

The Board of Trustees of the Village of Westhampton Beach held their Organizational Meeting on Monday, July 1, 2019 at 5 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: Mayor Maria Z. Moore
Deputy Mayor Ralph Urban
Trustee Stephen Frano
Trustee Rob Rubio
Trustee Brian Tymann

Secretary-Maeghan Mackie
Village Attorney – Stephen Angel

ABSENT: Clerk-Treasurer Elizabeth Lindvit

PUBLIC HEARINGS

Special Exception Application-Outdoor Dining

Mayor Moore asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays; BMB filed an application for outdoor dining, Planning Board make a recommendation for 6 tables and 24 chairs, Mayor Moore asked if anyone would like to be heard on this application, Trustee Frano commented he felt the number of tables and chairs recommended was too much if an Outdoor Music application was also filed, he thought 4 tables and 16 chairs. The Board discussed the issue and decided to approve the 6 tables and 24 chairs and agreed to revise if necessary when recommendation from Planning Board is received about the Outdoor Music. Mayor Moore asked for a motion to close the public hearing, motion made by Trustee Tymann seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Motion made by Deputy Mayor Urban:

WHEREAS, Salt & Loft has applied for an Outdoor Dining Permit for 2019 to place seven (7) outdoor tables and twenty-eight (28) chairs pursuant to §196-2 of the Village Code; and

WHEREAS, the Planning Board reviewed the application and recommended that the applicant be approved for six (6) tables, and twenty-four (24) chairs as depicted on the Site Plan drawn by Nicholas A Vero, Architect, P.C., as amended,

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorizes the placement of six (6) outdoor tables and twenty-four (24) chairs as recommended by the Planning Board and as shown on the submitted plan, and

BE IT FURTHER RESOLVED, that the Board of Trustees reserves the right to modify said Outdoor Dining Permit in the event that the Planning Board modifies its prior recommendation in connection with any request by the applicant for outdoor music.

Seconded by Trustee Frano and approved 3 Ayes, 1 Nays

LL # 4 of 2019 - Amending Chapter 174 of the Village Code

Mayor Moore asked for a motion to open the public hearing, motion made by Trustee Rubio, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays; Village Attorney explained this Local Law as a summary to just the changes; The Board of Trustees, as the legislative body of the Village of Westhampton Beach, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Village Law, and subsection 4(b) of Section 10 of the Municipal Home Rule Law. Motion to close the public hearing made by Trustee Frano, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Motion made by Deputy Mayor Urban:

The Village Board of Trustees determined that it needs to have a mechanism to ensure that the utility companies will abide by the timetable set by the Village for the Main Street Reconstruction Project.

It is hereby resolved be it enacted by the Board of Trustees of the Village of Westhampton Beach as follows:

A proposed Local Law has been prepared to amend Chapter 174 of the Village Code entitled "Underground Utility Lines" in order to impose civil penalties for the violation of Chapter 174 of up to \$5,000 per day, and additional penalties to recover any expense incurred by the Village resulting from delay in the relocation or installation of utility lines by any utility company, and providing for the institution of legal action to recover the Village's damages, all necessary to ensure the expeditious progress of the Village's planned Main Street reconstruction project. The amendments to Chapter 174 also set forth the notice that shall be sent to each utility company to inform them of the deadline by which all utility relocation work must be completed, and deeming any utility company that does not respond within 20 business days to have agreed to comply with the timeframe set by the Village.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

RESOLUTIONS

Appoint Village Attorney

Motion made by Trustee Tymann:

RESOLVED, that the firm of Esseks, Hefter, Angel, Di Talia & Pasca, LLP are hereby appointed to serve as the Village Attorneys to perform the functions and duties as legal counsel to the Board of Trustees, Planning Board and Zoning Board of Appeals for an annual retainer of \$65,000.00 to be paid in twelve equal installments; and the Architectural Review Board on an hourly basis as needed.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Appoint Special District Attorney

Motion made by Trustee Frano:

RESOLVED, that Anthony Rattoballi is hereby appointed to serve as a Special District Attorney to prosecute Village Justice Court cases and write appeals as necessary, at an hourly rate of \$175.00 for a term of one year.

Seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays
Deputy Mayor Urban Abstained from Vote

Appoint Acting Village Justice

Motion made by Trustee Rubio:

RESOLVED, that Martha M. Rogers, Esq. is hereby appointed as the Acting Village Justice of the Village of Westhampton Beach, to serve for a one-year term effective July 1, 2019 at an annual salary of \$5,000.00.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Appoint Deputy Mayor

Motion made by Trustee Tymann:

RESOLVED, that Trustee Ralph Urban is hereby appointed to serve as Deputy Mayor for a term of one year to expire May 31, 2020.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Appoint Architectural Review Board Chairman

Motion made by Deputy Mayor Urban:

RESOLVED, that Gregory Minasian is hereby appointed to serve as Chairman of the Village Architectural Review Board for a term of one year to expire May 31, 2020.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Appoint Zoning Board of Appeals Chairman

Motion made by Trustee Frano:

RESOLVED, that Gerard Piering is hereby appointed to serve as Chairman of the Village Zoning Board of Appeals for a term of one year to expire May 31, 2020.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Appoint Planning Board Chairman

Motion made by Trustee Rubio:

RESOLVED, that David Reilly is hereby appointed to serve as Chairman of the Village Planning Board for a term of one year to expire May 31, 2020.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Appoint Architectural Review Board Members

Motion made by Trustee Tymann:

RESOLVED, that Andrea Kaloustian is hereby appointed to serve a five-year term as a member of the Village Architectural Review Board to commence June 1, 2019 through to May 31, 2024.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Appoint Planning Board Member

Motion made by Deputy Mayor Urban:

RESOLVED, that Ralph Neubauer is hereby appointed to serve a five-year term as a member of the Village Planning Board to commence June 1, 2019 through to May 31, 2024.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Appoint Zoning Board of Appeals Member

Motion made by Trustee Frano:

RESOLVED, that Joseph Musnicki is hereby appointed to serve a five-year term as a member of the Village Zoning Board of Appeals to commence June 1, 2019 through to May 31, 2024.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Appoint Members of the Conservation Advisory Council

Motion made by Trustee Rubio:

RESOLVED, that Christopher Clapp, Raymond Dowd and Daniel Sullivan are appointed for a two-year term to end May 31, 2021 and Patricia Schaefer is appointed as Chairperson to serve a one-year term to end May 31, 2020 to the Conservation Advisory Council.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Appoint Members of the Ethics Board

Motion made by Trustee Tymann:

RESOLVED, that Robert Lilley and Carol Matthews are hereby appointed to the Ethics Board to serve a two-year term to expire May 31, 2021.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Accept Resignation of Ethics Board Member

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby accepts the resignation of Barbara Rasmussen from the Ethics Board effective May 31, 2019.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Appoint Mayor as Commissioner of Licenses

Motion made by Trustee Frano:

RESOLVED, that Mayor Maria Z. Moore is hereby appointed Commissioner of Licenses for a term of one year.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Appoint Safety Committee

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby appoints the following individuals to the Safety Committee which will meet quarterly as recommended by the NYS Municipal Workers Compensation Alliance: Maria Moore Mayor, Stephen Frano Trustee, Elizabeth Lindtvit Village Clerk, Trevor Gonce Chief of Police, Brad Hammond Building & Zoning Administrator, Matthew Smith Superintendent of Public Works, Brian Prescott PBA President, Paul Bugge AME Shop Steward and Bridget Napoli.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Appoint Village Clerk as Designee to accept Notice of Claims

Motion made by Trustee Tymann:

WHEREAS, the New York State Legislature on June 15, 2013 amended the New York General Municipal Law to allow a notice of claim against the Village to be served upon the New York State Secretary of State and the law further provided that the Village is required to adopt a resolution approving the designation of the individual to be served the notice of claim by the Secretary of State and that all such notices of claim and any other legal papers received shall be immediately provided to the Mayor and each Trustee for review.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Board of Trustees hereby appoints the Village Clerk as the individual to whom the Secretary of State must serve any notice of claim against the Village.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Appoint Marriage Officer

Motion made by Trustee Frano:

RESOLVED, that Ralph Urban is hereby appointed to serve as Marriage Officer for a term of one-year pursuant to the provisions of NYS Domestic Relations Law §11-c.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Accept Minutes of Board of Trustees Meetings

Motion made by Trustee Rubio:

RESOLVED, that the minutes of the Board of Trustees Meeting of June 6, 2019 with Executive Session and Special Meeting of June 19, 2019 are hereby accepted.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Accept Results of General Village Election

Motion made by Trustee Tymann:

RESOLVED, that the results of the General Village Election of June 21, 2019 are hereby accepted as set forth in the attached Official Return of Votes.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Designate Official Depositories

Motion made by Deputy Mayor Urban:

RESOLVED, that Capital One Bank, TD Bank, Peoples Bank f/k/a Suffolk County National Bank, MBIA Municipal Investors Service Corporation (CLASS Program), and Signature Bank are hereby designated the official depositories of the Village of Westhampton Beach during the ensuing year and that the Village Clerk-Treasurer is hereby ordered to deposit all funds therein.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Approve 2019-2020 Board of Trustees Meeting Schedule

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees shall hold its regular meetings on the first Thursday of the month at 5:00 p.m. in the Municipal Building located at 165 Mill Road, Westhampton Beach unless the first Thursday is a holiday in which event the regular meeting shall be held on the first Friday thereafter which is not a holiday or as specifically noted on the attached schedule; and be it further

RESOLVED, that the work sessions will be held at the Municipal Building at 5 p.m. as indicated on the attached schedule. The Annual Organizational Meeting will be held on Monday July 6, 2020 at 5:00 p.m. at the Municipal Building.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Approve Meeting Schedules for Appointed Boards

Motion made by Trustee Rubio:

RESOLVED, that the Planning Board shall hold its regular meetings at 5:00 p.m. on the second and fourth Thursday of each month as necessary, the Zoning Board of Appeals shall hold its regular meeting on the third Thursday of each month at 5:00 p.m. as necessary and the Architectural Review Board shall hold meetings on the first and third Tuesdays of each month at 7:00 p.m. as necessary according to the schedules attached.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Authorize Check Signers

Motion made by trustee Tymann:

RESOLVED, that all Village of Westhampton Beach checks shall be signed by Maria Z. Moore, Mayor, or Ralph Urban the Deputy Mayor, and Elizabeth Lindtvit, Village Clerk-Treasurer or Jeannine Conte, Deputy Village Treasurer, except for Trust and Agency checks which shall be signed by either Elizabeth Lindtvit or Jeannine Conte upon written approval by the appropriate Department Head to release such funds.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Designate Official Newspaper

Motion made by Deputy Mayor Urban:

RESOLVED, that *The Southampton Press* is hereby designated as the official newspaper of the Village of Westhampton Beach during the ensuing year.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Approve Mileage Reimbursement for Official Business

Motion made by Trustee Frano:

RESOLVED, that all employees and officials of the Village who use their vehicles or other private vehicles for official Village business shall be reimbursed mileage at the rate allowed by the Internal Revenue Service in effect at the time the request is made.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Approve Village Investment Policy

Motion made by Trustee Rubio:

RESOLVED, that the attached investment policy is hereby approved.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Accept Departmental Monthly Reports

Motion made by Trustee Tymann:

RESOLVED, that the Police Department, Justice Court and Building Inspector's reports for June 2019 are hereby accepted.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Approve Warrant for July 2019

Motion made by Deputy Mayor Urban:

RESOLVED, that the warrant for July 2019 in the amount of \$188,396.83 for the General Fund and \$251,404.90 for the Capital Fund is hereby approved.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Authorize Use of Village Property-Glovers Lane Park

Motion made by Trustee Frano:

RESOLVED, that Mariana Nunes is hereby authorized to use Glovers Lane Park on Sunday July 21, 2019 from 4:00 p.m. to 7:00 p.m. for a baby shower with a 10' x 10' tent, some tables and chairs to serve and eat finger foods.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Authorize Special Event-Joe Koziarz Annual 5K Walk/Run

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorize the Joe Koziarz Annual 5K Walk/Run event on Saturday July 20, 2019 from 6:00 a.m. to 11:00 a.m. as per route on file with application and approval is subject to the receipt of all fees required.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Approve Use of Village Property-Greater Westhampton Chamber of Commerce

Motion made by Trustee Tymann:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Great Lawn on Saturday August 3, 2019 and Sunday August 4, 2019 from 10:00 a.m. to 6:00 p.m. with set-up date on Friday August 2, 2019 from 12:00 p.m. to 8:00 p.m. for the Mary O. Fritchie Art Show with approved signage limited to 1 on-site location sign and no more than 10 18" x 24" lawn signs placed as on application and an added feature of no more than 5 food trucks.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Authorize Notice to Bidders-Salt Storage Building

Motion made by Deputy Mayor Urban:

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to post a Notice to Bidders for the construction of a Salt Storage building.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Accept Resignation of Employee

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby accepts the resignation of Mark Weiss as a part time police officer effective June 20, 2019.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Refer Special Exception Application for Outdoor Tables, Chairs & Benches to Planning Board

Motion made by Trustee Rubio:

RESOLVED, that the Special Exception application received from Aji Authentic Mexican Food for Outdoor Tables, Chairs and Benches for property located at 77 Main Street is hereby referred to the Village Planning Board for review.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Authorize Purchase of nVSION Accounting Software

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approve the purchase of nVision Accounting Software by Finance Manager including installation and training in the amount \$ 7,000.00 from account code A1325.406, Village Clerk Office Expense.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Appoint Senior Justice Court Clerk

Motion made by Deputy Mayor Urban:

RESOLVED, that Janet Jurgielwicz is appointed to the position of Provisional Senior Justice Court Clerk, effective July 1, 2019 at a semi-monthly salary of \$2,090.89 in accordance with Suffolk County Department of Civil Service rules and procedures.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Schedule Public Hearing Local Law - Chapter 197

Motion made by Trustee Frano:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday August 1, 2019 at 5:00 p.m. at the Village Hall to consider a Local Law to amend Chapter 197 of the Village Code Entitled "Zoning", regarding the location of accessory buildings and structures.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Schedule Public Hearing Local Law - Chapter 70

Motion made by Trustee Rubio:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday August 1, 2019 at 5:00 p.m. at the Village Hall to consider a Local Law to amend Chapter 70 of the Village Code Entitled "Building Construction and Fire Prevention", regarding permit renewals.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Authorize Mayor to Sign Memorandum of Understanding

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes the Mayor to execute a memorandum of understanding with the Long Island Power Authority (LIPA) with respect to the undergrounding of the electric lines on Main Street as required by LIPA's tariff as adopted by the NY State Public Service Commission.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Accept Bid for Main Street Surveying

Motion made by Deputy Mayor Urban:

WHEREAS, there were 3 proposals received for the Main Street Corridor Staking for Construction phase of the Main Street Improvement project, which proposals were reviewed by Sandpebble Project Managers; and

WHEREAS, Fox Land Surveying submitted a detailed proposal dated June 27, 2019 to provide the services requested for the Main Street Improvement project,

NOW THEREFORE BE IT;

RESOLVED, that the Board of Trustees hereby accepts the proposal submitted by Fox Land Surveying in the amount of \$46,000.00 to be funded from the Capital Account H9500 Roads.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Authorize Bond Resolution

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees does hereby authorize and approve the issuance of \$4,500,000 bonds (Bond Resolution attached) of the Village of Westhampton Beach, Suffolk County, NY to finance the installation of underground conduit to relocate utility lines in connection with the Main Street Improvement project, stating the estimated maximum cost thereof is \$4,500,000. appropriating said amount for such purpose, including the expenditure of \$250,000. in funds expected to be received to pay a part of said appropriation; and authorizing the issuance of bonds in the principal amount of \$4,250,000. to finance the balance of said appropriation.

Seconded by Trustee Rubio and roll call vote:

Trustee Tymann	Aye
Trustee Frano	Aye
Trustee Rubio	Aye
Deputy Mayor Urban	Aye
Mayor Moore	Aye

Authorize Bond Resolution

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees does hereby authorize and approve the issuance of \$500,000 bonds (Bond Resolution attached) of the Village of Westhampton Beach, Suffolk County, NY to finance the installation of Street Lighting fixtures in connection with the Main Street Improvement project, stating the estimated maximum cost thereof is \$500,000. appropriating said amount for such purpose, including the expenditure of \$100,000. in funds expected to be received to pay a part of said appropriation; and authorizing the issuance of bonds in the principal amount of \$400,000. to finance the balance of said appropriation.

Seconded by Trustee Tymann and roll call vote:

Trustee Tymann	Aye
Trustee Frano	Aye
Trustee Rubio	Aye
Deputy Mayor Urban	Aye
Mayor Moore	Aye

Authorize Bond Resolution

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees does hereby authorize and approve the issuance of \$1,000,000. bonds (Bond Resolution attached) of the Village of Westhampton Beach, Suffolk County, NY to finance the construction of drainage improvements in connection with the Main Street Improvement project, stating the estimated maximum cost thereof is \$1,000,000. appropriating said amount for such purpose, including the expenditure of \$500,000. in funds expected to be received to pay a part of said appropriation; and authorizing the issuance of bonds in the principal amount of \$500,000. to finance the balance of said appropriation.

Seconded by Deputy Mayor Urban and roll call vote:

Trustee Tymann	Aye
Trustee Frano	Aye
Trustee Rubio	Aye
Deputy Mayor Urban	Aye
Mayor Moore	Aye

Authorize Bond Resolution

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees does hereby authorize and approve the issuance of \$8,000,000. bonds (Bond Resolution attached) of the Village of Westhampton Beach, Suffolk County, NY to finance the construction of road improvements in connection with the Main Street Improvement project, stating the estimated maximum cost thereof is \$8,000,000. appropriating said amount for such purpose, including the expenditure of \$1,243,000. in grant funds expected to be received and \$1,107,000. of available village funds to pay a part of said appropriation; and authorizing the issuance of bonds in the principal amount of \$5,650,000. to finance the balance of said appropriation.

Seconded by Trustee Frano and roll call vote:

Trustee Tymann	Aye
Trustee Frano	Aye
Trustee Rubio	Aye
Deputy Mayor Urban	Aye
Mayor Moore	Aye

Authorize 2019 Renewal of Best Market Outdoor Tables, Chairs/Benches Permit

Motion made by Trustee Frano:

WHEREAS, Best Market has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2019 to place ten (10) outdoor tables and twenty (20) chairs pursuant to §196-2 of the Village Code; and

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

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved in 2016 and subject to the same set of conditions and plan attached to the 2019 application.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Authorize Renewal of 2019 Best Market Outdoor Sales and Displays Permit

Motion made by Trustee Rubio:

WHEREAS, Best Market has applied to renew the Outdoor Sales and Displays Permit for 2019 to allow the limited outdoor sale and display of seasonal items pursuant to §140-2(A) (11) of the Village Code; and

WHEREAS, it appears from the Outdoor Display Plan and Planning Board report that the application satisfies the conditions of section 140-2(A) of the Village Code, with the exception of

subdivision (11) thereof (which limits the seasonal display to the period of April 15 to November 15 of each year), and

WHEREAS, the Board finds that, under the unique circumstances of this property, the nature of a year-round grocery store use, and the seasonal items described in the Outdoor Display Plan, a waiver of the seasonal limitation of section 140-2(A) (11) is warranted; now therefore,

BE IT RESOLVED that the application for an Outdoor Sales permit is granted subject to the following conditions:

- a. All conditions set forth in section 140-2(A) shall be followed with the exception of subdivision (11), which is expressly waived to allow year-round sales according to the Outdoor Display Plan;
- b. Outdoor items installed on moveable racks shall be on racks that are secured to the building to prevent the racks and items from obstructing ingress and egress to and from the building, and pedestrian walkways;
- c. No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees;
- d. In the event site work related to the Phase II or Phase III work approved by the Planning Board as part of the approved site plan is undertaken during the period of this permit in or near the area of the outdoor displays, the Building Inspector shall have the authority to limit such outdoor displays if necessary, to avoid public safety hazards; and
- e. This permit shall be in effect to April 1, 2020, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 140-2(B) of the Village Code for future outdoor displays beyond such expiration date.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Authorize Use of Village Property-Leslie Price, In Any Event

Motion made by Trustee Tymann:

RESOLVED, that Leslie Price, In Any Event, is hereby authorized to use the Lashley Beach bayside parking lot for valet parking on Saturday, July 20, 2019 from 6:30pm to 11:00pm, and to use the beach access road on Saturday, July 20, 2019 to unload materials from 6:00am to 9:00am and after 11:00pm for cleanup.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

PUBLIC COMMENT

Mayor Moore asked if anyone in the audience would like to speak, Ginger Propper explained about her Article 78 filing against the Zoning Board of Appeals. She feels she is being set-up for failure and feels the Village should have another attorney for the boards. Village Attorney Angel explained that the Attorneys do not make the decisions, these decisions are made by the Board members. Ms. Propper asked why Attorney Pasca told her to file an Article 78, Mr. Angel explained that was her only recourse if she didn't like the decision. Ms. Propper continued to speak about the builder on the property with too much equipment, dumpster, port-a-potty etc. Deputy Mayor Urban explained there are conversations ongoing with the Attorneys and builder and this issue will be resolved, there is to be no construction during the months of July and August, the sight should be cleaned up, the Mayor explained. Ms. Propper seemed satisfied that the Board was paying attention to her. Mayor Moore then asked if there was anyone else who would like to be heard, there being no response the Mayor asked for a motion to close the meeting, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

MEETING ADJOURN AT 6:15 PM

DATED: July 1, 2019


Elizabeth Lindtvit
Village Clerk-Treasurer