

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, April 6, 2023 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach.

PRESENT: Mayor Maria Z. Moore
Deputy Mayor Ralph Urban
Trustee Rob Rubio

ABSENT: Trustee Stephen Frano

ABSENT: Trustee Brian Tymann

Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel

PUBLIC HEARINGS

2023-2024 Budget Hearing

Mayor Moore asked for a motion to open the public hearing, motion made by Trustee Rubio, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays. The Mayor read a brief statement and asked if anyone in the audience had any comments or questions; Mrs. Joan Levan asked if there were any major changes since the budget meeting last week, the Mayor responded NO, and went on to say she had a change requested by the Police Chief to increase the Police Department Salary line A3120.100 by \$15,000.00 and lower the A1990 Contingent by \$15,000.00. The mayor made this motion and asked for a second, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays. Mrs. Levan asked if the bottom line was the same, Mayor replied yes bottom line stayed the same. Motion made by Deputy Mayor to close the public hearing, seconded by Trustee Rubio, and unanimously approved 3 Ayes, 0 Nays.

Motion made by Deputy Mayor Urban:

WHEREAS, the Village Clerk-Treasurer has presented to the Board of Trustees a Tentative Budget in compliance with the requirements of Section 5-508(1) Village Law; and

WHEREAS, the Trustees have had a chance to review said budget and to conduct a public hearing on the Tentative Budget in accordance with Section 5-508(1) on April 6, 2023; and therefore, be it

RESOLVED, that without further change, alteration, or additions, the Board of Trustees hereby adopts the 2023-2024 fiscal year Tentative Budget as amended at the April 16, 2023 meeting as the Adopted Budget.

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

RESOLUTIONS

Appoint Police Lieutenant

Motion made by Mayor Moore:

RESOLVED, that Ryan Lucas is hereby appointed as a Police Lieutenant from Civil Service List # 23SR211 effective March 6, 2023 in accordance with Suffolk County Department of Civil Service rules and procedures.

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

Accept minutes of Board of Trustees Meeting

Motion made by Trustee Rubio:

RESOLVED, that the minutes of the Board of Trustees Meeting of March 2, 2023 and Special Meeting of March 15, 2023 are hereby accepted.

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

Accept Departmental Monthly Reports

Motion made by Deputy Mayor Urban:

RESOLVED, that the Treasurer’s report, Justice Court, Police Department’s, and Building Inspector’s reports for February 2023, are hereby accepted.

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

Authorize Use of Village Property-Greater Westhampton Chamber of Commerce

Motion made by Mayor Moore:

RESOLVED that the Board of Trustees hereby authorizes an additional event for the Greater Westhampton Chamber of Commerce to use Glovers Park on Saturday April 22, 2023 from 11:00 a.m. to 4:00 p.m. with set-up at 9:00 am and break-down from 5:00 for a petting zoo and children’s activities for the Spring Festival.

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

Authorize Use of Village Property-Westhampton Free Library

Motion made by Trustee Rubio:

RESOLVED, that the Westhampton Free Library is hereby authorized to use two parking spaces in the Village Municipal Parking Lot located at 35 Mill Road on Saturday May 20, 2023 from 8:30 am to 11:30 am to promote affordable home internet access and various online Library services.

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

Authorize Renewal of 2023 Outdoor Tables, Chairs and Benches Permits

Motion made by Deputy Mayor Urban:

WHEREAS, the Village received applications to renew the Outdoor Tables, Chairs and Benches Permit for 2023 with no changes from the 2022 applications from:

- Beach Bakery, 112 Main Street (13 Tables/28 Chairs & 3 Village Benches)
- Goldberg's Famous, 65 Main Street (4 Tables/16 Chairs)
- Shock Ice Cream, 99A Main Street (3 picnic tables w/attached benches & one child size table)

WHEREAS, there were no incidents or reports filed with the Police Department concerning said uses; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plans, subject to the same set of conditions recommended by the Village Planning Board and plans attached to the applicants’ 2022 renewal applications.

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

Authorize 2023 Renewal of Outdoor Music

Motion made by Mayor Moore:

WHEREAS, North Fork Roasting Co. has applied to renew the 2023 Outdoor Music Permit to place one (1) musician by removing one (1) table and three (3) chairs as recommended by the Village Planning Board and depicted on the site plan submitted with the application pursuant to §196-3 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

BE IT RESOLVED that the application for an Outdoor Music permit is granted subject to the following conditions:

1. The requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.
2. It shall be the obligation of North Fork Roasting Co. that the public sidewalk is not obstructed.
3. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
4. This permit shall be in effect from May 1, 2023 to October 31, 2023, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 196-4(A) of the Village Code for future outdoor music beyond such expiration date.

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

Authorize 2023 Renewal of Outdoor Music Permits

Motion made by Trustee Rubio:

WHEREAS, Beach Bakery Café, Shock Ice Cream and Ivy on Main have applied to renew the 2023 Outdoor Music Permits pursuant to §196-3 of the Village Code; and

WHEREAS, it appears from the Outdoor Music Plan and Planning Board report that the application satisfies the conditions of section 196-3(B) of the Village Code; now therefore,

BE IT RESOLVED that the renewal of the Outdoor Music permits are granted subject to the recommendations of The Village Planning Board and the following conditions:

1. The requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.
2. It shall be the obligation of the applicant that the public sidewalk is not obstructed and that no structures shall be placed on Main Street, preventing the use of any parking spaces.
3. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
4. This permit shall be in effect from May 1, 2023 to October 31, 2023, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 196-4(A) of the Village Code for future outdoor music beyond such expiration date.

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

Authorize Renewal 2023 Outdoor Sales and Displays Permit - Shock for Kids

Motion made by Deputy Mayor Urban:

WHEREAS, by Outdoor Sales Application filed on March 20, 2023, Elyse Richman as Shock for Kids (hereinafter, the “applicant”) requested a permit for Outdoor Sales and Displays from the Board of Trustees for the placement of three (3) child size mannequins on the North East corner of the property, setback a minimum of 30” from the Village Right of Way as depicted on the survey and picture attached to the application; at 99 Main Street, Westhampton Beach, New York, SCTM numbers: 905-11-2-20.3; and

WHEREAS, the Board of Trustees referred the application to the Village of Westhampton Beach Planning Board for its recommendation, pursuant to Village of Westhampton Beach Code section 140-.2 (B) 6; and the Planning Board stated that, based upon its review, it had no objection to the three (3) child size mannequins which will be removed in November 2023 and it is hereby;

RESOLVED that, the applicant’s request for an Outdoor Sales/Display Permit for three (3) child size mannequins on the Northeast corner of the property, setback a minimum of thirty” from the Village Right of Way as depicted on the survey and picture attached to the application is hereby approved.

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

Authorize 2023 Renewal for Outdoor Sales and Displays Permit - Collect

WHEREAS, Leif Neubauer, tenant of the premises known as Collect, located at 83D Main Street, Westhampton Beach (SCTM 0905-11-2-10), has applied for a 2023 renewal permit for Outdoor Sales and Displays pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, and

WHEREAS, there were no substantiated incidents or reports filed concerning said use; now therefore be it,

RESOLVED that the application for an Outdoor Sales and Displays permit for 2023 is granted subject to the following conditions set forth in section 140-2(A):

1. Pursuant to the Planning Board’s report, there can be no placement of signs or any items which reflect signage, and all items must be placed a minimum of thirty” from the Village right of way.
2. No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees.
3. This permit shall be in effect to November 15, 2023, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 140-2(B) of the Village Code for future outdoor displays beyond such expiration date.

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

Authorize Unreserved Fund Balance Transfer

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby approves the transfer of \$500,000 from the 2021-2022 unreserved fund balance to increase the 2022-2023 A867 Reserve for Employee Benefits Account.

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

Authorize Unreserved Fund Balance Transfer

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby approves the transfer of \$500,000 from the 2021-2022 unreserved fund balance to increase the 2022-2023 H9905 STP Upgrade Project.

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

Authorize Unreserved Fund Balance Transfer

Motion made by Mayor Moore:

RESOLVED, that the Board of Trustees hereby approves the transfer of \$3,500,000.00 from the 2021-2022 unreserved fund balance to increase the 2022-2023 H9900 Sewer District Capital Project budget.

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

Authorize Budget Transfer

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorizes a budget transfer in the amount of \$107,723.14 from G/L Account Code A688 Other Liabilities ARPA Funds to G/L Account Code H9900 Sewer System Capital Project for post-sewer installation reconstruction of the south parking lot behind Main Street.

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

Authorize Employees to Attend Training Course

Motion made by Deputy Mayor Urban:

RESOLVED, that Police Sergeant Andrew Kirwin and Police Chief Steven McManus are hereby authorized to attend the State of New York's "Marine Law Enforcement Training Program" in Lake George from Sunday April 30, 2023 to Friday May 5, 2023, travel expenses not to exceed \$500.00 to include gas and tolls from G/L account code A3120.415 Training.

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

Authorize Employees to Attend Training Course

Motion made by Mayor Moore:

RESOLVED, that Police Sergeant Andrew Kirwin and Police Chief Steven McManus are hereby authorized to attend the State of New York's "Marine Patrol Vessel Operator's Course" in Lake George from Sunday May 7, 2023 to Friday May 12, 2023, travel expenses not to exceed \$500.00 to include gas and tolls from G/L account code A3120.415 Training.

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

Authorize Employees to Attend Training Course

Motion made by Trustee Rubio:

RESOLVED, that Police Officer Mark Yakaboski is hereby authorized to attend the Law Enforcement Active Shooter Emergency Response course in Rockland County from Monday April 17, 2023 to Thursday April 20, 2023, travel expenses not to exceed \$750.00 to include lodging, gas, tolls, and meals from G/L account code A3120.415 Training.

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

Authorize Stormwater Management Program Services

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby authorizes D & B Engineers and Architects, P.C. to prepare the 2023 SWMP Annual Report and additional services for the 2023 Annual Storm Water Management Program at a cost not to exceed \$5,900.00 to be taken from G/L code A6410 Environmental.

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

Approve 2023 Beach Rates and Rules

Motion made by Mayor Moore:

RESOLVED, that the attached Beach rates and rules for 2023 are hereby approved.

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

Authorize Mayor to Sign Equipment License Agreement

Motion made by Trustee Rubio:

RESOLVED, that the mayor is hereby authorized to execute the Equipment License Agreement with the NYS Office of Parks, Recreation and Historic Preservation at no cost to the Village of Westhampton Beach for a 2008 Parker used boat.

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

Refer Special Exception Application for Daphne’s for Outdoor Tables to Planning Board

Motion made by Deputy Mayor Urban:

RESOLVED, that the Special Exception Application submitted by LT Burger West, LLC d/b/a Daphne’s for Outdoor Tables and Chairs, located at 115 Main Street and identified by Suffolk County Tax Map # 905-11-2-22 is hereby referred to the Village Planning Board for review.

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

Refer Special Exception Application for Caffeine Cafe for Outdoor Tables to Planning Board

Motion made by Mayor Moore:

RESOLVED, that the Special Exception Application submitted by 8 Grams Café, LLC d/b/a Caffeine Cafe for Outdoor Tables and Chairs, located at 115 Main Street and identified by Suffolk County Tax Map # 905-11-2-22 is hereby referred to the Village Planning Board for review.

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

Declare and Approve Sale of Village Surplus Vehicles

Motion made by Trustee Rubio:

RESOLVED, that the Village owned 2012 Ford Escape, VIN # 1FMCU9DG0CKC70119, 2010 Ford Crown Victoria, VIN # 2FABP7BV1AX141190, 2010 Ford Crown Victoria VIN # 2FABP7BV5AX141189 and a 2009 Chevrolet Equinox, VIN # 2CNDL23F296237089 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 Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

Approve Warrant for April 2023

Motion made by Deputy Mayor Urban:

RESOLVED, that the warrant for April 2023 in the amount of \$342,508.30 for the General Fund and \$253,302.09 for the Capital Fund is hereby approved.

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

Authorize Use of Village Property-Rogers Beach Parking

Motion made by Mayor Moore:

RESOLVED, that Susan Falco of 29 Dune Road is hereby authorized to use the Rogers Beach parking lot on Friday May 12, 2023 from 2:00 pm to 12:00 am and on Sunday May 14, 2023 from 6:00 am to 4:00 pm for thirty-five cars provided there is the availability.

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

Accept Proposal for Impounded/Abandoned Vehicles

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees accepts the proposal submitted by Gershow Recycling in the amount of \$13,550.00 to remove abandoned vehicles from the Village of Westhampton Beach Police impound yard to be receipted as a revenue into G/L account A2656 Sale of Equipment.

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

Accept Proposal Rosemar

Motion made by Deputy Mayor Urban:

RESOLVED, that the price quote submitted by Rosemar Contracting, Inc. in the amount not to exceed \$356,222.50 for the road paving and milling of Beach Road from Brook to Main Street, and Oak Street including traffic circle to Montauk Highway to be taken from account code A5110.407 CHIPS Improvements and balance of money to be taken from A5110.408 Permanent Improvements account is hereby accepted.

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

Authorize Purchases of Equipment – Police Department

Motion made by Mayor Moore:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 1 2022 Ford Police Interceptor SUV from Nielsen Ford from County of Westchester Contract # RFB-WC-19023 in the amount of \$51,294.62 and 1 Motorola APX8500 All Band Radio for the police interceptor in the amount not to exceed \$9,000.00 to be taken from G/L account A3120.2 Equipment.

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

Authorize Consultant – Plantings on Main Street

Motion made by Trustee Rubio:

WHEREAS, Marcus Stinchi of Stinchi Landscaping has agreed to serve as a consultant for the Village of Westhampton Beach (“Village”) to evaluate, acquire and deliver plant material to replace existing plant material on Main Street as needed, for a consulting fee of \$1,875.00 for 2023, and

WHEREAS, Mr. Stinchi has provided similar services to the Village in the past; and

WHEREAS, the Board of Trustees (“Board”) wishes to retain Mr. Stinchi as a consultant for calendar year 2023.

NOW, THEREFORE, BE IT RESOLVED that the Board agrees to retain Marcus Stinchi as a consultant to evaluate, acquire and deliver plant material to replace existing plant material on Main Street as needed, for a consulting fee of \$1,875.00 for 2023, and that the mayor is authorized to sign the proposal from Mr. Stinchi.

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

Authorize Annual Bulb Planting Program

Motion made by Deputy Mayor Urban:

WHEREAS, the Board of Trustees of the Village of Westhampton Beach authorized the purchase and planting of 10,000 bulbs in the downtown business area of the Village in calendar year 2021; and

WHEREAS, the flowering of the bulbs was a beautiful improvement to the downtown business area; and

WHEREAS, the Board wishes to expand the areas in which bulbs are planted; and

WHEREAS, the Board hereby authorizes the purchase of 10,000 additional bulbs at a cost not to exceed \$6,000.00 for calendar year 2023; and

WHEREAS, the Board intends to purchase 10,000 additional bulbs for planting in the downtown business area for each of the successive three years.

NOW, THEREFORE, BE IT RESOLVED that the Village is authorized to purchase 10,000 bulbs for planting in the downtown business area for calendar year 2023 at a cost not to exceed \$6,000.00.

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

Accept Proposal Bartlett Tree

Motion made by Mayor Moore:

RESOLVED, that the price quote submitted by Bartlett Tree Experts in the amount of \$7,540.00 for natural pruning of nineteen trees throughout the Village to be taken from account code A8560.417 Shade Tree Maintenance is hereby accepted.

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

PUBLIC COMMENT

Mr. Jeff Walsh of 100 South Road, Westhampton asked about a camera that was mounted in front of his residence, he explained that he called the Town Police, and someone there told him it was a Westhampton Beach Police Department camera. Lieutenant Lucas spoke with Mr. Walsh to answer his question. Mayor Moore asked if there was anyone else that would like to speak, there being no response, Mayor Moore asked for a motion to close the meeting, motion made by Deputy Mayor Urban, seconded by Trustee Rubio, and unanimously approved 3 Ayes, 0 Nays. The meeting adjourned at 5:29 p.m.

DATED: April 6, 2023

**Elizabeth Lindtvit
Village Clerk**