

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, December 6, 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.

Presentation: Elsie Collins recognition of public service

Mayor Teller wished everyone a Merry Christmas and Happy Holidays on behalf of the Board. He then presented the attached proclamation to Elsie Collins in honor of her many contributions to the Village. Ms. Collins thanked him and said she wanted to thank all of the people that helped her with all of her projects.

Public Hearing:

Local Law 13/2007 to amend Chap. 161 Re: emergency volunteers tax exemptions

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

Village Attorney Hermon Bishop explained that this was a local law that expands the law to allow a spouse a 10% reduction in taxes if their husband has been an emergency volunteer for twenty years or if they are killed in the line of duty and has been an emergency volunteer for five years.

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

Motion by Trustee Tucker:

WHEREAS, the Board of Trustees is considering amending Chapter 161 of the Code of the Village of Westhampton Beach in order to provide for the continuation or reinstatement of a tax exemption to an un-remarried spouse of a deceased, enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and

WHEREAS, a resolution was duly adopted by the Board of Trustees for a public hearing to be held by the Board of Trustees at the Village Hall, 165 Mill Road, Westhampton Beach, New York at 7:00 PM on December 6, 2007 to hear all parties on a proposed Local Law entitled "A LOCAL LAW to amend Article VII of Chapter 161 of the Code of the Village of Westhampton Beach to provide for the continuation or reinstatement of a tax exemption to an un-remarried spouse of a deceased, enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service", and

WHEREAS, notice of said public hearing was duly advertised in the Southampton Press, and posted at various public locations throughout the Village and

WHEREAS, said public hearing was duly held at the Village of Westhampton Beach, on December 6, 2007, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Board of Trustees determines that this action is subject to Part 617 of the implementing regulations pertaining to Article VIII (State Environmental Quality Review Act) (SEQRA), that it resolves itself lead agency, that it has reviewed the EAF Part I, and lists this action as a Type 2 action, pursuant to 6 NYCRR Section 617.5 (30), and accordingly, no further environmental review is necessary, and

WHEREAS, the Board of Trustees, after due deliberation, finds it is in the best interest of the Village of Westhampton Beach to adopt said Local Law,

NOW, THEREFORE, the Board of Trustees hereby adopts Local Law 13/2007 entitled "A LOCAL LAW to amend Article VII of Chapter 161 of the Code of the Village of Westhampton Beach to provide for the continuation or reinstatement of a tax exemption to an un-remarried spouse of a deceased, enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service," a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

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 Meeting of November 1, 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 report for October 2007, Justice Court, Police Department's and Building Inspector's reports for November 2007, are hereby accepted.

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

Authorize renewal of snow removal agreement with Village of WH 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 annual fee of \$10,500.00 plus reimbursement of any certified expenses that may exceed said fee, for the time period commencing November 1, 2007 through to October 31, 2008.

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

Appoint Registrar, Deputy Registrar, and Sub-Registrars for 2008

Motion by Trustee Tucker:

RESOLVED, that Kathleen McGinnis is hereby appointed Registrar of Vital Statistics for 2008, and Christine Owen is appointed Deputy Registrar with an annual stipend of \$300, and Elizabeth Lindtvit and Rosemary Towers are appointed as sub Registrars for 2008 with annual stipends of \$300.

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

Accept proposal for 2008 traffic signal maintenance

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 is hereby accepted.

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

Refer Special exception application to Planning Board – St. Marks Church

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Trustees hereby refer the Special Exception application submitted by Omnipoint Communications to co-locate public utility wireless telecommunications antennas within existing church steeple and install related equipment within St. Marks Church, located at 40 Main Street and identified by SCTM# 905-12-3-15 to the Planning Board.

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

Support Southampton Town’s Shared Municipal Services Incentive Grant

Motion by Trustee Levan:

WHEREAS, the Town of Southampton is considering a grant application to the New York Department of State (NYDOS) for funding for stormwater management activities associated with complying with New York State Phase 2 SPDES Stormwater Requirements, and

WHEREAS, Southampton’s Shared Municipal Services Incentive (SMSI) Proposal represents an initiative to be performed as a partnership with the Town of Southampton and its Incorporated Villages of North Haven, Quogue, Sagaponack, Sag Harbor, Southampton and Westhampton Beach, and the Shinnecock Tribal Government with the Town of Southampton acting as lead agency, with the initiative complimenting the NYDOS SMSI Shared Service Category as defined by 2007-2008 SMSI Program Guidelines, and

WHEREAS, Southampton Town, its Incorporated Villages and the Shinnecock Tribal Government propose to greatly enhance their respective stormwater management and maintenance activities within their respective jurisdictions’ watershed’s including those

situated within the Peconic Estuary, South Shore Estuary Reserve and non-Estuary areas , and

WHEREAS, Southampton's SMSI Proposal presents an initiative, which is estimated to cost \$245,000 to complete, for which \$220,000 in SMSI funds are requested resulting in a total local cash share of ten percent (10%) of total project costs; and for which the local cash share shall be provided by the Town's 2008, 2009 and 2010 Capital Budget (Stormwater Abatement Projects G/L 80.30.8020.21.6241.1116), and

WHEREAS, Southampton's SMSI Proposal presents a two year initiative including Consultant services for completion of a comprehensive identification, evaluation and mapping of existing drainage easements situated within the Town, its Villages and the Shinnecock Tribal Government in order to identify existing outfall locations and associated upland catch basins and drainage system areas which drains into those stormwater outfalls; Services of (2) Town of Southampton GIS Division Interns for completion of supporting data collection and evaluation activities for continuing drainage inventory activities; and the purchase of Drainage Inventory Equipment and Systems for Remote Data Access at Villages, Tribal and Public Works Offices, and

WHEREAS, it is intended that a Memorandum of Understanding (intermunicipal agreement) will formally ratify the individual Village's and the Shinnecock Tribal Government involvement with the Town of Southampton for this project, and

WHEREAS, the Partnership Memorandum of Understanding between Southampton Town, its Incorporated Villages and the Shinnecock Tribal Government is subject to the provisions of Article 18 and Section 119-o of the General Municipal Law of the State of New York, as amended; Applicable Sections of the Administrative Code of Suffolk County; and the provisions of the Anti-discrimination Order of Suffolk County, and

WHEREAS, Southampton Town, its Incorporated Villages and the Shinnecock Tribal Government deem it to be in the public interest and benefit to enter into a partnership in order to complete the stormwater management activities associated with complying with New York State Phase 2 SPDES Stormwater Requirements, and

WHEREAS, the Partnership between Southampton Town, its Incorporated Villages and the Shinnecock Tribal Government shall begin upon signing and shall continue in effect until such time as the project activities have been completed but not later than April 30, 2010, and

WHEREAS, Southampton's SMSI Proposal presents an initiative, which has been found to be consistent with New York State Phase 2 SPDES Stormwater Implementation Requirements for regulated MS4 Communities and implements goals and objectives of both the South Shore Estuary Reserve CMP and Peconic Estuary CCMP by greatly enhancing stormwater drainage maintenance operations to ensure the continued successful operation of drainage systems in those targeted watersheds where nonpoint source pollution associated with road runoff is known or suspected to be a cause of aquatic habitat degradation, closed shellfish beds, eutrophication and reduced populations of hard clams, scallops and other marine life, so therefore be it

RESOLVED, that the Village Board adopts this resolution in support of the Town of Southampton's application for NYDOS SMSI Grant funding for the stormwater management activities associated with complying with New York State Phase 2 SPDES Stormwater Requirements; and be it

FURTHER RESOLVED, that the Village Board adopts this resolution in support of ratifying the Partnership Memorandum of Understanding between Southampton Town, its Incorporated Villages and the Shinnecock Tribal Government; and be it

FURTHER RESOLVED, that the Village Board hereby authorizes the Mayor of the Village of Westhampton Beach to sign the Partnership Memorandum of Understanding between Southampton Town, its Incorporated Villages and the Shinnecock Tribal Government pursuant to the provisions stated in the Partnership Memorandum of Understanding in a form agreed to by the Village Attorney, and be it

FURTHER RESOLVED, that one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York Department of State to support the Town of Southampton's Application for State Assistance Payments; and be it

FURTHER RESOLVED that this Resolution takes affect immediately.

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

Authorize Memorandum of Agreement – Terminal Leave

Motion by Trustee Tucker:

RESOLVED, that the Mayor is hereby authorized to execute a Memorandum of Agreement between the Village, the Westhampton Beach PBA, and a Police Officer relating to a terminal leave.

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

Authorize Memorandum of Agreement – Public Safety Dispatchers II

Motion by Trustee Birk:

RESOLVED, that the Mayor is hereby authorized to execute a Memorandum of Agreement amending the labor agreements between the Village and the Public Safety Dispatcher II employees.

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

Appoint Special Counsel to represent Village – Cayea/Griffin Writ of Mandamus

Motion by Deputy Mayor Kametler:

RESOLVED, that Richard T. Haefeli, Esq., is appointed as Special Counsel to represent the Village in legal matters relating to the Cayea/Griffin Writ of Mandamus, Index No. 07-35039 and to be compensated at the rate of \$165.00 per hour.

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

Appoint Special Counsel for Article 78 Litigation – Habitat for Humanity

Motion by Trustee Levan:

RESOLVED, that Hermon Bishop is appointed as Special Counsel to prosecute the appeal of Habitat for Humanity v. Zoning Board of Appeals, Index No. 07-35888 and to be compensated at the rate of \$165.00 per hour.

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

Authorize Police Chief to attend “The Statewide Intelligence Summit”

Motion by Trustee Tucker:

RESOLVED, that Police Chief Ray Dean is authorized to attend “The Statewide Intelligence Summit” sponsored by the NYS Office of Homeland Security and the Division of Criminal Justice Services to be held at the New York State Police Academy on Dec 5, 2007 and to be reimbursed for lodging, meals and related travel expenses.

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

Schedule Public Hearing on Local Law to amend Village Code Re: Park Fees

Motion by Trustee Birk:

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to publish and post of Notice of Public Hearing to be held on Thursday, January 3, 2008 at 7 p.m. at the Village Hall, located at 165 Mill Road, on a proposed Local Law to amend Chapter 150 of the Village Code amending the requirements for Park Fees for two-lot subdivisions.

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

Approve 2008 Community Development Budget

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Trustees hereby allocate the federal fiscal year 2008 Community Development Block Grant funding in the amount of \$13,000.00 as follows:

\$9,500.00	Family Counseling Service	provide therapeutic intervention services for at-risk families.
\$3,500.00	Village project	Village marina handicapped restroom fixtures

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

Approve December 2007 warrant

Motion by Trustee Levan:

RESOLVED, that the warrant for December 2007 in the amount of \$696,471.72 for the General Fund and \$8,478.00 for the Trust & Agency Fund is hereby approved.

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

Public Discussion

Mayor Teller asked if anyone would like to address the Board.

Dean Speir, 256 East Main Street, wished everyone happy holidays. He then asked the Village Attorney what the difference was between a Writ of Mandamus and an Article 78.

Mr. Bishop responded that a Writ of Mandamus is an Article 78.

Mr. Speir said that was also his understanding and asked if Mr. Bishop had been appointed special counsel to prosecute.

Mr. Bishop explained that is the wording. It is to defend the action.

Mr. Speir asked if he was representing the Village and the Zoning Board of Appeals against Habitat for Humanity.

Mr. Bishop said that was correct.

Mr. Speir asked the Board to abstract the Memorandum of Agreement with the Public Safety Dispatchers.

Mayor Teller responded that it was changing their work schedule.

Mr. Speir asked if this was from a study or if it was a negotiation.

Mayor Teller said it was a negotiation.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, Deputy Mayor Kametler made a motion at 7:20 p.m. to adjourn the meeting to Executive Session. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Kathleen McGinnis
Village Clerk