

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, October 6, 2011, at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach**

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

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

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Mayor Teller opened the meeting with the Pledge of Allegiance.

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## **PUBLIC HEARINGS**

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### **Café Mambo Outdoor Dining and Outdoor Music Applications**

Mayor Teller asked if anyone in the audience wanted to be heard. No one responded. Village Clerk Rebecca Molinaro said that she spoke with the applicant and they are satisfied with the Planning Board decision and they had submitted all required documentation to her office.

Motion by Trustee Tucker to close the public hearing on the outdoor dining application and seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Motion by Deputy Mayor Birk to close the public hearing on the outdoor music application and seconded by Trustee Tucker and unanimously approved. 4 Aye, 0 Nay

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## **RESOLUTIONS**

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Mayor Teller made a motion to add on a resolution.

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### **Accept Proposal for Appraisal Services**

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby accept a proposal for appraisal services from Cushman and Wakefield at a cost of \$15,000 with relation to litigation on the Suffolk Asphalt Plant.

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

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### **Accept Minutes of Board of Trustees Meeting**

Motion by Deputy Mayor Birk:

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

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

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### **Accept Departmental Reports**

Motion by Trustee Farrell:

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

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

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**Schedule Public Hearing on Building Department Fees**

Motion by Trustee DiBenedetto:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday, November 3, 2011 at 7:00pm at the Village Hall on a proposed local law to amend certain Building Department and Fire Marshal fees.

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

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**Schedule Public Hearing on Road Opening Permits**

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 Thursday, November 3, 2011 at 7:00pm at the Village Hall on a proposed local law to amend Village Code relating to road opening permits.

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

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**Refer Sandwich Club Outdoor Dining Application to Planning Board**

Motion by Deputy Mayor Birk:

RESOLVED, that the Outdoor Dining Application filed by the Sandwich Club, SCTM# 905-6-1-19, is hereby referred to the Village Planning Board for review.

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

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**Amend payment of 2009/10 Certiorari settlements**

Motion by Trustee Farrell:

WHEREAS, the Board of Trustees authorized the payment of 2010/11 property tax reductions for Certiorari settlements as ordered by the NYS Supreme Court in the amount of \$9,766.29 at the meeting held on September 1<sup>st</sup>, 2011 and that payment is hereby amended to the amount of \$10,151.02 payable to Cronin, Cronin & Harris as attorneys for Hampton Square Realty LLC as specified on the attached modified list.

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

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**Amend payment of 2010/11 Certiorari settlements**

Motion by Trustee DiBenedetto:

WHEREAS, the Board of Trustees authorized the payment of 2011/12 property tax reductions for Certiorari settlements as ordered by the NYS Supreme Court in the amount of \$1,599.07 at the meeting held on September 1<sup>st</sup>, 2011 and that payment is hereby amended to the amount of \$1,685.44 payable to Cronin, Cronin & Harris as attorneys for Hampton Square Realty LLC as specified on the attached modified list.

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

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**Authorize Use of Rogers Beach Pavilion**

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby authorizes the use of the Rogers Beach Pavilion for the Delman/Hanechak Wedding on Sunday, October 30, 2011 from 12 pm to 3pm.

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

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**Authorize Westhampton Beach PTA Halloween Parade**

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby authorizes the Westhampton Beach Elementary School PTA to hold its annual Halloween Parade on Monday, October 31, 2011 from 3:15pm to 5pm with the parade route beginning on Mill Road to Main Street.

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

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**Accept Proposal for Services**

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees accept a proposal for services and rate schedule provided by Greenman-Pedersen, Inc. for professional engineering services relating to the Suffolk Asphalt Plant not to exceed \$26,500.00, at a rate of \$175.00/hour.

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

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**Appoint Village Beautification Committee Member**

Motion by Trustee DiBenedetto:

RESOLVED, that Nadine Hamilton is hereby appointed to the Village Beautification Committee.

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

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**Approve Storm Water Pollution Prevention Plan Application Fee**

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby approve the attached fee schedule for Storm Water Pollution Prevention Plan applications as an amendment to Chapter A200-1 of the Village Code

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

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**Approve Outdoor Dining/Outdoor Music Permit Fees**

Motion by Deputy Mayor Birk:

RESOLVED, that the Board of Trustees hereby approve the attached fee schedule for Outdoor Dining and Outdoor Music Permit applications, beginning with the 2012 calendar year, as an amendment to Chapter A200-1 of the Village Code.

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

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**Authorize Purchase of DPW Equipment**

Motion by Trustee Farrell:

RESOLVED, that the Board of Trustees hereby approve the purchase of the following equipment as requested by the Village Department of Public Works: one (1) Ultra Mount Snowplow for 2011 Ford F350 at a price not to exceed \$5,015.00 including

installation; one (1) Mid Rise Auto Lift, Model # MD-6XP, with 6,000 lb. capability at a cost not to exceed \$1,915.00 and one (1) Hydraulic Long Reach Chain Saw with bucket truck capability and OSHA standard requirements at a cost not to exceed \$1,203.13.

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

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**Authorize Refund of Snack Bar Concession Security Deposit**

Motion by Trustee DiBenedetto:

RESOLVED, that the Board of Trustees hereby authorize the refund of a security deposit in the amount of \$1,000.00 to Quogue Market as approved upon final inspection of the Rogers Beach Pavilion Snack Bar Concession by Highway Superintendent John Kearns.

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

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**Approve Industrial/Commercial Incentive Plan**

Motion by Trustee Tucker:

**SUFFOLK COUNTY INDUSTRIAL/COMMERCIAL INCENTIVE PLAN**

WHEREAS, Section 485-b of the Real Property Tax Law was amended effective January 1, 1995 to provide exemption from real property tax and ad valorem levies for certain business investments in order to provide for economic resurgence within the State of New York and increased total assessed value of real property, and

WHEREAS, such law provides for the creation of county industrial/commercial incentive boards in order to strategically target tax abatements to those industries and geographic areas considered to have the highest potential for successful development, and

WHEREAS, the Suffolk County Legislature by Resolution No. 48-1995 adopted Local Law No. 9-1995 establishing the Suffolk County Industrial/ Commercial Incentive Board (SCICIB); and

WHEREAS, the SCICIB is charged with the preparation of a plan for consideration by the Suffolk County Legislature that will define strategic geographic areas and businesses that will be eligible for real property tax exemption pursuant to applicable State Law; and

WHEREAS, through Local Law 15-1999 and as amended through Local Law 16-2001 the Suffolk County Legislature adopted the Suffolk County Industrial/Commercial Incentive Plan; and

WHEREAS, Suffolk County has reconvened the SCICIB and has asked all local municipalities to review the available program, revise their current plan or if not a part of the current plan consider participating; and

WHEREAS, the Village Planner, has submitted the Village of Westhampton Beach Industrial and Commercial Incentive Plan report, dated September 21, 2011, to the Village Trustee for consideration; and

WHEREAS, the report identifies specific business classifications and the applicable Business Districts as strategic locations to be considered by the Suffolk County Industrial and Commercial Incentive Board as part of the plan to be submitted to the Suffolk County Legislature for consideration; and

WHEREAS, the Village Planner presented the subject report to the Village Trustees at the September 21, 2011 work session; and

WHEREAS, the Village Trustees the Village of Westhampton Beach is desirous of taking part in this program; now, therefore, be it

RESOLVED, that the Village Trustees the Village of Westhampton Beach does hereby authorize the Village Clerk to forward the Village of Westhampton Beach's Industrial/Commercial Incentive Plan report to the Suffolk County Industrial/Commercial Incentive Board for inclusion in the revised plan, and be it further

RESOLVED, that upon the inclusion of this plan into the duly adopted Suffolk County

Industrial/Commercial Incentive Plan this Village Trustees will amend the code of the Village of Westhampton Beach in order to allow the Town Assessor to apply that exemption schedule made part of Section 485-b of the Real Property Tax Law, if necessary.

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

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**Approve Warrant for October 2011**

Motion by Deputy Mayor Birk:

RESOLVED, that the warrant for October 2011 in the amount of \$ 258,731.26 for the General Fund is hereby approved.

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

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**PUBLIC DISCUSSION**

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Andrew Mendelsohn, is a property owner on Old Riverhead Road. It is 4 acres and is adjacent to the LIRR and across the street from the car wash. His family moved here full time seven years ago and has a child at Westhampton High School.

Six years ago he approached the Village about his idea for a supermarket on Old Riverhead Road and the Village did not want to really discuss the idea and were not interested. He decided to further investigate the Village's concerns and understand the community sentiment on the issue. He and his family are community minded and he has brought the idea up to many people and he gets a very positive response from people and they hope it will become a reality very soon. He is here tonight to reintroduce the idea of building a supermarket on Old Riverhead Road. He brings the idea after months of speaking with local officials and many years talking with the public and many hours studying the Village's Master Plan and zoning. It is his belief a new supermarket is consistent with the existing Master Plan and most historical documents point to this use. An informal poll conducted this summer tells them that the voters in Westhampton Beach tremendously in favor of this use as are people from surrounding areas.

He is not here this evening asking for a position on this issue but is asking for support of having a community discussion on the issue. He would like the Village to have a public meeting, noticed by the Village and attended by officials, where they can present their concept and findings to the people and hear their comments. They would like an open and cooperative process and hope to one day provide resource where people can shop local.

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Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion at 7:16 p.m. to adjourn the meeting. The motion was seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

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Respectfully submitted,

Rebecca Molinaro  
Clerk-Treasurer