

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, September 2, 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
Trustee Hank Tucker**

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

Mayor Teller opened the meeting with the Pledge of Allegiance.

Public Hearings:

Public Hearing - LIBERTY GAS SPECIAL EXCEPTION

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

Anthony Tohill, Esq., 12 First Street, Riverhead, New York, indicated he represented the applicant. He said that with respect to this application for Liberty Gas, the Planning Board on July 8th, did grant site plan approval for this usage and in granting site plan approval, the Planning Board did specifically and expressly recommend that this Board grant the Special Exception application here this evening. On April 30th, prior to the Planning Board's approval of the site plan, the Fire Marshal favorably reviewed this site and responded in writing, so stating to the Planning Board. Prior to that, the Suffolk County Planning Commission rendered a local determination, a formal determination. The Planning Board, in adopting its July 8th site plan approval recommendation, acting as lead agency under SEQRA, adopted a negative declaration under SEQRA meaning that there would be no harsh or adverse environmental impact. The premises are at 26 Old Riverhead Road. He said he would hand out at the end of his remarks a copy of the site plan resolution from the Planning Board, just so it is in the record, as well as a series of half a dozen or so photographs showing the front, rear and side of the property, as well as the above ground propane tank that was installed at the rear of the premises and would be allowed if this Board were to grant the Special Exception here this evening. Condition number five in that resolution by the Planning Board requires that the rear lot line, which would bound a residential zoning district, be planted with Leyland Cypress to certain specifications and that those trees be irrigated so as to preserve and maintain their vitality. The rear building as well, under condition number six in the site plan resolution, is limited to storage only. It cannot have any other active use and so there will be no office there, certainly no residential use or any other usage, simply dead storage. The historic use of the property from my research shows that the front building was built in 1955. The back building was built in 1950. We have the Doug Carlsen building permit from 1976 showing that as early as 1976 the property was being used for LP gas, gasoline and fuel oil. That was Bennett Fuel Oil. Under the standards under sections 197-79 and 197-80, we would submit there will be no impact on the

adjacent properties. Angelo de la Fuente, who is our neighbor to the north, has requested that he be allowed to get up and speak on behalf of this application. The premises were cleaned up in 2003, after Gerson Helfant died. At that time the Health Department compelled Gerson Helfant's estate, acting as Casa Properties out of Jupiter, Florida and the present owner of Casa Properties, Kenneth Maher for Excelsior Plumbing, to clean up the site. It has been cleaned up. They've gotten a clean bill of health from the DEC and the Health Department. As I mentioned earlier one of the standards of the environmental impact, the Planning Board has already adopted as lead agency a negative declaration and there were numerous safeguards, housekeeping safeguards in the Planning Board resolution that would suggest that any environmental concern has been mitigated and addressed. The character of the area is B2. This property might be, I'm not sure, I was thinking about it this afternoon as I came down and crossed the railroad tracks, it may be the oldest continuous use on that strip of highway up to the railroad tracks. I could be wrong and I see Connie looking at me. He's searching his mind right now, but I think it could be, because I went down every other use. I think every other use is there since 1976, but as I said, I could be wrong. So, I don't think it could be said that it will have an adverse impact on the character of the area because it was there before the character of the area was established. The use under the prior zoning code, the 1980 zoning code, was not mentioned as a use in the B2 District. It is the current code that actually mentions it and permits it, albeit as a special exception use and it is understood that it is not inconsistent with the area. One of the standards is whether or not the use has an impact on property values, so I collected up the assessment rolls for numbers 10, 16, 22, 26, 30, 34, 38, 40 and 44 along that strip, the whole side of the B2 District east side of Riverhead Road. And then as to parcel 22, which is adjacent to us on the south, our parcel 26 and Angelo's parcel 30, I collected the assessments for 2006, 2007 and the current assessment and you'll see the assessor, at least there is one person who does not think there is any adverse impact on the property values and in fact, some of those property values have literally doubled in the last three years in terms of the assessments. In terms of refuse removal, which is one of the statutory standards that we were required to consider, that has already been addressed by the Planning Board in its resolution, condition #4. In terms of hazards to life and property, it's a use that is permitted at the site. In terms of overcrowding, this is a parcel that requires 20,000 square feet a half acre, it provides 31,000 square feet, so it's 11,000 square feet more. It requires a frontage or width of 100 feet, it supplies 115 feet. It allows 20% coverage, it's only 11% coverage, so it's only about half of what is allowed. That's about all of the standards that I see that could have any application here, so with your permission I'll hand to the Village Attorney each of the exhibits I just mentioned. Gary Laube, who is the operator of Liberty Gas, is here present and would be happy to answer any questions you have and Angelo de la Fuente is also prepared, if you wish, to speak.

Village Attorney Richard Haefeli said the only issue I have is after the Planning Board resolution required you to park the trucks, basically closest to Riverhead Road, on one or two occasions when I was going to Riverhead, I saw those trucks parked in the back where they're not supposed to be.

Mr. Laube asked if they were the two gas trucks.

Mr. Haefeli said the two propane trucks, yes.

Mr. Laube said they've never been parked there.

Mr. Haefeli responded my eyes must be wrong.

Mr. Laube said they are. Sorry.

Mr. Haefeli said I can tell you I saw them. What I will do, I will tell you now, when this resolution – the Board goes along and approves it, there will be a covenant put on, so that if the Village finds any of those trucks parked in the wrong location, they can bring an action and they can collect all of the costs involved in that action. I will tell you flatly, on two occasions, those trucks were there.

Mr. Laube asked are you talking about the big.....

Mr. Haefeli replied, I'm talking about the two propane trucks you use to deliver propane to your customers were parked in the rear. I'm telling you, they were there. That's all I have to say.

Mr. Tohill said that is an acceptable condition to us. That is on the site plan where the gas trucks have to be parked.

Mr. Haefeli said yeah, closer to Riverhead Road, there was a lot of discussion with the Planning Board members as to the placement. The neighbors came in initially and were objecting to the trucks generally and then the Planning Board came up with the resolution of how, where the trucks were to be placed. The applicant agreed to that and it is shown on the site plan and I am saying to you, on one occasion I drove passed and they were parked in the back by the metal shed. My own eyes didn't deceive me, so we didn't put a covenant on with the Planning Board. We didn't think it was necessary, but apparently it appears to be necessary so I would suggest if you approve this, we do it with a covenant. I also suggest that once this hearing is completed you hold it over for a determination until next month.

Mr. Tohill said no problem. Thank you all.

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

Angelo de la Fuente, 30 Riverhead Road, said we're the neighbors of Mr. Laube. The place looks excellent. We don't have any problems, it is pretty clean. I have been following where they put their 1,000 gallon tank, the safety procedures they followed were approved by the Building Inspector. They are fantastic. I might say that I am there six days a week in the summer and I have seen the trucks, two of them that Mr. Haefeli is mentioning and usually they are parked next to the 1,000 gallon tank, one on each side with the safety truck and that way the wheels wouldn't move. How they were in the back, I don't know, but in general, this is where they are parked all of the time. So, I have no objections, whatsoever.

Deputy Mayor Birk added it seems as though the concern that is out there with the trucks being parked, Mr. Laube will make sure that that doesn't occur.

Mr. Laube responded yes.

Mayor Teller 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 Trustee Tucker and unanimously approved. 4 Aye, 0 Nay

Public Hearing - PROPOSED DEER CONTROL PROGRAM

Mayor Teller explained we have had a few taxpayers come in and request the Village open up a bow season on the deer herd to attempt to control the amount of deer we have running around. I have not, at this time, asked the Chief to submit how many accidents we've had in the last couple of years, other than Bill Bennett will tell you that he ran one down. He didn't want to shoot it with the bows, so he ran it down with the car. We have had complaints that they eat the shrubbery. They are a safety nuisance for automobiles. I, myself, am a deer hunter. I am a card carrying NRA member. I have a hunting license. I have a bow license. I wouldn't want to come out and shoot one with a bow, because my aim isn't that great. I have a family that is probably against shooting deer and I do most of my hunting upstate, but I will open it to anybody that would like to speak for or against it.

Bartley Wilenski, 14 Moniebogue Lane, asked if the Mayor had reviewed the information the DEC gave to the Board last year or two years ago before having this hearing.

Mayor Teller responded we have Quogue's program, which we would implement which is fairly simple.

Mr. Wilenski asked did they also give some other suggestions other than what they did in Quogue.

Mayor Teller said no. There is no other way, there is no birth control, there is no way to transport them, pick them up and transport them out of here.

Mr. Wilenski said it is my understanding that when they came and reviewed the information, there were two or three options that were available. He said it just seemed that when they came into the Village meeting last time, I think they had some other suggestions which included other than bow and arrow, that you could feed them stuff to maybe sterilize them or create abortion and things of that nature. Am I incorrect that they didn't do that when the DEC came in?

Mayor Teller said not to my knowledge.

Trustee Tucker said that they said that in Shelter Island, they granted them something that wasn't an approved.....because of the problem with the lone star ticks, out there, that was the only place that they granted the ability to use a certain product that would potentially work, not here.

Mayor Teller said they use a birth control out there, but the problem is the deer keep going through the same set of things to get to the feed and now it is contaminating the meat, so I've got that paperwork downstairs, but that's just..... There's nothing we can do here. It's not something we can set up and that's a temporary program set up with Cornell and Shelter Island and the DEC. It is experimental.

Mr. Wilenski said I just thought that the research had to do with other ways other than bow and arrow in order to decrease the size of the herd.

Mayor Teller responded no.

Dean Speir, 256 East Main Street, said I'm not a hunter. I do remember the meeting that they had. I thought it was three years ago, but.....

Trustee Levan said it was three years ago.

Mr. Speir said it was, in fact, three years ago and Bart, you recall there were suggestions about birth control, other means of tenuating the deer population. Those came from the audience, various members of the audience and the DEC gentleman that spoke shot down each one of them as proving, he said they tried in other places and have not proved efficacious. So, I think if you go back and get minutes of the meeting, you'll see that the DEC guy, whose job it was to address this, was uniform in his insistence that a limited season would be the only effective way of controlling the population.

Susan Gugick, 18 Tuttle Place, said we have had the deer come through in the winter and went through our cover on our pool, put their hoof right through. We are really lucky that the deer didn't get stuck and die, because we're not here all winter and God knows what a disaster that would have been. They have eaten almost everything green, including our hedges, as high as they can reach. My grandchildren, while they think they're cute, are afraid when they are outside because the other day they saw the deer actually taking their hooves and hitting our chain link fence, which is now practically destroyed and that was almost something that we were told you couldn't destroy. It is all chopped up. I may cry every time I see the movie Bambi, but not anymore. A lot of destruction and fear and one of the things that.....I have not been to another meeting, so I don't really know all of the things that can be done, but what about pellets that you shoot into them, put them out for a period of time and then they could be carted away. God knows we have enough money for everything else in this town and.....

Deputy Mayor Birk said we've asked about that. That was discussed a few years ago. Is there some place, maybe some barren place upstate we could cart them? They're having the same issues. It's an issue everywhere.

Mrs. Gugick asked how about countries that don't have food. Chop them up and ship them frozen. I mean, we import frozen food. I'm not being funny. We have a really serious problem. We have a family of five that come on our property every day, all graduated sizes. That's family one. Then we have several other groups that come by. I'm afraid to go out. They seem to be afraid of us, but how do you know? One time they may not be. Anyway, I think it is a more serious problem than everyone is leading us to believe and the situation is just getting worse, because a few years ago we had one deer. Then we had three. Now, we have several sets of families, maybe there are ten. I don't know how long it takes for the young to start breeding, but two, a mother and a father, end up having three. Those three then multiply, we're going to be out of control here.

Several audience members said we are.

Trustee Tucker said that then leads to the question of how one.....I didn't mean to interrupt you.....of how one actually goes to cull or chop up or take the meat to ship it out. And, there are certain guidelines and restrictions and it has to be by bow hunters.

Mrs. Gugick asked if this is by the federal government.

Trustee Tucker responded oh, yeah, these are NYS DEC guidelines. It has to be by....this is what we know...it has to be by bow.

Mrs. Gugick said let me ask you something because I'm new to all this and maybe I'll get involved in Village politics, but how does one go about changing what the state mandates. I mean, the only ones who tend to come forward are the, what we'll call the do-gooders, save everything on the planet and the people like us that get harmed, we

sit back and we come to the Village Hall and we're told we can't do anything and nothing is done. What would I have to start to be able to get something to change in New York State?

Mayor Teller said you're standing at the podium and you're making a statement. We have a public hearing now to allow this and we need the input from the public. Quogue has a program. I talked to the Code Enforcement that is doing it. They've done a little bit of different property than we do, but they are now into where 90% of the people want it. So, it is absolutely.....

Trustee Levan said Conrad; you know what, why don't you read what Quogue does because people here might not know exactly. So, read their program. It's only a one page statement.

A member of the audience said that's a good idea.

Mayor Teller said I'll read it to you, but what we need is for the public to come up here and tell us they want to do it. Then, we're going to have to sort out the various little rules that for safety reasons that you have to be 500 feet from an occupied house and various other things. We have to do that, but we have to have the public support before we can entertain even the program.

Mrs. Gugick said and then the statute has the nerve to tell, and I say nerve, to tell us that if I wanted to spend, and I say if, ten thousand dollars to put up an eight foot fence to keep the deer out, I'm not allowed to do it because I'm only allowed a six foot high fence that they can jump over. I mean, what kind of nonsense is this?

Deputy Mayor Birk said currently that's how it reads, but we can always change that, too.

Mayor Teller said nobody in this Village that I know of really wants to see a lot of fences, eight foot fences surrounding.....

Mrs. Gugick said even if I could put it where you couldn't see it, I wouldn't want one of these little Angel people, who are upset about it, to come by and say she has it, you'd better fine her. And, we know there are these people only too happy to stir up the pot.

Mayor Teller said don't go picking on too many, because.....

Deputy Mayor Birk told Mrs. Gugick your being here is a start.

Trustee Levan said Conrad, read it.....I think you should read it.

Mayor Teller said okay, I'll read this all for you. The overview of Quogue's deer control program: Homeowners contact the Village to request that bow hunters come to their property to cull the herd during Deer Archery Season which runs from October 1st to December 31st. The Code Enforcement Officer verifies 500 ft. boundary and if needed will provide info on adjoining property owners. Several contiguous property owners will sign the consent to allow NYS licensed bow hunters. Code Enforcement Officer maintains a list of licensed bow hunters, contacts the hunters to facilitate the process. Both hunter and property owner sign consent forms. Michael Clark, DEC Coordinator of Nuisance Deer Permits, highly recommends the Quogue program. With this type of program, the DEC does not require the submission of any forms or other documents. We have the issues; Quogue did not need to amend their Code. I don't think we have

to amend our Code; we don't have a hunting program. We have to act quickly, because the season begins October 1st.

Mrs. Gugick asked where are we going to get these bow hunters and are they going to come when my five deer are grazing?

Mayor Teller said you've got a very good bow hunter behind you. He's probably taking notes right now. We will do that once we get the program set up. We would have.....

Mrs. Gugick said so, we would have to sign up that we want people on our property.

Mayor Teller said absolutely, you have to sign a release and your neighbors have to agree.

Mrs. Gugick asked what if you get one neighbor who doesn't want to, it kills it for the whole block. There are only five houses on the whole block.

Mayor Teller replied yes. Depending on the size of the property and the area, yes, it could put the kiss of death on your complaint.

Victor Levy, 33 Library Avenue, said I share the same deers as this lady on Tuttle. There is the herd of five and then there is the herd of three. During winter, they're a little bit more evident and they're pretty brazen, because you can actually drive up to them almost and they won't move out of your way because they're used to that and they have the escape of the water down at the end of Library. He asked if Quogue is actually doing this now.

Trustee Farrell said yes.

Mr. Levy asked how long have they been doing it.

Mayor Teller said this is their third year.

Mr. Levy asked if it has been effective.

Mayor Teller said talking to their Code Enforcement, it is becoming effective and they've had better than 90% of the people are very happy with it.

Mr. Levy asked if when you have adjoining neighbors, for instance, if you're down the end of Library Avenue after October 1st and you're there from Monday through Friday at noon, other than the people that work for me, and myself, there is nobody else down there - the occasional customer, but fewer than I would like, does that play into it, the fact that the houses or the people.....

Mayor Teller said if the houses are empty, the Code Enforcement would have to facilitate who are the bounders and get their names and get a letter from them.

Mr. Levy said hopefully Mr. Houlihan will have unbounded enthusiasm.

Mayor Teller said the person that wants it, they would get the neighbor to sign a letter and.....

Mr. Levy said that obviously I enjoy a fairly large piece of property that is relatively open and nobody lives on it, so I would certainly encourage it. It is, for two years running, this year I didn't even bother putting in flowers because last year's thousand dollars

disappeared literally overnight to the point where I felt the workers who had put them in had stolen them. There was always nothing left. And then the little devils wait about a week and a half for a few more shoots to come out and they finish those. They really are very destructive. In the Village, I think it is less of an issue, I think, with the traffic, because we don't have as many open streets. Quogue has more through streets. It's not going to be long before somebody on Jessup or Beach or somebody else has an accident, runs off the road trying to avoid them. So, I would encourage you to proceed ahead.

Harold Kahn, 21 Stacy Drive, said I've been trying to get this thing done since 1997, so I applaud that it is even an issue. Now that we've identified the situation and we know Quogue is doing it, how do we as a Village make this actionable so we're not talking about it, it's actionable. You mentioned that the people have to, you have to solicit the people and they have to give their point of view. Quogue was able to do it. How do we do it?

Mayor Teller responded we're doing it right now.

Mr. Kahn said you are, so I applaud you on that. So, if the Village, well, first of all, how do you solicit the people because I haven't been solicited. So, how do you do that?

Mayor Teller said we're having a public hearing, you're up here speaking.

Mr. Kahn said okay, but I'm here by accident. I didn't know you were talking about deer, I didn't see it in the paper. So, how do my neighbors know about this?

Village Clerk Kathy McGinnis said it was in the legal advertising, it was a public notice.

Deputy Mayor Birk said it was in the Southampton Press.

Mr. Kahn said so, would something be sent out. Would people go door to door? Every time there is a candidate for the Board of Trustees, they ring my bell and we talk about the deer, but nothing has ever happened about it.

Mayor Teller said the hearing is now. This might be the only public hearing we have and we might pass it, we might not. But, this is it, right now.

Mr. Kahn asked once it is passed, how long would it take to enact.

Mayor Teller said October 1st.

Deputy Mayor Birk said we'd have to move fast because hunting season begins October 1st.

Susan Wilenski, 14 Moniebogue Lane, said she lives one block south of Main Street. The deer herd that runs through my yard, or has until recently, ranges from five to twenty-two. I own less than half an acre of property. They have decimated many, many thousands of dollar's worth of plants. I love flowers. They eat everything to the ground and I plant and I replant. This year I put up an illegal eight foot fence to protect myself. My issue is not my plants. My issue is my granddaughter who has severe Lyme disease and I think that is something we need to look at. This child, at eighteen months, can be crippled for life because we have deer that I cannot legally keep out of my yard. Let's have a plan. Let's get rid of them.

Len Gugick, 18 Tuttle Place, said my wife quite eloquently discussed the deer problem, as did the other speakers. One issue that has just been touched upon, but that I see as a significant problem, is that when you drive your car in the evening, the deer go up on the road and it is just a matter of time before there are going to be a myriad of accidents. So, I would encourage the Board to be concerned about this and I would encourage the Village Attorney, who spoke so eloquently about the propane tanks, also be concerned about this and the issue of property damage and also people's lives.

Bill Bennett, 7 Parlato Place, said I have 25 apple trees. I have a peach orchard. I have, what really got me excited now, is my fig trees. I got into the fig trees and I have, like, 250 hydrangeas. They love hydrangeas. They love rhododendron. Quogue has taken care of their problem. They have about four bow hunters and what we would do is, the people really have no problem. I have four acres where I am and I don't have enough room. But, if I can get my next door neighbor, I do have enough room. I could get, perhaps 500 feet; it has to be 500 feet. The state is very certain on this. You have to be 500 feet from a dwelling to hunt. And, then you, I'll give an example – White Oak Lane, two years ago there are two twins down there. They have about three acres of property. They live on a little drain, Oneck drain that comes up through there and they were having one terrific problem with deer. They had a herd and they have about thirty deer. They contacted their neighbors, they got ahold of Beecher Halsey, I don't know how many of you know Beecher, he lives on White Oak Lane. He was having a problem. But, they got together. We had seven property owners in there and we took care of their problem. This summer I went over there, I was over there about a month ago and they've had one deer on their property, the twins, they have two lovely homes in there. They have beautiful oak trees. The oak trees, they fertilize their lawns and the oak trees have, oaks have acorns on them as big as plums and the deer love the acorns, too. That is their staple diet up in the woods north of here on the Riverhead Plains. They survive on acorns. Anyway, we took care of the problem. I can get you, if you would come down and get contiguous 500 feet, I could give four names on bow hunters, registered with licenses from the State of New York who would come in and love to take care of you and we will take care of the deer and give them to soup kitchens, have them processed and give them to soup kitchens. So, you'll be doing a real good favor for the community as a whole.

A member of the audience asked if Mr. Bennett would give his name and we can.....

Mr. Bennett said yes, they already have that. But, I will leave the names of four bow hunters who are excellent hunters and it is a very humane way of.....it's better than a rifle, better than a rifle. We know what we are doing. We don't want the deer to run off into someone else's yard and get into a lot of trouble. We need 500 feet.

Deputy Mayor Birk said I like the fact that you said "good" bow hunters, Bill.

Trustee Tucker stated that part of the issue that was just touched upon about ticks and people being infected, it is something we talked to the DEC gentleman about. But, one of the big issues, which should be a concern of everybody's as a public health hazard, the West Nile Virus, they spray, they're doing so much about, they make a big deal about and there is about a handful, I'm not saying it's not a serious issue, but there's about a handful of people that are afflicted by that every year. But, I think everyone probably sitting in this room knows somebody, I know a couple in my family that have been afflicted by deer ticks and they've been getting worse and worse and that is why they let an experimental program happen in Shelter Island. So, it has to be the way the problem really gets resolved eventually on a larger scale basis like you had alluded to, how do you, how does the, we petition the state. It has to become a, they have to

recognize it as a public health problem. Now, it's just ah, tick bites, you know, Lyme disease, there's solutions and cures. But, I know people that are crippled from that, as well. So, that has to be a public health, a public safety scenario.

Ralph Neubauer, 33 White Oak Lane, said to Mr. Bennett, I would like to thank you for taking care of the deer on White Oak and I can attest that I have hostas now that I haven't had in five years. One other thing that I would like to add is that perhaps if there was a comprehensive plan that would allow homeowners to put up deer fencing on a temporary basis without going through the turmoil of the Building Department. That might be helpful, not only to the homeowners but to the hunters as well. They could possibly cull the herd into an area where hunters would have an advantageous position. That might be to our advantage, perhaps cooperating with a few hunters and coming up with a plan to devise that or plan temporary fencing would be helpful. Thank you.

Eileen Farley, Rogers Avenue, said one of the specifics for the bow hunters, would the homeowners, are you told when they'll be there. I wouldn't want to walk out and get hit by a stray arrow. I can just picture arrows flying all around. I'm sure you're better than that, but are we told when they'll be in the area, so that we can be safe too.

Mayor Teller explained you're making the arrangements with the deer hunter. You will know when he's on your property.

Mrs. Farley said okay, thank you.

Patricia DiBenedetto, 21 Adam Lane, said I feel that there is an urgent need for some type of action to take place, especially with the development that is currently taking place two blocks from my house. There's fifty acres. There's thirty-three homes going in and the deer are coming out a lot sooner than 7, 8 o'clock at night and with all the other development that is slated to take place at some point in time in the Village, I think that is only going to become more of a problem.

Ralph Folz, Seafield Lane, said I have a procedural question. If the Board meets the first Monday of each month and hunting season starts October 1st, then could we have a motion this evening to go ahead with this program so it could possibly be in place by October 1st?

Mayor Teller said I think we have got to discuss it amongst ourselves a little bit and we will have a Special Meeting before October 1st.

Mayor Teller 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. 4 Aye, 0 Nay

Resolutions:

Approve minutes of Trustee meetings and Special Meeting

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees meetings of July 6, 2010 and August 5, 2010 and Special Meeting of July 21, 2010 are hereby accepted.

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

Accept Departmental Reports

Motion by Deputy Mayor Birk:

RESOLVED, that the Treasurer's reports for the months ending May 31, 2010, June 30, 2010 and July 31, 2010 and the Police Department, Justice Court and Building Inspector's reports for August 2010 are hereby accepted.

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

Schedule public hearing on Local Law to amend V & T Code Re: Parking Tickets

Motion by Trustee Farrell:

RESOLVED, that the Village Clerk-Treasurer is directed to publish and post a Notice of Public Hearing to be held on Thursday, October 7, 2010 at 7:00 p.m. at the Village Hall on the Outdoor Music Permit application submitted by Funcho's Fajita Grill located at 127 Main Street and identified as Tax Map #0905-11-2-25.

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

Schedule public hearing on Local Law to amend Village code – Park Fees

Motion by Trustee Tucker:

RESOLVED, that the Village-Clerk Treasurer is directed to publish and post a Notice of Public Hearing to be held on Thursday, October 7, 2010 at 7:00 p.m. at the Village Hall on a proposed local law to amend the Village Code Chapter 197 in reference to amending Park Fees.

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

Approve 2009/10 Fiscal Year Budget Transfers

Motion by Deputy Mayor Birk:

RESOLVED, that the 2009/2010 fiscal year end budget transfers in the amount of \$29,726.89 is hereby approved.

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

Authorize Justice Court Director to attend NYS Assn. Magistrates Conference

Motion by Trustee Farrell:

RESOLVED, that Leanne Gionta, Court Director, is hereby authorized to attend the 2010 NYS Association of Magistrates Annual Conference in Albany on October 10th – October 13th at the Holiday Inn at a total cost of \$705.00 for lodging and meals, plus a \$35.00 conference fee and reimbursement for incidental travel expenses.

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

Designate Cyrta Lane as a Public Street

Motion by Trustee Levan:

WHEREAS, the Highway Superintendent has stated that Cyrta Lane has been maintained by the Village for a period in excess of 10 years and has been used continuously by the public as a street for a period in excess of 10 years, and

WHEREAS, the provisions of Section 6-626 of the Village Law provides that a street that has been maintained and used continuously by the public as a public street for a period in excess of 10 years as a Village street.

NOW BE IT RESOLVED AS FOLLOWS:

The Board of Trustees hereby determines that Cyrta Lane falls within the provisions of Section 6-626 of the Village Law, and it is a public street to be maintained by the Village.

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

Approve August 2010 warrant

Motion by Trustee Tucker:

RESOLVED, that the warrant for September 2010 in the amount of \$279,198.43 for the General fund is hereby approved.

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

Public Discussion:

Mayor Teller asked if anyone in the audience would like to address the Board.

Len Gugick, 18 Tuttle Place, said inasmuch as generally everyone.....the gentleman who spoke before about the opportunity to bring in hunters with bows and arrows, if you could please make sure that everyone in this room or everyone in the Village who is interested in contacting these people are able to do so with the names and phone numbers, etc., that would be most appreciated.

Bill Bennett said I will leave their names, addresses and phone numbers in the Village Office.

Mayor Teller asked Mr. Bennett to leave them with Village Building Inspector Paul Houlihan.

Mr. Bennett said in 1932, I have a book home, a Trustee book, Southampton Town Trustee book and Moniebogue Lane was dug, it was dug prior to that. But, then they continued it from the end of Moniebogue Lane where it is now, not Moniebogue Lane but Moniebogue Canal. They extended it to Main Street in 1932 and that was Mike Parlato, my father-in-law and Jess Weixelbaum who owned the meat store on Main Street. But anyway, they had it open for a while and they expected to put a bridge across there right where you can drive through there now. But, they realized they couldn't get deliveries back there, people couldn't get back there to do parking or anything else. They had to come up on Main Street to park to get deliveries. So, what they did, they went before the Trustees and I believe it is in 1932 and I have it home in a book and they had the canal filled in to where it is now, its present site now so that you could drive past behind the stores. So, when I hear about revitalization and bringing the canal up to Main Street, I think that is the worst thing that we could do because you wouldn't be able to get around at all back there. It would be just a dead end. You'd have to pull in on either side and turn around and go back out. There was something else on my mind, but I can't quite think of it. But, anyway, I will leave the names of four fellows that would love to come into the Village and do a little damage to the deer. Thank you.

Susan Gugick, 18 Tuttle Place, said I know I am going to be leaving on Tuesday to go to my other home and I would like to take care of this, like tomorrow. We have a holiday Monday. If there were flyers ready in the morning, I would just go door to door and drop off as many as I could before I leave, but I know that probably three quarters of the people on Tuttle leave for the winter. They are not privy to what is going on tonight. How many people, number one, come to the Village Hall, get the newspaper and even know what's going on. They don't know. People come here to enjoy their time here and then they leave and they pay a lot of taxes for this privilege. They need to be clued in and yeah, you have a TV station and everything. I don't think in either house I've ever watched those programs for maybe more than ten minutes. So, give some flyers to be printed up tomorrow morning with the phone numbers on it. I don't know how many other people would be willing to go around in their section, but I would drop as many in mailboxes, which I know is against the law, but I would do it anyway, because you're not allowed to touch someone else's post office box.

Mayor Teller said all you have to do is stop by tomorrow, give us your name, address, phone number where you can be reached and our program, once we get it off the ground, if we pass it.....

Mrs. Gugick said what do you mean "if"? There is no "if".

Deputy Mayor Birk said Susan, you bring up a good point. I'm thinking about what I'm saying and I don't want to come out to sound fresh and I'll say that right out front. But, you bring up a good point. You say a lot of people don't read the paper, they don't watch Channel 22 or go on the websites. It's a question I believe we're all asked. Where do people like you get your information?

Mrs. Gugick said it was so by chance that I found out and I don't remember how I found out. I do get the Southampton paper.

Deputy Mayor Birk said because that would be the notices in the back.

Mrs. Gugick said I don't read notices. I don't know how.....

A member of the audience asked what do you expect.

Deputy Mayor Birk said that's a frustration I have, I'll speak for myself, because we all talk, we talk about getting information out to our residents who aren't here year round and what's a way?

Mrs. Gugick said I happened to call the Village Hall on another issue and they said there is a meeting. I may have called up about the deer and they said there's a meeting and that's how I found out.

Irene Barrett said it was in the paper, it was in the article.

Dean Speir said this gentleman wrote an article about it this morning in the newspaper.

Deputy Mayor Birk said we try to give you, Susan, that's what I'm saying about the paper, you don't read. We're trying to get the word out there.....

Mrs. Gugick said I read the paper, but sometimes I don't read it. I may get it in Friday's mailbox and.....

A member of the audience said if anybody has a deer problem, they would be glad to talk to you. It's not their fault. We all have the deer.

Mark Williams, Mitchell Road, said recently our Town Supervisor Anna Throne-Holst made a recommendation that there be a study done respecting the consolidation of the four Village police departments that are located within the Town of Southampton. The idea would be to determine whether there are efficiencies and cost savings that could be achieved through consolidation that could then be passed on to the Villages and then passed on to taxpayers in the form of lower taxes. Naturally, there would be no consolidation unless the studies concluded there would be no adverse impact on law enforcement or public safety. When I read the article in the Southampton Press about it, I thought it was an excellent idea, that is, the study of consolidation, not necessarily consolidation. I wrote a letter to the Southampton Press. It was published and last week I wrote a letter to Mayor Teller and the Board members reiterating my support for the Town Supervisor's proposal and requesting the Board to undertake the study that the Town Supervisor has recommended. I'm here tonight to reiterate and also in the spirit of the Board saying if you want to get things done, you need the community to come before the Board and ask for it. Well, here I am and I'm asking the Board to undertake the study that has been recommended. Now, I don't know exactly what the procedural format for getting that accomplished is, but I wanted to put it on record and ask the Board to support the idea. How best to go from here, I leave to you but from my standpoint, this is a no lose proposition – to just study the issue has got to have benefits and I don't see any shortcomings to it. Thank you.

Mayor Teller said I attended the meeting the 31st with the Supervisor, the Mayors of Sag Harbor, Southampton Village, Quogue and Westhampton Dunes. There was no way that it was going to fly.

Mr. Williams said that comes as no surprise to me, zero surprise. And, the reason it doesn't come as any surprise is that whenever I've heard, we'll call it just this type of proposal, the objections that are raised are based on assumptions and projections that could only be verified or debunked by doing the study being requested. If you say this will never fly, we can't save any money by getting rid of the Village police department, how do you know that unless you do the study? How do you know that the same level of public safety and law enforcement could not be provided as it is to the folks in Westhampton adjoining us? All anybody is asking is that the subject be studied. What I see too often in government in general and here in particular, is things get cut off at the beginning on the assumption that they will never go at the end. I'm asking you to let the process move forward objectively, dispassionately, a study done by someone with no axe to grind and candidly, I don't care about what the result of the study is. If it is concluded that we've got the best of the best and that no changes should be made, fine. Then a lot of disgruntled people should shut up. If, however, suppose it were found well, we should keep the Village department but it's really overstaffed. A study might show that. Well, every one percent of the Village police department budget is about \$28,000. I don't know how best or whether any expenses could be cut. But, you don't know these things unless you study them. And, that's all Anna Throne-Holst has asked and that's all I am asking.

Mayor Teller said if the public wants the study, they can come forward.

Mr. Williams said that is what I am doing.

Mayor Teller said I, myself, I'm not anticipating spending \$20,000 to \$30,000 to have somebody re-study the police department when I can dig up an older study that will tell you the same thing. If you give up your police department under the County law, it is given up forever.

Mr. Williams said you've made that point before, yes.

Mayor Teller said in 1960 the west end decided; Patchogue Village gave up their police department. Babylon gave up theirs. Go down there and ask them now, do they want them back. Port Jefferson can't get a police department. They want a police department. Asharoken, where they have one or two officers, they fight civil service just to keep their services going. It's a mess. And, when we had the meeting, these were the Mayors that brought the information forward and told her that there is no way to save. Southampton Town's patrol sector is 18 square miles. It has not changed since I left there ten, twelve years ago. It has not changed. Our sector is 2.5 square miles. We have the coverage. If the public does not want that coverage, send us the letters. Tell us they want to spend the money for the study. I, myself, am not going to waste that kind of money unless there is a public outcry. I've lived here all my life and I'm not getting any complaints on the street other than about an individual police officer that he gave out summonses. In fact, somebody told me yesterday that one of the part-timers was issuing a summons by the Methodist Church for somebody that was parked up on the shoulder on an angle. I said that's what he's supposed to be doing. Somebody issued three summonses for speeding on Main Street. That's what they're supposed to be doing.

Mr. Williams said Mr. Mayor, I hate to do this to you, but I would like.....

Mayor Teller said do it to me.

Mr. Williams said from the press coverage of Ms. Throne-Holst's proposal in which you are quoted as saying, "finances have changed considerably, Mr. Teller said. Would we

save money? I don't know. Would we gain something? It's all got to be looked at and looked at with a skeptical eye. I'm not knocking the Supervisor or anyone else. It's a good idea and something that should be looked at." Mr. Williams said well, that's all I'm asking.

Mayor Teller said you can consolidate communications. You can consolidate possibly the detectives. Southampton Town Chief of Police said right off, no way was he going to do that. He'd take the communications. Right now, Suffolk County is supposed to be paying for the communications since 1960 under their budget. We have trouble getting the revenue sharing money from the County Exec. Each time we turn around, he shorts it. And, I can guarantee you that if we send fifteen cops to the Town right now that fifteen cops would go out the other end, because the Town is not going to pay for fifteen more police officers. I've been in this business too long and know just about where they're going to start shaving. They'll keep the cops for just so long for showboating and then out the door they're going to go. So, if the public wants to spend anywhere from \$20,000 to \$50,000 for the study.....

Ralph Neubauer asked will the Village be spending that.

Mayor Teller responded the Village would definitely be spending that.

Mr. Williams said who knows how much could be saved if a study was done. I'm not here to debate you but it seems to me all of the points that you make are those that come out at the far end of the study, not before the study is undertaken.

Mayor Teller said you can have any study you want from just about any company. You give them the parameters you want; they'll give you the answers that you want. Let me ask you, are you a resident of the Village?

Mr. Williams replied yes, I'm a taxpaying resident of the Village.

Mayor Teller said okay.

Deputy Mayor Birk said I know from experience riding with the ambulance for over ten years, we had an incident last fall in Quogue because the ambulance district covers quite a bit of territory. The call went out approximately 6:30 and I didn't get off that call until close to 11. It was interesting because a few of us were talking that, this was last fall, a few of us were talking that, boy, if we had coverage by the Southampton Town Police, because the sector car, the Town police sector car was there, they are the first on the scene and they call us out. If that was the coverage we had from Southampton Town, Eastport all the way to Quogue was left open for over four hours and that's the one car that covers the entire district that was stuck in one area for over four hours. I don't think our Village would want to have one car around, not even one car at all for over four hours. If the people, if this is what the people want, bring it out. If there are complaints, bring it out. We represent the people.....

Mr. Williams said I don't know whether I'm not explaining myself. I'm not asking for single car coverage of Westhampton Beach. I'm asking for a study to be done of a whole range of issues surrounding consolidation. I have nothing against the Westhampton Beach Police Department. I don't know Ray Dean. I don't know.....

Deputy Mayor Birk said and if the public says we can go ahead and do it, that's up to the public.....

Mr. Williams said that's all I'm asking. Okay, thank you.

Arnie Sheiffer, 5 Oneck Road, said Mr. Mayor and each and every member of the Board of Trustees, I want to take this opportunity to thank you on behalf of the overwhelming majority of residents in this Village for the position that you have taken in standing up for us in opposing an eruv, the proposed eruv. We live in a nation where we don't trust our elected officials. We don't trust them because they don't stand up for us. Again, I complement each and every one of you for standing up for each and every one of us. Thank you.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion at 8:05 p.m. to adjourn the meeting. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk