

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

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

Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel

ABSENT: Rob Rubio

PUBLIC HEARINGS:

LL # 10 of 2023 - Amending Chapter 161-21 Entitled "Exemption for Members of Volunteer Fire Departments and Ambulance Service"

Mayor Moore asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays. Mayor Moore explained that this change would lower the required years of membership from 5 to 2 years; the Fire Department held a public hearing on this issue. The Mayor stated that the Village is following the Town which will have a public hearing and make the change. The Mayor asked for a motion to close the public hearing motion made by Trustee Tymann seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays.

LL # 11 of 2023 - Amending Chapter 91 Entitled "Flood Damage Prevention"

Motion to open the public hearing made by Trustee Frano, seconded by Trustee Tymann and unanimously approved 3 Ayes, 0 Nays. Mayor Moore asked Chief Building Inspector Brad Hammond to explain this code change. He explained there was a FEMA map line adjustment in Quogue that effects 2 panels which are also in the Village of Westhampton Beach. The Village needed to update our Flood Prevention Code which was last updated in 2009. There are 6 pages of updates that have been vetted with NYS which none of these change the process or policies. The timeline for this is before November, he stated there are no arbitrary changes to this code. He stated that NYS is satisfied with this and the Village just has to amend the code with these changes. Mayor Moore asked the Board if anyone had questions, Deputy Mayor Urban thanked Brad for doing the work for this code change. Trustee Frano made a motion to close the public hearing, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays.

LL # 12 of 2023 - Amending Chapter 171 Entitled "Towing"

Motion made by Trustee Tymann to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays. Mayor Moore explained briefly that the Village was not competitive with other municipalities, the Chief gave the board input, Mayor Moore asked the Chief to explain what he discovered. Chief McManus explained the Village had not raised the fee for the tow vendors in a long time, feedback from them was they were not sure how much longer they could be on the Village's list. The Chief compared the Village of Quogue and Town of Southampton to come up with a middle fee that was inline with these municipalities, keeping the impound fee the same at \$30.00 per day of storage. Mayor Moore stated that copies of these local law changes are available in the clerk's office. Trustee Frano commented that it was good to make this change. Trustee Tymann made the motion to close the public hearing, seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays.

RESOLUTIONS:

Accept Minutes of Board of Trustees Meetings

Motion made by Trustee Tymann:

RESOLVED, that the minutes of the Board of Trustees Meeting of September 7, 2023 are hereby accepted.

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

Accept Monthly Reports from Departments

Motion made by Deputy Mayor Urban:

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

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

Approve Warrant for September 2023

Motion made by Trustee Frano:

RESOLVED, that the warrant for September 2023 in the amount of \$305,497.38 for the General Fund and \$370,403.72 for the Capital Fund is hereby approved.

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

Appoint Laborer

Motion made by Trustee Tymann:

RESOLVED, that Gennaro Rossano is appointed to the position of Laborer in the Public Works Department, effective October 16, 2023 at a semi-monthly salary of \$2,131.21 to work as determined by the Superintendent of Public Works.

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

Amend Approved Use of Village Property Application

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees approve the amended Use of Village Property for Inlet to Inlet fundraiser on the Great Lawn from Saturday September 24, 2023 to October 8, 2023 from 8:00 am to 6:00 pm because of weather cancellation on September 24 2023, subject to all necessary permits and inspections being completed and no tents larger that 10 x 20 without permits.

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

Authorize Renewal of HVAC Annual Service Agreement

Motion made by Trustee Frano:

RESOLVED, that the annual renewal of labor and inspection service agreement for October 1, 2023 to September 30, 2024 with Dynaire Service Corp. for the Village Hall HVAC system at a cost of \$8,495.00 is hereby renewed.

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

Authorize Payment from the Capital Repair Reserve Fund

Motion made by Trustee Tymann:

WHEREAS, by Resolution on December 4, 2013, the Board of Trustees "hereinafter, the "Board") established a Capital Repair Reserve Fund to finance the cost of repairs to the Municipal Buildings, known as the "Capital Repair Reserve Fund of the Village of Westhampton Beach" (hereinafter, the "Reserve Fund") which has a balance as of September 30, 2023 in the amount of \$382,442.91; and

WHEREAS, the Board hereby accepts the proposal from RENU Contracting Restoration from a shared service contract with Bay Shore UFSD in the amount of \$106,777.00 for the power washing of the exterior of the Village Hall building located at 165 Mill Road, Westhampton Beach and the repairs and replacement of certain damaged bricks at the

Village Hall building (the "Village Hall Building Project"); and

WHEREAS, the money to fund the Village Hall Building Project may only be taken from the Reserve Fund upon the authorization of the Board and subject to a permissive referendum, pursuant to General Municipal Law §6-c (8); it is hereby

RESOLVED that the Board authorizes the payment of the sum of \$106,777.00 from the Reserve Fund for the payment of the repairs and it is further

RESOLVED that, pursuant to New York State Village Law § 9-900, within ten days after the adoption of this Resolution by the Board, the Village Clerk shall post and publish a notice, in the same manner as is provided for notice of a general village election, which shall set forth the date of the adoption of the Resolution containing an abstract of the Resolution, concisely stating the purpose and effect thereof and indicating that such Resolution is subject to a permissive referendum.

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

Authorize Settlement with Patio Building Condominium

Motion made by Deputy Mayor Urban:

WHEREAS, the Incorporated Village of Westhampton Beach (the "Village") acquired thirteen easements over private property in order to install underground pipes, manholes and other necessary equipment for construction and maintenance of Phase I of the Village of Westhampton Beach Sewer System; and

WHEREAS, of these thirteen private properties, ten voluntarily gave easements without requiring any payment by the Village, one voluntarily gave the easement on payment of approximately \$4,000.00, and two refused to give easements voluntarily and caused the Village to proceed to acquire such easements under the power of eminent domain; and

WHEREAS, of the two parcels that were the subject of eminent domain proceedings, only one filed a claim for additional compensation against the Village, i.e., The Patio Building Condominium Corporation; and

WHEREAS, the Village's expert real estate appraiser determined that the damage to The Patio Building Condominium Corporation for the permanent easement was \$6,000.00 which was paid by the Village in 2021, and

WHEREAS, The Patio Building Condominium Corporation took the position that it was entitled to damages resulting from the permanent easement of \$197,150.00, from the temporary easement of \$4,836.00 per month, and that its cost to cure was \$82,200.00; and

WHEREAS, the Village vigorously defended against the claims of The Patio Building Condominium Corporation and the matter was scheduled for trial before the Honorable John J. Leo of the Supreme Court, Suffolk County, on October 3, 4 and 5, 2023; and

WHEREAS, The Patio Building Condominium Corporation and the Village have agreed to settle all of The Patio Building Condominium Corporation's claims for \$18,000.00; and

WHEREAS, the Village has been advised that the cost to try the claim brought by The Patio Building Condominium Corporation would be substantially in excess of \$18,000.00 as a result of attorneys' fees and witness fees; the Village has agreed to accept this settlement.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Board of Trustees agrees to the settlement of the claim of The Patio Building Condominium Corporation, as outlined above, in the sum of \$18,000.00; and
2. The Board of Trustees authorizes and directs the Village Clerk/Treasurer to issue payment upon the Village Attorney certifying that the settlement documents have been fully executed.

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

Authorize Mayor to Sign Grant Application

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby authorizes the Mayor or her designee to execute any and all documents pertaining to the 2023 NYS Environmental Protection Fund: Parks Preservation and Heritage Grants program application to support estimated project costs associated with construction and renovations and replacement of equipment at the Ria Del Bene Memorial Park.

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

Accept Proposal Rosemar

Motion made by Trustee Tymann:

RESOLVED, that the price quote submitted by Rosemar Contracting, Inc. for paving of Halsey and Lott, Lilac from Montauk Highway to Mill Road, Library Avenue to Beach Road, East Division Street, Westbridge Lane, and Village Hall parking lot and Main Street Handicap Striping in the amount not to exceed \$473,000.00 for the road paving and milling with \$292,000.00 be taken from account code A5112.407 CHIPS Improvements and \$181,000.00 to be taken from A5112.408 Permanent Improvements account is hereby accepted.

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

PUBLIC COMMENT:

Trustee Tymann stated he wanted to commend the two young gentlemen who saved some lives by recognizing the fire and having been trained by the Junior Fire Department, Marcus LeBrun and his friend got the people to get out of the house. Good work to those kids and Mayor Moore commented good work to the fire department for containing the fire to keep it from spreading. There being no public comments, at 5:21 pm Mayor Moore asked for a motion to go into Executive Session for a litigation update from the Village Attorney and personnel matters, motion made by Trustee Frano to go into executive session, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays.

DATED: October 5, 2023

Elizabeth Lindtvit
Village Clerk