

The Board of Trustees of the Village of Westhampton Beach held a Regular Meeting on Thursday May 6, 2021 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 Steve Angel

PUBLIC HEARING:

Special Exception-Change of Use

Motion was made by Deputy Mayor Urban to open the public hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained the change of use from a clothing store to an Administrative Contractors office with no truck parking. Mayor Moore asked Brad Hammond if he had any comments, he stated the applicant would like to have an office in the downtown business district. Deputy Mayor Urban explained that the application was referred to the planning board, Mayor Moore stated they had no objection to the application. The Mayor asked if there were any comments, Trustee Frano stated he had no problem with it as long as they kept to the planning board recommendations. Mayor Moore asked for a motion to close the public hearing, motion made by Trustee Frano, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Motion made by Trustee Frano:

WHEREAS, by Special Exception Permit Application dated and filed on March 10, 2021, James Nicholas Custom Home Builders, LLC., James Aracri (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees to change the use of property located at 11 C Moniebogue Lane, Westhampton Beach, New York, from Retail space to an Administrative Contractor's office; and

WHEREAS, the Board of Trustees referred the application on March 23, 2021 to the Village of Westhampton Beach Planning Board for its recommendation, pursuant to Village of Westhampton Beach Code section 197-63 (I); and

WHEREAS, on April 9, 2021, the Planning Board stated that, based upon its review, it believed that the applicant could comply with the provisions set forth in the Village Code and recommend that the Board of Trustees grant the Special Exception Permit for the change of use to the applicant; and

WHEREAS, pursuant to Village Code section 197-63 (I), following a public hearing on May 6, 2021, the Board of Trustees has the power to approve, disapprove, or approve with conditions an application for a Special Exception Permit for uses that are specifically provided for in Chapter 197; and

WHEREAS, the application is a Type II action under the State Environmental Quality Review Act, so now therefor be it;

RESOLVED that, the applicant's request for a Special Exception Permit to change the use of property located at 11 C Moniebogue Lane, Westhampton Beach, New York, from a Retail space to an Administrative Contractor's Office is hereby approved.

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

Special Exception Application-Additional Tables/Chairs

Mayor Moore asked for a motion to open this public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained the request for additional tables and chairs on the front lawn, she stated this was also referred to the planning board and they had no objection to this request for a total of 8 tables and 25 chairs throughout the property, including the porch seating. Mayor Moore explained this was an annual seasonal permit not a site plan change, Trustee Rubio commented he was good with it if the planning board approved it. Mayor Moore asked if anyone had any comments, there being none she asked for a motion to close the public hearing, motion made by Trustee Frano seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 nays.

Motion made by Trustee Rubio:

WHEREAS, Sydney's Taylor Made Cuisine has applied for additional Outdoor Tables, Chairs and Benches for the 2021 permit season of five (5) tables and thirteen (13) chairs for a total of eight (8) tables and twenty-five (25) chairs pursuant to the provisions of Chapter 196-2 of the Zoning Code of the Village of Westhampton Beach located at 32 Mill Road, Westhampton Beach, SCTM # 905-12-4-50.

WHEREAS, the Board of Trustees referred the application on March 24, 2021 to the Village of Westhampton Beach Planning Board for its recommendation, pursuant to Village of Westhampton Beach Code section 196-4 (F); and

WHEREAS, on April 9, 2021, the Planning Board stated that, based upon its review, it believed that the applicant could comply with the provisions set forth in the Village Code and recommend that the Board of Trustees grant the Special Exception Permit to the applicant; 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 the additional tables and chairs as shown on the site plan submitted with the application, with approval of the extended period of March 1 through December 31, 2021.

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

CDBG Budget Modification for ADA Sidewalk Construction

Mayor Moore asked for a motion to open this public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained this was CDBG monies for after school programs not used by the village for the 2017 and 2018 years, the Board of Trustees agreed to do this budget modification to use this money for sidewalk repairs and installation. This funding will be used for Glovers Lane sidewalks. Elizabeth Lindtvit Clerk-Treasurer explained the money not being used, Mayor Moore asked in anyone had any questions, there being no response motion made by Trustee Frano to close the public hearing seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes the budget modifications for the CDBG programs as below:

