

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, September 4, 2008 at 7:00 p.m. at the Municipal Building, 165 Mill Road, Westhampton Beach

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

Clerk Treasurer Kathleen McGinnis  
Village Attorney Hermon Bishop

**ABSENT:** Trustee Joan Levan

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Mayor Teller opened the meeting with the Pledge of Allegiance.

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**Resolutions:**

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**Accept minutes of Board of Trustees Meetings**

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Trustee Meeting of August 7, 2008 are hereby accepted.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Accept departmental reports**

Mayor Teller advised that an adjustment would have to be made on the Justice Court report regarding the parking fees. Village Clerk Kathleen McGinnis said an amended report would be filed.

Motion by Trustee Birk:

RESOLVED, that the Treasurer's report for July, Police Department, Justice Court and Building Inspector's report for August 2008, are hereby accepted.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

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**Authorize GWCOC Weekend Sidewalk sales**

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Trustees hereby authorize the Greater Westhampton Chamber of Commerce to hold Weekend Sidewalk Sales the weekends of September 12<sup>th</sup> & 19<sup>th</sup> and October 10<sup>th</sup> between the hours of 10 a.m. to 6 p.m. along Main Street and the ancillary streets.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Approve Village street name changes**

Motion by Trustee Tucker:

WHEREAS, the Village has received a request from residents to change the names of Sherman Patterson Way to Guldi Street and Avon Court to Avaughn Court; and

WHEREAS, all the owners of property on the streets have been notified of the proposed street name changes and given an opportunity to object to said changes; and therefore be it

RESOLVED, that the Board of Trustees hereby approve the street name changes to Guldi Street and Avaughn Court.

Seconded by Deputy Mayor Kametler and unanimously approved. 3 Aye, 0 Nay

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**Authorize lease purchase agreement with Commerce Bank**

Motion by Trustee Birk:

RESOLVED, that the Mayor is hereby authorized to sign a lease purchase agreement with Commerce Bank for the purchase of a Volvo L60F payloader for the Department of Public Works for \$107,324.00 to be paid in five annual installments of \$23,459.

Seconded by Deputy Mayor Kametler and unanimously approved. 3 Aye, 0 Nay

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**Authorize lease purchase Chevrolet Equinox LS AWD by Bldg. Dept. - \$21,667.54**

Motion by Deputy Mayor Kametler:

RESOLVED, that the Mayor is hereby authorized to sign a lease purchase agreement with Commerce Bank for the purchase of a Chevrolet Equinox LS AWD for the Building Department for \$21,667.54 to be paid in five annual installments of \$4,736.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Authorize Judge to attend Assoc. of Magistrates 2008 Conference**

Motion by Trustee Tucker:

RESOLVED, that Village Justice Robert Kelly Jr. is hereby authorized to attend the NYS Association of Magistrates Annual Conference in Niagara Falls on Sept. 21st- Sept. 24th with reimbursement for lodging, meals, and travel expenses.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Authorize Westhampton Beach High School Homecoming Parade**

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees hereby authorize the closure of Village streets for the Westhampton Beach High School "Homecoming Parade" on Friday, September 19th<sup>th</sup>

between 5:00 and 6:30 p.m. commencing at the Westhampton Bowling Alley parking lot, heading south on Sunset Avenue to Main Street, east to Mill Road and proceeding west to the High School property.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

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**Authorize Westhampton Beach High School Hurricane 5k Walk/Run**

Motion by Deputy Mayor Kametler:

RESOLVED, that the WHB High School Hurricane Foundation is hereby authorized to hold a 5K Walk/Run on Saturday, October 11th between 8:00-10:30 a.m. and to close the streets listed on the attached event route.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Schedule public hearing on Beach Bakery Outdoor Dining Application**

Motion by Trustee Tucker:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing to be held on Thursday, October 2, 2008 at 7:00 p.m. at the Village Hall on the outdoor dining application submitted by the Beach Bakery for property located at 112 Main Street and identified by SCTM# 905-12-4-16, 34 & 53.

Seconded by Deputy Mayor Kametler and unanimously approved. 3 Aye, 0 Nay

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**Schedule public hearing on Goldberg’s Deli Outdoor Dining Application**

Motion by Trustee Birk:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing to be held on Thursday, October 2, 2008 at 7:00 p.m. at the Village Hall on the outdoor dining application submitted by Goldberg’s Deli for property located at 65 Main Street and identified by SCTM# 905-11.2-2-2.2 & 2.3.

