

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, April 1, 2010 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 Richard Haefeli**

Mayor Teller opened the meeting with the Pledge of Allegiance.

Appointment of Village Attorney

Pursuant to Village Law Section 3-312 (3), Mayor Teller has appointed Richard T. Haefeli to fill the vacant Village Attorney and Special District Attorney terms of office expiring on June 30, 2010, to be paid a monthly retainer of \$5,633.33.00, with litigation as authorized to be billed at the rate of \$165.00 per hour.

Public Hearing – 2010/11 Fiscal Year Tentative Budget

Mayor Teller opened the hearing on the tentative budget for 2010/11 and asked if anyone would like to say anything on it. He felt they probably hadn't read it yet. He said that last year we were 2.4420 per thousand. This year it is 2.54 per thousand. Our total expenditures this year are proposed at \$9,198,890. That is about a \$270,193 difference. We have labor contracts that are not completed, highway, police. The Board of Trustees, there was no change in their services from last year. Justice Court went down \$1,300. Mine has dropped. Auditing – same. Treasurer's, just shy of \$3,000 less. Legal is the same. Elections, if I'm correct it went up.

Village Clerk Treasurer Kathy McGinnis said no, there is no increase in elections. The only increase in that part of the budget is \$10,000 and that was added to the labor counsel's line, because we still have negotiations for two contracts going on.

Mayor Teller said okay. Operation of the Plant decreased \$14,000. Unallocated insurance dropped \$50,000. Police Department is up \$26,000. As I said before, there's been no negotiations with the PBA. They withdrew a while back. Safety inspection up \$7,000. Highway Department up \$154,000. They do our snow removal, our leaves, cleaning. Publicity is no change. Beach is down by \$8,000. We have one less week this year. Planning down \$5,000. Architectural Review Board, no change. Garbage is no change. Beautification is up \$363. The MTA Metro Tax, they got us for \$15,000. The state retirement is up \$99,000. Social Security is up \$10,000. Medical insurance is \$28,000 up.

Trustee Tucker asked Mrs. McGinnis regarding the MTA tax, just in case the calculation is off, it shows the MTA Metro Tax at \$15,000 and it shows the total on the next page at the top of that, it shows zero. I don't know if it's.....

Mrs. McGinnis said no, it didn't add that in. There's no, that total, it's the \$15,000.

Trustee Tucker said okay, good.

Mrs. McGinnis said we're already paying that this year and it was not budgeted this year. Immediately in October when it was passed, they started collecting it. So, we had to find the money in this year's budget to make up this, we've already spent \$14,000 that was not budgeted. Obviously, if the efforts to eliminate the tax out here are successful, then that \$15,000 will go to contingency.

Mayor Teller asked if anyone had any questions.

Victor Levy, 58 Beach Road, said improvement CHIPS, the 2009/10 budget had \$15,000. This year we're budgeting \$177,000. Were we expending no 08/09? I'm not sure I understand the variance or does it have to do with the reimbursement. He said actually, it may be tied into permanent improvements, which is the next line.

Mrs. McGinnis said right. She explained that on the CHIPS, we really didn't go forward with any big projects this year because Highway Superintendent George Gordon wanted to consolidate. We're allowed each year so many thousand dollars. So, George has been moving towards getting a reserve so that we could do a big project. This year in the budget he is going to be doing South Road and School Lane and School Street with drainage. It will include drainage and if you look on the revenue side of the budget, there's the offset. So, we have a sufficient amount of money in reserve, including the money that we will be eligible for this year to do the project. We get about \$70,000 a year and that doesn't really go very far. So, George has, when he's doing these projects, he would like to do a bigger project. That's why that is. It's really a wash because the money is also, the equal amount is in the revenue. Last year he just used it for roads, small things. In the permanent improvements, the major project there is we're going to rebuild the bulkhead at the end of Fisk Lane. That was budgeted for and then there is drainage, various drainage.

Dean Speir, 256 East Main Street, asked the Mayor if he had cut his own salary by 50%.

Mayor Teller said Kathy beat me over the head.

Mrs. McGinnis said no, he didn't.

Mr. Speir said tough lady.

Mrs. McGinnis said no, no, let the record show the Mayor decided to do that.

Mr. Speir said it was commendable. He said he had a question on some of the items under the police expenditures, public safety. He said we're proposing \$199,604, a slight increase on the dispatchers. Is that accurate?

Mrs. McGinnis said yes. It's three people and only one of them has a raise in this budget because the two senior dispatchers had a four year contract, which has expired. So, again, that's another contract that hasn't been negotiated or settled.

