

The Board of Trustees of the Village of Westhampton Beach held their Organizational Meeting on Monday, October 5, 2020 at 5 p.m. via Zoom video conferencing.

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

Village Attorney – Stephen Angel
Clerk-Treasurer - Elizabeth Lindtvit

PUBLIC HEARINGS

LL # 10 of 2020 - Amending Chapter 197 of the Village Code Entitled "Zoning", Fences

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; Mayor Moore ask Brad Hammond, Building Inspector to give a brief explanation of the law change, Mr. Hammond explained this change was in reference to allowing deer fence in the rear yard not effecting the front yard; colors to be dark. A concern was raised about little creatures getting under the fence, Mr. Hammond had no thoughts on this issue except mention that keeping it above six inches might allow dogs or cats to get under the fence. Trustee Tymann noted this would be the same as a pool fence not allowing animals to escape. Mayor Moore raised an issue with properties having no front yard just a side yard, Mr. Hammond stated there are always going to be odd lots and there are other remedies for these properties, the same for corner lots as per village code a corner lots has 2 front yards. Mayor Moore asked the Trustees for any questions, they were all good with it. Mayor Moore asked for a motion to close the public hearing, motion made by Trustee Rubio seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

LL # 11 of 2020 - Amending Chapter 197 of the Village Code Entitled "Zoning", Nonconforming Uses

Mayor Moore asked for a motion to open the public hearing, motion made by Trustee Frano, seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays. Brad Hammond again explained this code change regarding the repairs needed after a fire or disaster. The property owner would be able to reconstruct the damaged with minor changes, this is a minor housekeeping change to reconstruct what was lost without having to go before the Zoning Board. Trustee Frano commented that this change was a practical common-sense change. Motion to close the public hearing made by Deputy Mayor Urban, seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nay

LL # 12 of 2020 - Amending Chapter 5 of the Village Code Entitled "Architectural Review Board"

Mayor Moore asked for a motion to open the public hearing, motion made by Trustee Rubio, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays; Mayor Moore asked Brad to explain this law change; Brad explained this is a change in the code for the percentage or amount of change or modification to property or buildings that needs to go before the ARB, if it is minor less than 50% change they will not need to go before the ARB, it will make the process quicker. Mayor Moore stated she spoke with the Chairperson of the ARB; he asked to speak with the board of Trustees, his concern was valid involving someone requesting a 50% change one year, then another year another 50% change circumventing the ARB altogether. He explained to the Mayor about the committee of one (1) for approvals. Mayor Moore requested this public hearing be held over until the November 5, 2020 meeting. Trustee Frano agreed there was no reason not to hold over, Mayor Moore asked for a motion to hold over the hearing, motion made by Trustee Tymann seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

LL # 13 of 2020 - Amending Chapter 197 of the Village Code Entitled "Zoning", Administration

Mayor Moore asked for a motion to open the public hearing, motion made by Trustee Tymann, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays;

Brad Hammond explained this change would be a housekeeping change, renovations that involve moving equipment, adding equipment etc. for a standard restaurant that don't increase the sanitary or water loads, no additional seating requested; this would be a way to make it easier with no other review from the other boards. Trustees Rubio and Tymann had no objections Trustee Frano commented as long as no change to parking or interior he had no objections to it. Mayor Moore asked for a motion to close the public hearing, motion made by Deputy Mayor Urban seconded by Trustee Rubio 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 3 Ayes, 0 Nays
Trustee Tymann abstained from vote.

Appoint Special District Attorney

Motion made by Deputy Mayor Urban:

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 Frano and unanimously approved 3 Ayes, 0 Nays
Deputy Mayor Urban abstained from vote.

Appoint Acting Village Justice

Motion made by Trustee Frano:

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, 2020 at an annual salary of \$5,000.00.

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

Appoint Deputy Mayor

Motion made by Trustee Rubio:

RESOLVED, that Trustee Ralph Urban is hereby appointed to serve as Deputy Mayor for a term of one year to expire May 31, 2021.

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

Appoint Village Clerk-Treasurer

Motion made by Trustee Tymann:

RESOLVED, that Elizabeth Lindtvit is hereby appointed as the Village Clerk-Treasurer for a term expiring on June 30, 2022.

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

Appoint Village Deputy Treasurer

Motion made by Deputy Mayor Urban:

RESOLVED, that Jeannine Conte is hereby appointed as the Village Deputy Treasurer for a term expiring on June 30, 2022.

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

Appoint Architectural Review Board Chairman

Motion made by Trustee Frano:

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, 2021.

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

Appoint Zoning Board of Appeals Chairman

Motion made by Trustee Rubio:

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, 2021.

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

Appoint Planning Board Chairman

Motion made by Trustee Tymann:

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, 2021.

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

Appoint Zoning Board of Appeals Member

Motion made by Deputy Mayor Urban:

RESOLVED, that Ellen Cea is hereby appointed as a member of the Village Zoning Board of Appeals for a five-year term to expire May 31, 2025.

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

Appoint Members of the Conservation Advisory Council

Motion made by Trustee Frano:

RESOLVED, that Patricia Schaefer and Dawn LaDu are hereby appointed to serve two-year terms as members of the Village Conservation Advisory Council to expire on May 31, 2022; and Patricia Schaefer is also appointed as Chairperson to serve a one-year term to expire on May 31, 2021.

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

Appoint Members of the Ethics Board

Motion made by Trustee Rubio:

RESOLVED, that Ralph Urban, Janeen Turano and Jim LaDu are hereby appointed to the Ethics Board to serve a three-year term to expire May 31, 2023 and Ralph Hubbard is appointed to serve a two-year term to expire May 31, 2022.

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

Appoint Mayor as Commissioner of Licenses

Motion made by Trustee Tymann:

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

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

Appoint Safety Committee

Motion made by Deputy Mayor Urban:

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 Lindvit Village Clerk, Trevor Gonce Chief of Police, Brad Hammond Building & Zoning Administrator, Matthew Smith Superintendent of Public Works, Andrew Kirwin PBA President, Paul Bugge AME Shop Steward and Nicholas VanVliet.

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

Appoint Village Clerk as Designee to accept Notice of Claims

Motion made by Trustee Frano:

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 Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Appoint Marriage Officer

Motion made by Trustee Rubio:

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 Tymann and unanimously approved 4 Ayes, 0 Nays

Accept Minutes of Board of Trustees Meetings

Motion made by Trustee Tymann:

RESOLVED, that the minutes of the Board of Trustees Meeting of September 3, 2020 and Special Meeting of September 16, 2020 are hereby accepted.

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

Accept Monthly Reports from Departments

Motion made by Deputy Mayor Urban:

RESOLVED, that the Police Department, Justice Court and Building Inspector's reports for September 2020 and the Treasurer's report for August 2020 are hereby accepted.

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

Accept Results of General Village Election

Motion made by Trustee Frano:

RESOLVED, that the results of the General Village Election of September 15, 2020 are hereby accepted as set forth in the attached Official Return of Votes.

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

Designate Official Depositories

Motion made by Trustee Rubio:

RESOLVED, that TD 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 Tymann and unanimously approved 4 Ayes, 0 Nays

Approve 2020-2021 Board of Trustees Meeting Schedule

Motion made by Trustee Tymann:

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 5, 2021 at 5:00 p.m. at the Municipal Building.

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

Approve Meeting Schedules for Appointed Boards

Motion made by Deputy Mayor Urban:

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 Frano and unanimously approved 4 Ayes, 0 Nays

Authorize Check Signers

Motion made by Trustee Frano:

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 Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Designate Official Newspaper

Motion made by Trustee Rubio:

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 Tymann and unanimously approved 4 Ayes, 0 Nays

Approve Mileage Reimbursement for Official Business

Motion made by Trustee Tymann:

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 Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Approve Village Investment Policy

Motion made by Deputy Mayor Urban:

RESOLVED, that the attached investment policy is hereby approved.

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

Authorize Mayor to Sign Connection Agreement

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby authorizes the Mayor to execute a connection agreement with Suffolk County with respect to the connection of the village's sewer conveyance and collection system to Suffolk County's sewer treatment plant # 24 at Gabreski airport and to undertake modifications to the plant to increase the plant's capacity.

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

Approve Warrant for October 2020

Motion made by Trustee Rubio:

RESOLVED, that the warrant for October 2020 in the amount of \$247,755.30 for the General Fund and \$390,443.30 for the Capital Fund is hereby approved.

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

Declare and Approve Sale of Village Surplus Vehicles

Motion made by Trustee Tymann:

RESOLVED, that the Village owns 2007 Ford F-650, 2007 GMC C5500, ExMark Giant Vac 46" Walk behind mower and Exmark Metro 36" walk behind mower used by the Department of Public Works are 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 Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Authorize Unreserved Fund Balance Transfer

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby approves the transfer of \$25,000.00 from the 2019-2020 unreserved fund balance to increase the 2020-2021 A8090.401 Environmental LWRP Grant Budget line.

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

Authorize Notice to Bidders-LWRP Project

Motion made by Trustee Frano:

Whereas, the Village of Westhampton Beach wishes to explore a Local Waterfront Revitalization Program with recommendations for strategies and projects to preserve its natural resources, address infrastructure, economic and environmental challenges, and

Whereas, the Village was awarded a grant from the NYS Environmental Protection Fund in the amount of \$56,250, and

Whereas, the Village, working with the NYS Department of State is requesting proposals for assistance in preparing a Local Waterfront Revitalization Plan,

Now, therefore be it; RESOLVED, that the Village Clerk-Treasurer is hereby authorized to post a Request for Proposals for the Village of Westhampton Beach Local Waterfront Revitalization Plan, with Harbor Management and Water Management Components.

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

Authorize Renewal of HVAC Annual Service Agreement

Motion made by Trustee Rubio:

RESOLVED, that the annual renewal of labor and inspection service agreement for October 1, 2020 to September 30, 2021 with Dynaire Service Corp. for the Village Hall HVAC system at a cost of \$8,000.00 is hereby renewed.

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

Authorize Bond Resolution

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees does hereby authorize and approve the issuance of \$5,500,000. bonds (Bond Resolution attached) of the Village of Westhampton Beach, Suffolk County, NY to finance the construction of improvements to the sewage treatment plant (STP) located at Gabreski Airport in Westhampton Beach, pursuant to an intermunicipal agreement between the Village and the County of Suffolk, New York; stating the estimated maximum cost thereof is \$5,500,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$5,500,000. to finance 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

Schedule a Public Hearing Concerning the Proposed Acquisition of Permanent Easements for a Public Purpose Over Private Property Located in the Phase One Area of the Village's Sewer District Under Eminent Domain Procedure Law

Motion made by Deputy Mayor Urban:

WHEREAS, the Board of Trustees of the Incorporated Village of Westhampton Beach established the Incorporated Village of Westhampton Beach Sewer System ("Sewer System") pursuant to Article 14 of the Village Law; and

WHEREAS, the Sewer System divides the Village into four areas, each of which is labeled a "Phase"; and

WHEREAS, the Village Board of Trustees adopted a map and plan for the Sewer System prepared by H2M architects+engineers; and

WHEREAS, the Village is in the final stage of negotiating and entering into an Intermunicipal Agreement for Sewer Connection (hereinafter, the "Connection Agreement") with Suffolk County Sewer District No. 24 – Gabreski, the Suffolk County

Department of Public Works, the Suffolk County Sewer Agency, the Suffolk County Department of Health Services and the County of Suffolk (collectively referred to as the "County") for the construction and installation of sewer lines and appurtenances including pump stations, force mains, and sewage collection systems (the "Collection System") in order to connect parcels within an area in the Village identified as the "Phase One Area" to Suffolk County Sewer District No.24-Gabreski; and

WHEREAS, the Phase I area is located in the core business area of the Village and includes 156 tax lots; and

WHEREAS, by Resolution dated November 15, 2017, the Village issued a Negative Declaration of Environmental Significance for construction and maintenance of the Collection System in accordance with the State Environmental Quality Review Act ("SEQRA"), thus, no further environmental review is required; and

WHEREAS, the Collection System will require permanent and temporary easements over thirteen (13) private properties; and

WHEREAS, negotiations regarding the permanent and temporary easements required to allow the Village to install and maintain the Collection System for installation of underground sewer lines, underground lateral sewers, manholes and perpetual access for maintaining same have not yet been completed though several property owners have expressed willingness to convey the permanent and temporary easements and four already have done so, leaving the need for nine (9) of the thirteen (13) easements; and

WHEREAS, the properties over which the Village seeks permanent easements (hereinafter, the "subject properties") are located in the Phase One Area and are identified by the following Suffolk County Tax Map numbers and addresses:

0905-011.00-02.00-009.000
77 Main Street

0905-011.00-02.00-026.000
133-135 Main Street

0905-011.00-03.00-003.001
161 Main Street

0905-012.00-03.00-016.000
48 Main Street

0905-012.00-03.00-017.000
54 Main Street

0905-012.00-04.00-025.000
90 Main Street

0905-012.00-04.00-037.000
128 Main Street

0905-012.00-04.00-043.000
154 Main Street

0905-012.00-04.00-053.001
112 Main Street

WHEREAS, the Village intends to pursue all means to complete the negotiations with the owners of the subject properties in a timely manner, but must provide for the contingency that permanent and temporary easements over the properties may need to be acquired via eminent domain procedures as a last resort, now therefore it is hereby

RESOLVED that a Public Hearing pursuant to Section 201 of the Eminent Domain Procedure Law ("EDPL") will be held on Thursday November 5, 2020, at 5:00 p.m.; and it is further;

RESOLVED that the purpose of the hearing is to inform the public of the location and public purpose of the Sewage Facilities and that the acquisition of permanent easements over the subject properties is necessary in order to construct and maintain the Sewage Facilities; and it is further

RESOLVED that, pursuant to Section 202 of the EDPL, the Clerk of the Village shall cause to be published at least ten (10) days and not more than thirty (30) days prior to said hearing a notice of the public hearing in at least two (2) consecutive issues of The Southampton Press.

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

PUBLIC COMMENT

Mayor Moore asked if anyone would like to speak, there being no response, no attendees at this meeting, 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 5:59 PM

DATED: October 5, 2020

Elizabeth Lindtvit
Village Clerk-Treasurer