Seconded by Deputy Mayor Kametler and unanimously approved. 3 Aye, 0 Nay

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**Schedule 10/2/08 public hearing on Local Law to amend V & T – parking fines**

Motion by Deputy Mayor Kametler:

RESOLVED that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on October 2<sup>nd</sup>, 2008 at 7 p.m. at the Village Hall on a proposed Local Law to amend Chapter 178 of the Village Code in reference to increasing parking fines.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

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**Approve renewal of Tonino’s Pizzeria Outdoor dining permit**

Motion by Trustee Tucker:

WHEREAS, Tonino’s Pizzeria has applied to renew the Outdoor Tables & Chairs granted 2002 to place two (2) outdoor tables and eight (8) chairs pursuant to Section 197-76 of the Code and

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

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the original plan and subject to the same set of conditions.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Schedule public hearing - INCE Painting Special Exception application**

Motion by Trustee Birk:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing to be held on Thursday, October 2, 2008 at 7:00 p.m. at the Village Hall on the special exception application submitted by INCE Painting to convert a retail office to a construction office at the premises located at 183 Montauk Highway and identified by SCTM# 905-5-2-14.

Seconded by Deputy Mayor Kametler and unanimously approved. 3 Aye, 0 Nay

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**Authorize Mayor sign agreement with Fox IPM Corp.**

Motion by Deputy Mayor Kametler:

RESOLVED, that the Mayor is authorized to sign an agreement with Fox IPM Corporation to perform remedial work on the Village Hall trees at a cost of \$1,500.00.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Appoint Special Counsel – BMB Enterprises Article 78 litigation**

Motion by Trustee Tucker:

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

Seconded by Deputy Mayor Kametler and approved as follows:

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

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**Appoint Special Counsel**

Motion by Trustee Birk:

RESOLVED, that Maureen Liccione, of the firm Jaspan Schlesinger Hoffman, is appointed Special Counsel to represent the Village to determine constitutional issues respecting the eruv and to be compensated at the rate of \$200.00 per hour.

Seconded by Trustee Tucker and approved as follows:

Mayor Teller	Aye
Deputy Mayor Kametler	Nay
Trustee Birk	Aye
Trustee Tucker	Aye

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**Authorize Justice Court to submit Grant request to NYS Unified Court System**

Motion by Deputy Mayor Kametler:

RESOLVED, that Robert A. Kelly, Jr., as Justice of the Village of Westhampton Beach is authorized and directed to file an application for funds from the State of New York Unified Court System Office of Court Administration under its Justice Court Assistance Program, in an amount not to exceed \$2,700.00 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Westhampton Beach for the purchase of specific court related items and for the alteration of the Judge's Chamber for security purposes.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Authorize Bldg. Dept. Officials to attend NYS Bldg. Officials Conference**

Motion by Trustee Tucker:

RESOLVED, that Bldg. Administrator Paul Houlihan, Fire Marshal Bill Hart, & Fire Marshal Richard Tebaldi are hereby authorized to attend the NYS Building Officials Capital District 16<sup>th</sup> Annual Educational Conference to be held in Albany at the Holiday Inn on October 19<sup>th</sup> – 22<sup>nd</sup>, 2008, at a cost of \$265 for registration and \$112 per day for lodging, plus meal and travel expenses.

Seconded by Deputy Mayor Kametler and unanimously approved. 3 Aye, 0 Nay

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**Authorize payment of small claim real property tax reductions**

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees hereby authorize the payment of a 2007/08 real property tax reduction in the amount of \$346.08 to Luigi Arlia, SCTM#0905-8-2-7, as a settlement of a small claims decision as ordered by the NYS Supreme Court.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

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**Accept Phase I Environmental Assessment & Approve Phase II**

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Trustees hereby accept the Phase I Environmental Assessment report prepared by Envirosience Consultants for Village Property located at 172 South Country Road.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Schedule public hearing Westhampton Associates Special Exception**

Motion by Trustee Tucker:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing to be held on Thursday, October 2, 2008 at 7:00 p.m. at the Village Hall on the special exception application submitted by Westhampton Beach Associates dated October 12, 2006 to construct 39 town homes on property located at 65-71 Old Riverhead Road and identified by SCTM# 905-2-1-14.1-18.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Authorize payment for repair of boat damages**

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees hereby authorize a payment in the amount of \$429.07 to Thomas & Margarete Towers for the repair of damages incurred to their boat at the Village marina.

Seconded by Deputy Mayor Kametler and unanimously approved. 3 Aye, 0 Nay

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**Authorize FBI National Academy Annual Rogers Beach picnic**

Motion by Deputy Mayor Kametler:

RESOLVED, that the FBI National Academy is hereby authorized to hold their annual picnic at Rogers Beach on Friday, September 19, 2008 between 8 a.m. and 9 p.m.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Authorize warrant for September 2008**

Motion by Trustee Tucker:

RESOLVED, that the warrant for the month of September 2008 in the amount of \$268,989.91 for the General Fund is hereby approved.

Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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**Public Discussion**

Irene Barrett, 1 Notamiset Road, Quiogue, asked the name and location of the law firm that had just been appointed Special Counsel respecting the eruv.

Mayor Teller answered that it was Jaspan Schlesinger Hoffman from Garden City.

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Pat Frost explained that she did not actually live in the Village, she lived in Quiogue. She said this is totally a green Village, we have no bike racks, except for the Village beach and marina. She said the library has them, they are going to be torn down because the library is having work done. She asked if this is a green Village and everybody rides their bicycles to town, where are they supposed to put them, other than to a tree or on the flowers that Andrew works so hard on. She said she had taken pictures of spots that were suggestions as to where to put them.