Mr. Speir said these are the public safety dispatchers that are basically duplicating the services that the Town 911 dispatchers are doing.

Mayor Teller responded there are dispatchers that are doing the same as the Town, other than E911.

Mr. Speir said okay, but if we dial 911 from anywhere in the Village, it still goes to the Town.

Mayor Teller said it goes to the Town, right.

Mr. Speir said so, that's a duplication of almost \$200,000 that we could, that's \$200,000 that we're paying that's already being covered by the Town. The Public Safety Dispatchers, am I to understand that one of that staff has put in for some sort of a medical disability for being injured while on the desk.

Mayor Teller said that's unknown to me.

Trustee Kametler asked Chief Dean if that was true.

Chief Dean said I'm sorry.

Trustee Kametler asked Mr. Speir to repeat the question, please.

Mayor Teller asked Chief Dean, has a dispatcher put in for injury from working on the desk.

Chief Dean responded that was a personnel issue and he didn't think we should discuss that.

Trustee Kametler asked how Mr. Speir knew about it if it is a personnel issue.

Mr. Speir said the same way everybody knows everything in this town.

Trustee Kametler responded this Board doesn't know.

Mr. Speir asked why don't you. He said that's the question, Mr. Kametler.

Trustee Kametler said we don't manage the Village. He said that's a good question, because you're asking a question that the Chief of Police just indicated was a personnel issue.

Mayor Teller said okay, it's a personnel issue, it's a Workmens' Comp case.

Mr. Speir said alright, so it's not going to be discussed.

Angelo Delafuente, taxpayer from 30 Riverhead Road, said the reason they don't know, Mr. Speir, is they don't lie like you, that is the difference.....

Mayor Teller said Angelo, keep the personal down.

Mayor Teller asked if anyone else would like to speak. There being no further response, he made a motion to hold over the public hearing. Seconded by Deputy Mayor Birk.

Trustee Tucker asked are we comfortable as a Board with closing this. Has everyone had an opportunity to look at the updates and changes that have come out in the last day or two.

Mayor Teller said we're holding it over.

Trustee Tucker asked if that's what you just said, hold it over.

Mayor Teller said we've got another meeting.

Trustee Tucker said okay, good.

Mrs. McGinnis said so, the hearing isn't closed, because if we're going to do any further amendments, it.....

Mayor Teller said the hearing is adjourned to Tuesday.

Deputy Mayor Birk said maybe the Work Session.

Mrs. McGinnis asked wouldn't it be better to do it at our regularly scheduled Work Session. We would post it again, because this way if there are amendments it is only appropriate to be able to let people know that there are changes. That is really how we should do it.

Mayor Teller said that was okay. He made a motion to adjourn the budget hearing until the Work Session, Wednesday, April 28th. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Resolutions:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees meeting of March 4, 2010 are hereby accepted.

Seconded by Deputy Mayor Birk and approved as follows:

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

Accept Departmental monthly reports

Motion by Deputy Mayor Birk:

RESOLVED, that the Treasurer’s report for February 2010, Justice Court, Police Department and Building Inspector reports for March 2010, are hereby accepted.

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

Approve 2010 Beach Rates

Motion by Trustee Kametler:

RESOLVED, that the attached Beach rate schedule and rules for the 2010 season are hereby approved.

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

Appoint Lundy & Co to audit 2009/10 financial statements

Motion by Trustee Levan:

RESOLVED, that the firm of Lundy & Company is hereby hired to audit the Village financials statement for the 2009/10 fiscal year at a cost of \$19,500.00 and the audit of the Village Justice Court for \$3,750.00.

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

Appoint 2010 Election Inspectors

Motion by Trustee Tucker:

RESOLVED, that Bonnet Brophy is hereby appointed as Chairperson of the Election Inspectors, and John Bouvier, Mary V.Gallagher, and Thomas Betjemann,are appointed as Election Inspectors and Carol Matthews is appointed as the Poll Clerk, each to

perform the official duties of the Village General Election to be held on Friday, June 18, 2010 and to be compensated at the rate of \$13.00 per hour.

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

Approve 2010 Westhampton Cultural Consortium Gazebo Concert Series

Motion by Deputy Mayor Birk:

RESOLVED, that the Westhampton Cultural Consortium is hereby authorized to hold the 2010 Summer Concert Series on the Village Green on Thursday evenings commencing July 8th through to September 2nd between 6:00 p.m. to 9:00 p.m.

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

Approve 2010 Westhampton Youth Alliance “Kids on the Green”

Motion by Trustee Kametler:

RESOLVED, that the Westhampton Youth Alliance is hereby authorized to hold the 2010 “Kids on the Green” Series on the Village Green on every Tuesday commencing July 6th through to August 24th between 4:00 p.m. to 7:00 p.m.

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

Approve WHAM Spring Sidewalk Sale – weekend of April 16-April 18

Motion by Trustee Levan:

RESOLVED that the Westhampton Area Merchants are hereby authorized to hold a “Spring Sidewalk Sale” on Main Street on the weekend of Friday April 16th through to Sunday April 18th between 10:00 a.m. and 6:00 p.m. (event rain dates 4/23 -4/25)

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

Authorize purchase of Mobi Mat for Rogers Beach

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby approve the purchase of a KIT Mobi-Mat Recreation Path Type A2XDL from Deschamps Mat Systems under GSA pricing schedule #GS-07F-0316 at the total cost of \$15, 839.57 to be paid from the Park Fund.

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

Approve 2010 Fire Inspection Services agreement with SH Town

Motion by Deputy Mayor Birk:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2010 Fire Inspection Services agreement for the Town of Southampton to provide the Village

with fire inspection, investigation and hazardous materials response services to be billed in accordance with the contract rate schedule.

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

Approve 2010 Electrical Inspection Services agreement with SH Town

Motion by Trustee Kametler:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2010 Electrical Inspection Services agreement with the Town of Southampton.

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

Approve 2010 Shared Computer Capability agreement with SH Town

Motion by Trustee Levan:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2010 Shared Computer Capability agreement with the Town of Southampton at an annual cost of \$13,070.32, plus fees for time and materials.

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

Mayor Teller announced that in the spirit of cooperation here, the next eleven resolutions are put on hold. We have a meeting with labor attorney on Tuesday.

Mr. Haefeli said I just suggest you make, you adopt a resolution to adjourn those.

Trustee Tucker made a motion to table the following eleven resolutions at present.

- Rescind Resolution Re: Withdrawal of Police Disciplinary Charges
- Rescind Resolution Re: Reinstatement of Police Officers
- Authorize Hearing Upon Written Charges
- Appoint Hearing Officer to conduct a hearing of Police Disciplinary charges
- Approve transcription/stenographic services for Police disciplinary hearing
- Authorize suspension of employee pending hearing Re: disciplinary charges
- Authorize suspension of employee pending hearing Re: disciplinary charges
- Rescind resolution adopted 3/4/10 concerning command discipline
- Rescind resolution adopted 3/4/10 requesting the production of records pertaining to the failure to preserve, the loss or destruction of video and/or audio evidence
- Rescind resolution adopted 3/4/10 for the production of firearm ownership records
- Rescind resolution adopted 3/4/10 for first report on investigations of penal law offenses

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

Approve warrant for April 2010

Motion by Trustee Tucker:

RESOLVED, that the warrant for the month of April 2010 in the amount of \$234,535.79 for the General Fund is hereby approved.

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

Public Discussion

Angelo de la Fuente, taxpayer from 30 Riverhead Road, said he wished to clarify something with reference to the comment that he made before. He said Mr. Speir has published some lies and innuendos and I want to clarify and I challenge him to prove what he wrote in front of everybody. I think he owes an apology to Mr. Kametler and myself. I am asking him to prove it or to shut up otherwise and tell the truth.

Mayor Teller said I don't know whether that is a Board matter or not.....I don't think it's a Board matter.

Trustee Kametler said it's more like a civil matter.

Simon Jorna, Beach Bakery, said I put an application in for outside music and outside seating three weeks ago. I was hoping to be at this meeting to talk about it, but I'm not on the agenda. I would like to have an explanation.

Mayor Teller said that was the old court case.....

Mr. Jorna replied I put an application in for outside music and outside seating and it should be heard at this meeting.

Mayor Teller explained that the Board put them on hold until.....

Trustee Kametler said you were supposed to straighten out your situation from last summer. You said you were working on it. When you get it taken care of, then you present it to us so we can get you on the next Board meeting. You didn't do that, obviously.

Mr. Jorna replied I did not get a letter or anything like it from the Village.

Trustee Kametler said you were told at the last Work Session, Simon. You were told what to do and you did not do it.

Mayor Teller said Simon, you've been working with Paul, am I correct.

Mr. Jorna said yes, I am.

Mayor Teller said okay, if Paul tells us we're resolved to a point, we'll take it up, but right now it's on hold and I don't know where you stand with Paul, but.....

Mr. Jorna said I do know where I stand with Paul. I put all my applications in for the Village for a five bedroom apartment I have above the bakery. Mr. Houlihan believes it is a three bedroom apartment. I can prove it's a five bedroom apartment. This will not be resolved in the next two weeks, three weeks or three months. I do not think this should be the reason to withhold me the rights to have outdoor seating and outdoor music. And, if it is, and you guys believe you can do that, then I should get a letter of that, in that case. I don't think it's right just to dump it from the agenda without telling me. The only way I heard about it is in the newspaper.

Mayor Teller said we have a new attorney and we'll bounce it into his lap.

Mr. Jorna said he thought more people would speak up today at the meeting about Main Street. He said I was here two years ago in front of the Trustees and asked them to fix Main Street. I was here fifteen months ago and asked you to fix Main Street. You promised me then that you would give me a timetable and list of things that you will do. I never received it. I'm here now, again, in front of the Board and I will be back every month until I know what and when you will fix things on Main Street. Our Main Street looks like the Main Street in Walt Disney World – beautiful, clean and by far the best Main on the whole east end. Right now the Main Street in Patchogue and Sayville looks better than ours. I took pictures two weeks ago and I showed them to the Board last week because I was so upset about it. (He showed pictures he had taken to the Board

and the audience.) He said this is Main Street in front of the Schwartz building, one block east of the bakery. The sidewalk is uneven - look at the concrete patch on the street – the cracks on Main Street, the cracked white lines. The sign in front of the bakery – look how old it is. We already have a double yellow line, do we even need the sign. The snow sign is rusted, the metal post is not straight and, in fact, all the metal posts on Main Street should be replaced with nice steel posts. In front of the bakery again, the bricks on the curbs have huge differences in heights and this water thing is up more than an inch. Mayor, you walk the streets every day. I see you and your dog. You see how bad it is. Let's get something done about it. This picture here shows how bad the maintenance on Main Street is. These light posts were installed more than twenty years ago. I do not remember in the twenty-two years I've been on Main Street them ever being painted. The painting has been overdue for more than eight years. They are rusted, have rusted screws and have rusted brackets on them. This light post has its glass halfway out for at least the last four years. Look at it. It's embarrassing to me. Get someone over there who knows what he is doing, who will scrape this post down and put a nice, fresh coat of paint on it. Let's get it done before the summer and not say yeah, we'll take care of it. Then the next year, I'm here again for the same things, because I will be here next month to see what's going on.

Mayor Teller said okay.

Mr. Jorna said look at the garbage can over here. This doesn't need much explanation. I'm surprised not to see stickers on them and chewing gum all over the place. This is the joke of the Town. Everybody has seen these caskets on Main Street. This one is even nicer, this one still has mums on this one from last September. You guys planted these in front of one of the stores. You put some mums in it and nobody even took them out. They look like caskets, like a joke. This picture shows how Main Street is slowly getting into disrepair, concrete curbs fixed with asphalt. This is Main Street, Westhampton Beach. Shame. In front of the bakery, there was a tree that died three years ago. It took a year and a half for you guys to move the tree and then more than nine months to put a new tree in there, probably only five feet high. Another tree was pruned a couple of months ago by the Village tree experts and it is dead. It's pretty much dead and it will be totally dead in a year, two years. Let's get it out right now. Dig it out of the ground. Put a new tree in right way. Don't wait until it is dead. Don't wait two more years to put in a new one. Everybody knows this sign in front of the bakery. Look at the curb – two inch gaps everywhere, concrete is not matching. The posts are crooked. Two flower boxes over here were not planted with flowers last year. Why not, I asked in May. I was told, because they are going to be removed, so no need for flowers in there. This is more than a year later, they are still here. So, all these things have to be done. I'm going to give this to you, Mayor and please, this time, do something about it.

Mayor Teller thanked Simon. He said I believe George may have some of it scheduled.

Highway Superintendent George Gordon stated yes, we do. He said just to answer one of Simon's things.....

Mayor Teller asked do we have enough taxes to pay for it.

Mr. Gordon said no, we don't. He said just to answer Simon, I told you at the Work Session that we submitted to the federal government to do all of Main Street at almost three million dollars. We were denied that. My question to you is, do you have that money in your pocket that we could spend like this just to do Main Street.

Mr. Jorna said I don't think I need three million dollars to make it look better.

Mr. Gordon said that road needs to be totally scraped. The cement that is under it which is causing the cracks, either needs to be removed or broken up.

Mr. Jorna said I agree.

Mr. Gordon said that is very expensive. All of the curbing has to be repaired and replaced. Those patches you were talking about was just done three or four years ago. This takes money. We do not have the resources to do everything that you want done at one time.

Mr. Jorna said I don't ask for everything to be taken care of. I'm just asking you to do some work.

Mr. Gordon said, which we know. We'll start in May painting your lights. As a matter of fact, that picture you showed with the lens hanging in was done during the storm two weeks ago. Believe me, it was, because the other one that you complained about was fixed.

Mr. Jorna said you can say that now. I live there. I'm responsible and I.....

Mr. Gordon said I go through there ten times a day, I know.....

Mr. Jorna said I have seen this for four years, this light being loose. That picture was taken three weeks ago and I showed it to the Village last week.

Trustee Kametler said alright, we're going to take care of it.

Mayor Teller said it is scheduled. We'll do what we can with what we've got. No more, no less.

Ed Kurosz, Liberty Street, said he is the Vice President of the Greater Westhampton Chamber of Commerce. He said a few merchants have asked me to come and ask you if the Village has a power washer. If it is possible to, at least, power wash the sidewalks to remove any grime in the spring and fall seasons to at least give us some sort of fresh start at the beginning and end of each of our seasons.

Mayor Teller said last year we got wiped out for the month of June, rain, the painting got off. The fellow who was going to paint, he died. So we didn't get the painting done. He asked Mr. Gordon if we have a power washer.

Mr. Gordon replied we certainly do.

Mayor Teller said okay, we'll try. I can't promise you that it will get done, but we'll give it a whirl.

Dean Speir, 256 East Main Street, said I am a little surprised to see all these resolutions pertaining to the police disciplinary charges tabled, because this has been going on now since the end of October. I believe you said in the spirit, you prefaced your remarks to take them off or to postpone them.....

Mayor Teller explained we have a meeting with our labor attorney on Tuesday. It is scheduled.

Mr. Speir said good, good. He said I have to assume, so if I'm incorrect, please correct me. I have to assume that you received some communication from your labor attorney pertaining to some, all of these are generally about the police disciplinary charges, but they're not all about the exact same issue. There is some question about whether some of the resolutions that were offered, not with the original batch of resolutions, but at later dates, some of the resolutions that were passed last month that appear not to have been authored by anyone directly affiliated with the Village Board or retained by the Village Board. My question is, have you heard from your labor attorney, do you have an opinion from your labor attorney, the various communications that you've sent and if so, can you share in general what his opinion of these are. I've heard from Mrs. Levan.

She testified here that Mr. Zuckerman said one thing last January, December and January and subsequently I've heard from Mrs. Birk that Mr. Zuckerman said something else. Can we get a clarification on that.

Mayor Teller said after Tuesday, I hope, after Tuesday, maybe.

Village Attorney Richard Haefeli said as long as the Board allows me to respond – the most that the Mayor is going to be able to say to you is whether or not he had communication. Anything else is confidential and that's it. Whether he had communications, the Mayor doesn't even have to disclose that. But, any of the substance either general or specific, he can't discuss and he has a meeting with the labor attorney this week, so, that's the best you're going to get out of this Board.

Mr. Speir said okay, I remembered there was a question about whether any members of the Board at the last meeting would waive the confidentiality and I'm just wondering if anyone on the Board would like to do so now, just to give us a more complete answer.

Mr. Haefeli said I don't know what you're talking about.....

Mr. Speir said because it would be privileged communication between an attorney and the Board.

Mr. Haefeli said the Board can't. Privileged communication is privileged communication under any circumstances. If it has to do with the resolution made last month with reference to the Village Attorney, that is something the Board can reconsider, but as far as privileged communication - under no circumstances would they divulge anything to the public that is privileged between the Board members and the attorney.

Mr. Speir said thank you, Mr. Haefeli.

Chris Ruggles, 631A Stewart Avenue, Westhampton, said I've been coming to the Board listening to this stuff and I heard a gentleman talk about you guys waiving confidentiality and asking questions and I heard Jim ask a question and he was replied with a question. Since we're not too worried about confidentiality, maybe you (speaking to Mr. Speir) can tell us where you did get the source on who did get injured, because you're not worried about answering those kind of questions or you wouldn't ask the Board that. Why don't you come on back up here and tell us where you got the information about the guy who got injured.

Mayor Teller said this is not a question for.....

Mr. Ruggles said he asked a member on the Board. He opened it up to public. I would like the answer.

Mayor Teller said it is not open.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion at 7:38 p.m. to adjourn the meeting. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk