

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, January 5, 2023 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach.**

PRESENT: Mayor Maria Z. Moore  
Deputy Mayor Ralph Urban  
Trustee Stephen Frano  
Trustee Brian Tymann  
Trustee Rob Rubio

Clerk-Treasurer Elizabeth Lindtvit  
Village Attorney – Stephen Angel

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**PUBLIC HEARINGS:**

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**Special Exception Application-WH Equity Group-CONTINUATION**

Motion made by Deputy Mayor Urban to open the public hearing, seconded by Trustee Frano, and unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked Mr. Hulme to speak about the Board's concerns from the last meeting, regarding the affordable units and some issues concerning the entrance. Mr. Hulme explained that access on Depot Road was moved to the north, the square footage of the affordable units was increased and some additional green space was added. Trustee Tymann asked about the entrance and exit on Montauk Highway, exiting right turn only. Mayor Moore stated she appreciated the changes made for the affordable units, she asked Trustee Frano is he was satisfied with the changes made to the entrance and exit on Depot Road, he stated he was satisfied. The Board thanked Mr. Hulme. The mayor asked if anyone in the audience wanted to speak, Linda Dempsey asked about the traffic on Depot Road, Trustee Frano stated he felt the fire truck would be able to access the property. Ms. Anne Smalley talked about changing the speed limit on Depot Road because of speeding to make a train or bus. She also talked about the over building in the village, she toured the Country Pointe construction site, stating there have been no houses sold, her point is that the sales in the village are going down and not selling. Beverly Daniel stepped to the podium asking the Board how to restrict the development when she stated the Board was in bed with the developer. Is there a requirement that the village limit the development of land? She spoke about the traffic on Depot Road, she asked if the board had a way to make them complete the project. Mayor Moore stated that the project is allowed, it is zoned multifamily. A performance bond may secure completion of the project. Trustee Frano made a motion to close the public hearing, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

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**LL # 1 OF 2023 – CHAPTER 161-TAXATION**

Mayor Moore asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano, and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained that NYS passed a law to raise the income limit for Senior Citizen Exemptions to \$50,000.00 from \$29,000.00. The Village would like to make a comparable change to the Village Code, the Town of Southampton is making the change also. Mayor Moore asked if the Board had any questions, there being none she asked for a motion to close the public hearing, motion made by Trustee Tymann, seconded by Deputy Mayor Urban, and unanimously approved 4 Ayes, 0 Nays.

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**LL # 2 OF 2023 – CHAPTER 196-4 OUTDOOR DINING**

concerns regarding the blind curve at the intersection of Brook Road and Griffing Avenue. The Mayor stated the DPW Superintendent and Village Engineer Ron Hill have looked in to this issue and determined that a 4 way stop at the intersection is appropriate. Trustee Tymann stated he was a fan of the idea, Trustee Rubio stated he had no objections to the stop sign. Mayor Moore asked if anyone had any comments, then she asked for a motion to close the public hearing. Motion made by Trustee Rubio, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

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## **RESOLUTIONS**

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### **Appoint Police Sergeant**

Motion made by Trustee Frano:

RESOLVED, that Kevin Klokel 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.

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

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### **Accept minutes of Board of Trustees Meeting**

Motion made by Trustee Tymann:

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

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

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### **Accept Departmental reports**

Motion made by Deputy Mayor Urban:

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

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

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### **Accept Employee Retirement**

Motion made by Trustee Frano:

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

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

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### **Schedule 2023 General Village Election**

Motion made by Trustee Rubio:

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

\$5,282.21 for the repair of a damaged vehicle.

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

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### **Approve Warrant for January 2023**

Motion made by Trustee Rubio:

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 are hereby approved.

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

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### **Schedule Village Tax Lien Sale – March 21, 2023**

Motion made by Deputy Mayor Urban:

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WHEREAS, from the accounts of unpaid taxes heretofore returned by the Village Clerk Treasurer of the Village of Westhampton Beach, New York, to this Board for the tax year 2022-2023, the taxes 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 Village Clerk Treasurer, shall be transmitted forthwith to the Village Clerk Treasurer of this Village with the account, affidavit and certificate of such unpaid taxes, and that the Village Clerk 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 Clerk Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Clerk 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 Clerk 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.

**Declare and Approve Sale of Village Surplus Vehicles**

Motion made by Trustee Frano:

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.

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

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

Motion made by Trustee Rubio:

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.

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

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**Authorize Purchase of Equipment – Street Lighting**

Motion made by Trustee Tymann:

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.

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

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**Authorize Employee to Attend Construction Trade Show 2023 Conference**

Motion made by Deputy Mayor Urban:

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.

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

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**Authorize Village Attorneys for Article 78**



**Adopt LL # 1 of 2023 - Chapter 161 – Taxation**

Motion made by Trustee Rubio:

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.

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

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

Motion made by Trustee Tymann:

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the fifth 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.

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

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

Motion made by Deputy Mayor Urban:

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

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

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**PUBLIC COMMENT: NONE**

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

Meeting adjourned at 5:59 p.m.

  
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Elizabeth Lindtvit  
Village Clerk