Mayor Teller responded that if she would give them to Highway Superintendent George Gordon, he has a bicycle rack someplace, and he will take care of it.

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Dean Speir, 256 East Main Street, asked if Fox IPM was the firm that was assessing the old municipal yard on South Country Road.

Mayor Teller said that Fox IPM was the tree guy and that Enviroscience was the consulting firm assessing the old highway barn.

Mr. Speir said that when this was discussed at the work session last month, he was led to believe that this firm had given this piece of property a clean bill of health.

Mayor Teller stated that was not correct.

Mr. Speir stated he had read in the paper today that they had taken \$1500 and did what....

Mayor Teller responded that they had done the survey and now we have to do an environmental Phase II.

Village Attorney Hermon Bishop explained that Phase I is just a preliminary review of the property to see if there might be a need for a Phase II. Their conclusion showed that the property, while it is in environmentally good condition, still warrants a Phase II study.

Mr. Speir asked if they had done any drilling or test holes.

Mr. Bishop answered that this is not done during Phase I.

Mayor Teller said that might be done during Phase II.

Mr. Speir asked if they were about to undertake a Phase II.

Mayor Teller said they had not made a decision. They have a proposal in, but they have not made a decision yet.

Mr. Speir asked if that would have to be done prior to any disposition of the property.

Mayor Teller responded, absolutely.

Mr. Speir asked if they had gotten any bids back on that yet.

Mayor Teller said it was not for publication yet.

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Patricia DiBenedetto, 21 Adam Lane, Quogue, stated that she had spoken at the last meeting regarding the Oakland Farms subdivision that is being proposed by Ken Tedaldi. She said she wanted to say thank you to Mayor Teller for his letter of August 12<sup>th</sup>, in essence supporting them and hoping that the Town would open up communications with Mr. Tedaldi with preserving the land or as much of the land as possible. She wanted to let him know that today she had spoken with Mary Wilson and they did start communications and it is ranging from all of the property to part of the property, so it looks like we are heading in the right direction. She said she was hoping that within time it will be preserved for environmental purposes. She also wanted to let them know that outside of the Town of Southampton, she had also notified Suffolk County Steve Levy, NYS Assemblyman Fred Thiele, NYS Senator Charles Schumer, NY Governor David Patterson, US Congressman Timothy Bishop and US Senator Hilary Clinton regarding this parcel of land and the sensitivity of it and what has been going on over the course of the last six or seven years. She gave the Board a copy of the packet that she had submitted, just for reference, because if that parcel of land is developed, though it is Quogue, the residents will have an address of Westhampton Beach and there is a wealth of information there.

Mayor Teller and the Board thanked Ms. DiBenedetto.

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Nick Guldi said he had been playing music on Main Street all summer, it has been tremendous fun. He plays classical cello and has been playing for seventeen years. He said that last Thursday, Sergeant Kerry Laube informed him that he was not allowed to do that and suggested he come by and talk to the Village Clerk. He said he had done that and was told that she would be on vacation until Wednesday, but he went over and talked to the Zoning Department. He said they told him it was possible to apply for a permit to have live music at your business, but as a musician that lives in town, it is not possible for him to get a permit. He asked the Board if it would be possible for him to get a permit. He explained that he plays classical cello at a reasonable volume, there are a couple of people here tonight that have heard him quite a bit and the Board could ask them what they thought of his playing. He said he had been respectful when he had been asked to move and he would be very grateful if they would make it possible for him to get a permit.

Mayor Teller said he would turn it over to Mr. Bishop, but he didn't think the Village had a law that stopped him from doing this.

Mr. Guldi explained that it says on the permit, there is a \$500 ticket for violating it. He said it is a little bit unclear as to whether it is a zoning violation, so it is a little bit unclear as to whether this applies to him. He said he was asked very politely to follow the law and to pack up and go home, so he figured he would address the Village.

Mayor Teller and the Board thanked Mr. Guldi.

Trustee Tucker commented that if our code does show that, maybe we need to attach Mr. Guldi to a store or business.

Deputy Mayor Kametler suggested they could give him a traveling troubadour permit.

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Irene Barrett of Quogue spoke again, addressing the issue to the Trustees and Mr. Houlihan as to why nothing is being done in this town about all of the illegal housing and rooming houses that exist in this community, which she has reported at least seven or eight times. She said she has copies of every report she has made. She asked why we do not have a meeting permit for the full-fledged synagogue down on Dune Road, which

she has called the New York Rabbinical Society, and that is a full-fledged, not meeting room, it is a full-fledged synagogue.

Mayor Teller responded they would research it and get back to her.

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Mayor Teller asked if anyone else would like to address the Board. There being no further response he made a motion at 7:20 p.m. to adjourn the meeting to Executive Session. Seconded by Trustee Birk and unanimously approved. 3 Aye, 0 Nay

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Respectfully submitted,

Christine Owen  
Deputy Clerk