

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, November 3, 2011, at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

**PRESENT: Mayor Conrad Teller
Deputy Mayor Toni Jo Birk
Trustee Leola "Sue" Farrell
Trustee Hank Tucker**

**Clerk-Treasurer Rebecca Molinaro
Village Attorney Richard Haefeli**

ABSENT: Trustee Patricia DiBenedetto

Mayor Teller opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS

Local Law to Amend Code Relating to Streets and Sidewalks

Mr. Haefeli indicated that this law would move the fee schedule to Chapter A.200 and out of the Local Law portion and that it allows the Highway Superintendent to set a bond.

Mayor Teller asked if anyone in the audience wanted to be heard. He said that this is in response to the fact that some entities who do road work do not repair the road in the same fashion it was prior to the work.

Motion by Trustee Tucker:

WHEREAS, this Board has advertised a local law amending Chapter 146 of the Village Code, entitled "Streets and Sidewalks" and

WHEREAS, a public hearing was held on November 3, 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

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt the Local law as advertised and attached.

Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Local Law to Amend Code Relating to Building Construction and Fire Prevention

Mayor Teller made a motion to hold over the public hearing to a Special Meeting on November 16, 2011.

Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Local Law to Amend Code Relating to Solar Systems

Mayor Teller made a motion to hold over the public hearing to a Special Meeting on November 16, 2011.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

RESOLUTIONS

Accept Minutes of Board of Trustees Meeting

Motion by Deputy Mayor Birk:

RESOLVED, that the minutes of the Board of Trustees Meeting of October 6, 2011 and Special Meeting of October 19, 2011 are hereby accepted.

Seconded by Trustee Farrell and unanimously approved. 3 Aye, 0 Nay

Accept Departmental Reports

Motion by Trustee Farrell:

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

Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Schedule Public Hearing on Local Law to Amend Solar Systems

Motion by Trustee Tucker:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Wednesday, November 16, 2011 at 7:00pm at the Village Hall on a proposed local law relating to Solar Energy Systems.

Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Approve Board of Trustee Meeting Dates

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby approve the following dates for the 2011-2012 Board of Trustees Meeting and Work Session schedule: Wednesday,

December 7, 2011 for the December Trustee meeting and Wednesday, April 18, 2012 for the April Work Session.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

Authorize Payment of 2010/11 Assessment Roll Certiorari/Small Claims Property Tax Reductions

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby authorize the payment of 2011/12 tax year property tax reductions in the amount of \$26,208.97 to the property owners specified on the attached list as a settlement of Small Claims & Certioraris as ordered by the NYS Supreme Court.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

Authorize Snow Removal Agreement with Village of Westhampton Dunes

Motion by Trustee Tucker:

RESOLVED, that the Mayor is hereby authorized to execute an agreement with the Village of Westhampton Dunes for the removal of snow by the Village of Westhampton Beach Department of Public Works employees for an annual fee of \$10,500.00 plus reimbursement of any certified expenses that may exceed said fee, for the time period commencing November 1, 2011 through October 31, 2012.

Seconded by Trustee Farrell and unanimously approved. 3 Aye, 0 Nay

Authorize Renewal of HVAC Annual Service Contract

Motion by Deputy Mayor Birk :

RESOLVED, that the annual service/maintenance contract with Dynaire Service Corp. for the Village Hall HVAC system at a cost of \$7,680.00, is hereby renewed.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

Authorize Grant Application to New York State Unified Court System

Motion by Trustee Farrell:

RESOLVED, that the Mayor is hereby authorized to sign a 2011 Justice Court Assistance Program grant application in an amount not to exceed \$30,000.00 for the purchase of various court supplies and equipment.

Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye and 0 Nay

Authorize Use of Village Property-Hurricane 5K Run

Motion by Trustee Tucker

RESOLVED, that the Westhampton Beach School District is hereby authorized to hold its Hurricane 5K Run on Saturday, November 5, 2011 from 9 a.m. to 11 a.m. beginning at the Elementary School, following a route along Oneck Lane and Oneck Road, ending at the Elementary School.

Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye and 0 Nay

Authorize Use of Village Green-East End Hospice

Motion by Deputy Mayor Birk:

RESOLVED, that East End Hospice is hereby authorized to use the Village Green on Sunday, December 4, 2011 for the annual Tree of Lights Memorial Service from noon until 4 p.m.

Seconded by Trustee Tucker and unanimously approved. 3 Aye and 0 Nay

Authorize Use of Village Green-Cystic Fibrosis Foundation

Motion by Trustee Farrell:

RESOLVED, that the Cystic Fibrosis Foundation is hereby authorized to use the Village Green on Saturday, May 19, 2012 for a run/walk from 7 a.m. to 3 p.m.

Seconded by Trustee Tucker and unanimously approved. 3 Aye and 0 Nay

Authorize Use of Great Lawn-Westhampton Beach Fire Department

Motion by Trustee Tucker:

RESOLVED, that the Westhampton Beach Fire Department is hereby authorized to use the Great Lawn on Wednesday, July 4, 2012 for a benefit concert from 7 p.m. to 10 p.m.

Seconded by Trustee Farrell and unanimously approved. 3 Aye, 0 Nay

Authorize Use of Great Lawn-Family Counseling Service

Motion by Deputy Mayor Birk:

RESOLVED, that Family Counseling Service is hereby authorized to use the Great Lawn on Saturday, July 14, 2012 from 7 p.m. to 11 p.m. for the 2012 Summer Gala.

Seconded by Trustee Farrell and unanimously approved. 3 Aye, 0 Nay

Approve Repeal of Electrical Inspection Fee Schedule

Motion by Trustee Farrell:

WHEREAS, the Village of Westhampton Beach has an Agreement for Electrical Inspection Services with the Town of Southampton which is renewed on an annual basis and;

WHEREAS, the Village approved the 2011 Agreement pursuant to a resolution that was unanimously passed on April 7, 2011 and;

WHEREAS, the Village also has a fee schedule for Electrical Inspections as set forth in §A200 of the Village Code; now therefore be it

RESOLVED, it is the desire of the Village to eliminate the fee schedule from §A200 and adhere to the Electrical Inspection Services Agreement with the Town of Southampton.

Seconded by Trustee Tucker and unanimously approved. 3 Aye, 0 Nay

Adopt Revised Fund Balance Policy

Motion by Trustee Tucker:

WHEREAS, this fund balance policy was written in response to the Governmental Accounting Standards Board (GASB) Statement Number 54 to enhance the usefulness of fund balance information and;

WHEREAS, the Board of Trustees recognizes that the maintenance of fund balance is essential to the financial integrity of the Village and is financially advantageous for both the Village and the taxpayer and;

WHEREAS, fund balance measures the net financial resources available to finance expenditures within current or future time periods and fund balance may only be appropriated by resolution of the Board of Trustees and amendments or modification to the applied or transferred fund balance must also be approved by formal action of the Board of Trustees and;

WHEREAS, fund balance classifications will be reported by the Village in accordance with accounting standards issued by Governmental Accounting Standards Board (GASB) Statement Number 54 (Fund Balance Reporting and Governmental Fund Type Definitions as follows:

 Nonspendable-Amounts that cannot be spent because they are not in spendable form (e.g. inventory) or legally or contractually required to be maintained intact (e.g. principal of a permanent fund)

 Restricted-Amounts limited by external parties or legislation (e.g. grants, donations or reserve funds)

 Committed-Amounts constrained to specific purposes by a government itself using its highest level of decision making authority (i.e. Board of Trustees) to be reported as committed, amounts cannot be used of any other purpose unless the

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Village takes the same highest level action to remove or change the constraint

Assigned-Amounts intended to be used for a specific purpose; intent can be expressed by the Board of Trustees or by an official body to which the Board may delegate the authority (e.g. appropriated fund balance or encumbrances)

Unassigned-Amounts available for consumption or not restricted in any manner. These amounts are reported only in the General Fund

NOW THEREFORE BE IT;

RESOLVED, in circumstances where an expenditure is incurred for a purpose for which the amounts are available in multiple fund balance classifications as defined as GASB-54, resources will be first spent from the highest constraint level available and the Board of Trustees hereby approve said policy.

Seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Approve Warrant for November 2011

Motion by Deputy Mayor Birk:

RESOLVED, that the warrant for November 2011 in the amount of \$ 244,585.08 for the General Fund is hereby approved.

Seconded by Trustee Tucker and unanimously approved. 3 Aye and 0 Nay

PUBLIC DISCUSSION

Dean Speir asked about the Electrical Inspection Fee Schedule.

Village Chief Building Inspector Paul Houlihan stated that the Village has an inter-municipal agreement with the Town of Southampton for them to do our electrical inspections. When the Village first had the agreement with the Town, which goes back to 1994, the Village still had the fee schedule still in the local law but it's not necessary since we use what the Town charges. There is no exchange of money on the Village's end, the homeowner pays for it but we are using the fees charged by the Town.

Andrew Mendelson, he lives in Westhampton and owns the four acre property on Old Riverhead Road, just south of the railroad tracks. He is here four weeks after he first came to the Board and he is asking if a date has been chosen for the public informational meeting he requested.

Mayor Teller said that no date has been set. There will be a work session and the Board will discuss the ramifications of the zoning. It will be the November 16th work session.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion to go into Executive Session for the purposes of personnel contract negotiations pursuant to the Taylor Law.

Mayor Teller made a motion at 8:41p.m. to adjourn the meeting. The motion was seconded by Deputy Mayor Birk and unanimously approved. 3 Aye, 0 Nay

Respectfully submitted,

Rebecca Molinaro
Clerk-Treasurer