those streets. He said they would have to do that through resolution. They had not eliminated parking, so he was safe.

Mr. Gordon wanted to talk about one more thing. He said that the Suffolk County Transit has two bus stops, one on the Village side and one on the Town side. The Town put up a sign for them that says "no standing" where the bus is supposed to pull in and stop. On the Village side, they put up a bus stop sign and, Trustee Laube at my request, had a no parking sign put back up again. He asked if the Village would consider switching the signs, because the bus stop for the transit bus is not blocked by no stopping. No stopping comes further west, so cars are parked there, so if someone is waiting, the bus has to stop in the lane of traffic, rather than pulling off on the shoulder. If it is possible to move the bus stop sign back so that he has the area from that corner to go, it would be safer and probably more convenient for him. He said he was only concerned about the fact that if he has to stop, he has to stop in the lane of traffic.

Mayor Strebel responded that the Board would look into that. He said they would have the traffic engineer look at it. He said one thing he has learned from sitting in the Mayor's chair is that when you full around with stop signs and things of that nature, more than not, we have to consult with traffic engineers.

Kurt Hofmann, Chairman of the Planning Board, thought it would be appropriate at this time to update the Trustees with some of the current applications that the Planning Board has before it. He felt this would also bring the residents up to date. The Planning Board meets the second Thursday of every month at 7 pm and all of the applications are advertised, so it is public information what is going on in the Planning Board. The first new site is down by Six Corners directly across from the Westhampton theatre, it is that little apex triangle piece of property. There will be two buildings put on that site with about a dozen parking places. It will be for retail, an office and two apartments above. They are very attractive buildings. They are waiting now for the Board of Health and have been for quite some time. They have Pine Barrens credits that they are getting approval for. Once that happens the Planning Board is all set to approve that site and he is sure that construction will start shortly thereafter. Directly across from this building just north of the bowling alley where the derelict gas station is, that station is coming down as soon as they get DEC approval and there will be a building going up on the corner and that will also be a bank. It will be Washington Mutual bank. It will be heavily

landscaped. We're merging the parking facility with the bowling alley, so it will be all consistent. It is very attractive. The Planning Board is very concerned with exterior lighting, so we take a lot of care in looking at the spill-off of the lighting, photo metrics are provided to the Board and we ensure that it is all contained on the site. The next site is Waldbaums. They have been before the Planning Board for probably a year now. We are at the point now where as soon as they get Board of Health approval, that will be approved, also. The entire parking lot is going to be torn up completely. There will be thirty-two new catch basins put in and there will be a 10% overage in drainage so you will not have those flooding conditions any more. The center entrance, will be blocked off and the southern entrance will come through around the back of the building, so all the deliveries will be in a counter clockwise rotation so you won't have any backing up as you have now coming in on the east side going behind the store. It will be landscaped as much as possible. There is not that much room, but we have a lot of landscaping going in. Again, site lighting is a concern and that will also be very subdued compared to the way it is right now. It was sort of a battle, but these three poles that are along the south side of the Firehouse will be coming down. There will be underground utilities put in there so that eyesore will be gone. The last thing he wanted to discuss was the Westhampton Country Club. That building will be coming down after Labor Day and a new Country Club put up. It was the member's decision to do that. There will be temporary trailers going in there. There will be a 25% increase in the building itself. We have gone through a lot of work with the application and we are very satisfied with it. Hopefully, as soon as they get Board of Health approval that will happen as well.

Dean Speir, 256 Main Street, asked if the work that was being done yesterday in the Waldbaum's parking lot was an emergency measure.

Mr. Hofmann said he wasn't sure.

Mayor Strebel said he thought they might be cleaning what was there.

Mr. Haefeli said they have to prove to the Village engineers that the existing catch basins will, in fact, work. He thought what they were doing is testing those catch basins to determine which ones will work. If they don't work they will have to replace them with new ones. I think that they were taking the soil out to determine whether or not that basin will be functional after they put the new parking lot in.

