

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, January 6, 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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**Presentation:       Holiday Lighting Contest Awards**

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**Resolutions:**

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**Approve minutes of Board of Trustees Meeting**

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees meeting of December 1, 2010 are hereby accepted.

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

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**Accept Departmental reports**

Motion by Deputy Mayor Birk:

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

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

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**Authorize check signers**

Motion by Trustee Farrell:

RESOLVED, that all Village of Westhampton Beach checks shall be signed by Conrad W. Teller, Mayor; or Toni-Jo Birk, Deputy Mayor; Rebecca Molinaro, Village Clerk-Treasurer; or Elizabeth Lindtvit, Deputy Village Treasurer, except for Trust and Agency checks which shall be signed by either Rebecca Molinaro or Elizabeth Lindtvit.

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

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**Authorize appraisal for Patio Gardens Park Fee**

Motion by Trustee Levan:

RESOLVED, that Frederick Wood Associates is hereby authorized to appraise an 8 acre parcel to be subdivided to construct condominiums, located at Montauk Highway and Depot Road and identified by SCTM # 905-4-22.1, 23, 26.3 and 30.1 at a cost of \$1,800.00 to be paid by the applicant.

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

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**Determination for Funcho’s Fajita Grill Outdoor Music**

Motion by Trustee Tucker:

RESOLVED, that the attached Determination for Outdoor Music at Funcho’ Fajta Grill is hereby approved.

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

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**Determination Step 2 PBA Grievance on Shift Differential and Holiday Pay**

Motion by Deputy Mayor Birk:

RESOLVED, that having considered the Step 2 Grievance filed by Police Officer Joseph Pesapane, the grievance is hereby denied because it was not properly filed at Step 1 and, even if it was properly filed, it was not timely filed and, and even if it was timely filed, does not establish a breach of the PBA contract.

Seconded by Trustee Farrell and approved as follows:

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

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**Determination Step 2 PBA Grievance on Longevity Pay**

Motion by Trustee Farrell:

RESOLVED, that having considered the Step 2 Grievance filed by Police Officer Michael Bruetsch, the grievance is hereby denied because it was not timely filed and, even if it was, does not establish a breach of the PBA contract.

Seconded by Deputy Mayor Birk and approved as follows:

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

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**Authorize RFP for concession services at Rogers Beach Pavilion**

Motion by Trustee Levan:

RESOLVED, that the Village Clerk-Treasurer is authorized to publish and post public notices to solicit proposals for concession services at Roger Beach Pavilion for the 2011 summer season.

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

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**Approve 2011 traffic signal maintenance agreement**

Motion by Trustee Tucker:

RESOLVED, that the proposal submitted by Johnson Electrical Construction Corp. for the 2011 traffic signal maintenance at a cost of \$600.00 per month, plus \$5 fee per bulb replaced during the bi-annual re-lamping and inspection and costs relating to conversion to LED bulbs, is hereby accepted.

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

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**Approve 2011 service contract for Village Hall Telephone System**

Motion by Deputy Mayor Birk:

RESOLVED, that the annual 2011 service contract with CBS Technologies for the Village Hall phone system, is hereby renewed at a cost of \$7,650.00.

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

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**Authorize payment of 2009/10 small claims real property tax reductions**

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby authorize the payment of 2009/10 real property tax reductions in the amount of \$10,568.47 as a settlement of small claims as ordered by the NYS Supreme Court to the property owners specified on the attached list.

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

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**Authorize payment of 2010/11 small claims real property tax reductions**

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby authorize the payment of 2010/11 real property tax reductions in the amount of \$6,129.77 as a settlement of small claims as ordered by the NYS Supreme Court to the property owners specified on the attached list.

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

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**Approve 2011/12 real property tax exemptions**

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby approve the attached list of taxpayers to receive aged exemptions, disability exemptions, veterans exemptions, clergy exemptions, and volunteer ambulance/firefighters exemptions.

Seconded by Trustee Farrell and approved as follows:

Deputy Mayor Birk	Abstain	Mayor Teller	Abstain
Trustee Farrell	Aye	Trustee Levan	Aye
Trustee Tucker	Aye		

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**Schedule Village Tax Lien Sale – March 15, 2011 at 10:30 a.m.**

Motion by Deputy Mayor Birk:

WHEREAS, from the accounts of unpaid taxes heretofore returned by the Treasurer of the Village of Westhampton Beach, New York, to this Board for the year 2011 or years 2010-11 both inclusive, the following taxes still remain due and unpaid after due notice and demand on each of the property owners for the payment of said taxes, to wit:

(See attached copy of unpaid taxes)

WHEREAS, no action has been commenced to recover said unpaid taxes and no sale, on account of said unpaid taxes, has heretofore been held pursuant to law and therefore let it be

RESOLVED, that such unpaid taxes shall be collected by the sale for taxes as provided in Section 1454 of the Real Property Tax Law of the State of New York; that a copy of this resolution, duly certified by the Clerk, shall be transmitted forthwith to the Treasurer of this Village with the account, affidavit and certificate of such unpaid taxes, and that the Village Treasurer, upon receiving such an account of unpaid taxes and a certified copy of this resolution is authorized and directed to cause to be published in the official newspaper of the Village once each week for three successive weeks a list of statement of the real estate upon which such taxes are unpaid, as shown in the tax list, with the amount of the tax, a twenty-five dollar (\$25) advertising fee, interest and charges thereon and also a notice that the said real estate will, on a day subsequent to the expiration of said three weeks, be determined by said Village Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Treasurer, to discharge, the tax, twenty-five dollar (\$25) advertising fees, interest and charges aforesaid, which may be due

thereon at the time of such sale, and that said Village Treasurer, at the time and place specified in said notice, proceed with the sale of said real estate upon which such taxes are unpaid, as above set forth, and continue at the same from day to day until the sale is completed.

BE IT FURTHER RESOLVED, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for amount sufficient to pay the said tax, fees, interest and charges, the said premise shall be deemed to have been sold to and purchased by the said Village of Westhampton Beach, New York.

RESOLVED, that all remaining unpaid taxes for the fiscal year 2010-11 shall be collected by Public Sale to be held on Tuesday, March 15, 2011, at 10:30 a.m. in the Office of the Village Clerk-Treasurer and such unpaid taxes be advertised in the Southampton Press issues dated February 24, March 3, and March 10, 2011, in accordance with the statutory law.

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

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**Schedule 2011 General Village Election**

Motion by Trustee Farrell:

RESOLVED, that the General Election of the Village of Westhampton Beach, New York shall be held on Friday, June 17, 2011 at the Village Hall, 165 Mill Road, Westhampton Beach, New York between the hours of 12 noon to 9 p.m. prevailing time, and the offices to be filled are:

Trustees	two (2) for a term of two (2) years
Justice	one (1) for a term of four (4) years

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

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**Approve January 2011 warrant**

Motion by Trustee Levan:

RESOLVED, that the warrant for the month of January 2011 in the amount of \$234,687.86 for the General Fund is hereby approved.

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

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**Public Discussion**

Dear Speir, East Main Street, noted that there were two items added to the agenda and that there was no specifics about the Step 2 Grievances. He inquired whether the Mayor could provide an abstract of what a Step 2 Grievance is. Mayor Teller explained that Step 1 Grievances were denied and Step 2 Grievances are appeals to the Board of Trustees. Mr. Speir inquired whether the Mayor could provide more details on the nature of the grievances regarding Longevity and Shift differential and whether the grievances were filed by both Police Officers or was one grievance filed by each Police Officer? Mayor Teller responded that each Police Officer filed one grievance.

Mr. Speir also stated that he was not sure whether he heard the vote on the grievances. Was it a 3 to 2 vote? Mayor Teller confirmed that three Board members voted in favor of denying the grievances and two Board members voted against denying the grievances. Mr. Speir inquired whether the dissenters would care to explain why they voted against the denying the grievances. Mayor Teller explained that the two dissenting Trustees did not get a chance to read the grievances, so it was not their fault.

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Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion at 7:17 pm 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