

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, February 7, 2008 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: Town Assessor Ed Deyermond

Mr. Deyermond thanked the Board for inviting him to speak here tonight. He stated that he was the sole assessor for the Town of Southampton and had been back to his job for the last year and a half. He said the Town had been very busy and active on their end to hopefully make this update of the assessments a non-event. He explained there was a process that was involved including getting permits from various building inspectors throughout the Town. He said they had an excellent rapport with the Village Building Inspector Paul Houlihan getting information from this Village, especially. They have had a lot of staff in the Village over the last six months picking up new construction, going over documentation here in the Village Hall and out in the field. He said that the biggest component they have done this year is a complete update of commercial properties throughout the Town. This started last June with a various couple of weeks training courses that they had for their five field people and three office people who had been working on this. They sent inventory mailers out looking for income and expense statements from the various commercial properties throughout the late summer into the early fall. That was their first line of information collection. Following that, they went out to completely inventory all of the commercial properties. They completed that and then hired John Valente, a really knowledgeable person, who has been a really good asset to the Town on the commercial side. He said they put all of this together and generated letters for the three Villages that they service fully, Westhampton Beach – Quogue and Sag Harbor. He said those letters went out to anyone who received an increase in assessment, whether it was for commercial property, new construction, inventory change, wetlands demarcation on a survey or mapping, etc. He said they had also heard some complaints on the judicial review. A judicial review is good for two years if it is out of Small Claims Court, three years if it is out of a full blown Article 7 court case called the certiorari case. After that expires, then the computer would revalue those properties according to current sales data and current land valuation inventory rates, things of that nature. He explained that because they received a limited amount of income and expense statements from the private sector, they went out and joined MLS system so they know what the inventories are on various properties when they come up for sale. They joined a company called Loopnet, which gives them rental information, expense information, realty rates for capitalization rates, all of which go into the valuation of commercial properties. He felt his office was really well armed with institutional knowledge on this and said that if someone had an issue with a commercial piece of property, they could set up an appointment through the Village office and they would have someone go over that data between now and Grievance Day. He said Mr. Valente would be here most of the week of Grievance Day going over the rest of the commercial valuation paperwork prior to the Board's determination meeting. He said they had someone in the Village this week to listen to complaints and do some fieldwork and would have someone here for the next few weeks. He explained that this Village, like Sag Harbor and Quogue, are always the lead-in Villages for the Town. They were hoping to change that next year so that the Town is in the lead and all of these changes go through the Town grievance process first and the Village will pick it up one year later where it is all properly vetted, discussed and has gone through all of the various grievance boards, so that when it comes down to the Village for next year, it will be a perfectly routine operation. He said that was their goal to do that next year. He explained what he calls the "ingredients" of this project - they use a lot of technology

these days, a lot of aerial photography – an analysis goes into this. They have a lot of various edit reports that are run through the GIS system, color coding mapping and parcelizing things and adjustments that are made on a particular parcel – they are put on a large map and they will see that everything should be in this case red and if we see spots of green or blue, we know we have an issue – it draws our attention and we go in and find out why it is an aberration. He said they are constantly trying to purify and update their inventory process. He felt they were doing a real good job here in the Village doing that. He said that for the appeals process they are looking for definitive information, a comprehensive analysis of why you think your house would be over-assessed compared to other types of similar situated homes. He said they would not be looking at things like, “Well, I think my neighbor is much bigger and has a much different assessment.” He said they need definitive information. They also need income and expense statements from businesses, that is the way businesses are assessed here in New York. He felt that people don’t want to give out their private information, but at the end of the day, that is the methodology involved and for them to go out in the market, get that information, set an assessment and then to discuss it, they will need the actual information. He said it is not necessarily the information on one particular property, it is how that particular property is set out in a block or wider area. One sale does not make a market, one less than economic rent does not set a standard for everybody else. They are looking at the economic rents, the economic incomes, usual cap rates and things of that nature. He stated that 2008 is a “notification” year for the Town and they would be sending out letters to each taxpayer informing them of their current assessment and what that tax impact would be based upon the current budgets that are in place. He said that last year there was a problem because they tried to be overly helpful to the Village taxpayers and they ended up causing a problem, where they made changes after the Village did. He said that would not happen again, the Village assessment will be the Town assessment going forward and they would keep everything in perfect synchronism through that.

Harris Palmer, 69 Beach Road, asked if they were asking for the profit and loss statement of the business or the real estate aspect of it.

Mr. Deyermond responded that it was the real estate aspect of it – what would that particular property rent for, what would the allowable expenses be for that particular use. They were not looking at the profit of the entrepreneur, they were looking at the expenses for the real estate, for the property.

Mr. Palmer asked if a business that owned its own property would be a part of such a survey.

Mr. Deyermond said it would be hard for that to happen. They could give other information, such as the use of the property, the quality of the interior, what is in the inventory and they could compare it to information they have from a similar use and put it together.

Mr. Palmer wanted to know if they were getting enough information from enough leased properties to supply some good data.

Mr. Deyermond explained that they did not get enough of it from the public, they had to go out and manufacture it. He said they had been talking to brokers, real estate agents, property managers in the area, appraisers – they have a couple here in the Village that they have had close cooperation with. They have a lot of really resourceful people they can go to and try and put it together.

Victor Levy, 58 Beach Road, said he also is a business owner in the Village. He asked if it was the Village’s intention to adopt this proposed roll that includes the revised commercial properties. He also asked how long the Town had been working on this.

Mr. Deyermond said the Town recommends this to the Village and it is up to the Village Board to vet this in the next couple of weeks through the grievance project. He said the Town had been working on this since last June.

Mr. Levy stated that they had been working on this for approximately nine months and this past Monday was the day he had received the notice raising the assessment on his

marina property two and a half times. He asked how it was fair to ask him to assemble the information in sixteen days that it took them nine months to assemble with a full staff. He advised the Board not to adopt this roll because he believed that these numbers, particularly with relation to his parcel, seem way out of line.

Mr. Deyermond explained that when they started this process in June, they sent income/expense requests out with a cover letter stating that this was all happening about five months ago. They only received about two percent back. He said it had been in all of the newspapers, it has probably been the biggest issue talked about of the re-assessment component in the last couple of years. He said the dates are set by law, this roll becomes a tentative roll on February 1st. That is the date the notices, by state law, have to go. Grievance Day is the third Tuesday and by state law that has to go. He said that one of the issues that came up in the 2006 project was the lack of notification. He said he had told his Town Board that he would meet or exceed any of those deadlines. They are looking at notifying people sooner in the future. He said as they go through next year and update this, it is much easier, much faster, much quicker for them to do that.

Mr. Levy asked if there was anything compelling the Board of Trustees of the Village of Westhampton Beach to adopt the updated assessments or if they could continue with the old numbers.

Mr. Deyermond responded that they could do either.

Mr. Levy felt concerned that it would be difficult for commercial property owners to assemble a lot of information, not even knowing quite how that process works or even being able to hire a professional to do that. He did not feel that a professional in the different specialty kind of businesses that are in this Village would be capable of assembling the information that he may feel is correct. He could not see why the Village of Westhampton Beach had to again be in the lead of doing this and having a lot of people very upset about it.

Mr. Deyermond commented that in his estimation, 80% at least, already have grievance cases filed year in, year out, so there should be some sort of information available, but at least if you file a grievance, your right to future review is covered.

Mr. Levy said he would be coming in to speak with someone tomorrow to discuss what sort of criteria they used on his particular property. He felt that Mr. Deyermond had certainly brought a new breath of life in trying to inform the public of what the process is and how to do it. He said that his point was that he did not feel that sixteen days is enough time to do it.

Village Attorney Hermon Bishop asked who submits the tentative roll to the Village on February 1st.

Mr. Deyermond responded that his office did.

Mr. Bishop said that for assessing purposes, Mr. Deyermond serves as the Village assessor and as such creates the assessment roll for the Village. Then on the third Tuesday of February there is a Grievance Day. He asked if he were to just submit a grievance without any basis at all, would he still preserve his rights to another procedure after that.

Mr. Deyermond said that was correct.

Mr. Bishop said the final assessment roll is on April 1st after the Grievance Day, and then thirty days after that, which is April 30th, I would have to have a complaint filed in Supreme Court in order to challenge this assessment and it may take a year or two for a tax certiorari before it is settled. Then you would have to file each year. He said it is not like you only have sixteen days to come forward with all of the data. If you file a grievance, then your rights would be preserved. You just have to make sure you file a grievance of some sort.

Mr. Levy asked if the Village could continue with the assessment roll that was in effect for the previous tax year.

Mr. Deyermond explained that this Board could roll over any assessment that they wish on an individual basis. He said he did not think they could go from this year's roll to last year's roll.

Dean Speir, 256 East Main Street, asked when was the last time they had reassessed the commercial sector.

Mr. Deyermond said he was not here the last time they had done it, so he could not comment on it. He said he thought the last real consideration was given in 2003.

Mr. Speir asked if, after the commercial reassessment had been done, after the residential parcels had been done a year ago, would it be anticipated based on the gross number that the individual property taxes would be reduced in the residential area.

Mr. Deyermond said he could not comment on that because he did not know what would happen to the budget between now and the end of November when they are fully submitted to the Town, school budgets especially, they make up 70%. He said he could not comment on what would happen in the future regarding these assessments. He said that when he sends out the Town notices, he can give an estimate, but it is just that. It can be affected by any number of issues.

Mr. Speir asked if Mr. Deyermond could comment on whether his staff would be more responsive this year when they meet with individuals.

Mr. Deyermond felt they had done a good job last year and would do an even better job this year, so the answer to that question is obviously, yes.

Mr. Palmer stated that speaking of information, he had caught bits of the video presentation Mr. Deyermond had given to the Town Board and he felt it would be terrific if the public had access to it. He asked if a copy could be provided to the Village. He had not seen it in the Press and felt it should have been written about.

Mr. Deyermond said he was shocked, also, that it had not been in the Southampton Press. He said he would get a copy over to the Village.

Village Clerk Kathleen McGinnis said they would put it on the Village website.

Trustee Tucker said the Village could answer the question as to when the commercial properties were last reassessed.

Mrs. McGinnis said that as far as the assessing, obviously we haven't done the assessing here in this Village since 1994. She said we can see if we look back at the values in our computer system, she had printed out things already for the Board, you can actually see what the taxes were paid back to 1996. She said you can see very clearly on many of them, when you are looking at just what they are paying, because of the changes in the tax rate which are going down as the residential properties are being reassessed, it is causing our tax rate to go down. We literally looked at commercial properties that were paying double in 1996 as to what they paid last year. There is a lot of that information we can provide statistically. The Govern system, the land use and assessments, have been a great asset, so we do have a lot of statistical information. She said that as far as a formal reassessment, the Village hasn't been in that for a long time.

Mr. Levy felt he remembered seeing a change around 2002 or 2003 in what was done.

Mr. Palmer felt they had taken a crack at it in 2004 with a valuation date of July 1, 2003. He said he had looked at condominiums that had been changed. He thought condos were based in the same manner as commercial property.

Trustee Tucker responded that condos had nothing to do with this year's reassessment.

Mrs. McGinnis added that the condos were not a part of this round of commercial reassessment and had not been changed, that will be next year.

Public Hearings:

Local Law 2/2008 amend Chap. 197- 26 “Small Lots”

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

Village Attorney Hermon Bishop advised that this was an amendment to the zoning code where if you had a pre-existing, non-conforming lot that does not comply with lot width as a matter of law, you are entitled to a reduction in side yards based on a pro rata amount of width to the side yard, not to be less than ten feet. The Village has evolved this ordinance over time and it has always been the intent of the Trustees to limit that as of right provision to parcels that are conforming as to lot area. It just hasn't been expressed in the Code, so this is a correction of that.

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

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 February 7, 2008, to hear all parties on a proposed Local Law entitled “A Local Law amending Section 197-26 of the Code of the Village of Westhampton Beach to amend the definition of “small lot” 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 February 7, 2008, 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 of the (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 6NYCRR Section 617.5, 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 No. 2/2008, entitled “A Local Law amending Section 197-26 of the Code of the Village of Westhampton Beach to amend the definition of “small lot” 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 Tucker and unanimously approved. 4 Aye, 0 Nay

Local Law 3/2008 amend Chap. 197- 24 Parking Variances

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

Mr. Bishop explained that all commercial site plan applications and commercial use have to provide off-street parking. The Zoning Board has the right to give variances as to the number of parking spaces required, but if any variances are given the applicant must pay a fee to the Village's parking trust fund, presently in the amount of \$6,500. This law proposes to exempt not-for-profit performing arts centers from that fee.

Dean Speir, 256 East Main Street, asked since this was directed at one particular facility, what is the actual number of spaces that are going to be exempted by this legislation.

Mr. Bishop responded it would be nine spaces.

Mr. Speir noted that would be approximately 50 thousand dollars plus that this would save the Performing Arts Center.

Mr. Bishop said that was correct.

Mr. Speir asked if there was currently any other facility within the municipality that this might affect.

Mr. Bishop said it would affect churches, libraries and schools.

Mr. Speir asked if they weren't already part of the legislation.

Mr. Bishop responded yes, but he thought Mr. Speir was asking about who would be affected by the legislation. He said only not-for-profit performing arts centers would be affected by this change.

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

Motion by Deputy Mayor Kametler:

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 February 7, 2008, to hear all parties on a proposed Local Law entitled "A Local Law amending Section 197-24 of the Code of the Village of Westhampton Beach to include not-for-profit performing arts centers to be exempt from contributing monies for off-street parking", 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 February 7, 2008, 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 of the (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 6NYCRR Section 617.5, 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 No. 3/2008, entitled "A Local Law amending Section 197-24 of the Code of the Village of Westhampton Beach to include not-for-profit performing arts centers to be exempt from

contributing monies for off-street parking”, 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 approved as follows:

Trustee Birk	Aye
Deputy Mayor Kametler	Aye
Trustee Levan	Abstain
Trustee Tucker	Aye

Resolutions:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Trustee Meeting of January 3, 2008 and Special Meeting of January 23, 2008, are hereby accepted.

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

Accept Departmental reports

Motion by Trustee Birk:

RESOLVED, that the Treasurer’s report for December 2007, Justice Court, Police Department’s and Building Inspector’s reports for January 2008, are hereby accepted.

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

Approve 2008 Village Beach & Marina rates

Motion by Deputy Mayor Kametler:

RESOLVED, that the attached Beach & Marina rate schedules and rules for the 2008 season are hereby approved.

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

Schedule public hearing Local Law Amend Code Chap. 197.63Q Park Fees

Motion by Trustee Levan:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to publish and post a Notice of Public Hearing to be held on March 6, 2008 at 7:00 pm at the Village Hall on a proposed local law to amend Chapter 197-63Q of the Village Zoning Code relating to park or recreation areas or fees in lieu thereof.

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

Schedule public hearing - Verizon Special Exception to install antennae

Motion by Trustee Tucker:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to publish and post a Notice of Public Hearing to be held on March 6, 2008 at 7:00 pm at the Village Hall on a Special Exception application submitted by Verizon to install an additional antennae on an existing mono-pole tower located at 74 Sunset Ave. and identified by SCTM #0905-8-3-41.

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

Authorize appraisal for Planning Bd. Re: Gabrielle Place Condominiums

Motion by Trustee Birk:

RESOLVED, that the proposal submitted by Hampton Appraisal Services Corp. to prepare an appraisal with regard to a Planning Board application submitted by JSC Resources (Gabrielle Place Condominiums) at a cost of \$850.00 is hereby accepted.

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

Kimberly Judd, special counsel to the Village Board, explained that last May the Village had adopted zoning changes to the Hamlet Commercial Zoning District. They had converted some of the B1 zoning areas to Hamlet Commercial. She said that there was a plan that was distributed by KPC Planning Services and there had been public hearings on the plan. One of the items that was contained in the plan was the proposed zoning map showing the new Hamlet Commercial Zoning District. She explained that while the Village had adopted the Hamlet Commercial Zoning District last May, due to her fault, they had failed to adopt a resolution simultaneously to also adopt the map. There were many public hearings held on this, so these resolutions are on just to approve the zoning map that should have been approved last May when the zoning changes were done.

Adopt SEQRA Resolution Hamlet Commercial Zoning District Map

Motion by Trustee Tucker:

WHEREAS, on May 3, 2007, the Village Board of Trustees approved a resolution adopting the final version of the 2006 Business Districts Comprehensive Plan Update drafted by KPC Planning Services, Inc., and ADL III, Architecture, P.C. (hereinafter "Plan Update"); and

WHEREAS, said Plan Update, inter alia, contained the re-designation of certain areas in the Village to Hamlet Commercial/Residential, and provided special exception criteria for these newly designated Hamlet Commercial/Residential areas; and

WHEREAS, said Plan Update also contained a Future Land Use Map designating the proposed Hamlet/Residential (HC) Zoning Districts at Figure 10 of said Plan Update; and

WHEREAS, the Village Board of Trustees held multiple public hearings on the now adopted 2006 Business Districts Comprehensive Plan which included the zoning map for the proposed Hamlet/Residential (HC) Zoning Districts; and

WHEREAS, Village Law §7-722(2)(a) enables a comprehensive plan and subsequent amendments to be prepared in the form of maps, charts, studies, resolutions, reports and other descriptive material that identifies the goals, objectives, principles, guidelines,

policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the village; and

WHEREAS, the draft and adopted 2006 Business Districts Comprehensive Plan, which included the proposed Hamlet Residential (HC) Zoning District Map, was referred to the Suffolk County Planning Commission and to the Village of Westhampton Beach Planning Board; and

WHEREAS, the preparation and adoption of the 2006 Business Districts Comprehensive Plan Update is a Type I action under the provisions of the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations; and

WHEREAS, an Environmental Assessment Form Part 1 and Part 2 and a Negative Declaration have been prepared by KPC Planning Services, Inc., and the Board of Trustees of the Village of Westhampton Beach previously adopted a negative declaration of the 2006 Business Districts Comprehensive Plan Update pursuant to SEQRA at its meeting on May 3, 2007; now

THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Westhampton Beach hereby adopts a Negative Declaration for the Zoning Map contained in the 2006 Business Districts Comprehensive Plan Update of the proposed Hamlet/Residential (HC) Zoning Districts, and

BE IT FURTHER RESOLVED, that the Village Board of Trustees directs the Village Clerk to distribute this negative declaration to all interested agencies (Suffolk County Planning Commission and Village of Westhampton Beach Planning Board) and publish Notice of this Type I negative declaration in the Environmental Notice Bulletin (ENB) pursuant to SEQRA.

Seconded by Deputy Mayor Kametler and approved as follows:

Trustee Birk	Abstain
Deputy Mayor Kametler	Aye
Trustee Levan	Aye
Trustee Tucker	Aye



Adopt Hamlet Commercial Zoning District Map

Motion by Deputy Mayor Kametler:

WHEREAS, on May 3, 2007, the Village Board of Trustees approved a resolution adopting the final version of the 2006 Business Districts Comprehensive Plan Update drafted by KPC Planning Services, Inc., and ADL III, Architecture, P.C. (hereinafter "Plan Update"); and

WHEREAS, said Plan Update, inter alia, contained the re-designation of certain areas in the Village to Hamlet Commercial/Residential, and provided special exception criteria for these newly designated Hamlet Commercial/Residential areas; and

WHEREAS, said Plan Update also contained a Future Land Use Map designating the proposed Hamlet/Residential (HC) Zoning Districts at Figure 10 of said Plan Update; and

WHEREAS, the Village Board of Trustees held multiple public hearings on the now adopted 2006 Business Districts Comprehensive Plan which included the zoning map for the proposed Hamlet/Residential (HC) Zoning Districts; and

WHEREAS, Village Law §7-722(2)(a) enables a comprehensive plan and subsequent amendments to be prepared in the form of maps, charts, studies, resolutions, reports and other descriptive material that identifies the goals, objectives, principles, guidelines,

policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the Village; and

WHEREAS, the draft and adopted 2006 Business Districts Comprehensive Plan, which included the proposed Hamlet Residential (HC) Zoning District Map, was referred to the Suffolk County Planning Commission and to the Village of Westhampton Beach Planning Board; and therefore be it

RESOLVED, that the Trustees of the Village of Westhampton Beach hereby adopt the final version of the Zoning Map for the adopted Hamlet Residential (HC) Zoning Map to be filed in the Office of the Village Clerk and a copy shall be filed with the Suffolk County Planning Commission.

Seconded by Trustee Levan and approved as follows:

Trustee Birk	Abstain
Deputy Mayor Kametler	Aye
Trustee Levan	Aye
Trustee Tucker	Aye

Authorize Agreement with Southampton Town – Glovers Lane

Motion by Deputy Mayor Kametler:

RESOLVED, that the Mayor is hereby authorized to sign an Intermunicipal Agreement with the Town of Southampton for the management and operation of land located at 11 Glovers Lane, and identified by SCTM# 905-12-4-18, acquired by the Town through the Community Preservation Fund.

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

Approve agreement with WHB Historical Society Re: Foster/Meeker Homestead

Motion by Trustee Levan:

RESOLVED, that the Mayor is hereby authorized to sign a lease agreement with the Westhampton Beach Historical Society in reference to the relocation of the Foster/Meeker Homestead to the grounds of the existing museum property on Mill Road owned by the Village.

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

Appoint Special Counsel for S3MK Associates Article 78 litigation

Motion by Trustee Birk:

RESOLVED, that Hermon Bishop, Esq. is hereby appointed as Special Counsel to represent the Village in the S3MK Associates Article 78 litigation and to be compensated at the rate of \$165.00 per hour.

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

Accept Fox IPM proposal for Main Street tree pruning

Motion by Deputy Mayor Kametler:

RESOLVED, that the proposal submitted by Fox IPM Corp. for the Main Street tree pruning project at a cost of \$4,100.00, is hereby accepted.

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

Amend 2008/09 Community Development Budget

Motion by Trustee Levan:

RESOLVED, that the funding for the handicapped bathroom fixtures project for the Village Marina bathroom included in the 2008/09 Community Development Block Grant budget is hereby reduced to \$2,500 due to federal funding cuts.

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

Approve Use of Village Green by Cystic Fibrosis Foundation

Motion by Trustee Tucker:

RESOLVED, that the Cystic Fibrosis Foundation is hereby authorized to use the Village Green for the 20th Annual Great Strides "Taking Steps to Cure Cystic Fibrosis Walk" on Saturday, May 17th from 7:00 a.m. to 3:00 p.m.

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

Approve Greater Westhampton Chamber of Commerce 2008 Events

Motion by Trustee Birk:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green and Great Lawn for the events listed on the attachment.

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

Approve WHB Historical Society "Farmers Market"

Motion by Deputy Mayor Kametler:

RESOLVED, that the Westhampton Beach Historical Society is hereby authorized to use the Village parking lot at Mill Road and Glovers Lane to hold a Farmers Market on Saturday mornings from 7:00 a.m. to 1:00 p.m. commencing on June 21st through to November 15, 2008.

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

Approve 2008 Southampton Hospital Fundraiser on Great Lawn

Motion by Trustee Levan:

RESOLVED, that the Southampton Hospital Foundation is hereby authorized to use the Great Lawn for the annual fundraiser to be held on Sunday, May 25, 2008 from 6:00-11:00 p.m.

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

Approve 2008 Family Counseling Gala on Great Lawn

Motion by Trustee Tucker:

RESOLVED, that Family Counseling Services is hereby authorized to use the Great Lawn for the Annual Gala to be held on Saturday, July 12, 2008 from 6 pm to 11 p.m.

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

Authorize 2008 Rotary Flea Market on Great Lawn

Motion by Trustee Birk:

RESOLVED, that the Rotary Club of Westhampton is hereby authorized to hold the 2008 Flea Market on the Great Lawn on Saturday, Aug. 9th from 10 am to 6 p.m. and Sunday, Aug. 10th from 11 a.m. to 5 p.m.

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

Authorize St. Patrick's Parade "Kids Carnival" on Great Lawn

Motion by Deputy Mayor Kametler:

RESOLVED, that the Westhampton Beach St. Patrick's Day Parade Committee is hereby authorized to hold a "Kids Carnival" on the Great Lawn on Saturday, March 15th to be in use during and after the parade until 6 p.m.

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

Authorize St. Patrick's Parade "Aerobatic Stunt Show" at Rogers Beach

Motion by Trustee Levan:

RESOLVED, that the Westhampton Beach St. Patrick's Day Parade Committee is hereby authorized to hold an "Aerobatic Stunt Show" at Rogers Beach on Saturday, March 15th between 2:30 and 3:30 p.m.

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

Approve February 2008 warrant

Motion by Trustee Tucker:

RESOLVED, that the warrant for February 2008 in the amount of \$203,945.51 is hereby approved.

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

Public Discussion

Dean Speir asked what the Village was going to do on Glovers Lane in the management of the property.

Mayor Teller explained that the Village has a piece of property that will eventually be made into a park. He said it would be left up to the people in this Village to decide what type of park, but it would not be a dog park.

Mr. Speir observed that with all the usage of the Great Lawn, how much longer will the Great Lawn be green?

Mayor Teller said it stayed green all last year.

Tom Sullivan said he lives on Main Street and just wanted to complain about the excessive noise and music that is going on. He said he moved in last year and he found that in the summer it was quite excessive that there were bands, amplified music being played both at the bakery at the Commons and also at Shock Ice Cream. He felt it was basically an assault as you were walking down the street. He said he could not even sit in his apartment and watch T.V.

Mayor Teller asked if any of these complaints were reported to the police.

Mr. Sullivan said they were.

Mayor Teller said that before any new applications come up, the Board gets the police reports and they would take it into consideration.

Deputy Mayor Kametler added that they would review all of the police reports.

Mr. Sullivan felt the big thing was the amplification. He said if you were playing to an audience that was ten feet away from you, there is not really a need for amplification, unless you are really bad. He also felt the parking lot behind the old police station where the fire station is does not get used enough. He asked if maybe they could have someone directing traffic for the first couple of weeks pointing out to people that is available. He felt it was an underused asset.

Mayor Teller responded that they were polishing up the signs and it is picking up slowly. He said that half of it now belongs to the Fire Department.

Mr. Sullivan said it was not well lit, either. He had to park there a couple of times and if he wasn't from the neighborhood, he would have been a little bit nervous about it.

Trustee Birk said they would take a look at it.

Trustee Tucker said that part of what the Comprehensive Plan Update did was to try to get the flow of traffic going into the Village and it is still in the future that projects that will be done would have cross access agreements and that would help the flow of traffic.

Mr. Sullivan said he was right on Main Street and the traffic was really kind of bad. He said something should be done before somebody gets hurt, people crossing the street left and right wherever they want, people double parking. You have all people driving around there and God forbid if somebody mistakes the gas for the brake and there is a ton of double parking going on.

Victor Levy asked regarding the property that is going to go where the Historical Society is. He felt there was really very little area around the Historical Society that they lease.

Mayor Teller responded that the grassy area belongs to the Village and it just fits on there.

Mr. Levy asked if the Village was going to amend the lease.

Mr. Bishop said that actually they would have a new lease with metes and bounds description just like the original Historical Society building.

Mayor Teller said that two trees have to come out and the holly has to be removed.

Larry Jones indicated that he owned the Howell Homestead at Aspatuck and Main, formerly known as the Blue Tarp Inn. He said he wanted to support the move of the Foster-Meeker House. He thought it was great that the Village was going to pick up one more historical structure, rather than losing it. He felt it would probably be a snug fit over on this property, but will be a great addition. Also, the little shed, out building, that goes along with it. He said the owner, Mr. Walter Goldstein – he has been very cooperative, didn't know the house was historical at all. We were able to talk to him and first he was going to restore it, but it did not fit within the scheme of his property. Now that he is going to be donating the house, we hope that he will be donating some of the cost of moving it and restoring it. He said it is an early house, they don't know quite how early it is, but he felt it was a good addition to the Village. He said that once it is fixed up, restored, it will look a lot better than it looks at the present site. He said Mr. Goldstein was also willing to donate some cast iron pieces of horse hitching post. He said he was really excited about it and it would be a handsome addition to the Historical Society and the Village.

Trustee Birk wanted to add something. She said it was not directly Village related, but was something that will affect all of us in the Village positively. She said that most people may be aware that the Town is looking to move the proposed plans for the SHARC Center (Southampton Aquatic Recreation Center) and the community center, on a piece of land just west of the Westhampton Beach Elementary School, it is Town land. It is something that the Town is very excited about. The SHARK has been talked about for a couple of years and with sidewalks and lighting already in place on Mill Road, it should speed up the process. This is something that the Town wants to have that is a multi-generational use, from kids to seniors to anyone going over there and swimming, a drop-in center, seniors. It will be within walking distance for all of us around here and is better access for seniors as well, so it is something we can all look forward to. Also, she announced that the greater Westhampton Chamber of Commerce was having their annual "Snowball", which their proceeds will benefit the Village business districts, as well as some proceeds will be going to the SHARC.

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

Respectfully submitted,

Christine Owen
Deputy Clerk