

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

Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel

PUBLIC HEARINGS

Local Law Amending Chapter 128 - Peddling & Soliciting

Mayor Moore asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked the Village Attorney Steve Angel to explain this amendment; Mr. Angel started by explaining this change came about because a pest control company that goes door to door nationally out of Utah is represented by a law firm from Dallas that is very aggressive about protecting the rights of peddling and soliciting and bring complaints around the states. They picked the Village of Westhampton Beach to test the code on peddling and soliciting. Mr. Angel stated the law firm sent him a very nasty letter about what is wrong with the Village Code, and he found one ambiguity the Board should deal with; he went on to explain this and the proposed amendments to avoid any lawsuit from this company. The other proposed amendment is the time limit for the peddling and/or soliciting. The lawyers from Dallas thought 9:00 pm should be the time limit to peddle, this was discussed at the prior work session and this was decided to be one-half hour after sunset or 7:30 pm whichever is earlier. Trustee Tymann commented that he liked the time period better than a set hour time. Deputy Mayor Urban stated he and the Mayor talked about the same time limit. Mayor Moore asked if anyone from the audience would like to speak, Mr. Ken Stoller came to the podium and commented that he has never seen a peddler and asked what is a peddler? Mr. Phil Grossman asked about the sign prohibiting peddling, he lives in an association with signs for "No Peddling", Mr. Angel said yes, those signs can be used to prevent peddling on your property. Mayor Moore asked the Village Attorney to revise the local law for adoption at the April meeting. Mayor Moore asked if anyone in the audience would like to be heard; there being no response, Mayor Moore asked for a motion to close the public hearing, motion made by Trustee Frano, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

RESOLUTIONS

Accept minutes of Board of Trustees Meeting

Motion made by Trustee Tymann:

RESOLVED, that the minutes of the Board of Trustees Meeting of February 7, 2019 and Special Meeting of February 20, 2019 are hereby accepted.

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

Accept Departmental Reports

Motion made by Deputy Mayor Urban:

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

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

Schedule Public Hearing on 2019–2020 Tentative Village Budget

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 April 4, 2019 at 5:00 p.m. at the Village Hall on the 2019–2020 Tentative Village Budget.

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

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

Motion made by Trustee Rubio:

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 and carnival on the Great Lawn, subject to weather and Great Lawn conditions on Saturday, March 9, 2019 from 12:00 p.m. to 5:00 p.m.

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

Authorize 2018-2019 Budget Modification

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes the increasing of Revenue account A2680 Insurance Recoveries in the amount of \$11,373.43 and increasing the Budget account A3120.402 Police Department Equipment Repair in the amount of \$8,952.40 for the repair of 2 damaged vehicles and A3120.2 Police Equipment in the amount of \$2,421.03 for purchase/trade in of new equipment.

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

Authorize 2018-2019 Budget Modification

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby authorizes the increasing of Revenue account A4289.12JCAP Grant in the amount of \$799.00 and increasing the Budget account A1110.4 Court Contractual in the amount of \$799.00 for various items purchased through Justice Court Grant.

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

Approve Public Works Promotions

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby approves the promotion of Joseph Cacciato to Automotive Mechanic I Step 1 at a salary of \$2,822.19 semi-monthly effective March 8, 2019.

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

Approve Public Works Promotions

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby approves the promotion of Lee Kearns to Labor Crew Leader at a starting salary of \$3,031.82 semi-monthly effective March 8, 2019.

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

Authorize Employees to Attend Property Room Management Seminar

Motion made by Trustee Tymann:

RESOLVED, that Detective Brian Prescott and Sergeant Steven McManus are hereby authorized to attend the Property Room Management Training Seminar in Portsmouth, New Hampshire from March 19 to March 20, 2019 at a cost of \$396.00 for lodging and \$725.00 for conference registration, plus travel expenses not to exceed \$350.00 from G/L account # A3120.415 Training, Conventions & Publications.

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

Authorize Employee to Attend LIHC Conference

Motion made by Deputy Mayor Urban:

RESOLVED, that Andrew DeRubeis is hereby authorized to attend the Long Island Horticulture Conference on March 7, 2019 and ReLeaf Workshop on March 15, 2019 at a total cost of \$105.00 plus travel expenses from G/L account code A8510.402 Beautification Materials.

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

Authorize Employee to Attend Tree City USA Recognition Ceremony

Motion made by Trustee Frano:

RESOLVED, that Andrew DeRubeis is hereby authorized to attend the 13th Annual Tree City USA Recognition Ceremony in Albany from March 20, to March 21, 2019 at a cost of \$225.00 for lodging plus travel expenses from G/L account code A8510.402 Beautification Materials.

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

Authorize Renewal of 2019 Outdoor Sales and Displays Permit

Motion made by Trustee Rubio:

WHEREAS, John's Swimming Pools, 102 Old Riverhead Road, Westhampton Beach (SCTM 0905-2-2-5), has applied to renew the Outdoor Sales and Displays permit for 2019 pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, and

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

RESOLVED that the application for an Outdoor Sales and Displays permit for 2019 is granted subject to the following conditions:

All conditions set forth in section 140-2(A), including but not limited to the 30-inch setback requirements of section 140-2(A)(4), shall be followed; No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and

This permit shall be in effect from April 15 to November 15, 2019, 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 2019 Renewal of Starr Boggs Outdoor Music Permit

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves the Outdoor Music Application submitted by Starr Boggs, and grants to Starr Boggs an Outdoor Music Permit for 2019 subject to the same conditions as set forth in the Determination dated September 3, 2009, the provisions of Chapter 196-3 of the Village Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

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

Authorize Renewal of 2019 Tonino's Outdoor Dining Permit

Motion made by Deputy Mayor Urban:

WHEREAS, Tonino's Pizza has applied to renew the Outdoor Dining Permit for 2019 to place three (3) tables and (12) chairs pursuant to §196-1 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 October 6, 2011 and subject to the same set of conditions and plan attached to the 2019 application.

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

Authorize Renewal of 2019 Beach Bakery Outdoor Tables, Chairs and Benches Permit

Motion made by Trustee Frano:

WHEREAS, Beach Bakery Grand Cafe has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2019, to place thirteen (13) tables and twenty-eight (28) chairs and 3 Village benches to be placed on the south side and west side of the building 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 based upon the recommendation of the Planning Board the placement of outdoor tables, chairs and benches as shown on the submitted plan approved July 2, 2014 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 2019 Renewal of Goldberg's Outdoor Tables, Chairs and Benches Permit

Motion made by Trustee Rubio:

WHEREAS, Goldberg's Deli has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2019 to place four (4) tables and twelve (12) 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 2008 and subject to the same set of conditions and plan attached to the 2018 application.

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

Authorize 2019 Renewal of Whitney's Deli Outdoor Tables, Chairs/Benches Permit

Motion made by Trustee Tymann:

WHEREAS, Whitney's Deli has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2019 to place two (2) outdoor tables and eight (8) 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 Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Authorize Renewal of 2019 Hampton Coffee Outdoor Tables, Chairs and Benches

Motion made by Deputy Mayor Urban:

WHEREAS, Hampton Coffee Company has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2019 to place four (4) tables and sixteen (16) standard 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 2006 and subject to the same set of conditions and plan attached to the 2019 application.

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

Authorize 2019 Renewal of Firehouse Pizza Outdoor Tables, Chairs/Benches Permit

Motion made by Trustee Frano:

WHEREAS, Espana 2015 for Firehouse Pizza has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2019 to place three (3) tables with attached benches 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 2018 and subject to the same set of conditions and plan attached to the 2018 application.

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

Authorize Renewal of 2019 Beach Bakery Outdoor Music Permit

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby approves the Outdoor Music Application and attached schedule submitted by Beach Bakery, and authorizes and grants to Beach Bakery an Outdoor Music Permit for 2019 subject to the same conditions as set forth in the Determination dated September 3, 2009, and the provisions of Chapter 196-3 of the Village Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity together with the following condition:

It shall be the obligation of Beach Bakery that the public sidewalk is not obstructed and that no structures shall be placed on Main Street, preventing the use of any parking spaces in front of Beach Bakery. No more than 2 musicians on Thursday and Sundays.

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

Authorize Renewal of 2019 Tonino's Pizza Outdoor Music Permit

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves the renewal of the Outdoor Music permit request submitted by Tonino's Pizza to place a small one or two-piece band as depicted on the plan and shown in the designated area and grants an Outdoor Music Permit for 2019 subject to the same conditions as set forth in the Determination dated May 3, 2018, and the provisions of Chapter 196-3 of the Village Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity together with the following conditions:

- a. It shall be the obligation of Tonino's Pizza and Italian Eatery that the public sidewalk is not obstructed and that no structures shall be placed in the parking lot preventing the use of any parking spaces.
- b. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees; and
- c. This permit shall be in effect from April 15 2019 to October 31, 2019, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 196-4(A) of the Village Code for future outdoor music beyond such expiration date.

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

Declare and Approve Sale of Village Surplus Vehicles

Motion made by Deputy Mayor Urban:

RESOLVED, that the Village owned 2007 Ford Crown Victoria used by the Police Department, VIN # 2FAHP71W87X114324 is hereby declared surplus and obsolete for Village purposes; and be it further

RESOLVED, that the Superintendent of the Department of Public Works is hereby authorized to publicize the items for sale on GovDeals and to dispose of any items that may remain unsold after the auction period has closed.

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

Authorize Village Attorneys for Article 78

Motion made by Trustee Frano:

RESOLVED that the Village Attorneys, Esseks, Hefter, Angel, Di Talia & Pasca, LLP, are hereby authorized to represent the Village's Zoning Board of Appeals in the CPLR Article 78 proceeding entitled "Ginger Propper v. Zoning Board of Appeals of the Village of Westhampton Beach, Paul Houlihan as Building Inspector of the Village of Westhampton Beach and Schlüsselberg Family Limited Partnership" brought in New York State Supreme Court under Index Number 19-00913, at the hourly municipal rate schedule for special services set forth in the Village Attorneys' retainer letter dated August 14, 2014.

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

Authorize Transcription Services for Article 78

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorize Maeghan Mackie to transcribe the necessary information in regard to the "Ginger Propper v. Zoning Board of Appeals of the Village of Westhampton Beach, Paul Houlihan as Building Inspector of the Village of Westhampton Beach and Schlusberg Family Limited Partnership" brought in New York State Supreme Court under Index Number 19-00913, at the standard rate of \$5.50 per page outside of her normal work day to be funded from A1420.401 Litigation.

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

Approve Warrant for March 2019

Motion made by Trustee Tymann:

RESOLVED, that the warrant for March 2019 in the amount of \$359,942.18 for the General Fund and \$10,277.22 for the Capital Fund is hereby approved.

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

Accept Proposal for Road Paving

Motion made by Deputy Mayor Urban:

RESOLVED, that the price quote submitted by Rosemar Contracting, Inc. in the amount not to exceed \$100,000.00 for the road paving of 5 locations including Harbor Road, Point Road, Bay Road, Pond Road and Beach Road; to be taken from account code A5110.407 CHIPS Improvements and balance of money to be taken from A5110.408 Permanent Improvements account is hereby accepted.

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

PUBLIC COMMENT

Mayor Moore asked if anyone in the audience wanted to speak, Ms. Shelly Schwartz of the Buoy complex came to the podium to address the Board of Trustees about the street lighting on Mill Road. Superintendent of Public Works Matt Smith was brought into the conversation and said he would check on the situation. Mr. Ken Stoller spoke about the Village having street fairs like where he live in Florida, the Board of Trustees suggested he contact the Greater Westhampton Chamber of Commerce. Mayor Moore asked in anyone else would like to speak 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 adjourned at 5:49 PM.

Respectfully submitted,



Elizabeth Lindtvit
Clerk-Treasurer

