

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, June 7, 2007 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
Trustee Joan Levan

**Clerk Treasurer Kathleen McGinnis
Village Attorney Hermon Bishop**

Mayor Teller opened the meeting at 7 p.m. with the Pledge of Allegiance. He thanked Trustee Barnett for her twenty-two years of service to the Board and to the Village of Westhampton Beach.

Trustee Barnett thanked Mayor Teller and said it was a pleasure to be here all these years and she thanked all of the people that helped her to be here. She added that she enjoyed being on this Board and working on all of the projects and she had enjoyed all of the things they had accomplished over the years. She said it had been very satisfactory for the most part and the Village is full of many wonderful people and that is the best part of it. She said it had been great working with everybody and it has been a good ride and she had enjoyed it and she hoped she would be here a lot longer.

Regular Meeting:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Barnett:

RESOLVED, that the minutes of the Trustee Meeting of May 3, 2007, and the Special Meeting of May 23, 2007 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Birk:

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

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

Approve lease purchase agreement for DPW equipment

Motion by Deputy Mayor Kametler:

RESOLVED, that the Mayor is hereby authorized to sign a 5-year lease purchase agreement with LeaseHampton Services for the purchase of a DPW New Holland Skid

Steer Loader and a GMC 5500 Truck at a total cost of \$71,500.43 to be paid with five (5) annual payments of \$15,942.00.

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

Approve appointment of Justice Court Director

Motion by Trustee Levan:

RESOLVED, that Leanne Gionta is hereby appointed to the full time position of Justice Court Director from the Suffolk County Dept. of Civil Service List #07TA194 at a bi-weekly salary of \$1,398.47 effective June 11, 2007.

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

Schedule public hearing for outdoor music @ Westhampton Steakhouse

Motion by Trustee Barnett:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing to be held on Monday, July 2, 2007 at 7 p.m. at the Village Hall on the outdoor music application submitted by Westhampton Steakhouse to permit live music in front of a restaurant located at 142 Mill Road and identified by SC Tax Map # 905-12-1-44.

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

Authorize "Love on A Leash" parade

Motion by Trustee Birk:

RESOLVED, that Bide A Wee is authorized to hold the annual "Love on A Leash" parade & fair on Friday, Aug. 31st between 4:00 pm and 6:00 p.m. on the Village Green and a parade on Main Street.

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

Approve renewal of outdoor music permit – Beach Bakery

Motion by Deputy Mayor Kametler:

WHEREAS, Beach Bakery has applied to renew the Outdoor Music permit granted in 2006 to provide outdoor live music in front of 112-114 Main Street and

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

RESOLVED, that the Board of Trustees grant permission to the applicant to provide live music on the dates and times listed on the attached 2007 schedule and to use a 12 x 12 ft. removable stage, subject to the same conditions originally granted in 2006.

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

Authorize Police Chief to attend NYS Chief's Conference

Motion by Trustee Levan:

RESOLVED, that Police Chief Raymond Dean is hereby authorized to attend the 2007 NYS Chief Association Conference to be held in Alexandria Bay, New York from Sunday July 15th through to Wednesday, July 18th at a cost of \$100.00 for registration, plus the cost of lodging not to exceed \$179.00 per day and reimbursement for meals and travel expenses.

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

Authorize 2007 Community Development Block Grant Agreement

Motion by Trustee Barnett:

RESOLVED, that the Mayor is hereby authorized to execute the 2007 Community Development Block Grant Agreement with Suffolk County to receive \$13,000.00 in federal funding.

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

Approve budget transfers

Motion by Trustee Birk:

RESOLVED, that the attached budget transfers for the 2006-07 fiscal year in the amount of \$534,617.15 and \$9,507.69 for the 2007-08 fiscal year are hereby approved.

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

Approve June 2007 warrant

Motion by Deputy Mayor Kametler:

RESOLVED, that the warrant for June 2007 in the amount of \$337,694.40 for the General Fund is hereby approved.

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

Public Discussion

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

Jim Flood, the owner of Westhampton T-Shirts on Main Street, reported that there was a parking problem on the east side of Moniebogue Lane. He said one sign reads "No parking from here to corner" so shoppers park there and find they are subject to a \$50 fine. On the northeast side of Moniebogue, there is a sign that says "No parking or standing – tow away zone". Each year we talk to police officers and find there is no parking on the east side of Moniebogue Lane, but the "No parking from here to corner" sign leads shoppers to believe they can park there. He felt that sign should be replaced if we don't want parking there, with "No parking or standing – tow away zone". He said the sign as it stands right now is not fair to shoppers and getting the \$50 fine is not fun

for the store owners to listen to shoppers.

Mayor Teller thanked Mr. Flood and said they would look into it.

Tim Laube asked questions about things he had read in the paper this week regarding the Deputy Mayor and shots fired at a possum. He asked Deputy Mayor Kametler if he would explain what happened that night and if he felt five shots were warranted.

Mayor Teller responded that the matter has been closed by the Suffolk County District Attorney's Office and the matter has been closed by the Suffolk County Sheriff's Office and also has been closed by the Westhampton Beach Police Department, the matter is closed.

Mr. Laube asked if they would accept any questions about this tonight.

Mayor Teller said it had been in the newspapers and brought up at these meetings before. He said they were not going to beat a dead horse.

Mr. Laube asked if it was legal for a licensed gun owner to shoot some type of animal in their yard.

A member of the audience remarked that it had rabies.

Village Attorney Hermon Bishop said the Board members were not lawyers and if he was asking a legal question, that is fine, he can obtain counsel to obtain the answers he wants, but it is not the province of this Board to be giving legal advice and it was not his job, either.

Mr. Laube asked if there was a crazy squirrel in his backyard, that might be rabid....

Mr. Bishop said Mr. Laube could hire counsel to determine what his rights are or are not, but that is not the province of this Board nor is it his.

Mr. Laube asked who in the Village he could go to for advice.

Mr. Bishop said he could go to the Police Department or to any number of attorneys. He felt Mr. Laube should know a few, working for the County, and they can inform you as to what those legal issues are.

Mr. Laube said the Chief of Police was in the room and he wanted to know if he could ask him.

Mr. Bishop responded that Mr. Laube could ask whatever he would like.

Mr. Laube asked Chief of Police Raymond Dean if he was a licensed pistol holder, if he was allowed to shoot a wild animal in the back yard that he might think has rabies.

Chief Dean said you should call the Police Department and they would respond and will call animal control and they will come out and try and capture the animal and if need be, take it to a safe location and have it euthanized. He said you cannot fire your weapon. He said it was his opinion that a registered pistol owner should not be firing it in his back yard.

Mr. Laube asked if there was a rabid animal shot in the Village a couple of weeks ago, were we doing anything to address that. He said as he understands, there should be a report to the County Health Department, because if there is one rabid animal there are probably more, because it takes one to bite one. He asked if there was a concern about rabid animals in the Village right now and if so, are they doing anything about it.

Mayor Teller responded that he has no concern, since he had not seen any rabid

animals nor had he heard of any other animals other than the sick possum. He said the case had been answered, it had been investigated and it was closed.

Leslie Wheelan from Remsenburg, thanked Deputy Mayor Kametler for acting like a normal human being regarding the possum issue. She said she realized it was politics and that the politicians had not changed any, even out here. She said she would not want to wait for the police or animal control to come if she had a possum that was foaming at the mouth. She felt they could not get there fast enough and it was unfair to expect them to and she might get bitten or a child might get bitten. She felt Deputy Mayor Kametler had done the right thing and felt this was so stupid that it should not have been in the papers and did not know why it was even being discussed.

John Gordon, 11 Bishop Place, addressed his comments to Mayor Teller on behalf of his wife and himself. He said he had been reading all of the political type stuff in the newspapers and was prepared to come to this meeting and do battle with everyone. He decided, instead, to say to Mayor Teller that he had known him a lot of years, both of them having been police officers. He said he had not always agreed with him on the things he has said or might have done, but he has always found Mayor Teller to be honest, a man with integrity and a man who cares about the community above everything else. He said he and his wife wanted to thank Mayor Teller for his efforts with the Police Department. He said he was the Mayor, elected by the public and heads of departments are nothing more than heads of departments. They are not elected officials and they do what the Board says. He said that he and his wife wanted to tell the Mayor that they think he is highly honorable and a man with integrity and they are very happy with the way he is operating things. He also addressed the Chronicle saying he had been reading all of these letters people are writing in, it is their right. He said that at a time when young men are being slaughtered in Iraq in the military and with all of the different charities that are sending things over there, last year he had contacted the Chronicle regarding Jacob's Light Foundation, which is an organization founded by a Gold Star mother. He asked them if they would run the story, but they never did as far as he knows. He just wished that a lot of people that write angry letters would re-direct some of that anger to letters and donations to the organizations that are supporting the young men and women that are dying so you people can all sit here and complain. He said he had a number of organizations that would be welcome to take any contributions they can get. He thanked the Mayor for everything and said it was a pleasure to have been in the same profession as him.

Dean Speir, 256 East Main Street, wanted to point out that but for a flip of Randy Moore's two-sided coin thirty years ago, Ridgie would have thirty years in. He said that in 1977 when there were seven running for three seats, Ridgie finished tied for third and they decided to flip a coin and Bruce Failing called it correctly or Ridgie called it incorrectly. He thanked Trustee Barnett and said she had started back then even though she was not successful until twenty-two years ago. He asked Trustee Levan if she felt her literature regarding the tax assessments as it pertains to her taking 35 million dollars off the assessment rolls was accurate.

Trustee Levan responded it was close to it, yes.

Mr. Speir felt that was not such a good thing, since it reapportions the tax burden to a smaller group of people. He wanted to know why Trustee Levan felt it was such a good thing.

Mayor Teller answered that they had acted as the Grievance Board and heard all of the local residents that had come in and with their expert and two people from Southampton Town, adjudicated their complaints and brought their taxes down. He said it does spread it out, but he asked if Mr. Speir had a better way to do it. He said Mr. Speir had

come to Grievance Day and received a reduction, as did Trustee Levan. He believed that everybody in this room had a constitutional right to do it, also.

Mr. Speir agreed, but he said he did not vote on it as did the Board. He said he had grieved and had received a reduction and as a result, his taxes in the Village had gone up 154% this year. He said his assessment in the Village was over a hundred thousand dollars greater than it was in the Town, yet the Town works off the same information and provides the tax numbers for the Village.

Mr. Bishop explained that this was not entirely correct. He said that in the Village, the Tentative Roll for taxes commences on February 1, 2007 for the 2007-2008 year. The Final Tax Roll filing is April 1, 2007 for the same year. In the Town, their Final Tax Assessment Roll filing is July 1, 2007 and that is for the 2008-2009 year. So, by the time there are any grievances heard by the Town of any changes made in July or July 30th when the complaint is filed, the Village has already filed their assessed roll on April 1st. That is the reason there is a difference. He said the changes you see in the Town this year will apply next year. He said the Village must work off the prior year's Town assessed valuation because we use the Town, as does Sag Harbor, Sagaponack, Quogue and North Haven and they all use the prior year assessed valuation.

Village Clerk Kathleen McGinnis added that the problem is the Town has a roll from last year that they use and Mr. Speir paid his tax bill in December for January that was applicable for this calendar year. When they give the Village a roll in January, it is updated, they have made some changes from when they finalized their roll back in July, but it is still last year's assessment with certain adjustments. If there were building permits or different things occurring, they try to capture that, so, when we have our Tentative Assessment Roll and our Grievance Day, we ask them to work on these grievances - the Town did send people as the Mayor had mentioned and we had our consultant - they are looking at that differently than the roll that maybe four or five other people are working on, which is their own roll, which they are getting ready for their deadline. It is a different roll and it is adjusted at different times, but our roll is applicable this year for 2007-2008. She said the number Mr. Speir had gotten from the Town is their number for 2008-2009. She said she sympathized with him, he was not the only person who had gotten different information now from the Town, but the Village has to follow the law.

Mr. Speir said that when he had looked back at his tax records going back to when he had taken clear title from his mother in 1984, his assessed valuation for the Village and for the Town has always been the same and now this year it is different and the lower number came directly from the Town after the number came from the Village.

Tax Receiver Christine Owen explained that she had spoken to the Town of Southampton and they had looked at certain lot sizes, one of which happened to be Mr. Speir's, and adjusted them town-wide for their roll. They told her they were constantly updating and tweaking those numbers and it wasn't in time for the Village's Final Assessment Roll, but it had been in time for their Final Assessment Roll and would be reflected on the Village roll for next year.

Mr. Speir asked how he would get back the extra money he paid the Village in taxes.

Mrs. Owen said that just as Mr. Bishop had said, because of the timing, the Village could not do anything for this tax year.

Mr. Bishop asked Mr. Speir if he had filed a tax grievance and thereafter filed a complaint with the Supreme Court thirty days after he received his final assessment notice.

Mr. Speir said he had not filed a SCAR (Small Claims Assessment Review).

Mr. Bishop said he could have filed a SCAR or he could have filed a tax certiorari, which is a more involved action, but it certainly might give him more than the 25% you would

get with the Small Claims proceeding. He said they kick around for three or four years before you finally get it, but in each year and in each municipality, if you file a complaint with the Town, you also have to file a complaint with the Village, otherwise the Village is powerless to do anything with respect to negotiating a settlement with you or giving you a rebate from taxes that you paid. He said those were the two procedures that must be followed – one the grievance and then thirty days after that, if you are not satisfied, then you have to file the complaint. He said he had seen the letters that come out of the Village and those letters contain instructions to taxpayers to do exactly that. He explained that if you don't file the complaint within thirty days of the filing of the Final Assessment Roll, which is April 1st, you are out of court on this. Even if the Board wanted to, and he was sure they would like to, they cannot do anything because that is just the law.

Victor Levy, 58 Beach Road, commented that 22 years ago, he and Ridgie ran together as Trustees. He said the people of the Village had the good sense to get rid of him and keep her, a good move, and she certainly does deserve a good hand for her years of service. He also said he felt the question regarding the "possum affair" was the judgment of somebody firing five shots on Oak Street where there is not a house that is more than a hundred to a hundred and fifty feet from another house. He said it may be good judgment, it may be bad judgment, Deputy Mayor Kametler obviously has a lot of training with firearms, but he was not sure he would be comfortable doing it. He felt that was really what the question is and perhaps in the "Wild West" of Remsenburg to the west of us, it is okay to do, but he was not so sure it is a great idea in the Village of Westhampton Beach, especially on Oak Street where the houses are so close together. His final question went back to some discussions that were at the last Work Session in regard to the police schedule. He said he had read the article in today's paper and had re-read the report on the Police Department that the Village had commissioned. He also had gone on the Internet and read a couple of other studies. He said it was his understanding that one of the questions that always comes up in police negotiations, one of the reasons the police feel they need to be compensated, is because they do work shift work and it does have a lot of effects on family life and such. He asked Trustee Birk if, when she had commented at the last meeting that she had consulted with all of the police department, did that include all of the supervisory personnel – namely, the Chief and the Lieutenant.

Mayor Teller responded that this matter has been negotiated, a signed contract or memorandum of agreement has been made with the PBA and the Village of Westhampton Beach, the schedule is being worked and he felt they were beating a dead horse, again, on this one.

Mr. Levy asked if, as a taxpayer, he was not entitled to ask a question about the police schedule.

Mayor Teller said it had already been negotiated and signed off and was in operation.

Mr. Levy asked who decides who works which part of the schedule and who had decided the current schedule.

Mayor Teller responded the Board can do that or the Chief of Police can do that. He said the Board had done it at this time.

Mr. Levy felt the Board of Trustees was running the Police Department on a close basis.

Mayor Teller responded that on certain things, it is.

Ralph Neubauer, 33 White Oak Lane, said, "Thank God for that."

Mark Raynor, 35 Bridle Path, asked if the Acting Lieutenant is demoted, does the Board have to pass a resolution to create a Sergeant's position and if so, is it in effect at this time or when would it take effect.

Mayor Teller responded it would, but he was right now still being paid as a Lieutenant. He said it probably would take effect at the next meeting.

Bill Bennett, 7 Parlato Place, said he had little purple martins that come here from Columbia every year and it was very hard to get these birds. He said his father had tried his whole life and couldn't get them. He said he has five special bird houses on his property and he has a recorder playing all day long and he has decoys. It is quite a job to get them, but he finally got them and once you get them you have to protect them. He felt they are a very gentle, docile, sane, flying little fool. He said they come up from Columbia and go to Columbia every fall and they have a lot of trials and tribulations along the way for a little bird. They cross the Florida Straits, 400 miles over water up the Atlantic coast. He said the NYS Department of Conservation allows him to shoot, with a BB gun, the starlings and the English sparrow, which aren't protected. He said it was because if he were to allow these birds to take up residency in his birdhouses, they would fight the purple martins and drive them away. There are only about 250,000 of these birds in the US. Up until 500 years ago, they stayed south, but they come up here for the darning needles and to have babies. He felt very fortunate to have them. He said he only knew two other people in Westhampton Beach who have them and they go through a lot of work to have them. He said he did not want the Village to pass an ordinance that you cannot discharge a firearm in the Incorporated Village, because he discharges a little air rifle and his two other friends who have these birds, also do it. He said he belongs to the purple martin society and they suggest getting rid of the starlings and the sparrow.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, Trustee Birk made a motion at 7:45 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