

**The Board of Trustees of the Village of Westhampton Beach held a Regular Meeting on Thursday April 1, 2021 at 5 p.m. via Zoom video conferencing.**

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

ABSENT: Trustee Rob Rubio

Clerk-Treasurer Elizabeth Lindtvit  
Village Attorney – Stephen Angel

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**RESOLUTIONS**

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**Appoint Police Officer**

Motion made by Deputy Mayor Urban:

RESOLVED, that Mackenzie Buckley is hereby appointed to the position of Police Officer at a semi-monthly salary of \$2,488.30, effective April 1, 2021 in accordance with Suffolk County Department of Civil Service rules and procedures from Certified Eligible List # 21SR005.

Seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays

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**Accept minutes of Board of Trustees Meeting**

Motion made by Trustee Frano:

RESOLVED, that the minutes of the Board of Trustees Meeting of March 4, 2021 and Special Meeting of March 17, 2021 are hereby accepted.

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

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**Accept Departmental reports**

Motion made by Trustee Rubio:

RESOLVED, that the Treasurer's Report for February 2021 and the Police Department's, Building Inspector's and Justice Court reports for March 2021 are hereby accepted.

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

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**Authorize Vehicle Peddling Permit – Soft Ice Cream**

Motion made by Trustee Tymann:

WHEREAS, Fahrettin Ozdemir has applied for a vehicle Peddling Permit to sell soft ice cream throughout the Village pursuant to §128-3 of the Village Code; and

WHEREAS, the Police department has reviewed and investigated the applicant and found no criminal history pursuant to §128-4 and all requested documentation has been supplied; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes a vehicle Peddling Permit to Fahrettin Ozdemir effective April 2, 2021 and expiring on December 31, 2021 as all other conditions in Chapter 128-10 and 128-11 of the Village Code have been met.

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

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**Authorize Use of Village Property-Musical Mime Co., Inc.**

Motion made by Deputy Mayor Urban:

RESOLVED, that the Musical Mime Co., Inc. is hereby authorized to use the Great Lawn on Friday July 30, 2021 and Saturday July 31, 2021 from 6:00 p.m. to 10:30 p.m. for an "Evening of Music, Ballet, Opera and Theatre" performance with set-up on Wednesday July 28, 2021 and take down on Sunday August 1, 2021.

This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant’s expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Authorize Use of Village Property-Westhampton Cultural Consortium**

Motion made by Trustee Frano:

RESOLVED, that the Westhampton Cultural Consortium is hereby authorized to conduct outdoor concerts each Thursday beginning July 1, 2021 through September 9, 2021 from 7:30 p.m. to 9 p.m. at the Village Green. This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant’s expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Approve Use of Village Property-Westhampton Beach Historical Society**

Motion made by Trustee Rubio:

RESOLVED, that the Westhampton Beach Historical Society is hereby authorized to use the Great Lawn on Saturday July 10, 2021 and Sunday July 11, 2021 for an Antique Fire Apparatus Exhibit from 10:00 a.m. to 5:00 p.m. This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant’s expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Authorize Use of Village Property-WHB Performing Arts Center**

Motion made by Trustee Tymann:

RESOLVED, that the Westhampton Beach PAC is hereby authorized to use the Great Lawn on Friday July 23, 2021, Saturday July 24, 2021 and Sunday July 25, 2021 from 8:00 p.m. to 1100 p.m. with set-up on Thursday July 22, 2021 for three (3) nights of outdoor concerts and up to three food trucks along perimeter permitted. This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant’s expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Authorize Use of Village Property-WHB Performing Arts Center**

Motion made by Deputy Mayor Urban:

RESOLVED, that the Westhampton Beach PAC is hereby authorized to use the Great Lawn on Friday August 13, 2021, Saturday August 14, 2021 and Sunday August 15, 2021 from 8:00 p.m. to 1100 p.m. with set-up on Thursday August 12, 2021 for three (3) nights of outdoor concerts and up to three food trucks along perimeter permitted. This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees.

Social distancing and face coverings are required and security at the applicant's expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Approve Use of Great Lawn-St. Mark's Church Art Show**

Motion made by Trustee Frano:

RESOLVED, that St. Mark's Church is hereby authorized to use the Great Lawn for the Paragon Art Show from Saturday September 4, 2021 to Sunday, September 5, 2021 from 10 a.m. to 6 p.m. with the set-up day of Friday September 3, 2021 from 8:30 a.m. to 12:00 pm and breakdown on Sunday September 5, 2021 at 10:00 p.m. This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant's expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Approve Use of Village Property-Westhampton Free Library**

Motion made by Trustee Rubio:

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Village Green on Tuesdays from July 6, 2021 to August 24, 2021 for the "Kids on the Green" performance series from 4:30 pm to 7:00 pm which includes set-up and take down. This permit is approved for up to 200 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant's expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Approve Use of Village Property-Westhampton Free Library**

Motion made by Trustee Tymann:

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Rogers Beach Pavilion from July 5, 2021 to September 2, 2021 for various exercise and yoga classes from 8:30 am to 9:30 am and from 6:00 pm to 7:00 pm. This permit is approved for up to 15 people in accordance with current NYS Guidelines. Social distancing and face coverings are required and security at the applicant's expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Approve Use of Village Property-Greater Westhampton Chamber of Commerce**

Motion made by Deputy Mayor Urban:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Great Lawn on Saturday August 7, 2021 and Sunday August 8, 2021 from 10:00 a.m. to 6:00 p.m. with set-up date on Friday August 6, 2021 from 9:00 a.m. to 8:00 p.m. for the Mary O. Fritchie Juried Fine Arts and Crafts 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. This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant's expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Authorize Use of Great Lawn-PBMC Gala**

Motion Made by Trustee Frano:

RESOLVED, that the Peconic Bay Medical Center Foundations is hereby authorized to use the Great Lawn on Friday September 10, 2021 from 6:30 p.m. to 11 p.m. for a Gala fundraiser with set up on Wednesday September 8, 2021 and take down on Sunday September 12, 2021. This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant's expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Approve Use of Village Property-Westhampton Free Library**

Motion made by Trustee Rubio:

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Great Lawn on Mondays from July 5, 2021 to August 30, 2021 for the "Monday Night Movies" from 4:00 pm to 9:00 pm which includes set-up and take down. This permit is approved for up to 200 people; or with testing up to 500 people in accordance with current NYS Guidelines. Fencing or barricades with one entrance and one exit is required to allow for counting of attendees. Social distancing and face coverings are required and security at the applicant's expense must be provided to ensure compliance. This permit is subject to change in the event the NYS restrictions are amended.

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

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**Authorize Stormwater Management Program Services**

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes D & B Engineers and Architects, P.C. to prepare the 2021 SWMP Annual Report and additional services for the 2021 Annual Storm Water Management Program at a cost not to exceed \$6,400.00 to be taken from G/L code A6410 Environmental.

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

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**Adopt Traffic Study-Glovers Lane**

Motion made by Deputy Mayor Urban:

WHEREAS, Ronald Hill, P.E. of Dunn Engineering, Westhampton Beach, NY 11978, was retained by the Board of Trustees of the Village of Westhampton Beach to inspect, study and analyze the traffic safety condition of Glovers Lane after reviewing the Notification of Defects submitted in connection therewith and on behalf of a resident, and report back to the Board with his recommendations; and

WHEREAS, Mr. Hill submitted his report dated March 16, 2021, which contained recommendations to increase the signage on Glovers Lane; and

WHEREAS, Mr. Hill's report was discussed at the work session of the Board of Trustees held on March 17, 2021;

NOW THEREFOR BE IT; RESOLVED, that the Board of Trustees hereby adopts the recommendations contained in the report dated March 16, 2021, prepared by Ron Hill of Dunn Engineering and directs the Superintendent of the Department of Public Works to implement Mr. Hill's recommendations.

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

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**Approve Warrant for April 2021**

Motion made by Trustee Frano:

RESOLVED, that the warrant for April 2021 in the amount of \$267,670.74 for the General Fund and \$393,203.63 for the Capital Fund is hereby approved.

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

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**Authorize Unreserved Fund Balance Transfer**

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby approves the transfer of \$508,000 from the 2019-2020 unreserved fund balance to increase the 2020-2021 H9500 Main Street Improvement Capital Project.

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

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**Authorize Purchase of Teak Benches**

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves the purchase of 3 of the 5-foot Medway teak benches and 5 of the 4-foot benches in the amount not to exceed \$9,800.00 including shipping to be paid from the Park Fees Fund T37.

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

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**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 November 5, 2020 which would have expired upon the termination of Covid-19 restrictions imposed by the State or April 14, 2021, is hereby extended to November 15, 2021; 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

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**Authorize Payment of 2019/20 Assessment Roll Correction**

Motion made by Trustee Frano:

RESOLVED, the Board of Trustees hereby authorize payment of 2020/21 tax year property tax reduction in the amount of \$16,552.87 to the property owners specified as a settlement of Small Claims as ordered by the NYS Supreme Court.

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

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**Authorize Renewal of 2021 Outdoor Tables, Chairs and Benches Permits**

Motion made by Trustee Rubio:

WHEREAS, the Village received applications to renew the Outdoor Tables, Chairs and Benches Permit for 2021 with no changes from the 2020 application from:

Firehouse Pizza, 196 Montauk Highway  
North Fork Roasting Co., 59 Main Street

Aji Mexican Food, 77 Main Street

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

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plans, subject to the same set of conditions recommended by the Village Planning Board and plans attached to the applicants' 2021 renewal applications.

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

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**Authorize 2021 Renewal of Outdoor Music**

Motion made by Trustee Tymann:

WHEREAS, Heather Drapal for North Fork Roasting Co. has applied to renew the Outdoor Music Permit for 2021 to place one (1) musician by removing one (1) table and three (3) chairs as recommended by the Village Planning Board and depicted on the site plan submitted with the application pursuant to §196-3 of the Village Code; and

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

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

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.

1. It shall be the obligation of North Fork Roasting Co. that the public sidewalk is not obstructed.
2. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
3. This permit shall be in effect from May 1, 2021 to October 31, 2021, 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

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**Adopt Emergency Operation Plan**

Motion made by Deputy Mayor Urban:

WHEREAS, on September 7, 2020, Governor Cuomo signed legislation requiring all public employers to create and publish an Emergency Operation Plan in the event of a public health emergency, and

WHEREAS, the new law, section 27-c of the New York State Labor Law specifically focuses on essential public employees and protocols for protecting the workforce, and

WHEREAS, the health and safety of our employees and contractors is crucial to maintaining our essential operations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts the Village of Westhampton Beach Emergency Operation Plan and authorizes the Village Clerk to submit a copy of the Emergency Operation Plan to New York State.

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

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**Authorize a Revocable License and Permission to SKL Holdings, LLC**

Motion made by Trustee Frano:

WHEREAS, SKL Holdings, LLC, as owner of the property at 115 Main Street (SCTM 905-11-2-22), has completed construction of a building on its property and has sought a Certificate of Occupancy from the Village’s Building Department; and

WHEREAS, in the course of the Building Department’s inspection, and the preparation of a final survey, it was determined that the building erected on the property encroaches onto the adjacent, Village-owned right of way in three (3) respects: (1) the eastern most bottom stair tread encroaches 3.6 inches into the Village right of way, (2) the central steps encroach 1.2 inches into the Village right of way, and (3) the westerly steps encroach 1.2 inches into the Village right of way; and

WHEREAS, SKL Holdings, LLC requested that the Village Board of Trustees permit the three encroachments to remain, while acknowledging that it would execute a document agreeing to remove the encroachments if necessary; and

WHEREAS, the circumstances of the encroachments confirm that they were inadvertent and were not intended to interfere with the Village’s property rights, and are of a *de minimus* nature and do not appear to impede the public’s right of passage along the right of way and associated sidewalk;

NOW, THEREFORE,

BE IT RESOLVED, that the Trustees grant a revocable license and permission for SKL Holdings, LLC to maintain the encroachments into the Village right of way, as depicted in the survey prepared by David H. Fox, L.S., P.C., last dated November 5, 2020, subject to the satisfactory installation of the handrail on the northeast corner of the building, to be approved by the Village building inspector, and subject to the following conditions:

1. The encroachments may not be extended, horizontally or vertically, further into the Village’s right of way.
2. Within 30 days hereof, SKL Holdings, LLC shall record, at its own expense, a “release and hold harmless agreement” in form acceptable to the Village Attorneys, providing, at a minimum, that the owner of the property shall remain liable for maintaining the encroachments in a safe manner, so as not to interfere with the public’s right of passage,
3. the owner releases the Village from any liability or responsibility relating to the encroachments,
4. the owner shall hold the Village harmless and indemnify the Village and its officers, employees and agents for any damages that might result from the encroachments,
5. the owner’s maintenance of the encroachments is with the permission of the Village and shall not result in the creation of any vested property rights with respect to Main Street and/or the Main Street sidewalk,
6. the owner shall remove the encroachments, upon notice by the Village, should the Village determine in its reasonable discretion that such removal is necessary and warranted, and in the event the subject building is ever demolished and/or reconstructed, this permission and license shall automatically lapse, without further notice or action by the Board of Trustees.

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

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**Authorize Salary Increase per Completed Certification**

Motion made by Trustee Rubio:

WHEREAS, Nicholas VanVliet was appointed by the Board of Trustees to the position of Code Enforcement Officer effective July 22, 2019, and

WHEREAS, VanVliet completed the requirements of the New York State Basic Code Enforcement Training Program as a Code Enforcement Official (CEO) and was issued Certification No. 1020-0358 dated December 4, 2020.

NOW, THEREFORE BE IT RESOLVED, the Board of Trustees hereby approves a \$3,000 increase to his annual salary effective June 1, 2021.

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

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**Authorize Salary Increase per Completed Certification**

Motion made by Trustee Tymann:

WHEREAS, Danielle Golden was appointed by the Board of Trustees to the position of Fire Marshal effective December 9, 2019; and

WHEREAS, Golden completed the requirements of the New York State Basic Code Enforcement Training Program as a Code Enforcement Official (CEO) and was issued Certification No. 1020-0206 dated December 4, 2020.

NOW THEREFORE BE IT RESOLVED, the Board of Trustees hereby approves a \$2 per hour increase to her hourly wage effective June 1, 2021.

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

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**PUBLIC COMMENT**

Mayor Moore asked if anyone viewing the meeting wanted to be heard, there being no response she asked for a motion to close the meeting, motion made by Trustee Frano, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Meeting adjourned at 5:43 pm.

**Dated: April 1, 2021**

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**Elizabeth Lindtvit**  
**Village Clerk-Treasurer**