Year	Current	Proposed Change	Amended Budget
After School Drop-in Program 2017	\$ 2,790.00	\$ (2,790.00)	\$ -
Education Program 2017	\$ 2,790.00	\$ (2,790.00)	\$ -
Sidewalk Improvements for Accessibility 2021		\$ 5,850.00	\$ 5,850.00

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

Commercial Properties in the B-2 & B-3 Business District

Deputy Mayor Urban made a motion to open the public hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Members of the business district task force present were Susan Rosenberg, Joe Musnicki, Jim Badzik and Jackie Bennett. Discussion started by Mayor Moore regarding the change of proposed uses for the B-2 and B-3 business district based on the update of the master plan by Nelson Pope & Voorhis. Michael Brusseau of NPV and Kyle Collins of KPC planning were in attendance also. Mayor Moore describe the list of possible uses for consideration. This was an informal hearing to review ideas and come up with a proposed plan for changes. When the master plan is ready for finalization there must be a public hearing and a separate public hearing for the law to authorize the changes to the Master Plan; this all needs to have SEQRA review before moving ahead.

Motion made by Deputy Mayor Urban to close the public hearing, 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 April 1, 2021, Special Meeting of April 12, 2021 and Special Meeting of April 14, 2021 are hereby accepted.

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

Accept Departmental Monthly Reports

Motion made by Deputy Mayor Urban:

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

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

Appoint Satty, Levine and Ciacco to Audit 2020-2021 Financial Statements

Motion made by Trustee Frano:

RESOLVED, that the firm of Satty, Levine and Ciacco is appointed to audit the Village of Westhampton Beach’s financial statements for the fiscal year 2020-2021 at a cost of \$25,000.00 from G/L code A1320.4 Auditing and an audit of the Village Justice Court at a cost of \$4,500.00 to be funded from A1110.4 Justice Court Contractual.

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

Appoint 2021 Seasonal Beach Personnel

Motion made by Trustee Rubio:

RESOLVED, that pending the staffing of the Village beaches, the following personnel are hereby appointed to the positions specified below at Rogers and Lashley Beaches for the 2021 season to be funded from A7310.100 Beach Managers, A7310.101 Lifeguards and A7310.103 Beach Attendants, A7180.1 Kitchen Manager, A7180.101 Asst. Kitchen Manager and A7180.102 Kitchen Staff:

Beach Attendants:

Shaun Johnson	Manager	\$29.00
Mike Polan	Assistant Manager	\$21.00
Josh Tuttle	Assistant Manager	\$21.00
Tom Betjemann	Fill-in Assistant	\$19.00
Korey Williams	Fill-in Assistant	\$19.00
Luke Farnan	Sr. Attendant	\$14.00
Emma McAuley	Sr. Attendant	\$13.75
Spencer Moyle	Attendant	\$13.25
James Orłowski	Attendant	\$13.25
Jillian Watson	Attendant	\$13.25
Zach Zaffuto	Attendant	\$13.25
Andrew Mastrole	Attendant	\$13.00
Madilyn Dackow	Attendant	\$12.75
Mia Pazera	Attendant	\$12.50
Josh Kaplan	Attendant	\$12.50

Lifeguards:

James Ridgely	Head Lieutenant	\$23.00
Brian Hunter	Lt. Lifeguard	\$19.25
Frank Loria	Lt. Lifeguard	\$19.25
Timothy McAllister	Lifeguard	\$18.75
Timothy Fencel	Lifeguard	\$16.75

Matthew Fencel	Lifeguard	\$16.25
James Pazzitola	Lifeguard	\$16.25
Alex Williams	Lifeguard	\$15.75
Rory Paltridge	Lifeguard	\$16.00
Ryken Kutner	Lifeguard	\$16.00
Ethan Culhane	Lifeguard	\$16.00
Drew Peters	Substitute Lifeguard	\$18.75
Rob Duca	Substitute Lifeguard	\$18.75

Kitchen:

Mike Harpaul	Food Service Supervisor	\$25.00
John Buckley	Lead Food Service Worker	\$19.00
Marley Kosasih	Lead Food Service Worker	\$19.00
Rachel Torney	Lead Food Service Worker	\$18.00
Jesse Alfano St. John	Food Service Worker	\$13.25
Carter Papagni	Food Service Worker	\$13.25
Trevor Moyle	Food Service Worker	\$13.25
Justin Buonoma	Food Service Worker	\$12.75
Jaiyden Minter	Food Service Worker	\$12.75

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

Appoint 2021 Seasonal Marina Personnel

Motion made by Trustee Tymann:

RESOLVED, that pending the staffing of the Village Marina, Michael Rewinski is appointed as Dock Manager to be compensated at a rate of \$19.50 per hour, Evan Robinson as Dock Attendant to be compensated at a rate of \$13.50 per hour effective May 7, 2021.

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

Appoint 2021 Seasonal Police Officers

Motion made by Deputy Mayor Urban:

RESOLVED, that John Rankin, Jeffrey Platt, Joseph E. Loria and Sabina Constantini are hereby appointed as Seasonal Police Officers in the Police Department at an hourly rate of \$26.00 to work as assigned by the Chief of Police effective May 17, 2021 to be funded from G/L account A3120.104 Seasonal Part Time.

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

Appoint 2021 Seasonal Traffic Control Officers

Motion made by Trustee Frano:

RESOLVED, that Louis Bancroft, Kayla Hannan, Jared Polak, Matthew Meyer and William Krause are appointed as Seasonal Traffic Control Officers to be compensated at a rate of \$15.00 per hour to work as assigned by the Chief of Police effective May 17, 2021 to be funded from G/L account code A3120.109 Traffic Control Officers PS.

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

Appoint 2021 Seasonal DPW Laborers

Motion made by Trustee Rubio:

RESOLVED, that Dylan Kendall and Tye Koslow are hereby appointed as Seasonal Laborers at a rate of \$16.00 per hour in the Department of Public Works to work as assigned by the Public Works Superintendent effective May 17, 2021 to be funded from G/L account A5110.103 Seasonal Part Time.

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

Appoint 2021 Election Inspectors

Motion made by Trustee Tymann:

RESOLVED, that Bonnet Brophy is hereby appointed Chairperson of the Election Inspectors, Thomas Betjemann, Patricia Gonce and Jennie Beck are appointed as Election Inspectors and Carol Matthews is appointed as Poll Clerk and each are to perform the official duties of the Village General Election to be held on Friday June 18, 2021 and are to be compensated at a rate of \$15.00 per hour to be funded from G/L account A1450.1 Elections-Personal Service.

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

Accept Resignation of Employee

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby accepts the resignation of Gennaro DeScalo as Police Officer effective April 16, 2021.

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

Authorize Purchase of Vehicle

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 1 2021 Ford Utility Police Interceptor AWD from Van Bortel Ford under Mini-bid # 6306 at a cost of \$39,682.35 to be taken from G/L account A3120.2 Equipment.

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

Authorize Use of Village Property-Greater WH Chamber of Commerce

Motion made by Trustee Rubio:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Sidewalks on Main Street for the annual "Sidewalk Sale" event on Saturday and Sunday May 15 & 16, 2021 from 10:00 a.m. to 5:00 p.m. with limitations of one (1) clothing rack or table per business, and no blocking of the pedestrian walkways or village sidewalks and follow the NYS COVID19 protocols.

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

Authorize Use of Village Property-Westhampton Beach Elementary School

Motion made by Trustee Tymann:

RESOLVED, that the Westhampton Beach Elementary School is hereby authorized to use Rogers Beach on Monday, June 21, 2021 and a rain date of Tuesday June 22, 2021 from 9:30 a.m. to 2:30 p.m. for the annual 5th Grade Bike to the Beach Day which includes the 5th graders riding their bikes to the beach; due to safety concerns the Board is requesting the students walk their bikes across the bridge and follow NYS COVID19 protocols.

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

Approve Release of Performance Bond – BMB Enterprises, LLC

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees per the recommendation of the Building & Planning Administrator authorizes the release of a performance bond submitted by BMB Enterprises, LLC in the amount of \$14,503.92 which includes interest earned from October 2018 to present; from Trust & Agency account code T36 Performance Bond-BMB Enterprises LLC.

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

Authorize Vehicle Peddling Permit – Soft Ice Cream

Motion made by Trustee Frano:

WHEREAS, Savas Koc has applied to 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 Sava Koc effective May 7, 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 Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Approve Warrant for May 2021

Motion made by Trustee Rubio:

RESOLVED, that the warrant for May 2021 in the amount of \$281,995.38 for the General Fund and \$57,480.55 for the Capital Fund is hereby approved.

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

Accept Proposal for Services

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby accepts a proposal from H2M to provide on an hourly basis, not to exceed \$15,000.00 assistance with the administration of existing grants for the Phase 1 Collection and Conveyance System to SCSD No. 24 to be taken from G/L code A1440.4 Engineering.

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

Authorize Mayor to Sign Contract

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby authorizes the Mayor to sign a Payment Processing Agreement with CSG Forte Payments, Inc. for eTax Website for Automated Clearing House (ACH) processing of Credit and Debit card payments for a one-time set-up fee of \$3,739.90 and a monthly fee of \$55.00 for website hosting to be taken from G/L account A1680.4 Data Processing Contractual.

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

Authorize the Mayor to Execute Any and All Documents Pertaining to the Town of Southampton Community Preservation Fund Water Quality Improvement Program

Motion made by Trustee Frano:

RESOLVED, that the Village of Westhampton Beach hereby authorizes the Mayor or her designee to execute any and all documents pertaining to the 2021 Town of Southampton Community Preservation Fund Water Quality Improvement Program application to support estimated project costs associated with construction of stormwater quality improvements in priority areas of the Village.

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

Authorize the Mayor to Execute Any and All Documents Pertaining to the Town of Southampton Community Preservation Fund Water Quality Improvement Program

Motion made by Trustee Rubio:

RESOLVED, that the Village of Westhampton Beach hereby authorizes the Mayor or her designee to execute any and all documents pertaining to the 2021 Town of Southampton Community Preservation Fund Water Quality Improvement Program application to support project costs associated with facility upgrades at County Sewer District No. 24 at Gabreski Airport. The upgrades are to be completed in accordance with the connection agreement between the Village and the Suffolk County Sewer Agency for the purpose of providing wastewater treatment for the Village of Westhampton Beach Phase I Sewer Collection and Conveyance System.

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

Authorize 2021 Renewal of Shock Outdoor Tables, Chairs/Benches Permit

Motion made by Trustee Tymann:

WHEREAS, Shock Ice Cream has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2021 to place three (3) outdoor tables with attached benches 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 2004 and subject to the same set of conditions and plan attached to the 2021 application. Subject to the Restrictions of the NYS Governor's Executive Order for re-opening.

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

Approve and Ratifying Order to PSEG Long Island and Long Island Power Authority

Motion made by Deputy Mayor Urban:

WHEREAS, the Village of Westhampton Beach was advised by its engineers for the sewer project, H2M Architects + Engineers, that the PSEG Long Island ("PSEG") and Long Island Power Authority ("LIPA") line located between LIPA pole #1 (nw corner of Mill Road and Woodland Avenue) and LIPA pole #6 (on Glovers Lane) is in conflict with the sewer line being installed in the bed of Glovers Lane; and

WHEREAS, the conflict appears to have been caused by PSEG locating the line in the middle of Glovers Lane rather than within the curb as required by the agreed-upon plans; and

WHEREAS, regardless of the fault, New York law provides that where there is a conflict between existing utility lines and a project required by the public health, safety or convenience – like the sewer project – the relocation of the lines must be done at the expense of the utility; and

WHEREAS, time being of the essence, on behalf of the Village, the Mayor issued an Order to PSEG and LIPA directing the relocation of the line on or before May 19, 2021 at no expense to the Village; and

WHEREAS, the Board has reviewed the Mayor's Order and now wishes to confirm, ratify and authorize it.

NOW, THEREFORE, be it resolved that

1. PSEG and LIPA are directed to relocate the utility line between LIPA pole #1 (nw corner of Mill Road and Woodland Avenue) and LIPA pole #6 (on Glovers Lane) on or before May 19, 2021, so that said PSEG and LIPA line is not in conflict with the sewer line, at no expense to the Village;

2. and that the Order dated May 4, 2021 issued on behalf of the Village by the Mayor be and the same hereby is confirmed, ratified and approved.

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

PUBLIC COMMENT

Mayor Moore asked if anyone had any comments, there being no response she asked for a motion to close this meeting. Motion made by Deputy Mayor Urban seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

Meeting adjourned at 6:12 p.m.

Respectfully submitted,

Elizabeth Lindtvit
Clerk-Treasurer