

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, January 8, 2009 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

**PRESENT: Mayor Conrad Teller
Trustee Toni-Jo Birk
Trustee Joan Levan
Trustee Hank Tucker**

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

ABSENT: Deputy Mayor James Kametler

Mayor Teller opened the meeting with the Pledge of Allegiance. He wished everyone a Happy and Healthy New Year.

Presentations

Holiday Lighting Contest Awards

Mayor Teller thanked everyone that participated in the Christmas lighting contest. He felt there were quite a few more this year that had asked to be put in the running. He announced the residential and business winners (see attached list). The first place winners received \$100 and all of the winners received a framed photograph of their house.

Public Hearing:

Local Law 1/2009 to amend Chapter 161 relating to Taxation

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

Village Attorney, Hermon Bishop, explained that this was a local law to amend Chapter 161 relating to taxation. He said the purpose of the law was to raise income brackets for Senior Citizens and Persons with Disabilities, so that their assessed valuation can be reduced by up to 50%. If one of those individuals has income \$28,000 or less, they can have a 50% reduction in their assessed valuation. They can earn up to \$36,400 and be entitled to a 5% reduction in their assessed valuation. That is the two portions of the law. The third portion of the law is to grant a Cold War Veterans Exemption of 15% or \$12,000, whichever is less, for a term of ten years. He explained the definition of a Cold War Veteran as a person who has been in the armed services at least 365 days between the dates of September 2, 1945 and December 26, 1991. They have to be honorably discharged and have to be awarded the Cold War Recognition Certificate as authorized under public law 105-85, the 1998 National Defense Authorization Act.

Trustee Tucker said he understood that part of it, but asked if they were still entitled to a combat exemption.

Mr. Bishop stated that if they are entitled to a veteran's exemption, they would not be entitled to this exemption. We are talking about the Cold War Veterans. This is an amendment to the NYS Tax Law and we are just following that.

Mayor Teller asked if anyone else would like to be heard. There being no response, Trustee Birk made a motion to close the public hearing. Seconded by Trustee Levan and unanimously approved. 3 Aye, 0 Nay

Motion by Trustee Birk:

WHEREAS, the Board of Trustees is considering amending Chapter 161 of the Code of the Village of Westhampton Beach in order to increase the maximum income exemption eligibility level for granting partial exemptions from real property taxes for persons sixty-five and over, and persons under disability, and to further provide a tax exemption for Cold War veterans; and

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 January 8, 2009, to hear all parties on a proposed Local Law entitled "A local law amending Chapter 161 of the Village Code entitled 'Taxation';" 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 January 8, 2009, 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 Article VIII of the Environmental Conservation Law (State Environmental Quality Review Act), that it resolves itself lead agency, that it has reviewed the prepared EAF Part I and lists this action as a Type 2 action, requiring no further environmental review; 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 1/2009 entitled "A local law amending Chapter 161 of the Village Code entitled 'Taxation'," 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 Levan and unanimously approved. 3 Aye, 0 Nay

Resolutions:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Levan:

RESOLVED, that the minutes of the Trustee Meeting of December 4, 2008 are hereby accepted.

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

Accept Departmental reports

Motion by Trustee Tucker:

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

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

Schedule public hearing on Local Law amend Village Zoning Code Chapter 197

Motion by Trustee Birk:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to publish and post a Notice of Public Hearing to be held on February 5, 2009 at 7:00 pm at the Village Hall on a proposed local law to amend Chapter 197 of the Village Zoning Code.

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

Dean Speir, 256 East Main Street, asked what the abstract of this law was.

Mr. Bishop explained that this would be relating to amending contractor/administrative offices in the Village and treating them as if they were professional offices, attorney's offices, doctor's offices, accountant's offices. Right now the code only provides for a general contractor/trades office and requires that they have a lot more things that are really necessary for a contractor/administrative office.

Mr. Speir asked if this was essentially new definitions.

Mr. Bishop stated that this would have some new definitions, it will define a contractor's administrative office vs. a general contractor's trades office – Bob Busking's office would be an example – Westhampton Glass. He said that is basically what the law is about.

Trustee Tucker added that it was also defined to prevent contractor's trucks from parking all over the place in the Village if they were to have a place of business in the B1 District, so they couldn't have huge trucks sitting there parked there all the time, day in and day out and carrying materials back and forth inside their respective places of business. We would treat them like they were an office, as well.

Authorize Police Officer John Havens Retirement

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby authorize the retirement of Police Officer John Havens effective February 18, 2009.

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

Appoint full time Public Safety Dispatcher I

Motion by Trustee Tucker:

RESOLVED, that Jeffrey Frano is hereby appointed as a full time Public Safety Dispatcher I at a annual salary of \$36,500.00, effective January 12, 2009.

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

Accept proposal for 2009 Rogers Beach Snack Bar Concession

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees hereby accept the proposal submitted by Loughlin's Deli to pay the Village \$ 7,000.00 to operate the Rogers Beach Snack Bar for the 2009 summer season.

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

Approve 2009/10 real property tax exemptions

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees acting in the capacity as the Board of Assessors hereby approve the attached list of taxpayers to receive aged exemptions, disability exemption, veterans exemptions, clergy exemptions and volunteer ambulance workers/firefighters exemptions for the 2009/10 tax year as indicated: (see attached list)

Seconded by Trustee Birk and voted on as follows:

Trustee Birk	Abstain	Trustee Tucker	Aye
Trustee Levan	Aye	Mayor Teller	Abstain

Mr. Bishop advised this be held over until the Work Session, at which time they would hold a Special Meeting and Deputy Mayor Kametler would be present to vote.

Schedule Grievance Day – Tuesday, February 17, 2009, 1 p.m. – 5 p.m.

Motion by Trustee Tucker:

RESOLVED, that the Board of Assessors will meet for the hearing of the complaints on the 2009-2010 assessment roll on Grievance Day, Tuesday, February 17, 2009 between the hours of 1:00 pm and 5:00 pm at the Village Hall, 165 Mill Road, Westhampton Beach.

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

Schedule Village Tax Lien Sale - March 10, 2009 @ 10:30 a.m.

Motion by Trustee Birk:

WHEREAS, from the accounts of unpaid taxes heretofore returned by the Treasurer of the Village of Westhampton Beach, New York, to this Board for the year 2009 or years 2008-09 both inclusive, the following taxes still remain due and unpaid after due notice and demand on each of the property owners for the payment of said taxes, to wit:

(See attached copy of unpaid taxes)

WHEREAS, no action has been commenced to recover said unpaid taxes and no sale, on account of said unpaid taxes, has heretofore been held pursuant to law and therefore let it be

RESOLVED, that such unpaid taxes shall be collected by the sale for taxes as provided in Section 1454 of the Real Property Tax Law of the State of New York; that a copy of this resolution, duly certified by the Clerk, shall be transmitted forthwith to the Treasurer of this Village with the account, affidavit and certificate of such unpaid taxes, and that the Village Treasurer, upon receiving such an account of unpaid taxes and a certified copy of this resolution is authorized and directed to cause to be published in the official newspaper of the Village once each week for three successive weeks a list of statement of the real estate upon which such taxes are unpaid, as shown in the tax list, with the amount of the tax, a twenty-five dollar (\$25) advertising fee, interest and charges thereon and also a notice that the said real estate will, on a day subsequent to the expiration of said three weeks, be determined by said Village Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said

Village Treasurer, to discharge, the tax, twenty-five dollar (\$25) advertising fees, interest and charges aforesaid, which may be due thereon at the time of such sale, and that said Village Treasurer, at the time and place specified in said notice, proceed with the sale of said real estate upon which such taxes are unpaid, as above set forth, and continue at the same from day to day until the sale is completed.

BE IT FURTHER RESOLVED, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for amount sufficient to pay the said tax, fees, interest and charges, the said premise shall be deemed to have been sold to and purchased by the said Village of Westhampton Beach, New York.

RESOLVED, that all remaining unpaid taxes for the fiscal year 2008-09 shall be collected by Public Sale to be held on Tuesday, March 10, 2009, at 10:30 a.m. in the Office of the Village Clerk-Treasurer and such unpaid taxes be advertised in the Southampton Press issues dated February 19, February 26, and March 5, 2009, in accordance with the statutory law.

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

Schedule General Village Election Friday, June 19, 2009 12 noon

Motion by Trustee Levan:

RESOLVED, that the General Election of the Village of Westhampton Beach, New York shall be held on Friday, June 19, 2009 at the Village Hall, 165 Mill Road, Westhampton Beach, New York between the hours of 12 noon to 9 p.m. prevailing time, and the offices to be filled are:

Trustee – two (2) for a term of two (2) years

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

Authorize 2009 St. Patrick’s Day Parade, Saturday, March 14th 12 noon

Motion by Trustee Tucker:

RESOLVED, that the St. Patrick’s Day Parade Committee is hereby authorized to hold the 2009 St. Patrick’s Day Parade on Saturday, March 14th @ 12 noon starting at the corner of Mill Road and Oneck Lane, proceeding south on Mill Road to Main Street and ending at the reviewing stand.

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

Approve Greater Westhampton Chamber of Commerce 2009 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 Tucker and unanimously approved. 3 Aye, 0 Nay

Approve 2009 WHB Historical Society “Farmers Market”

Motion by Trustee Levan:

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 8:00 a.m. to 1:00 p.m. commencing on June 13th through to November 14th , 2009.

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

Authorize 2009 Rotary Flea Market on Great Lawn

Motion by Trustee Tucker:

RESOLVED, that the Rotary Club of Westhampton is hereby authorized to hold the 2009 Flea Market on the Great Lawn on Saturday, Aug. 8th from 10 am to 6 p.m. and Sunday, Aug. 9th from 11 a.m. to 5 p.m.

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

Approve 2009 Cystic Fibrosis Foundation “Walk to Cure” – May 2nd Village Green

Motion by Trustee Birk:

RESOLVED, that the Cystic Fibrosis Foundation is hereby authorized to use the Village Green for the 2009 Great Strides “Taking Steps to Cure Cystic Fibrosis Walk” on Saturday, May 2nd from 7:00 a.m. to 3:00 p.m.

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

Approve January 2009 warrant

Motion by Trustee Levan:

RESOLVED, that the warrant for January 2009 in the amount of \$242,131.70 for the General Fund is hereby approved.

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

Mayor Teller asked if anyone else would like to address the Board. There being no further response he made a motion at 7:24 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