

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, March 1, 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.

Public Hearings:

Local Law to amend the Village Zoning Code-Building Heights

Mayor Teller made a motion to adjourn this hearing to March 21, 2007. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

Local Law to amend the Village Zoning Code-Roof Ridge & Decks

Mayor Teller made a motion to adjourn this hearing to March 21, 2007. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

Pre-School Playground

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

Tabitha Suzuoco, 10 Deborah Drive, Quiogue, spoke in support of the playground. She felt it was something the community really needs, as there are a lot of small kids in the community. She said her family loves to go into the Village when the weather is nice and walk in the Village. She said it would be nice if there was a destination for them to go to after they get their ice cream, to walk down to the playground and let the kids play and enjoy the Village a little bit more than they are able to now.

Kim Vicente, said she was a resident of Westhampton and had lived here for seven years. She has a two year old daughter and a neighbor of hers invited her here tonight and told her to call everyone she knows. She told her neighbor she did not know anyone else and her neighbor felt that if there was a toddler park she would get to know other people. She felt that it was the public spaces in our communities that make our communities a community. She also felt that if we had a park where new mothers had an opportunity to get to know each other, it would add a lot to this community and it would be a worthwhile venture.

Laurie Rothenberg, 28 South Road, Westhampton, said she understood the want and desire for new families with children wanting to have a place to go, and she can only go by what she reads in the paper, and she said the paper says the money that is available is

close to \$400,000. She was curious as to why it would cost that amount of money, to have to take that kind of money out of this fund, and then possibly also have to add monies to it.

Mayor Teller responded that she should not believe everything in the paper.

Mrs. Rothenberg said she knows, but it also said that apparently Deputy Mayor Kametler was going to the County to possibly ask for additional funds, based on more than what we already have.

Deputy Mayor Kametler responded that it was not true. He said that story had been misconstrued. He said the Board is trying to buy a piece of property across from the Rogers Beach pavilion and the reporter got it confused with the park fund money.

Mrs. Rothenberg commented that the paper said the park funds were supposed to be designated for the conservation of public land or a park. She thought a park, by its definition, was a public space for the use of the general public that has some trees and benches and such where the general public can go. She felt that even though this is needed for kids, it is limited to so-called toddlers, which is between the ages of two to five years of age. She said this seems like a lot of money and whatever to be using for this and she is only going by what she reads in the paper.

Mayor Teller said the paper is completely wrong on that amount of money.

Elyse Richman, Rogers Avenue, said the Toddler Park Committee never said they were using the whole thing and she did not believe that was in the paper.

For clarification, Trustee Birk responded that there is a fund that gets paid into for park funds. She said that funds are just under \$400,000, but that doesn't mean that it is all going to go to this pre-school playground. There are other spots that the committee has talked about identifying for areas of recreation, whether it is for seniors or anybody.

Mrs. Rothenberg said she had read they were fixing up the senior center that is next to the post office.

Mayor Teller said that center is in the Town of Southampton, not the Village.

Trustee Birk said there is over \$363,000 in that respective fund that Mrs. Rothenberg had read about and the pre-school park does not need nearly that much money for it. It is in there and the reality of that fund is that it needs to be used in a park capacity.

Monique Atar, 20 Quarter Court, Westhampton, commented that the pre-school playground is not just a place where the kids are just going to play there. She said the parents are going to interact, the grandparents are going to interact. There is also going to be signage there that will designate the wildlife that inhabits that area, so the older students that might accompany their pre-school brothers and sisters can also enjoy the area. It is not just drop your kids off and take off.

Mrs. Rothenberg asked how many people they anticipate using the toddler park.

Trustee Birk said it is a pre-school playground that the committee had been looking at and it is really hard to quantify the total amount because kids in pre-school still nap, they get up early. It is hard to say how many people will be using it at one time. There could be a mom or a dad and a child there at 9 am and someone else coming. There could be anywhere from ten to fifty. The committee has looked at the parks in the surrounding area, specifically the East Quogue park.

Mrs. Rothenberg said she has ridden by there at times and no one is there.

Trustee Birk said that is the reality of that type of facility. It is very hard to quantify.

Tara Meade, a resident of East Moriches, said that she and her girlfriends who all have small children, meet at the East Quogue park whenever the weather is nice, every Monday

at 10:30 in the morning. She said it is quite a hike from East Moriches and they can't really walk into town from there. She felt it would be wonderful to be able to support local businesses in Westhampton Beach, where they went to high school, and be able to walk

into town, get some lunch for the kids, get ice cream, pizza, whatever it may be and then go to the playground with the children. She felt it would really be a worthwhile site in Westhampton Beach for them. She thought it would be great for Main Street. She said they go to the children's concerts on the Green on Tuesday nights and it would be a wonderful thing to be able to take the children to the playground afterwards and keep the Village more alive.

Elyse Richman said she had a toddler, but now he is six, and she would like to know what Kyle Collins, the Village Planner, thinks about the plans for the toddler park as to how it would affect the business plan.

Mayor Teller felt this was not something that Mr. Collins should have to comment on.

Monique Atar said she had been working with the committee for the past nine months, and that a lot of the people that are represented here tonight are not able to come. They are in her, they are behind her, you just can't see them because they have toddlers that go to bed at 7 or 7:30 and that is the reality of it. She felt that otherwise, this room would be filled in anticipating this pre-school playground. She said it makes it very difficult that the only way they can voice their support is by coming to this meeting and having people see that there are children in this area that need to have a place to go. As they grow older and appreciate their community, you can't just let them run wild and free and amok. She thought that as the Board is looking at the people here in attendance, you have to multiply it by at least seven or ten.

Dawn Ladu, said she was a member of the committee and she introduced her fifth child and said he was her surprise baby and he is one. She said she had been here for about eight years. She said that with her other four children they never had a place to take them when they were pre-schoolers. She felt this was such a worthy cause and there was such a need for it in our community that it makes it worth coming to these meetings. She felt she could speak for most of the people in the committee and all of the families who have children that are here, in saying that it is really difficult and sometimes you want to quit and give up, but they are not trying to put together a big shopping complex or park. They are just trying to put together something that is a fun place for families, grandparents, children and caregivers. She said recently she had passed out some flyers at a couple of pre-schools and sometimes she did not want to do it, but when she went there they were so supportive and kept asking how it was going and what our progress was. When she was about to leave, there were thirty kids at this little table and they all looked at her and waved and it made her think that this was worth it and this is a worthy cause, because those are the people we are doing this for. It is for the children, to give them a great environment and a great place to play. She said they appreciate the support of the Board and that they are really trying to make this happen and not just let another decade go by and another generation grow up and not have something like this in our community.

Mary Barr, said she had been at the last meeting and had received a flyer at her pre-school and that is why she is here again tonight. She said when she lived in New Jersey there were three playgrounds she could walk to. She had read a letter in the paper today saying if they are going to build one in Westhampton, why do they need one in Westhampton Beach. She said she could say we have a bakery on Main Street, so why do we need HeBird, SheBird or Bridgehampton Coffee? She said it is a social aspect. She has a slide and swings in her back yard and her children can go out and play, and they do, but it is not the same as going and meeting somebody new or meeting your friends there. You can't have twenty of your friends on two swings and a slide all day. There is a social aspect and it is the same thing she had noticed with kids in church. Obviously, they are not going to cry during the sermon, but if you want to have a living, thriving church community or any kind of community, you have to have children and you have to have a place for them. If you deserve your nice, fancy restaurants for adults only, they deserve the same.

Deputy Mayor Kametler said that about three years ago he had gone to the Village Clerk, Kathy McGinnis, and asked her about the park fee money and she told him how much money was in it and they discussed the monies for a park. He explained that this was how he had become involved in the toddler park. He believes a park is a good thing and he

believes that the kids need a place to go and this Board is going to grant a toddler park. He said they need a location. They want to make sure the location is going to be sound for these little ones. He said it is not a matter of loading up this room with children and parents and giving presentations. It is a matter of finding the right location and when that is done, there will be a park.

Trustee Birk added that the committee that was formed identified a need and identified their recommendation for the location on a parcel of land at the marina. That is the location where the committee has recommended the pre-school playground be. This is the first public hearing to be held by a Board regarding a toddler park.

Ms. Richman asked if there was a timeline as to what happens next.

Deputy Mayor Kametler responded that there was not.

A member of the audience said the committee that is negotiating this, as he sees it so far, is only comprised of people who only have children or are there some people who don't have children.

Mayor Teller said some of the people that are on this committee have toddlers, some have children that are out of the toddler stage. He said this was identified quite a while back that the toddler park was needed and these people looked at various sites and so far they recommend the Yacht Basin. He said there are other sites there. Some people live in the Village and some don't. He said he knows people use the East Quogue park quite often. He said he goes to the East Quogue park to hear the music. He doesn't have any children of the toddler age, but it is something that has been identified that is needed for a very long time. He said the Board is looking at it, they are looking at another piece of land and if it is at all possible to get it and they are also looking at moving it to a different spot of Village land at the Yacht Basin that is off by itself. He said that preferably, the Village does not want to buy land for it.

The audience member said he thought the Village could spend \$400,000 on something much more necessary than a toddler park, but if they own the land it is not a big expenditure. He said that unfortunately, the newspaper phrased that incorrectly.

Mayor Teller felt they had also mixed the Town property up with this one. He said as far as preservation, they are looking at a piece of land down by Rogers Beach, but they are looking at Village land for the toddler park.

The audience member said he just found it sort of odd to spend \$400,000 on a toddler park.

Mayor Teller said he did not have to worry about him spending the \$400,000. He said he was too cheap to do that.

Kathy Showers, 26 Aspatuck Road, said she was also a member of the committee, and she wanted to say to the audience member that her children, her toddlers, are 21 and 18 and she has raised them in this Village as she had grown up in this Village. When they were below age five, East Quogue didn't have a playground and she drove to Southampton, to Hampton Bays and where ever else she could find a place to meet friends and make friends. She said she has been very interested in helping the committee out because it was hard for her then and it is still hard for people and she thinks it is something that we should resolve.

Tara Meade asked when the Board might decide on a piece of land and get the project going for the community.

Mayor Teller said he had no idea. This was only the third meeting of the Board on this. The first meeting was not too long ago and is when he found out how much area is needed. He said that right now it might not take too long or it might take a little longer and that nothing moves too fast in government.

Mrs. Meade said she had read that there was a committee years ago with this same issue and it never got resolved and she would not like to see that happen again.

Mayor Teller said that was a different Board and a different time. He said it depends on how much money is available at the time. He said right now they have enough money to pay for a toddler park, they just have to pick a spot.

Ms. Richman said she thought they only needed \$85,000 to pay for this particular park and as the future of Westhampton Beach develops, you are going to be getting so much more money into this fund that it is going to be used for just parks. She said the Village has projects in the works that are in front of the Board that are anticipating to be developed that will bring in money. She said the reason she asked about the timeline is because there is money that can be used sooner than later.

Mayor Teller said he did not anticipate any money coming into this fund soon. He said these projects are not here yet and are not off the ground. He said there is money that they can use now, but he is not going to set a timeline yet, because the Board has not discussed the various sites or finished discussing the Yacht Basin site alone.

Trustee Levan added that the first presentation on this was four and a half weeks ago where the committee gave it to the Board on a Monday and three days later to the general public.

Ms. Richman said the committee had been working on it for nine months.

Trustee Levan said the Board had only had it for four and a half weeks. She said they were not questioning the money and what it is going to cost to do the park, they were dealing with where it is going to be. She said that is the only issue.

Mayor Teller said the Board had only had this for a very short time and they had not discussed the location yet, so they will discuss it at the Work Session coming up. He asked if anyone else would like to address the Board. There being no further response, a motion was made by Deputy Mayor Kametler to close this public hearing. Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Update of the Business District Plan

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

Jim Hulme, of the law firm Kelly and Hulme, 323 Mill Road, said he was a local businessman. He no longer actually lives in the Village, but he does spend an awful lot of his daily life and other parts of his life in the Village. He said it is a place of interest and a place that has come to be his home over these many years. He said he had more extensive comments the last time he was here, but he had reviewed this document even further and wanted to extend his comments a little bit. He felt this was a complex set of regulations that the Board is proposing here and it is difficult to determine what impact all of these perhaps conflicting changes are going to have in the zoning code. He said he knew a lot of long and hard thought had gone into this, but he thought it really represents a major sea change in the direction of zoning in our Village here for a number of reasons, including the complexity of the design standards and some of the other issues. He said he had picked out three particular areas of greatest concern for him. The first area is one that

he had commented on somewhat extensively last time, so he would only touch on it real briefly, and that is the per use size limits. He said that as he understands it, there is an average of rights use per use size limit of 3,000 square feet and he reviewed the document a number of times in order to find out what the basis is for concluding that 3,000 square feet is the maximum size of a use that we should allow in our business district. He said he understands from the presentations that have been made and from the document itself, that 3,000 feet actually runs into an average of the various size uses that are in the B1 at the current time and he is not sure that this in and of itself is a sufficient basis to conclude

that because the average size is 3,000 square feet that we shouldn't allow anything as of right that is greater than 3,000 square feet. He thought there needed to be more of a planning basis, more of some other basis other than this just being the average use. He said he had reviewed at length last time the number of uses that are actually very commonly experienced by people in our community that would no longer be allowed as of right if this code were adopted and so he questioned the 3,000 limit as of right. He said the other limit is the 12,000 square foot limit. Again, there is really no basis in this study as to why 12,000 is significant. He asked why isn't it 15,000 or 25,000 or 10,000? He said there really is no basis other than somebody decided 12,000 square feet as a maximum limit should be the overall limit. The other thing that troubled him about the 12,000 square foot limit is that in order to get to that, you need to apply for and receive something known as a Special Exception permit. Special Exception permits, in general, are something that are fairly well known in zoning as a whole and in this particular community. If you just thumb through the zoning code book for the Village of Westhampton Beach, you will find any number of examples of a Special Exception permit requirement. But, if you look carefully at those regulations, what you see is a requirement to make physical measurements, if you will, traffic impacts, parking lot impacts, building impacts on the neighboring building, kind of physical things that you can know and you can measure and you can know and measure going into the project. You can have a reasonable degree of certainty that you can meet those standards before you have actually applied. The Special Exception permit process for the 3,000 to 12,000 square foot per use that is being proposed in this study, is a very different creature completely. What it really calls for is a marketing study before a particular business use can achieve the 3,000 to 12,000 square foot building. He felt that was something that goes far beyond physical dimensions, something that goes far beyond traffic impact, traffic study, pedestrian impacts, vista impacts. He thought that to require a market study for a particular new business is a particularly onerous and ambiguous standard for someone to meet and it is a standard that you really can't know the answer to until you've gotten all of the way down the process and the Village has caused the market study to be conducted and then you are revealed with the answer as to whether or not your particular use is going to be allowed. He felt the idea of zoning is to establish the types of businesses that you want to have in a particular district, a particular community. He said that the code right now specifies specific uses that are permitted and specific uses that are not permitted. What this market study allows you to do, is to take that a step further and he thought a step beyond where the Village should be and you could probably then start deciding, we only want two law offices, we don't want three law offices because the third law office fails the market study standard. The person who wants to have that law office or some other permitted use won't even know if that is an issue until the end of the process rather than the beginning of the process and he felt that was one example of the many complexities that these several pages of zoning changes introduce. He said that as he indicated before, when you talk about complexities, while as a practicing attorney he might be happy because he still has a daughter in college and needs to pay for it somehow and complexity gives him a lot of stuff to do, but as a business person in this community and a resident of the local area he worries about what impact these kinds of regulations will have on the overall economy of the Village itself. He said to be careful what you ask for because you may end up doing stuff that is extremely detrimental to the business district and extremely detrimental for the community at large because of people's lack of interest in trying to come here because it is so complicated and so onerous to get permission to do something here that they just move on to another area. The third and last area he wanted to comment on is something someone else had brought to his attention regarding Section 197-80.2 hamlet commercial residential building sizes. He said he hoped the Board realized that one of the things this section is attempting to do is to create moderate income family housing, because this section requires that if you have a certain building size in these transition zones that the

Board is attempting to create by this law, that you have to provide a middle income apartment of some kind, you have to provide an apartment. There have been several attempts in this Village to create affordable housing and there have been several attempts in prior zoning codes to create circumstances where people will be willing to create apartments. He did not think people had been busting down the doors to get permission to build these apartments. He said that now the Board is contemplating passing a law that doesn't just suggest they have an apartment, it requires that they have an apartment based on how they may want to develop their property. The other fairly onerous thing that this particular section requires is that of that developed property, a minimum of 50% is restricted from further development and is reserved for

park, undisturbed open space, regional stormwater detention facilities and public rights of ways and other public benefits. What you are saying then, is that if somebody wants to develop a building in the HC that is of the size limits that are between 3,000 and 6,000 square feet, half of their property has to be dedicated to the public. He felt that goes far beyond being just a transition zone between the business and the commercial zone, it is confiscatory, it is taking people's property. Half of the property is ceded out of these people's hands to create a buffer between the residential district and the business district, something that has been accomplished very effectively in this Village and other villages with buffer zones and landscaping plans and things like that. He thought this was a very complex way of solving a problem that he does not think needs to be solved. He said the current zoning has and continues to force the kind of Main Street, pedestrian friendly downtown environment type uses that the Board is seeking. It is taking time and it will take time because that is the way zoning works, but he felt if they adopt these proposals to the breadth and depth and complexity that they are, he thought they would not increase the pace of that change, but decrease it and slow it down. He thought it would be so complex for people to come and do business here that they may just not and he felt this was not good for the business district and was not good for this community.

Kyle Collins, Village Planner, responded that the 3,000 square feet was based on an analysis of the existing uses within the B-1 zoning district. He said they took a look at the range, this is standard practice, there are other communities throughout New York state as well as the country, that have established maximum use sizes. Some have gone as far as building sizes. The Town of Southampton has actually done a building size, this is not a building size, this is a use size. It does not get into the issue of the size of the building. That was based on, and the established practice for determining those regulations, is to look at the existing use sizes within the Village and what the types of uses are that are listed under those uses and that is exactly use standard practice for determining that for the maximum as of right of 3,000 square feet. For 12,000 square feet, he said they took a look at what the existing range of retail spaces were in the Town and in the Village and actually the max, excluding the grocery store, is the Rite Aid, which is 10,000 square feet. He said they had said 10,000 square feet, but through discussions with the committee, and that is one of the standards actually if you look at the practices for determining these maximum size, some municipalities have taken the position and it has been supported in legal cases that they use the maximum size of that types of uses and they set it at that. He said that in their committee discussions, they looked at some of the other maximum sizes that have been established here on Long Island, Town of Southampton, Town of East Hampton have different ranges. Southampton is 15,000 square feet maximum building size for those types of commercial uses, and so through that discussion they came up with the 12,000 square feet, which is 2,000 square feet greater than the largest size retail establishment within the Village. There has been some further discussions that they should set it at the existing maximum size of retail establishment within the Village, the 10,000 square feet. That is how that was determined as it relates to the upper and lower ranges.

Kim Judd asked if some of this was determined by parking, too, since the larger the building, you can't comply with the parking code.

Mr. Collins replied yes, but the issue about the 10,000 square feet cap didn't have anything to do with parking standards. Regarding the Special Exception, the market study, again, various municipalities who have adopted these types of regulations where you have a special exception standard over and above what the as of right standard is, require this.

The issue here is what is the impact to the community of these larger retail "big box" type stores, what is the impact of that to the economic vitality of the smaller type shops, these unique type Main Street shops. That is exactly the intent of requiring that type of study. Mr. Hulme correctly states the standard talks about having the Village prepare one, but it also specifically outlines it here, that the applicant can prepare one, so it is not like they have to wait down the road when this is going to happen. He said he would think that particularly the type of establishments we are talking about would have done a market study already to determine if this is the location that they want to be in. So, maybe not to the extent that the code lays out, but they are going to do that market study to determine if it is going to be profitable to be here, so part of that is already going to be done. It specifically outlines that the applicant can submit that market study with their application,

so they are going to have a good idea whether they are going to meet those standards or not. Mr. Hulme also referenced the complexity of the code. He said he would beg to differ that the code is more complex. There are more standards here, but the way it is written and the way the design guidelines are established, are actually intended to assist both the applicant and the reviewing board, whether that be the ARB, the Planning Board or the Zoning Board, to see what the intent of the code is now. If you look at the code now, you need to be an attorney to figure out what it is. It has been traditional for the last fifty years that the code has been written without the lay person involved. The way this code is written, and he invited everyone to read the code, is very clear. There are graphics that are included here to assist in determining what the intent of all those regulations are. As it relates to the HC, the HC says 3,000 square foot structures as of right. The intent of that was to keep the residential scale of those buildings. The limit could have been there, at the 3,000 square feet. The intent of providing additional flexibility for a special exception standard to go up to a maximum of 3,000 square feet, provided that there was some public benefit in exchange for that. That is exactly why those standards of providing an affordable unit or providing some additional open space for that are there. But, that is a special exception standard, so it is not confiscatory at all. They have the right to build the 3,000 square foot building on that lot. There is nothing being taken away there. So, the argument that it is confiscatory is wrong. It is a special exception standard. If you want to do something over and above what the code provides, that standard is there to provide some public benefit as it relates to that.

Ms. Judd added that in furtherance of what Mr. Collins was talking about, there is an appendix that he prepared outlining all of the square footage sizes of the existing buildings in the Business District and he was correct when he said that there is case law that states that to determine future zoning amendment the size is based upon what already exists is legal. He has already provided a basis for that by providing an appendix that outlines square footage by identifying the tax map number, the name of the business and the square footage of the size. As far as the marketing study is concerned, she thought that everybody who is familiar with the planning process knows that the Planning Board, if they feel that there is going to be some sort of negative aesthetic impact or negative traffic impact, can require the submission of a traffic study or an aesthetic visual impact study. She said she had seen boards request models to be brought forth, so these are all things that she feels boards already have in their power to do. As Mr. Collins just stated as far as the marketing study, a lot of businesses do, and she has represented them in the past, that do want to come into an area, have already prepared a lot of the information that is already outlined in the proposed section B as far as local retail demand.

Mr. Hulme said he appreciated the comments that learned counsel has provided to the Board, and in fact, he felt she had helped prove his point that there are a number of things that already exist in the Village code that are more than sufficient to produce the result that you want. She mentioned parking, parking regulations in this Village very often take the size, shape and content of the building. She mentions the ability of the Planning Board to ask for traffic studies and other models and other things and he has experienced those requests himself firsthand in practicing before the various boards here. The tools are there, the tools are being used. He felt they didn't need all this additional complexity. He said he was sure the Board members had all read this and would come to their own conclusions as to whether this was complex or not, but he had certainly found it so. He said the market study that a business may do before they come to a place is an indication of what we do in this free market economy of ours. He said you have zoning requirements,

you have certain things that are allowed and certain things that are not allowed and in that context I do a study for myself and I decide whether it is economically viable for my company to come to this community and try to have a business. He did not think it was the place of the Village zoning code to allow the results of that marketing study to be interpreted and for the code or the Planning Board or the Zoning Board to then determine how many of each business we are allowed to have in a community. He felt that either you want a type of business or you don't want that type of business, that's fine, but the analysis should end there. It is up to the individual businesses if they choose to come to this community and it is their economic risk in doing so. He did not believe it was the place of zoning to determine or re-determine that and these marketing studies do not really reach conclusions. He felt the marketing study may have some economic interest to the company that it is provided, but you are asking for it for a very different reason and the

answer that the Planning Board or whoever will interpret this document will give is something that is way down the road planning wise and can't be concluded or determined.

If I have determined through my own market study that my business is viable here, that doesn't automatically mean that the Planning Board is going to look at the same study and conclude the same thing. He thought this was just creating ambiguity, creating risk and creating pressure not to come.

Ms. Judd commented that the marketing study only kicks in when you are going over 3,000 square feet. The appendix that Mr. Collins prepared shows that the average size of the existing commercial buildings in the Business District is around 3,000 square feet. When you are proposing to exceed what is already shown to be above the average building size, that is when the marketing study analysis kicks in. If your plans stay within or below the 3,000, you don't have to prepare the marketing study analysis.

Mayor Teller asked if anyone else would like to be heard regarding this issue. He made a motion to leave this hearing open for thirty days for any written comments. Seconded by Trustee Birk 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 February 1, 2007 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Birk:

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

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

Authorize 2007 STOP DWI contract with Suffolk County

Motion by Deputy Mayor Kametler:

RESOLVED, that the Mayor is hereby authorized to execute a contract with the County of Suffolk to be eligible to receive grant funding in the amount of \$7,500.00 for the participation by the Village Police Department in the 2007 STOP-DWI program.

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

Appoint Special Counsel for East End Concrete vs. Carnevale litigation

Motion by Trustee Levan:

RESOLVED, that Hermon Bishop is hereby appointed to serve as Special Counsel to represent the Village in the East End Concrete vs. Carnevale litigation and to be paid at the rate of \$165.00 per hour.

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

Schedule public hearing on 2007/08 fiscal year tentative budget

Motion by Trustee Barnett:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing on the 2007/2008 fiscal year tentative budget to be held on Thursday, April 5, 2007 at 7 p.m. at the Village Hall, 165 Mill Road, Westhampton Beach.

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

Appoint Village Clerk Treasurer

Motion by Trustee Birk:

RESOLVED, that Kathleen McGinnis is hereby appointed as the Village Clerk Treasurer for a term expiring June 30, 2008.

Seconded by Trustee Barnett and approved as follows:

Trustee Barnett	Aye	Deputy Mayor Kametler	Abstained
Trustee Birk	Aye	Trustee Levan	Abstained
Mayor Teller	Aye		

Appoint Deputy Village Clerk

Motion by Trustee Birk:

RESOLVED, that Christine Owen is hereby appointed as the Deputy Village Clerk for a term expiring June 30, 2008.

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

Appoint Deputy Village Treasurer

Motion by Deputy Mayor Kametler:

RESOLVED, that Elizabeth Schunk is hereby appointed as the Deputy Village Treasurer for a term expiring June 30, 2008.

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

Accept assessment consulting services proposal

Motion by Trustee Levan:

RESOLVED, that Frank W. Lipp, NYS Certified Real Estate Appraiser, is hereby hired as an assessment consultant to assist the Board of Trustees on Grievance Day and for the subsequent review of claims as deemed necessary, to be compensated at the rate of \$150.00 per hour effective February 20, 2007.

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

Authorize appraisal of Kenny Family subdivision parcels

Motion by Trustee Barnett:

RESOLVED, that Hamptons Appraisal Service Corp. is hereby authorized to appraise lots 2, 3, & 4 of the Kenny Family Lost Tree Trust proposed subdivision map located at 172 Oneck Lane and identified by SCTM# 905-9-3-8.3, 8.4, & 8.5 at a cost of \$1,500.00.

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

Appoint part time Public Safety Dispatcher

Motion by Trustee Birk:

RESOLVED, that Jeffrey Frano is hereby appointed to serve as a part time Public Safety Dispatcher, to be compensated at the rate of \$14.00 per hour, effective February 20, 2007.

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

Authorize East End Transportation Initiative agreement

Motion by Deputy Mayor Kametler:

RESOLVED, that Mayor Teller is hereby authorized to execute a Memorandum of Agreement with the other East End Towns and Villages to coordinate regional land use and transportation principles in order to preserve the quality of life and community character on the East End.

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

Appoint Election Inspectors

Motion by Trustee Levan:

RESOLVED, that Anna Poillon is hereby appointed as Chairperson of the Election Inspectors, and Jeannette Zegler, Anne Creed, Carol Aldrich and Mary V.N. Gallagher are appointed as Election Inspectors, and Rose Swerdzewski is appointed as a Poll Clerk, to perform the official duties of the Village General Election to be held on Friday, June 15th to be compensated at the rate of \$12.00 per hour.

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

Approve WHB Historical Society Farmers Market

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby approve the application submitted by the Westhampton Beach Historical Society to hold a Farmers Market on the municipal parking lot located on Mill Road and Glovers Lane every Saturday morning from 7 a.m. to 1 p.m. commencing on June 16, 2007.

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

Approve budget transfers

Motion by Trustee Birk:

RESOLVED, that the following budget transfer is hereby approved:

	FROM	TO
Appropriated Fund Balance A590	\$174,627.51	
Village Hall – Capital Project H1500		\$174,627.51

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

Authorize warrant for March 2007

Motion by Deputy Mayor Kametler:

RESOLVED, that the warrant for the month of March 2007 in the amount of \$182,044.18 for the General Fund and \$174,627.51 for the Capital Fund is hereby approved.

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

Public Discussion

A member of the audience asked if the Trustees were considering extending the term limits of the Trustees and Mayor. He asked if that is possible in the next election to put that on the ballot.

Mayor Teller responded that he had not considered it, but he had heard it mentioned casually here and there and he had not ever taken it seriously at this time.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, a motion was made at 8:03 p.m. by Trustee Birk to adjourn the meeting to Executive Session. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk