

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, November 4, 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

Mayor Teller announced if there was anybody here in regards to the eruv, we will not be having public discussion on it. We'll be hiring an attorney to represent our interests, the Village interests, but there will not be a public discussion on it. He then opened the meeting with the Pledge of Allegiance.

Public Hearings:

Local Law 6/2010 Amending Chapter 171 - Towing

Village Attorney Richard Haefeli explained the purpose of this local law was to increase the fee from \$75 to \$150.

Mayor Teller said it has been brought up by the local gentlemen that do tow your wrecked car, your damaged car, that they're paying over \$10,000 in insurance and they're paying almost \$100,000 for a flatbed and they're getting up at 1:00 in the morning to come pick our wrecks up and they figure \$75 is a little unreasonable in this day and age. He said if anybody has anything they wish to say about it.....

Dean Speir, 256 East Main Street, asked, this isn't involving illegally parked cars?

Mayor Teller said no, this is automobile accidents. He asked if anyone else would like to address the Board. There being no further response, he made a motion to close the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Motion by Deputy Mayor Birk:

WHEREAS, this Board has advertised a local law amending Chapter 171 of the Village Code, entitled "TOWING" and

WHEREAS, a public hearing was held on November 4, 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, 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 6/2010 as advertised and attached.

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

Local Law 7/2010 Adding Chapter 148 to the Village Code Entitled “Storm Sewer System, Prohibition of Illicit Discharges, Activities and Connections

Village Attorney Richard Haefeli explained that this local law and the next one, both of them have been directed by the NYS Department of Environmental Conservation. All municipalities adopt this particular law or some more stringent provisions of this law. This particular one is an attempt to prevent discharges into the sewer system, illegal and improper discharges into the sewer system. The second one is an attempt to maintain or prevent erosion control on developing properties so that nothing goes out into the streets or into the public way and everything is kept onto the property. Both of them had to be adopted this month, otherwise the Village could be fined by the DEC.

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

Motion by Trustee Farrell:

WHEREAS, this Board has advertised a local law adding Chapter 148 to the Village Code, entitled “Storm Sewer System Prohibition of Illicit Discharges Activities and Connections” and

WHEREAS, a public hearing was held on November 4, 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, 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 7/2010 as advertised and attached.

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

Local Law 8/2010 Adding Chapter 149 to the Village Code Entitled “Storm Water Management and Erosion and Sediment Control”

Mayor Teller asked if anyone in the audience would like to be heard on this one.

Bill Bennett, 7 Parlato Place, spoke regarding this storm water management. He said in the near future you should give some consideration to.....when you get down there near the bay or near the ponds, the chemicals that are being used on the lawns and they put sprinkler systems on twice a day usually, in the morning and the evening and it could be raining and the sprinkler systems go off and ChemLawn may have just been in there and taken care of the dandelions and put nitrate down on the lawn. That stuff is going out into the street and does go to the bay through the storm water sewer system in a lot of places, direct, that is direct pollution. That is one of the problems why our bay goes gray and it goes brown in the summer, from over-fertilization, all of the chemicals that are going into it. They are totally unnecessary. We had a little, when I was a Trustee; we did a survey at Little Fresh Pond out in North Sea. The people came to us that lived around Little North Sea. Their bay was getting very high in fecal counts and nitrates and they had algae bloom that was going out of control, fish were dying, oxygen was being depleted. They all came to us and they agreed not to use fertilizer for one summer and that Little Fresh Pond improved dramatically on the test that we were doing on it. The water cleared up. You could see through it in the summertime. They used lime on the lawns. The lime is a neutralizer. It is very beneficial for the environment and for the lawns. They're crying about all the leaves. Leaves are a big problem now, but leaves ground up on the lawn make a nice fertilizer. They do not hurt the lawn one bit. It's just that we want the leaves off the lawn; they get tracked into the house, etc. You should give it some consideration in the future about close to the bay, all the chemicals we are using. Thank you.

Mayor Teller said thank you, Bill. He asked if anyone else would like to be heard. There being no further response, he made a motion to close the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Motion by Trustee Levan:

WHEREAS, this Board has advertised a local law adding Chapter 149 to the Village Code, entitled "Storm Water Management and Erosion and Sediment Control" and

WHEREAS, a public hearing was held on November 4, 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, 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 8/2010 as advertised and attached.

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

Resolutions:

Approve minutes of Board of Trustees Meetings

Motion by Deputy Mayor Birk:

RESOLVED, that the minutes of the Board of Trustees meetings of September 2, 2010 and October 7, 2010 and Special Meetings of September 22, 2010, and October 20, 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 Treasurer's report for the month of September 2010, and the Police Department, Justice Court and Building Inspector's reports for October 2010, are hereby accepted.

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

Authorize snow removal agreement with WH Dunes

Motion by Trustee Levan:

RESOLVED, that the Mayor is hereby authorized to execute an agreement with the Village of Westhampton Dunes for the removal of snow by WHB Public Works employees for an annual fee of \$10,500.00 plus reimbursement of any certified expenses that may exceed said fee, for the time period commencing November 1, 2010 through to October 31, 2011.

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

Authorize agreement for use of Village Court facilities

Motion by Deputy Mayor Birk:

RESOLVED, that the Mayor is hereby authorized to execute a letter of agreement with the Village of Westhampton Dunes for the rental of the Village Hall Courtroom facility and associated conference rooms, offices and equipment at a fee of \$250.00 per court session.

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

Schedule Public Hearing for 2011/2012 Community Development Funding

Motion by Trustee Farrell:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Wednesday, December 1, 2010 at 7:00 p.m. at the Village Hall on the allocation of the 2011 Community Development Block Grant funding estimated at \$12,000.

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

Refer Brunetti Pizzeria outdoor dining application to Planning Board

Motion by Trustee Levan:

RESOLVED, that the Outdoor Dining application filed by Brunetti Pizzeria is hereby referred to the Village Planning Board for advisory review.

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

Appoint Special Counsel to represent Village interests regarding Eruv

Motion by Deputy Mayor Birk:

RESOLVED, that Anthony B. Tohill, Esq., is hereby appointed as Special Counsel to represent the Village's interests with respect to the proposed establishment of a religious boundary known as an eruv and to be compensated at the rate of \$225.00 per hour.

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

Accept bid for Fiske Avenue Bulkhead replacement

Motion by Trustee Farrell:

RESOLVED, that, at the recommendation of Dunn Engineering Associates in their capacity as the Village Engineers, the bid submitted by South Shore Docks, Inc., for the replacement of the bulkhead at Fiske Avenue, at a cost of \$45,611.00, is hereby accepted.

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

Accept retirements of Village employees

Motion by Trustee Levan:

RESOLVED that the retirements of the Village Employees under the NYS Retirement Incentive Program are hereby regrettfully accepted as follows:

Name	Effective Date
DPW Supt. George Gordon	December 29, 2010
Village Clerk-Treasurer Kathleen McGinnis	December 29, 2010
Deputy Village Clerk Christine Owen	December 29, 2010
Confidential Secretary Linda Stanton	December 29, 2010
DPW Laborer Timothy Towers	November 13, 2010

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

Appoint Village Superintendent of Public Works

Motion by Deputy Mayor Birk:

RESOLVED, that effective December 29, 2010, John Kearns is hereby appointed as the Village Superintendent of the Department of Public Works at a bi-weekly salary of \$3,384.49 with a probationary period of six months.

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

Appoint two DPW Laborers

Motion by Trustee Farrell:

RESOLVED, that part time Laborers Thomas Mitchell and Joseph Cacciato are hereby appointed as full time DPW Laborers, Step 1, at a bi-weekly salary of \$1,450.59 for a 40 hour work week, effective November 15, 2010 with a probationary period of one year.

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

Authorize transitional job title change

Motion by Trustee Levan:

WHEREAS, the Board of Trustees has authorized the Deputy Village Clerk to retire effective December 29, 2010 and;

WHEREAS, civil service regulations prohibit two individuals from simultaneously holding the same title during an interim training period; and therefore be it

RESOLVED, that the Board of Trustees accept the voluntary resignation of Deputy Village Clerk Christine Owen effective November 29, 2010, and hereby appoints Christine Owen as the Village Tax Clerk effective November 29, 2010 to December 29, 2010, with no change in salary.

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

Appoint Deputy Village Clerk

Motion by Deputy Mayor Birk:

RESOLVED, that Rebecca Molinaro is hereby appointed Deputy Village Clerk at a bi-weekly salary of \$2,758.62 for a thirty five hour work week, effective November 29, 2010 for an interim training period through to December 29, 2010.

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

Appoint Confidential Secretary to Zoning Board of Appeals

Motion by Trustee Farrell:

RESOLVED, that Susan O'Rourke is hereby appointed as the Confidential Secretary to the Zoning Board of Appeals at a bi-weekly salary of \$1,341.00 for a thirty hour work week effective November 17, 2010.

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

Appoint Assessment Clerk

Motion by Trustee Levan:

RESOLVED, that Veronica Wagner is hereby appointed as an Assessment Clerk, in accordance with civil service rules and regulations, at a bi-weekly salary of \$1,532.57 for a thirty hour work week, effective November 15, 2010.

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

Appoint Hearing Officer & Authorize Employee Suspension Re: Disciplinary charges

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees of the Village of Westhampton Beach authorize the appointment of Stephen Bluth as the hearing officer to conduct a hearing with respect to disciplinary charges which have been filed against a Village employee at a rate of \$1,600.00 per diem; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Westhampton Beach hereby authorize the suspension (including without pay for up to 30 days) of this employee effective November 5, 2010 and pending the determination of those charges.

Seconded by Trustee Farrell and approved as follows:

Deputy Mayor Birk	Aye	Trustee Levan	Nay
Trustee Farrell	Aye	Mayor Teller	Aye

Approve transcription services for disciplinary hearing

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby authorize legal counsel to use Five Star Reporting for transcription/.stenographic services relating to the disciplinary hearing pursuant to Suffolk County Contract #SS-041710.

Seconded by Trustee Farrell and approved as follows:

Deputy Mayor Birk	Aye	Trustee Levan	Nay
Trustee Farrell	Aye	Mayor Teller	Aye

Approve November 2010 warrant

Motion by Trustee Levan:

RESOLVED, that the warrant for November 2010 in the amount of \$170,237.21 for the General Fund is hereby approved.

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

Public Discussion

Dean Speir, 256 East Main Street, said he had a couple of questions. He asked wasn't Mr. Tohill already appointed the special counsel earlier this year on the eruv or was that on a separate issue.

The Mayor and Trustees all responded no.

Trustee Farrell said he was never appointed.

Mr. Speir asked on this suspension, no names, is this separate from previous disciplinary actions or does it involve one or more of the ones that have been involved over the past 53 weeks.

Mayor Teller responded this was additional charges.

Mr. Speir asked additional charges, additional characters?

Mayor Teller said additional charges on one.

Mr. Speir said okay, on one of them. Thank you.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion at 7:30 p.m. to adjourn the meeting to go into Executive Session regarding litigation. Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk