

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, November 3, 2022, at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach, NY.

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

PUBLIC HEARING:

Mayor Moore asked for a motion to open the public hearing for a Special Exception application filed by WH Equity Group LLC, formerly Patio Gardens III); motion made by Trustee Rubio seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mr. James Hulme, the attorney for the applicant, gave a presentation with drawings of the application for multi-family housing units on Montauk Highway between Old Riverhead Road and Depot Road. Ms. Terry Macintee stepped to the podium stating she was concerned about the landscaping, stating it is so huge and will look like Queens, she asked the board to put it someplace else, so it is not smack in your face when you enter the village. Mr. Hulme stated it is the same character and size as the Patio Villas to the north. Trustee Tymann asked about the landscaping and the type of trees. Anne Smalley from 27 Brittany Lane, took to the podium and stated she had many issues with this application starting with overcrowding, referring to the development outside the village and the traffic on Montauk Highway. Ms. Audrey Sala, Evelyn Court spoke about her concern when the train comes in, too much traffic. The mayor informed the audience this public hearing will be held over to the December meeting. Mrs. Alberta Miller of Patio Villas commented about the traffic issue and the trees. Mayor Moore asked for a motion to hold open this public hearing, motion made by Trustee Tymann, seconded by Deputy Mayor Urban 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 6, 2022, 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 Justice Court, Police Department and Building Department reports for September 2022 and Treasurer's Report for August and September 2022 are hereby accepted.

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

Approve Warrant for November 2022

Motion made by Trustee Frano:

RESOLVED, that the warrant for November 2022 in the amount of \$300,706.97 for the General Fund and \$125,138.95 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 \$18,000.00 plus reimbursement of any certified expenses that may exceed said fee, for the time November 1, 2022, through October 31, 2023.

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

Authorize Use of Village Property-East End Hospice

Motion made by Trustee Tymann:

RESOLVED, that East End Hospice is hereby authorized to use the Village Green on Sunday, December 4, 2022, for the annual Tree of Lights Memorial Service from 2:00 p.m. until 4:00 p.m.

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

Authorize Use of Village Property- Chamber of Commerce – Winter Fest

Motion made by Deputy Mayor Urban:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green for a themed winter fest with the annual Christmas tree and Menorah lighting, on Saturday December 10, 2022, from 2:30 p.m. to 6:30 p.m.

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

Authorize Use of Village Property-HUGS, Inc.

Motion made by Trustee Frano:

RESOLVED, that HUGS, Inc. is hereby authorized to use Rogers Beach from November 21, 2022, to January 6, 2023, to set up a community holiday tree to serve as a backdrop for Westhampton Beach patrons to visit and take pictures.

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

Authorize Employees to Attend Training Course

Motion made by Trustee Rubio:

RESOLVED, that Sgt. Andrew Kirwin, and Police Officers Joseph Loria, Mackenzie Buckley and Nicholas Tyson are hereby authorized to attend a Street Cop Training Seminar "NY Case Law That All Cops Need to Know" in Harrison New York on December 5, 2022. Registration fee of \$199.00 per person and travel expenses not to exceed \$100.00 to include gas and tolls to be taken from G/L account code A3120.415 Training.

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

Authorize Survey and Title Report

Motion Made by Trustee Tymann:

WHEREAS, the Village is the owner of a parcel of real property on Percy Street in Westhampton (900-354-4-119); and

WHEREAS, an adjoining owner may assert a claim concerning the parcel; and

WHEREAS, the Village has consulted with the Village attorney regarding this potential

claim, and the Village attorney has requested a survey and title report for the parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby accepts the proposal from Fox Land Surveying in the amount of \$2,400.00 for an Existing Conditions Survey, and the Village attorney is authorized to obtain a title report for the property from New York Title at the Village’s expense to be funded from G/L account code A1440.4 Engineering and Surveying.

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

Appoint Village Deputy Treasurer

Motion made by Deputy Mayor Urban:

RESOLVED, that Jeannine Conte is hereby appointed as the Village Deputy Treasurer for a term expiring on June 30, 2024.

Seconded by Trustee Frano and unanimously approved 3 Ayes 1 Nay

Authorize Building Department Reserve Fund

Motion made by Trustee Frano:

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Board of Trustees does hereby establish a Capital Reserve Fund to finance the cost of the acquisition of equipment for the Village Building Department. The fund is to be known as the “Building Department Equipment Reserve Fund of the Village of Westhampton Beach.” That out of the surplus moneys of the Village now on hand for the year 2021/2022 and not otherwise appropriated, the sum of \$50,000.00 be and the same hereby is appropriated for the “Building Department Equipment Reserve Fund of the Village of Westhampton Beach.”

The Mayor is hereby directed to transfer from the surplus funds of the Village the sum of \$50,000.00 to the capital reserve fund and to deposit the moneys of this reserve fund in a separate bank account to be known as the “Building Department Equipment Reserve Fund of the Village of Westhampton Beach.”

Additional sums may hereafter be appropriated and shall become part of the fund. The Mayor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 11 of the General Municipal Law. No expenditure shall be made except upon authorization of this Board pursuant to Section 6-c of the General Municipal Law.

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

Appoint Consultants

Motion made by Trustee Rubio:

WHEREAS, as part of the Sewer System Project, 13 easements over private properties had to be acquired, and one property owner, The Patio Building Condominium Corporation, filed a claim for damages with the Supreme Court; and

WHEREAS, as part of the defense of this claim for damages, the Village attorneys have engaged H2M Architects + Engineers as consultants.

NOW, THEREFORE, BE IT RESOLVED, that the Village attorney is authorized to retain H2M Architects + Engineers pursuant to the hourly rates set forth in the proposal, at the Village’s expense to be charged to the H9900 Sewer Capital Fund.

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

Authorize Change Order for Sewer System Construction

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves change order # 5 for Thomas Novelli Contracting Corporation in the amount of \$13,295.24 for the removal of curb, sidewalk, asphalt, excavation and backfill of a trench for PSEG to relocate an underground electric line on Glovers Lane, to be charged to the Capital Fund account H9900 Sewer District.

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

Authorize Change Order for Sewer System Construction

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby approves change order # 6 for Thomas Novelli Contracting Corporation in the amount of \$1,700.00 for the installation of an additional gravity sewer house connection at 54 Main Street, to be charged to the Capital Fund account H9900 Sewer District.

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

Authorize Change Order for Sewer System Construction

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby approves change order # 7 for Thomas Novelli Contracting Corporation in the amount of \$210,198.55 for the installation ADA ramps, sidewalks and curbs on Moniebogue Lane, Hulse Court and Glovers Lane, to be charged to the Capital Fund account H9900 Sewer District.

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

Authorize Change Order for Sewer System Construction

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby approves change order # 8 for Thomas Novelli Contracting Corporation in the amount of \$21,614.15 for the modifications to the Drainage System F in the Mill Road parking lot and additional depth added to Drainage System C in the Chamber of Commerce parking lot, to be charged to the Capital Fund account H9900 Sewer District.

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

Authorize Change Order for Sewer System Construction

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves change order # 9 for Thomas Novelli Contracting Corporation in the amount of \$55,062.03 for the replacement of a cesspool at 8 Mitchell Road, and demobilization and remobilization of the gravity sewer installation in the Parlato Drive parking lot, to be charged to the Capital Fund account H9900 Sewer District.

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

Approve Standard Workdays for Elected and Appointed Officials

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees of the Village of Westhampton Beach, Location code 40268, hereby establishes the attached list as standard workdays for its employees and will report days worked to the NY State & Local Retirement System

based on the time keeping system or the record of activities maintained and submitted by these members. The standard workday will be a minimum of 6 hours for all classes of employees including elected and appointed officials.

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

Authorize Purchase of Equipment – Police Department

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 2 Raptor RP-1 Dual Directional K-Band Antennas in the amount of \$3,217.82 to be taken from G/L account A3120.2 Equipment.

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

Authorize Property Appraisal for Park Fee Determination

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees approves the Planning Board’s retention of Patricia Parsons to appraise the Nikolaides Property (36 Hazelwood Avenue, SCTM 905-6-1-11.4) in connection with the Planning Board’s determination of the applicable park fee, as required by 150-11.B of the Village Code, at a cost of \$1,500 as set forth in Ms. Parsons’ November 1, 2022 proposal, said fee to be paid from A1440.4 Engineering and Surveys, the cost of which is to be reimbursed by the applicant prior to the finalization of the subdivision.

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

PUBLIC COMMENT:

Mrs. Joan Levan asked if the sculptures on the Great Lawn would ever be removed, Mayor Moore stated it is in the works. Mayor Moore asked if there was anyone else in the audience who would like to speak, there being no response Mayor Moore asked for a motion to go into Executive Session and then close the meeting, motion made by Deputy Mayor Urban, seconded by Trustee Rubio, and unanimously approved 4 Ayes, 0 Nays.

Meeting adjourned at 6:20 p.m.

Elizabeth Lindtvit
Village Clerk