

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, April 7, 2011 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 Rebecca Molinaro
Village Attorney Richard Haefeli**

Mayor Teller opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS:

Local Law 1/2011 to amend Sign Regulations

Mayor Teller made a motion to re-open the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Mayor Teller then asked if anyone would like to speak regarding this issue.

Trustee Tucker said I just want to clarify one thing. We talked about some signs that were going to change. Beverage Barn is..... Are they covered or do.....

Building Inspector Paul Houlihan explained that there is a provision in the code that if you have a non-conforming sign and you change the script of the sign that at that point it would have to be brought into compliance. They weren't talking about...there are two signs that I can think of, the Beverage Barn and also Casey's, where they have a sign where the lettering changes. I think the issue on that would be if the Beverage Barn changed into Joe's Packing Store, then they would come in, but to change the script for the specials, that is the nature of their sign.

Trustee Tucker asked so, they're still covered?

Mr. Houlihan replied yes, they're still covered. Mr. Houlihan asked Village Planner Kyle Collins if he agreed with that. Mr. Collins said, absolutely.

Trustee Tucker said okay.

Mr. Houlihan said then the only other two signs would be the marquee signs, but those are specifically exempt.

Trustee Tucker said right, those were addressed.

Deputy Mayor Birk thanked Mr. Houlihan.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion to close the hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Tucker:

WHEREAS, Village Board of the Village of Westhampton Beach has considered amendments to Chapter 197-30, in order to update the existing sign regulations, as recommended in the 2006 Comprehensive Plan Update, in order to minimized potential

visual impact to the character of the Village, while still providing for the needs of both its residents and businesses; and

WHEREAS, on March 3, 2011, the Village Board held a public hearing to consider any testimony related to the proposed changes, at which time all persons either for or against the enactment were heard; and

WHEREAS, the proposed amendments were referred to the Suffolk County Planning Commission and found the subject code amendments to be a matter for local determination; and

WHEREAS, after conducting the requisite review process as prescribed by 6NYCRR Part 617, State Environmental Quality Review Act (SEQR) for the subject Unlisted Action, and the Village Board has considered the magnitude and importance of each impact; and

WHEREAS, an uncoordinated review was conducted, pursuant to SEQR on the subject unlisted action, as there are no other involved agencies associate with the subject action; and

WHEREAS, the Village Board finds that the adoption of amendments to Chapter 197-30 will not result in any potentially large impacts and therefore will not have a significant impact on the environment; and

WHEREAS, pursuant to SEQRA 6 NYCRR Part 617, the Village Board hereby adopts a negative declaration (determination of non-significance) for the adoption of changes to Chapter 197-30; and

WHEREAS, pursuant to §239-M of the General Municipal Law, the Suffolk County Planning Commission has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law; and

WHEREAS, the Board of Trustees, after due deliberation, finds that it is in the best interest of the Village of Westhampton Beach to adopt said Local Law; now therefore be it

RESOLVED, the Board of Trustees hereby adopts Local Law 1/2011 entitled: "A LOCAL LAW AMENDING CHAPTER 197 SECTION 30 OF THE VILLAGE CODE ENTITLED 'SIGNS'," a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting, to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

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

Local Law 2/2011 to amend requirements for Wireless Telecommunication Facilities

Mayor Teller made a motion to open the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Mayor Teller then asked if anyone would like to be heard regarding this issue.

Village Attorney Richard Haefeli explained that this just brings things up to date from when the law was originally adopted. That was ten years ago. There have been a lot of changes to cell towers and the entire industry and we are just attempting to bring ourselves into the twenty-first century as opposed to the twentieth century.

Mayor Teller asked if anyone in the audience wished to be heard. There being no response, he made a motion to close this hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Motion by Deputy Mayor Birk:

WHEREAS, Village Board of the Village of Westhampton Beach has considered amendments to Chapter 197-42.1, in order to update the existing requirements for the deployment of wireless networks and infrastructures, including but not limited to instituting fall zone requirements, limiting height of new support structures, and allowing for use of Village properties to locate infrastructure in order to minimized potential visual impact to the character of Village, while still providing of adequate wireless service within the Village; and

WHEREAS, on April 7, 2011, the Village Board held a public hearing to consider any testimony related to the proposed changes, at which time all persons either for or against the enactment were heard; and

WHEREAS, the proposed amendments were referred to the Suffolk County Planning Commission and found the subject code amendments to be a matter for local determination; and

WHEREAS, after conducting the requisite review process as prescribed by 6NYCRR Part 617, State Environmental Quality Review Act (SEQR) for the subject Unlisted Action, and the Village Board has considered the magnitude and importance of each impact; and

WHEREAS, an uncoordinated review was conducted, pursuant to SEQR on the subject unlisted action, as there are no other involved agencies associate with the subject action.

WHEREAS, the Village Board finds that the adoption of amendments to Chapter 197-42.1 will not result in any potentially large impacts and therefore will not have a significant impact on the environment; and

WHEREAS, pursuant to SEQRA 6 NYCRR Part 617, the Village Board hereby adopts a negative declaration (determination of non-significance) for the adoption of changes to Chapter 197-42.1; and

WHEREAS, pursuant to §239-M of the General Municipal Law, the Suffolk County Planning Commission has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law; and

WHEREAS, the Board of Trustees, after due deliberation, finds that it is in the best interest of the Village of Westhampton Beach to adopt said Local Law; now therefore be it

RESOLVED, the Board of Trustees hereby adopts Local Law 2/2011 entitled: "A LOCAL LAW AMENDING CHAPTER 197 SECTION 42.1 OF THE VILLAGE CODE ENTITLED WIRELESS TELECOMMUNICATION FACILITES'," a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting, to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

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

Local Law 3/2011 to amend Coastal Erosion Hazard Law

Mayor Teller made a motion to re-open the public hearing. Seconded by Trustee Tucker and unanimously approved. 4 Aye, 0 Nay

Mayor Teller then asked if anyone would like to be heard regarding this issue.

Mr. Haefeli explained that the proposed change to this law is to provide basically, a standard by which the value of the properties is to be determined. If you're going to build a house or do improvements in a coastal erosion area and that is the area on the south side of Dune Road in the Village, you have to meet certain standards, one of which is the value of the structure at the time you're going to do the work. There have been issues with

reference to how do we determine what is the value of those structures at the time you're going to do the work. This particular amendment specifies that unless otherwise... basically, the assessed valuation of the Town of Southampton as far as the improvements are concerned will be used by the Building Inspector to determine value. If an applicant believes that that assessed valuation is inaccurate, the applicant is entitled to request an appraisal which would be undertaken by the Village at the cost and expense of the applicant. In making this amendment change, it does away with a lot of conflicting testimony and information as to what the value of the property is. So, we are trying to set a standardized statement as to how values are determined.

Mayor Teller asked if anyone in the audience would like to be heard. He said this had been put over to get DEC approval.

Mr. Haefeli said in order to make an amendment to the Coastal Erosion Hazard Law, it is a law that the State of New York requires all municipalities to adopt and the state is required to adopt it. Because it is applicable throughout the United States, the United States requires that it be adopted. In order to make any changes to the law, you have to get the approval from the state DEC and we did, in fact, get the approval from the state DEC, so the Board can close the public hearing and adopt it if it so desires.

Mayor Teller thanked Mr. Haefeli and asked one more time if anyone would like to be heard. There being no response, he made a motion to close the public hearing. Seconded by Trustee Tucker and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Farrell:

WHEREAS, A RESOLUTION was duly adopted by the Board of Trustees for a public hearing to be held by the Board of Trustees at the Village Hall, 165 Mill Road, Westhampton Beach, New York at 7:00 PM on the 3rd day of March, 2011, to hear all parties on a proposed Local Law entitled: "A LOCAL LAW AMENDING CHAPTER 74 OF THE VILLAGE CODE ENTITLED 'COASTAL EROSION MANAGEMENT';" and

WHEREAS, notice of said public hearing was duly advertised in the Southampton Press and posted at various public locations throughout the Village; and

WHEREAS, public hearings were duly held at the Village Hall, 165 Mill Road, Westhampton Beach, New York, on the 3rd day of March, 2011, and on the 7th day of April, 2011, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Article 34 of the Environmental Conservation Law and 6 NYCRR 505.18, the Department of Environmental Conservation has reviewed and approved the above Local Law; and

WHEREAS, the Board of Trustees determines that this action is subject to Article VIII of the Environmental Conservation Law, "SEQRA," that it has undertaken an uncoordinated review of this action with the Department of Environmental Conservation, an involved agency, that it resolves itself lead agency, that it has reviewed the EAF Part I, and lists this action as an Unlisted Action, which action is not expected to result in any significant adverse environmental impacts; and

WHEREAS, the Board of Trustees has prepared an EAF Part II, in considering the magnitude and importance of each impact, and finds that no further environmental review is necessary, and accordingly ADOPTS the NEGATIVE DECLARATION prepared herein; and

WHEREAS, pursuant to §239-M of the General Municipal Law, the Suffolk County Planning Commission has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law; and

WHEREAS, the Board of Trustees, after due deliberation, finds that it is in the best interest

of the Village of Westhampton Beach to adopt said Local Law; now therefore be it RESOLVED, the Board of Trustees hereby adopts Local Law 3/2011 entitled: "A LOCAL LAW AMENDING CHAPTER 74 OF THE VILLAGE CODE ENTITLED 'COASTAL EROSION MANAGEMENT'," a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting, to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

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

2011-12 Tentative Village Budget

Mayor Teller made a motion to open the public hearing. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Mayor Teller said we have a Village budget. I believe it is very stable. You don't see changing times without resorting to layoffs. It reflects what we believe our taxpayers would want to keep the Village in shape, to keep our infrastructure stable and we feel that nobody wants the Village to deteriorate by cutting the budget too tightly. The budget is going up by a little over 5%. It is \$2.67 per thousand. I'll open it up to anybody in the public who wishes to speak.

Dean Speir, 256 East Main Street, said he was a citizen by way of disclosing I am a candidate for Village Board this year. He said I went over the budget to the best of my ability today and I want to compliment you. I think you did a very good job of belt tightening. I see a couple of places, one particularly, where I think you could do even more.

Mayor Teller said we have a pretty thrifty Board.

Mr. Speir said well, they have a very thrifty leader, so we know where that comes from. Thrifty is the appropriate word. I compliment you. I don't see any fat in here with the sole exception of the public safety dispatcher's line. I think you could tighten that even further. We've had a full colloquy about that over the months and I note that it has gone down one big chunk. I think you could take it down another chunk, too. Thank you.

Mayor Teller thanked Mr. Speir and 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

Motion by Trustee Levan:

WHEREAS, the Village Clerk Treasurer has presented to the Board of Trustees a Tentative Budget in compliance with the requirements of Section 5-508(1) Village Law; and

WHEREAS, the Trustees have had a chance to review said budget and to conduct a public hearing on the Tentative Budget in accordance with Section 5-508(1) on April 7, 2011; and therefore be it

RESOLVED, that, without further change, alteration, or additions, the Board of Trustees hereby adopt the 2011/2012 fiscal year tentative budget in its current form.

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

RESOLUTIONS:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees Meetings of March 3, 2011 and March 8, 2011 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 report for February 2011, Justice Court, Police Department's and Building Inspector's reports for March 2011, are hereby accepted.

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

Schedule public hearing on Local Law to amend Peddling and Soliciting code

Motion by Trustee Farrell:

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to public and post a Notice of Public Hearing for a local law to amend the Village code relating to Peddling and Soliciting to be held on Thursday, May 5, 2011 at 7pm at the Village Hall.

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

Schedule public hearing on Local Law to amend code relating to Code of Ethics

Motion by Trustee Levan:

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to publish and post a Notice of Public Hearing for a local law to amend the Village code relating to the Code of Ethics to be held on Thursday, May 5, 2011 at 7 pm at the Village Hall.

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

Authorize land re-acquisition from Habitat for Humanity

Motion by Trustee Tucker:

WHEREAS, Habitat For Humanity of Suffolk, Inc. is the owner of a vacant parcel of real property of approximately 5,998 square feet located on 8 Mickey's Way, and which is designated on the Suffolk County Tax Map as 0905-06-01-42; and

WHEREAS, Habitat acquired the property from the Village of Westhampton Beach on March 8th, 2006, to be used for affordable housing, subject to certain conditions; and

WHEREAS, Habitat is desirous of re-conveying the property to the Village of Westhampton Beach; and

WHEREAS, the Village is desirous of re-acquiring the parcel for public purpose.

NOW, THEREFORE BE IT RESOLVED, that the transfer of the real property owned by Habitat For Humanity of Suffolk, Inc., which is designated on the Suffolk County Tax Map as 0905-06-01-42, to the Village of Westhampton Beach, without consideration is hereby authorized.

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

Accept proposal from Aquarius Capital for GASB 45 Actuarial Services

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby accept the proposal from Aquarius Capital to prepare an actuarial valuation of post-employment benefits as required under GASB 45 at a cost of \$1500.00.

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

Authorize rate schedule for legal services

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby accept an amended rate schedule for legal services provided by Lamb and Barnosky, LLP of \$275.00 per hour for partners and counsel and \$225.00 per hour for associates effective March 1, 2011.

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

Declare DPW materials as surplus

Motion by Trustee Levan:

WHEREAS, the Department of Public Works have submitted the attached list of items that are no longer in use by the Department, and therefore be it

RESOLVED, that the Village owned materials are hereby declared surplus and obsolete for Village purposes, and be it further

RESOLVED, that the Department of Public Works is authorized to publicize the items for sale through an on-line auction and to dispose any items that remain unsold after the auction period.

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

Motion by Deputy Mayor Birk:

RESOLVED, that the Westhampton Alliance of Merchants is hereby authorized to hold a "Spring Sidewalk Sale" on Main Street on the weekends of April 30-May 1, 2011 and May 7-May 8, 2011 from 10:00 am to 6:00 pm (event rain date of weekend May 14-May 15, 2011).

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

Approve Girl Scout Troop #2168 use of Village Parking Lot

Motion by Trustee Farrell:

RESOLVED, that Girl Scout Troop #2168 is hereby authorized to use the village's Municipal Parking Lot located on Glovers Lane, in conjunction with the Long Island Head Injury Foundation, on Saturday, June 11, 2011 from 9 a.m. to 12 p.m. for a bicycle safety program.

Mayor Teller said I have one question on that. Is that the parking lot used by the Farmer's Market?

Village Clerk Rebecca Molinaro responded it was the Chamber of Commerce parking lot.

Trustee Farrell said it was the north parking lot.

Mayor Teller said there were two parking lots.

Deputy Mayor Birk said it was the parking lot where the Chamber of Commerce building is located.

Trustee Levan said it is where the Chamber's office is.

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

Approve 2011 Westhampton Cultural Consortium Gazebo Concert Series

Motion by Trustee Tucker:

RESOLVED, that the Westhampton Cultural Consortium is hereby authorized to hold the 2011 Summer Concert Series on the Village Green on Thursday evenings commencing July 7, 2011 through September 3, 2011 from 6:00 pm to 9:00 pm.

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

Approve 2011 Electrical Inspection Services Agreement renewal with Town of Southampton

Motion by Deputy Mayor Birk:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2011 Electrical Inspection Services Agreement with Southampton Town.

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

Approve 2011 Shared Computer Capability Agreement with Town of Southampton

Motion by Trustee Farrell:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2011 Shared Computer Capability agreement with the Town of Southampton at a cost of \$13,865.60, plus fees for time and materials.

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

Approve revised Billboard Permit application

Motion by Trustee Levan:

WHEREAS the Board of Trustees has constructed two signs in the Village, one located on the south side of Montauk Highway adjacent to the Westhampton Beach High School and the second located on the west side of Riverhead Road adjacent to the Metro gasoline station; and

WHEREAS, the purpose of said signs is to provide a place for non-profit organizations to install announcement signs of events sponsored by such organizations; and

WHEREAS, the Board of Trustees believe that certain regulations should be imposed as to the use of said signs;

NOW THEREFORE BE IT RESOLVED,

1. That any organization using the signs shall pay a processing fee of \$30.00 per event.
2. That the individual organization's signs shall remain for a period not to exceed two weeks.
3. That any extension of the period of time or determination as to which organization shall have the right to use the signs at any period of time shall be determined by the Mayor.
4. That the signs shall be used by non-profit organizations only to announce events sponsored by such organizations.
5. The sign(s) shall be 36" high by 46" wide.
6. The sign shall be professionally done with a corrugated plastic backing.
7. Once approved, the Applicant shall deliver the sign to the Village Clerk who will coordinate installation with the Village Highway Department. NOTE: Only the Highway Department personnel shall install signs at the Village Sign Boards.
8. The applicant will pick up the sign at the Village Hall after the event is over. The Village is not responsible for signs left over 30 days after the event. The Village will discard all signs left for more than 30 days.

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

Refer Special Exception Application to Planning Board

Motion by Trustee Tucker:

RESOLVED, that the Special Exception application filed by Winhaven Realty, LLC to establish a nail salon at 70B Old Riverhead Road, known as the North Mall complex, and identified as SCTM# 905-2-2-6.001 is hereby referred to the Planning Board for review.

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

Refer MiColes Restaurant Outdoor Dining Application to Planning Board

Motion by Deputy Mayor Birk:

RESOLVED, that the Outdoor Dining Permit application filed by MiColes Restaurant located at 141 Montauk Highway and identified as SCTM#'s 905-5-2-6.001, 6.002, 7.000 and 9.001, is hereby referred to the Planning Board for review.

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

Authorize renewal of 2011 Firehouse Pizza Outdoor Dining Permit

Motion by Trustee Farrell:

WHEREAS, Firehouse Pizza has applied to renew the Outdoor Dining Permit for 2011 to place three (3) picnic tables with attached benches pursuant to Chapter 196-1 of the Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; and therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor picnic tables as shown on the original plan and subject to the same set of conditions.

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

Authorize renewal of 2011 Hampton Coffee Outdoor Dining Permit

Motion by Trustee Levan:

WHEREAS, Hampton Coffee Company has applied to renew the Outdoor Dining Permit for 2011 to place four (4) tables and sixteen (16) chairs pursuant to Chapter 196-1 of the Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; and therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the original plan and subject to the same set of conditions.

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

Authorize renewal of 2011 Shock Ice Cream Outdoor Dining Permit

Motion by Trustee Tucker:

WHEREAS, Shock Ice Cream has applied to renew the Outdoor Dining Permit for 2011 to place three (3) outdoor tables with attached benches pursuant to Chapter 196-1 of the Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; and therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown in the original plan and subject to the same set of conditions approved in 2004.

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

Authorize renewal of 2011 Dee Angelo's Outdoor Dining Permit

Motion by Deputy Mayor Birk:

WHEREAS, Dee Angelo's has applied to renew the Outdoor Dining Permit for 2011 to place eight (8) bistro tables or four (4) standard tables and sixteen (16) chairs pursuant to Chapter 196-1 of the Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; and therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown in the original plan and subject to the same set of conditions approved in 2006.

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

Authorize renewal of 2011 Funcho's Fajita Grill Outdoor Dining Permit

Motion by Trustee Farrell:

WHEREAS, Funcho's Fajita Grill has applied to renew the Outdoor Dining Permit for 2011 to place five (5) outdoor tables and twenty (20) chairs pursuant to Chapter 196-1 of the Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; and therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown in the original plan and subject to the same set of conditions.

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

Authorize renewal of 2011 Shock Ice Cream Outdoor Music Permit

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby approve the renewal of Shock Ice Cream Outdoor Music Permit for 2011 subject to the same set of conditions as set forth on the

Determination dated August 3, 2006, the provisions of Chapter 196-2 of the Village Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

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

Trustee Tucker said I have to disclose that I do a little bit of business with some of these restaurants from time to time.

Mr. Haefeli said in my opinion you wouldn't have to disqualify yourself. These are very standard resolutions and nothing of major significance. But, it is good just to let people know you do business with them.

Trustee Tucker said okay.

Approve warrant for April 2011

Motion by Trustee Tucker:

RESOLVED, that the warrant for April 2011 in the amount of \$ 273,438.06 for the General Fund is hereby approved.

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

PUBLIC DISCUSSION

Simon Jorna asked Village Clerk Rebecca Molinaro what happened to his application for outside music and dining.

Ms. Molinaro responded that pursuant to last year's resolution, there were some type of conditions that had to be met which I need to go over with the Building Department before we approve it.

Mr. Jorna said but, that was five weeks ago that I put in my application. So, do you mean I can't have any seats outside until May.

Ms. Molinaro said well, technically speaking, they're only allowed beginning May 1st and our next meeting is May 5th, so.....

Mr. Jorna asked so, it is to be held over to May 5th, basically?

Ms. Molinaro said yes, I would say at the very latest.

Mr. Jorna said he was here exactly a year ago and I showed you a bunch of pictures and a couple of weeks later you took care of light posts, they were all painted; the garbage cans were all painted, the light posts were all painted, the glass was repaired, so that's a good thing. What you guys didn't do was the sidewalk repair and all that stuff. So, again, a year later from last year I went and took pictures. He showed the Board the pictures. He said there was a picture in front of O'Suzanna that shows me in front of a sign. He said this sign, I hit my head on it twice last year. The corner of the sign is metal. I've seen a dozen people hitting it, especially now with cell phones, people talk on the phone and they hit this. So, this sign should be replaced. The next picture, same as last year, shows a beautiful metal post in front of the bakery with another metal post attached to this metal post to make it longer, instead of putting a nice single post there. On the next picture, the snow sign, all rusted. We live in Westhampton Beach. I don't think we need have to have rusted

signs on Main Street at all. Here is another sign in front of a store. The signs are crooked. There is no reason for it. Someone from the Highway Department can just go there, bend the post back and make it look nice. There is no reason why we have ugly signs like that. This beautiful cone in the picture was installed there a year and a half ago, February or March of last year, and in May when I do my follow-ups outside, I decided to move this cone and put my flower box on top of it because it looks so ugly for the summer. And of course, my flower box was moved. You guys put the cone back up, so this has been here now for more than a year. Why cannot somebody repair this. This is so ugly. It has been there for over fourteen months in the center of Main Street.

Mayor Teller said it is scheduled for repair, they bought a steel plate, they're waiting for it to come in. They're not growing those red cones down there. It won't be long. It will be before the season starts.

Mr. Jorna said the problem is, when something breaks down, it could be fixed in a week, two weeks.

Trustee Farrell said not that.

Mayor Teller explained that is a major repair job that has to be engineered and we will be shutting down Main Street to fix it. We will patch the curb and cover the thing and hold it, but we can't do it until.....

Mr. Jorna asked if it will be done before May.

Mayor Teller said no, that requires tearing up Main Street.

Highway Superintendent John Kearns explained the repair will be done in a week. The plate was supposed to be in today. It hasn't come in, but that drain has three transitions in it that lead into the bay. It comes from the north side of town, the water that feeds into that area comes from almost Montauk Highway, so, it takes a tremendous amount of water so the hole itself to repair that is going to be, the trees are going to be gone, the sidewalk is going to be gone, the curb is going to be gone. It is going to be a huge operation that requires engineering.

Mr. Jorna said I don't have a problem with the sanitation all the time. However, you could do a temporary fix when it happens.

Mayor Teller said I just told you, Simon, that will be cleaned up within a week.

Mr. Jorna said the next thing, lots of sidewalk curbs are broken. This one in front of the bakery needs a lot of asphalt to fix the hole. This picture here shows this one has a two inch step, a little edge. This is on Main Street, hundreds of places where you can trip. Last year I mentioned this to you guys and still nothing got done about it. The whole year nothing got done about these repairs. Why not? Last year I showed you one involving the Water Authority and the next day the Water Authority came over to fix it. That was the only thing fixed on the sidewalk. Another one, disrepair on Main Street over here. You see how bad this street looks like; cracks on Main Street everywhere. Another one, this is in front of the Post Office, another one is falling apart. This is a repair in front of the Post Office. Instead of lifting the bricks and putting some sand underneath it to make it level, they decide to just put some cement on top of it. One over here in front of the Schwartz building, three different colors of concrete has been used on Main Street.

Mayor Teller explained we buy the concrete from a standard place and concrete is never the same color.

Mr. Jorna said these two I just showed you guys, it's an embarrassment, I think, for the Village what happened the last couple of months with the cones on Main Street around the planters. In January you guys took down.....

Mayor Teller said Simon, you asked us to do a lot of work down there. They started

digging up the boxes, took the boxes out. The stuff was frozen. We put the cones in right now. You just saw where we're spending \$3,000 to buy plastic to mix and we can't do it until it warms up. We're kind of stuck with that. We don't like it any more than you do.

Mr. Jorna said so, three months ago all the planters were taken away and the sand was exposed for two and a half months. Just before St. Patrick's Day they did a quick cleanup so it looks nice for the parade and this week they finally started finishing things up. Why? Why couldn't they have just waited removing the planters. Why couldn't they do four trees at a time, then go to the next four trees or six trees.

Mayor Teller said Simon, you've got to understand this. You've got to have warm weather to put that epoxy mix down.

Mr. Jorna said then couldn't they have taken away all the roots around it.

Mayor Teller said no, because we've got other work to attend to. We've got a crew working on Main Street. We've got a crew working down at Rogers Beach. They've been down there now three weeks just doing the kitchen. Main Street is not our only project in this world.

Trustee Farrell said it's not just Main Street.

Mr. Jorna said it is the only one that I'm right now concerned with.

Mayor Teller said you're the only one concerned about it, I understand that.

Mr. Jorna said if I don't mention it, nobody else will.

Mayor Teller said no, no, we don't, I don't like red cones down there anymore than you do and I'm not trying to plant them so they grow more.

Mr. Jorna said I think public opinion right now of all the merchants is that Main Street looks less good than Main Street in Hampton Bays or Riverhead right now. They take care of the sidewalks better than we do.

Mayor Teller said one day we'll have enough money to rebuild the whole road. Then you'll holler at me because the road will be shut down for months, breaking it all up, re-doing it, moving the tree lines down, taking the trees out and everything else. You'll be hollering then, so, we can only do so much with that road and we can only do so much concrete work. I only have so much of a budget. The highway crew is all working. John's got a heavy crew going. They're all working, there's nobody out sick but one. There's nobody on vacation, so they're doing the job they're supposed to do. They can only work so fast. The weather either cooperates or it doesn't cooperate and you cannot finish those trees off until we get warmer weather. I hope it is 75° this weekend, but they won't have a crew to work then.

Mr. Jorna said the next question is does the Village have a plan for Main Street for next year, three years, five years, ten years or even twenty years about re-pavements, re-doing the sidewalks, moving all the trees. Does the Village have a plan like that?

Mayor Teller responded I don't have that kind of money and we're going to be looking at grants to do some of that work, but that's a major undertaking to tear up that road. I've had wonderful suggestions that when we do it, we take all the power lines – put them underground. A lot of suggestions, but we don't have that kind of money.

Mr. Jorna said the same kind of question was asked last year and the same answer was given to me.

Trustee Farrell said we don't have that kind of money.

Mr. Jorna said I understand that, however, I do think that there should be a long term plan

in place for three years, five years, ten years. Then, okay, if you don't get a grant like you didn't get this year or last year, so then we should start saving and in ten years we can re-do the whole thing. At least have a long term plan. Right now the trees are not too big, right now we're going to do the sidewalk, another year do the curbing, but have a plan in place. I think I would like to ask the Village to have a commitment here to see you guys this year at least to have a plan together for the next ten or fifteen years what you guys are going to do with Main Street.

Mayor Teller advised Mr. Jorna to come to the next Work Session.

Deputy Mayor Birk said we've had dialogue about it. We've had dialogue about the economic times, do you put it out to bond for the residents, have it increase their taxes. Nothing is set, but we've had a lot of dialogue.

Trustee Farrell said it's not just \$1,000. It's a lot of money.

Mr. Jorna said last year I came here in front of the Board and I asked the Board to be more open about talking to the merchants on Main Street about what is going to happen to Main Street and you guys all promised that you would. But, really, you haven't been open to the merchants and telling us, updating us as to what is going to happen. I think it would be nice if you give us an update through the Chamber of Commerce or the merchants themselves and tell them okay, this year we will replace the flower boxes. I know that you guys took away all the flower boxes and the tree and I agree it should have been done. It's very important. Are we going to get new planters back?

Mayor Teller said they're not coming back.

Mr. Jorna said so, you're going to take thirty flower.....

Trustee Farrell said they killed the trees.

Mr. Jorna said I understand that part. But, you took thirty planters out last year, installed a couple of these temporary coffins or whatever you call them, flower boxes. Are we going to get new ones this year? You take thirty planters out. Are we going to get something back this year?

Trustee Farrell said the planters, they are up at the DPW.

Mayor Teller said they will all be coming back.

Trustee Farrell said we had to take them out while the work was being done so they could plow the snow, which you didn't mention anything about the wonderful snow removal this year.

Mr. Jorna said except they did a great job in general but that was Christmas and it took three days to get the sidewalks cleared on Main Street.

Trustee Farrell said of course, two good and one bad.

Mayor Teller said I could say the same thing. You create a lot of rubbish that comes.....There comes a time when we would appreciate it if you would take that black bag out, pull it behind and put it aside and put another black bag in when I don't have people on the job.

Mr. Jorna said you ask John Kearns. I think he would confirm that I'm the only one that always does it.

Trustee Farrell remarked you're the only one that does it. It's true.

Deputy Mayor Birk added you have, you definitely have. You've been excellent in that respect.

Trustee Farrell said I would like to invite you to a Work Session where we can sit down and talk about these issues. I've yet to see you and I'll be a year in May and I've yet to see you at a Work Session and I would like to invite you and we would like your input. But, we don't see that many people from Main Street, maybe Elyse.

Mr. Jorna said I'll be there. Thank you guys.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion at 7:30 p.m. to adjourn the meeting. The motion was seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Kathleen McGinnis
Deputy Clerk