

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, April 6, 2023 at 5 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

2023-2024 BUDGET HEARING

RESOLUTIONS:

1. Appoint Police Lieutenant
2. Accept minutes of Board of Trustees Meetings
3. Accept Departmental Monthly Reports
4. Authorize Use of Village Property-GW Chamber of Commerce
5. Authorize Use of Village Property – Municipal Parking Lot
6. Authorize Renewal of 2023 Outdoor Tables, Chairs and Benches Permits
7. Authorize 2023 Renewal of Outdoor Music Permit - North Fork Roasting Co.
8. Authorize 2023 Renewal of Outdoor Music Permits – Beach Bakery, Shock Ice Cream and Ivy on Main
9. Authorize Renewal 2023 Outdoor Sales and Displays Permit - Shock for Kids
10. Authorize Renewal 2023 Outdoor Sales and Displays Permit - Collect
11. Authorize Unreserved Fund Balance Transfer
12. Authorize Unreserved Fund Balance Transfer
13. Authorize Unreserved Fund Balance Transfer
14. Authorize Budget Transfer
15. Authorize Employees to Attend Training Course
16. Authorize Employees to Attend Training Course
17. Authorize Employee to Attend Training Course
18. Authorize Stormwater Management Program Services
19. Authorize 2023 Beach Rates and Rules
20. Authorize Mayor to Sign Equipment License Agreement

21. Refer Special Exception Application for Daphne's for Outdoor Tables to Planning Board
22. Refer Special Exception Application for Caffeine Cafe for Outdoor Tables to Planning Board
23. Declare and Approve Sale of Village Surplus Vehicles
24. Approve Warrant for April 2023
25. Authorize Use of Village Property-Rogers Beach Parking
26. Accept Proposal for Impounded/Abandoned Vehicles
27. Accept Proposal - Rosemar (Paving)
28. Authorize Purchase of Equipment – Police Department
29. Authorize Consultant – Plantings on Main Street
30. Authorize Annual Bulb Planting Program
31. Accept Proposal from Bartlett Tree

PUBLIC COMMENT

ADJOURN

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, April 6, 2023 at 5 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

2023-2024 Budget Hearing

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 in its current form as the Adopted Budget.

RESOLUTIONS:

1. Appoint Police Lieutenant

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.

2. Accept minutes of Board of Trustees Meeting

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

3. Accept Departmental Monthly Reports

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

4. Authorize Use of Village Property-Greater Westhampton Chamber of Commerce

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.

5. Authorize Use of Village Property-Westhampton Free Library

RESOLVED, that the Westhampton Free Library is hereby authorized to use 2 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.

6. Authorize Renewal of 2023 Outdoor Tables, Chairs and Benches Permits

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 & 1 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.

7. Authorize 2023 Renewal of Outdoor Music

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:

- (a) 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.
- (b) It shall be the obligation of North Fork Roasting Co. that the public sidewalk is not obstructed.
- (c) No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
- (d) 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.

8. Authorize 2023 Renewal of Outdoor Music Permits

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:

- (a) 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.
- (b) 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.
- (c) No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
- (d) 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.

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

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 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 is hereby approved.

10. 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):

- (a) 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 30” from the Village right of way.
- (b) No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and
- (c) 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.

11. Authorize Unreserved Fund Balance Transfer

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.

12. Authorize Unreserved Fund Balance Transfer

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.

13. Authorize Unreserved Fund Balance Transfer

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.

14. Authorize Budget Transfer

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.

15. Authorize Employees to Attend Training Course

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.

16. Authorize Employees to Attend Training Course

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.

17. Authorize Employees to Attend Training Course

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.

18. Authorize Stormwater Management Program Services

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.

19. Approve 2023 Beach Rates and Rules

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

20. Authorize Mayor to Sign Equipment License Agreement

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.

21. Refer Special Exception Application for Daphne's for Outdoor Tables to Planning Board

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.

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

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.

23. Declare and Approve Sale of Village Surplus Vehicles

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.

24. Approve Warrant for April 2023

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.

25. Authorize Use of Village Property- Rogers Beach Parking

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 35 cars provided there is the availability.

26. Accept Proposal for Impounded/Abandoned Vehicles

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.

27. Accept Proposal Rosemar

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.

28. Authorize Purchases of Equipment – Police Department

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.

29. Authorize Consultant – Plantings on Main Street

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.

30. Authorize Annual Bulb Planting Program

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.

31. Accept Proposal Bartlett Tree

RESOLVED, that the price quote submitted by Bartlett Tree Experts in the amount of \$7,540.00 for natural pruning of 19 trees throughout the Village to be taken from account code A8560.417 Shade Tree Maintenance is hereby accepted.

PUBLIC COMMENT

ADJOURN

DATED: April 6, 2023

Elizabeth Lindtvit
Village Clerk-Treasurer