

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, August 6, 2009 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

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

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

Mayor Teller opened the meeting with the Pledge of Allegiance. He than asked everyone to remain standing for a moment of silence for one of our Village characters, Larry Rowe and for Budd Schulberg, one of our distinguished characters.

Public Hearings:

Patio Restaurant Outdoor Tables Permit (tabled 7/6/09)

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

The applicant for the Patio Restaurant, Dwayne Kirchner, explained he wanted to put tables out in front of the Patio Restaurant.

Village Clerk Kathy McGinnis said this had been approved by the Planning Board.

Mayor Teller asked if anyone in the audience had any questions. There being no further response, he made a motion to close the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Tucker:

WHEREAS, the applicant has applied for an outdoor dining permit, pursuant to the provisions of Chapter 196 of the Zoning Code of the Village of Westhampton Beach at the premises, 54 Main Street, located in the B-1 Zoning District. The application was referred to the Planning Board, and the Board recommended approval of the permit pursuant to the plans date stamped received May 28th, 2009 by the Village, and

WHEREAS, a public hearing was held before the Board of Trustees on August 6, 2009, at which time applicant produced testimony and exhibits in compliance with the provisions of Chapter 196 of the Zoning Code,

NOW, THEREFORE BE IT RESOLVED, based on the information submitted, this Board grants approval of the permit, subject to any conditions or limitations set forth by the Planning Board of the instant application.

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

Cablevision Franchise Agreement

Mayor Teller opened the public hearing and introduced Joan Gilroy from Cablevision. He asked Ms. Gilroy if Cablevision would be airing our meetings on television. He said that Southampton Town does not want to air the Village meetings anymore.

Ms. Gilroy said they would accommodate what they have to accommodate. She said Cablevision does not feel there needs to be an amendment to the document because the

document states they will abide by state regulations and state regulations says that they have to provide government access time. She explained that there are currently seven towns in Suffolk County that have their own channels. She said the towns were eager to administer the channel themselves, as did Southampton and all of the other towns on the east end. She said the NYS Public Service Commission regulations say for education and government access, the channels shall be operated and administered by a committee or commission appointed by local government and shall include appropriate representation of local school districts within the service area of the cable television system and may include for purposes of coordination an employee representative of the cable television franchisee. She said there was also a number two footnote, and this is where they have built their model – the footnote says, where an educational government channel is shared by more than one school district or shared by more than one local government (which is the case in Southampton – there are seven villages within the town – so, the local governments share) or a combination thereof, administration of the channel should be on a cooperative basis, it is encouraged. She said that right now the only town that is not sharing according to how the PSC sees it, is the Town of Southampton. She said that the Cablevision business model that they gave and set up, was full 24/7 government access channels in the various towns, and it was in the spirit of what the regulation says, which is encourage all local governments to work nicely together and share air time. Therefore, the way their system is currently operating is the villages are sharing time on the local channels that are provided, which is Channel 22. East Hampton Village is sharing it with the Town, Greenport shares it with Southold, etc. She said she understood there is difficulty out here and what she was here to say was that Cablevision will air Westhampton Beach Village's programming.

Village Attorney Hermon Bishop asked if the Village could get that as an addendum to the contract.

Ms. Gilroy stated they could give the Village a letter.....

Mr. Bishop did not feel Ms. Gilroy had addressed Mayor Teller's question as to whether Cablevision would televise the Board of Trustees meetings.

Ms. Gilroy said she was sure they could come back with a letter of such to the Village. She said Cablevision felt their obligation was covered because in the section on the accessing, section 17.1, it clearly says that they must follow federal and state rules and the state rule says they have to provide it. She reiterated that their model was set up with the part where they felt it was encouraged for the locals to do that. She said if the Village was in the situation that they are not being aired, Cablevision will give the Village a letter stating that they will air the programming. She said what she cannot guarantee at this moment in time is where it is going to be placed, or on what channel it is going to be placed, because.... Why she referenced the business model is because that is how it is Channel 22, that is how it has been operating out of the Riverhead system, so all the Towns have Channel 22, the Villages are on 22, it is more convenient, it is identifiable, and she was sure that was the Board's preference to be on 22 because it is branded a government channel, but they would have to work with whomever the Mayor designates and work to see where they can get it on.

Trustee Levan asked if there would be any guarantee as to how many times it would be aired.

Ms. Gilroy said they would have to work with the Village because they don't have at the moment to say they can come in and say this is going to be on this channel this many times because the model has been built for it to air on 22 and that is across Suffolk County. For instance, in any of the towns, Smithtown is operating that way, so if any of the Villages want to go on there, it is cooperation and they put them on there. She said that is what they have been dealing with, so this is unique. She said this has come to them and is a unique situation because they have been dealing with it the other way.

Trustee Tucker asked if the Town was getting any rebates or any money from Cablevision since they are handling seven Villages.....

Ms. Gilroy responded no, what they are operating under is that Cablevision offers the channel and that is the asset and the value is a full time 24/7 channel. She said that to her company that is a huge asset worth millions of advertising dollars that gets handed over, so

they have the channel that is handed over. She said it was her understanding it was operating on franchise fee money, so that she believes the Town of Southampton is, she did not know if all of their 4% of the franchise fee is going to SEA-TV, but it was explained to her yesterday by the Mayor in the Village of Southampton that they were assessed x amount of dollars based on population, so they were assessed for x amount of money just to share, she thought their assessment was \$18,000 annually, so what they are choosing to do is they are raising their franchise fee from 3% to 4%, which just about reaches \$18,000. He feels that 1% that he is then going to offer to SEA-TV to cover it, that is how they are choosing to address it.

Trustee Tucker said, okay, but in this case the Village is entitled to Cablevision airing the channel without charging our residents an additional surcharge.

Ms. Gilroy answered yes.

Trustee Tucker stated that this Board opted not to charge the surcharge and put an extra burden on our residents.

Ms. Gilroy said yes.

Trustee Tucker asked if Ms. Gilroy knew of any other Towns that are charging their Villages that are within the Town a fee, had she ever had that situation before.

Ms. Gilroy responded she did not know whether the correct word was charged other than voluntary. She believed East Hampton was that way, she believed the Village of East Hampton also gives a percentage of franchise fees to LTV. She said she knows that East Hampton gives a percentage of their franchise fee over. She said Smithtown does not, Brookhaven does not. She said that granted, the Villages are not presenting programming to them. She did not believe that Greenport is giving anything to Southold.

Trustee Tucker asked, getting back to Channel 22, and the analog service now switching over to digital and people that have basic cable not being able to view that, could Ms. Gilroy give the Board a little update on that. He said there had been a lot of talk about that going around.

Ms. Gilroy explained it was still in the digital world. She said where Cablevision is with it, they are actively and aggressively moving to 100% digital, so channels have been moved, as she was sure everyone was well aware. Sixteen were moved back in April and last year in 2008, they moved channels, so they are moving towards 100% digital. She said what they did offer and she believes the Villages would have qualified, not the incorporated part of the Town, was for a period of time up to August 31st, so there are still a couple of weeks left, the Town interpreted what Cablevision did differently than what Cablevision interpreted. She said they were trying to negotiate and Riverhead actually filed a suit in federal court as to whether a cable company has a right to digitize an access channel, that was the question. They have not gotten an answer yet from the FCC, who is the body and the authority that would make a decision on that. They had gotten indications very strongly from the courts that they do have the right to digitize the channel, so that is what they have done. She said what happened in all of the negotiations is that they had opened up to the Villages within the Town of Southampton, not the incorporation of the Town because of further legal discussions with Southampton Town and Riverhead, with the other towns and villages they had extended out here an additional ninety day opportunity for anybody who does not have a digital box in their home and they only have analog cable, they extended that they can go pick up a free box for life for as long as they are a Cablevision customer. So, therefore their goal was to say they are not denying government access to anyone. Either you have a digital box already so you can see it and if you are an analog customer only, you can avail yourself of that opportunity. She said she thought that close to 93% of their customers currently have digital in their home, so they currently have at least one digital box. It was their goal to say that every household has an opportunity to see it, so if somebody wants to watch the government channel, they will have to watch it on the TV that already has the box, but they can watch it.

Deputy Mayor Birk asked when that ninety days ends.

Ms. Gilroy responded it would end August 31st, so if you know anybody or somebody has

approached the Board or if they come to Village Hall requesting that, let them know they can call Ms. Gilroy directly and they will make sure they can pick one up in Southampton.

Dean Speir, 256 East Main Street, indicated he was a Cablevision customer and before that all of the way back to LICA-TV all of the way back to forty years ago. He said he was glad to see they were acknowledging they were obliged under PSC regulations to provide a cable access channel. He wanted to know why it hadn't been done until now. It seemed to him that Cablevision having turned over administration and control of Channel 22 within the Town to Southampton Town and their in turn selling or attempting to re-sell that service which was always made available to us free of charge, he wanted to know why they are just getting around to it now. He asked why Cablevision hasn't either told Southampton Town to cut the funny business or else made another access channel available, Channel 20 or Channel 18 or whatever they had in mind.

Ms. Gilroy said that is why she tried to explain the business model. She said Cablevision is totally aware of their obligation to provide government access and this difficulty was just recently brought to her attention by the Village, whatever this situation is with airing your programming on Channel 22, the channel that they provided for the Township, when they looked at it. She was at the table when this was negotiated. She was there and she understood the spirit that everybody accepted it in, the Town spirit of including the Villages and being very inclusive of the Villages and understanding.....

Mr. Speir asked if there was any discussion at that time of charging.....

Ms. Gilroy responded no, there was no discussion.....

Mr. Speir asked if this was all new information to her.

Ms. Gilroy responded absolutely, it has just been within the last month or two that it had been brought to her attention by the Villages. She said it was Cablevision's understanding at the time, they were at the table and she had attended all of those meetings and it was the spirit of providing a 24/7 channel, because that is a lot of air time, 24/7 is a lot of air time that you are filling and it was a spirit of cooperation and it does exist in the other Townships. She said the other townships that have villages, it was a spirit of cooperation that it is 24/7 and they will cooperate with the villages to air their programming.

Trustee Tucker added it was April 25th that the Village was notified by the Town of Southampton.

Ms. Gilroy said it had been in the last couple of months and she is even more aware of it only because she has been out here quite a bit talking to the villages about their renewals and has heard through the Villages this problem.

Mr. Speir asked if she had had any contact with the Town since then, since she had become aware of what their particular business model is. He asked if she had told them, "Hey, come on".

Ms. Gilroy felt that was more appropriately expressed by the community to the Town as to what is fair, not the cable operator.

Mr. Speir said except that it was their channel and they were the ones that turned that channel and the administration, just turned the key over to Southampton Town and really, under the PSC, it is Cablevision's responsibility to provide access, government access to the governmental and educational systems within the community.

Mayor Teller said not to belabor the point, this is just coming to a head. He said they had just been told the Village was off because we weren't paying money and that they believe there was an agreement between the Village and the Town, which there isn't, but then we contacted Ms. Gilroy and she is providing access right now for us and we haven't finished with that yet.

Ms. Gilroy asked if the hearing would be closed.

Mr. Bishop suggested having a definitive addendum indicating that Cablevision will provide

coverage for the Village a certain number of times, instead of leaving it in the hands of Southampton. He felt that had been the issue that had been raised a couple of times by members of the audience. He knew she had cited the rules and regulations of the Public Service Commission, but he felt those rules and regulations were sort of vague. He said it had been stated by one of the members in the audience that this was sort of turned over to Southampton at their discretion as to whether or not they were going to air television programs, the Board of Trustee's program for example, and how many times, and that is a concern. He said he would like an addendum to the contract that addresses that.

Ms. Gilroy stated she would speak with their attorneys and see if they can present something in writing.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion to hold this hearing over until October 1, 2009. Seconded by Trustee Tucker and unanimously approved. 4 Aye, 0 Nay

Local Law Re: Chapter 91 Flood Damage Prevention

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

Mr. Bishop explained that this was a requirement from the Department of Homeland Security, the Federal Emergency Management Agency and the Department of Environmental Conservation that the Village repeal its existing flood plain management law and to implement a new law, which is almost 99% the same as the existing law. The 1968 Congress enacted the National Flood Insurance Program requiring municipalities to enact provisions in response to damages caused to taxpayers by flood disaster and flooding. Municipalities were required to enact provisions of flood management, construction standards, meeting height elevations and so forth. He said the Village enacted a law in 1987, it was repealed and another law was enacted in 1998. Based on new data that has been obtained through a system called LIDAR, Laser and Global System Energy Technology, the DEC has been able to determine flood elevations of the barrier beach as it exists now, so therefore, based on that new data as of 2006, they have required that all municipalities repeal and adopt a new flood management law and in order to keep flood insurance available, viable in the village. He said the changes are very little. Most of the changes deal with the flood insurance rate map and basically they have changed certain flood Zones to reflect that in the beach area between the jetties where there is more sand built up, more protection in that area, so they have changed the flood Zone from what is called a B Zone to an A Zone. He said that other than that, there has been very little change in the law, the law is a little bit less restrictive than it used to be, but from a practical standpoint, it is the same as it applies to architects and builders.

Building Inspector Paul Houlihan added that from looking over the flood plain maps, the required elevations seem to have dropped a little bit on the mainland, maybe about a foot and in many places maybe a little more than that, on the barrier beach and some of the areas have also gone from a B Zone to an A Zone, which is a little bit less restrictive also.

Aram Terchunian, indicated he was a coastal geologist here in Westhampton Beach and has been involved quite a bit in this FEMA re-mapping process. He said that he and Mr. Houlihan have had a number of conversations and he would just like to add his two cents. He felt there were a couple of nuances that were coming through in this new proposed law that he thought would have significant impact on people's ability to develop existing homes or to build new homes that are specifically related to building height. He explained this was how it played out. There are really four issues he wanted to bring to the Board's attention. The first is this concept of what is called freeboarding. Freeboard is an additional amount to elevate a building on top of what the FEMA map says. Freeboard was developed by the state DEC, not by the Federal Emergency Management Agency about two years ago as an emergency measure, because the FEMA maps at that time were about twenty years old and there was concern about the reliability. So, the purpose of freeboard was to say "Hey, let's put an extra two feet on top of all the FEMA flood levels, just in case" and await this re-mapping, which has now literally been underway for over three years. Freeboard was a stop-gap measure and that is what it was always intended to be. Now, it is being

incorporated into the code and being put here full time. He did not feel it belongs. He said you have a couple of sections, 91-18A and 91-20(1) that he picked up on, he thought there may be a couple others in there. He said the concept of freeboard was a stop-gap measure to compensate for old maps. Now we have new maps, we don't need freeboard. Freeboard still resides in the state building code and the Village would still be obligated to enforce freeboarding. He did not think the Village should put that in the building code, it doesn't belong in the FEMA code.

Mr. Bishop asked if he had said section 91-18A, elevation. Mr. Bishop read that section and said the problem we have is that this is the language that has been mandated by the Federal Emergency Management Agency.

Mr. Terchunian disagreed and said he didn't think that was true.

Mr. Bishop hoped this Village doesn't gamble its.....this law has been reviewed by the DEC. They have said this law does comply with FEMA requirements.....

Mr. Terchunian replied that the law does comply, but it also goes beyond the requirement, that is the point he is making.

Mr. Bishop said this law has to be enacted and sent to DEC by August 25th, September to FEMA.

Mr. Terchunian felt this was an extremely important issue that if the Village needed a little extra time to evaluate it, he was sure both the state and FEMA would give us that time if we asked for it. He said the point here is that under FEMA's rules, they want you to comply with section 60(e). He did not believe the freeboard component was in the FEMA legislation. He said it was in the model law provided to us by the DEC, but it is his understanding that it has been added in by the DEC over and above the federal requirement.

Mr. Bishop emphasized that our law has to comply with the standards of the DEC. They are the ones who review the law and they are the ones who had advised him of the changes that had to be made based on what he had submitted to them. As far as the Village is concerned, his advice is to follow the recommendations of the DEC and to not at this juncture attempt to remove provisions of the law that have already been approved by the DEC.

Mr. Terchunian respectfully disagreed with Mr. Bishop's position and said this is a very important issue for the Village. He felt the reason it was important was not because it pushes the buildings higher, that is not the problem. That is fine, in fact, it is always better to go above the flood elevation. The problem is that the two feet that are being taken off the bottom is being taken off the top of people's buildings so the interior space is being squeezed. If the Village wants to adopt this because they want to give, I respectfully disagree that they are obligated to, but let's just say for arguments sake, they want to because they think it is a good idea, his opinion is that the Board is penalizing people while moving up two feet because you are cutting off two feet, you're squeezing them by two feet.

Mr. Bishop said the remedy then would be if the Board thought it would be appropriate, is to increase the height limitations in the Zones that would be affected.

Mr. Terchunian agreed that was one potential solution.

Mr. Bishop preferred that solution rather than attempting to argue with DEC as to a law that they mandated upon the Village.

Mr. Terchunian respectfully disagreed that the DEC has mandated it. He said they have not, it is only FEMA that can mandate this law. He said the State of New York is merely an administrator.

Mr. Bishop said that was right and they are the ones who review this law and they are the ones that we are required to have approval from and we do have approval from them for this law.

Mr. Terchunian understood that, but he said that doesn't make it right or fair.

Mr. Bishop said he understood that.

Mr. Terchunian thought that we, as a body, have an obligation to do both of those things. He said his second point is there is another subtlety going on here in the vertical datum change. He said he knew he was going to confuse them, he apologized saying it is confusing for him. He said the situation here is they changed the reference sea level height. As everyone knows, when you say mean sea level, everybody thinks of zero. Well, really this is an artificial construct, it is what is called a vertical datum. What this means is they have chosen arbitrarily based on geophysics that this is going to be the zero and everything is going to be measured from that. Of course, it has a relationship to sea level, but it is abstract. In the new regulations, they have changed the reference from what has been used for years and years, the datum from 1929 to a new datum from 1988. What that does is changes all of the heights, in other words, what you would call five feet above sea level, today, when these new maps are adopted will be four feet above sea level. There is a one foot change and where that impacts people is at the top of the building. Again, they are being pushed down on the top and up on the bottom and that is restricting the vertical space that you can build within and this is very problematic for architects, because now you are getting into lower ceilinged buildings and of course, this is happening on waterfront properties where you want an open, airy, large, high ceiling structure. He felt these are very important design criteria that have to be evaluated and going back to what Mr. Bishop said, the remedy may not be in the flood law, it may be in the building height law, but the Village needs to understand that the day they adopt this, the next guy that comes in the next day, he's got to live with this. So, if your building height law comes in next year, it doesn't help that guy.

Mr. Bishop said the Village had that in freeboard, as well, when we had to adopt that and before freeboard became law and was passed in the R5 Zone, the Zoning Board gave variances.....

Mr. Terchunian said absolutely and that is what they should do.

Mr. Bishop explained he was just thinking along with Mr. Terchunian. He said he was totally against changing this law because he thought the Village has opportunities through other methodologies to address the issues that were raised.

Mr. Terchunian felt these were extremely timely because people are building all of the time.

Mr. Bishop said the adoption of this law is also timely.

Mr. Terchunian thought it would be nice if those things coincided and if we can get a thirty day break to make that happen, he thought that would be extremely beneficial to the entire community. He said the second thing to do with building height is what has happened in a lot of areas, especially on Dune Road the designation has changed from a V Zone designation, which is a velocity where you have to build on pilings to an A Zone or an AE Zone where you don't have to build on pilings anymore and the elevations have dropped. What that has done is that your top building height is now pushed down five feet and he thought that going forward in our community that clearly is going to change all future developments, five feet lower than everybody else. He said they had probably heard from their colleagues on the Zoning Board that they get into a lot of discussions about height and how everybody is trying to go up to that last inch for the obvious reasons to get the view and now we have a situation where we are going to be pushing them down five feet. He felt it was also going to change the character of the neighborhood. You are going to have houses right next to each other that have five foot differences. He said that going back to what Mr. Bishop said that maybe this is handled in a different way, but he wanted to point out that this is a clear ramification of adopting these maps. He said the third thing he wanted to talk about is that on Dune Road there are some areas that have actually been de-mapped out of the flood plain entirely because we are blessed with some of the largest sand dunes on Long Island, if not the East Coast. These are now called X Zones and actually in these X Zones you don't have to have any flood control regulations. A lot of Zones are now A Zones on Dune Road where you can actually build a conventional foundation. If you go back, and he and Mr. Houlihan did this, prior to the adoption of FEMA the Village had a rule that said if you build on Dune Road you had to build on pilings,

period, before FEMA was even introduced here and he thought that was a very wise move. He thought we should look at adopting that because even if they are going to..... a map is a map, a model is a model, they are all very nice, but as an old professor of his said, Mother Nature laughs last. He thought that adopting that as a policy was pretty simple and he thought it was a wise move. His last item had to do with this so-called LiMWA line, the limit of moderate wave action and he has a particular problem with LiMWA, only because it was a back-door method by FEMA to introduce this in the middle of the public hearing process. In the memos that came from Washington in December of 2008 when the maps were produced as you all got them in September, public hearings began in November and then in December of 2008, FEMA decided they were going to put this new line on everybody's map. This is an optional program, the Village is not obligated to enforce this program. It may be a good idea, but what hasn't been done with the LiMWA line is it hasn't been properly vetted as to who it impacts. He said he had done some preliminary mapping on his own, he would be happy to share it with the Board, with Mr. Houlihan or with anybody they want him to – his only concern is that because this applies the LiMWA line, applies a B Zone standard to buildings that are in A Zones so that is a wave standard to still water flooding areas. He thought that on Dune Road that is a very good idea. He thought that on the mainland, it may or may not be a good idea depending on where it is and what it is doing. It did not look to him that there were a lot of structures impacted by that, but he did not have a chance to look at it in detail. He felt if we had a little more time, we can go over these maps so we can see, and it may very well be it is great and let's do it, but it really has never been properly vetted. It has been thrust upon the Village, these maps. The Village has been given this as an optional program and with options, sometimes they are good, sometimes they are bad, but they deserve to be vetted. He believed that was the sum total of his comments and he would just respectfully request that the Board not close this public hearing tonight and to leave it open for thirty days, send a letter to the DEC and to FEMA requesting a thirty day extension and you get clarification on what is actually required and what isn't required and if possible, maybe we can fashion a remedy on this building height issue that dovetails nicely with the FEMA law changes.

Mr. Houlihan indicated he and Mr. Terchunian had talked about this, but they haven't talked about it recently and he listened to what he had said originally when they talked last January and he thought they had dealt with a lot of these issues when this first came through last January. He said the freeboard, as Mr. Terchunian mentioned is in the state code right now and we have to do the extra two feet, that is the way it is written when we put it into the FEMA code as has been suggested or not, we still have got to do it. As to the urgency of it, he said the state code is revised every three years and they just revised it. He did not believe there was any revision getting ready to happen for another two or three years. The chances of that being changed in the state code are several years away, so at best, even if they decided to change it, so he really didn't think that was going to have much of an impact on this at all and it is only following what we are already mandated to do under the state code. He said the building height is a good point, the way it is measured, but he thought we had addressed that too, because the way we define our building height, Mr. Terchunian said we take it from the base flood elevation and then we put a limitation on that of forty feet above the average mean sea level and in some cases forty-four. He said that is really not going to change. We are really not going to have a situation where we are pushing it down five feet at all. We are going to actually be taking these elevations from the new base flood base, so that is incorporated into it and it shouldn't really change that at all. He said the only place that there was any impact and this impact really came in when we were talking about the freeboard was Pond Point, because you only had a twenty foot area you could build in. When they instituted the freeboard that forced it to eighteen and it was tough to get an eighteen foot high house. The Village already changed that and added an extra two feet in Pond Point. As for every place else, a few years ago we did a revision just to help houses in the flood zone where we said if someone wants to build a traditional house with a gabled roof, as long as you leave your top plate at thirty-six feet above sea level and that would be the new sea level that would be measuring from this 1988 datum. You can go to forty-four feet above sea level to encourage the traditional type of houses. That is all still built into that and we did that several years ago and allowed houses to build over the forty foot that municipalities like the Town of Southampton had in place, so our houses could always go higher than that, so he felt we had already incorporated that. He didn't think we would be pushing the building together more at all. He thought we were going to have the same amount of height that we had, but he would be happy to talk that over with Mr. Terchunian because he had gone through a lot of scenarios and he did not see where we were crunching the house down. If we were doing that, that

would be somewhat problematic and he didn't think that was there. One thing that he agreed with Mr. Terchunian as far as some of the mapping on Dune Road actually gave an X Zone and it probably would be a good idea for us at some point to look at that and say we should still require houses to be built on pilings and that would be a good suggestion. He did not think that should hold up this law, but it would be a good suggestion. He had talked to probably a dozen architects and engineers and not one of them said that they would design a house on Dune Road, even in the X Zone with a standard foundation. They would all do it with pilings. He said that even on our mainland in the lower areas like Stillwaters and Old Meadow Bend, there are A Zones there and people are building on pilings in there because the soil conditions aren't good, so he did not think that would be a big issue. He did think it was something we should look at and maybe require pilings on all of Dune Road in the future. He was happy Mr. Terchunian brought that out, because he was afraid he was going to be someone who would come in and argue against it, but now that he knows he was with us it will be.....

Mr. Terchunian said he was even on the record. He asked about the V Zone to the AE Zone.

Mr. Houlihan responded there was no question on Dune Road we have a lot of areas that have gone from a VE Zone to an AE Zone and again, every licensed professional he has talked with has still said that on Dune Road they are going to put those on pilings. If we want to step up and make something a little more restrictive and say on Dune Road we should just have something on pilings, period, and that was as Mr. Terchunian said the old regulations that were in place. He felt that was reasonable. It is not something we have to do today with this, but he thought it was a reasonable thing to do and he agreed with Mr. Terchunian on that.

Trustee Levan asked Mr. Houlihan if, based on everything Mr. Terchunian said, he felt the Board should take a step back and have the two of them really go over this one more time before they go ahead and pass it.

Mr. Houlihan thought this law is fine. He thought the couple of items that we mentioned with making pilings mandatory every place on Dune Road would be something he would certainly agree with and he thought that actually, if he sat down with Mr. Terchunian about some of these height issues, he would see that I've looked at them because when he talked to me about them in January, I listened to what he said and went through this. Unfortunately, we haven't spoken since then, but he felt if he went through it again with Mr. Terchunian the way that our height is defined in the code where it says it takes from the base flood elevation, he thought that adjustment has been done already, he believed it is, but he would be very happy to talk to him about that.

Trustee Tucker asked if the vertical datum change would start from the one foot above.

Mr. Houlihan said from the new vertical datum, correct.

Mr. Terchunian felt he and Mr. Houlihan were very close on this with a slight difference of opinion, but he believed there were important nuances that this Board needs to clearly understand. Number one, the height is being measured from the base flood elevation, not from base flood plus freeboard. So, you are automatically taking two feet out of somebody's interior space. If you were to change the rule to make it from base flood plus freeboard, you could eliminate that. Number two, if freeboard is a state building law requirement, then that is where it belongs. It does not belong in the FEMA code. It is not an obligation of FEMA and it shouldn't be in there, because if the state chooses to end that, then it will go away. If they choose to keep it, then we will always be obligated to do it, but it doesn't belong in this part of the code because it is not a FEMA requirement. The third part is when you change from a VE13, which is what most of Dune Road is, to an AE8 and you measure the thirty-two feet from the base flood up, you knock the building down by five feet. There is no question that this is the case. The ones that he and Mr. Houlihan had discussed early on had to do with ocean side structures that were going from VE13s to VE16s and in most of those cases, when the building was complied with coastal erosion, it took them out of the VE16s and put them into lower flood Zone areas so the building height issue was resolved in that manner. He felt these are real issues, they significantly impact

things and he thought it was reasonable and prudent to take a thirty day break and look it over. The Village in no way, shape or form endangers itself or its residents by taking a thirty day break and by going forward without doing it, he thought an argument could be made that they would be creating conflicts later on that they would have to resolve. He said that was his pitch.

Trustee Tucker asked if we have an August 25th deadline, how do we.....

Mr. Bishop advised there were two things. Theoretically we could have until September 25th. If we don't have this totally adopted and approved by FEMA and DEC by September 25th, we get a letter that we no longer have flood insurance. He had spoken with Mr. Neckum, who is with the Chief Flood Plain Management section with the DEC and Mr. Bishop felt that was too close. He said the Village has a lot at stake. You have your flood insurance in this Village which could be at stake. His recommendation would be to adopt the law as it is presently approved and then if changes have to be made, obtain approval from the DEC to make it. You can't be less restrictive, you have to be more restrictive and if the DEC agrees with the position that Mr. Terchunian proposes, then the changes can be made at that time. He reiterated that his advice would be not to put the flood insurance program in jeopardy and to adopt this law tonight.

Trustee Kametler asked if they were supposed to do this in thirty days, why were they just talking about it tonight. He felt they should have talked about it two months ago.

Mr. Bishop explained they were talking about it tonight because it had to be done and had to be done by a certain time.

Trustee Kametler said he would like to table this for fourteen days and have a special meeting on this issue so we can all sit down and look at this a little bit more.....

Mr. Bishop said the problem is that he has to notify the Planning Commission, there is a thirty day period, he has to notify the surrounding municipalities again if there are any changes and that is a thirty day period and obtain DEC approval of the changes, so you can't table it for fourteen days. He said these are changes that Mr. Terchunian says we can argue with DEC about, but the fact of the matter is this is their law and this is what they want, so Mr. Bishop said that on the record he is opposed to it.

Trustee Levan asked if they could do it at the meeting in September.

Mr. Bishop explained you have until September 25th to pass the law, but what he is saying is you would have to re-notice, re-advertise, we would have to serve a copy of it on the Suffolk County Planning Commission, the surrounding municipalities and we would have to also obtain permission from the DEC as to the law who is administering the FEMA law, Mr. Terchunian is correct about that. He said we already have approval of that law now. His question is, if we pass the law and we can have conversations with DEC as to whether or not a provision that they said we have to have really doesn't have to be there, then we could have conversations with them at that time, but he didn't see any reason why you can't pass the law now and make those discussions at a later time.

Trustee Levan asked if those provisions couldn't be part of it when we pass it.

Mr. Bishop said he did not know. It really depends on DEC. He said this was an argument that Mr. Terchunian could have with DEC or maybe Mr. Houlihan.....

Mr. Terchunian said it is not an argument, it is just a clarification.

Mr. Bishop said you are saying to remove a provision of the law. He said his problem is if you remove a provision of the law which FEMA says we have to have, whether you agree with it or not, the fact of the matter is we are getting into the discussion and debate with DEC and FEMA.....

Mr. Terchunian said it was simply a clarification as to whether or not freeboard is a FEMA obligation or a creature of the state. If it is a FEMA obligation, bing, bang, it's done. If it is a creature of the state, it belongs in the state's purview, not inserted into the FEMA code.

Mr. Bishop said this is their model law that all other municipalities have passed. He said Quogue has passed this law, the Village of Southampton has passed this law, this is the only Village that has raised this issue, that he knows of. All of the municipalities have enacted the model the Village has been given to them by FEMA and the DEC.

Mr. Terchunian did not understand why a simple phone call could not be made to get a clarification on this issue.

Trustee Tucker asked if Mr. Terchunian had heard what Mr. Bishop had said while Mr. Terchunian had been chatting regarding the noticing, we have thirty days for the Planning Commission and by September 25th if we don't have it done with proper noticing, we could put the Village in jeopardy of flood insurance.

Mr. Terchunian said that to date in the United States, no community has ever been suspended from the flood insurance program. So, he did not think that was a credible threat that if you request a thirty day extension to evaluate a provision of the code that the federal government is going to pull the flood insurance program. He just did not think that is what they are in the business to do.

Deputy Mayor Birk asked if there was any way they could have a special meeting this week, so we don't hold up our deadlines, but yet get the clarification on the items.

Mr. Bishop reiterated that this becomes a debate with FEMA and with the DEC should we come to terms or if there is an outcome from that debate, we then have certain deadlines that have to be met; you have notifications and a thirty day deadline. You are only talking about a week, but you are really talking about re-noticing everything else thirty days after we reach a resolution, so to say we should call and ask for an extension..... He said he had called and spoken to Mr. Neckum in the Chief Flood Plain Management Section and told him he had an issue with respect to a part of the law and asked if we could hold the hearing over and perhaps have a special meeting to adjourn it and Mr. Neckum said if you have it to me by September 25th, but that is the last day. Mr. Terchunian says maybe we can get an extension from September 25th. According to Mr. Neckum, we can't, at least this was my conversation with him. Can we ask? Of course, we can ask. But, the question is, should we adopt the law now and consider changes at a later date or risk having problems with our flood insurance in the Village.

Deputy Mayor Birk asked if we do adopt it, is it a lost cause to make any changes after.

Mr. Bishop said then we would have the time to debate it with them and to discuss it with them. Mr. Terchunian could help articulate why he thinks this should occur if he wishes and have a debate and have a conversation with them about that, then you would have the time. Right now we have a September 25th drop dead deadline to have it passed and sent to them.

Mr. Terchunian said that conversely, if the clarification comes back, that it is indeed a FEMA requirement, you don't have to do anything except for to pass it at the next meeting. If it isn't a FEMA requirement, then quite frankly, it doesn't belong in there and the state never should have put it in there and if we have to get an extension to undo what they weren't supposed to do in the first place, so be it. If it is supposed to be there and our decision is put off for thirty days and adopted before the 25th because it is supposed to be there, then you don't have to re-advertise anything, everything is already done.

Mr. Bishop said we have to re-notice this for a thirty day period with the Suffolk County Planning Commission and the surrounding municipalities.....

Mr. Terchunian asked even if you don't change any provision.

Mr. Bishop explained if we don't change it, that is fine, but what you are suggesting is that we do change it, then we are going to have to go through that process.

Mr. Terchunian said he is suggesting that you get a clarification. If the clarification is that it is a FEMA requirement, then there is no change needed to the law and you can go right ahead and adopt it at the next meeting, no notice requirement, no nothing. Conversely, if there is not a FEMA requirement and it has been inappropriately put in there, then maybe

it is appropriate for you to go back and notice it and re-hear it and re-do it. He didn't think that the Village puts themselves in any jeopardy whatsoever.....

Mr. Bishop felt that was a totally irresponsible statement.

Mr. Terchunian asked if you adjourn this to the next meeting and adopt the law you have right now and comply with everything that is there, somehow there is a liability.

Mr. Bishop said he thought there was if there is a change in the law, first we have to obtain approval from the DEC, then there is a notification that has to be done as well and that is an additional thirty day period.

Mr. Terchunian stressed that is if you change the law. He said we are looking for a clarification as to whether or not this is.....

Mr. Bishop said if we don't change the law, we have a law that can be passed tonight and the other provision that Mr. Terchunian speaks of can be changed, we can pass that at a later time.

Mr. Terchunian respectfully disagreed. He felt it was just a rush to judgment, get the law passed and we'll talk to you later on. He thought this was something that needs to be understood before it is voted on.

Mayor Teller asked if Mr. Houlihan had any problem with it.

Mr. Houlihan replied he did not, because with all due respect to Mr. Terchunian, he respected his knowledge of the FEMA regulations, but whether we keep them in or take it out, we still have to maintain that two foot freeboard. It won't make a bit of difference and that is not going to be changed for at least several years, if the state wanted to change it, so it is not going to have any impact at all. He thought that some of the other things Mr. Terchunian was talking about he had addressed and he would like the chance to sit and talk with him about it because he thought a lot of the things he was concerned about, we have dealt with and they are not going to be a problem.

Trustee Levan asked if this could be a phone call for clarification and then we go ahead and pass it at the work session.

Mr. Bishop said that was a good question. His thought was we shouldn't be doing that.

Trustee Levan asked if we could do it.

Mr. Bishop didn't know, he really couldn't give an answer because he didn't know what the time table was going to be. He didn't know what was going to happen out there in DEC land and then whatever occurs out of that conversation with DEC and then we change the law and re-advertising the law and then the notification..... He said his answer to the question is he doesn't know. He said I can't tell you, but as a lawyer he knows we are a pain in the neck. Lawyers like everything nailed down, nice and tight, we like things to be done in a way that we can predict and not in a way that may cause problems for our clients, in this case the Village. He said we do have a deadline on this; we do have a model code that was given to us. There is a request to have this model code amended and changed which is different from all of the other codes that have been passed by all of the other municipalities, he wasn't talking about just the east end municipalities, this is every single municipality in the state this model code was sent to. He could not tell the Board if they were going to run amok. He said they were going to have certain notifications that will have to be done again, advertising will have to be done again of the law and he said it was their call, but he would prefer them to pass this law tonight and then enter into the discussions with DEC after that to see if we can amend it. We can see if we can get approval from them to amend it after that, we can move immediately to do that.

Dean Speir asked Mr. Bishop, in his experience, how likely is DEC to relax something that is already in place.

Mr. Bishop remarked that it was very rare, that is one of the problems we have.

Mr. Speir said he realized this was a very thorny, time is of the essence matter here, but he would also point out another thing is that Mr. Bishop has the advantage of having sat both at the middle of the table and the end of the table on the Zoning Board and he would ask him to reflect for a moment on the practical application of this law and what the ZBA is going to be hit with in the way of variances, which the way he reads it, they are almost obliged to give, to grant.

Mr. Bishop said he did not know that. Number one, all he could say was this is what the FEMA and DEC wants. This is what the other municipalities have adopted. This issue has not been raised in other municipalities. We do have to have the law filed, otherwise our flood insurance will be jeopardized by September 25th and in his opinion, you have notification problems, possible communication problems with agencies, the result of which is totally unknown, so he can't tell the Board this is a good idea. In his opinion, this is not a good idea. That is just his opinion and he believes that a better course of action would be to pass the law as it presently is and to work on the provisions either through Mr. Houlihan speaking with Mr. Terchunian on the issues they have discussed and if we have to, amend this law if DEC allows us to.

Mr. Speir said he was glad Mr. Bishop added that part about if the DEC allows you to.

Mr. Bishop replied he did not want to go into too much on what the Zoning Board could or could not do with respect to this law because he did not have any applications specific to this issue, so it is hard for him to say what the Zoning Board would or would not do.

Mr. Speir said there probably wasn't one now, but he thought they could correctly foresee that there will be a number in the very.....subsequent to the adoption of the law.

Mr. Bishop said that is not really what is at issue here. The issue is, number one, you want to maintain flood insurance here in the Village. That should be our number one goal. Number two, in order to do that we have to have a law in place by a certain date and number three, the law that was given to us and every other municipality in the state is the one that is placed before the Village right now. So, good arguments were made, maybe DEC will change their mind, but in his opinion, any change that should be made should be made after the adoption of the law. That is his opinion.

Mr. Speir felt Mr. Bishop's concern seemed to be the protection of the flood insurance and he can't fault him for that, he was just suggesting there were other dimensions to this that should be considered.

Mr. Houlihan said he had just one last thing because he knew Mr. Terchunian was concerned about this, but he thought the Board should adopt it and he did not believe it was going to have that effect where we are going to need more height variances. He thought it was adjusted to that and keep in mind if you called the DEC and said is this appropriate as a standard in FEMA regulations, of course they are going to tell you yes, because they have already recommended we put this into it, so he did not think they were going to say no, it is not appropriate. He thought they would say yes, it is, they have already recommended that we do it. He said the state building code with its construction standards and the FEMA regulations with its flood plain standards, in some ways are almost interchangeable. They both deal with flooding conditions and pilings and support and connections and wind loads, both FEMA and the state building code deal with those construction standards, so he didn't think you can say one should be a construction standard and one should not, they're both construction standards. He thought it was appropriate, he thought DEC will say that if you were to ask them and he thought the Board should adopt it.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, Deputy Mayor Birk made a motion to close the meeting.

Trustee Tucker asked Mr. Bishop if the Board did this at the work session and nothing changed, not to beat this to a dead horse, that would give us thirty days from the work session until September 25th.

Mr. Bishop explained he just can't guarantee the outcome, that is the only thing he was saying to them. He knew what Trustee Tucker was saying, but remember the notice has to

be given to all the other agencies as well as working with DEC and convincing them that this provision doesn't have to be there. He just couldn't guarantee it, where he could say we could work diligently with that issue after the adoption of the law, make it a priority and move forward with that and find out about that.

Mayor Teller asked if there was a second on the motion.

Deputy Mayor Birk said the only way she would want to go forward with it is being able to, if we decided to make any changes, that we're not locked out of it.

Trustee Levan noted that this was the first public hearing they have had and a lot of issues had been raised and she would like to wait until the work session so she has a couple of weeks to really talk it out.

Deputy Mayor Birk agreed the Board needs more time, too. She made a motion to hold this hearing over. Seconded by Trustee Kametler and approved as follows:

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

Mayor Teller said he voted no. He said he had spent five years trying to get a bulkhead changed with the DEC.

Resolutions:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees Meeting of June 4, 2009 are hereby accepted.

Seconded by Deputy Mayor Birk and unanimously approved.

Accept monthly Reports from Departments

Motion by Deputy Mayor Birk:

RESOLVED, that the Treasurer's report for May 2009, and the Police Department, Justice Court, and Building Inspector's reports for July 2009, are hereby accepted.

Seconded by Trustee Tucker and unanimously approved.

Appoint Traffic Control Officers

Motion by Trustee Kametler:

RESOLVED, that the following 2009 seasonal Traffic Control Officers are appointed to serve and will be paid at the rate of \$16.00 per hour:

Name	Effective
Bruce Howson	7/1/09
Connie Marie Campos	7/26/09

Seconded by Trustee Levan and unanimously approved.

Appoint Beach Attendant

Motion by Trustee Levan:

RESOLVED, that Michael Polan is hereby appointed as a Beach Attendant to be paid at the rate of \$9.00/hour retroactive to July 3, 2009

Seconded by Deputy Mayor Birk and unanimously approved.

Adopt Workplace Violence Policy

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby approve the attached Workplace Violence Program Policy Statement and the implementation of a Workplace Violence Program for Village employees.

Seconded by Deputy Mayor Birk and unanimously approved.

Authorize refund of duplicate 2009/10 Real Property Tax Payments

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby authorize the refund of duplicate 2009/10 real property tax payments totaling \$7,850.78 to the property owners specified on the attached list.

Seconded by Trustee Tucker and unanimously approved.

Release Beach Road Howell House Performance Bond

Motion by Trustee Kametler:

RESOLVED, that the Performance Bond of Beach Road Howell House, LLC, presently in the amount of \$107,500.00 shall be reduced by \$102,500.00, and released to the applicant, subject to applicant executing a Maintenance Bond Agreement for the sum of \$5,000.00 in a form approved by the attorney for the Village of Westhampton Beach.

Seconded by Trustee Levan and unanimously approved.

Authorize grant application to NYS Unified Court System

Motion by Trustee Levan:

RESOLVED, that the Mayor is hereby authorized to sign a 2009 Justice Court Assistance Application requesting a grant in an amount not to exceed \$30,000.00 for the purchase of various court items and equipment.

Seconded by Trustee Tucker and unanimously approved.

Schedule public hearing on Starr Boggs Outdoor Music permit

Motion by Trustee Tucker:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, September 3, 2009 at 7:00 p.m. at the Village Hall on an outdoor music application submitted by Starr Boggs Restaurant for the premises located at 6 Parlato Drive and identified by SCTM # 905-11-2-43.1.

Seconded by Deputy Mayor Birk and unanimously approved.

Schedule public hearing on Firehouse Pizza Outdoor Dining permit

Motion by Deputy Mayor Birk:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, September 3, 2009 at 7:00 p.m. at the Village Hall on an outdoor dining application submitted by Firehouse Pizza for the premises located at 196 Montauk Highway and identified by SCTM # 905-6-2-30.

Seconded by Trustee Tucker and unanimously approved.

Schedule public hearing on Hampton Coffee Co. Outdoor Dining permit

Motion by Trustee Kametler:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, September 3, 2009 at 7:00 p.m. at the Village Hall on an application submitted by Hampton Coffee Company to amend the current outdoor dining permit for the premises located at 194 Mill Road and identified by SCTM # 905-8-3-23.

Seconded by Trustee Levan and unanimously approved.

Schedule public hearing on Local Law to terminate assessing unit status

Motion by Trustee Levan:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, September 3, 2009 at 7:00 p.m. at the Village Hall on a Local Law relating to the termination of the Village's status as a separate assessing unit for village real property tax purposes.

Seconded by Trustee Tucker and unanimously approved.

Authorize Bide-A-Wee Love on a Leash parade and use of Village Green

Motion by Trustee Tucker:

RESOLVED, that Bide A Wee is hereby authorized to hold the annual "Love on a Leash" fair on the Village Green on Wednesday, September 2nd starting at 3:30 p.m. through to 7:00 p.m., with a parade on Main Street between 4:30 and 5:00 p.m.

Seconded by Trustee Kametler and unanimously approved.

Appoint Special Counsel for litigation of People v. Price

Motion by Deputy Mayor Birk:

RESOLVED, that Hermon J. Bishop, appointed Special Assistant District Attorney for the Village of Westhampton Beach, shall be paid the sum of \$165.00 per hour for the litigation of People v. Price.

Seconded by Trustee Kametler and unanimously approved.

Approve warrant for August 2009

Motion by Trustee Kametler:

RESOLVED, that the warrant for August 2009 in the amount of \$200,128.47 for the General fund is hereby approved.

Seconded by Trustee Tucker and unanimously approved.

Public Discussion

Victor Canseco from Sandpebble Builders addressed the Mayor and the Board of Trustees and reported that Sandpebble Builders had the real great pleasure of producing this building for them and it was built and designed as a LEED certified project as outlined by the US Green Building Council. He said that to date, in the state of New York, there are approximately one hundred buildings that have been certified. Of those hundred, twelve have been certified as gold. On Long Island there is only one other gold building and that is in Nassau County. This is the very first building in Suffolk County to be certified as LEED gold. He congratulated the Mayor and Board and he and Bob Viola, the project manager, presented them with a plaque and a certificate entitling the Village to a free installation of the plaque. He said they would be by tomorrow to permanently adhere it wherever they would like.

Mark Williams, of Mitchell Road, said he had a couple of issues he would like to direct primarily to Mrs. McGinnis and Mr. Bishop relating back to the June 19th election and specifically the challenges to the qualifications of sixty-four registered voters at that time. He said that since that date the question has been asked on several occasions as to what was the legal or factual basis for the challenges that were made to those residents. He said they have been unable to get an answer to that question and he asks it again tonight. The second question is directed to Mr. Bishop, who he understands has submitted to the NYS Board of Election and to the NYS Conference of Mayors, a request for an opinion related to the election or to the challenge procedure, he was not quite clear. His question is has that request, in fact, been submitted, can we see it or can Mr. Bishop tell us what the substance of what that request is and will any response be made public.

Mr. Bishop responded that as far as he was concerned, yes. He said he would answer number two first. The request for opinions has been made. It was an extensive request examining all of our challenge procedure and as Mr. Williams said, the request was made to the NYS Board of Elections and to the NYS Conference of Mayors and that is a matter of public record and you are allowed to see that and have a copy of that with exhibits. The first question as to respect to qualifications, Mr. Bishop said he wasn't there and with respect to the basis of the challenge, he wasn't there when it was made but it was his understanding that the basis was the question of whether or not the voters were residents of the Village thirty days prior to the election, that was the basis.

Mr. Williams said in other words, whether they had residences in the Village prior to thirty days.

Mr. Bishop explained it was not whether they had residences, but whether they were residents as defined by the election law within the thirty day period prior to the election.

Mr. Williams asked if we would find that definition of residents in the election law.

Mr. Bishop replied it was in the election law in the cases that define eligibility. He just asked one thing from Mr. Williams. He asked that he not e-mail him anymore. If he was going to send a letter or request for information or communicate in any way with the Village, to please do it in hard copy so that it can be foiled rather than having somebody try to foil all of the Village's e-mail.

Mr. Speir asked if the Village Attorney could briefly abstract the People v. Price issue.

Mr. Bishop explained that People v. Price is a criminal proceeding having to do with zoning violations of a piece of property.

Mr. Speir asked if he could identify the piece of property.

Mr. Bishop said it was located on 24 Library Avenue.

John Roland, 291 Dune Road, asked if this was in addition to what we were paying Mr. Bishop.

Mr. Bishop replied it was.

Mr. Roland asked the reason for that.

Mr. Bishop responded that this was an intensely litigated matter and he was retained by the Village to represent the Village in Justice Court with respect to disposing of cases and parking tickets and accomplishing compliance with zoning codes, but this is an extensive motion practice in this particular case and numerous hours have gone into this litigation.

Mr. Roland said okay, he could see, but the Village is spending a lot of money on attorneys.

Mr. Roland addressed the Mayor and Trustees saying that for some time now the people of this Village have turned, in his opinion, a blind eye to the rather petty and personal vendettas some of you have aimed at our police chief. He said that until recently that only added to the cost of our reputation. We are now referred to on the east end as "Worshampton". But now, Mr. Mayor, this is costing us money in addition to our reputation, our tax money. You hired an outside attorney to continue to carry on this embarrassing and possibly illegal crusade and goodness knows that that is going to cost the people who live in this Village and pay taxes. We are demanding that you stop wasting your time and our tax money on this. He asked Mayor Teller to please put an end to this. If some of you want to make fools of yourselves, fine, do it on your own dime, don't charge us for it. He said it was time you start acting like Village Trustees and stop acting like Village idiots, please.

Mayor Teller said they were under negotiations, so that was all he could say about it.

Irene Barrett from Quiogue asked the Mayor and Trustees if the Beach Bakery permit covered the concert they had last weekend down in the center of town.

Mayor Teller answered yes.

Ms. Barrett asked if it covered it even though they were moving cars and putting flowers in the street so people couldn't.....that is what they were doing. She said she was there and they moved a car and put all of the flowers in so that they could have a concert. It was

advertised on the TV, but if that covers it, then that is something else. She asked if the permit covered the concert.

Mayor Teller said they would take her complaint under advisement, but he had two Trustees down there, so if they have some objections to it, but we have a remedy.....

Trustee Levan indicated she had some objections which they need to discuss.

Jackie Bennett of Parlato Place asked if anybody noticed besides her that on the weekend when Mill Road is closed off during the art show that the traffic on Main Street moves better. She said it was really nice to get in and out of Library Avenue and she just wanted to say thanks.

Mayor Teller asked if anyone else would like to address the Board. There being no further response Deputy Mayor Birk made a motion at 8:30 p.m. to adjourn the meeting. Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk