

The Board of Trustees of the Village of Westhampton Beach held their Organizational on Monday July 3, 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
Trustee Stephen Frano
Trustee Brian Tymann
Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Anthony Pasca

PUBLIC HEARINGS

Local Law # 7 of 2023-Amending Chapter 197-63 Entitled “Zoning” (Site Plan Procedure

Mayor Moore asked for a motion to open the public hearing, motion made by Trustee Rubio seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked Brad Hammond to explain this Village code change, Mr. Hammond explained he discussed this with the Village Attorney and Village Planner. The Mayor stated that she felt the board wasn't ready to finalize this change. Mayor Moore agreed that this discussion was more appropriate for a work session discussion. The Mayor asked for a motion to carryover this public hearing for the August meeting, motion made by Trustee Frano seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

LL # 8 of 2023 – Amending Chapter 197-29 Entitled “Zoning” (Non Conforming Uses)

Mayor Moore asked for a motion to open this public hearing, motion made by Trustee Rubio seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays. Mr. Hammond explained the changes for this code. Mayor Moore stated that this public hearing will be held over until the August meeting also. Motion made by Deputy Mayor to holdover this hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

RESOLUTIONS

Accept Results of General Village Election

Motion made by Trustee Tymann:

RESOLVED, that the results of the General Village Election of June 16, 2023 are hereby accepted as set forth in the attached Official Return of Votes.

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

Appoint Village Attorney

Motion made by Deputy Mayor Urban:

RESOLVED, that the firm of Esseks, Hefter, Angel, Di Talia & Pasca, LLP are hereby appointed to serve as the Village Attorneys to perform the functions and duties as legal counsel to the Board of Trustees, Planning Board and Zoning Board of Appeals for an annual retainer of \$78,000.00 to be paid in twelve equal installments; and the Architectural Review Board on an hourly basis as needed.

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

Appoint Special District Attorney

Motion made by Trustee Frano:

RESOLVED, that Anthony Rattoballi is hereby appointed to serve as a Special District Attorney to prosecute Village Justice Court cases and write appeals as necessary, at an hourly rate of \$175.00 for a term of one year.

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

Deputy Mayor Urban abstained

Appoint Acting Village Justice

Motion made by Trustee Rubio:

RESOLVED, that Martha M. Rogers, Esq. is hereby appointed as the Acting Village Justice of the Village of Westhampton Beach, to serve for a one-year term effective July 1, 2023 at an annual salary of \$6,000.00.

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

Appoint Deputy Mayor

Motion made by Trustee Tymann:

RESOLVED, that Trustee Ralph Urban is hereby appointed to serve as Deputy Mayor for a term of one-year effective July 1, 2023.

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

Appoint Architectural Review Board Member

Motion made by Deputy Mayor Urban:

RESOLVED, that Christopher Mensch is hereby appointed to serve a five-year term as a member of the Village Architectural Review Board to commence June 1, 2023 through to May 31, 2028.

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

Appoint Architectural Review Board Chairman

Motion made by Trustee Frano:

RESOLVED, that Gregory Minasian is hereby appointed to serve as Chairman of the Village Architectural Review Board for a term of one year to expire May 31, 2024.

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

Appoint Zoning Board of Appeals Member

Motion made by Trustee Rubio:

RESOLVED, that John Wittschen is hereby appointed to serve a five-year term as a member of the Village Zoning Board of Appeals to commence June 1, 2023 through to May 31, 2028.

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

Appoint Zoning Board of Appeals Chairman

Motion made by Trustee Tymann:

RESOLVED, that Gerard Piering is hereby appointed to serve as Chairman of the Village Zoning Board of Appeals for a term of one year to expire May 31, 2024.

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

Appoint Planning Board Member

Motion made by Deputy Mayor Urban:

RESOLVED, that Michael Schermeyer is hereby appointed to serve a five-year term as a member of the Village Planning Board to commence June 1, 2023 through to May 31, 2028.

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

Appoint Planning Board Chairman

Motion made by Trustee Frano:

RESOLVED, that David Reilly is hereby appointed to serve as Chairman of the Village Planning Board for a term of one year to expire May 31, 2024.

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

Appoint Conservation Advisory Council Members

Motion made by Trustee Rubio:

RESOLVED, that Raymond Dowd and Dawn LaDu are appointed to the Conservation Advisory Council for a two-year term to end May 31, 2025.

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

Appoint Conservation Advisory Council Chairperson

Motion made by Trustee Tymann:

RESOLVED, that Patricia Schaefer is hereby appointed as Chairperson of the Village Conservation Advisory Council to serve a one-year term to expire on May 31, 2024.

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

Appoint Ethics Board Members

Motion made by Trustee Frano:

RESOLVED, that Ralph Urban, Janeen Turano are hereby appointed to the Ethics Board to serve a two-year term to expire May 31, 2025.

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

Appoint Mayor as Commissioner of Licenses

Motion made by Trustee Rubio:

RESOLVED, that Mayor Maria Z. Moore is hereby appointed Commissioner of Licenses for a term of one year.

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

Appoint Safety Committee

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby appoints the following individuals to the Safety Committee which will meet quarterly as recommended by the NYS Municipal Workers Compensation Alliance: Maria Moore Mayor, Stephen Frano Trustee, Elizabeth Lindtvit Village Clerk, Steven McManus Chief of Police, Brad Hammond Building & Zoning Administrator, Matthew Smith Superintendent of Public Works, Andrew Kirwin PBA Vice-President, Paul Bugge AME Shop Steward and Nicholas VanVliet Code Enforcement Officer.

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

Appoint Village Clerk as Designee to accept Notice of Claims

Motion made by Deputy Mayor Urban:

WHEREAS the New York State Legislature on June 15, 2013 amended the New York

General Municipal Law to allow a notice of claim against the Village to be served upon the New York State Secretary of State and the law further provided that the Village is required to adopt a resolution approving the designation of the individual to be served the notice of claim by the Secretary of State and that all such notices of claim and any other legal papers received shall be immediately provided to the Mayor and each Trustee for review.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Board of Trustees hereby appoints the Village Clerk as the individual to whom the Secretary of State must serve any notice of claim against the Village.

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

Appoint Marriage Officer

Motion made by Trustee Rubio:

RESOLVED, that Stephen Frano is hereby appointed to serve as Marriage Officer for a term of one-year pursuant to the provisions of NYS Domestic Relations Law §11-c.

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

Designate Official Depositories

Motion made by Trustee Tymann:

RESOLVED, that TD Bank, MBIA Municipal Investors Service Corporation (CLASS Program), and Flagstar Bank f/k/a Signature Bank are hereby designated the official depositories of the Village of Westhampton Beach during the ensuing year and that the Village Clerk-Treasurer is hereby ordered to deposit all funds therein.

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

Approve 2023-2024 Board of Trustees Meeting Schedule

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees shall hold its regular meetings on the first Thursday of the month at 5:00 p.m. in the Municipal Building located at 165 Mill Road, Westhampton Beach unless the first Thursday is a holiday in which event the regular meeting shall be held on the first Friday thereafter which is not a holiday or as specifically noted on the attached schedule; and be it further

RESOLVED, that the work sessions will be held on the third Wednesday of the month at the Municipal Building at 5 p.m. as indicated on the attached schedule. The Annual Organizational Meeting will be held on Monday July 1, 2024 at 5:00 p.m. at the Municipal Building.

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

Approve Meeting Schedules for Appointed Boards

Motion made by Trustee Frano:

RESOLVED, that the Planning Board shall hold its regular meetings at 5:00 p.m. on the second and fourth Thursday of each month as necessary, the Zoning Board of Appeals shall hold its regular meeting on the third Thursday of each month at 5:00 p.m. as necessary and the Architectural Review Board shall hold meetings on the first and third Tuesdays of each month at 6:00 p.m. as necessary according to the schedules attached.

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

Authorize Check Signers

Motion made by Trustee Rubio:

RESOLVED, that all Village of Westhampton Beach checks shall be signed by Maria Z. Moore, Mayor, or Ralph Urban the Deputy Mayor, and Elizabeth Lindtvit, Village Clerk-Treasurer or the Deputy Village Treasurer, except for Trust and Agency checks which shall be signed by either Elizabeth Lindtvit or the Deputy Village Treasurer upon written approval by the appropriate Department Head to release such funds.

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

Designate Official Newspaper

Motion made by Trustee Tymann:

RESOLVED, that *The Southampton Press* is hereby designated as the official newspaper of the Village of Westhampton Beach during the ensuing year.

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

Approve Mileage Reimbursement for Official Business

Motion made by Deputy Mayor Urban:

RESOLVED, that all employees and officials of the Village who use their vehicles or other private vehicles for official Village business shall be reimbursed mileage at the rate allowed by the Internal Revenue Service in effect at the time the request is made.

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

Approve Village Investment Policy

Motion made by Trustee Frano:

RESOLVED, that the attached investment policy is hereby approved.

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

Accept Minutes of Board of Trustees Meetings

Motion made by Trustee Rubio:

RESOLVED, that the minutes of the Board of Trustees Meeting of June 1, 2023 are hereby accepted.

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

Accept Monthly Reports from Departments

Motion made by Trustee Tymann:

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

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

Appoint 2023 Seasonal Beach Personnel

Motion made by Deputy Mayor Urban:

RESOLVED, that Caitlyn Lupia, Hailey Groth, and Nicolette Stefanidis are appointed as Beach Attendants at an hourly rate of \$12.50, Quinn Papagni at a rate of \$13.25 and George Paltridge at a rate of \$12.75 effective June 4, 2023.

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

Appoint 2023 Seasonal Beach Personnel

Motion made by Trustee Frano:

RESOLVED, that James Pizzitola is appointed as a Lifeguard at an hourly rate of \$16.75 and Haley Wiessbard as a Lifeguard at an hourly rate of \$15.50 effective June 4, 2023.

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

Authorize Mayor to Sign SRO Agreement

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorizes the mayor to sign the School Resource Officer Agreement for the 2023-2024 school year with the Westhampton Beach School District.

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

Approve Warrant for July 2023

Motion made by Trustee Tymann:

RESOLVED, that the warrant for July 2023 in the amount of \$577,945.30 for the General Fund and \$118,939.52 for the Capital Fund is hereby approved.

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

Authorize Use of Village Property-Doza Yoga

Motion made by Deputy Mayor Urban:

RESOLVED, that Doza Yoga is hereby authorized to use Rogers Beach Pavilion on Mondays and Wednesday mornings from 5:45 am to 6:45 am starting Monday June 26 and continuing until September 6, 2023 for a Sunrise Yoga Class for approximately 10-15 persons.

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

Authorize Use of Village Property

Motion made by Trustee Frano:

RESOLVED, that the Riverhead Foundation for Marine Research is hereby authorized to use the Village Marina on Saturday July 15, 2023 and Saturday August 12, 2023 from 2:30 pm to 5:00 pm for a pop up event to raise awareness of boater safety, fees to be waived by the Board.

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

Authorize Use of Village Property-Rogers Beach Parking

Motion made by Trustee Rubio:

RESOLVED, that Allison and Kraig Fox of 137 Dune Road are hereby authorized to use the Rogers Beach Parking Lot on Saturday July 29, 2023 from 5:00 p.m. to 9:00 p.m. for 35 cars provided there is the availability and with village issued parking passes.

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

Schedule Public Hearing Special Exception Application

Motion made by Trustee Tymann:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday August 3, 2023 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by Pawcasso Art Studio for Outdoor Tables and Chairs.

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

Authorize 2023 Renewal of Funcho’s Fajita Grill Outdoor Music Permit

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby approves the renewal of the Funcho’s Fajita Grill Outdoor Music Permit for 2023 subject to the same conditions as set forth in the Determination dated January 6, 2011, the provisions of Chapter 196-3 of the Village Code and the requirement that the volume of the amplification shall not be as excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

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

Authorize 2023 Renewal of Funcho’s Fajita Grill Outdoor Tables, Chairs & Benches

Motion made by Trustee Frano:

WHEREAS, Funcho’s Fajita Grill has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2023 to place four (4) outdoor tables and sixteen (16) standard chairs pursuant to §196-2 of the Village Code; and

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

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved in 2006 and subject to the same set of conditions and plan attached to the 2023 application.

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

Authorize Purchase of Trash Receptacles

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 15 S-45 Ironsites Series 45 gallon litter receptacles from Victor Stanley as a sole source vendor in the amount of \$21,627.00 from G/L account CM2915.4 Culture & Recreation.

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

Accept Proposal – Traffic Study

Motion made by Trustee Tymann:

RESOLVED, that the quote submitted by Ron Hill, P.E. in the amount not to exceed \$4,800.00 for a parking study to examine the existing parking in the B-1 Business District to be funded from A1440.4 Engineering & Surveys is hereby accepted.

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

Appoint 2023 Seasonal Police Officer

Motion made by Deputy Mayor Urban:

RESOLVED, that Nil Narbay is appointed as a Seasonal Police Officer at an hourly rate of \$30.00 effective July 5, 2023 to work as assigned by the Chief of Police.

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

PUBLIC COMMENT

Mayor Moore asked if there was anyone that would like to speak, there being no response, Mayor Moore asked for a motion to go into Executive Session, Deputy Mayor Urban made the motion, seconded by Trustee Frano, and unanimously approved 4 Ayes, 0 Nays. The meeting adjourned at 5:33 p.m.

DATED: July 3, 2023

Elizabeth Lindtvit, Village Clerk