

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, December 7, 2006 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

PRESENT: Mayor Conrad Teller
Deputy Mayor James Kametler
Trustee Ora Belle "Ridgie" Barnett
Trustee Toni-Jo Birk

Clerk Treasurer Kathleen McGinnis
Village Attorney Hermon Bishop

ABSENT: Trustee Joan Levan

Mayor Teller opened the meeting at 7 p.m. with the Pledge of Allegiance.

Presentation:

Mayor Teller presented the attached proclamations to Susan Wilcenski & Jonni Lee Hotaling for their landscaping contributions to the Village. Trustee Barnett added that Susan helped with the marina landscaping and planters and said she had done a lot for the Village. She said they were also looking forward to the planting of flowers at the roundabout by Jonni.

Public Hearing: Local Law amend Chapter 110 Unnecessary Noise

Mayor Teller opened the public hearing and asked if anyone would like to address the Board.

Bill Bates, Esq., appeared on behalf of the Greater Westhampton Dune Road Civic Association and especially its president, Olivia Casriel. He said there were many people that would have been here tonight, but they could not be and he was going to speak on behalf of them. He felt this was a group of people that have a great affection for this Village and make great contributions to this Village. He said the quality of life issue such as noise, is very important to them. He read the attached e-mails into the record.

Steve Ramsay, 33 Sunset Avenue, said he had spoken before the Board twice before about the noise ordinance and he had come to realize it was not a noise ordinance, it is a no construction ordinance. He felt that if it was a noise ordinance he would not be so opposed to it. He said it says clearly that you can not do any construction on Saturday and Sunday during these two months and he read this to mean that if you go to a job and start painting or do something that is not making any noise, the simple fact that it is construction makes it illegal. However, if you want to have a party at 8:00 on Saturday or Sunday morning, no problem, you can make as much noise as you want until 11:00 at night. Even though he was told there were other people that had complained about this, he felt it was more the people on Dune Road especially, that object to the fact that there are construction workers next to their house while they are trying to sit on their deck and enjoy the weekend. He said he certainly sympathizes with them. However, he felt they were very fortunate not to have to work on Saturdays and Sundays. He said that he thought that most construction workers rely on those, at least Saturday, at a minimum, to work. He said it also says you can't start work year round until 9:00 on a Saturday. People that work construction don't start work at 9:00, they start work at 7:00 or 7:30. He said that if you are fortunate enough not to have to work on a Saturday, he felt it was pretty unfair of you to pick out one group of people that need to go to work and say, "Sorry, I would like to sleep until 9:00, you can't work".

Hermon Bishop, Village Attorney, asked if Mr. Ramsay was saying that the ordinance says you can't work from 9:00 every day of the week. He said it states that for July and August there will be no construction for those sixteen days.

Mr. Ramsay said he thought he had read that it said that during the course of the year on

Saturday or Sunday you could not start work until 9:00. He said again, if you are

fortunate enough to not have to work on Saturday and Sunday, or Saturday especially, that is great, but he does and he would like to continue working. He said he had been in business for twenty-four years and he had never had a complaint, but it was not himself that he was concerned with. He said it was just the unfairness of this, in his opinion. He felt that if the law said that if everybody who works can't make noise, that would be great and he would be good, but it doesn't, it says just construction people can't do it. He felt that it just makes no sense to single out one small group of people and say you can't do this work.

Dean Speir, 256 East Main Street, made an observation that Mr. Bates' e-mails from the Greater Dune Road Association don't even seem to have a consensus among themselves. He said some don't want any construction on weekends, some want to start at 8, 9, 10. He asked Mr. Bishop if this was intended to be Village wide.

Mr. Bishop responded yes, it was a Village ordinance and was Village wide.

Mr. Speir asked Mr. Bishop what they would have done a year ago in the situation where they were building the bank seven days a week, often two shifts, up at the Crazy Dog.

Mr. Bishop said he would not have done anything other than what the Board would have told him to do.

Mr. Speir asked how that would have progressed under this type of ordinance.

Mr. Bishop did not feel he should speculate as to what would have occurred a year ago. He said we are here today, talking about an ordinance today and it is a policy issue and he is not the one who should be discussing this.

Mr. Speir felt it was not a policy issue, he said he was just asking how a construction project like that would have been able to progress should this restrictive noise ordinance aimed at mostly the construction industry been adopted.

Mr. Bishop replied that after the adoption of such an ordinance, no construction would be permitted during the months of July and August on Saturday and Sunday.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, a motion was made by Deputy Mayor Kametler to close the public hearing. Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

Local Law amend Chapter 178 Vehicles & Traffic

Mayor Teller said this is an amendment to certain sections such as where there was a traffic light at the Six Corners intersection and we now have a traffic circle, so there is some re-wording there. There is a section to add some traffic signs – no parking from 9 PM to 6 AM on Rogers Avenue. Someone asked to have no parking signs and the ordinance removed on Beach Road and Aspatuck and Seafield. Also, there is one for the east side of Oneck by the school due to the fact that they have the night games, they are recommending no parking on that road. Mayor Teller asked if anyone wished to be heard regarding the traffic ordinance.

Jim Czachur, 92 Rogers Avenue, said he came down to speak regarding the no parking on Rogers Avenue issue. He did not want to see a knee-jerk reaction by having an ordinance passed that is not going to benefit everybody that is on the street. He felt the problem stems from a couple of people that have commercial vehicles, a bulldozer, a trailer in the front yard, a dump truck, Van de Wetering greenhouse trucks, diesel big box trucks parked in driveways. He said that he and a group of people from Rogers Avenue that he was speaking for felt that instead of banning all the parking on the street, they would rather see something to the effect of banning certain vehicles over a certain GVW weight. He felt

this would make more sense than banning private citizen's parking in front of their houses if they have people home from college if their driveway can't hold enough cars. He said to take them off the street is going to be a hardship for some people. He said there were enough people on the street that have triple-wide driveways because they couldn't get

enough cars at their house. He felt there were other alternatives that could be looked at instead of just putting no parking signs up and down the street.

Trustee Barnett asked if the trucks and vans Mr. Czachur was talking about that were on the street parked there were owned by the residents of the street.

Mr. Czachur replied that he believed that one homeowner owned his equipment. He said if you turn around and make a rule that there will be no commercial or business vehicles on the property or in the front yard, they will move them to the back yard. He said the guy starts up his bulldozer to get it off the trailer and you have diesel fumes on both sides of the neighbor's properties from him playing around with his tractors at home. He did not think that a single family dwelling was the place to have commercial equipment like that. He thought that something else should be looked at to have that stuff moved, maybe he should have a place of business or yard to store it in or a rental place, but he did not think it belongs in a private dwelling. He felt that this is what started much of the talk on the street for this to happen and he did not think that just putting no parking on the street will solve the problem, because then they move these big vehicles into their yards and you still have the problem. He said that then we have to take a look at what we are going to do to the yards. Maybe we have to take a look at what we are really going to do to stop them from bringing those vehicles onto the residential areas, because he felt that was the problem. He said it was not everywhere. He thought there were only three cases on the whole street, but it does make things an eyesore and it does make bad smelling vehicles when they start them up in the morning. He said they still have enough of that coming from the asphalt plant.

Trustee Barnett asked what his suggestion would be as to the size of vehicles that should be banned.

Mr. Czachur responded that a lot of people buy pickup trucks and pickup trucks are made just like cars now, the insides are well appointed and something like a pickup truck doesn't bother us. If you get over a certain weight, such as over 6500 pounds, which is the size of a full size SUV, and it is commercial plated, he thought it would be smart to ban things like that in residential areas. He did not think the no parking was going to solve it. He felt it will move it off the street into the yards and we are still going to have the eyesore of those type of vehicles and there has to be a better way to address this problem.

Deputy Mayor Kametler asked if this was a no truck area.

Mr. Czachur said it was no commercial truck traffic over a certain GVW now posted on that street, but it has nothing to do with parking.

Dean Speir said he had spoken about this several months ago at one of the meetings, but he just wanted to reinforce it. He said the signs the Board was contemplating removing on Beach, Seafield and Aspatuck were put there for the most part eighteen to twenty years ago because of the problems with late night traffic from an establishment that is no longer in existence, then known as Café USA. There was also the site of the old Howell House property which had a very popular restaurant/bar operation there and that is gone. He said because of that, there is really no reason to keep these signs on those streets, particularly Aspatuck and Seafield and whatever you determine from the traffic studies, he felt that most of those could be removed as well.

Mayor Teller asked if anyone else would like to be heard. There being no further response, Deputy Mayor Kametler made a motion to adjourn the hearing to January 4, 2006. Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

Mayor Teller asked if anyone would like to address the Board regarding the Community Development Budget. There being no response, a motion was made by Deputy Mayor

Kametler to close this hearing. Seconded by Trustee Barnett and unanimously approved. 3 Aye, 0 Nay

Motion to add-on resolution

There was a motion by Deputy Mayor Kametler to add the following resolution to this agenda. Seconded by Trustee Barnett and unanimously approved. 3 Aye, 0 Nay

Authorize 2007 Community Development Budget

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Trustees hereby allocate the federal fiscal year 2007 Community Development Block Grant funding in the amount of \$13,000.00 as follows:

- \$9,470.00 Family Counseling Service provide therapeutic intervention services for at-risk families.
- \$3,530.00 Village project eliminate physical barriers for the handicapped (sidewalk curb cuts)

Seconded by Trustee Barnett and unanimously approved. 3 Aye, 0 Nay

Mayor Teller stated that before they go to the resolutions, he would like to thank the Highway Department and the Beautification Committee for the excellent work they have done on the Christmas decorations and beautification.

Trustee Birk suggested putting a Christmas tree at the Police Station. Trustee Barnett said they did not have any trees left this year, but it was a wonderful suggestion for next year.

Trustee Barnett also thanked the DPW for the wonderful job they did. She said the DPW did the little white lights. She also wanted to thank the following: Mark Stinchi, whose men decorated the decorative light poles with the red bows; the Chamber of Commerce for giving us \$300 to pay for the garland and the red bows; Kerry Beaver, a teacher in the elementary school, who had the fourth and fifth grade Student Council members make the red bows they tied on the trees this week; Bill and Lillian at the Inn on Main, who hosted the cocoa and cookies for these children after they tied the bows on the trees; and the Beautification Committee for everything they did.

Regular Meeting:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Barnett:

RESOLVED, that the minutes of the Trustee Meeting of November 2, 2006 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Birk:

RESOLVED, that the Treasurer's reports for October 2006 and the Police Department and Building Inspector's reports for November 2006 are hereby accepted.

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

Schedule public hearing for moratorium exemption request

Motion by Deputy Mayor Kametler:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to publish and post of Notice of Public Hearing to be held on Thursday, January 4, 2007 at 7 pm at the Village Hall, located at 165 Mill Road, on an application for an exemption to the moratorium submitted by BMB Enterprises to construct a new retail building at 145 Main Street and identified by SCTM # 905-11-2-29 as per the site plan approved by the Village Planning Board.

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

Schedule public hearing on update of Business District Plan

Motion by Trustee Barnett:

RESOLVED, that the Village Clerk Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, January 4, 2007 at 7 p.m. at the Village Hall, located at 165 Mill Road, on the Business Districts Comprehensive Plan Update.

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

Schedule Board of Trustees work session

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees will hold a work session on Tuesday, December 19, 2007 at 9 a.m. for an informal discussion of the Business Districts Comprehensive Plan Update.

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

Authorize snow removal agreement with WHB Fire District

Motion by Deputy Mayor Kametler:

RESOLVED, that the Mayor is hereby authorized to execute the attached agreement with the Westhampton Beach Fire District for the removal of snow by the Village of Westhampton Beach Department of Public Works employees.

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

Authorize snow blower purchase by the Dept. of Public Works

Motion by Trustee Barnett:

RESOLVED, that the Department of Public Works is authorized to purchase a snow blower with attachments from Carl's Equipment & Supply, Inc. at a cost of \$1,794.85.

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

Accept bid for annual traffic signal maintenance contract

Motion by Trustee Birk:

RESOLVED, that the proposal submitted by Johnson Electrical Construction Corp. for the annual traffic signal maintenance at a cost of \$650.00 per month plus \$5 per lamp replaced during the annual re-lamping and inspection.

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

Approve change order to Village Hall HVAC contract - \$12,800

Motion by Deputy Mayor Kametler:

RESOLVED, that at the recommendation of Sandpebble Builders, the Board of Trustees hereby approve change order # 6 to the Village Hall HVAC contract #15.100 with Dynaire Corporation in the amount of \$12,800.00 for various additional items furnished and installed.

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

Approve change orders for Roundabout project

Motion by Trustee Barnett:

RESOLVED, that at the recommendation of Dunn Engineering Associates, the Board of Trustees hereby approve the changes specified in the attached spreadsheet in the amount of \$84,764.12 to the contract with Corazzini Asphalt.

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

Accept proposal for enhancements to Police radio system-\$5,202.25

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees hereby authorize Eastern Long Island Electronics, Inc. to enhance the Police Department radio system by providing and installing equipment as specified in the attached proposal at a cost of \$5,202.25

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

Accept resignation of Planning Board member William Ciraco, Jr.

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Trustees regretfully accept the resignation of Planning Board member William Ciraco, Jr. effective November 13, 2006.

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

Approve annual Stormwater Management Plan

Motion by Trustee Barnett:

WHEREAS, the Village of Westhampton Beach is a partner in the Town of Southampton Stormwater Management Plan which is intended to satisfy the regulatory requirements for mandatory MS4 communities and result in the continuance of a General Permit for the Towns and Villages stormwater discharges and represents an agreement by the Town and its Villages, and their respective departments to work together in reducing pollutants to our shared watersheds and waterbodies, and

WHEREAS, as a part of its Stormwater Management Plan, the Town of Southampton and its Villages will perform annual evaluations of their programs, including status of activities proposed and completed, program compliance, the appropriateness of identified management practices, progress towards achieving identified goals, and other program information, and

WHEREAS, prior to submittal to the NYS Stormwater Management Program Office, the annual Stormwater Management Plan Status Report must be made available to the public and an opportunity provided for public comments, and

WHEREAS, pursuant to Article 8 of the State Environmental Review Act and its implementing regulations, the Board of Trustees determines that this is not an action under SEQRA and therefore be it

RESOLVED, that the Village Board supports Annual Status Report regarding the Villages participation in the Town of Southampton Stormwater Management Plan, A Partnership with its Villages, and be it

FURTHER RESOLVED, that copies of the Annual Stormwater Management Plan Status Report are on file in the Village Clerks Office and available Monday through Friday, from 9:00 A.M. to 4:00 P.M for public review and comment. All written public comments are due no later than 3:30 PM, December 13, 2006, at the Village Clerks Office.

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

Appoint Special Counsel for Hazelwood Ave. property rights issue

Motion by Trustee Birk:

RESOLVED, that Lance R. Pomerantz, Esq. is hereby appointed as Co-counsel for the research and investigation of the rights of the Village of Westhampton Beach respecting the northern portion of Hazelwood Avenue and for the preparation for litigation to enforce those rights and to be paid an hourly rate of \$200 per hour.

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

Authorize Mayor to sign an amendment to the Westhampton Beach PBA contract

Motion by Deputy Mayor Kametler:

RESOLVED, that the Mayor is hereby authorized to sign a Memorandum of Agreement to amend the contract with the Westhampton Beach Police Benevolent Association.

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

Authorize warrant for December 2006

Motion by Trustee Barnett:

RESOLVED, that the warrant for December 2006 in the amount of \$769,652.52 for the General Fund and \$9,401.64 for the Capital Fund is hereby approved.

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

Public Discussion

Barbara Ramsay said she realized they had closed the public hearing regarding the noise ordinance, but she just wanted to say that her husband had said that the noise ordinance cannot begin until 9 a.m. year round on Saturdays and Sundays, and it does indeed say that in the noise ordinance.

Trustee Barnett invited everyone to the "Light the Night" this Sunday at the Village Hall. They will have votives all around the outside of the building, made out of little paper bags with lighted candles in the bags. There will be a table with cocoa and cookies for everyone, the Mayor will be welcoming everyone and there will be holiday music from singers from the High School. She said she hoped everyone would come and encourage their neighbors to come. She also mentioned the Holiday Lighting Contest.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, Deputy Mayor Kametler made a motion at 7:45 p.m. to adjourn the meeting to Executive Session. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk