

The Board of Trustees of the Village of Westhampton Beach held a Regular Meeting on Thursday March, 4 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

PUBLIC HEARINGS

Community Law Enforcement Review Committee Report

Mayor Moore asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano, unanimously approved 3 Ayes, 0 Nays. Mayor Moore explained the creation of the committee requested by the NYS Governor to review police reform, the Mayor named the committee members and thanked them for the cooperation in this project. The Mayor displayed the draft report and recommendations made by the committee and communicated the findings to the audience. The Mayor asked for comments from anyone, the Police Chief commented the department is in the process of implementing some of the recommendations in the report. Reverend Jack King complimented the Mayor on her work, Mayor stated it was a group project. Mayor Moore asked for a motion to close this public hearing, motion made by Trustee Frano, seconded by Deputy Mayor Urban and unanimously approved 3 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 6, 2021 are hereby accepted.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

Accept Departmental reports

Motion made by Deputy Mayor Urban:

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

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

Schedule Public Hearing on 2021–2021 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 14, 2021 at 5:00 p.m. at the Village Hall on the 2021–2022 Tentative Village Budget.

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

Authorize Fee Increase-Kayak Storage Rack

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves the increase of the Kayak Storage Rack annual storage fee to \$75.00.

Seconded by Deputy Mayor Urban and Unanimously approved 3 Ayes, 0 Nays

Authorize Renewal of 2021 Outdoor Sales and Displays Permit

Motion made by Deputy Mayor Urban:

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

- John's Swimming Pools, 102 Old Riverhead Road
- Mustique, 3 Glovers Lane
- Ocean Spray Pools, 97 Old Riverhead Road

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 sales and displays 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 and 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.

This permit shall be in effect from April 15 to November 15, 2021, 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.

Authorize Renewal of 2021 Outdoor Dining Permits

Motion made by Trustee Frano:

WHEREAS, the Village received applications to renew the Outdoor Dining Permit for 2021 with no changes from the 2020 application from:

- Tonino's Pizza, 88 Old Riverhead Road
- Joe's American Grill, 240 Montauk Highway
- Brunetti Pizza, 61 Main Street
- Flora Restaurant, 149 Main Street
- Salt & Loft, 145 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 the plans attached to the applicants' 2021 renewal applications.

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

Authorize Renewal of 2021 Outdoor Tables, Chairs and Benches Permit

Motion made by Trustee Tymann:

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

- Beach Bakery Grand Cafe, 112 Main Street
- Goldberg's, 65 Main Street
- Hampton Coffee, 194 Mill Road
- Whitney's Deli, 98 Old Riverhead Road
- Boom Burger, 85 Montauk Highway
- Sydney's Taylor Made Cuisine, 32 Mill Road

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 Deputy Mayor Urban and unanimously approved 3 Ayes 0 Nays

Authorize Renewal of 2021 Outdoor Music Permits

Motion made by Deputy Mayor Urban:

WHEREAS, the Village received applications to renew the Outdoor Music Permits for 2021 with no changes from the 2020 application from:

- Salt & Loft, 145 Main Street
- Beach Bakery, 112 Main Street
- Tonino's Pizza, 88 Old Riverhead Road

WHEREAS, it appears from the Outdoor Music Plans and Planning Board reports that the applications satisfy the conditions of section 196-3(B) of the Village Code; now therefore,

BE IT RESOLVED that the renewal of the Outdoor Music permits is granted subject to the recommendations of the Village Planning Board and 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.
- It shall be the obligation of the applicant 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.
- No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
- This permit shall be in effect from April 15, 2021 to November 15, 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 Trustee Frano and unanimously approved 3 Ayes, 0 Nays

Approve Warrant for March 2021

Motion made by Deputy Mayor Urban:

RESOLVED, that the warrant for March 2021 in the amount of \$315,783.74 for the General Fund and \$15,975.42 for the Capital Fund is hereby approved.

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

Approve Use of Village Property-East End Little League

Motion made by Trustee Frano:

RESOLVED, that East End Little League is hereby authorized to use the Great Lawn from March 1, 2021 through July 1, 2021, Monday through Friday from 4 p.m. to 8 p.m. for games and practices subject to compliance with the restrictions set forth in the NYS Department of Health Interim Guidance for Sports and Recreation dated January 22, 2021.

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

Approve Use of Village Property-Beach Cleanup

Motion made by Trustee Tymann:

RESOLVED, that the All-Long Island Beach Cleanup is hereby authorized to use Rogers and Lashley beaches on Saturday May 15 and Sunday May 16, 2021, anytime from dawn to dusk for a beach wide cleanup project, subject to compliance with the New York State restrictions on Outdoor Activities and Gatherings or the restrictions in effect on the date of the event.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

Approve Use of Village Property-Greater WH Chamber of Commerce

Motion made by Deputy Mayor Urban:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Saturdays starting April 3, 2021 and ending December 18, 2021 from 9:00 a.m. to 1:00 p.m. for the seasonal Farmers Market with the same set up as last year, subject to compliance with the restrictions set forth in the New York State Interim Guidance for the Operation of Farmers' Markets or the restrictions in effect on the date of the event and signage limited to 1 on-site location sign only.

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

Accept Proposal - WHB Business Districts Plan Amendment

Motion made by Trustee Frano:

RESOLVED, that the proposal submitted by Nelson Pope and Voorhis for the preparation of an amendment to the 2017 WHB Business Districts Draft Plan in the amount of \$5,000.00 is hereby accepted.

Seconded by Trustee Tymann as amended and unanimously approved 3 Ayes, 0 Nays

Authorize Commencement of Eminent Domain Proceedings Relating to Easements Required for the Village of Westhampton Beach Sewer System

Motion made by Trustee Tymann:

WHEREAS, the Incorporated Village of Westhampton Beach Sewer System (the "Sewer System") was created November 15, 2017 by the Village Board of Trustees; and

WHEREAS, H2M Architects + Engineers (the "Engineers") have prepared plans for construction of the sewer system facilities, including underground sewer lines, underground lateral sewers and manholes; and

WHEREAS, in order to construct these facilities, the Village has attempted to acquire easements over thirteen (13) properties. Nine (9) landowners have voluntarily granted easements over their properties in large part because of the benefits of the Sewer System to the Village and to their properties. The below listed landowners have refused to grant the requested easements. The properties affected by this proceeding are as follows:

<u>Property Owner(s)</u>	<u>Address</u>	<u>Tax Map Number</u>
Patio Building Condominium Corporation	54 Main Street Westhampton Beach	0905-012.00-03.00-017.000
Rolling Pin, Inc.	112 Main Street, Westhampton Beach	0905-012.00-04.00-053.001
JP Morgan Chase Bank, National Association	154 Main Street, Westhampton Beach	0905-012.00-04.00-043.000

Georgica Pond Associates, LLC 133-135 Main Street, 0905-011.00-02.000-026.000
and 135 Main Street, LLC Westhampton Beach

WHEREAS, due to the layout of the area and the location of the above properties, there are no other possible alternative locations for placement of underground sewer lines, underground lateral sewers and manholes other than on said properties; and

WHEREAS, a public hearing commencing eminent domain proceeding on these easements was held pursuant to Eminent Domain Procedure Law Section 202 on November 5, 2020. Publication and notice to the property owners were duly performed pursuant to the Eminent Domain Procedure Law of the State of New York. None of the above property owners attended the public hearing and addressed the Village Board of Trustees.

NOW, THEREFORE, the Village of Westhampton Beach Board of Trustees, pursuant to its right to exercise Eminent Domain pursuant to Section 401(B) of the Eminent Domain Procedure Law, does hereby authorize and direct the Mayor to retain Esseks, Hefter, Angel, Di Talia & Pasca, LLP, attorneys in the matter, and authorizes said attorneys to commence appropriate proceedings against the above-listed property owners for the acquisition of the needed easements for construction of said facilities. For their services hereunder, the attorneys shall be compensated at the rates set forth in the existing retainer agreement. This Resolution shall take effect immediately.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

Authorize Temporary Placement of Sculpture

Motion made by Deputy Mayor Urban:

WHEREAS, Dan's Papers is sponsoring "Sculp-tour", a temporary installation of sculptures by the artist Hans Van De Bovenkamp throughout certain villages and towns of the east end, and

WHEREAS, the Village of Westhampton Beach has been asked to participate in the Sculp-tour, at no cost to the Village.

RESOLVED, that the Board of Trustees authorizes the temporary placement of a maximum of three sculptures in the Village's downtown area for the months of April through September, 2021.

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

PUBLIC COMMENT

Mayor Moore asked if anyone viewing the meeting wanted to be heard, Mrs. Joan Levan suggested the Board should give a proclamation to Lou Casara from Barth's Pharmacy on behalf of everything he did to get people vaccinated; she also mentioned the WHB Fire Department for their participation. Trustee Tymann agreed that would be a great gesture for all the volunteers who helped. The Board members agreed to do a proclamation for the first in person meeting in the future. The Mayor asked if there was anyone else who wanted to speak, 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 3 Ayes, 0 Nays.

Meeting adjourned at 5:53 pm.

Dated: March 4, 2021

Elizabeth Lindtvit
Village Clerk-Treasurer