

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, November 2, 2006 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

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

Clerk Treasurer Kathleen McGinnis
Village Attorney Hermon Bishop

ABSENT: Mayor Conrad Teller

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

Public Hearing: Local Law amend Chapter 110 Unnecessary Noise

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

Steve Ramsay, 33 Sunset Avenue, said he was here to speak in opposition to the noise ordinance again. He explained that he had spoken at the last meeting about some economic reasons for not doing it. He said he is a builder and it would certainly affect his company and the people that were employed by him and he was sure the other builders share his concern in that regard. He said a few other things had come to his mind since the last meeting. The ordinance, as he reads it, is written to benefit all of the people of Westhampton Beach. However, the ordinance states that during the summer only, you can't work on the weekends. He felt this was very much aimed at a specific group and not the entire Village.

Village Attorney, Hermon Bishop, explained that it was only for the months of July and August, not the entire summer.

Mr. Ramsay felt that this made his point even more so, that it seems this is directed toward the people that are here in the summer only, not towards all the Village residents. He said that being a year-round resident, he objected to that and almost resents it. He felt it was like they were trying to say there were two groups of people here as opposed to all the Village residents. He also felt it was very difficult to enforce the noise ordinance and felt it could possibly be selectively enforced. He said that at the last meeting, Vic Levy stood up and said that he had a boatyard and he runs a forklift, and Mr. Bishop had immediately said that we can fix that. He asked why it was okay for Vic Levy to run a forklift so that people's boats can go in the water, (which he felt they should be able to, he was not opposed to that at all), but Steve Ramsay and his crew can't go to work.

Mr. Bishop explained that the ordinance addresses only construction and all of the items set forth in that ordinance, the objective criteria, only deal with construction, not with lifting boats out of the water.

Mr. Ramsay asked if it were okay to run a forklift to lift boats and the neighbor could be annoyed with that, why is it not okay for him to run a saw to build somebody's house. He said he did not understand the distinction, why one noise is better than another noise. He said he understood what Mr. Bishop was saying, he just did not agree with it.

Mr. Bishop said that was fine, he just wanted to make sure Mr. Ramsay understood.

Mr. Ramsay said that he also read "creation or maintenance of unnecessarily loud, disturbing and unnecessary noise which either annoys, disturbs...". He asked if we really want our Police Department to enforce someone being annoyed by some noise. He felt that personally, if he was annoyed by someone building next to him on a Saturday or Sunday, he would walk next door to his neighbor and ask them not to do it. He said he

could not imagine someone coming to him and him not responding to that. He felt that common sense is enough and we don't need this noise ordinance.

Deputy Mayor Kametler commented that they were talking about eight weekends out of the summer, July and August, or 15% of the year. If you have a complaint with someone building a house next to you on a Sunday morning and you walk over there and they tell you to take a hike, you would call the Police Department. Otherwise, you wouldn't have taken the time to walk over there and ask them to stop. The Police Department probably would respond and they would have a law that they could actually help you with. That is what we are trying to do. This Board is very up front with all of our complaints. We take them very seriously. There are a lot of people out there that are concerned about the noise, so we are putting it out there for a public hearing, that's all this is. He said they do appreciate Mr. Ramsay's comments, because there are many comments like his, also. He said there are many builders out there that feel the same way he does. He said this will still be open, they are not closing it.

Trustee Birk added that they have brought this noise ordinance up this past month, but these complaints they have received are not just the past couple of months. They have been going on for a couple of years. She said they were addressing this situation to make sure it's a win-win situation for all of us, for the construction workers and for the property owners on the weekend. This is why the Board is having this public discussion over the months, so people can have their say and they can work towards a win-win situation for everyone. She said these complaints are not new, but they are finally addressing them and trying to get something that will work for all of us.

Michael O'Rourke, 37 Liberty Street, said he was a builder here in town, also. He said he sees that people don't want weed whackers, blowers, like that, at 7 or 8:00 on Sunday morning. He said he could see not having the ordinance on Saturday, but allowing Sunday to be the day of rest and not having the noise and construction going on. He said he doesn't want to work on Sunday. He would like to see it where it is restricted to no construction on Sunday, but they need to work and get things done on Saturday. He said then they should address the leaf blowers and weed whackers. He felt that was more annoying than anything else. He said he hears them in his neighborhood at 8:00 in the morning on a Sunday. He said "there ought to be a law".

Bill Bates, representing the Greater Westhampton Dune Road Civic Association, said that there have been many complaints about loud noise, especially on weekends. He felt this is a reasonable compromise between letting people relax who come here to relax and allowing people to earn a living. He said this was a good idea.

Barbara Rasmussen, 15 Bishop Place, said she agreed somewhat with what Mr. Ramsay had said. She felt it should not be limited to the elite few who summer out here. If there was going to be some type of ordinance, she suggested it be year round. She agreed that Saturday would not be the best day to implement it, but definitely on Sunday. She definitely agreed with the comments about the weed whackers and leaf blowers. She had the same problem with them as early as 7:30 am in her neighborhood.

Jean Sweibish, 114 Potunk Lane, said there were some people who felt that it was only the summer people that were annoyed by the noise in the summer. She said that anybody, anywhere in the Village, who doesn't have an air conditioner that runs through their house and opens their windows to get fresh air, is annoyed by weed whackers or anything that sounds over a certain level that is constant or repetitive. It doesn't have to be people that are coming from New York or points west. It can just be people that are here year-round that can be annoyed by this, also. She said she was also leaning to think that maybe just construction equipment isn't the only thing that needs to be looked at, because she agrees, also about weed whackers and leaf blowers. She said she works in an area where weed whackers and lawn mowers seem to be an every other day occurrence. She thought that summertime was the worst to have this kind of stuff on a Saturday or Sunday when you were trying to get a little shut eye. She felt the problem with Saturday or Sunday is that we used to have blue laws that meant that on Sunday things were closed down. Now, blue laws are non-existent. She said that some people choose Saturday as a day of rest and some people Sunday is a day of rest for them. She said it was not an easy thing for a Board to carve out and she felt more input was needed from the public. She hoped that

people in the audience here and also the television audience, would talk to their friends and maybe they would write letters to the Board and make their thoughts known.

Village Clerk, Kathleen McGinnis, added that they have gotten a lot of e-mails, so people can always e-mail the Village, too. She said that the Board had also received a letter from

Vivian Friedman in favor of this legislation that was circulated and is being attached and made a part of the minutes of this meeting.

A member of the audience asked the Board if they had gotten any input from East Hampton Village with their regulations, since there is no construction there on Sundays.

Deputy Mayor Kametler replied that they had not, but he felt that Sunday would be the day that this would probably take effect. He said he works on Saturday himself.

Deputy Mayor Kametler asked if anyone else would like to address the Board. There being no further response, a motion was made by Trustee Birk to adjourn the public hearing until December 7, 2006. Seconded by Trustee Levan and unanimously approved.
4 Aye, 0 Nay

Regular Meeting:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Barnett:

RESOLVED, that the minutes of the Trustee Meeting of October 5, 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 September 2006 and the Police Department and Building Inspector's reports for October 2006 are hereby accepted.

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

Authorize performance bond reduction Beach Road Howell House

Motion by Trustee Levan:

WHEREAS, the Village Planning Board has determined that Beach Road Howell House, LLC has completed 60% of the work required to be completed under the site plan approval granted 2/17/05; and

WHEREAS, the Village Planning Board has recommended that Beach Road Howell House, LLC apply to the Board of Trustees for a reduction of the performance bond to \$107,500.00; and therefore be it

RESOLVED, that the Board of Trustees hereby approve a reduction in the amount of the performance bond to \$107,500.00 and authorize the Village Clerk-Treasurer to refund the sum of \$107,500.00 to Beach Road Howell House, LLC.

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

Schedule public hearing on Community Development budget

Motion by Trustee Barnett:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to publish and post a Notice of Public Hearing on the 2007 Community Development Block Grant funding estimated at \$13,000.00, to be held on Thursday, December 7, 2006 at 7 pm in the Municipal Building.

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

Schedule public hearing on Local Law to amend the V & T code

Motion by Trustee Birk:

RESOLVED, that the Village Clerk Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held at the Village Hall on Thursday, December 7, 2006 at 7 p.m. on a proposed Local Law to amend the Village Vehicle & Traffic Code.

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

Authorize change of monthly work session to Nov. 15th

Motion by Deputy Mayor Kametler:

RESOLVED, that the date of the November work session is hereby changed to November 15, 2006 at 7 pm.

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

Authorize annual snow plowing agreement with Westhampton Dunes

Motion by Trustee Levan:

RESOLVED, that the Mayor is hereby authorized to execute an agreement with the Village of Westhampton Dunes for the removal of snow by the Village of Westhampton Beach Department of Public Works for a fee of \$10,500.00 plus reimbursement for any certified expenses that may exceed said fee, for the time period commencing November 1, 2006 through to October 31st, 2007

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

Appoint members of the Beautification & Tree Committee

Motion by Trustee Barnett:

RESOLVED, that the following persons are hereby appointed to serve as members of the Village Beautification & Tree Committee:

Diana Benincase
Anne Green
Ann Poillon

Michelle Bugge
Marge Louden
Barbara Ramsey

Elsie Collins
Corinne Minasian
Eileen Wooden

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

Adopt amended procurement policy

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees hereby adopt the attached amended Village Procurement Policy.

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

Approve change orders for Moniebogue Bulkhead project

Motion by Deputy Mayor Kametler:

RESOLVED, that the attached change orders for the Moniebogue Canal Bulkhead Replacement Project in the amount of \$17,762.00 are hereby approved.

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

Designate Suffolk County Federal Credit Union as official depository

Motion by Trustee Levan:

RESOLVED, that Suffolk County Federal Credit Union is hereby added to the annual list of official depositories of the Village of Westhampton Beach.

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

Appoint Special Counsel – Habitat 215 LLC

Motion by Trustee Barnett:

RESOLVED, that Village Attorney Hermon J. Bishop is hereby appointed as Special Counsel to represent the Village in the matter of Habitat 215 LLC v. the Village of Westhampton Beach, to be paid the sum of \$165.00 per hour.

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

Refer Special Exception application to Planning Board

Motion by Trustee Birk:

RESOLVED, that the Special Exception permit application submitted by Westhampton Beach Associates, LLC to construct 39 town-homes on properties located on Old Riverhead Road and identified by SCTM # 905-2-1-14 through 18 & 905-4-1-6, is hereby referred to the Village Planning Board.

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

Approve promotion-Ordinance Enforcement Officer

Motion by Deputy Mayor Kametler:

RESOLVED, that Bridget Napoli is hereby promoted to the title of Ordinance Enforcement Officer from the Suffolk County Dept. of Civil Service List # 06TA629 at a

bi-weekly salary of \$2,078.54 effective immediately.

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

Deputy Mayor Kametler added that this was a well-deserved promotion. He said she scored tops on the list, she is very conscientious of her position in the Village and we should be very proud to have her working for us. He then congratulated Mrs. Napoli.

Determination – Step 2 PBA Grievance on Personal Day

Motion by Trustee Levan:

RESOLVED, that the Step II Grievance of August 2, 2006 filed by the Westhampton Beach Police Benevolent Association, pursuant to Section 24 of the collective bargaining agreement, is hereby sustained.

Seconded by Trustee Birk and approved as follows:

Deputy Mayor Kametler – Aye
Trustee Barnett – Nay

Trustee Birk - Aye
Trustee Levan - Aye

Authorize warrant for November 2007

Motion by Trustee Barnett:

RESOLVED, that the warrant for November 2007 in the amount of \$265,897.49 for the General Fund and \$105,506.06 for the Capital Fund is hereby approved.

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

Public Discussion

David Assalti, said he owned 103 Main Street and asked where the Village was with the sewer district.

Deputy Mayor Kametler responded that they are working with a Village Planner, Kyle Collins. He said his report was not back yet and they were going to wait for his report before they put anything out to the public.

Mr. Assalti asked when that might be.

Deputy Mayor Kametler answered that they were hoping to have it within the next three to six months.

Joe Musnicki, 50 Library Avenue, said he understood that the children's playground

location may be chosen at the Yacht Basin marina site. He wanted to show the Board some pictures that he had taken on Saturday. He asked the Board to re-consider this location because of some of the flooding there. He said he had lived on Library Avenue for about five years and this is about the fifth or sixth time it has flooded in this condition.

Trustee Birk added that Mr. Musnicki was not the only one that had seen the flooding down there. She said that has been the prime spot that they have identified for the pre-school playground. They were actually in touch with the engineers to see what the feasibility is. They do have other sites and they may have to abort the Yacht Basin location as these pictures indicate. That is the primary location they are looking at, but she thanked Mr. Musnicki and said she appreciated the pictures and would add them to their collection.

Deputy Mayor Kametler asked if anyone else would like to address the Board. There being no further response, Trustee Birk made a motion at 7:25 p.m. to adjourn the meeting to Executive Session. Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk