

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, February 3, 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**

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Mayor Teller opened the meeting with the Pledge of Allegiance.

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**RESOLUTIONS:**

**Accept minutes of Board of Trustees Meeting**

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees Meetings of January 6, 2011 are hereby accepted.

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

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**Accept Departmental reports**

Motion by Trustee Birk:

RESOLVED, that the Treasurer's report for December 2010, Justice Court, Police Department's and Building Inspector's reports for January 2011, are hereby accepted.

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

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**Approve 2009–10 Fiscal Year Annual Financial Statement**

Motion by Trustee Farrell:

RESOLVED, that the 2009–10 fiscal year annual Financial Statement prepared by Lundy and Co. for the Village of Westhampton Beach is hereby approved.

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

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**Authorize Building Dept. Employees to attend Annual Building Officials Conference**

Motion by Trustee Levan:

RESOLVED, that Code Enforcement Officer Bridget Napoli and Building Permits Coordinator Kerry Rogozinski are hereby authorized to attend the 2011 Finger Lakes 36<sup>th</sup> Annual Building Officials Conference in Hilton, New York on March 13–17, 2011 for a total cost of \$780 for registration, \$352 for lodging, plus reimbursement for meals and travel expenses not to exceed \$300.

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

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**Appoint Special Counsel for ERUV lawsuits**

Motion by Trustee Tucker:

WHEREAS, Verizon New York, Inc. and the Long Island Lighting Company (d/b/a LIPA) have commenced a civil action against the Village of Westhampton Beach with regard to a proposed ERUV; and

WHEREAS, the East End ERUV Association, Inc. has also commenced a civil action against the Village of Westhampton Beach with regard to a proposed ERUV; and now therefore be it

RESOLVED, that Anthony B. Tohill, Esq. is hereby appointed as Special Counsel to represent the Village in the aforementioned proceedings and to be paid at the rate of \$225 per hour.

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

Village Attorney Richard Haefeli wanted to point out that the Village has insurance to cover the basic claims, but for whatever reason the Eruv Association has elected to sue the individual members of this Board for punitive damages. That is covered by the Village indemnification law and since Mr. Tenzer has claimed that there could be a multi-million dollar award against the municipality, it is my opinion that the members of this Board have to be fully protected and have their own separate counsel to protect them with reference to that issue.

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**Authorize participation in feasibility study for East End Cooperative Health Plan**

Motion by Trustee Birk:

WHEREAS, the Board of Trustees of the Village of Westhampton Beach would like to participate in a feasibility study to examine the creation of an Article 47 Municipal Health Cooperative Health Benefit Plan to be known as the East End Cooperative Health Plan Initiative; and

WHEREAS, the purpose of the feasibility study will be to evaluate and study the most effective ways to offer health insurance benefits to local municipalities that can maintain long term taxpayer sustainability; and now therefore be it

RESOLVED, the Board of Trustees of the Village of Westhampton Beach are hereby authorized to participate in said feasibility study at a cost not to exceed \$4,375.00 for the completion of the feasibility study and application to the New York State Insurance Department for a Certificate of Authority.

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

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**Authorize parking ticket enforcement contract with FBS, Inc.**

Motion by Trustee Farrell:

RESOLVED, that the Mayor is hereby authorized to execute a contract with Fundamental Business Service, Inc. (FBS) for the purposes of a revenue recovery program for outstanding Village parking tickets at a cost of 30% of the amount of monies that are recovered and received by the Village Justice Court.

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

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**Authorize surplus vehicle auction contract with GovDeals**

Motion by Trustee Levan:

RESOLVED, that the Mayor is hereby authorized to execute a contract with GovDeals for the purposes of online auction services for DPW surplus vehicles at a cost of 7.5% of the amount of the sale of each vehicle.

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

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**Establish park fee for Westhampton Beach Associates**

Motion by Trustee Tucker:

WHEREAS, Westhampton Beach Associates LLC filed an application with the Planning Board requesting site plan approval for the construction of thirty nine (39) residential condominium units on property it owns located at 65-71 Old Riverhead Road, Westhampton Beach, and

WHEREAS, the Planning Board adopted a resolution approving the site plan application on August 14, 2008 with a number of conditions. Among the conditions was the satisfaction of the park and recreation requirement of the Zoning Code. The Planning Board found that the area required to satisfy the park and recreation requirements was 84,942 square feet and that the site plan had set aside 21,258 square feet for a private clubhouse and swimming pool. The Planning Board further found that the remaining 63,684 square feet needed to satisfy the park and recreation requirements could not be suitably located on the site plan and that in lieu of providing the area on the site plan the applicant was to pay a park fee in an amount to be determined by this Board pursuant to Section 197-63 Q (2), and

WHEREAS, this Board finds that the demand for recreational facilities exceeds the existing resources of the Village and that the continued construction of residential units together with the substantial increase in land values over the last several years has increased the problem and in order to reduce the impact that the construction planned by Westhampton Beach Associates LLC will have upon the recreational facilities of the Village, the determination by the Planning Board to require a fee in lieu of park land was reasonable, and

WHEREAS, to determine the amount of the park fee, the Board authorized James R. McLaughlen a New York State Certified Appraiser to undertake an appraisal.

NOW BE IT RESOLVED AS FOLLOWS:

That the Board of Trustees hereby establishes that based upon the appraisal of James R. McLaughlen the park fee to be paid by Westhampton Beach Associates LLC in lieu of providing park land is \$776,307.00 and that the time of payment thereof is set forth in the resolution of approval dated August 14, 2008.

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

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**Schedule public hearing on Local Law to amend Sign Regulations**

Motion by Trustee Birk:

RESOLVED, that the Village Clerk-Treasurer is directed to publish and post a Notice of Public Hearing to be held on Thursday, March 3, 2011 at 7:00 pm at the Village Hall on a proposed Local Law amendment to Village Code § 197-30 in reference to sign regulations.

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

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

Dean Speir, 256 East Main Street, asked if the special counsel that the Board appointed for the eruv was not for the Village, is it for the individual Board members.

Village Attorney Richard Haefeli responded that was correct. The Village is being represented by the insurance company attorneys, Zokoloff & Stern.

Mr. Speir said okay. I just wanted to clarify that. He asked how long the parking ticket enforcement contract with FBS was for.

Mayor Teller advised him it was three years.

Mr. Speir asked if there was an early out on that.

Mayor Teller replied yes.

Trustee Tucker explained we only pay money if they collect, money that is money that we haven't been collecting.

Mr. Speir said I got that part of it, thank you. He asked if they get 30%.

Trustee Birk said yes, of whatever they bring in.

Mr. Speir thought that was a pretty good deal. He asked what was the, I don't have my notes from the last meeting, what was the parking fee for the Westhampton Beach Associates.

Mr. Haefeli responded no, that is the park fee.

Mr. Speir said well, they had a representative in last time to try and.....

Mr. Haefeli said they had a representative in at the Work Session to discuss the appraisal. The Board has considered the appraisal to be appropriate and adopted the park fee.

Mr. Speir said so, there has been no change of what.....

Mr. Haefeli said no.

Mr. Speir said okay, thank you. I didn't have those figures handy. Thank you very much.

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

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Respectfully submitted,

Kathleen McGinnis  
Deputy Clerk