

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, August 2, 2007 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

PRESENT: Mayor Conrad Teller
Deputy Mayor James Kametler
Trustee Toni-Jo Birk
Trustee Joan Levan
Trustee Hank Tucker

Clerk Treasurer Kathleen McGinnis
Village Attorney Hermon Bishop

Mayor Teller opened the meeting with the Pledge of Allegiance.

Public Hearings:

Outdoor Music – Westhampton Steakhouse

Mayor Teller opened the public hearing and asked if anyone would like to address the Board. He asked if anyone was in the audience from the steakhouse.

Clerk-Treasurer Kathleen McGinnis advised the Board that she had not received any submission from them. She said they were supposed to provide her with the proof of mailing and had not, so this hearing would need to be held over.

A motion was made by Mayor Teller to hold this hearing over to September 6, 2007, seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

Outdoor Music – Wetter or Not, Inc. Sexton Commons

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

Marcia Casamassa said she would like to have a band in front of her store.

Mrs. McGinnis stated that Ms. Casamassa was the applicant. She said the owner of the property is Sexton Commons, but Ms. Casamassa has been making the arrangements.

Trustee Levan asked if it was a band or guitars and instrumentalists.

Ms. Casamassa responded that it was two people, someone singing and a guitar accompanying them and they are pretty low key.

Mrs. McGinnis added that the Planning Board had reviewed this application and had recommended it be approved.

Trustee Levan asked what nights she would have the music.

Ms. Casamassa said they would generally have it either on a Friday or Saturday night and on holiday weekends they would probably have it on both. She said it depends when they are available, so it is really difficult to set a schedule, so it is when they can do it. She said she would like to have it every weekend or every other weekend.

Trustee Birk said she had heard the two musicians Ms. Casamassa was talking about and they were good and they were mellow, very low key, very respectful, a very nice addition...

Ms. Casamassa said they go back to college in two weeks, so it is over anyway, but they are good kids, they are getting ready to go to school.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion to close this public hearing. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Tucker:

The applicant is operating a retail establishment located at 132 Main Street and has applied for a permit pursuant to the provisions of Chapter 196 of the Village Code to permit outdoor music.

The applicant proposed to provide outdoor live music on its property, located in the area in front of the Sexton Commons retail shops fronting on Main Street, as shown on the plan attached.

The applicant is requesting to provide a guitarist and singer on the five days listed on the application from 8 p.m. until 10:00 p.m. (11p.m. if store is open)

The applicant has been submitted to the Village Planning Board for its recommendation which was issued on June 28, 2007 as follows:

- 1. no amplification of the outdoor music
- 2. strict adherence to the 11:00 p.m. curfew

The application is granted subject to the provisions of Chapter 196 Section 196-2 and the following conditions:

- 1. The maximum number of musicians/vocalists shall not exceed two.
- 2. The music shall be limited to the dates listed on the application
- 3. The music shall only be allowed during the hours of 8:00 p.m. to 11:00 p.m.

Therefore be it

RESOLVED, that the Wetter or Not, Inc. (Sextons Commons) outdoor music application is approved subject to the provisions set forth above and in Chapter 196 of the Village Code; and be it further

RESOLVED, that the Board of Trustees hereby reserves the right to revoke and terminate the permit if the Board determines there would be a conflict with the music from the applicants property.

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

Resolutions:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Birk:

RESOLVED, that the minutes of the Trustee Meetings of June 7, 2007 & July 2, 2007 and Special Meeting of July 10, 2007 are hereby accepted.

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

Accept departmental reports

Motion by Deputy Mayor Kametler:

RESOLVED, that the Treasurer's reports for May & June, Police Department's reports for June & July, and Building Inspector's reports for July 2007, are hereby accepted.

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

Authorize Notice to Bidders – trailer mounted sewer cleaner

Motion by Trustee Levan:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Bid Opening to be held on Friday, August 31, 2007 at 11:00 a.m. at the Village Clerk's Office for the purchase of a trailer mounted sewer cleaner for the Department of Public Works pursuant to the bid specifications.

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

Authorize Notice to Bidders – bulkhead materials

Motion by Trustee Tucker:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Bid Opening to be held on Wednesday, September 5, 2007 at 11:00 a.m. at the Village Clerk's Office for the purchase of plastic bulkhead sheeting to be used by the Department of Public Works pursuant to the bid specifications.

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

Approve Westhampton Beach Fire Dept. Annual BBQ @ Rogers Beach

Motion by Trustee Birk:

RESOLVED, that the Westhampton Beach Fire Department is hereby authorized to hold their Annual BBQ at Rogers Beach on September 8, 2007 from 12 noon to 8 p.m.

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

Approve Seafield Centers's Wellness Day Beach Party @ Rogers Beach

Motion by Deputy Mayor Kametler:

RESOLVED, that Seafield Center is hereby authorized to hold their 12th Annual Wellness Day Beach Party for treatment professionals at Rogers Beach on Friday, September 7, 2007 from 8:00 a.m. to 4 p.m.

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

Approve closure of Sunset Ave. - WHB Fire Dept. Open House

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby authorize the Westhampton Beach Fire District to close Sunset Ave. between Mill Road and Hanson Place on Sunday August 19, 2007 between the hours of 12 noon to 5 p.m.

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

Authorize refund of real property tax payments – SPA 77 NLP

Motion by Trustee Tucker:

Resolved, that the Board of Trustees hereby authorize a refund of 2000/2001 to 2004/2005 property taxes in the amount of \$9,729.45 to SPA 77 NLP for property identified by SCTM #0905-12-4-20.1 due to over-assessment as ordered by the NYS Supreme Court.

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

Authorize refund of duplicate tax payments

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees hereby approves the refund of duplicate tax payments totaling \$10,746.80 for the 2007/2008 tax year to the payees identified on the attached list.

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

Schedule public hearing to amend Vehicle & Traffic Code – Library Ave.

Motion by Deputy Mayor Kametler:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing to be held on Thursday, September 6, 2007 at 7:00 p.m. at the Village Hall, on a proposed Local Law to amend the Village Vehicle & Traffic Code to change a yield sign to a stop sign.

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

Accept resignation of ZBA member

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees regretfully accept the resignation of John Wittschen as a member of the Zoning Board of Appeals effective immediately.

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

Approve Police Department Strip Search Policy

Motion by Trustee Tucker:

WHEREAS, the Village is a member of the New York Municipal Insurance Reciprocal which has recommended that all participating municipal Police Department develop and implement a Strip Search policy; and therefore be it

RESOLVED, that the Board of Trustees hereby adopt the attached policy.

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

Appoint Special Counsel – Asphalt Plant Litigation

Motion by Trustee Birk:

RESOLVED, that Maureen Liccione, of the firm of Jaspan Schlesinger Hoffman, LLP, is hereby appointed as Special Counsel to represent the Village in all legal matters relating to the Suffolk Asphalt Plant and to be compensated at the rate of \$200.00 per hour.

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

Authorize budget transfers

Motion by Deputy Mayor Kametler:

RESOLVED, that the attached list of budget transfers for the 2006-07 fiscal year in the Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Appoint Traffic Control Officer

Motion by Trustee Levan:

RESOLVED, that Vincent Iannella is hereby appointed as a Traffic Control Officer at the rate of \$14.00 per hour and will be scheduled to work at the discretion of the Chief of Police.

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

Approve August 2007 warrant

Motion by Trustee Tucker:

RESOLVED, that the warrant for August 2007 in the amount of \$319,772.33 for the General Fund is hereby approved.

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

Public Discussion

Dean Speir, 256 East Main Street, asked the Village Attorney Hermon Bishop about a letter he had received by mail concerning “illegal tampering with the website owned by the Village of Westhampton Beach” and he wanted to know what this letter was about.

Mr. Bishop responded that the letter speaks for itself and he thought that Mr. Speir had already addressed the letter in the Southampton Press.

Mr. Speir said he had not addressed it in the Press.

Mr. Bishop said that someone had.

Mr. Speir asked why Mr. Bishop did not just make a phone call.

Mr. Bishop answered that when there was a legal problem that was the way he did things in the practice of law, he wanted it in writing and that is what happened. He said that

basically he wanted Mr. Speir's conduct to stop.

Mr. Speir asked Mr. Bishop if he was familiar with the Digital Copyright Act of 1988 and if he was aware of who owned all of the content on the website, exclusive of the Village logo, the Village seal and the PDF forms and applications supplied by the Village, at the time Mr. Speir was terminated as Village Webmaster.

Mr. Bishop replied that he was not going to discuss this issue, as it was a legal issue and should not be discussed at this point.

Mr. Speir stated for the record that everything on the website at the time he was terminated, rather abruptly by the Board, without notice or thanks for the eight years, was his property – all of the content on the site, exclusive of what he already mentioned. He felt that if the Village was that worried as to what was going to happen with the site, they would have had the foresight to back up everything. He asked why they didn't just change the password or access to the site.

Mr. Bishop said he was not in the computer business, that he represented the Board of Trustees on legal matters and he does that to the best of his ability, and that is what the letter was about, it speaks for itself and he was not going to comment any further. He suggested Mr. Speir seek the advise of counsel if he did not understand it.

Mr. Speir said that he was informed the week following receipt of the letter that he was under formal investigation by the police department concerning his conduct in respect to this and was asked if he wished to come in and make a statement. He said he had spoken to counsel and upon advice of counsel he declined to come in and make a statement. He said he never knew exactly what he was being investigated for or charged with. He said that after he had declined to make a statement, he was subsequently informed that the investigation had been terminated because there was nothing founded in the investigation. He asked if that was consistent with Mr. Bishop's understanding.

Mr. Bishop responded he would not discuss this issue any more than that a letter was sent to Mr. Speir and the letter speaks for itself.

Mr. Speir said he was surprised to read in the Southampton Press western edition a letter by Christopher Ruggles, citing Westhampton Beach as his address, citing chapter and verse of what he had been charged with, including a Class E felony and alluding to a closed door meeting between former Deputy Mayor Tim Laube, Mr. Speir and Chief of Police Ray Dean. He said that had been the only information he had ever received, through the paper, to the extent the paper is accurate, about the specifics of the charges that he was supposed to have been charged with. He asked where that information had come from.

Mr. Bishop suggested he ask the person who wrote the letter.

Mr. Speir said he wanted to ask Mr. Bishop a question, since Mr. Bishop had drafted the charges....

Mr. Bishop said he had drafted no charges at all, nor did he mention any charges. He said he had told Mr. Speir to stop interfering with the Village website and putting his own information on that website, which he was not authorized to do. He said Mr. Speir was not authorized to touch that website, he had been terminated as an agent of the Village. He said that is what he had said in his letter and anybody that wants to read the letter can, as it is a public record.

Mr. Speir asked if Mr. Bishop had any information about the investigation and if Mr. Bishop had drafted charges.

Mr. Bishop said he did not know what Mr. Speir meant by "drafting charges". He said he was not a criminal attorney. He said he is an Assistant District Attorney, but only for Village related matters pertaining to charges that are filed by the Building Department and by the Code Enforcement Officer and he prosecutes those. He said he cannot file a criminal information against anybody nor can he file charges against anybody and he had not filed any charges against Mr. Speir.

Mayor Teller added that Mr. Bishop had nothing to do with this. He said he had sent a memo to the Chief of Police asking him if there was a charge or not. He had turned it over to the Police Department and it ended there. He said the Police Chief sent back that the District Attorney's Office had no interest in charging anybody or anything else.

Mr. Speir asked if there were any specifics in that memo and if the Mayor had drafted the memo himself.

Mayor Teller responded that there were probably sections of the Code in the memo and that he had drafted it himself, but could not remember the specific sections off the top of his head.

Mr. Speir found it curious that the information that seems to have been in that memo, which had been handed to the Police Chief, which he had never been privy to, somehow found its way into the newspaper under the signature of someone named Ruggles, who he did not know. He said he had discovered subsequently that he does not live in the Village and has a direct relationship with Mr. de la Fuente. He wondered how that got to him to get to the newspaper.

Mayor Teller said Mr. Speir would have to hire his own investigator, because he had no idea. He said he did not know, nor did he have any knowledge of it. He said it was one piece of paper and it had been given to the Chief of Police and that was it.

Deputy Mayor Kametler asked if Mr. Speir had met with Mr. Laube and the Chief of Police.

Mr. Speir responded for the record that there was no meeting as described in the letter, nor even vaguely by extension, such as described in the letter. He said he had not seen Mr. Laube since the meeting here a month ago. He said there was no meeting with Mr. Laube and himself and he had not been in the Chief of Police's office since sometime in late April, early May.

Deputy Mayor Kametler thanked Mr. Speir for that clarification.

Victor Levy gave his address as 58 Beach Road & Library Avenue, with its somewhat overly anticipated stop sign, but it certainly is an improvement. He also remarked that the paving of Mill Road and the coordination of it with getting the water main extended over to the hydrant in back of the Fire Department was a really good job and it looks a lot better, certainly, than it did before. He said he had a couple of procedural questions more than anything else. He said there was an item on the agenda regarding special counsel for the asphalt plant. He asked if the Village had special counsel for the asphalt plant in place before this.

Mr. Bishop answered that the Village had an attorney from Twomey, Latham, Shea and Kelly - Maureen Liccione. He said she is now with another firm, Jasper, Schlessinger and she and her associates and experts in the field of commercial, environmental and municipal law litigation had been appointed. He said a decision had recently come down from the Supreme Court on this issue and barring any appeals, this matter will be going to trial for a determination as to the constitutionality of the amortization law.

Mr. Levy asked if it was regarding the constitutionality of the amortization, not a decision as to what the amortization should be.

Mr. Bishop responded that they were hand in glove, so to speak, and that was what the issue is – was the period reasonable.

Mr. Levy said his other question concerned another procedural matter as to how the Village adopts the assessment roll when the roll is finalized.

Village Clerk Kathleen McGinnis explained that the way the Village has always done that is we get the final roll numbers from Southampton Town and we adopt our budget. We don't formally have a resolution adopting the roll. We do it as we set the tax rate and adopt the budget. What we do several weeks later or a month later has to do with the Grievance Day

minutes. The Grievance Day process is what constitutes the actions, so the outcome of all the various applications, which are hundreds and hundreds, are on a document that we get from the Town with the new number and the final roll. When we adopt the minutes of Grievance Day, we are adopting the attachment, which is all of those different actions.

Mr. Levy asked if the adoption of the minutes acts as the adoption of the assessment roll.

Mrs. McGinnis said yes, and it apparently always has.

Mr. Levy asked Trustee Levan if to say that the roll had not been adopted by her vote would not be accurate. He said he certainly understood how she could be confused about this.

Mrs. Levan said she had adopted the minutes of that meeting, but she had not signed the Verification of Assessors affidavit form.

Mr. Levy asked if by voting to adopt those minutes, she had voted to lower his assessment by a considerable amount and her own and a lot of others, too.

Trustee Levan responded she had.

Mr. Levy asked Mr. Bishop if the Village Code has a law that indicates that the voting for a resolution that affects you monetarily would be, at best, an improper action.

Mr. Bishop replied that it was not so much a Village code issue as much as it is general municipal law. He did not believe that Trustee Levan intended to vote for the adoption of the roll when she voted and she had not signed the affidavit.

Mrs. Levan responded that this was correct.

Mr. Levy said he would not have brought up this issue, except that Trustee Levan had sent around a letter indicating she had not voted to adopt the change in her own assessment and the great reduction in his. He said he was not arguing whether the assessment was correct or incorrect, but when she had sent around a letter stating that she had not done it, he felt that was not 100% accurate.

Mrs. Levan responded that she had said she voted for the minutes of that meeting.

Mr. Levy said the minutes of that meeting are what adopt the reduction in the assessment.

Mr. Bishop stated that the minutes of the meeting is a procedure for the final filing of the roll. He said that, in his opinion, upon discussing this with Trustee Levan later, she had voted to adopt these minutes inadvertently.

Mr. Levy said he was not saying it was not inadvertent. He said he felt this process of adopting the roll was very confusing and so he agreed with Mr. Bishop.

Mr. Bishop said that is what occurred and he did not find any violation of ethics, let alone a violation of the general municipal law based on that.

Mr. Levy asked if the Village had an ethics section of its Code.

Mr. Bishop responded that it did, but it needs updating.

Mr. Levy said his last question was if the Board had any idea of how the revised police schedule is working, whether it is providing more coverage or less coverage, more overtime or less overtime, is it providing coverage with and without supervision, even though we are only sixty days into it.

Mayor Teller answered that sick time for the month of June was zero. For the month of July, it went up a little to about fifty some hours, which is considerably lower than the last two years in any period. The overtime, splitting it out, is going to be a subject of discussion with the Chief of Police. He said that right now a considerable part of the overtime would appear to be perfectly legitimate to him, he felt that some of it could be cut, according to

him, but they will discuss it with the Chief of Police. He said that as far as he is concerned right now from all the feed back he has gotten from people that work the schedule, they are very happy with it. He said his daughter had even told him that she had been on this same schedule since 1993 and it has been the best schedule they have ever had.

Mr. Levy asked about the coverage of the Village and if there were times when none of the supervisors are available.

Mayor Teller said that as far as he was concerned it was no different than when you have three people on a payback weekend plus two working, he did not see anymore workload in the blotter for that period with five people working or you might have two. He felt the schedule right now with the coverage is adequate and works very well for the Village. He said that as far as there being no supervisor available, it has been that way since time immemorial, you don't have supervisors for every shift. The fact is, he had just gone through the two months period and there were three Sergeants off in the Village on the same day.

Mr. Levy said the Village had another Sergeant now, so the Village will be able to cover that.

Mayor Teller responded that we do, but he has never looked at the memorandum on how they pick their vacations, but normally you would not have three sergeants on the same day on vacation in the summertime.

Mr. Levy asked why the change in the Lieutenant's status down to a Sergeant was done in a special meeting rather than in a regular meeting. He said that generally special meetings are reserved for something that comes up where it needs to be addressed right away. He said that since it was a matter of discussion several months beforehand and was a matter of discussion during the budget hearings when the \$9,000 came out, he was just wondering why it was that important that it be done at that meeting and not the normal public meeting.

Mayor Teller said it was done then, but there was no difference as to whether it was done at a regular meeting or the special meeting.

Mr. Levy said the difference was that there is not as much of the public present, nor is the meeting televised.

Mayor Teller responded that there was a pretty good public participation that night.

Trustee Birk interjected for the record that she was against what the local paper said. She said this Board was not aware that the Chief was not going to be here and the Lieutenant was going to be in that spot that evening, so it was not done in that manner. She also said for the record that it was not done in that way because of that.

Mayor Teller agreed it would have been better two weeks later. He said he would take the blame for that because he had forgotten that the Chief of Police was away at school at that time.

Arthur DiPietro, 49 Sunset Avenue, asked about the sign ordinance or the portion of the Village code that regulates signs. He said he believed that he had read something that there had been some activity regarding this. He asked if Trustee Tucker had been assigned to take the lead on that.

Mayor Teller responded he was, but that right now they were just forming the committee.

Mr. DiPietro said he would like to serve as a source of practical information to Trustee Tucker and that committee, as if and when they start to collect data. He said he has had experience two summers running, specifically with regard to the Code as it applies to properties in the B1 zone where there are definitely some anomalies and inconsistencies that make it very difficult and impractical to put up a sign that conforms to the Code and still have any real impact for the utilization for the purpose of the sign, which is to advertise the

existence of your business. One incident, to just specifically kind of underline the focus, there is a provision in the Code that in the B1 zone a freestanding sign has to be set back X number of feet from the street. There is also a provision in the code that new construction in B1 has to be at the property line. He said it is kind of difficult to have a sign twenty feet inside your store and advertise your store at the same time.

