

PRESENT: Mayor Ralph Urban  
Deputy Mayor Stephen Frano  
Trustee Brian Tymann  
Trustee Kimberly Monsour  
Clerk-Treasurer Elizabeth Lindtvit  
Village Attorney – Steven Angel

ABSENT: Trustee Rob Rubio

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Mayor Urban spoke about a rumor that the Outdoor Dining application renewals were on the agenda tonight, "they are not" he stated. He explained that since the last meeting there has been discussions and it has been determined that the Village should coordinate with the Suffolk County Board of Health, so as a result I asked Mr. Hammond to reach out to his contact at the Board of Health and a meeting has been arranged with the Board of Health. Their response has been very positive, the Mayor continued to read their response to the audience. This meeting is set for March 15 and the Mayor, Trustee Frano and Brad Hammond will attend this meeting in Yaphank. The mayor continued to state that the outdoor dining renewal applications will be on the agenda for discussion on the March 20, 2024 work session, he stated the Board will have more information from the County. The mayor continued to say that at the April 4, 2024 Board meeting he planned to have on the agenda the resolutions approving these applications for the outdoor seating season beginning April 15<sup>th</sup>. The Mayor stated that he doesn't speak for the Board and they are present to correct him, they see the outdoor dining as a huge benefit to the community, residents, businesses and occasionally enjoy it ourselves so the board will be pursuing this the best they can in cooperation with the county health services.

#### **Accept minutes of Board of Trustees Meeting**

Motion made by Trustee Tymann:

RESOLVED, that the minutes of the Board of Trustees Meeting of February 1, 2024 are hereby accepted.

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

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#### **Accept Departmental Reports**

Motion made by Trustee Monsour:

RESOLVED, that the Treasurer's report, Justice Court, Police Department's and Building Inspector's reports for January 2024, are hereby accepted.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

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#### **Authorize Refund Payment of Property Taxes**

Motion made by Deputy Mayor Frano:

RESOLVED, the Board of Trustees hereby authorizes the refund payment of 2023/24 tax year property taxes in the amount of \$17,887.31 to the property owners specified in the attached as a settlement of Small Claims as ordered by the NYS Supreme Court.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

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#### **Schedule Public Hearing – Local Law Amendment**

Motion made by Trustee Tymann:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday April 4, 2024 at 5:00 p.m. at the Village Hall for a Local Law to amend Chapter 178 entitled "Vehicles and Traffic".

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

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**Authorize One Day Peddling Permit**

Motion made by Trustee Monsour:

WHEREAS, Leonard Goldberg, Miguel Cordova, Marlene Rodas and Anabel Jimenez have applied for a one-day Peddling Permit to sell novelties during the St. Patrick's Day Parade on Saturday March 9, 2024 pursuant to §128-3 of the Village Code; and

WHEREAS, the Police department has reviewed and investigated the applicants and found no criminal history pursuant to §128-4; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes a One-day Peddling Permit to Leonard Goldberg, Miguel Cordova, Marlene Rodas and Anabel Jimenez effective March 9, 2024 and is subject to the requested documentation being supplied and all other conditions in Chapter 128-10 and 128-11 of the Village codes.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

**Authorize Employees to Attend Course**

Motion made by Deputy Mayor Frano:

RESOLVED, that Andrew DeRubeis and Andrew Dunham are hereby authorized to attend the Long Island Horticulture Conference offered by the Cornell Cooperative Extension on Tuesday March 5, 2024 at a cost of \$85 per person from G/L account code A5110.406 DPW Expense.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

**Authorize Employee to Attend Workshop**

Motion made by Trustee Tymann:

RESOLVED, that Kevin Klokel is hereby authorized to attend the U.S. Customs and Border Protection Vehicle Theft and Recovery Workshop in Elizabeth, NJ on March 20, 2024 at a cost not to exceed \$110.00 for Gas, Tolls and Meals from G/L account code A3120.415 Training.

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

**Approve Use of Village Property-St. Patrick's Day Parade**

Motion made by Trustee Monsour:

RESOLVED, that the Westhampton Beach St. Patrick's Day Parade Committee is hereby authorized to conduct the Annual St. Patrick's Day Parade on Mill Road to Main Street, subject to weather, on Saturday, March 9, 2024 from 9:00 a.m. to 2:00 p.m..

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

**Approve Use of Village Property-East End Little League**

Motion made by Deputy Mayor Frano:

RESOLVED, that East End Little League is hereby authorized to use the Great Lawn from March 15, 2024 through June 30, 2024, Monday through Friday from 4:00 p.m. to 7:00 p.m. for games and practices, and organizer will temporarily remove the fencing if requested by the Village.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

**Authorize Use of Village Property-Greater Westhampton Chamber of Commerce**

Motion made by Trustee Tymann:

RESOLVED that the Board of Trustees hereby authorizes the Greater Westhampton Chamber of Commerce to use Main Street from Library Avenue to Moniebogue Lane and

130 Glovers Lane North to the Chamber parking lot on Saturday April 27, 2024 with a rain date of April 28, 2024 from 11:00 a.m. to 4:00 p.m. with set-up at 9:00 am and break-down starting at 5:00 for the Greater Westhampton Beach Spring Fling.

Seconded as amended by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

**Authorize Waiver to SLA**

Motion made by Trustee Monsour:

WHEREAS, the Village Board has received an application from the Greater Westhampton Chamber of Commerce to have a Spring Fling on Main Street on Saturday April 27, 2024 with a rain date of Sunday April 28, 2024, the perimeters which are set forth on the map submitted with the application and,

WHEREAS, the Chamber of Commerce has asked the Village Board to waive the Village code chapter 54 Section 1-A to allow open containers within the perimeters, and to assist the Chamber and its participants with an application to the State Liquor Authority to authorize open container alcoholic beverages for this particular event on that day, now therefore be it;

RESOLVED, that the Village of Westhampton Beach agrees to waive the provisions of the open container law as set forth in Chapter 54 Section 1A, and the Mayor is authorized to prepare and sign a "Container Letter" as quoted by the SLA confirming that the Village of Westhampton Beach authorizes and approves the use of open containers for this particular event within the perimeters.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

**Authorize Use of Village Property-WHB Brewing Company**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Westhampton Beach Brewing Company is hereby authorized to use the village roads for a 5K Run on a course approved by the Village Police Chief on Saturday April 27, 2024 from 9:00 a.m. to 5:00 p.m. with set-up on Friday April 26, 2024 and take down on Sunday April 28, 2024 by 1:00 p.m. with signage per the village sign guidelines and subject to receipt of fees and insurance.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

**Authorize Special Event Permit for Commercial Property**

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes Justin's Chop Shop to use the property located at 71 Sunset Avenue on Saturday March 9, 2024 from 11:00 a.m. to 4:00 p.m. to set up a tent, tables and chairs and have music, food and drinks; with no cooking under the tent and the alcoholic drinks limited to the property and fenced in area.

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

**Approve Use of Village Property-Greater Westhampton Chamber of Commerce**

Motion made by Trustee Monsour:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Saturdays starting May 4, 2024 and ending November 23, 2024 with set-up starting at 7:00 am and breaking down no later than 2:00 pm for the seasonal Farmers Market, subject to signage limited to 1 on-site location sign only.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

**Authorize Use of Village Property-Greater Westhampton Chamber of Commerce**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Board of Trustees hereby authorizes the Greater Westhampton Chamber of Commerce to use the Village sidewalks on Saturday April 27, 2024 and Sunday April 28, 2024 from 10:00 am to 5:00 pm for the annual sidewalk sales sponsored by the Chamber of Commerce; 1 panel of sidewalks must remain clear for pedestrians.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

**Approve Use of Village Property-Westhampton Free Library**

Motion made by Trustee Tymann:

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Village Green on Tuesdays from July 9, 2024 to August 27, 2024 for the "Kids on the Green" performance series from 4:30 pm to 7:00 pm which includes set-up and take down.

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

**Approve Use of Village Property-Westhampton Free Library**

Motion made by Trustee Monsour:

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Rogers Beach Pavilion from July 1, 2024 to August 29, 2024 for various exercise and yoga classes from 8:30 am to 9:30 am and from 6:00 pm to 7:00 pm.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

**Authorize Use of Village Property-Westhampton Free Library**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Westhampton Free Library is hereby authorized to conduct outdoor concerts each Wednesday beginning June 26, 2024 through September 4, 2024 from 7:00 p.m. to 9:00 p.m. with rain dates of Thursday which includes set-up and take-down at the Village Green.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

**Approve Use of Village Property-Westhampton Free Library**

Motion made by Trustee Tymann:

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Great Lawn on Mondays from July 1, 2024 to August 26, 2024 for the "Monday Night Movies" from 4:00 pm to 10:00 pm which includes set-up and take down.

Seconded as amended by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

**Appoint Attorney for ERPO**

Motion made by Trustee Monsour:

WHEREAS, the Village of Westhampton Beach Police Department has made an application for an Extreme Risk Protection Order ("ERPO") to the Supreme Court, Suffolk County; and

WHEREAS, the Village Prosecutor and the Village Attorney cannot represent the Police Department because of conflicts of interest; and

WHEREAS, on behalf of the Village, the Mayor has tentatively retained Trevor M. Darrell, an attorney in East Hampton with experience in ERPO applications.

NOW, THEREFORE, BE IT RESOLVED that Trevor M. Darrell, an attorney with the firm of Fleming & Darrell, PLLC, 10 Gingerbread Lane, East Hampton, New York 11937, is hereby retained by the Village to represent the Village Police Department in connection with an ERPO application in Supreme Court, Suffolk County, at the rate of \$350.00 per hour, and that the Mayor is authorized to sign a retainer agreement with Mr. Darrell in form approved by the Village Attorney.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

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**Approve 2024 Beach Rates and Rules**

Motion made by Deputy Mayor Frano:

RESOLVED, that the attached Beach rates and rules for 2024 resulting with an increase of \$100.00 for Non-Resident parking and a \$40.00 charge for the second parking permit for residents, taxpayers and complimentary recipients are hereby approved.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

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**Authorize Hourly Rate Increase**

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes the increase of \$2.50 per hour for all part time and seasonal employees as a result of the NYS minimum wage legislation effective June 1, 2024.

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

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**Authorize Stormwater Management Program Services**

Motion made by Trustee Monsour:

RESOLVED, that the Board of Trustees hereby authorizes D & B Engineers and Architects, P.C. to prepare the 2024 SWMP Annual Report and additional services for the 2024 Annual Storm Water Management Program at a cost not to exceed \$13,300.00 to be taken from G/L code A6410 Environmental.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

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**Authorize Continuance of 12 Hour Work Chart**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Board, pursuant to PBA CBA Section 19(D)(II)(2), hereby agrees to continue the experimental 12-hour work chart through and including May 31, 2025.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

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**Accept Performance Bond**

Motion made by Trustee Tymann:

RESOLVED that the Performance Bond received from The Gables of Westhampton LTD, and WH Equity Group, LLC, in the amount of \$2,224,781.75, as secured by Arch Insurance Company, is accepted as security for the performance of the improvements with satisfaction of the Village Planning Board.

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

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**Accept proposal for 2024 Kayak/Canoe/Paddle Board Concession**

Motion made by Trustee Monsour:

WHEREAS, the Village of Westhampton Beach has advertised for bids for the operation of a Kayak/Canoe/Paddle board concession at the Village Marina for the 2024 summer season based upon the specifications on file with the Village Clerk; one bid was received and opened; this bid was submitted by Island Surf in the amount of \$2,000.00 and met the bid specifications, now therefore this bid is now hereby accepted.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

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**Approve Warrant for February 2024**

Motion made by Deputy Mayor Frano:

RESOLVED, that the warrant for February 2024 in the amount of \$341,529.64 for the General Fund, \$8,850.00 for the Special Revenue Fund and \$202,306.89 for the Capital Fund is hereby approved.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

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**Authorize Notice to Bidders-Gov. John Dix Windmill Project**

Motion made by Trustee Tymann:

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to post a Notice to Bidders for the Electrical Restoration of the Gov. John Dix Windmill project.

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

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**Authorize Amendment to Rules for Use of Village Property**

Motion made by Trustee Monsour:

WHEREAS, the Board of Trustees of the Village previously adopted "Rules for the Use of Village Property for Non-Village Related Purposes," and

WHEREAS, Rule No. 2 provides the following: "2. No admission fees may be charged for functions conducted on Village Property."; and

WHEREAS, the Board has determined that policy No. 2 has to be changed to allow for the charging of fees in connection with functions of not-for-profit educational, cultural, charitable and service organizations.

NOW, THEREFORE, be it RESOLVED that Rule No. 2 of the Rules for the Use of Village Property for Non-Village Related Purposes is changed, effective immediately, to read as follows:

*"No admission fees may be charged for functions conducted on Village property, except functions approved by the Board of Trustees of the Village for not-for-profit educational, cultural, charitable and service organizations."*

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

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**Authorize Purchase of Equipment – Police Vehicle**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 1 2023 Ford F-150 Police Responder XL 4WD from NYS Contract PC69843 from Nielsen Ford in the amount of \$48,665.00 and radio equipment from NYS Contract PC21562 in the amount of \$7,092.89 to be taken from G/L account A3120.2 Equipment.

Seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays

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## 134 Award Bid for Gov. John Adams Dix Windmill Restoration Project

Motion made by Trustee Tymm:

WHEREAS, the Village of Westhampton Beach (the "Village") and the Town of Southampton ("Town") are the joint owners of the New York State Governor John Adams Dix Windmill (the "Windmill"); and

WHEREAS, pursuant to an Inter-Municipal Agreement, the Village and the Town have agreed, among other things, that the Windmill shall be restored, that the restoration shall be accomplished and/or partially accomplished using Town Community Preservation management and stewardship funds, pursuant to the terms of a subsequent written agreement between the Village, Town and Contractor, and in accordance with Town Law 64-e and the Community Preservation Fund Acquisition and Stewardship Rules and Regulations adopted by the Town Board on January 25, 2011; and

WHEREAS, a bid package for the restoration of the Windmill was prepared by the Village consultants; and

WHEREAS, the Village received three bids, one of which did not conform to the bid requirements and specifications; and

WHEREAS, the Village has determined to award the Governor John Adams Dix Windmill Restoration Project (the "Project") to the lowest responsible bidder, that is, Ashlar Contracting LLC, 87B Carleton Avenue, Islip Terrace, New York 11752, for the sum of One Million Five Hundred Fifty Thousand Dollars (\$1,550,000.00) contingent, however, upon the execution of a post-bid award project funding agreement among the Town, Village and Ashlar Contracting LLC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Westhampton Beach hereby accepts the bid of Ashlar Contracting LLC and awards the Governor John Adams Dix Windmill Restoration Project to Ashlar Contracting LLC for the sum of One Million Five Hundred Fifty Thousand Dollars (\$1,550,000.00), contingent upon the execution of a post-bid award project funding agreement among the Town, Village and Ashlar Contracting LLC.

Seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays

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**Authorize Change Order for Sewer System Construction**

Motion made by Trustee Monsour:

RESOLVED, that the Board of Trustees hereby approves change order # 5 (E-CO-05) for Eldor Contracting Corp. Contract E in the amount of \$7,578.00 for the supply and installation of 6 cube relays.

Seconded by Deputy Mayor Frano and unanimously approved 3 Ayes, 0 Nays

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**PUBLIC COMMENT:**

Joan Levan spoke about the beach rates, asked the question about why the resolution was approved now and not during the budget hearing, Mayor Urban explained this was in anticipation of the budget preparation and also for the seasonal occupancies, so the rates are established for the 2024 summer season. Mrs. Levan also asked about the possibility of exceeding the tax cap, Mayor Urban explained that the Village is hoping not to exceed the cap, but the Village Attorney has composed the resolution if the Village needs to pass the Local Law to exceed the cap. Ms. Erin Finley commented about the rate increase, she asked about the staffing at Rogers, she thought there seemed to be a lot; she also asked for a clarification on the chart, she didn't see the change on the copies, she was given a colored copy to clarify, and staffing will be slightly reduced. Ms. Finley asked about the concerts being changed from Thursday to Wednesday, this change was requested by the Library. Mayor Urban asked if there was anyone else in the audience, Mr. Steve McKenna asked the Board about the windmill project, he has an application before the Board to use the Great Lawn. Mayor Urban explained the Board is hoping for a May start date and May 2025 end date. Mr. McKenna stated he understood that the special event permits were being held up, Mayor Urban explained that the special events will continue on the Great Lawn with possible changes to accommodate the construction. Mr. Vincent Fazio asked the

board about a discussion of the Bocce court, Mayor Urban explained the process it will be discussed at the next work session. Mayor Urban asked if there was anyone else that would like to speak, there being no response he asked for a motion to go into Executive Session to discuss personnel matters, motion made by Deputy Mayor Frano seconded by Trustee Monsour and unanimously approved 3 Ayes, 0 Nays. The meeting adjourned at 5:40 pm.

DATED: March 7, 2024

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Elizabeth Lindtvit  
Village Clerk