

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, June 2, 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

ABSENT: Village Attorney Richard Haefeli

Mayor Teller opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS:

Outdoor Dining Permit for Micole's (K.N.A. Jonesey's) Restaurant

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

Mayor Teller asked if anyone in the audience would like to speak regarding Micole's or Jonesey's Restaurant. He said this is for an outdoor dining permit. Our attorney has reviewed it. Our attorney is out of town in Tennessee, so we are operating without benefit of counsel. He asked if anyone on the Board had anything to say. There being no response from anyone, he then made a motion to close the public hearing. Seconded by Trustee Tucker and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Tucker:

The applicant has applied for an outdoor dining permit, pursuant to the provisions of Chapter 196 of the Zoning Code of the Village of Westhampton Beach at the above premises located in the B-2 Zoning District. The application was referred to the Planning Board, and the Board recommended approval of the permit pursuant to the plans date stamped received March 23, 2011 by the Village.

A public hearing was held before the Board of Trustees on June 2, 2011, at which time applicant produced testimony and exhibits in compliance with the provisions of Chapter 196 of the Zoning Code. Based on the information submitted, this Board grants approval of the permit, subject to any conditions or limitations set forth by the Planning Board of the instant application and further subject to inspection by the Village Fire Marshal to ensure the means of egress are not obstructed by way of placement of said tables and chairs.

Seconded by Deputy Mayor Birk 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 May 11, 2011 and May 18, 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 April 2011, Justice Court, Police Department's and Building Inspector's reports for May 2011, are hereby accepted.

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

Schedule Public Hearing on Road Opening Permit fees

Motion by Trustee Farrell:

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 Road Opening Permit fees to be held on Tuesday, July 5, 2011 at 7pm at the Village Hall.

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

Schedule Public Hearing on Outdoor Dining Permit season

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 Outdoor Dining Permit season to be held on Tuesday, July 5, 2011 at 7pm at the Village Hall.

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

Schedule Public Hearing on Windhaven Realty, LLC Special Exception Application

Motion by Trustee Tucker:

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to publish and post a Notice of Public Hearing on the Special Exception Application submitted by Windhaven Realty, LLC (Westhampton Nail Spa) located at 70-B Old Riverhead Road and identified as SCTM# 905-2-2-6.1 to be held on Tuesday, July 5, 2011 at 7pm at the Village Hall.

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

Refer Beach Bakery Special Exception Application to Planning Board

Motion by Deputy Mayor Birk:

RESOLVED, that the Special Exception Application for a restaurant filed by Beach Bakery located at 112-114 Main Street and identified as SCTM# 905-12-4-53, 34 and 16 is referred to the Village Planning Board for review.

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

Refer Tonino's Pizzeria Outdoor Dining Permit Application to Planning Board

Motion by Trustee Farrell:

RESOLVED, that the Outdoor Dining Application filed by Tonino's Pizzeria located at 88 Old Riverhead Road (North Mall) and identified as SCTM# 905-2-2-6.1 is hereby referred to the Village Planning Board for review.

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

Refer Whitney's Delicatessen Outdoor Dining Application to Planning Board

Motion by Trustee Levan:

RESOLVED, that the Outdoor Dining Application filed by Whitney's Delicatessen located at 98 Old Riverhead Road (North Mall) and identified as SCTM# 905-2-2-6.1 is hereby referred to the Village Planning Board for review.

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

Appoint 2011 Seasonal Village Beach Personnel

Motion by Trustee Tucker:

RESOLVED, that Foster Rignola, Jr. is hereby appointed as a full-time Beach Attendant to be paid \$9.00/hour for the 2011 summer season.

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

Appoint 2011 Seasonal Village Marina Personnel

Motion by Deputy Mayor Birk:

RESOLVED, that Frank Prudente is appointed as the Dock Manager to be compensated at a rate of \$16.00/hour and Vincenzo Portelli is appointed as Dock Attendant to be compensated at a rate of \$13.50/hour, not to exceed 440 hours and Joseph Mileti is appointed Dock Attendant at a rate of \$9.50/hour, not to exceed 250 hours.

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

Authorize Renewal of 2011 Wetter or Not Outdoor Music Permit

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby approve the renewal of the Wetter or Not Outdoor Music Permit for 2011 subject to the same conditions as set forth in the Determination dated August 2, 2007, 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

Authorize Renewal of 2011 Starr Boggs Outdoor Music Permit

Motion by Trustee Levan:

RESOLVED, Trustees hereby approve the renewal of the Starr Boggs Outdoor Music Permit for 2011 subject to the same conditions as set forth in the Determination dated September 3, 2009, 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 Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Authorize use of Rogers Beach Pavilion-Immaculate Conception Church

Motion by Trustee Tucker:

RESOLVED, that the Immaculate Conception Church is hereby authorized to use the Rogers Beach Pavilion on Thursday, June 16, 2011 from 6:00 pm to 8:30 pm for an evening youth mass and refreshments to follow.

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

Authorize use of Rogers Beach Pavilion-Westhampton Beach Elementary School

Motion by Deputy Mayor Birk:

RESOLVED, that the Westhampton Beach Elementary School is hereby authorized to use the Rogers Beach Pavilion on Friday, June 17, 2011 for the "5th Grade Beach Day" from 9:30 am to 2:15 pm (rain date of Monday, June 20, 2011).

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

Authorize use of Rogers Beach Pavilion-Wedding Ceremony

Motion by Trustee Farrell:

RESOLVED, that Danielle Aleksandrowicz and David Blackmore are hereby authorized to use the Rogers Beach Pavilion on Saturday, September 17, 2011 from 3pm to 6pm for the purposes of a wedding ceremony.

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

Authorize use of Lashley Beach Parking Lot Bayside (Picket Point Road)

Motion by Trustee Levan:

RESOLVED, that Ivan Goodstein is hereby authorized to use the Lashley Beach bayside parking lot, known as Picket Point Road, on Saturday, July 2, 2011 from 4:00 pm to 11 pm for the purposes of parking guests.

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

Authorize use of Rogers Beach Pavilion-Wedding Ceremony

Motion by Trustee Tucker:

RESOLVED, that James Bachman is hereby authorized to use the Rogers Beach Pavilion on Saturday, October 1, 2011 from 2:30 pm to 4:00 pm for the purposes of a wedding ceremony.

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

Approve 2011 Fire Inspection Services Agreement with Southampton Town

Motion by Deputy Mayor Birk:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2011 Fire Inspection Services Agreement for the Town of Southampton to provide the Village with fire inspection, investigation and hazardous materials response services to be billed in accordance with the contract rate schedule.

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

Appoint Lundy and Co. to Audit 2010–11 Financial Statements

Motion by Trustee Farrell:

RESOLVED, that the firm of Lundy and Co. is hereby hired to audit the Village of Westhampton Beach's financial statements for the 2010–11 fiscal year at a cost of \$19,500.00 and an audit of the Village Justice Court at a cost of \$3,750.00.

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

Authorize LI Purchasing Council Intermunicipal Agreement

Motion by Trustee Levan:

WHEREAS, section 239-n of Article 12-C of the General Municipal Law provides that “[a]ny County...town, village, school district, board of cooperative educational services, or fire district or any combination thereof, may create by agreement an intergovernmental relations council to strengthen local governments and to promote efficient and economical provision of local government services within or by such participating municipalities, and to that end, such council shall have the power to:...

- g. Employ such persons and adopt such rules and regulations as shall be necessary and proper to effectuate the purposes of this section.
- h. Provide for a forum for local governments to explore and develop areas for municipal cooperative activities pursuant to article 5-G of this chapter.
- i. Operate as a purchasing consortium, where authorized by participating municipalities, for the purpose of obtaining economies through joint bidding and purchasing.
- j. Purchase and make available to participating municipalities, where authorized by participating municipalities, goods and equipment, including but not limited to computer hardware and software.

k. Gather and make available information on surplus goods and equipment for sale or lease...; and

WHEREAS, sub-division (1) of section 119-o of article 5-G of the General Municipal Law provides, in part, that “[i]n addition to any other general or special powers vested in [M]unicipal [C]orporations and districts for the performance of their respective functions, powers or duties on an individual, cooperative, joint or contract basis, [M]unicipal [C]orporations and districts shall have power to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service...;” and

WHEREAS, Suffolk County Resolution No. 558-2010 authorized and directed the County Executive to enter into an intermunicipal agreement with the County of Nassau and other municipalities for purposes of forming and empowering the Long Island Intergovernmental Relations Purchasing Council; and

WHEREAS, Nassau County Resolution No.154-2010 authorized and directed the County Executive to enter into an intermunicipal agreement with the County of Suffolk and other municipalities for purposes of forming and empowering the Long Island Intergovernmental Relations Purchasing Council; and

WHEREAS, it is the desire of the Village of Westhampton Beach to realize fully the rights and benefits conferred by state law upon municipalities, as has been enumerated above, by entering into the intermunicipal agreement for the Long Island Intergovernmental Relations Purchasing Council; and

WHEREAS, the Village of Westhampton Beach Board of Trustees recognizes that the Village’s membership in the Long Island Intergovernmental Relations Purchasing Council is of economic benefits to the residents of the Village of Westhampton Beach;

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Westhampton Beach, that the Mayor, or Deputy Mayor, is hereby authorized, empowered and directed to execute and enter into the intermunicipal agreement annexed hereto for the Long Island Intergovernmental Relations Purchasing Council pursuant to Sections 119-o and 239-n of the General Municipal Law, and all documentation necessary to effectuate this resolution; and be it further

RESOLVED, the execution and delivery on behalf of, and in the name of, the Mayor of the Village of Westhampton Beach and/or their designee(s) of the intermunicipal agreement for the Long Island Intergovernmental Relations Purchasing Council shall be conclusive evidence of approval by this governing body to join the Long Island Intergovernmental Relations Purchasing Council and to abide by the terms and conditions of the Long Island Intergovernmental Relations Purchasing Council intermunicipal agreement; and be it further

RESOLVED, the Mayor, or their designee, is authorized to become a member of the Long Island Intergovernmental Relations Purchasing Council and to participate in the activities of the Purchasing Council as may be required; and be it further

RESOLVED, that the form of contract shall be subject to review and approval by the Village Attorney; and be it further

RESOLVED, that the resolution shall take effect immediately.

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

Authorize Contract for Employee Screening Procedures

Motion by Trustee Tucker:

RESOLVED, that the Mayor is hereby authorized to execute a contract with the National Association of Drug-Free Employees (NADE) for the purposes of computerized random drug and alcohol testing for certain Village employees at a cost not to exceed those as specified in the contract.

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

Authorize Health Insurance Coverage for Domestic Partners

Motion was made by Mayor Teller to hold this matter over to the Work Session. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Authorize 2010-11 Fiscal Year Budget Transfers

Motion by Deputy Mayor Birk:

RESOLVED, that general fund budget transfers for the closing of the 2010-11 fiscal year in the amount of \$142,307.34 are hereby approved.

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

Mayor Teller said we need to make an amendment to the budget transfers. He made a motion to add-on a resolution to amend and add an additional amount onto the budget transfers. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Motion by Mayor Teller:

RESOLVED, that the general fund budget transfers for the closing of the 2010-11 fiscal year in the amount of \$142,307.34 and an additional amount of \$135,398.64.

Trustee Tucker asked what it was transferred to.

Village Clerk Rebecca Molinaro explained you have the backup documentation. I just didn't realize there were two separate documents to add.

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

Approve Warrant for June 2011

Motion by Trustee Farrell:

RESOLVED, that the warrant for June 2011 in the amount of \$238,267.09 for the General Fund is hereby approved.

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

PUBLIC DISCUSSION

Mayor Teller said I have somebody who wishes to read a statement, but I am going to read mine first. In accordance with Anthony B. Tohill, Esq., our counsel with regards to the East End Eruv case that's presently pending, he's been advised by Brian Sokoloff, Esq. that Mark Williams, a resident representing a group named the First Amendment Alliance, intends to read a statement tonight relating to this pending litigation. To the extent that this matter is now actively pending before the US District Court and to the further extent Village Hall is an altogether inappropriate forum within which this litigation should now be

addressed, I am now asking that you please not engage in any dialogue with Mr. Williams or any other speaker on this matter. Mayor Teller said in other words, we're going to hear

Mr. Williams statement and we will not answer any question or acknowledge anything further on it. The public's right to speak at the public meeting will not be infringed, but the formation and expression of the Village's position in this pending litigation should be limited to counsel's already engaged on behalf of the Village. I thank you.

Mark Williams said thank you, Mr. Mayor, and members of the Board of Trustees. I am sorry to catch you on a night when you don't have your lawyer or lawyers present, but I'll try not to be legally controversial or bring up any subjects that would require any legal opinions on them. He then read a summary of the attached statement. He asked that it be made a part of the record and be publicly available.

Mayor Teller thanked Mr. Williams and asked if anyone else would like to be heard.

Angelo de la Fuente, said he was a taxpayer from 30 Old Riverhead Road. He said I missed the last Work Session, so I read in the papers that a gentleman was approached with reference to a supermarket. According to the paper, this is what I read. It is my understanding from in the paper that Toni Birk made a statement that maybe she can clarify. She says that she was concerned that allowing a supermarket to open on Old Riverhead Road will harm Main Street business. I just don't see, I just don't want to see it pulled away from the downtown area. Can you tell me specifically, what business would be hurt if a supermarket is opened on Riverhead Road.

Deputy Mayor Birk responded, in my conversations with Kyle Collins, who is the Village Planner and looks at the Village in the big picture to ensure that all our Business 1, Business 2 and Business 3 areas are developed and maintained to ensure that the businesses are good for them, he has, in dialogue with him, told me that if we were to open a grocery store in the B3 District up on Old Riverhead Road, there is a possibility, because of the businesses that get tied in and people run errands and tie into a grocery store, that business could be pulled from the downtown area where Waldbaum's has been the center of the Village shopping area.

Mr. de la Fuente asked which business would be that.

Deputy Mayor Birk said it's not defined, Angelo. What he is saying is any of these secondary businesses where people are going downtown to go to the deli, to go to get a card, any of the businesses, it wasn't specified. It's what his experience as a planner has said. In the paper we are looking to reflect the full conversation that I had with him. That's that point made. I would like to also add that if the residents want us to continue looking at a possibility of a second grocery store, we work for them. We'll do what we have to do to check that out. But, again, to reiterate my conversation with our Village Planner, history has shown that when you've got a big hub and you pull it away from the downtown that could affect in a negative stance the downtown businesses.

Mr. de la Fuente said okay, but, according to the paper the Building Inspector says that there is not enough large property in the downtown area to put the supermarket, so number one, the cost is more, it costs more to rent or build than Riverhead Road. So, why not, okay, allow this gentleman or whatever it is, to put a supermarket there when it would benefit the whole Village. Right now, you are giving Waldbaum's more or less a monopoly for this, because if you don't want to go shopping in Westhampton Beach, you have to go to Eastport or you have to go to Hampton Bays. So, Waldbaum's is number 1, in Chapter 11 and number two, has not been the best neighbor or business in the Village. You remember what Mrs. Levan went through to just have the water in the parking area taken care of. So, why right away say no.

Deputy Mayor Birk said I noticed in the paper today the editorial that they said we were totally, flat out no. I didn't get a chance to talk to the paper about the editorial. It's not a flat out no, Angelo. And, I'll go back to the conversation I had with the Village Planner, that when you look at any large store coming in and right now the B3 District isn't zoned to put a grocery store up there, although I understand the owner up there, that would be his highest and best use for the owner of that parcel of land. I can't just look at one thing without

looking at the big picture. I had dialogue with that person because I, for one, aside from the Board, I, Toni Birk as a resident am disgusted with the Waldbaum's and I am one that

shops in Riverhead, Hampton Bays and Eastport and I know that I personally will do other shopping in those communities, so I know that if I'm doing that, I'm sure other people are. But, I don't want to go into something and I'm one of five and I represent this community, I don't want to go into something that's going to pull the people away from our businesses. The economy is tough enough as it is. We have Riverhead with over three hundred stores six miles away. It's not a dead deal. It's just, you have to look at the bigger picture with the entire Village and I had dialogue with the person because I would love to see a second store come in here. I am a businesswoman. Competition is healthy. But, I cannot negate the fact that my planner is advising this and again, whatever the public decides, I as one sitting on this Board will do what is best for the public in this Village.

Mr. de la Fuente said this Board has the authority and the power to change the zoning.

Deputy Mayor Birk said absolutely.

Mr. de la Fuente said if it is something good for the Village, why, instead of saying no, why don't they just try and find out.

Deputy Mayor Birk said, as I said, Angelo, we didn't just say no. I mean, there are studies that need to be done and it is what it is.

Mr. de la Fuente said Mrs. Farrell, in this paper, also quotes, it would be very hard to sell the Trustees what you said in this paper, okay, this idea.

Trustee Farrell responded that because of this long term planning, we are here basically for exactly what Toni-Jo is saying. We do not want to hurt the businesses south of Montauk Highway or actually, further. For instance, the drugstore. People go to the grocery store, they go to Barth's. If they don't come to the grocery store, then they're not going to Barth's or they may not go into the Village and buy ice cream or go to Simon's, things we have to work out.

Mr. de la Fuente said this Board seems to be fairly and constantly the Main Street addict. On Riverhead Road, let me point out something. We don't have one bench from the Village from all the way to Montauk Highway to the railroad tracks is not one bench there where people can sit down.

Deputy Mayor Birk asked, has anybody asked for a bench.

Mr. de la Fuente said one minute, one minute. We don't have the sidewalk, okay.

Deputy Mayor Birk said it's a County road.

Mr. de la Fuente said look at the entrance in the Village. Nothing gets done. One side is you have the grass, two feet high and the other side is the famous cement plant making noise and nothing has been done and there is a building of Southampton Town, it looks like the type in East Germany after a war. I mean can we afford to get some paint or somebody in charge to have the entrance to this Village more decent than it is now.

Mayor Teller said Angelo, that was a trial balloon put out by somebody to me and to throw it out on the public side. The public now has the right to come before the Board, write a letter or anything else. You're up here saying you'd like the store. Right now we would have to change our entire zoning, do another study to add that to that district.

Mr. de la Fuente asked, are you going to take that into consideration then and study it.

Mayor Teller said I'm not going to take it into consideration until the public backs us up. The public are the ones that will have to speak up, do they want another store, do we want to take away the walking distance from Waldbaum's to all the little stores on Main Street. Do we want to be Riverhead? They moved everything up to Route 58 and then Main Street is deserted.

Mr. de la Fuente said it seems to me that Riverhead Road, 95% of the owners of those properties, they live outside of the Village, so there is no bones there.

Trustee Farrell said 95% of Main Street, also.

Mr. de la Fuente said 5% of the people who live in the Village in that area vote. 95%, they don't vote, okay, so it seems to me we're paying taxes for something that will hurt the Village and you people seem to be.....

Deputy Mayor Birk said you're taking a good stand, Angelo, and one thing, I'm excited to hear you talking tonight, because when I spoke to the people who own that property about a grocery store, I'm a resident here and I've been in government for five years and unfortunately, because of my scheduling with my kids, I go to Waldbaum's. We all know if you have any kind of business sense, the best place to get the business is to not go there. Unfortunately, I can't be going to Riverhead every time I want something and I have to go to Waldbaum's to get certain things, but I'm glad you're speaking tonight because this is exactly what I wanted is if the community wants this, let's get talking about it, but let's not be foolish in looking at the facts and looking at the reality of planning in moving forward. You can't just do something blind and forget about other areas. And, that's what Kyle Collins, maybe at a future date if the public wants, we can get Kyle in here and talk about looking at moving, how would you, adding the grocery store, have a dialogue with you guys. So, good, I'm glad you're here tonight. It's starting dialogue.

Mr. de la Fuente said the entrance to the Village, somebody can have some volunteers to have the thing painted. Even though it doesn't belong to the Village, it belongs to Southampton Town, the building is disgusting.

Deputy Mayor Birk said that's their building. That has to go to Southampton Town.

Mr. de la Fuente said we can get volunteers to do it.

Mayor Teller said they can't even pick up leaves, so.....

Mr. de la Fuente said we pay taxes and we have to listen to them?

Mayor Teller said I don't pay taxes on it. They pay taxes on it. It's their building. They don't tell me what to do with my buildings. I don't tell them what to do with their buildings.

Mr. de la Fuente said, can you ask them, if you are allowed to.....

Deputy Mayor Birk said you can put your request in writing.

Mayor Teller said all you have to do is write a letter to the Supervisor. Write a letter to the Supervisor, write a letter to the Highway Superintendent of the Town.

Trustee Tucker said there was some talk of them abandoning it. Check them and see if they have any date on doing just that.

Deputy Mayor Birk said also, Angelo, anytime you have any kind of suggestions or complaints or inquiries, you don't have to wait until a Board meeting. You know, you can come in any time during the month and address anything with us.

Mr. de la Fuente said I think if I do that, nobody else will care to hear about it except you.

Deputy Mayor Birk said I'm just saying I'm glad you're here tonight.

Mr. de la Fuente said thank you very much.

Mayor Teller asked if anyone else would like to be heard.

Dean Speir, 256 East Main Street, said I need some help here, perhaps from Mrs. McGinnis. Sometime in the past fifteen or sixteen years, the Incorporated Village of

Westhampton Beach engaged the former Southampton Town Planner, David Emilita, to do a study on this subject and I know it was before any of the current Board members were

here. When was that?

Deputy Mayor Birk said, 1997.

Deputy Clerk, Kathy McGinnis, said it was probably somewhere, yeah, it was probably around 1997. It's still downstairs in the safe, but you know Kyle then, when he became a planner, he also revisited all of that, so, there are plenty of planning studies which do recommend that we don't do anything to draw people away from the downtown. That's kind of rule of thumb, but, the studies can be brought out.

Mr. Speir said that was 1997 during the Wilenski regime and Mr. Emilita was paid something like \$600,000.....

Bill Bennett, a member of the audience, said it was \$60,000.

Mr. Speir said \$60,000. Thank you, Mr. Bennett.

Mrs. McGinnis said good memory.

Mr. Speir said there are some people here besides me that have institutional memories and Bill Bennett is one of them. The recommendation at that time, as I recall, Mr. Emilita went around and he talked to an extensive amount of people in the Village to get, he just didn't wander through town and take some notes and then present a paper to the Village. He did extensive interviews with all segments of the business community about what they wanted to see and I believe it was very clear that they did not want to see anything. They didn't want Westhampton Beach to turn into a Patchogue, a Riverhead, a Babylon or anything else that took away from the Main Street and put it up on a highway. I certainly understand as to the one thing that your business is at 30 Old Riverhead Road and that you are concerned about that area. I would be too, if I moved up there, but not at the expense of Main Street. Are you being short changed? I don't know. But, I do know, I take second seat to no one in my continued criticism of Waldbaum's operation on Sunset Avenue. But, anything that is going to risk leaving that store empty and I'm sure Stoller and Associates, whoever is paying the rent on the old National store side now, I'm sure Stoller and Associates has enough money that they can afford to let something sit fallow for however long that they want. But, it does no good to the Village to have two empty stores there. And, anything that is going to possibly impact on that, I am unalterably opposed to.

Mr. de la Fuente said years ago since this Mr. Emilita, or whatever his name is says, things have changed. Look at the downtown in the Village. The old gas station is gone. The bowling alley is closed. The old Gulf station on Main Street is closed. The business, if there's any problem on Main Street, it's not, it's the people themselves on Main Street. Why they have rented to other real estate people. People come to the Village, people say there is nothing there. Main Street in the summer, you have a bunch of stores open. In the winter it is completely dead and every time there is more and more empty buildings. What happens if Waldbaum's files Chapter 11. There is another empty building, so people have to go to Riverhead or have to go to Eastport to go shopping. I think competition is healthy. It is good for the people of this Village.

Bill Bennett, Parlato Place, said David Emilita, Bart Wilenski was the Mayor at that time, he did a thorough study on Westhampton Beach and he was qualified to do that. He did the first master plan for Southampton Town and he was employed by Southampton Town at the time. After his survey, he came up with this theory that if you only allowed retail businesses in Westhampton Beach and multiple dwelling....We needed more people in the Village in wintertime. Does anybody in this room know how to sell wet matches? That was the first thing that I thought of when he came in because in the wintertime in Westhampton Beach it's pretty bleak. If you wanted to start a bowling team you could, on Main Street and actually complete it, the bowling session. But, anyway, we have multiple dwelling on Montauk Highway and Old Riverhead Road and that will bring more people into the area to shop in Westhampton Beach and that's the whole theory of the zoning that was created at that time. I think David did an excellent job for the money he received. I don't

know where you're going to go in Westhampton Beach. It's been the same for 100 years. In the summertime, it's great. In the wintertime, the businesses just can't do it. And, if you're having a problem with Waldbaum's over the condition of the store, we have a Board

of Health, we have Suffolk County Board of Health, we have NYS Board of Health. We have the Department of Agriculture, their Board of Health. Then you have the Department of Environmental Conservation with their Board of Health. Any one of these agencies would come out on a phone call and inspect that store.

Mayor Teller said I'll put my statement in. Everybody is kicking Waldbaum's. I don't have any problems shopping in there. I've had more help with the Fire Department, food – I've never had a problem with them. It might not be the prettiest store in the world, but it still works.

Robbie Goldberg, WHB, said with all that's happening in the country, I'd like to know if we have any type of emergency signal system and where do we go in case of a tornado, because I have no idea.

Mayor Teller said the only emergency signal we have is the Fire Department.

Ms. Goldberg asked is it a different kind of noise or is it the same noise as.....

Mayor Teller said it is the same siren.

Ms. Goldberg asked is there a place to go, a safe place. Not in my house, my house is 150 years old.

Mayor Teller said the Village Hall is probably the safest place to come right now. We've got armor proof windows and we're supposed to be pretty well upgraded.

Dean Speir said I know you can't respond to the statement that Mr. Williams read about the eruv, but I have a couple of procedural questions that I think can be safely answered. Has the Village taken any action of any sort, affirmative, negative, action on anything to do with any eruv since the Rabbi requested that his original proposal be suspended.

Mayor Teller said I have been ordered by Dick Haefeli and.....

Mr. Speir said that's a yes or no, Mr. Mayor.

Mayor Teller said shut my mouth. Don't speak up, shut my mouth. I thank you for asking.

Trustee Tucker said to Ms. Goldberg that he thought there was some hurricane and storm preparedness information downstairs.

Ms. Goldberg said she was looking into it and thanked Trustee Tucker.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion at 7:50 p.m. to close the meeting. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Kathleen McGinnis
Deputy Clerk