

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, August 5, 2010 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

**PRESENT: Mayor Conrad Teller
Deputy Mayor Toni Jo Birk
Trustee Leola "Sue" Farrell
Trustee Joan Levan**

**Clerk Treasurer Kathleen McGinnis
Village Attorney Richard Haefeli**

ABSENT: Trustee Hank Tucker

Moment of Silence – Former Mayor Robert Morgan

Mayor Teller opened the meeting with the Pledge of Allegiance. He then asked for a moment of silence for former Mayor Bob Morgan. He said he was one of our more colorful Mayors in the Village. He said I met Bob back in the late fifties. He moved out here and I met him at the White Cap quite a few times. He was quite a gentleman and as far as I'm concerned he always had the Village at heart. He liked his flowers and liked his showboating and he was very good at it.

Public Hearings:

Local Law 1/2010 to Amend Chapter 178 Vehicle & Traffic Code

Mayor Teller opened the public hearing. He said this is in regards to no parking on Mill Road by the Middle School and we need the area to allow cars to get into the parking area and drop students off. We had no parking there back to where the construction trailer was, but we never put an ordinance through and it is time to do that. We need the extra area for travel. The other one is a stop sign on Rogers Avenue Extension and Hazelwood and the stop sign would be on Rogers Avenue Extension. It will end up a four-way stop there. We've had complaints that near-accidents were having cars speeding through, ducking around from County Road 31 coming around. He asked if anyone would like to speak on either one of these.

Patricia DiBenedetto, 21 Adam Lane, said as far as with the no-parking on Mill Road, both of my children now will be attending the Middle School and as a driver, it is a bad area over there. It is not safe and I know that I spoke with Toni-Jo about it in the spring to see what we can do about eliminating, if not the majority of it, some of it, because it is just a matter of time before somebody gets hurt or an accident occurs, especially by the drive in the turn-in lane at the Middle School entrance. I think it would be a good idea to either eliminate or have set hours as to when it is allowable.

Mayor Teller said this is set hours. This is school time. It is mainly to allow the cars to get into that area.

Mrs. DiBenedetto said yeah, I think it would be a good idea. It's tough, especially during inclement weather. It's pretty bad. Thanks for addressing it.

Theresa Sanchez, 85 Hazelwood Avenue, said this is in regards to the four-way stop that is desperately needed at that intersection. Hopefully, it will slow down the vehicles that are coming from Rogers Avenue. Because I reside on that corner, we see accidents that are minor to almost fatal and that four-way stop is definitely needed. Thank you.

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

Motion by Deputy Mayor Birk:

WHEREAS, this Board has advertised a local law amending Chapter 178 of the Village Code, entitled "VEHICLES AND TRAFFIC" and

WHEREAS, a public hearing was held on August 5, 2010, and

WHEREAS, this Board has adopted a resolution pursuant to SEQRA that the proposed action that record is no further resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt Local Law 1/2010 as advertised and attached.

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

Local Law 2/2010 to Elect Part A Retirement Incentive Program

Mayor Teller said this was a law sent from the state. He asked Village Clerk Kathleen McGinnis to elaborate.

Mrs. McGinnis explained the State of New York has enacted a Retirement Incentive Program and that is what we are considering tonight. We have gotten a list from the State and there are employees that would be eligible for the incentive. The program is very structured. If someone receives an incentive to retire, there must be a 50% reduction in the salary paid to replacement or reduction in the department overall if there is a re-organization. There would be a ninety day period that employees would indicate if they were interested and there would be analysis done to ensure that whatever we decided to do would be a significant savings. The last time the State enacted this was in 2002 and at that time we had a significant reduction because there was re-organization. In fact, every time that we've had the early retirement incentive, we've been able to save quite a bit more than the 50% over two years. So, that's where we are. The State came down with it. They approved it and referred it to us in late June, early July and they are scurrying to provide the information. We've just gotten a list of who is eligible for it and we're working on the numbers. It would be a targeted..... there certainly would be a decision that the Board would make as to whether or not they would approve it. Again, it would all depend on the analysis. But, that is what we are considering and we have to have this in place if we're going to do it by August 31st.

That is why it is on the agenda. We have advertised it and we will be crunching the numbers and reporting back.

Mayor Teller asked how many people we have approximately.

Mrs. McGinnis responded the list was eighteen in full and that is broken off into people with an incentive or with an early retirement, so it is roughly about thirteen that it is really going to be possible for.

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

Motion by Trustee Farrell:

WHEREAS, this Board has advertised a local law to consider implementation of Part A of the New York State Retirement Incentive program and

WHEREAS, a public hearing was held on Thursday, August 5, 2010, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action,

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt Local Law 2/2010 as advertised and attached.

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

Local Law to Elect Part B Retirement Incentive Program

Mayor Teller made a motion to withdraw the Local Law to Elect Part B Retirement Incentive Program because we don't have any eligible employees. Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Resolutions:

Approve minutes of June 3, 2010 Trustees Board Meeting

Motion by Deputy Mayor Birk:

RESOLVED, that the minutes of the Board of Trustees meeting of June 3, 2010 are hereby accepted.

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

Accept Departmental reports

Motion by Trustee Farrell:

RESOLVED, that the Police Department, Justice Court and Building Inspector's reports for July 2010, are hereby accepted.

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

Authorize 2010 Community Development contract with Suffolk County

Motion by Trustee Levan:

RESOLVED, that the Mayor is hereby authorized to execute the 2010 Community Development Block Grant Agreement with Suffolk County to receive \$12,000.00 in federal funding.

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

Authorize purchase of asphalt from Rosemar Contracting, Inc.

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of asphalt from Rosemar Contracting, Inc. under Suffolk County Contract #7-09.2.26 for the resurfacing of South Road, School Street and School Lane at a cost of \$170,000.00.

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

Appoint members to the Village Beautification Committee

Motion by Trustee Farrell:

RESOLVED, that the following residents are appointed to serve on the Village Beautification Committee:

- Ora Belle Barnett – Chairman Emeritus
- Elizabeth Failing
- Terry Raynor

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

Approve DPW Laborer Step Promotion

Motion by Trustee Levan:

RESOLVED, that Andrew DeRubies is hereby promoted to Laborer I Step 8 at a bi-weekly salary of \$1,871.73 effective August 7, 2010.

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

Schedule Public Hearing on Liberty Gas Special Exception

Motion by Deputy Mayor Birk:

RESOLVED, that the Village Clerk-Treasurer is directed to publish and post a Notice of Public Hearing to be held on Thursday, September 2, 2010 at 7:00 p.m. at the Village Hall on a Special Exception Use application to establish a retail gas propane business at 26 Old Riverhead Road, Tax Map #0905-4-2-9.

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

Authorize Mayor to execute vehicle/equipment lease purchase agreement

Motion by Trustee Farrell:

RESOLVED, that the Mayor is hereby authorized to execute an agreement with Leasehampton Equipment Services Corporation for the lease purchase of Police vehicles, Highway Department dump trucks, mowers and equipment as specified in Exhibit A at an annual cost of \$52,185 during 2010 -2012 and \$28,601 during 2013-2015.

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

Rescind Resolution Imposing Restrictions on the Village Attorney

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby rescind a resolution adopted at the meeting of March 4, 2010 imposing restrictions on the Village Attorney.

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

Authorize refund of duplicate tax payment

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby authorize the refund of a duplicate real property tax payment in the amount of \$2,220.93 to GMAC Mortgage Corporation for property identified by SCTM #905-6-3-4.3.

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

Authorize payment of small claims property tax reductions

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby authorize the payment of 2010/11 property tax reductions in the amount of \$7,454.85 to the property owners on the specified list as a settlement of small claims as ordered by the NYS Supreme Court.

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

Authorize retirement of Police Detective

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby authorize the retirement of Police Detective Stephen M. Cunneen effective August 21, 2010.

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

Approve August 2010 warrant

Motion by Deputy Mayor Birk:

RESOLVED, that the warrant for August 2010 in the amount of \$195,543.18 for the General Fund is hereby approved.

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

Public Discussion

Ralph Folz, 25 Seafield Lane, said that once or twice a year I come before the Mayor and Trustees and suggest that the Village buildings are looking worse all the time. I try to solicit support for the Village to do something about it. The Waldbaum's supermarket, I know some people here feel it's perfectly okay. I happen to disagree. The bowling alley is closed for renovation, but nobody is renovating it and I'm not sure why. The gas station that was next to the bowling alley is supposed to be an office building, but nobody is breaking ground. The gas station diagonally across from the bowling alley is closed and available to lease. The movie theater I always feel is a discredit to this Village. I stopped in there tonight to say when are you going to have a new marquee, because I think it looks disgraceful the way it looks now. I was told by the manager in residence that the Town is holding up progress on this issue. I have no idea if that is true. But, I come here again this evening saying that if somebody wanted to buy a house in this Village and they entered the Village on Sunset, as opposed to some other way, I think if that were me ten years ago when I bought a home here, I think I would conclude that this Village is in decline and I think I would look elsewhere. So, once again and again I say this maybe twice a year, I come before this group to say what, if anything, are you folks doing to stop the decline in the appearance of our Village.

Building Inspector Paul Houlihan said the marquee, you're right. It looks awful and we're not holding them up at all. What happened was a few months ago the marquee

was starting to sag and it did that because the flashing failed and there are structural supports behind it that are wood that rotted out and it was literally falling off the building. So, our first concern is for them to get the marquee down so it doesn't fall on anyone's head. They did that, but they could put it right back up again. All they need is to have their professional certify how they're going to re-attach it to the building and re-flash it, because that is critical. They could have that as quickly as they want, but for whatever reason there has been some sort of a disconnect between the actual property owner and either the manager there or whatever. We've had many conversations about it, but we told them recently that if they didn't immediately get it corrected, we weren't going to let them put up a temporary paper sign. That was supposed to be just for the interim couple of weeks. In response to that, they hired a local architect, who they just hired two days ago and he came in and told us that he hoped within a week he would have the specifications so they could re-fasten and re-flash the old sign and put it all back up there. So, we hope that is going to be resolved right away. It should be. There is no reason it shouldn't be. They don't have to go before any Boards for that. They just have to get it certified so that it is attached back on to the building in a way that is not going to fall off and hurt anyone. So, I think we've almost taken care of that issue. The bowling alley, that has gotten site plan approval and actually they have been in to get an extension on it once or twice. They weren't quite ready to do anything with it. They are working on the working plans for it. I spoke with their architect three weeks ago and he had a full set of plans. There are some things they are doing to adjust that, but he has the plans for the two buildings and the bowling alley. Again, it's up to them. The Village hasn't held them up. They've got their approvals. It's a matter of them just filing the permit and moving forward on it. I think they've made progress on that, as far as I know, from talking to their architect three weeks ago. They intend to move forward with it. Maybe they've done it slower than they should have because of the sluggish economy, but I believe it's still on the burner and I believe we'll be seeing something on that in the fall, but I can't promise what the private owner will do on that. That's two. What was the third one?

Mr. Folz said it was the gas station diagonally across from the bowling alley.

Mr. Houlihan said the gas station diagonally across from the bowling alley, they had the requirements from Suffolk County that they replace the tanks and the owner said it was going to cost four or five hundred thousand dollars to put the tanks in and they just didn't make that kind of money there. So, he's decided to move the tanks out, abandon the gas station use, which is not really an awful thing for the Village because that is a non-conforming use. It is not the type of use we really want in the B-1 area. We really want the small shops and I believe he's got it on the market for sale or development. So, again, we are in a sluggish economy, but hopefully we'll see something happen with that in the near future.

Mr. Folz said the other one was the other empty gas station.

Mr. Houlihan explained there are two gas stations. The one I just explained was the empty gas station. On the other corner on the same side as the bowling alley, that is part of the overall project where they are going to build two five thousand square foot buildings and renovate the bowling alley. That is all one project. On the other side is the gentleman who had to remove the tanks and now he's abandoned the gas station use, so he'll have a choice of either coming in to put some other retail office or Village business permitted use there or tear it down and do something entirely different. I believe he's looking at that now. He removed the tanks about six months ago or so. Since that point in time he's been looking for something to do with it, but again, we are in a sluggish economy.

Mr. Folz said thank you for that informative update. My only question would be when the movie theater takes down the marquee for safety reasons, is it within your power to say between now and the time you replace it, you can't have it look the way that it looks or is that outside our jurisdiction.

Mr. Houlihan replied actually, that is how we started with it and we thought he was going to have that sign there for a couple of weeks until he had a chance to get a plan and put it back up and I don't know if there was a mis-communication. There is an owner and there is an operator and apparently the operator is the guy who has to pay for it, I think, and I think that's why.....I don't know what happened. But, the point is we did get back on them and say we're not even going to let you put a temporary one up there if you don't get on this right away. They hired a local architect to do the design specs and he told us he would have something within a week. So, it is unfortunate that it took them this far to get there, but I think he will have something shortly for us.

Mr. Folz thanked Mr. Houlihan.

Deputy Mayor Birk remarked the beautiful round-about really cleans up all that whole area.

Lynda Folz, 25 Seafield Lane, said I'm approaching the Board this evening because although we're enjoying an absolutely beautiful summer here, fall and winter season is fast approaching and with that will be the ongoing destruction of the deer. I am going to bring to the Board's attention some statistics that were recently published in the Wall Street Journal. This is from an article dated Tuesday, August 3rd and this is from the Centers of Disease Control who state that with the increase in the deer population, specifically in the Northeast, reported cases of Lyme and other tick borne diseases have risen sharply over the last decade with 35,198 cases in 2008 as compared with 13,000 cases in 2000. They feel that that is an underreported number because Lyme disease is often times undiagnosed; ticks are very small and not necessarily seen. Obviously Lyme disease can cause many illnesses including joint disease and heart issues. So, besides just the general issue with traffic, automobile accidents, injuries, damage to properties, we also now have health issues that we should be considering. So, I'm going to ask the Board to please consider culling the herd, not unlike our neighbors in Quogue do and other areas in New Jersey and Westchester County, which they have found to be very effective. The culling method would include the use of bow hunters, which are very effective and then the meat is used as food. The venison is used by the hunters themselves or can also be given to food banks. I am going to ask kindly that the Board consider that. Just a note to the Southampton Press and your cute little photograph of the deer in Quogue in the middle of the afternoon, which can also be found here in Westhampton and Westhampton Beach in the middle of the afternoon. Thank you.

Dean Speir, 256 East Main Street, said my life would not be worth living if I go home and tell my wife that I did not rise in support of Mrs. Folz's suggestions and bring this again to the attention of the Board. Something needs to be done. Something has been needed to be done for a long time and I think it's not just bringing out the DEC guy again. It's actually sitting down and making a determination that the herd needs to be culled. Thank you.

Ed Dean remarked maybe you can hire Jimmy Kametler. He's a good shot.

Mayor Teller responded easy Mr. Dean, easy now. This is the Unity Party. We're trying to be amicable with all. He said I've got a gentleman in here (speaking of Bill Bennett). If you would like to talk to him out in the hallway, I think you could make some arrangements.

Mr. Speir said it cost Bill a truck a couple of months ago.

Mayor Teller said we will continue looking into it.

Mrs. Folz said we want action. We want resolution.

Mayor Teller said I don't have the strength to pull my bow back.

Patricia DiBenedetto, 21 Adam Lane, said that as far as the deer situation where I live off of Bridle Path, there are thirty-three homes that are currently under construction and the land is being cleared out and the deer are coming out earlier and earlier. I'm an animal lover; my husband calls me Mrs. Doolittle. Whatever needs to be done, I mean I've been a victim of Lyme's Disease twice and it's not fun to go through the medication. But, on the other hand, what I would like to discuss or ask the Board to consider is some sort of rental guidelines that start in September and end in May. I know that we have something in the summer. However, there is nothing in place that, I've spoken to Paul about it, that we have in our Village and I believe the Town of Southampton or the Village of Southampton has something in place. One of my neighbors, just recently from September through May, did rent out her home and she told me that she went to a developer in Quogue and was bringing in construction and day laborers and housing them there. With the development that is currently going on off of Bridle Path, I see it becoming more and more of an issue. If we can address it or put something in the books so that we can have something in place, just so that we're protecting our Village.

Trustee Farrell responded we are working on it with both Mr. Houlihan and Toni-Jo, putting in year-round rental as well as a summer rental so we can control who is in our Village, where they are and what their names are. It will also help us with other issues like the beach and who gets whatever and who is a renter. Paul is working on it with Toni-Jo. It was Elyse who suggested it.

Deputy Mayor Birk said I have one thing I just wanted to bring up. Friday night, August 13th at 7 pm, the Fire Department, for the Firemen's Cancer Network, is holding a benefit concert at Glovers Lane Park, the property the Village picked up a couple of years ago. There is a band, Derek Araujo's band, is going to be playing gratis, free for residents and anybody that is around. Donations will be greatly received and it is a benefit in support of the past Fire Chief who passed away in August, Steve Smith and John Bachman, who passed away also. It's a benefit concert. It's kind of going to kick off the Fire Department's Open House Weekend. Tell your friends, come on down. Donations are greatly accepted. If anyone wants to be a sponsor, give me a call or talk to the Fire Department. An I-Pad is going to be raffled off. Someone was going to come in and give this announcement, but they couldn't make it, so that's why I'm just bringing it up.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, Deputy Mayor Birk made a motion at 7:36 p.m. to adjourn the meeting. Seconded by Trustee Farrell and unanimously approved. 3 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk