

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, May 5, 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.

PRESENTATION:

Gregg and Mitchell Rechler Partners on Gabreski Airport Project

Gregg Rechler thanked the Board for having him here. He said he was here with his partner Mitchell Rechler. He said we are here to present a project at Gabreski Airport. As many of you know, this property has been the subject of many, many years of planning and discussion between the Town of Southampton, Suffolk County and the community. More recently, the last four years or so, there probably was a resolution between those three parties, the County, the Town and the community, where they created PDD's for this property specifically. What was the first thing is that there were a lot of unknowns when they actually drafted and consummated that PDD because one, they weren't really sure what the acreage was. Originally this was a 58 acre site and there was no real survey of the site, so when the RP came out and we started studying it, we realized it was really a 50 acre site, so things like that happen. We entered into a groundless with the County back in 2009 and as we started to really study the site and PDD, we came up with a handful of things that really needed to be adjusted. So, let me just present the project and I'll walk you through what our proposed changes to the PDD are. It is actually a 50 acre site now.

What we are proposing is four one-story office buildings. When I say office, it means any kind of use, it's professional, lab, any kind of office facility you can imagine. And, three one-story mixed use research and development, warehouse, distribution, manufacturing buildings. The buildings will be kept very contextual with the area and community. In addition, we are proposing a three-story hotel with a day-care center on site. The reason for the day-care center is we really believe this is going to become a real business community and we want to make sure all of the amenities are kind of in place to support a work force that is going to come and work here. Day-care is very important, we believe a hotel is important. There is some open community space. There are running trails throughout the property, open space, green space. The buffers are huge. The minimum buffer anywhere on the site is 50 feet wide. What we plan on doing with all these buffers is building these beautiful berms so as you drive through you never look at cars parked in parking lots. You're just going to be driving through landscaping. We also took a very significant role with the County in designing this County road into the airport. If you've been over to the airport recently, all that infrastructure and roadwork is in today and it is very beautiful. For a commercial park, it is really well done – a traffic circle with brick pavers, highly landscaped with perimeter landscaping around it. We really think it is going to be a special approach.

After we entered into our lease with the County and started studying the site, we realized there were a handful of things in the PDD that were either ambiguous or just didn't function. The best example is signage. For example, the PDD called for all signage to be facing the main street. But, we designed our buildings to face within. Where we would prefer for someone to pull in, park their car and see a sign, they're calling for signage to be out here. It's just a nuance, because nobody knew how the site was going to be designed. The other thing that was interesting was when the PDD was formulated, nobody knew how many lots would be on the site. It was designed that lots could be as small as less than an acre, where our smallest lot is maybe six or seven acres and nobody knew how many different owners and developers would be on the site. Where we're filing one site plan

approval for the entire site with the Town and all those unknowns are kind of resolved upfront. The biggest discussed change we're looking for in the PDD is the height of the hotel and that is in the category of ambiguous. The reason why I say that is if you read the actual code of the PDD, it calls for a two-story hotel, but if you look at the master plan of the PDD it calls for a three-story hotel. We believe it is extremely important if we're going to get a flag hotel that is going to have catering and conference centers and food service and something that is of quality, it needs to be at least three stories or we're not going to capture what we're looking for and quite frankly, may not make economic sense and may make it more feasible to just do another office building. That would not be our preference. We think it is just a great combination to the business center. We think that our businesses will actually be an amenity to the companies who rent in the center and we also think it will be great for the business community in the greater surrounds, so we think that is important and that is something we put a lot of time and effort into.

We're very, very excited. Those that don't know us, Mitch and I are third generation developers here in Suffolk County. Our family has been building business parks for over fifty years here on Long Island, mostly in Suffolk County and we think it is going to be our crowning jewel in our portfolio, which is currently six and a half million square feet. So, we're really, really excited about this project.

Trustee Levan asked could you share with us where you are with this leasing.

Mr. Rechler said we're talking to a handful of tenants. We're talking to one tenant who is in the defense industry. He kind of manufactures components for electronics that we're talking to for part of this building and we're talking to a handful of other tenants. We kind of feel strongly that we need that one real anchor tenant that is going to break open for us. We really just kicked off the marketing program in the last couple of months. Some of you might have even received brochures in the mail and we're really gearing up to hit the ground hard. We believe that groundbreaking from a Southampton Town approval perspective will probably be a year from now, so I think we're probably in the right window to start finding those tenants. We've spoken to a handful of local businesses who are already in the community who just can't find something, so we think it is going to fill a really important market niche.

Trustee Levan asked to get an idea of the size of the hotel if there are three floors or stories, how many rooms will that be.

Mr. Rechler replied 145 rooms. He said it is an important critical mass. If we go lower, it will be much less rooms and we won't be able to attract someone that makes it work financially.

Trustee Levan asked what is your buffer along 31.

Mr. Rechler said I want to say 80 feet all the way across. It is 80 feet all the way across. And, with that berm, I think a four foot berm, a minimum of four foot buffer as well.

Deputy Mayor Birk said I know there was talk originally, the County want to court and you the developers want to court Homeland Security companies out here. Is that still what you are aiming towards?

Mr. Rechler said the thing we like most about the site is that the PDD allows for so many different businesses. The County is definitely looking for Homeland Security and film were there two goals. When we were negotiating our lease with them, the County said we want you to write in the lease you're going to put these tenants in there. We said we're not going to commit, we want every tenant. We don't know who is going to be in the market when we're leasing, so they definitely made it clear that they have special inducements for those uses.

Mayor Teller said you just said before there is no provision for buses on your site.

Mr. Rechler replied that is correct.

Village Planner Kyle Collins asked, would you be willing to entertain some type

of....because it is the airport, would you some intermodal, because right now the bus service is being served by that use there.

Mr. Rechler said look, we would look at....it just can't impact the primary operation of the site, but transportation is important and we think it is also an important component for our future tenants, so.....

Trustee Tucker asked, with the plan potentially changing and looking at the expansion of the hotel, have you done an updated traffic study or does that come after you see if you're able to.....which comes first.

Mr. Rechler said that's a great question. Actually, that's a perfect question. The way the PDD is written, it basically said when you're 75% through selling or leasing the different lots, a traffic study should be done. That's because nobody knew what the uses, how much office, how much warehouse, how much hotel, nobody knew the plan and now that we know, we're committed to this plan, we actually agreed to do that study now, which we have done or are in the process of completing. That will be part of this PDD amendment that we will be preparing.

Mr. Collins asked, can you talk a little bit about the amendments to the parking calculations you are proposing.

Mr. Rechler said again, that is another situation where there was this place holder parking number that was in the PDD because nobody knew how much of all these different uses. What we did was we went building by building based on different uses, came up with the appropriate amount of parking per office, per manufacturing, per warehouse and came up with that correct numbers building by building and that's the hard number that we are proposing whereas the previous number was just this big place holder because nobody knew.

Mr. Collins asked what was the difference between what was contemplated in the conceptual plan in the master plan versus.....

Mr. Rechler said I don't remember.

Mr. Collins said so, you don't know, well, is it more or less.

Mr. Rechler said it was less.

Mr. Collins said it is less and the areas that were previously contemplated, is that resulting in more what, landscaping areas or.....

Mr. Rechler said yes, it is a couple of things. It is a ratio of office to warehouse and warehouse to manufacturing, the engineer from the Town just took some generic.....

Mr. Collins said yeah, one to three hundred, which was very high for this.

Mr. Rechler said yeah, right, it was just a generic number where we just went building by building, space by space and this is the amount of parking that will be based on improved parking ratios for each of those uses and we came up with a number that was less. The other thing I didn't mention is we're building about 85,000 square feet or so less than what the site was originally approved for. The reason is again, less acreage and also, just by the time we actually laid out the site and used the appropriate for area ratio which is .2, it's just a number that we fit on the site, so it is significantly less than what was originally contemplated when the PDD was formed, which is why we think the traffic study is going to really kick in, as well.

Deputy Mayor Birk asked what has been the main objection from the Town in terms of you going with the two-story versus going to the third story.

Mr. Rechler said I don't know if it was an objection so much as they wanted to see what the site line impact was. We've done a number of studies for them where we did 3-D renderings and drew a few lines across CR31 to show what the impact would be and I think that they are satisfied. Part of it is we have such a huge buffer, an 85 foot buffer with a

berm on it, it's going to be landscaped, it just takes so much away from what any visual impact could be on the site.

Deputy Mayor Birk said you don't have residents near that anyway, across the street you don't have residents near you at all.

Mr. Rechler said as a matter of fact, it is all commercial.

Trustee Tucker said emergency services, have you looked at what that will add to us as a Village in terms of your needs up there, because our Fire Department services would have to service that venue, as well as in troubled times, I don't know if our Police Department would go down there. I know it's under the auspices of the Town, but mutual aid, have you looked at the impact on our community at all in terms of emergency services, the ambulance, etc.

Mr. Rechler said I know we have as it relates to the Town. I don't believe we have spoken to you guys and we're happy to set up a meeting to do that.

Mr. Collins said just as a point of reference, there was a generic environmental impact statement that would have taken those factors into consideration with the adoption of the original PDD, which was actually for a larger square footage. So, during that initial environmental review that was done on the original one, all those factors would have been considered.

Mr. Rechler said again, we're here today and I agree, absolutely, but we're happy to meet with you guys and talk to you.

Trustee Tucker said I know you're still looking for tenants and whatnot, but do you have any idea about how many potential jobs could be created for our local community versus jobs coming from outside the community. I know it's a hard question to answer, but have you looked at, looking at your mix of warehouse space versus industrial space and a hotel, from your experience will a hotel chain be looking locally for people to be employed.

Mr. Rechler said again, I don't have a number for you because it is a hard thing to figure, but our experience is that the hotel would absolutely be looking locally. Local businesses like data centers and laboratories and warehouses are definitely looking for local flavor. I think it's going to have a great impact, a terrific, positive impact to the labor market.

Mr. Collins asked have you prepared any detailed elevations of the proposed hotel.

Mr. Rechler replied not detailed elevations. We have massing studies, which I would be happy to share.

Mr. Collins asked what is the architectural detailing. Do you have anything in mind that you're going to do.

Mr. Rechler said this is the thing. We're in the market looking for a flag. We need to first know if we can have a three-story because no flag store really would be interested until we know that. Once we get passed this point in the PDD, we're going to go to market and that is kind of going to be dictated by what the flag is.

Mr. Collins asked, is the architectural style going to be unique to this site or are we going to see a franchise architecture.

Mr. Rechler said we're going to try, again, until we know who we're getting and what the market is and if we have more leverage than not, then the goal is to make it more architectural to the rest of the site. That would be our goal.

Dean Speir said you're here for a reason. Do you want something from the Village or is this kind of a courtesy call.

Mr. Rechler said no, we're here just to provide information.

Mr. Speir said you talk about there was some kind of ambiguity about whether there being

a two-story or a three-story allowed. Where is the ambiguity? My understanding is it was two, when everybody got into this it was two stories.

Mr. Rechler said the ambiguity is if you read the PDD, it says two stories. But, the PDD also references a master plan. If you read the master plan, the master plan calls for a three-story building.

Mr. Speir said okay, is there any FAA dimension to a third story.

Mr. Rechler said no, there is none.

Mr. Speir said, I mean, you get to the last minute, the FAA isn't going to step in and say nah, nah.

Mr. Rechler said no, there's a potential to build a studio building that would be nearly as high as what we're proposing for the hotel.

Mr. Speir said okay. I don't know how closely you listen to Mayor Teller who talked about this some time ago, but if you're wise you would have heeded his words about transportation. This is some sort of accommodation for, I think there are at least two competing bus services that are looking for some sort of terminal situation with parking and they've been using a kind of makeshift area at the airport now and it's something the Village really doesn't, it cannot accommodate, the Incorporated Village can't accommodate now, so I think you should really seriously think about that.

Mr. Rechler said, on the way in, the Mayor kicked me in the shin and told me about that, so.....

Sharon Frost said I have a question about the master plan that you just referred to. What master plan is that?

Mr. Rechler said that attached to the PDD is a generic master plan.

Ms. Frost asked is it a Town master plan or an airport master plan and was it dated?

Mr. Rechler said what it was, was an exhibit to the PDD, so it was prepared by the Town and the County as it was part of the overall PDD, so it was actually one of the documents that make up the PDD.

Mr. Speir asked what was the date of it, I think she asked.....

Mr. Rechler said the date was simultaneous to the adoption of the PDD.

Mr. Collins said it was June 26, 2007.

Ms. Frost said I don't remember that, because there's an old master plan for the airport....

Mr. Rechler said we weren't involved in the process. We came in after the PDD was completed. We had nothing to do with it. Once that was done, the County went out for a request for proposal and asked the developers to show their interest. That is where we came in, after it was over. So, you guys know a lot more than we do. But, what we do know is, it's referenced as an exhibit to the PDD and was prepared by the Town's or County's, I'm not sure which, consultants and engineers as an exhibit to the document.

A member of the audience said could you tell us about how you're going to treat sewage.

Mr. Rechler said yes, great question. We're using the County sewage treatment plant on the airport site, so we're connected to a sewage treatment plant on the airport.

Mr. Speir asked is it's current capacity sufficient to meet your needs.

Mr. Rechler said yes, we're all set, which is unique for a site this size and this location, but yeah, the capacity has already been assigned to the property.

Gail Klein said I live in Westhampton, but I have been following development of this project for a long time. You have indicated the plans for this development, this industrial park, were all made before you guys came on the scene. I would just like to review some of the ingredients for that because there was a master plan, there was a plan for Eastport/Speonk/Remsenburg/Westhampton which said a key goal is to preserve the existing primary residential character of the hamlets. There was a Town master plan, comprehensive update, which talked about the scenic quality and a sense of place and the master plan for the PDD said that signs or other manmade structures should be consistent with the style and scale of the community character. So, the whole thrust of the planning process was to make this pedestrian park as unobtrusive visually as possible, a berm all along County Road 31. There were sketches that were included in the master plan that show the buildings along County Road 31 would be one story. There were two sample layouts that the community reviewed and accepted, all one story buildings along County Road 31. One of the buildings shows a three-story hotel, but all the way along this area here pretty far away from the highway. But, I don't think anybody paid too much attention to that because the law was very clear that this was going to be a two-story limit on buildings in the industrial park.

Mayor Teller interjected, just remember we have nothing to say about this. This is.....

Ms. Klein said I know this is legally up to the Town, but I think the Village would take a position that a three-story hotel might not be a great addition to the visual entrance to the community and I think the Town is obligated to go along with you. The thing that concerns me is that the Town is now being asked for a three-story hotel right at the entrance to the property where it's going to be very, very visible and is going to have signs on the Riverhead Road side, which is not part of the original deal. So, we could end up with a Holiday Inn, 45 stories above some unknown finished grade with flashing neon signs on it and I know that flashing signs are not allowed in the Town, but neither is a three-story hotel. So, if we have a three-story hotel, what is to prevent the flag from coming back and saying oh well, we're not going to do business unless we have flashing neon signs along the road, so it kind of opens the possibility for something that is really obtrusive visually.

Mayor Teller said I think they just said the signs are going to be moved to the back.....

Ms. Klein said for all the other buildings, yes, but part of what the developers requested is that these signs on the Riverhead Road side of the hotel.....

Mayor Teller asked how high is the berm on the road.

Mr. Rechler said the berm is a minimum of four or five feet and goes as much as six or seven feet. Again, an eighty foot buffer, so.....

Mayor Teller asked is there going to be shrubbery on top of the berm.

Mr. Rechler said yes, yes.

Ms. Klein said there was a rendering that was done and I don't know, I'm sorry I don't have extra copies of this, showing you the forty-five story structure at the airport.

Mayor Teller said forty-five feet, maybe.

Ms. Klein said yes, I'm sorry. This is kind of strange the way this is drawn. I might want to comment on it. It looks as though the grade is being raised above the road even before we start putting in this forty-five foot structure.

Mr. Rechler explained the grade of the site is not higher than the grade of the road. You're looking at 8 ½ by 11 pictures of something that is 50 acres, so the scale is.....

Ms. Klein said, so, the finished grade of the hotel site would be.....

Mr. Rechler said I do not have those numbers with me.

Mayor Teller said this is not the venue for this as we don't have anything to do with it, but

thank you.

Ms. Klein said you are entitled to express your opinion to the Town.

Mayor Teller asked if anyone else in the audience had any questions. There being no further response, he thanked Mr. Reichler for this presentation.

Mr. Rechler said again, thank you for having us. We really do look forward to being part of your community and we're very excited about it and think it is going to be a terrific business community to come here and anything we can do to answer anyone else's questions in the future and be good neighbors, let us know and we're happy to do that.

Mayor Teller and the Board thanked Mr. Rechler.

PUBLIC HEARINGS:

Local Law 4/2011 to amend Peddling and Soliciting Code

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

Village Attorney Richard Haefeli said this is a proposal to eliminate a provision of the peddling law which if interpreted by some people would allow somebody to put outdoor display on their property anytime during the year. What the Trustee's want is any outdoor display or sale within the downtown, specifically downtown in Westhampton Beach is done pursuant to the outdoor display law which limits the amount of times a year it can happen and it has to be subject to the Mayor's approval and so, this just eliminates any current ambiguity in the law.

Mayor Teller asked Building Inspector Paul Houlihan if he would like to add anything.

Mr. Houlihan said that about sums it up. The basic law is for the soliciting that is done parking trucks in public ways and it also specifically says it's transient. This section of the code is a little conflicting with the rest of the law and it talks about allowing someone to pull a trailer in a parking lot on a private site which would also violate most of the site plan provisions. I think it is just something that got carried over for years and it needs to be removed.

Mayor Teller asked if anyone in the audience 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 Tucker:

WHEREAS, this Board has advertised a local law amending Chapter 128 of the Village Code, entitled "Peddling and Soliciting"; and

WHEREAS, a public hearing was held on May 5, 2011; and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review; and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action; and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof; and

RESOLVED, the Board of Trustees hereby adopts Local Law 4/2011 entitled "A LOCAL LAW TO AMEND CHAPTER 128 OF THE VILLAGE CODE ENTITLED PEDDLING AND SOLICITING", 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 5/2011 to amend requirements for Wireless Telecommunication Facilities

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

Mr. Haefeli explained that this is really, you've already adopted the provisions regarding the cell towers and this turns around and makes it into a Type I action if any application is brought. It coordinates the cell tower law with the laws that we have adopted on SEQRA, that's all.

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

Motion by Deputy Mayor Birk:

WHEREAS, the Board of Trustees of the Village of Westhampton Beach has considered the amendment to Chapter 81-3, classifying the construction or installation of a wireless communication tower as Type I actions under the State Environmental Quality Review Act (SEQRA) Section 4 of Part 617, as an action more likely to have a significant environmental impact on the environment.; and

WHEREAS, on May 5, 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, pursuant to §239-M of the General Municipal Law, 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 further has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law; and

WHEREAS, the subject action is a Type II action pursuant to 6NYCRR Part 617, State Environmental Quality Review Act (SEQR) and no further environmental review is required; 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 5/2011 entitled "A LOCAL LAW TO AMEND SECTIONS 81-3 REGARDING SEQRA TYPE I LIST TO RECOGNIZE THE POTENTIALLY LARGE ENVIRONMENTAL IMPACT OF WIRELESS COMMUNICATION TOWERS", 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 6/2011 to amend Village Ethics Code

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

Mr. Haefeli explained that the Village already has an ethics law. This local law is just updating the law and adding some additional provisions to it.

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

Dean Speir, 256 East Main Street, asked exactly what additional provisions have been added.

Mr. Haefeli said there is a committee that has been adopted or moved upon. That provision has the rules covered by it and the actions that are either permitted or not permitted.

Mr. Speir asked what effect is this going to have, the adoption of the new law. What will be different.

Mr. Haefeli said there will be some slight modifications as to what Village officials or employees can do. They will be given a notice and a copy of the law so they understand where the ethics are, what they can do and what they can't do.

Mr. Speir asked are they going to be able to do less or more.

Mr. Haefeli replied in some cases more, in some cases less. It all depends. That's an impossible question to answer. It all depends upon the facts. But, there is a Board that is going to be appointed and if some member of Village government has a question, they can bring it to the Board. They don't have that now. That's probably one of the bigger things.

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

Motion by Trustee Farrell:

WHEREAS, this Board has advertised a local law amending Chapter 23 of the Village Code, entitled "Code of Ethics"; and

WHEREAS, a public hearing was held on May 5, 2011; and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review; and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

RESOLVED, the Board of Trustees hereby adopts Local Law 6/2011 entitled "A LOCAL LAW TO AMEND CHAPTER 23 OF THE CODE ENTITLED CODE OF ETHICS", 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

Mr. Speir asked if this is establishing an ethics board.

Mr. Haefeli responded yes.

Mr. Speir asked is they were going to be doing this now or as needed.

Mr. Haefeli said it will be in the future. They just adopted this.

Mr. Speir asked as needed or as soon as.....

Mr. Haefeli said they will appoint one, maybe, at the Organizational Meeting if they can come up with the names of people by that point in time.

Mr. Speir asked if this would be recommendations by the Board or the Mayor.

Deputy Mayor Birk said it should be people who you deem ethical.

Village Clerk Rebecca Molinaro advised that one member of the Board has to be a Village employee.

RESOLUTIONS:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Levan:

RESOLVED, that the minutes of the Board of Trustees Meetings of April 7, 2011 and April 20, 2011 are hereby accepted.

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

Accept Departmental reports

Motion by Trustee Tucker:

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

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

Schedule Public Hearing on Road Opening Permit fees

Motion by Deputy Mayor Birk:

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 Road Opening Permit fees to be held on Thursday, June 2, 2011 at 7pm at the Village Hall.

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

Schedule Public Hearing on Outdoor Dining Permit season

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 the Outdoor Dining Permit season to be held on Thursday, June 2, 2011 at 7pm at the Village Hall.

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

Adopt Village Travel, Seminar and Conference Expense Policy

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby approve the attached Travel, Seminar and Conference Expense Policy for Village employees.

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

Adopt Village Cell Phone Use Policy

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby approve the attached Cell Phone Use Policy for Village employees.

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

Adopt Village Suspected Misconduct, Fraud and Dishonesty Policy

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby approve the attached Suspected Misconduct, Fraud and Dishonesty Policy for Village employees, officials and Board members.

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

Approve 2011 Westhampton Free Library use of Rogers Beach Pavilion

Motion by Trustee Farrell:

RESOLVED, that the Westhampton Free Library is hereby authorized to use Rogers Beach Pavilion for events and activities for the 2011 summer season as specified in the attached list.

Seconded by Deputy Mayor Birk and approved as follows:

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

Approve Southampton Town Parks & Recreation Department use of Great Lawn

Motion by Trustee Levan:

RESOLVED, that the Town of Southampton Parks and Recreation Department is hereby authorized to use the Great Lawn on Monday, July 25, 2011 for the "Annual Movie Night" from 6:00 p.m. to 11:30 p.m.

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

Approve Westhampton War Memorial Ambulance use of Village Green

Motion by Trustee Tucker:

RESOLVED, that the Westhampton War Memorial Ambulance is hereby authorized to use the Village Green on Friday, July 22, 2011 (rain date of Friday, July 29, 2011) for a free CPR instruction seminar from 7:00 p.m. to 9:00 p.m.

Seconded by Trustee Farrell and approved as follows:

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

Approve Ocean Dunes Condo Association use of Village Hall

Motion by Trustee Tucker:

RESOLVED, that the Ocean Dunes Condo Association is hereby authorized to use the Village Hall Trustee Meeting Room on Sunday, June 26, 2011 for its Annual Condo Meeting from 9:30 a.m. to 12:00 p.m.

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

Approve Bike to the Beach for Autism Ride

Motion by Trustee Farrell:

RESOLVED, that Bike to the Beach for Autism is hereby authorized to travel the following roads on Friday, June 10, 2011 from 9:15 a.m. to 3:00 p.m.: Left from South Road onto Potunk Lane, right from Potunk Lane onto Stevens Road, left onto Jessup Lane and over Jessup Lane Bridge, and right onto Dune Road, ending at Dune Deck.

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

Authorize Topographical Survey of Village Owned Property

Motion by Trustee Levan:

RESOLVED, that Fox Land Surveying is hereby authorized to prepare a topographical survey of Lashley Beach (bayside), also known as Picket Point Road and SCTM# 905-17-4-6 at a cost not to exceed \$1,200.00 to be paid from the Village Park Fund.

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

Authorize 2011–13 STOP DWI Contract with Suffolk County

Motion by Trustee Tucker:

RESOLVED, that the Mayor is hereby authorized to execute a contract with Suffolk County to be eligible to receive grant funding in the amount of \$22,500.00 (\$7,500.00 per year) by the Village Police Department in the 2011–13 STOP DWI Enforcement Activities Program.

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

Authorize Police Department Purchase of Radar Trailer

Motion by Deputy Mayor Birk:

RESOLVED, that the Police Department is hereby authorized to purchase an Onsite 350 Radar Trailer with warning flashers and corresponding software for \$7,500.00.

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

Authorize Police Department Purchase of Vehicle with Emergency Equipment

Motion by Trustee Farrell:

RESOLVED, that the Police Department is hereby authorized to purchase one (1) 2011 Chevrolet Tahoe with emergency equipment under New York State contract #64892 and the Mayor is hereby authorized to execute a three-year lease purchase agreement with Hoselton Leasing Company at an annual cost of \$13,404.00.

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

Appoint Part Time DPW Laborers

Motion by Trustee Levan:

RESOLVED, that Raymond Swanson and Lee Kearns are hereby appointed as Part Time Laborers in the Department of Public Works to work as assigned by the Highway Superintendent at an hourly salary of \$14.00/hour effective June 1, 2011.

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

Appoint 2011 Seasonal Village Beach Personnel

Motion by Trustee Tucker:

RESOLVED, that the following persons are appointed to the positions specified below at Rogers and Lashley Beaches for 2011:

Assistant Manager (30 hours/week):

Brian Naughton \$16.00/hour

Lifeguards (40 hour/week):

John Balzano	Head Lifeguard	\$17.00/hour
Matthew Montpetit	Lt. Lifeguard	\$14.75/hour
Robert Duca	Lt. Lifeguard	\$14.75/hour
James Raynor	Lifeguard	\$14.25/hour
Derek Westfield	Lifeguard	\$14.25/hour
Joseph Lenihan	Lifeguard	\$12.75/hour
Kellie Westfield	Lifeguard	\$12.75/hour

VILLAGE BOARD**14****MAY 5, 2011**

Christopher Tagliavia	Lifeguard	\$12.75/hour
Brian Carr	Lifeguard	\$12.25/hour
Connor Raynor	Lifeguard	\$12.00/hour
Brendon Spano	Lifeguard	\$11.50/hour

Attendants (40 hours/week):

Merisa Booth	Attendant	\$10.25/hour
Sarah Burke	Attendant	\$10.00/hour
Sam Wiles	Attendant	\$9.25/hour
Kaitlyn Gristina	Attendant	\$9.00/hour
Evan Gottschalk	Attendant	\$9.00/hour
Donald Caldwell	Attendant	\$9.00/hour

Attendants (16 hours/week)

Allison Barnett	Attendant	\$9.75/hour
Michael Polan	Attendant	\$9.50/hour
Andrew Boskamp	Attendant	\$9.00/hour

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 Village Dock Manager to be compensated at a rate of \$17.25/hour and Vincenzo Portelli is appointed as Village Dock Attendant to be compensated at a rate of \$14.75/hour.

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

Appoint 2011 Part Time/Seasonal Police Officers

Motion by Trustee Farrell:

RESOLVED, that the following 2011 Part Time/Seasonal Police Officers will be hired at the rate of \$20.00/hour and will be scheduled to work at the discretion of the Chief of Police:

John Rankin	Marc DeMartino	Steven Frano
Jeffrey Platt	Kevin Nolan	Jason Luhrs
Richard Spera		

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

Appoint 2011 Part Time/Seasonal Traffic Control Officers

Motion by Trustee Levan:

RESOLVED, that the following 2011 Part Time/Seasonal Traffic Control Officers will be hired at the rate of \$16.00/hour and will be scheduled to work at the discretion of the Chief of Police:

Vincent Ianello	Ronald Gholson	Thomas Glover
Jenna Elco	Bruce Howson	

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

Authorize Renewal of 2011 Patio Restaurant Outdoor Dining Permit

Motion by Trustee Tucker:

WHEREAS, the Patio Restaurant has applied to renew the Outdoor Dining Permit for 2011 to place five (5) tables and twenty (20) chairs pursuant to Section 196-1 of the Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; and now 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 Finn McCool's Outdoor Dining Permit

Motion by Deputy Mayor Birk:

WHEREAS, Finn McCool's Restaurant has applied to renew the Outdoor Dining Permit for 2011 to place six (6) tables and twenty-four (24) chairs pursuant to Section 196-1 of the Code; and

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

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the original plan approved in 2005 and subject to the same set of conditions.

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

Authorize Renewal of 2011 Tonino's Pizzeria Outdoor Dining Permit

Motion by Trustee Farrell:

WHEREAS, Tonino's Pizzeria has applied to renew the Outdoor Dining Permit for 2011 to place two (2) tables and eight (8) chairs pursuant to Section 196-1 of the Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; and now 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 Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Authorize renewal of 2011 Goldberg's Famous Deli Outdoor Dining Permit

Motion by Trustee Levan:

WHEREAS, Goldberg's Famous Deli has applied to renew the Outdoor Dining Permit for 2011 to place four (4) standard tables and twelve (12) chairs pursuant to Section 196-1 of the Code; and

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

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables

and chairs as shown on the original plan approved in 2008 and subject to the same set of conditions.

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

Approve Brunetti Pizzeria 2011 Outdoor Dining Permit

Motion by Trustee Tucker:

WHEREAS, Brunetti Pizzeria, located at 103 Main Street and known as SCTM# 905-11-2-20.1, has applied for an Outdoor Dining Permit pursuant to Section 196-1 of the Code; and now therefore be it

RESOLVED AS FOLLOWS:

That the Board of Trustees hereby authorizes and grants to Brunetti Pizzeria a permit for outdoor dining, subject to the conditions set forth in Section 196-1 of the Code and the following stipulations:

1. Applicant will be granted four (4) bistro tables and eight (8) chairs.
2. The dirt ground surface along the building must be finished with Pavers.
3. Tables must be affixed and fastened to the Pavers so they cannot be moved, as approved by the Village Building Department.
4. Applicant will use the 24" X 24" tables and aluminum chairs submitted as part of this application.
5. Refuse containers will be provided by the applicant that will accommodate pizza boxes commonly used by the operator. Applicant agrees to continually monitor and empty said refuse containers in the immediate vicinity of the business.
6. Applicant will monitor the location of the tables and chairs to ensure alleyway is clear for pedestrian passage at all times and clean and free of paper and food products.

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

Approve Warrant for May 2011

Motion by Deputy Mayor Birk:

RESOLVED, that the warrant for May 2011 in the amount of \$228,720.43 for the General Fund is hereby approved.

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

BEACH BAKERY OUTDOOR DINING APPLICATION

Mayor Teller made a motion that the Beach Bakery outdoor dining permit request be put over to the Work Session. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

PUBLIC DISCUSSION

Simon Jorna, owner of the Beach Bakery, wanted to know what happened and why his application was held over until the next Work Session.

Mayor Teller explained it was held over to the Work Session for further discussion.

Mr. Jorna asked what the reason for that is because it means I can't have outdoor seating and music for the next four weeks, including Memorial Day weekend.

Mayor Teller advised him the next Work Session was May 18th.

Mr. Jorna said but, doesn't that mean the decision won't be made until June 2nd. That means that Memorial Day weekend is over.

Mayor Teller said we're going to advertise it for the Work Session.

Mr. Jorna said, may I ask why it's not on for tonight instead of waiting until May 18th.

Mayor Teller said the people want to discuss it amongst themselves, discuss it at that meeting.

Mr. Jorna said I would like to discuss it tonight and I think I think on the public discussion part of the public meeting. I would like to talk about it at the public meeting in front of the cameras.....

Mayor Teller said it is not going to be discussed tonight. It has been put over to the Work Session.

Mr. Jorna said I understand you don't want to discuss it. I think I have the right to give my opinion and I want to talk in front of the cameras about my case.

Mayor Teller said go right ahead and add your opinion.

Mr. Jorna said I'm here in front of the Board for two applications. I should have been in front of the Board tonight, one part is the dining and one for the outdoor music. I'm embarrassed that I had to be here tonight. I feel these applications should have been approved last month without giving me a hard time about it. I fought hard for the live music and outdoor dining on Main Street and it is clear to me and many other people that the Village has benefited from it. It was a good thing for the Village. The reason I am here tonight is because in my approval for the 2010 outdoor dining and music permits, you stipulated that I had to correct all my violations to get the same thing approved for 2011. I have not been able to clear the violations and for that reason you have the right to not approve the application. In fact, if the Board believes that outside dining and outside music in front of the bakery is having a negative effect on Main Street and a negative impact on the Village, I urge the Board members to say no to my application. However, if the Board believes that having the outside dining and music at the bakery are a good thing for the Village, then I urge you to approve it at the next meeting. It is a fact that the many applications I have submitted to solve the violations have been a constant flow of different options for different problems and not a single month has passed with a clear process in these applications. It is a fact that tens of thousands of dollars have been spent by me to put plans that would correct all the violations and that can create the new North Main Street parking lot and a fantastic new addition to my bakery. It is a fact that these plans take time, time to create them, time to get them into the Boards, time to get them refused and time to get them approved. Twelve months is clearly not enough time for them. To conclude, as mentioned before, it is a fact that I have not been able to meet the conditions set forth in last year's approval. It is a fact that outside dining and especially outside music provided by Beach Bakery has benefited the people living in this wonderful Village and has benefited the image of the Village of Westhampton Beach as the Hampton, the best Hampton, to spend a Saturday night. It is up to you to vote now and decide. If it is not now, you guys are going to do it in two weeks, I would disagree with your decision to hold it over until the next meeting. I think it's maybe unusually childish. I don't know what to say about it. I'm putting my seats out tomorrow. If I get a violation, then I do, but I have the right to be heard at the April meeting and I wasn't heard. Then I was held over to this meeting. I have a right to be heard at this meeting and I don't think it is fair that you do that and it is not right.

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

Dean Speir, 256 East Main Street, said he had a couple different issues to touch on. On the renewals of the different outdoor dining permits that you just went through, does the renewal run with the land or with the owner.

Mr. Haefeli said they run with the owner. This is not a zoning issue. This is a separate law that.....

Mr. Speir said that is the only way I knew how to express it Richard, so excuse me.

Mr. Haefeli said it goes with whoever is the operator.

Mr. Speir said okay, I'm wondering, because I see here that you renewed Goldberg's Famous Deli and they've got a big sign up that it's under new operation.

Trustee Farrell said it's under new management. I don't think they sold the property.

Mr. Haefeli said I don't know. You're telling me something I'm not aware of. Under those circumstances, it is very simple. All you have to do is write a letter and ask that it be turned into their new name, whoever they are. It was given to Goldberg and Goldberg is still operating, aren't they, under the name Goldberg.

Village Clerk Rebecca Molinaro said the applicant is a new operator, as far as I know.

Mr. Speir said but, it's a different operator if I believe the sign.

Ms. Molinaro said as far as I know, they are the ones that submitted the application, the new operators.

Mr. Speir asked if it was a landlord type of situation.

Ms. Molinaro said that I don't know without

Mr. Haefeli said he is probably a tenant and he may have sublet, I don't know, but he's asked for the application and he got the approval under Goldberg.

Trustee Farrell said he used the same plan that they used previously.

Mr. Speir said okay, no biggie. The other thing I wanted to bring up, which is the large stinking mass sitting over there in the corner of the room that nobody is talking about and that is the Notice of Claim that was entered against the Village earlier this week and there is another one, too, but I'll touch the simpler one first. I know in an article in the paper today that the Village is involved in some aspect of this lawsuit involving the East End Eruv Association.

Mr. Haefeli said they are a named defendant and the Trustees are a named defendant and there is a conference and there is an oral argument before Judge Wexler on May 16th on the issue of whether or not they'll issue a preliminary judgment.

Mr. Speir asked who is representing the Village in the eruv.

Mr. Haefeli said Brian Zakaloff is the attorney representing the Village together with Anthony Tohill. Brian Zakaloff represents the insurance company that insures the Village. You have to understand that the Village and the Village officials are being sued according to Mr. Tenzer for multi-millions of dollars in damages and therefore the insurance company will defend them.

Mr. Speir said so, Maureen Liccione is.....

Mr. Haefeli said she is representing the Town of Southampton and Yelta De Jong is representing the Village of Quogue.

Mr. Speir said okay, thank you. The other thing on the Notice of Claim filed by the former Southampton Town Supervisor, Linda Kabot, in the Village this week, I noticed that it was filed against the Village and the Police Chief and five other members of the department, either full-time or part-time. My understanding is the review of the tape of the March 2010 Village meeting yesterday, that the actions that caused this, the resolution read by Mrs. Levan as a Trustee of the Village naming a citizen K was against the advice of the then Village attorney. I note that the three Trustees that passed the resolution are not named in the Notice of Claim and I would like to know what the Village's position is on this.

Mr. Haefeli said what do you mean the Village's position? The Village, in order for an individual to sue a municipality, they must file a Notice of Claim before they can commence

a lawsuit. The municipality then has a right to have a deposition of testimony of the person who is making the claim to determine whether or not there is validity to it. That's all there is. That's it right now.

Mr. Speir said okay, but I'm wondering.....

Mr. Haefeli said it will be given to the Village's insurance company to deal with.

Mr. Speir said what I'm trying to figure out, though, is if this particular action seems enabled by the illegal resolutions or subsequently rescinded resolutions.....

Mr. Haefeli said I read the Notice of Claim and I don't find that in the Notice of Claim at all, Dean. I find it was essentially based upon the jury verdict is what they're basing the Notice of Claim on.

Mr. Speir said well, you've read it with a finer eye than I, since she was convicted of the underlying act that caused the traffic stop.

Mr. Haefeli explained she was found guilty of passing a stop sign without a signal or something of that nature. She was found guilty of the traffic infraction. She was found not guilty of the driving while intoxicated and my reading of the Notice of Claim, it is a Notice of Claim against the Village and the named individuals on the basis that she was found not guilty on the driving while intoxicated and all of the associated claims she makes ??? I don't read anything in there that has anything whatsoever to do with actions by the Board.

Mr. Speir said alright, I'll take your advice on that. It seems a little fishy to me, that's all. Thank you very much.

Simon Jorna of the Beach Bakery asked about a tree in front of the bakery. He said a few years ago a big tree had died and then they put a nice little tree in front of it and I came back on Monday and there was no tree. The small tree was gone. I was wondering why it was uprooted.

Mayor Teller said they planted it on my street (laughter from the audience). They are researching what they're going to plant down there. It's the wrong type of tree for that particular location. It's too low. A dogwood tree is right, but that's the wrong one.

Mr. Jorna asked if the tree would be replaced.

Trustee Farrell responded yes.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion at 8:15 p.m. to adjourn the meeting to Executive Session. The motion was seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Motion was made by Mayor Teller to re-open the public meeting at 8:50 p.m. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Authorize appointment of Stephen Bluth as hearing officer

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees of the Village of Westhampton Beach authorizes the appointment of Stephen Bluth as the hearing officer to conduct a hearing with respect to disciplinary charges which have been filed against a Village employee; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Westhampton Beach hereby authorizes the suspension (including without pay for up to 30 days) of this

employee effective the day after the service of the charges upon the employee and pending the determination of those charges.

Seconded by Deputy Mayor Birk and approved as follows:

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

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

Respectfully submitted,

Kathleen McGinnis
Deputy Clerk