

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, April 6, 2006 at 6 p.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 6 p.m. with the Pledge of Allegiance. Mayor Strebel asked everyone to observe a moment of silence in memory of former Trustee Ria Del Bene and former firefighter, Henry Raynor.

Proclamations – WHB High School Wrestling

Mayor Strebel asked Nick Broccoli, a member of the Westhampton Beach High School Wrestling team, and Paul Bass, the varsity wrestling coach, to come forward. Trustee Laube said he wanted to say a few words about his good friend, Paul Bass. He said that when he first came back from college, he was the sports reporter for the Southampton Press and didn't know a lot about wrestling. A couple of his good friends in High School had wrestled and he had gone to the meets, but he didn't know a lot about wrestling. Trustee Laube said he was a baseball player, a football player, but he had never wrestled. So, when he started covering the meets as a reporter, Paul went a long way in teaching him about the sport. He said wrestling is a great sport. Trustee Laube said that wrestling is one of the sports where you really need to be disciplined to succeed at it. That being said, to win and be victorious at wrestling, takes a tremendous amount of dedication and discipline. To win in Suffolk County, to become a champ in Suffolk County, it is an incredible feat. Suffolk County is one of the toughest counties in the state of New York. Year in and year out, Suffolk County out of all of the Districts in New York state, every other year the champion comes from Suffolk County. So, this young man, Nick Broccoli, to win his weight class, is a truly standout feat. Not only that, he is the first champion from Westhampton Beach in twenty-eight years. The champion from Westhampton Beach twenty-eight years ago was Mr. Paul Bass, who is also the coach of the Westhampton Beach Hurricanes, who also this year for the second year in a row, won his league, which is also one of the most competitive leagues in Suffolk County. Trustee Laube presented the attached proclamations to Mr. Broccoli and Mr. Bass and congratulated them on behalf of the Village.

Presentation – Councilwoman Linda Kabot
Update on Westhampton Community Center - Mill Road

Councilwoman Linda Kabot, from Southampton Town, gave a presentation regarding the Westhampton Community Center which will be located on Mill Road. She thanked the Board for allowing her to give this presentation. She said she wanted to especially thank Trustee Barnett and Trustee Kametler for attending the Town Board Work Session back in February when the concept plans were first presented to the Town Board for a new facility to be built together with the Hamlet Green. She said there is a community center on Mill Road. It is the former American Legion building. She said the Town had talked about an upgrade of this facility for many, many years. It goes back into their master plan and their recent area study for the greater Westhampton area, which spans from Eastport all the way through Quogue. That area study was adopted

in 2004. The Town had purchased the existing community center in 1987, largely through the efforts of former Councilman Ted Alpert, when he was on the Town Board. They purchased it from the American Legion for \$100,000 and a commitment was made at the time that the facility would always provide space for the local veterans as well as other community organizations. She thanked Trustee Barnett for also participating on the Project Advisory Committee for the past year or so and participating with many other local residents on community visioning and consensus building. She said that many people from the greater Westhampton area participated, local community organizations, veterans, seniors, youth groups, business folks, the school districts had teachers and administrators to sit in, the Town had several administrators. They received several letters of support including a letter of support from this Village Board. She said she was pleased to inform everyone that on Friday, March 31st, the Town Board approved \$3,000,000 to be added to the Town's ten-year capital budget. Starting in 2007 there is funding allocated for construction of the facility. She said it was proposed that they do a demolition of the existing building and commemorate the historic nature of the site, as that building is 100 years old, by having a flagpole and a memorial walk in memory of the veterans and the use of the building for many, many years. They will be calling the perennial gardens in front of the replacement building, a veteran's garden. The replacement building is proposed to be situated on the front half acre of the town owned assemblage. The other 2.6 acres that have been purchased by the Town is proposed for the parking area and a hamlet green. The building will front and face on Mill Road. The facility will be used for a senior citizen's center, a youth drop-in center and a veteran's center. They are talking about a possibility of a fountain, water feature type thing, sitting area and another perennial garden. They are talking about a toddler's playground area. The school district's playgrounds are not available during the daytime. They are also for an older age group, kindergarten and up. Toddlers have a different set of equipment and needs and they are talking about a playground that would have a safety surface underneath and a shaded area for grandparents or parents to be underneath, such as an arbor or gazebo. They are also talking about a picnic pavilion type of setting, a country style, not something that is metal, more of the rustic or cedar type of look and picnic tables underneath with an open lawn area.

Councilwoman Kabot explained that the building the Town Board has approved is 4600 square feet, one story and a lower level that would be able to be finished space in the future. It will have a residential look with peaked roofs and nice architectural features, shutters on the windows, etc. They are trying to have it blend in with the area's residential character. The facility will have one large meeting room that can accommodate up to 80 people seated. Without any furniture, it could accommodate up to 150 people standing. It will have a room divider so that you could have two meetings simultaneously, if necessary. They envision having a youth drop-in center where adolescents will have a safe place to go to do their homework, hang out with other people their age, play computer games, and other safe activities. It will accommodate up to 50 per day, with plans to expand to the basement in the future. There will be an office for the veterans and another office for RSVP. RSVP is a telephone reassurance program throughout the Town, where they make personal human contact to check on senior citizens who are homebound, frail, elderly, to see how they are doing at a certain time each day. In the future, the youth will be moved downstairs and the upstairs meeting room will be converted to an adult day care center. There are bathrooms and an elevator in the building. There will be storage for the veterans for their flags, etc. She said they were moving to finalize architectural and engineering plans this year. In April 2007 it would be envisioned that the Town Board would approve the bond that is in the ten year capital budget. In 2008 they would approve another bond to complete the necessary site improvements. They have the rest of this year to complete the paperwork for this project and next year they would begin the demolition and construction. She said they anticipate a late 2008 occupancy.

Councilwoman Kabot said the Town was beginning to form a community sponsorship opportunity. There is a program called "Partners in Parks" and community members can sponsor the aesthetic improvements at the Hamlet Green, such as park benches or lamp posts, in memory of a loved one or they can do a business or family sponsorship.

The brick walkway or the veteran's group is also another opportunity to memorialize or make a dedication.

Councilwoman Kabot also thanked the Village of Westhampton Beach for bringing to fruition another very exciting project in the greater Westhampton area. She said it was a recreation center to be built in Quogue and she said it was the Village of Westhampton Beach that brought the donor to them in the amount of \$2,000,000, which really kick-started that project.

Mayor Strebel added that the first board meeting for that project would be tonight. He felt it was a commendable thing that the Town was taking these steps. He said it was about time that something was done at this end of the Town.

Councilwoman Kabot said that nothing had been done in the greater Westhampton area in the last ten years, with the exception of Pike's Beach, which was \$300,000 to re-establish Pike's Beach. She also felt it was high-time that this area, which has been underserved, receive some of the investment of their town-wide tax dollars.

Presentation – Six corners roundabout

Matt Rankel, of Dunn Engineering, gave an update on the traffic circle/roundabout. He said it was scheduled to be completed May 15th and is on schedule to meet that timeframe. He said splinter islands will be installed on each approach which will force the traffic to go in the direction that you want them to go around. Crosswalks will be installed, plantings will occur, streetlights will be energized and at some point the traffic signal will be taken down. He said that the reason these roundabouts are so safe is because the vehicles inside the roundabout have the right-of-way, when you approach you have to yield to the vehicles that are in there. He felt the line-ups of traffic waiting for the traffic light are gone. When you come up to the roundabout, you just take a look and drive through. He said their estimates were that when it was operating as a traffic signal there was, on average, almost a minute of delay for every vehicle that came into it. They expect that to be reduced to about ten seconds, even in the summer. He also felt that it will be easier for pedestrians to walk around it when it is finished, because as you go to cross the street you only have to deal with one direction of traffic at a time. He said the streetlights have been positioned to illuminate the pedestrians. Bicyclists follow the same rules as the vehicles. If you don't feel comfortable doing that, sidewalk ramps have been put in to allow you to walk your bicycle around the roundabout. He read the attached ten "Roundabout Rules of the Road".

Mayor Strebel said these rules would be put on the website and in the Village newsletter.

Arthur DiPietro, 41 Sunset Avenue, suggested that these rules could be distributed during beach permit time and tax bill time. He also asked them to add an eleventh rule – you are limited to three laps around the circle before you have to choose a street.

Mayor Strebel said that was a good suggestion.

A member of the audience asked what you should do if your vehicle is exiting the roundabout and there is someone in the crosswalk.

Mr. Rankel answered that you stop and let them cross. He said that all of the safety studies that have been done indicate that the reduction in accidents is tremendous because the cars are slowed down.

Another member of the audience said the way the roundabout was now, it was very narrow on the Mill Road side east and west. She asked if there would be enough room for a responding vehicle, fire engine or ambulance to get through.

Mayor Strebel responded that one of the Assistant Chiefs had been in his office this morning and had told him that he had taken the two largest fire trucks out last night and went around the traffic circle doing 15 miles an hour. He said it worked beautifully. The Assistant Chief also said that at the same time there was a Coca-Cola tractor trailer with an extended trailer and that trailer also got around without any problem.

Public Hearings:

North Mall Fruit & Vegetable Market Special Exception Use

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

Jim Hulme of Kelly and Hulme, 323 Mill Road, spoke on behalf of his client, the applicant for this North Mall Fruit and Vegetable Market Special Exception use. The name of the business will be called Edible Arrangements. They will basically be making fruit baskets. They have received Planning Board approval. He explained that they meet all of the requirements pursuant to the section of the Code regarding Special Exceptions.

Mayor Strebel asked if there were any questions regarding this, or if there was anyone else who would like to address the Board. There being no response, Trustee Laube made a motion to close this public hearing. Seconded by Trustee Kametler and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Teller:

The applicant is the owner of a complex known as the North Mall and is requesting a special exception to allow a fruit and vegetable market. A fruit and vegetable market is a use permitted by way of special exception under the Zoning 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 fruit and vegetable market.

Based upon the foregoing, the applicants request for a special exception to allow a fruit and vegetable market is granted.

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

Tentative Budget for 2006-07 Fiscal Year

Trustee Laube made a motion to open the hearing for the 2006-07 budget. Seconded by Trustee Kametler and unanimously approved. 4 Aye, 0 Nay.

Mayor Strebel announced that the spending difference this year is \$339,342 more than last year. That is a 4.05% increase. The rate increase which will be passed on to us, will be 1.18%. It is the lowest increase he has seen in many years. He said the collective bargaining, retirement and medical fund increases that we had this year are more than \$339,000. So, outside of the unions and the medical insurance, we would have held the line. Mayor Strebel asked if anyone in the audience had any questions or would like to address the Board regarding the proposed budget.

Murray Frank asked what the total amount of money spent for sidewalks this year was. He also asked if the work was contracted out or done in-house.

Mayor Strebel responded that the sidewalk improvement was an \$850,000 bond which will be paid off each year. The principle is \$75,000 and the interest is \$45,000. He said what they have tried to do is to hold back on these capital improvements until we pay them off, so we don't burden the residents with too many increases. As far as the sidewalks go, it was time. We had two miles of broken sidewalks in this Village. Up until now, the DPW had done the repair work on the sidewalks. He said the DPW employees are hardworking, but they can only do so much. We couldn't keep up with it. Mayor Strebel said the work was contracted out. They bonded and have one company doing the repairs and another company doing the new sidewalks. He said they put sidewalks in areas where the children have to walk to school. He said there is now a sidewalk so you can walk from the Long Island Railroad station to Dune Road.

Ben Larson, Bishop Lane, commended the Mayor and the Board for doing the sidewalks. He felt it was the best thing that had happened to this Village.

Carol Matthews, 61 Brittany Lane, asked if the Mayor and Board had checked into receiving grants for the sidewalks before they proceeded to spend the Village's money.

Mayor Strebel responded that over the past eight years they had taken in over a million dollars in grants. He could not get grants specifically for sidewalks. He said he could not say enough about the state. They have been very generous. Senator LaValle and Assemblyman Thiele are helping us out all of the time. Mayor Strebel said he had visited Senator LaValle a few years back with then Supervisor Cannuscio from Southampton Town and the Mayor of Westhampton Dunes to try and get a joint grant for a sidewalk to Dune Road and continue the County sidewalk down to the beach. He said that after two years they were turned down because it was a lot of money.

Trustee Kametler said that because Oak Street is a hurricane evacuation route he felt they would get some funds for that.

Mayor Strebel said he had tried that, too. He had gone to two congressmen and asked them how they could make an evacuation route with a substandard road without pedestrian traffic.

Ed Dean, 99 Oak Street, said he had lived on Oak Street for forty-five years and they finally put a sidewalk on Oak Street where there are a bunch of kids. He said it was a miracle that nobody had gotten killed before. He was also glad they did it all at once instead of waiting another forty-five years doing it piecemeal like it has been done in the past. He said it was an asset to the Village, the whole thing. He said there is a bus stop right in front of his house and now those kids can walk on the sidewalk to get to that bus stop.

Mayor Strebel replied that he and his wife had four children and lived on Oak Street for eighteen years and did not have bus service, the kids walked to school. He felt Oak Street was and is a dangerous road and felt they needed sidewalks there. He said the Village could have gotten in a lot of trouble if somebody had gotten hurt before.

Mr. Dean said he was happy they had done it all at once. He said they had put a band-aid on a lot of things, but after a while a band-aid does not stick.

Mayor Strebel said that hopefully this will.

Trustee Kametler added that once all the sidewalks are in they will have a maintenance program and there should not be any problems like that.

Harris Palmer, 69 Beach Road, commented that regarding the sheet with the comparison of tax rates, it was hard to visualize what may have happened the current year when you go to the new assessment basis from \$17.01 last year to \$3.38 this year. He felt the number to be plugged in for the current year ending in 2006 was \$20.13, which is an 18.3% increase.

Mayor Strebel said the tax rate last year was \$3.38 per \$1,000 and this year it is \$3.42 per \$1,000.

Village Clerk Kathleen McGinnis explained that back in 1994-95 there was a town-wide reassessment and based on what he was saying you would not have had a proper figure then for the last ten years, because we went from \$19,000,000 in 94-95 and after the new assessment kicked in we went to 29 and if you put that in real dollars, because that is only 4%, we are talking about the same type of increase. Because we only do reassessment every ten years and people stay with their same assessment unless they have a change such as a construction project, we have to follow the generally accepted accounting principles and our numbers have to go to the state. She said that if she tried to submit what he suggested to the state, they would send it back and say it does not add up.

Mayor Strebel said he would bottom-line the increase by comparing this Village with other municipalities. He said the Village of Westhampton Beach in five years has increased its spending 31.68%. The Westhampton Beach School District is 31.85%. The Westhampton Beach Library, and they don't have a DPW and a Police force, is 65.42%. The Quogue Village increased 52.54%, Southampton Village 47.92% and Southampton Town 44.32%. He said he is not an accountant and he would be the first one to admit that, however, when you bottom-line these numbers and you come out with what we are actually doing, we are doing great. In five years our expenditures went up \$2,263,954. They went up, and \$1,000,000 of that, the state gave us. When the state gives you \$1,000,000 to do roads, you spend it. They don't just give you a million bucks, you have to use it. We are saying that \$2,000,000 in five years was 32% and I am telling you that you can cut it in half, because one million of it was state money. He felt the Village is doing very well here. He also said that another thing you can bottom-line is to compare your taxes with your home value to one in one of the neighboring towns and we are paying a heck of a lot less than our neighboring towns are paying. He felt we have a pretty good tax rate here. He had just spoken to a young fellow who wanted to buy a house in Speonk for \$590,000. He said this fellow said they think they can keep the taxes down to ten grand, on a \$590,000 house. Mayor Strebel said he could show you houses on the water worth over 2 million dollars and on Beach Road or Beach Lane and they are not paying anywhere near that, so we are doing pretty good. He felt that for Mr. Palmer to play with the numbers like that was wrong.

Mr. Dean said he thought the Mayor and Board were doing a good job.

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

Motion by Trustee Teller:

WHEREAS, the Village Clerk-Treasurer has presented to the Board of Trustees a Tentative Budget in compliance with the requirements of Section 5-508(1) Village Law; and

WHEREAS, the Trustees have had a chance to review said budget and to conduct a public hearing on the Tentative Budget in accordance with Section 5-508(1) on April 6, 2006; and therefore be it

RESOLVED, that, without further change, alteration or additions, the Board of Trustees hereby adopt the 2006/2007 fiscal year tentative budget in its current form.

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

Local Law 1/2006 Amend Code- Outdoor Music on Main Street

Trustee Laube made a motion to open the public hearing. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay. Mayor Strebel asked if anyone would like to address the Board regarding this issue.

Richard Haefeli, Village Attorney, explained that this was the local law that had been discussed at a number of meetings regarding allowing outdoor music on Main Street pursuant to a permit issued by the Board of Trustees. When that permit is issued by the Trustees they will be able to impose reasonable conditions. This law also has a provision regarding outdoor dining and he wanted to emphasize that the provision regarding outdoor dining is essentially the same provision that we had in the zoning code for eight or nine years. When the Trustees wanted to go and put this outdoor music in, what we did is take the dining out of the zoning code and put in this particular provision of the code, so you still have to go and get the same permit if you want to have outdoor dining that you had to do last year and for the last seven or eight years. He said it was his understanding that in all of the years they have had the outdoor dining, we have not had one complaint from anybody. The whole purpose of both these permits, is they are yearly permits, so if there is a problem this year the person or business causing it will not get a permit the following year.

Elyse Richman, 78 Rogers Avenue, asked how much a permit would cost. She also asked if you want to have outdoor music, you apply once and then you can do it whenever you want for the season.

Mr. Haefeli said the permit was expected to cost \$100 and would be adopted by resolution next month. He said you could then have music on the weekends that the Trustees allow. You can put one in for every weekend, but the Trustees may not allow it every weekend. They will also decide when you can have it during the week. It will be up to the Trustees to make a final decision as to when that individual entity will be allowed to have it. They know there may be conflict with other people that may want to have it, and if there is, then the Trustees can indicate that you can't have it this weekend because your neighbor next door wants to have it.

Ms. Richman asked what outdoor music consists of, a band or amplification or what.

Mr. Haefeli said it has to be live music and cannot be recorded music.

Mayor Strebel explained that what they want to do with this is like the outdoor tables and chairs. They made a simple rule to see whether it worked. If it hadn't worked, they were going to put some very stringent handicaps in there. He said they don't want to do that right off the bat. It is going to be done similar to that of using Village property. You will have to come in and tell us you are going to have a band. If there are six bands in front of you that week, you can't have it.

Ms. Richman wanted to know if she did not want to have a band, but she wanted to have music, does it have to be live.

Mr. Haefeli said recorded music was never part of the discussion. It was always live music.

Ms. Richman said they had kids singing with a little amplifier, not a band, but just some piped in extra music. She said it was wonderful. They had crowds and were not bothering anyone.

Mayor Strebel felt that was not like playing a radio or recorded music.

Trustee Kametler said this thing came about because we want to make it safe and fun for everyone. We want to have a little coordination, also.

Ms. Richman said they would not have a band, but just kids singing. It would not be louder than a band. It would be less than a band.

Arthur DiPietro, said he was not an audio engineer, but it seems that if she has somebody singing live to karaoke backup, there are a lot of these musicians he saw on Main Street last year, where they have a live component but they have an amplification system where all of the sound coming out of the speakers is not live. He felt that if it was a live entertainment component, it would seem that it would qualify under this permit.

Mayor Strebel said he felt what they were trying to avoid was a radio or something of that nature. He thought the Board could allow live performers.

Trustee Kametler said he did not have a problem with this, but they could not have a live performer standing next to a live performer.

Ms. Richman said she had the alleyway that was not even near Main Street and they had kids sing and it was great. They were live, but the backup is not, and it is not a problem.

Mr. Haefeli said this law does not permit what Ms. Richman wants to do. His suggestion was that the Board adopt this and they will amend it next month to allow what Ms. Richman is talking about to insure it does not turn into deays. He said they were trying to avoid having Ms. Richman doing what she is doing with the kids, and then someone else saying they are doing the same thing she is because it is not live music and then they bring in a dejay. We just have to come in with a term for it, that is all.

Victor Levy, 58 Beach Road, said that when he has been around these guys with the keyboards, those keyboards have an automatic component to them where the rhythm section would almost be what Elyse has going on.

Bartley Wilenski, 14 Moniebogue Lane, asked if Margarita Grill had to have a permit. He said they were the noisiest people in town with their music.

Mr. Haefeli said they did not have to have a permit because they were in existence prior to and had approval for that years ago. The same thing applies to Billy Thorne's place. If they have been there for so many years, they are not part of it. What the Board is talking about here is music that has started on Main Street in the last year or two.

Mr. Wilenski asked if Starr Boggs needed a permit in order to have music outside where he does catering.

Mr. Haefeli replied that he came in under a provision in the Code as to a restaurant and having four musical instruments. He is entitled to have up to four musical instruments. He got a Special Exception for that when it was converted from the Westhampton Grill to Starr Boggs. He has had that for the last four or five years.

Susan Chapman, 424 Dune Road, asked where the music would be played. She asked if it would be played on the sidewalk, on the street or in the building. Logistically, she was confused as to this.

Mr. Haefeli explained that it would be outside on the property or between the sidewalk and the curb line of a business establishment in the B-1 District.

Ms. Chapman said that was a fairly narrow space. She asked if that would preclude people walking by from walking on the sidewalk and make them go into the street. She felt it might be a safety issue. She was worried about crowd control and if there was good music and there is a large crowd congregating outside of the store and it really gets unmanageable, would the store owner really be able to handle it.

Mr. Haefeli said the whole reason this law went into effect is because there was no law in effect last year and there was a problem controlling passage on the street. This law has provided and will provide that whoever is responsible for the music will be responsible to make sure that the sidewalk stays clear so people can walk through. If they don't, the permit will be revoked.

Mayor Strebel added that the reason they were giving permits, is if that happens and the store owner does not respond, he will not have a permit to do it again. If you don't need a permit, you can't take it away from the guy. Now you have to have a permit. All we are interested in, the reason Trustee Kametler brought it up as a former Police Officer, is he saw the danger and the people spilling out onto Main Street and he brought it to everyone's attention. That is what we are trying to correct. If it is not corrected, those individuals will be summoned and they will be fined.

Ms. Chapman asked why it could not be done in one centrally confined area such as the kiosk or gazebo, so that if people wanted to dance, they could do so without making a dangerous situation and someone possibly getting hurt.

Mayor Strebel said that was their first suggestion and what they tried to do with the store owners. That is what the Board would have preferred, to have a central place, but the majority of the store owners in the Chamber did not want that. They wanted it on their own premises. He said there had been a lot of input on this. The store owners want it, people want it, we would like to have it but if it is not safe then we can't have it. He said they have not had any problems yet, but they were trying to do something to make sure there is not a problem. If this does not work, we can either rescind the permit or even rescind the law. It is just a trial basis. If something happens the first week and it doesn't work, then that's it. Just like we did the tables and chairs years ago and there was a lot of skepticism about it, but it has worked and people are happy with it.

Trustee Laube said that last summer he spent a lot of time on Main Street talking to people over and over again and the one thing people liked about the music on Main Street, was the ambiance. If you put it at one end or the other, it kind of takes that whole feeling away. What we are trying to preserve was to keep it there and keep it manageable. He said the reason having it in another location somewhere like the marina might not work, is because someone would have to pay for that band. He said that someone like Simon Jorna from Simon's Bakery usually sponsors the bands on Main Street and he is very popular for that and gets a decent crowd out there. That is kind of the nexus as to where this whole thing comes from. He asked Simon if he would be willing to pay for a band somewhere else.

Mr. Jorna said he might do both, but he would definitely want to have one on Main Street.

Trustee Kametler added that the Village has a very proactive Police Department and they will be down there monitoring it and they do not expect any problems. He said there had also been some talk about the caterer at Rogers Beach wanting to put a band down there for a sunset type dinner and that might work, too.

Ms. Chapman asked who would be responsible if something should happen.

Mr. Haefeli responded that if something happened, everyone would get sued. It would be the main responsibility of the shop owner because it would be on his property, but the Village always gets sued. Anytime there is any possibility to get a Village or Town involved in a lawsuit, they will be sued.

Simon Jorna, 112 Main Street, thanked the Mayor and Trustees for allowing him to finally be able to have legal music and be able to apply for a permit to have music on Main Street. He asked about the definition of outside seating. He said that for inside seating you need one parking space for every three seats. He said he did not see anything in the Code like that for outdoor seating.

Mayor Strebel said that most of the stores in our little Village are maxed out with parking, as he believed Simon's was. If you had parking regulations, there would be zero outdoor dining unless somebody put up a new store and figured the parking out. When the Trustees set this up, they did it so that two Boards would review it. You can't just come in and say you want twenty-five tables, because you wouldn't get it. The Planning Board would look at your property to see if you can accommodate it. If you can't accommodate one table, you don't get one table. It goes to the Planning Board, they look at it and then it comes back here. If we were to tighten that up, you would not see any outdoor dining at all.

Ed Dean asked what the fines would be.

Mr. Haefeli said there would be a \$500 fine for the first violation and \$1,000 for each subsequent violation.

Mayor Strebel asked if anyone else would like to address the Board regarding this hearing. There being no further response, a motion was made by Trustee Kametler to close the public hearing. The motion was seconded by Trustee Teller and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Laube:

WHEREAS, this Board has advertised a local law adding Chapter 197 of the Village Code, entitled "OURDOOR DINING AND MUSIC" and

WHEREAS, a public hearing was held on April 6, 2006, 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 1/2006 as advertised and attached.

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

Local Law Amend Zoning Code Re: Moratorium Business Districts

Trustee Laube made a motion to open the Public Hearing. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

Mr. Haefeli explained that this was the proposed six month moratorium that will affect all the Business I, Business II and Business III Districts in the Village. A person will not be able to get a building permit, you could not get before any of the Boards such as the Planning Board, the Zoning Board or this Board. The Building Department

cannot accept any new applications during the term of the moratorium. There is a provision where if you think you are entitled to be exempted from it on a hardship, you can make an application to the Trustees for an exemption under hardship. It will not impact small waiver of site plan applications where a building permit is not necessary. There are some applications before the Planning Board that do not require a building permit and those applications will not be impacted by it, but all others will.

Victor Levy, 58 Beach Road, said he was not here as a Planning Board member, even though he is a member of the Planning Board. He was speaking because he felt the moratorium this Board was proposing was too broad, too all encompassing and perhaps not as necessary as people felt that it was. He thought it was to some extent a reaction to one particular application and he thought that really if you would take a few minutes and review where we are, he did not think the planning process has worked that badly in this Village. He felt that when people talk about new buildings or new uses or multiple uses of a certain type in this Village, they haven't really looked at the history of the Village. He said there are now the same number of banks open in this Village that were open eleven or twelve years ago. There aren't as many new banks as everybody thinks there are. He also felt if you took a little ride down to look at the Village businesses and started up on Old Riverhead Road, you would see that many of them are replacements of buildings that were there or replacements for dilapidated structures or were erected in lots where there was a lot of garbage and debris and overgrown stuff. If you started out at Manhattan Motor Cars, you will remember that that building was a replacement for what was formerly known as the Quogue Emporium and then became Hampton Watercraft. He felt that the site that was there now was more attractive. If you come down the street a little bit, there are two or three smaller buildings that have been built recently. The fellow at Straight Line Roofing, which is that yellow building, he replaced a very dilapidated garage. As part of that project, he also re-did the house that was in very poor condition. He got the lot straightened out and it looks a lot neater. The other two stores, the dentist's office and the pet store are coming along nicely. Those sites will be as good or better than what was there. If you come up to the corner, there is no doubt that the Commerce Bank is a pretty big and imposing building, it did replace what he considered an eyesore of a diner that had air-conditioning ducts with tar dripping off them. It eliminated what was certainly a hazardous parking lot situation that existed there. During all of the time that he had been on the Planning Board, they were always trying to get that parking lot straightened out and finally got the best of what they could, but what is there now certainly works a lot better. The building and the site are cleaned up and look a lot better. If you come down Oak Street now and you enter into the Village, Bridgehampton Bank replaced the catering building that was there, but more than that it got rid of a lot that was filled with construction debris, landscaping debris, landscaping machinery and God only knows what else. It is now beautifully landscaped, is not hazardous anymore and certainly he feels that building is a real terrific improvement to what was there before. If you look across the street, there is the new Village Hall. Now that we are starting to get it completed, it speaks for itself. He feels it is a very attractive building. It replaced that school building that he had fought to try and get preserved, but it did not work too well. But certainly, that building was falling down and was in disrepair and was a dangerous situation and has been improved. He felt the traffic circle, which the Planning Board did not have much to do with, but he felt the Village Board should be commended, he has seen them work in Florida. The Village is finally getting sidewalks where there were dangerous areas on Jessup. He thought that was a big improvement. Downtown, the Marakesh building went through the process of the Planning Board. Now that the front covering is off it, you can see they have essentially duplicated a lot of what was there and tried to keep the feeling of what that building was. He felt it certainly looked a lot better than five or six years of the abandoned Marakesh that was there with stuff stuck in the windows and not in very good repair. We are seeing other new buildings that went through the planning process that have come about and look very nice. He pointed out Arthur DiPietro's café that is now open. They don't have a big parking lot out front. It is out back and on the side. A lot of people comment that the building is to the front, but when you see them done in the downtown area, that is the way it should look. If you look behind us at Nick Vero and Cindy Brandt's building where the architect and accounting offices are, again, while there was a lot of comment about that building being close to the street, he felt it looked

a lot nicer than an asphalt front does. He said he had skipped Lettieri's building. In the planning process that building was reduced about 50% in size. He is providing 100% of the parking necessary for the building and let's remember that it is not a new building on that site. It replaces the building that burned down fifteen or twenty years ago, the Orange Tree. Now, if you look again through the planning process, and it was a long and arduous time, Waldbaum's is finally going to be getting on with their project where they will be cleaning up the front of that building and re-doing the parking lot. They will convert the building back more towards a colonial look. Mr. Levy said he feels the planning process has served the Village well. There are two fairly big projects before the Planning Board that have been before them on and off, are Simon's proposal to tear down Gloria's building and replace it with a larger building. He has been through some time with us and his project is pretty ambitious. Mr. Levy feels that at some point they will arrive at some sort of criteria that will make that happen. He said Simon's buildings always look very nice. He certainly has improved it and keeps it the way it should be. The other one is the one that triggered all of this, the CVS. But, let's remember that there is no new building being built there. The same 10,000 square foot building is there. What everybody objects to is the change of use, but he did not feel you could change the economics. That bowling alley was doomed the day it was sold from the original owners and operators. Mr. Levy said he was trying to figure out what the evil is you are trying to cure by instituting this moratorium. He felt they would find that they were going to capture people in it who you don't expect. They would capture Mr. Gentry, who has taken over the medical building on Montauk Highway. He wants to level off the second story and proceed ahead. You will catch the inevitable arrival on the doorstep of the Planning Board of new projects generally small in nature that occur during these months of April, May and June when people are trying to open for the summer and do some renovations. They all need building permits. They are going to get caught in this process. He asked the Board to consider reducing the scope of the moratorium. He felt it would be doing the merchants in the Village and also the Board themselves a favor. He thought the Board was trying to use a shotgun to kill a mouse and he did not feel it was the right approach.

Jim Hulme, 323 Mill Road, said he was happy that Mr. Levy was here tonight and said a lot of things he believed and wanted to say himself, but he does not have the same kind of attachments he has, but asked the Board to listen to Mr. Levy, as well as him. Mr. Hulme said he was here speaking on behalf of various clients and they have a right to be spoken for. He said he was speaking on behalf of his clients, CVS and Waldbaum's, and also on behalf of a number of smaller individuals and business entities that are all going to get caught up in this process if this moratorium is passed tonight in the condition that it currently is. He said there were really two issues here, one is the need and the other is the breadth. He said he understood that they wanted to study the zoning and that was fine, but he felt they did not need the moratorium to do that. He felt that the Board did not need to take the draconian step of taking the entire business districts of the Village or entire residential districts and telling everybody that they cannot do a single thing for the next six months while the Board ponders how they should change the zoning code. He felt they did not need to take that step to achieve the ends that they want to do. He said that the breadth of this moratorium stops everything, it stops the business person that wants to put in an apartment above their business location, something that he thought they recently added to the Code. That person can't do that for six months. One of the permitted uses in the B-1 is residences. Anybody who has a residence, Bart Wilenski, for example, if he wants to do an addition on his house, he can't do that. He has to wait six months. Even the special exception application that he spoke to in favor of tonight for Edible Arrangements, if they had not been as fortunate as they were in being able to move along as quickly as they could, they would have had to stop, which would have put them beyond the summer season where all of these tenants make their money so they can survive the next winter. He said there are a number of multi-unit retail uses in this Village that change tenants with some frequency. All of those situations would require a building permit, a special exception requirement, all of that would have to stop. So, he felt the law was much broader than anyone intended and certainly is much more far reaching than is necessary. Mr. Hulme said the Board might say in response that there is an exception section to the Code. He said he has some big clients that can afford to do this, but his

little new tenant that wants to get into his new space has to pay \$1,000 to the Village and then has to pay something to me as his lawyer, as well, to get you guys to consider to allow him to spend the other money that is necessary for him to go forward. Also, in addition to the money, it adds another month or two months to the process. Someone like that could possibly lose the whole summer trying to get out from under this moratorium and that kind of person is not the kind of person that he feels this Board is trying to catch with this moratorium.

Mr. Haefeli also pointed out that this does not apply to any waiver of site plan application that does not require a building permit.

Trustee Laube asked what Mr. Hulme suggested as a compromise.

Mr. Hulme said he felt it should not be passed at all, but he felt that if some of the things that Mr. Levy has suggested were incorporated into the law, it would make it a much better law, not for all of his clients, but for some of them.

Mayor Strebel said he felt that both Mr. Levy and Mr. Hulme's presentations had made quite an impression on the Board and he wanted to hear any other comments.

Trustee Laube explained that when he suggested a moratorium a while back, it was his feeling that this Village needed to take a breather. He said he knows that Mr. Levy and Mr. Hulme disagreed with him and he could also see their point. He said a moratorium was an A-bomb in the world of planning. It is definitely a drastic step. He said they had hired Kyle Collins to update the B-1, B-2 and B-3 zones. He is a very talented city planner. He travels the country looking at towns like ours, looking for ideas to bring back home for us to employ in our district, ideas that he felt would go a long way to make our business district better. After listening to Mr. Levy and Mr. Hulme tonight, he felt they made a good argument, but he also had listened to a lot of his friends and neighbors in this town and a lot of people out there would just like them to take a breather. With that in mind, he felt that maybe they should table this for another month. He said that development was going to happen, but he felt that every once in a while it was good to take a breather and take a look at where we are going. We need to have a plan in place and no where we are going or everything will just be willy nilly and crazy. We have to have a game plan. We are going to move forward whether we like it or not, no matter who is on this Board this Village is going that way. We all have to have a game plan and we have to know where we are going. Every community on the East End has done this. Having a moratorium every once in a while to get your ducks in a row, everybody can get on the same page and go forward. He felt they have a great planner on board, we've hired him, let's let him do his work and if this Board gets together and does a moratorium, he feels it is a good idea. He said he would like to talk with Mr. Haefeli and the Board about the ideas that were presented here tonight and suggested tabling this for a month.

Mr. Levy said that by no means did he mean that the Board should not look at what might be a good idea downtown to legislate or to change legislation. He didn't mean that, but he just felt it did not require a moratorium.

Murray Frank, 55 Old Riverhead Road, complained that the Village's entire infrastructure had been tested very severely lately. He felt that the condition of certain roads was atrocious. He felt this was due to the transit of very heavy construction equipment on large tractor trailers chewing up the surface, particularly Oak Street and Old Riverhead Road.

Mayor Strebel reminded Mr. Frank that this portion of the meeting was reserved for comments regarding the moratorium. He said there would be time during the public discussion portion of the meeting for other comments.

Mr. Frank said he felt this Village was overworked for construction. He said he liked the word that Trustee Laube used, that it was time for a "breather". He said that just because this individual purchased all of the land north of him to put up these units, just

because it is possible, does not make the Village benefit from it the way it should. Too much of anything is no good and he felt the Board was doing the right thing in taking a pause. He said he was really committed emotionally to the land. He said his granddad cleared a lot of their land in 1912 when he built the house. He felt that one of the bad results of this overdevelopment was the poor condition of the roads in the Village. He said it sickened him, what was being done to this Village. He asked the Board not to cave in on the project just because someone has a wad of money.

Toni Burke, 101 Potunk, said she thought it was great that they were doing a moratorium. She felt that what Trustee Laube said about taking a breather was terrific. She said she could see Mr. Levy's and Mr. Hulme's point of view, absolutely, but she felt a lot of what brought this about was the situation across the street with the bowling alley/CVS. She said a lot of people were not here tonight, but a lot of people had attended the meeting with the Planning Board and the Village meeting with the Mayor and Trustees. She said she had not been able to come to a lot of these meetings lately because she had been tied up with work and her kids and this and that, but she felt they had a plan in place. She wanted to get on record as saying they should just keep looking at the big picture, why we are the community that we are today. She said she was a new local of about fifteen years, but the people who come here to live are here for the charm of what the Village has to offer. What transpired here over a month ago, a lot of people got outraged because they felt they didn't know what all was going on. Then it finally hit the nail on the head and people were outraged at the tenant that was going in there. If it were some other big store, it would have been them getting picked on, but she said she liked the fact that they were doing this moratorium because she thought that as a Village we need to really look at where we want our Village to go. If we turn ourselves into a mini-Manhattan, she did not feel the Manhattanites that come here want that, and she does not want that either. She said she could go to the city if she wanted to shop. She likes that our Village is quaint and small and charming. We are known as a children's Village, as a family Village and she felt that to look at the big picture of where we are going is smart. She even questioned whether six months was long enough.

Randall Weichbrodt, 132-3 Main Street, a local attorney, said he had been in the Village for about five years. He said he was a Southampton Town attorney, the Community Preservation manager, that helped acquire the property here in Westhampton before he moved his office here. He said it sounds as if the Board was looking to table this so he would not attack so much the need for the moratorium. He said that Kyle Collins and he were close friends, he has known him for a long time. They worked together at the Town of Southampton. He said he was working right now with the proposed moratorium in East Quogue and a client of his flew Kyle and himself down to East Beach, Virginia to go look at a "smart-growth" community. He said that he and Kyle looked at each other and said that everyone in the country is trying to preserve this hamlet Village look and feel, but the odd thing is that was done, all of that hamlet Village feel, was done prior to zoning. So, planning boards and Village boards always step back and try and re-regulate and re-zone and they are screwing it up. He said he felt that what Mr. Levy said was right, you have a very intelligent Planning Board. He felt they were not the quickest Planning Board, he said he had gone through five or six applications through the Town since he started working for Simon Jorna, who he represents. He said they really focus in on one particular issue before they move on to the next. They won't even let you discuss another issue until you've got some sort of conclusion on the other issue that is of debate. He said if you are really trying to focus in on a few applications or a few landowners, he felt the Board should let the people that they have retained, have hired, have appointed, to do their job, because they are doing a wonderful job. He said he felt if the Village Board asked the Planning Board if they thought they needed a breather, they would tell you so, and that was not what they were saying here tonight. He felt they were doing a tremendous job. He said Kyle would be the first to tell you that no moratorium lasts for six months, particularly one that is as broad as this. He felt it would be a minimum of a year to eighteen months. He said that Kyle was not even there tonight and had not even started working on anything from what he understands. He said not only is this an A-bomb from planning, it's an A-bomb for business owners who need particularly when they need to continue their business,

improve their business, keep up with the cost of living, keep up with the minimum wage they have to provide for. He said that once a Board moves towards enacting a moratorium, rarely do they say let's not do it. That is just his experience that he has seen thus far. He said the exemption policy that was drafted is really poor. He said it says that any application that comes before for an exemption must establish that the proposal complies with all conditions of the current Code. He asked that it be re-worded to somehow or have secured any and all requisite variances. You have applications that are already pending now that maybe don't comply with the Code, but they are also pending with the Zoning Board of Appeals. If they secure the necessary variances, that should be an exemption so they can move forward without paying an additional \$1,000 fee or being held back because they don't comply with the provisions of the Code. He felt they should also exclude, not exempt, but exclude any applications that improve upon, replace or restore presently existing or legal conforming uses. He said he understands that they want to take a breather, maybe it's from the uses, maybe you want to take a breather from development of too many banks, which he did not know if there are too many. He asked them to let those particular landowners, that have legally pre-existing, conforming uses continue to run the businesses the way that they seem fit pursuant to the Village Code or variances from the ZBA and move forward rather than just putting a complete stay on all applications. He felt there was a way to re-word some of this law so it is not so ambiguous and he said he would be happy to work with Mr. Haefeli on that.

Mr. Levy commented that if Mr. Weichbrodt and/or his client would ever appear before the Planning Board with the same plan in between the Work Session and the Planning Board meeting, if it was similar or perhaps conformed to any law within the Village, he could move his application forward a little faster.

Mr. Weichbrodt replied that the Trustees had changed the law twice since they had started the application, so they were forced to come back.

Mr. Levy said there was not a single application that has matched even the old law, but Mr. Weichbrodt was making progress.

Simon Jorna, owner of Simon's Bakery, 112 Main Street, said he had started the bakery in 1988, eighteen years ago. He said that in 2002 he bought the property behind the bakery. In July of 2003 he filed an application and it has been a rough ride, some self-inflicted, some inflicted by some Code changes like the apartments made smaller. He said he was first allowed to have 48 seats in the luncheonette, now he is only allowed to have 32 seats. He said that a lot of the damage has been self-inflicted due to mistakes on his side, he said he knows that. He said he is not against the moratorium, he is against the size of the moratorium. He has been here eighteen years and he feels his application and a lot of other applications should be accepted during this moratorium. He feels he deserves this, since he has been here eighteen years and he said that Trustee Barnett and others have been to him at least twenty or thirty times asking for donations for Village charities, and he did not think he had ever turned them down. He said he needed a new roof on the building as it is falling off, and he does not know what to do now. It is a \$100,000 job. He plans on renovating the building, but should he spend that \$100,000 now for a roof and in two years still not get a building permit and it was all for nothing. He said he was stuck here because of the moratorium and he hopes the Board will be able to change this.

Oakley Gentry, 28 Library Avenue, said his son has a business in the Village called Gentry Construction. He said that he and his son just purchased a building on Montauk Highway and Sunset. He said this broad moratorium would affect them tremendously because their first intention was to renovate the building and even out the roof line. Under this moratorium we will not be able to do that and it will make our move very difficult because we have tenants below and we want to expand the upstairs. He felt that they had got this far with the Planning Board and was set for them to move up there and now their application can't be submitted for a permit. He thought that they would be typical of someone who gets hurt with an existing building we want to repair and renovate. He said they planned their drawings all along to bring it up to what the Village

looks like. They want to do the siding, right now it is vinyl clad. They want to do it in wood, and it has kind of stopped us. We are one of many who will be affected.

Trustee Barnett asked if their application was ready to be approved.

Mr. Haefeli explained Mr. Gentry's position. He said he has a contractor's business in the B-1 district. When his son moved in there, it was a permitted use. Five years ago, the Village adopted a provision which eliminated contractors as a permitted use in the B-1 district because you didn't want all of those trucks and things like that in the B-1 district. He assumed that Mr. Gentry's son has been very successful in expanding his business and he was told by the Building Inspector that he could not move into another portion of the building he was renting. As a result, he had to go out and purchase a building in the B-2 district where a contractor's office is permitted. It was Mr. Haefeli's understanding that his lease was either up or will be up and he has a problem with the landlord, in addition to just having to move out because his business has expanded and he is doing what he is supposed to be doing under the Code by moving his business.

Trustee Laube stated that some of his efforts recently with the moratorium was not meant to stifle business. It was three-prong. It was to hire a new planner to look at some of this and another big part of it is the Planning Task Force he had called for. He said that if you saw the letters we received from people wanting to be a part of this, he felt this was a good gauge of the community and how they feel. They all want to be a part of this. We received thirty or forty requests, people writing piles of letters stating that they want to be a part of the future. In a little Village, to get that many people to come forward, to take time to make a commitment saying they will come in once a month, they will go around the Village, they will be a part of the planning process. He felt that was a lot and it was a good thing.

Mr. Hulme said it was a good thing, but that none of those things to work require a moratorium.

Trustee Laube said he understands that, but this was people saying they think there are issues.

Mr. Hulme said that when Bart Wilenski was Mayor he had sat on a very similar committee to that and they had studied a lot of things and recommended some changes.

Trustee Laube said there was something going on here, and when there is something going on here, you have to look at it. You can't just go nah, nah, nah. You've got to look at it.

Mayor Strebel said he wanted to hear everything the public has to say, but the Board had basically made a decision probably much to the opposite of what most of them had been going to do. He felt that to table this hearing is not a bad thing. He hoped that by next month they would have this committee, because they had gotten a lot of applications. They are trying to have a diversified number of people.

Susan Chapman, 424 Dune Road, said she felt the moratorium was a good idea because it puts the breaks on right now and makes everyone stand at attention, so to speak, and look at the issues. She said it may be an inconvenience, but it draws us together and allows us to come up with ideas. She said it seems unjust that Simon's is not allowed to expand and do a roof and necessary things and he's been here for a long time, and that's something that needs to be weighed in PDQ, but it allows us to look at what selling some of these properties at fantastic sums will do to the businesses already pre-existing here. If another business were to come in and give Simon competition, we have a big problem. If the pharmacies are going to come in or a bakery is going to open by Waldbaum's, or whatever, we are looking at big problems for the people who have been long-time supporters and who have created the mood and continued with the values that we have had here in Westhampton and we are looking at, what is the character of this Village. What are we willing to give up in order to stay viable, are we

willing to give up anything, and do we need to. She felt we could make the capital improvements in roads and buildings and growing as we are with our public buildings and all, but she feels it is our duty here to look over all of the issues that will guide this community to make the appropriate choices of selective businesses, almost. We have a bakery, a fine bakery, probably a world-renowned bakery, and what we need to do is just bring our other business probably up to a place where they can sustain themselves here without destroying the character and being economically viable.

Mayor Strebel responded that what he is hearing from this Board is that they would like to hear from this advisory committee, which will be formed up with local people, people from all aspects. He felt there had been good cases brought on both sides. He said they were only tabling this, they were not giving up on it. He said he would like to see if Simon could finally get his application straight within thirty days, because he has not been successful in the last couple of years. He would also like to see whether Mr. Gentry could get his application through within the next thirty days. At the next meeting, we will have to come up with something again. He said he, personally, was just a little bit undecided now about which way is the right way and he did not want to make the wrong decision.

Ms. Chapman said she felt they were correct in holding off for a while to come up with a plan that will be feasible and workable and practical and not overburden everyone and overwhelm them with taxes.

Mayor Strebel said they are not giving up on the thought. This advisory committee, he was hoping that at the Executive Session tonight they could finally wrap it up. He said the newspaper said the Mayor is going to choose the seven applicants. The Mayor isn't going to choose them, the Board will choose them. Hopefully, we can do that and have some input at the next meeting. He said the Board needs time to discuss this. He said he was not going to say that at the next meeting they were going to have a moratorium, he didn't know. If the Board can get their act together, whether or not we feel we need a moratorium, maybe we don't, maybe we'll table it again next month or maybe we'll enact it next month. He said he did not know, but he would like to see this advisory committee in place to help them make the decision.

Ms. Chapman asked if the Village could get together a newsletter delineating this issue for people in the Village who can't attend these meetings for one reason or another, but who are very concerned and ought to know.

Arthur DiPietro, made a suggestion regarding the Citizens Advisory Board. He said that in the name of openness and to have an intelligent dialogue at meetings, he would suggest that the names of all the persons who have applied for consideration be made public, as well as the persons ultimately selected. He said that sometimes people seek something and they feel they weren't picked and they feel shunted aside and their energy then is lost, so if there interest is publicized and they are not selected as board members, they will participate in the board's dialogue process by being on the other side of the table and keep them involved.

Mayor Strebel said he did not see any problem with that. He said they would publicize the list.

Trustee Barnett remarked that it was great, the outpouring of people who have applied for this Board.

A motion was made by Trustee Teller to adjourn this hearing until May 6, 2006. Seconded by Trustee Kametler and unanimously approved. 4 Aye, 0 Nay

Local Law 2/2006 to Amend Zoning Code Re: extend moratorium Hotel District

Trustee Laube made a motion to open the public hearing. Seconded by Trustee Teller and unanimously approved. 4 Aye, 0 Nay. Mayor Strebel asked if anyone would like to address the Board regarding this issue.

Mr. Haefeli explained that this is another moratorium. It has been in effect for the past year. It has to do with the area that is on the west side of Riverhead Road, north side of Montauk Highway, east side of Depot Road and south of the Industrial District. The moratorium has been in effect to give Dave Emilita an opportunity to come up with an update to the Master Plan with reference to residential districts, and to look at this area in particular to see whether or not any changes should be made and whether or not we should do something to provide for moderate or affordable housing. Mr. Emilita has just submitted that report to the Village, so this Board has not had an opportunity to work on it yet. This proposed moratorium is for a period of ninety days to give the Board the opportunity to review the Master Plan update, adopt any changes to the Master Plan update and if they deem it necessary, to adopt any changes in the zoning code.

Carol Matthews asked if this all relies on the Village getting the okay for the sewers at Gabreski Airport.

Mr. Haefeli responded that in order to put in any type of affordable housing they would have to have a sewer district.

Mayor Strebel said that you can have X amount of houses without a sewer district and you can have X-plus with it. So, when the moratorium is over, if there are no sewers, you don't get the X-plus.

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

Motion by Trustee Teller:

WHEREAS, the Board of Trustees of the Village of Westhampton Beach is considering a local law to add §197-95 through §197-95.4 to the Code of the Village of Westhampton Beach to establish a moratorium on development application in certain zoning districts within the Village; and

WHEREAS, this moratorium will affect the properties located on the east side of Depot Road, the west side of Old Riverhead Road, the north side of Montauk Highway and south of the area zoned Industrial and Business District-3. These properties are currently zoned Hotel District or Residence District-2 situate in the Village of Westhampton Beach; and

WHEREAS, this action is considered a "Type II Action" under 6 NYCRR Part 617 Section 617.5(c)(30) provisions of the New York State Environmental Quality Review Act (SEQRA).

IT IS THEREFORE RESOLVED, that as a Type II action, the local law to add §197-95 through §197-95.4 to the Code of the Village of Westhampton Beach to establish a moratorium which will affect the properties located on the east side of Depot Road, the west side of Old Riverhead Road, the north side of Montauk Highway and south of the area zoned Industrial and Business District-3. These properties are currently zoned Hotel District or Residence District-2 situate in the Village of Westhampton Beach, is precluded from further environmental review under New York Environmental Conservation Law, Article 8.

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

Motion by Trustee Laube:

WHEREAS, this Board has advertised a local law amending Chapter 197 of the Village Code, entitled "ZONING" by adding Section 197-95, and

WHEREAS, a public hearing was held on April 6, 2006, and

WHEREAS, this Board has adopted a resolution pursuant to SEQRA that the proposed action is a Type II and that no further review is required, 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.

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 2/2006 as advertised and attached.

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

Regular Meeting:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Laube:

RESOLVED, that the minutes of the Board of Trustees regular meeting of March 2, 2006 and the Grievance Day Special Meeting of February 21, 2006 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Barnett:

RESOLVED, that the Treasurer's report for February 2006, Police Department and Building Inspector's reports for March 2006 are hereby accepted.

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

Appoint part time Police Officer

Motion by Trustee Kametler:

RESOLVED, that Janel E. Spero is hereby hired as a part time Police Officer effective March 30, 2006, to be paid at the rate of \$16.50 per hour and to work as assigned by the Chief of Police.

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

Approve the purchase of HP Printer & computer equipment for Police Department

Motion by Trustee Teller:

RESOLVED, that the Board of Trustees hereby approve the purchase from COMP USA of an HP Officejet 9110 Printer at a cost of \$607.99 and various computer equipment at a cost of \$399.96 for the Village Police Department.

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

Approve the purchase of Dell computer equipment

Motion by Trustee Laube:

RESOLVED, that the Board of Trustees hereby approve the purchase of the following Dell computer equipment under NYS contract PT55666 pursuant to the attached specifications:

- | | | |
|---|--|-------------|
| 1 | OptiPlex GX520 Small Form Factor (tower) | \$ 892.90 |
| 2 | Optiplex GX620 Ultra Small Form Factor (towers)
(2 @ \$936.90 each) | \$ 1,873.80 |
| 3 | Server systems with components
(3 @ 2,219.94 each) | \$ 6,659.82 |

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

Accept bid for Village Hall fire extinguishers & cabinets

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby accept the bid from Kenneth Hargreaves Co. in the amount of \$1,912.00 to supply fire extinguishers and cabinets at the new Village Hall contract #10.400.

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

Accept bid for Interior Door & Window glazing

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby accept the bid submitted by Westhampton Glass & Metal, Inc. contract #8.450 to supply interior glass at a cost of \$10,800.00 and authorize change order #1 to supply and install Police specialty items for the interior windows at a cost of \$1,515.00 at the new Village Hall.

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

Approve CBS Technologies change order for Village Hall telephone system

Motion by Trustee Teller:

RESOLVED, that the Board of Trustees hereby approve a change order in the amount of \$6,179.00 for installation of additional equipment by CBS Technologies for the Village Hall communications and security system.

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

Approve change order to contract with Metropolitan Door

Motion by Trustee Laube:

RESOLVED, that the Board of Trustees hereby approve change order #4 in the amount of \$7,299.00 to the interior door contact #8.400 with Metropolitan Door Industries for the new Village Hall.

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

Approve change order to raised access flooring contract

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby approve change order #1 in the amount of \$4,252.20 to the raised access flooring contract # 10.270 with Erector Specialist Inc. for the new Village Hall.

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

Request CR31 intersection improvement project to County/State

Motion by Trustee Kametler:

WHEREAS, the intersection of County Road 31 and Montauk Highway is one of the busiest intersections in the Village of Westhampton Beach; and

WHEREAS, the intersection is hazardous and dangerous due to it's narrow configuration particularly when large trucks attempt to turn thereby forcing vehicles in the perpendicular roads to backup to accommodate the turn; and therefore be it

RESOLVED, that the Board of Trustees of the Village of Westhampton Beach hereby urge our Suffolk County and New York State elected officials to provide funding to identify and implement roadway improvements to eliminate traffic safety hazards at the CR 31/Montauk Highway intersection; and be it further

RESOLVED, that the Village Clerk is hereby directed to send a certified copy of this resolution to Governor George Pataki, New York State Senator Kenneth LaValle, New York State Assemblyman Fred W. Thiele, Suffolk County Executive Steve Levy, and Suffolk County Legislator Jay Schneiderman.

Seconded by Trustee Laube and approved. 3 Aye, Trustee Teller Nay

Trustee Teller explained his no vote by saying that this had all been done by the County. He said they had started this program in 2001. He felt this would be making a lot of paperwork for nothing. He said it was a feel-good project for no valid reason. The County has got all of its work done, they have drawn up the maps for taking the property.

Trustee Laube said the County was three years away from the condemnation process. He felt the job of the Trustees was to shake the tree and get the process moving.

Trustee Teller said this was the normal operation. He felt you were not going to move it any faster.

Trustee Laube disagreed. He said he had met with the owner of the property today.

Mayor Strebel said he did not see how a letter would hurt. Many years ago when he was first elected, he had people approach him about the situation there and he did make a couple of calls and so forth, but he did not really get anywhere with it. The biggest problem that was presented to him about the Oak Street/Montauk Highway intersection was facing north trying to make a left. He said he brought it up more than once and nothing happened.

Trustee Teller said it was a dangerous intersection, there is no doubt about it, but to say it is the most hazardous or dangerous intersection in the Village, he did not agree with it.

Mayor Strebel reiterated that it was only a letter and asked how could it hurt us.

Trustee Teller said a letter was just more paperwork. He said the County Department of Public Works has always done an excellent job.

Trustee Laube said that nothing had been done since 2000.

Trustee Kametler said he thought they had started this in 2001.

Trustee Laube said he had spoken to Charlie Bartha, Commissioner of the Suffolk County Department of Public Works, yesterday about it and he said he was more than willing to get back on it today.

Mayor Strebel said he did not see how a letter was going to hurt. He said they had passed a resolution and had voted on it, unless someone wants to change their vote.

Trustee Teller said he disagreed, that was all.

Trustee Laube asked if he disagreed and would not want to try to move forward and try to do everything you can to make it better.

Trustee Teller said he did not think he had to push the Department of Public Works of Suffolk County in any way, shape or form. He said he had worked for them over the years since 1986, a very close association with them, and he had never had to push them.

Trustee Laube said that he and Trustee Teller disagree on whether they should try as hard as they can.

Trustee Teller felt Trustee Laube was just making a feel-good situation.

Trustee Laube said he felt the job of a Trustee was to work as hard as they can and not just sit here and do nothing.

Trustee Teller said he did not feel that sitting here writing letters to various other politicians was going to do anything.

Authorize the 2006 Community Development Block Grant Agreement

Motion by Trustee Barnett:

RESOLVED, that the Mayor is hereby authorized to execute the 2006 Community Development Block Grant Agreement with Suffolk County to receive \$13,000.00 in federal funding.

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

Approve renewal of outdoor tables & chairs Special Exception

Motion by Trustee Kametler:

WHEREAS, Hampton Coffee Company has applied to renew the Special Exception permit granted in 2005 to place two (2) outdoor tables and eight (8) chairs pursuant to Section 197.80.3 and Section 197-76 of the Code and

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

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs pursuant to the Board of Trustees determination and conditions dated July 5, 2005.

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

Approve April 2006 warrant

Motion by Trustee Teller:

Resolved, that the warrant for the month of April 2006 in the amount of \$ 367,918.12 for the General Fund and \$ 675,123.44 for the Capital Fund is hereby approved.

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

Public Discussion

Carol Matthews asked about the property that was zoned for hotels, she wanted to know if it had all been sold.

Mayor Strebel responded that he did not know.

Ms. Matthews said they all look vacant, because some of the houses have been broken in. She said if someone sells their property or even if you are a homeowner now, you are required to keep your property looking nice. When you come down Old Riverhead Road and you see these vacant houses with front doors open, grass high, that is inviting people to be squatters, and that is what is going to happen down the road. She felt that who ever owned the property should be made to keep it neat.

Mayor Strebel said they would start working on that tomorrow.

Ben Larson thanked Mayor Strebel for all he had done for this Village. He said he thought Mayor Strebel had done a super job and he couldn't help but say thank you.

Trustee Barnett announced that there have been new trees planted this week. They had planted for two days, they planted 57 new trees. Part of this was due to a gift that was given to the garden club from the estate of Ann Cox. She left \$10,000 for trees to be planted on Seafield, Sunswyck and on Beach Lane. We are working with the garden club. The trees have been planted at those locations, plus some trees in the Village which needed to be replaced. We are very pleased about that. We also had a gift from Peter Cerillo for our trees which helped with the cost of them this year. Since a lot of them went in near sidewalks, she wanted people to know that we put root barriers down between the sidewalk and the tree roots to protect the sidewalks.

Arthur DiPietro said he wanted to add a historical footnote based on Trustee Barnett's comments. He said that unfortunately the root barriers came too late to save Stu Tobin's mayoral re-election.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, Trustee Kametler made a motion at 9:00 p.m. to adjourn the meeting to Executive Session. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk