

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, March 7, 2019 at 5 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

Local Law Amending Chapter 128 - Peddling & Soliciting

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Schedule Public Hearing on 2019–2020 Tentative Village Budget
4. Approve Use of Village Property-St. Patrick's Day Parade and Carnival
5. Authorize 2018-2019 Budget Modification
6. Authorize 2018-2019 Budget Modification
7. Approve Public Works Promotions
8. Approve Public Works Promotions
9. Authorize Employees to Attend Property Room Management Seminar
10. Authorize Employee to Attend LIHC Conference
11. Authorize Employee to Attend Tree City USA Recognition Ceremony
12. Authorize Renewal of 2019 John's Swimming Pools Outdoor Sales and Displays Permit
13. Authorize Renewal of 2019 Starr Boggs Outdoor Music Permit
14. Authorize Renewal of 2019 Tonino's Outdoor Dining Permit
15. Authorize Renewal of 2019 Beach Bakery Outdoor Tables, Chairs and Benches Permit
16. Authorize Renewal of 2019 Goldberg's Outdoor Tables, Chairs and Benches Permit
17. Authorize Renewal of 2019 Whitney's Deli Outdoor Tables, Chairs/Benches Permit
18. Authorize Renewal of 2019 Hampton Coffee Outdoor Tables, Chairs and Benches Permit

19. Authorize Renewal of 2019 Beach Bakery Outdoor Music Permit
20. Authorize Renewal of 2019 Tonino's Pizza Outdoor Music Permit
21. Declare and Approve Sale of Village Surplus Vehicles
22. Authorize Village Attorneys for Article 78
23. Authorize Transcription Services for Article 78
24. Approve Warrant for March 2019
25. Accept Proposal for Road Paving

PUBLIC COMMENT

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**Village of Westhampton Beach
Board of Trustees Meeting
Thursday March 7, 2019 at 5 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

Local Law Amending Chapter 128 - Peddling & Soliciting

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meeting

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

2. Accept Departmental Monthly Reports

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.

3. Schedule Public Hearing on 2019–2020 Tentative Village Budget

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.

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

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.

5. Authorize 2018-2019 Budget Modification

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.

6. Authorize 2018-2019 Budget Modification

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.

7. Approve Public Works Promotions

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.

8. Approve Public Works Promotions

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.

9. Authorize Employees to Attend Property Room Management Seminar

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.

10. Authorize Employee to Attend LIHC Conference

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.

11. Authorize Employee to Attend Tree City USA Recognition Ceremony

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.

12. Authorize Renewal of 2019 Outdoor Sales and Displays Permit

WHEREAS, John's Swimming Pools, 1082 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.

13. Authorize 2019 Renewal of Starr Boggs Outdoor Music Permit

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.

14. Authorize Renewal of 2019 Tonino's Outdoor Dining Permit

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.

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

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.

16. Authorize 2019 Renewal of Goldberg's Outdoor Tables, Chairs and Benches Permit

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.

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

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.

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

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.

19. Authorize Renewal of 2019 Beach Bakery Outdoor Music Permit

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:

- a. 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.

20. Authorize Renewal of 2019 Tonino's Pizza Outdoor Music Permit

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:

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.

- a. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees; and
- b. 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.

21. Declare and Approve Sale of Village Surplus Vehicles

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.

22. Authorize Village Attorneys for Article 78

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 Schlusberg 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.

23. Authorize Transcription Services for Article 78

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.

24. Approve Warrant for March 2019

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.

25. Accept Proposal for Road Paving

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 hereby accepted.

PUBLIC COMMENT

DATED: March 7, 2019

Elizabeth Lindtvit
Village Clerk-Treasurer