

The Board of Trustees of the Village of Westhampton Beach held a Regular Meeting on Thursday November 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

Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel and Anthony Pasca

PUBLIC HEARINGS:

LL # 12 of 2020-Hold Over until December 3rd meeting Chapter 5-1 Architectural Review Board

Motion made by Trustee Frano to hold over this public hearing, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Special Exception Application-804F Realty (Valero) allow a convenience store

Mayor Moore asked for a motion to open the public hearing, motion made by Trustee Rubio, seconded by Deputy Mayor Urban, unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked Barbara Rasmussen, attorney for applicant to speak about the application, she explained the request to the Board of Trustees, Chris Tartaglia of High Point Engineering applicants engineering firm and Andrew Villari of Stonefield Engineering also spoke about the application. The Mayor then asked the Village's engineer Ron Hill and Village Planner Kyle Collins for their input on the application. After considerable discussion on this application the Mayor asked for a motion to close this public hearing, motion made by Trustee Rubio, seconded by Trustee Frano and unanimously approved, 4 Ayes, 0 Nays.

Condemnation Proceedings

Mayor Moore asked for a motion to open this public hearing, motion made by Trustee Frano, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked Village Attorney Stephen Angel to speak about this subject, Mr. Angel explained that is necessary for the Village to get property easements for installation of the sewer pipes on certain private property. If these easements won't be given voluntary by the property owners, then the Village will need to file condemnation proceedings, which could take awhile Mr. Angel stated. Mr. Angel stated the private property owners have been notified 3 times by postal mail so they should know what is being requested. Mayor Moore asked if anyone had any questions, Mr. Norman Wachtel owner of the Walgreens property asked what was his obligation for his property, how much is the cost; Mayor Moore asked Nick Bono to provide input, Mr. Angel stated the Walgreens hookup would be a short one right to the building. Nick Bono explained that there was an obligation to connect after the sewers are available. Mr. Wachtel asked if one contractor could be hired to do all the hookups, Mayor Moore explained the Village cannot contract for private property owners but, several property owners used the same electrical contractor. She stated the Village would help as much as possible. Jennifer Porter, Counsel for JP Morgan Chase bank stated that Chase is not opposed to granting the easement but they have some concerns regarding the future use of the property for the drive-up teller window and possible expansion of the building. Kevin McAlister, president of "Defend H2O" praised the Board of Trustees for this work, urged the Village to continue the process. Mayor Moore stated the Board will proceed if necessary, with eminent domain. Trustee Tymann thanked Kevin for the support. Mayor Moore asked for a motion to close this public hearing, motion made by Trustee Rubio, seconded by Trustee Frano 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 October 5, 2020 and Special Meeting of October 21, 2020 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 Police Department’s, Building Inspector’s and Justice Court reports for October 2020, and Treasurer’s Report for September 2020 are hereby accepted.

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

Approve Warrant for November 2020

Motion made by Trustee Frano:

RESOLVED, that the warrant for November 2020 in the amount of \$357,038.22 for the General Fund and \$61,993.72 for the Capital Fund is hereby approved.

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

Authorize Snow Removal Agreement with Village of Westhampton Dunes

Motion made by Trustee Rubio:

RESOLVED, that the Mayor is hereby authorized to execute an agreement with the Village of Westhampton Dunes for the removal of snow by the Village of Westhampton Beach Department of Public Works employees for an annual fee of \$15,000.00 plus reimbursement of any certified expenses that may exceed said fee, for the time period November 1, 2020 through October 31, 2021.

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

Approve 2021 Marina Rates, Rules and Regulations

RESOLVED, that the attached marina rates, rules & regulations for 2021 are hereby approved.

HELD OVER

Schedule Public Hearing-Special Exception Application

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 December 3, 2020 at 5:00 p.m. via Zoom video conferencing on a Local Law Amendment Chapter 197 Zoning, "Special Exception Standards in the B-1 District".

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

Temporary Extension of Outdoor Dining During the COVID-19 Pandemic Subject to Specified Conditions

Motion made by Deputy Mayor Urban:

RESOLVED, that any permit issued pursuant to prior resolution adopted June 9, 2020 which would have expired upon the termination of Covid-19 restrictions imposed by the State or November 1, 2020, is hereby extended to December 15, 2020; and

RESOLVED, that nothing herein shall be deemed to supersede any New York State Village of Westhampton Beach or federal requirements, including those relating to the Covid-19 pandemic; and it is further

RESOLVED, that this resolution shall take effect immediately upon adoption by the Board of Trustees.

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

Adopt LL # 10 of 2020-Chapter 197-43 Fences

Motion made by Trustee Frano:

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 5th day of October 2020 to amend Chapter 197, entitled "Zoning," of the Code of the Village of Westhampton Beach; and

WHEREAS, the Suffolk County Planning Commission, via correspondence dated September 18, 2020, determined the proposed amendment to be a matter of local determination; and

WHEREAS, the Building & Zoning Department has found the proposed amendment to be a Type II action under 6 NYCRR 617.5 (c)(33) (SEQR) without the need for further environmental review.

NOW THEREFORE BE IT RESOLVED, that after due deliberation the Board of Trustees of the Village of Westhampton Beach hereby adopts the Local Law as advertised; and be it further

RESOLVED, the Village Clerk is hereby directed to enter said Local Law in the records of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

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

Accept Proposal for Services

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby accepts a proposal from Lexipol at a one-time cost not to exceed \$14,046.00 for Safety Policy and Training for Law Enforcement and an annual cost not to exceed \$7,213.60 for maintenance.

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

PUBLIC COMMENT

Kristen Moschella from HUGGS spoke about the Use of Village Property application before the board requesting to place a holiday tree at Rogers Beach for fund raising and increasing spirits for the holiday season. The donations will be made by internet to HUGGS; there will be shells there to place on the tree with hand written messages. Mayor Moore explained about the weather, Kristen explained they were thinking an artificial tree mounted in a bucket of concrete placed underground to hold the tree secure. Trustee Frano suggested the buckets needed to be secured for safety, Kristen stated the staff will be checking on the tree every day. The buckets for the pens and shells will be buried so only the lid is visible to be removed. Matt Smith DPW Superintendent stated his concern about the sand movement and the salt air damaging the tree. The Mayor stated the Board was open to the idea, Trustee Frano suggested that Kim and Kristen should meet with Matt and work this out for the best option for both parties.

Meeting adjourned at 7:06 pm.

Dated: November 5, 2020

Elizabeth Lindtvit
Village Clerk-Treasurer