

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, January 6, 2022 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach, NY Via ZOOM webinar.

PRESENT: Mayor Maria Z. Moore
Deputy Mayor Ralph Urban
Trustee Stephen Frano
Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel
ABSENT: Trustee Brian Tymann
Trustee Rob Rubio

PUBLIC HEARINGS:

LL # 1 of 2022 - Adding Chapter 131 "Smoking Prohibitions"

Motion made by Deputy Mayor Urban to open the public hearing, seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays. Mayor Moore asked Village Attorney Steve Angel to explain this law, he explained this was to prohibit smoking around Village owned properties. Mayor Moore commented she felt it was the appropriate thing to do with Cannabis was legalized. The mayor asked if anyone would like to be heard, there being no response the mayor asked for a motion to close the public hearing, motion made by Trustee Frano seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays.

Motion made by Deputy Mayor Urban:

WHEREAS, this Board has advertised a local law enacting the addition of Chapter 131 (Prohibition on Smoking in Public Places) to the Village Code; and

WHEREAS, pursuant to New York Public Health Law (Article 13-E), the State of New York granted the authority to local municipalities, including Villages, to prohibit smoking in certain outdoor areas.

WHEREAS, in 2021, as part of the legalization of cannabis, New York State recognized the negative impacts that marijuana smoke can have to individuals by expanding Article 13-E of New York State Public Health Law (Clean Indoor Air Act) to include cannabis.

WHEREAS, a public hearing was held on January 6, 2022; and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof; and

WHEREAS, after due deliberation the Board of Trustees of the Village of Westhampton Beach deem it in the public interest to prohibit smoking in certain outdoor areas within the Village of Westhampton Beach, now therefore, be it

RESOLVED, that that the Board of Trustees of the Village of Westhampton Beach hereby enacts and adopts Local Law # 1 of 2022, a local law enacting the addition of Chapter 131 (Prohibition on Smoking in Public Places) to the Village Code to prohibit smoking in certain outdoor areas within the Village of Westhampton Beach; and that the Board of Trustees of the Village of Westhampton Beach authorizes the Mayor to sign the local law annexed; and that the Board of Trustees of the Village of Westhampton Beach hereby authorizes the Village Clerk to certify the local law annexed as a true and correct enactment adopted by this Board and to forward it in proper form to the Secretary of State for filing; and be it further

RESOLVED, this Local Law shall be effective immediately upon filing with the Secretary of State of the State of New York.

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

RESOLUTIONS:

Appoint Police Lieutenant

Motion made by Deputy Mayor Urban:

RESOLVED, that Ryan Lucas is hereby appointed as a Provisional Police Lieutenant effective January 7, 2022 and continuing until the administration and the results of the required Civil Service examination, with a semi-monthly salary of \$6,661.01 and in accordance with Suffolk County Department of Civil Service rules and procedures an.

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

Appoint Police Sergeant

Motion made by Trustee Frano:

RESOLVED, that Brian Prescott is hereby appointed to the position of Police Sergeant effective January 7, 2022 with a semi-monthly salary of \$6,174.05 in accordance with Suffolk County Department of Civil Service rules and procedures from Certified Eligible List # 21SR534.

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

Appoint Police Sergeant

Motion made by Trustee Rubio:

RESOLVED, that Andrew O. Kirwin is hereby appointed to the position of Police Sergeant effective January 7, 2022 with a semi-monthly salary of \$6,174.05 in accordance with Suffolk County Department of Civil Service rules and procedures from Certified Eligible List # 21SR534.

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

Authorize Pay Rate Changes

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby authorizes the hourly pay rate change for the School Crossing Guards from \$12.00 per hour to \$14.00 effective January 1, 2022.

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

Accept minutes of Board of Trustees Meeting

Motion made by Trustee Frano:

RESOLVED, that the minutes of the Board of Trustees Meeting of December 2, 2021 are hereby accepted.

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

Accept Departmental reports

Motion made by Trustee Rubio:

RESOLVED, that the Treasurer's report for November 2021, and the Police Department, Building Inspector's and Justice Court reports for December 2021 and are hereby accepted.

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

Schedule 2022 General Village Election

Motion made by Deputy Mayor Urban:

RESOLVED, that the General Election of the Village of Westhampton Beach, New York shall be held on Friday, June 17, 2022 at the Village Hall, 165 Mill Road, Westhampton Beach, New York between the hours of 12 p.m. noon to 9 p.m. prevailing time, and the

offices to be filled are:

Mayor	One (1) for a term of two (2) years
Trustees	Two (2) for a term of two (2) years

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

Approve 2022 Traffic Signal Maintenance Agreement

Motion made by Trustee Frano:

RESOLVED, that the proposal submitted by Johnson Electrical Construction Corporation for the 2022 traffic signal maintenance at a cost of \$765.00 per month is hereby accepted.

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

Approve 2022–2023 Real Property Tax Exemptions

Motion made by Trustee Rubio:

Resolved, that the Board of Trustees hereby approves the taxpayers who qualify under Village Code Chapter 151 Taxation to receive aged exemptions, disabilities with limited income exemptions, clergy exemptions, Veteran exemptions and volunteer ambulance/firefighter exemptions for the 2022/23 tax year.

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

Approve Warrant for January 2022

Motion made by Deputy Mayor Urban:

RESOLVED, that the warrant for January 2022 in the amount of \$340,364.72 for the General Fund and \$939,885.64 for the Capital Fund is hereby approved.

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

Schedule Village Tax Lien Sale – March 15, 2022

Motion made by Trustee Frano:

WHEREAS, from the accounts of unpaid taxes heretofore returned by the Treasurer of the Village of Westhampton Beach, New York, to this Board for the tax year 2021-2022, the taxes still remain due and unpaid after due notice and demand on each of the property owners for the payment of said taxes,

WHEREAS, no action has been commenced to recover said unpaid taxes and no sale, on account of said taxes, has heretofore been held pursuant to law, and therefore let it be

RESOLVED, that such unpaid taxes shall be collected by the sale for taxes as provided in Title 3 of Article 14 of the Real Property Tax Law of the State of New York, as it was in effect on December 31, 1994 pursuant to Article IV of Chapter 161 (Taxation) of the Code of the Village of Westhampton Beach, Chapter 602 of the Laws of 1993, Chapter 154 of the Laws of 2012 and Chapter 512 of the Laws of 2015, and

RESOLVED, that a copy of this resolution, duly certified by the Clerk, shall be transmitted forthwith to the Treasurer of this Village with the account, affidavit and certificate of such unpaid taxes, and that the Village Treasurer, upon receiving such an account of unpaid taxes and a certified copy of this resolution is authorized and directed to cause to be published in the official newspaper of the Village once each week for three successive weeks a list of statement of the real estate upon which such taxes are unpaid, as shown in the tax list, with the amount of the tax, a twenty-five dollar (\$25) advertising fee, interest and charges thereon and also a notice that the tax lien for such unpaid taxes will, on a day subsequent to the expiration of said three weeks, to be determined by said Village Treasurer and specified in said notice, be sold at public

auction at a place in said Village to be designated by said Village Treasurer, to discharge, the tax, twenty-five dollar (\$25) advertising fee, interest and charges aforesaid, which may be due thereon at the time of such sale, and that said Village Treasurer, at the time and place specified in said notice, proceed with the sale of the tax lien for such unpaid taxes, as above set forth, and continue at the same from day to day until the sale is completed.

RESOLVED, that in all cases where no bid shall be made on a Tax lien so offered for sale for amount sufficient to pay the said tax, fees, interest and charges, the said tax lien shall be deemed to have been sold to and purchased by the said Village of Westhampton Beach, New York.

BE IT FURTHER RESOLVED, that all remaining unpaid taxes for the year 2021-2022 shall be collected by Public Sale to be held on Tuesday, March 15 2022, at 10:30 a.m. in the Office of the Village Clerk-Treasurer and such unpaid taxes be advertised in the Southampton Press issues dated February 24, 2022, March 3, 2022 and March 10, 2022, in accordance with the statutory law.

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

Authorize Payment of Damages

Motion made by Trustee Rubio:

WHEREAS a village resident suffered an injury to his left foot by stepping on a nail on the boardwalk entrance at Rogers Beach on August 16, 2021; and

WHEREAS, the Village has been presented with a request by this resident for a reimbursement of the costs he incurred as a result of his injury in the total amount of \$808.74; and

WHEREAS this resident submitted extensive documentation to the Village Clerk verifying the injury and the costs incurred as a result of said injury; and

WHEREAS, said request submitted to the Village Clerk substantially conforms to the requirements set forth in Section 50-e of the NYS General Municipal Law; and

WHEREAS the Village Board finds that it is in the best interest of the Village to reimburse this resident his costs for the injury he suffered to his left foot on August 16, 2021 in return for a general release.

NOW, THEREFORE, be it RESOLVED,

1. That the Board of Trustees hereby authorize the payment of \$808.74 to this resident as reimbursement of the costs incurred by him as a result of an injury to his left foot on August 16, 2021 on the boardwalk entrance at Rogers Beach, in the Village of Westhampton Beach; and
2. That issuance of the above authorized payment is conditioned on this resident signing a general release in form suitable to the Village Attorney, accepting such payment in full satisfaction of any and all claims.

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

Authorize Payment of 2020/21 Assessment Roll Correction

Motion made by Deputy Mayor Urban:

RESOLVED, the Board of Trustees hereby authorizes payment of 2021/22 tax year property tax reduction in the amount of \$1,986.72 to the property owner specified by the NYS Supreme Court as a settlement of Small Claims.

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

Authorize ADP Time Management System

Motion made by Trustee Frano:

RESOLVED, the Board of Trustees hereby authorizes the mayor to sign an agreement with ADP for a Time Management System for time and attendance tracking at a monthly cost not to exceed \$300.00 per month for the Village Staff and Public Works employees.

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

Accept Proposal - Upgrade Radios

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby accepts the proposal from Motorola Solutions under NYS Contract PT68722 in the amount of \$11,603.40 for the upgrade of the older Motorola radios to be taken from G/L account code A3120.2 Police Equipment.

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

PUBLIC COMMENT: NONE

Motion made by Trustee Frano to close the meeting seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Meeting adjourned at 5:32 p.m.

Elizabeth Lindtvit
Village Clerk