Mr. Hofmann said there are 28 existing basins in there that they have to prove to the Village that they work properly, they drain properly and they have a truck over there that was pulling sand out. A lot of them are full from over the years. A lot of the water just sits on the bottom. So, until such time as they do that, if they don't clear out, then they have to pull them out and replace them.

Trustee Kametler asked how many new banks were going up in the Village.

Mr. Hofmann replied that there was Sidney's, which is Bridgehampton National. We have the Washington Mutual and there is discussion about the Marakesh having a Hudson Bank inside the building. And, of course, we have the existing banks.

Mr. Haefeli said the applications that were approved or proposed were for four banks to come into the Village. What he wanted to point out to the residents is that ten years ago we used to have Eastern Federal Savings on Main Street that shut down. We also had the Bank of the Hamptons of East Hampton up at the mall and that shut down. We lost two, so actually the increase in the number of the banks in the Village is two.

Mayor Strebel added that there was also a North Fork Bank on Glovers Lane.

Mr. Haefeli said that at one point North Fork Bank had a bank where Hampton Properties used to be up on Glovers Lane, they had an office there.

Dennis Yuen, Director of the Chamber of Commerce, said he thought it was a very good

idea for Mr. Hofmann to come before the Board at these meetings and fill in the residents, because not all of them could make the Planning Board or Zoning Board meetings. He said he appreciates that. He asked if the Washington Mutual building had proposed a second story on the building.

Mr. Hofmann said the bank itself was a two story building, an 8,000 square foot building. There will be no luncheonette in there, only a bank. It is a two-story building, but there is nothing upstairs. It is all on the main floor.

Mr. Haefeli said he thought the second story was supposed to be offices. The first story will have the bank and the second story will have offices.

Mr. Hofmann said he didn't recall that, but it could be.

Mr. Andon asked if there was any chance of Mr. Hofmann talking one of his applicant's into having a National's. He said we could use a variety store like that in this community and it would be an asset. People wouldn't have to travel outside of the Village.

Mr. Hofmann said that unfortunately, the old National's has now become a part of Waldbaum's.

Mr. Yuen said that the Hudson City Bank has had a poster in it for months saying that they are coming soon. He asked if Mr. Hofmann was saying that there is no actual application.

Mr. Hofmann replied that he thought they still had a minor problem with the Board of Health. It's been staying like that now since they came to us probably a year ago.

Ms. Kelly asked why the Village needs so many banks.

Mr. Hofmann said that their position at the Planning Board is that they are obligated to follow the Code and the Code allows a bank in the B-1 district. It is just like the real estate offices, there is no moratorium on banks or real estate offices. We can't deny any applicant if they come and they meet the Code requirements for its use.

Mr. Speir said that Trustee Teller was quoted in the paper, not necessarily accurately, but quoted in the paper earlier this summer asking the same question the lady just asked, "Why so many banks?" It is a free market and he is hearkened back to the timeless answer Willie Sutton answered when he was asked why he robbed banks. He answered, "because that is where the money is". He said he thought that was probably why the banks were coming here, because there is some money here and they want their share of it. He said he had no other explanation for it. In the free market, that is what happens. He said it was discussed at the work session that Trustee Kametler was going to be on point with the negotiations concerning the Village annex with the landlord there. He asked Trustee Kametler how that was coming.

Trustee Kametler responded that it had come and it didn't work out so well.

Mr. Speir asked if that meant the Building Department would be in a trailer on the new site.

Trustee Kametler said they will be staying in the same building paying an increase in the rent until we move out.

Mr. Speir asked if the Village had an open lease.

Trustee Kametler answered, no, that the Village would sign a new lease on September 15th.

Mrs. McGinnis added that it would be for a year. She said that Trustee Kametler had met with Mr. Tuccio. She said she had also initially called him and he had seemed

pretty adamant that he was going to charge us. Even though we think \$36,000 is a lot of money, he feels that we are paying less than other commercial rental situations and we don't know. We don't have access to private lease arrangements, so we don't know. He has us over a rock. We would be signing a lease until next September and we will probably be out of there, hopefully, anytime between April and June.

Mayor Strebel said that it would not be prudent for the Village to try and move the Building Department to another place. The lease expires in September.

Mr. Speir said we would then be paying rent on an empty space.

Mayor Strebel responded that we could do that or re-negotiate and pay even more on a monthly basis, which is what Mr. Tuccio indicated was going to happen. If we didn't sign the lease, it wasn't going to be a 14% increase, it was going to be more. As Mr. Speir said, this is the land of free enterprise, he's a landlord and if this was a long term negotiation, we could do things differently.

Mr. Speir said that everybody has choices and he wondered if the Village had explored the possibility of a temporary location.

Mayor Strebel replied that he had thought of it. He thought of just renting a trailer and sticking it over on the new lot, but that is not cost effective either. By the time we move everything from the Building Department to the trailer and then we pay to rent the trailer and we pay for the electric hookup and we pay for sewerage and it goes on and on. So, you lose a couple of bucks. Actually, over the past couple of years his rent has been prudent. Mayor Strebel said he didn't have the time to negotiate this, but he felt it wasn't enough of a savings to move the Building Department and there is a lot involved. He also felt it wasn't fair to the citizens of the Village. If we move into a trailer, how is the Building Department going to function properly.

Mr. Speir said the entire municipality of Quogue did for several years. He said he knows they do things differently in Quogue, not that it is a bad thing.

Mr. Haefeli said that in relation to the number of banks in the Village, he thinks the Village residents should understand that when you go west of the Village line until you hit Speonk, even though it is in the Town of Southampton, it is basically all residentially zoned property, so no banks could be located in that area. The same thing holds true when you go east until you get to the Village of Quogue. So, the purpose of the Town zoning code and the Village zoning code is to try and concentrate your businesses in the downtown Westhampton Beach area. The Town, every once in a while has, in the past, implied certain things and the Village has told them no, we don't want you to expand and allow that. We want the business uses to come into our Village. So, when you are thinking about this, consider the fact that a bank in this Village is servicing more than the 1700 people that are living here year round.

Mr. Andon said that if you count the number of homes starting opposite the mill, go in there and count all of those homes, then go down Old Country Road, Speonk through Eastport there, do you know how many homes there are. Those are all people that are going to have accounts. You're talking 400 or 500 homes right there, not counting what's going up by the Westhampton range. That's why your banks are here.

Simon Jorna, Main Street, said he was a little surprised that Mr. Hofmann didn't mention the bakery as applicants for the Zoning Board. He also wanted to know if anything was happening regarding the music on Main Street.

Mr. Haefeli said that Mr. Jorna's application is before the Planning Board and he was not at the last meeting and his application was basically in limbo until he resolved all the issues that he was advised of at the Planning Board meeting. He didn't think that is the kind of application that Mr. Hofmann would discuss because there is nothing happening with it.

Mr. Speir said that it seems like so long ago that Mr. de la Fuente first stood up and started talking that he had forgotten the point that he wanted to make. He said he had been clocking the Village meetings here and the Village government going back into the late sixties. There was a time prior to Mayor Andon's ascension to the seat when there was a very conservative government that was elected pretty convincingly. Three gentlemen in the eighties and they felt their mandate was to hold costs down. We are paying for that and have been paying for that ever since then and Mr. Speir felt it was a testament to this administration and a couple of the prior administrations that they have been able to do it and replace some stuff that was never replaced, was never upgraded at the time it needed to be upgraded. The fact that the Mayor has done it on a businessman's basic level, is pretty good. There were times in the early eighties that just nothing, the answer was no, if it came time to make an expenditure, even a fairly critical expenditure. So, he thought that had to be taken into consideration, too, as far as the increase in taxes, expenditures and such.

Mayor Strebel thanked Mr. Speir.

Trustee Laube said he would like to address the subject of music on Main Street. It has become a pretty hot topic in this Village. A couple of months ago he began to seek a solution into the issue of "Why music on Main Street?", specifically at the Beach Bakery and Sextons Commons. Trustee Kametler announced at our July organizational meeting that something had to be done, to which he agrees. Before he dug into this he wanted to give Trustee Kametler a chance to talk about anything he had been working on.

Trustee Kametler said that this whole thing started because of safety issues. He said he was sure that everybody could understand that the Village would be liable if anything happened, because the people that are walking on the sidewalks have to walk out into the roadway and God forbid if anything happened that way. He said he thought the Village would have some litigation that they would have to attend to. He said he is not an opponent of music. He said he loves music. It is just that he wants to make it safe and sound for everybody. That is how this whole thing evolved. So, Mr. Laube is going to have a little presentation.

Trustee Laube said that since early July he has spent a couple of hours on average each Friday and Saturday night, with the exception of missing one here or there, on Main Street, as well as some other busy evenings to watch and get a feel of what was going on. By an overwhelming majority the people of this Village, the residents and visitors that he has spoken with, are very supportive of business owners like Mr. Jorna, who is here today, hosting live music. Everyone has the same opinion on this, it gives our downtown a special ambiance that others don't have. To say that you support music on Main Street and working to find a solution are two different things. Three issues need to be solved in order to preserve music on Main Street, of which he is very, very supportive. The first is the Code, it needs to be changed. It needs to be changed to allow small bands to play. Currently it is banned. Second, there is the volume issue. How loud can these bands play? Third, there is a concern regarding pedestrian safety. It has been reported that the crowds can grow so large at Simon's bakery that people can't pass. After careful review of the situation and meetings with Police Chief Ray Dean, Building Inspector Paul Houlihan, Village Attorney Richard Haefeli, Chamber of Commerce President Jennifer Truscott and Simon Jorna of the bakery, (who is a major person on this - he's had several meetings with us), he has asked the Village attorney to draft a Code change to make it so we could address these three issues and preserve that special ambiance on Main Street. He said he has asked Mr. Haefeli to draft a Code that involves a permit process, much like what the Village currently employs for outdoor tables and chairs. A business owner in the B-1 would have to apply to the Village to get a Special Exception permit from the Board of Trustees. In this application, the applicant would have to make a presentation to the Board for approval. If the applicant received the permit, it would be for one year and would have to be renewed annually. If at any time the Board felt it necessary due to safety concerns or any other type of concern, it could rescind the permit. This process gives the Board the opportunity to review each on a case by case basis. Some criteria for approval to start would be that the

business owner have enough property to do this, were they addressing all of the safety concerns and anything else that this Village Board feels might be important to making such a decision. He said that he and Trustee Ridgie Barnett have been working on this for some time and she approached him with her concerns regarding the volume of the music. We discussed how much of a band will be allowed. He said he doesn't suggest changing our Village Code to allow bands over four pieces. Currently it is three, with as many as two amplified pieces. Trustee Barnett has suggested making it all acoustic. This is something that he is looking forward to hearing from the rest of the Village when we have a public hearing on this, hopefully at our next meeting or the one after, to see how loud and how much of a band we actually can have. He said he is looking forward to hearing that public input. He wanted to address the pedestrian safety issue. With as many Friday and Saturday evenings as he has spent on Main Street recently, he has as yet to see a time a pedestrian can't navigate by the band by the bakery. That being said, he felt that just because he's never seen an elephant in his back yard, it doesn't mean there aren't any elephants. July 4th weekend it was a little busy and he didn't see that it was impassable, but again, it doesn't mean it wasn't like that. He felt it was the municipality's job to be ready to address this situation if and when it comes about. He has spoken at length to Police Chief Ray Dean and he agrees that our traffic control officers and police officers are more than happy to protect and serve if such a problem arises, by directing pedestrian traffic when needed. He said we do this already when we have events at our extremely successful Performing Arts Center. He said he had seen larger crowds than the ones in front of the bakery gathered in front of the ice cream shops on the south side of Main Street, to which one local resident jokingly said to him the other night, "Are we going to ban ice cream next?" One solution he began investigating after Trustee Kametler had brought it up was the idea of blocking off Main Street to vehicular traffic. After meeting with Chief Dean and a couple of other traffic planners and Village planners, they said that would be counterproductive towards business on Main Street to eliminate up to ninety parking places in our downtown area where parking is and we have such a dearth of it as it is. Also, it would be a logistical nightmare in getting those cars off of Main Street. If you were to block it off for any certain period of time in the summer on a busy day, you are asking all of these people to move their cars and not allow parking there. But again, it is something that Trustee Kametler would like to look into in the future and maybe that is one possibility. He felt that there is a better way to address this music on Main Street. Let's move forward with altering our Code, one that provides a safe and friendly atmosphere for our Village residents, all the while hosting good music.

Ms. Kelly said that she lives in a town in the winter in Florida. They have music like this and what they do is they block off a certain part, for instance, say here it might be the area around the Post Office, because that is kind of a center place. But it is only a part and everybody else can congregate at the other end, so you are allowed to park in certain places. It seems to work beautifully. We have a Garden Club in that area in there. That could be used for music, besides for Thursdays.

Trustee Laube said that one of the things he has noticed is that it is different on Friday and Saturday nights than Thursday nights for the concert. The crowds are more transient. They don't come with a blanket and chair to hang out for a while and listen to seven or eight sets of music like on Thursday nights. They come through with their ice cream and their bags, or what have you, and they listen to one or two and then they go on their way. So, if you move everything down to the Village Green at this point, it would defeat the purpose of what is going on down there.

Ms. Kelly asked about just blocking off part of the street. She said that may work, too, maybe the end towards St. Mark's, or maybe to let people park there at the Great Lawn.

Trustee Laube said that one of the other ideas he had initially that he had brought up with Mr. Houlihan and Chief Dean was maybe to block off half of the street, like the south side or the north side. But, there again the whole thing is, the Chamber, we would have to have their input as to who loses their parking places. He also said that under the plan that Trustee Kametler and he had talked about and what was written about in the paper a couple of times is blocking it off from Moneybogue all of the way

down to the Library, just that section. On the surface that sounds really good. You could have a real pedestrian friendly area, you could walk back and forth, but I think the price you would have to pay in losing those parking spots might be a little too much.

Ms. Kelly said where she lives they only do it for one night and everybody knows that on that night they can walk around and not be run over by cars.

Mayor Strebel interjected that he felt there were two separate issues. He felt we should really straighten out the music issue. It is a much easier one. One of the thoughts of blocking off the street was that we wouldn't have a pedestrian problem anymore, but if we could address the music problem and then have some kind of committee, if that's where we want to go it with closing Main Street, then we could look at that. He personally felt it was a separate issue.

Trustee Barnett said that she felt there were two issues here about the music. She felt there were two ways we should look at it. We have a concert on the Green on Thursday night and the people come and they listen to the music, specifically. But she thought what people were talking about with the music on Main Street, is they are talking about addressing the ambiance on Main Street, getting people to shop, to walk the streets, to look in the windows, to just enjoy Main Street and bring people in. That is different than bringing people to just listen to music. The music is helping people enjoy Main Street. What we need is a little music here and there. It makes the ambiance delightful on an evening and it draws people down because they say it will be nice. She said she didn't know if we need big bands. She felt we don't need big bands. We need just a bit of music, good music that you can listen to a little bit and walk on.

Mayor Strebel said that the Board would certainly have a public hearing. He said they would make more than one public hearing when they come to do the law, so that anyone can add or subtract to the way it is going to be worded. We have some time, we want to have this in effect for next summer. He did not feel there had been a problem in the winter with the bands and the crowds. He said he was glad to see that Trustee Laube is working on it and we will have something in effect by next spring.

Mark Raynor, 35 Bridle Path, remarked that he felt it was getting too commercial the way it was being done in the Village. Simon has his, Post Stop has his and there is one down at the end. He thought that if the Village wants the ambiance, they should have a central location in the Village and have one band that will do the whole of Main Street. Why do we want to have a hundred different bands playing. If we want to bring people to Main Street, put them in one central location on Main Street, the same as we do on the Village Green, and let the people listen to the one band.

Mayor Strebel said that was a thought.

Trustee Kametler concurred. He said that was a good thought.

Mayor Strebel said they could get one of the banks that closes at night and put them in front of the bank.

Mrs. Casriel said it wouldn't be the same ambiance.

Mayor Strebel said she was right and that he had been to different places where they've had these things, even New York City will have things like that. It is kind of nice. He felt it was something that everyone should get involved with. He said he respects everyone's opinion. That's a good idea that Mr. Raynor had and the ambiance Mrs. Casriel is bringing up is another good thought. If we could get the legality down and then work on that, we do have the time though.

Mary Knoke, 209 Sunset Avenue, said that in response to what the Mayor said about the music, in this one town at every restaurant there was what they called an open mike and they had very small audio boxes. It wasn't something that you could hear, so that when people were walking down the sidewalk when they were approaching one of the

restaurants or cafes, they were outside there with an open mike and it didn't conflict with any other music that you would hear as you are walking down the street. They just had their own little squawk box. It works very, very well. Every Thursday they did that.

Mayor Strebel said that it sounded nice. He said that they were also looking for input from the local Chamber of Commerce because those are the people that it affects. He said he was sure that when the time comes, Mr. Yuen will have plenty to say about it.

Mr. Yuen apologized because Jennifer Truscott could not stay for the duration of the meeting, but she has addressed the Chamber's position in today's Press and she has also forwarded that letter to you. He wanted to make the Board aware of the fact that it is in today's Press. He said the Chamber of Commerce was looking forward to meeting with your committee or just the Board to go forward with this and making it better for the community and making it better for the obvious safety issues, too and to address all of the issues.

Mr. Raynor commented that there was one other thing that the Village might look into. Glover's Lane is only a block away. That is where all of our bathrooms are. If you close Glover's Lane, you put the band right at the entrance of Glover's Lane, that is right in the middle of Main Street. It is not going to affect any traffic and it will bring everybody right to the middle of Main Street. It's not going to be in front of any one business or two businesses along Main Street. It is also close to Simon's, so he would be very happy.

Mayor Strebel said he had not thought of that and it was a good suggestion. He said that Trustee Laube mentioned that if you had one band, who would pay for it? Mayor Strebel felt that would be a Chamber of Commerce thing. He said they were paying for it now independently. It would be a lot cheaper to do it collectively than to do it independently. Then again, there's the business end of it, we lose the ambiance.

Mrs. McGinnis wanted to say as a courtesy that St. Mark's Church wrote the Village a letter and asked us to review the use of the lot, the Great Lawn on Sunday mornings. We are, we have received that letter and she was going to enter it into the record because that is what she was asked to do. She said they will be reviewing it and will probably be discussing things at the Work Session on it.

Mr. Hofmann added that the approved Cingular Wireless facility that they had been working on at St. Mark's Church is 95% complete. All they were waiting for is for the actual modular units to come from Cingular. All of the wiring is done, the installation is there, you don't even know it is there. The louver is up, just below the steeple there were three louvers that were replaced with fiberglass louvers. The antenna is behind those and there are twelve very heavy cables that run from there all of the way down into the basement boiler room. We are all set to go. It is going to be up and running within I would say, less than a month.

Mayor Strebel said that was great.

Mr. Speir asked what the issue was with the Great Lawn and St. Mark's.

Mayor Strebel responded that he asked Mrs. McGinnis to put that letter into the record as a courtesy. He had received a letter, the way he operates is to let it go to the attorney before he reads it and discusses it publicly. It is no big deal, but to be general about it they have been unhappy with some of the events as far as cleanliness and times of operation. He said that one thing he had forgotten was to thank, who he really should have thanked instead of Mark Raynor, was his wife. She had to put up with the nonsense, between the calling from the Village Office and the Fire Department, it is a pretty active telephone over there and they actually answer it all of the time.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, Trustee Teller made a motion at 11:43 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