

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, January 5, 2023 at 5:00 P.M.**

PUBLIC HEARINGS:

CONTINUATION- Special Exception Application – WH Equity Group LLC, (formerly Patio Gardens III)

LL # 1 of 2023 - Chapter 161 – Taxation

LL # 2 of 2023 - Chapter 196-4 – Outdoor Dining

LL # 3 of 2023 – Chapter 178-40 – Vehicles and Traffic

RESOLUTIONS:

1. Appoint Provisional Police Sergeant
2. Accept minutes of Board of Trustees Meeting
3. Accept Departmental Reports
4. Accept Employee Retirement
5. Schedule 2023 General Village Election
6. Authorize 2023-2024 Budget Modification
7. Approve Warrant for January 2023
8. Schedule Village Tax Lien Sale – March 15, 2023
9. Declare and Approve Sale of Village Surplus Vehicles
10. Authorize Use of Village Property-Musical Mime Co., Inc.
11. Authorize Purchase of Equipment – Street Lighting
12. Authorize Employee to Attend Construction Trade Show 2023 Conference
13. Authorize Village Attorneys for Article 78
14. Adopt LL # 1 of 2023 - Chapter 161 – Taxation
15. Adopt LL # 2 of 2023 - Chapter 196-4 – Outdoor Dining
16. Adopt LL # 3 of 2023 – Chapter 178-40 – Vehicles and Traffic

PUBLIC COMMENT

**Village Of Westhampton Beach
Board of Trustees Meeting
Thursday, January 5, 2023 at 5:00 P.M.**

PUBLIC HEARINGS:

CONTINUATION- Special Exception Application – WH Equity Group LLC, (formerly Patio Gardens III)

LL # 1 of 2023 - Chapter 161 – Taxation

LL # 2 of 2023 - Chapter 196-4 – Outdoor Dining

LL # 3 of 2023 – Chapter 178-40 – Vehicles and Traffic

RESOLUTIONS:

1. Appoint Police Sergeant

RESOLVED, that Kevin Klokkel is hereby appointed to the position of Provisional Police Sergeant effective January 1, 2023 with a semi-monthly salary of \$6,328.40 in accordance with Suffolk County Department of Civil Service rules and procedures.

2. Accept minutes of Board of Trustees Meeting

RESOLVED, that the minutes of the Board of Trustees Meeting of December 1, 2022 are hereby accepted.

3. Accept Departmental Reports

RESOLVED, that the Treasurer's Report, the Police Department, Building Inspector's and Justice Court reports for November 2022 are hereby accepted.

4. Accept Employee Retirement

RESOLVED, that the Board of Trustees hereby regretfully accepts the retirement of Jeffrey Platt as Police Officer effective December 30, 2022.

5. Schedule 2023 General Village Election

RESOLVED, that the General Election of the Village of Westhampton Beach, New York shall be held on Friday, June 16, 2023 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:

Trustees Two (2) for a term of two (2) years

6. Authorize 2023-2024 Budget Modification

RESOLVED, that the Board of Trustees hereby authorizes the increasing of Revenue account A2680 Insurance Recoveries in the amount of \$5,282.21 and increasing the Budget account A3120.402 Police Department Equipment Repair in the amount of \$5,282.21 for the repair of a damaged vehicle.

7. Approve Warrant for January 2023

RESOLVED, that the warrant for January 2023 in the amount of \$1,153,939.90 for the General Fund and \$50,115.02 for the Capital Fund is hereby approved.

8. Schedule Village Tax Lien Sale – March 21, 2023

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 2022-2023, 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 2022-2023 shall be collected by Public Sale to be held on Friday, March 10, 2023, 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 23, 2023, March 2, 2023 and March 9, 2023, in accordance with the statutory law.

9. Declare and Approve Sale of Village Surplus Vehicles

RESOLVED, that the Village owned 2013 Chevrolet Tahoe used by the Police Department, VIN # 1GNSK2E00DR283645 and the 2013 Chevrolet Tahoe VIN # 1GNSK2E06DR284198 are hereby declared surplus and obsolete for Village purposes; and be it further

RESOLVED, that the Superintendent of the Department of Public Works is hereby authorized to publicize the items for sale on GovDeals and to dispose of any items that may remain unsold after the auction period has closed.

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

RESOLVED, that the Musical Mime Co., Inc. is hereby authorized to use the Great Lawn on Tuesday July 25, 2023 through Sunday July 30, 2023 from 8:00 p.m. to 10:30 p.m. for an "Evening of Music, Ballet, Opera and Theatre" performance with set-up starting on July 25, 2023 and take down starting on Sunday July 30, 2023, subject to receipt of required fees and insurance and also subject to an enhanced lighting plan for the parking area and restroom facilities.

11. Authorize Purchase of Equipment – Street Lighting

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 30 LED Post Top Mounts from Best LED Group from Town of Babylon contract # 22G79 in the amount of \$13,800.00 to be taken from G/L account A5182.421 Street Lighting Materials.

12. Authorize Employee to Attend Construction Trade Show 2023 Conference

RESOLVED, that Superintendent of Public Works Matthew Smith and Highway Crew Leader Lee Kearns are hereby authorized to attend the CONEXPO-CON/AGG 2023 in Nevada from March 14 to March 18, 2023 at a cost of not more than \$2,000.00 for travel expenses, \$1,358.00 for conference registration and training classes, and not to exceed \$1,000.00 for lodging from G/L account code A5110.2 Equipment.

13. Authorize Village Attorneys for Article 78

RESOLVED that the Village Attorneys, Esseks, Hefter, Angel, Di Talia & Pasca, LLP, are hereby authorized to represent the Village's Zoning Board of Appeals in the CPLR Article 78 proceeding entitled "Egret Dune Corporation v. Zoning Board of Appeals of the Village of Westhampton Beach" brought in New York State Supreme Court under Index Number 208044/2022, at the hourly municipal rate schedule for special services set forth in the Village Attorneys' retainer letter dated August 14, 2014.

14. Adopt LL # 1 of 2023 - Chapter 161 – Taxation

WHEREAS, a public hearing was held before the Board of Trustees at Village Hall, 165 Mill Road, Westhampton Beach on January 5, 2023 at 5:00 pm to consider amending Chapter 161 of the Code of the Village of Westhampton Beach in order to increase the maximum income exemption eligibility level for granting partial exemptions from real property taxes for persons sixty-five and over, and persons under disability; and

NOW, THEREFORE, be it resolved that after due deliberation, the Board of Trustees hereby adopts Local Law 1/2023 as advertised, and the Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State and that the Board of Trustees hereby approves the taxpayers who qualify under Village Code Chapter 161 Taxation to receive aged exemptions, disabilities with limited income exemptions, clergy exemptions, Veteran exemptions and volunteer ambulance/firefighter exemptions for the 2023/24 tax year.

15. Adopt LL # 2 of 2023 - Chapter 196-4 – Outdoor Dining

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 5th day of January 2023 to amend Chapter 196 entitled, "Outdoor Dining, Outdoor Tables, Chair and Benches and Music" of the Code of the Village of Westhampton Beach; and

WHEREAS, the Building & Zoning Department has found the proposed amendment to be a Type II action under 6 NYCRR 617.5 (c)(21) (SEQR) without the need for further environmental review.

NOW THEREFORE BE IT RESOLVED, that after due deliberation the Board of Trustees of the Village of Westhampton Beach hereby adopts the Local Law as advertised; and be it further

RESOLVED, the Village Clerk is hereby directed to enter said Local Law in the records of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

16. Adopt LL # 3 of 2023 – Chapter 178-40 – Vehicles and Traffic

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 5th day of January 2023 to amend Chapter 178 entitled, "Vehicles and Traffic" of the Code of the Village of Westhampton Beach; and

WHEREAS, the Building & Zoning Department has found the proposed amendment to be a Type II action under 6 NYCRR 617.5 (c)(22) (SEQR) without the need for further environmental review.

NOW THEREFORE BE IT RESOLVED, that after due deliberation the Board of Trustees of the Village of Westhampton Beach hereby adopts the Local Law as advertised; and be it further

RESOLVED, the Village Clerk is hereby directed to enter said Local Law in the records of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

Dated: January 5, 2023

Elizabeth Lindtvit
Village Clerk-Treasurer