Trustee Tucker said that is why they are reviewing it. He said that the Village had put a letter out and had reached out in the last couple of meetings to whoever would like to be a part of the committee to submit their name to the Village or directly to him. He said now that they have amassed who has asked to be a part of it, they will do the whos, the whats, the wheres, the whens, the whys and the hows, meaning they are going to go to people and find out when is a good time for them to meet and set up what the criteria they are looking to accomplishing would be and then they will meet as a group and start discussing it and they would welcome any input they get on it. He said it does not mean the ordinance is going to change or change the way everyone necessarily would want for their individual business, but they are going to take a look at it and see about updating it.

Mark Raynor, 35 Bridle Path, asked if the Outdoor Music application for the Steakhouse is on hold, does that mean they can't have music until after Labor Day. He wanted to know if they would be permitted to have it, since they did not show up for their hearing tonight.

Mayor Teller responded that they had been having music all summer. He said they apparently didn't give notice or somebody slipped up and they had not filed it.

Mrs. McGinnis said they had picked up the notice and they knew they were supposed to send it to their adjoining properties. She did not know what had happened. She said they did not show up last month and they had apologized and said they didn't get the mailing, but the applicant had personally come and picked it up this month.

Mr. Raynor asked regarding the new police schedule how many officers were working permanent day shifts.

Mayor Teller said there was no permanent day shift. He said the midnight shift was permanent.

Mr. Raynor asked if the people that were working 8 - 4 would work a midnight.

Mayor Teller responded they would not.

Mr. Raynor wanted to know if the officers on day shifts would still be paid their night differential, because that is a big number. He said that people that were only working days, in their contract, they are not allowed to collect night differential.

Trustee Birk said that had been changed. She said the permanent schedule, the night guys have the differential, not the days.

Mr. Raynor said the guys that are working permanent dayshifts, they are not rotating to the midnights, are they going to collect the night differential if they are not working.

Mayor Teller said they are not permanent, they go evenings, too.

Mr. Raynor said that was not a three-swing for their night differential, it was only two-swing.

Mayor Teller said he did not think that right now the night differential had been changed.

Mr. Raynor said that whatever that amount is, it is probably seven or eight thousand dollars that they shouldn't be collecting. He said if you have four guys and they are collecting thirty-five hundred dollars each.....

Deputy Mayor Kametler said that Mr. Raynor was a cop and he should know that when you work 4-12, that is considered an evening shift.

Mr. Raynor said he understood that, but he believed it was a three-swing shift.

Mayor Teller said that was right, it usually was a three-swing shift.

Trustee Birk said she believed it had been changed. The guys that are doing the permanent midnights is higher. She believed there were two differentials.

Police Chief Ray Dean said everyone gets the same differential.

Mayor Teller said that would include the Police Chief.

Mr. Raynor asked if the new contract and stipulation could be FOIL'd. He said it just seemed that if they were not working and they are collecting night differential, then the Village is wasting money and it could go to other things if that is what they agreed upon.

Trustee Birk said she thought it had been changed to permanent midnight guys.

Beverly Brin, 86 Rogers Avenue, said she was a little perturbed about something she found out tonight. She said her and her husband were senior citizens, but were not able to make their home in the Village their legal residence because of health reasons of hers, as she has to be in the city a lot. She said that because of this, they are not able to apply for any Senior or Star Exemptions or an exemption for her husband being a World War II Veteran. She wanted to know why they are getting consistent raises in assessment while a house that is on the next block and is brand new, is paying less taxes. She felt it was unfair that she did not get notification that she could come out here and complain. She said the Village might have sent something in the mail, but she did not get it and they found out that there was a complaint date. She felt those notices should be sent by registered mail so you know people would know about it.

Mrs. McGinnis said that the date for Grievance Day is also published in the newspaper and is on the Village website.

Mr. Bishop said that once the assessment roll is finalized, you are told what your new assessment will be along with instructions that you can file a grievance and if your grievance is denied another letter is sent instructing you that you can file your judicial proceeding or small claims proceeding within 30 days after that date, so there are two mailings that go out.

Mrs. Brin stated that she only received the notice of the increase in taxes, which they paid. She said this is their thirty-fifth year paying taxes and she felt this was not quite right.

Deputy Mayor Kametler asked if her mail was forwarded from 86 Rogers to her address in the city.

Mrs. Brin responded that she did and she had trouble with the post office in New York getting her mail to her. She said they leave their car out here and they take the train back out here from the city to get their mail. She said it is supposed to be forwarded and they get the notification, but forget it, it isn't.

Trustee Tucker stated that the process is cumbersome. He said it starts with the Town of Southampton and the Board had recently met in a public meeting with the Town of Southampton Tax Assessor to discuss what our options are as a Village to try to make it as easy on the residents in the Village as possible. He said they are reviewing it, Mr. Bishop has been in touch with the senior counsel at the New York State Office of Real Property and they are weighing it out and looking at some options for the Village as to how to handle it. He said this last tax assessment hurt many people in the Village and there was nothing as a Village, he was not on the Board at the time, there was nothing at the time anyone could do about it. He said it was after the fact, the Town changed people's assessments and he knew Mr. Speir had been affected as well and that is something they are looking at. Regarding why her particular taxes are higher, that is an assessment that comes from the Town of Southampton and we are given that assessment, so the Board is reviewing if they are going to just let the Town's assessment stand or if there is some way that the Village is

going to take it over and become our own assessors. He said they are weighing the options.

Mrs. Brin asked him to explain how a brand new house on Hazelwood that is a block away that has three bathrooms with a finished basement has a higher assessment than her house that has two bathrooms and no basement. She said it had the same amount of acreage as her property.

Trustee Tucker stated that unfortunately that is where that process where she did not get the letter from, the process of grieving applies, if she felt her taxes were unfair.

Mrs. Brin stated that she did not receive that letter. She had received a letter from a real estate person mailing it to her, but she did not receive any of the other stuff.

Trustee Levan said that the assessment on the brand new house she was speaking of could very well have just been done on the property, the acreage. Then, the house gets built and the following year the assessment for the house is added.

Mrs. Brin said she was at the meeting the night Lieutenant Gonce was sworn in, but unfortunately they had not been around due to her husband's health, and they come out here and find out that he is no longer Lieutenant Gonce and the Board had abolished the position and he is now a Sergeant and we don't have a Lieutenant, which we have had for years. She asked what was going on in the Police Department. She wanted to know why there is all this undercurrent here. She said she has lived here all these years and it has been terrible. She asked why there can't be peace in this Village and why can't the Board be more open with the people, why are they changing things and making people so disturbed, unhappy and frustrated like they have no say so. She said this is the USA and we do have a constitution, not that people are very interested in it, but she would like to know why they don't get a report on things so that they know in advance. She also would like to know why she is not getting when they are having meetings, so she can take the train out here to attend meetings, even if her husband has to remain in the city. She wanted to know how that could be rectified.

Mayor Teller asked her to stop by the next morning and he said he would give her the full schedule of every meeting for the entire year.

Mrs. Brin thanked Mayor Teller, but she said she would also like more openness. She said she would like to know what is going on, because to her the Police Department is very important for our safety.

Dean Speir said he was there at the meeting with Ed Deyermond, the Town Assessor, and he had mentioned a graduated form of assessment, that when the foundation is in you get a 14% increase, so it doesn't go from zero to 60 in over a year. It is a graduated schedule.

Harris Palmer, 69 Beach Road, said he had also heard Mr. Deyermond say that the assessing department is a little slow in keeping up with the Building Department certificates of occupancy and permits, so that may have a lot to do with it also.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, a motion was made by Trustee Birk at 7:56 p.m. to adjourn the meeting to Executive Session. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk