

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, December 7, 2023 at 5 p.m.**

PLEDGE OF ALLIGENCE

PUBLIC HEARINGS:

LL # 13 of 2023 – Amending Chapter 197 Entitled “Zoning”

LL # 14 of 2023 - Amending Chapter 70 Entitled "Construction and Fire Prevention”

LL # 15 of 2023 - Amending Chapter 40 Entitled "Affordable Housing Units”

RESOLUTIONS:

1. Appoint Police Sergeant
2. Accept minutes of Board of Trustees Meetings
3. Accept Departmental Monthly Reports
4. Appoint 2024 Registrar, Deputy Registrar and Sub-Registrars
5. Approve Warrant for December 2023
6. Authorize Payment of 2022/23 Assessment Roll Correction
7. Authorize Memorandum of Agreement
8. Authorize Budget Transfer
9. Authorize Street Sweeping Agreement with Village of Westhampton Dunes
10. Adopt 2024 Marina Rules and Rates
11. Authorize Letter of Intent-SC Hazard Mitigation Plan Update
12. Authorize Village Attorneys for Legal Services - Percy Street
13. Authorize Opting to Participate in Town of Southampton Community Housing Fund Opportunities
14. Accept Donation from WHB Historical Society-Friezes
15. Accept Proposal for New Playground at the Ria Del Bene Park
16. Adopt LL # 13 of 2023
17. Adopt LL # 14 of 2023
18. Adopt LL # 15 of 2023

19. Approve Amendment to Ground Lease For Solar Power Facility

PUBLIC COMMENT

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RESOLUTIONS:

1. Appoint Police Sergeant

RESOLVED, that Kevin Klokel is hereby appointed as a Police Sergeant from Civil Service List # 23SR750 effective November 17, 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 November 2, 2023, are hereby accepted.

3. Accept Departmental Reports

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

4. Appoint 2024 Registrar and Deputy Registrar

RESOLVED, that Clerk-Treasurer Elizabeth Lindtvit is hereby appointed as Registrar of Vital Statistics for 2024 with an annual stipend of \$350.00, and Maureen Jones is appointed as Deputy Registrar for 2024 with an annual stipend of \$300.00.

5. Approve Warrant for December 2023

RESOLVED, that the warrant for December 2023 in the amount of \$2,073,165.22 for the General Fund and \$702,723.13 for the Capital Fund is hereby approved.

6. Authorize Payment of 2022/23 Assessment Roll Correction

RESOLVED, the Board of Trustees hereby authorize payment of 2023/24 tax year property tax reduction in the amount of \$10,849.46 to the property owners specified below in the attached as a settlement of Small Claims as ordered by the NYS Supreme Court.

7. Authorize Memorandum of Agreement

RESOLVED, that the Board of Trustees adopt the Memorandum of Agreement with Village employee # 000154 and authorize the Mayor or her designee to sign the Memorandum of Agreement.

8. Authorize Budget Transfer

RESOLVED, that the Board of Trustees hereby approves the transfer of \$675.00 from the G/L Revenue Account A2680 Insurance Recoveries to G/L Account Code A3120.402 Equipment Repair for insurance payment of claim.

9. Authorize Street Sweeping Agreement with Village of Westhampton Dunes

RESOLVED, that the Mayor or designee is hereby authorized to execute an agreement with the Village of Westhampton Dunes for the Street Sweeping by the Village of Westhampton Beach Department of Public Works for a fee of \$150.00 per hour plus reimbursement of any certified expenses that may exceed said fee, for the time January 1, 2024, through December 31, 2024.

10. Approve 2024 Marina Rates, Rules, and Regulations

RESOLVED, that the attached marina rates, rules & regulations for 2024 are hereby approved.

11. Authorize Letter of Intent-SC Hazard Mitigation Plan Update

WHEREAS, the Suffolk County Multi-Jurisdictional Multi-Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Village of Westhampton Beach is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Village of Westhampton Beach has reviewed the Plan and affirms that the Plan will be updated no less than every five years; in order to remain in compliance with the applicable regulations and continue to receive associated funding, Suffolk County and participating jurisdictions within must have an updated Plan in place by January 6, 2026. Suffolk Fire, Rescue and Emergency Services (FRES) will be seeking a FEMA grant through the Hazard Mitigation Grant Program.

WHEREAS, the Village of Westhampton Beach wishes to participate in the Multi-Jurisdictional Multi-Hazard Mitigation Plan 2025 Update,

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Westhampton Beach authorizes the Mayor or Deputy Mayor to sign the letter of "Willingness to Participate" in the Suffolk County Multi-Jurisdictional Multi-Hazard Mitigation Plan.

12. Authorize Village Attorneys for Legal Services - Percy Street

RESOLVED that the Village Attorneys, Esseks, Hefter, Angel, Di Talia & Pasca, LLP, are hereby authorized to represent the Village of Westhampton Beach to pursue the development of Village owned residential property located at Percy Street, SCTM # 900-354-4-119, at the hourly municipal rate schedule for special services set forth in the Village Attorneys' retainer letter dated August 14, 2014.

13. Authorize Opting to Participate in Town of Southampton Community Housing Fund Opportunities

WHEREAS, on November 8, 2022, the Southampton Town voters approved a local law to amend Chapter 140 of the Southampton Town Code establishing a half-percent tax to fund the Peconic Bay Region Community Housing Fund to create affordable housing opportunities in the Town; and

WHEREAS, the primary source of funding is revenues derived from a supplemental 0.5% real estate transfer tax paid by the purchaser of homes in the Town as well as the Villages - similar to the current Community Preservation Fund transfer fee and the real estate tax applied to all transactions where there is a fully executed contract dated April 1, 2023 or after; and

WHEREAS, the Village of Westhampton Beach has an opportunity to participate in the production of community housing for sale or rental to eligible individuals at the option of the Village; and

WHEREAS, the production of community housing includes the creation and maintenance of housing for sale or rental, the rehabilitation of existing housing for sale or rent, first time homebuyer down payment assistance, employer housing for seasonal and year-round employees; creation of affordable accessory apartments in homes, and housing counseling services, among others; and

WHEREAS, an Inter-Municipal Agreement is required between the Village of Westhampton Beach and the Town of Southampton that establishes the rights and responsibilities of each government with respect to this program pursuant to New York State Town Law §64-k(8)(b); and now therefore be it

RESOLVED, that the Village of Westhampton Beach hereby elects to participate in the Town of Southampton Community Housing Fund opportunities for the production of community housing pursuant to the Peconic Bay Region Community Housing Act under New York State Town Law §64-k(8)(a) and Southampton Town Code Chapter 140; and be it further

RESOLVED, that the Village Clerk is hereby directed to send this resolution to the Town Board of the Town of Southampton; and be it further

RESOLVED, that the Village of Westhampton Beach is hereby authorized to enter into an Inter-municipal Agreement with the Town of Southampton in furtherance of this program and the Mayor is authorized to execute any and all documents related thereto.

14. Accept Donation from WH Historical Society

WHEREAS, the Village of Westhampton Beach (the "Village") was offered four (4) Friezes by the Westhampton Beach Historical Society as a donation; and

WHEREAS, the Friezes were affixed to the Suffolk County Bridge on Beach Lane in the Village of Westhampton Beach and were transferred to the Westhampton Beach Historical Society by the County pursuant to the County Legislature's Resolution No. 1563 of 2017; and WHEREAS, the Village has agreed to accept this donation.

NOW, THEREFORE, be it

RESOLVED that the Village of Westhampton Beach hereby accepts the donation of four (4) Friezes from the Westhampton Beach Historical society; and it is further

RESOLVED that the Mayor or her designee is authorized to sign any necessary documents required to effectuate the donation.

15. Accept Proposal for New Playground at the Ria Del Bene Park

RESOLVED, that the Board of Trustees do hereby accept the proposal submitted by American Recreational Products in the amount not to exceed \$645,924.07 for the removal and replacement of the existing playground equipment in the Ria Del Bene Memorial Park on Mill Road from the CM7110 Park Fund. The Village received a grant from the NYS Office of Parks, Recreation and Historic Preservation in the amount of \$342,250.00 towards this project.

16. Authorize LL # 13 of 2023 - Amending Chapter 197 Entitled "Zoning"

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on December 7, 2023 to amend Chapter 197, entitled "Zoning" 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)(33) & (37) (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 this 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.

17. Authorize LL # 14 of 2023 - Amending Chapter 70 Entitled "Building Construction and Fire Prevention"

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on December 7, 2023 to amend Chapter 197, entitled "Zoning" 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)(33) & (37) (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 this 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.

18. Authorize LL # 15 of 2023 - Amending Chapter 40 Entitled "Affordable Housing Units"

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on December 7, 2023 to amend Chapter 197, entitled "Zoning" of the Code of the Village of Westhampton Beach; and

WHEREAS, the action is classified as Type II under the State Environmental Quality Review Act ("SEQRA") under 6 NYCRR §617.5(c)(27) and (16) and, therefore, no further SEQRA review is required; and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof; and now, therefore, be it

RESOLVED, that after due deliberation the Board of Trustees of the Village of Westhampton Beach hereby adopts this 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.

19. Approve Amendment to Ground Lease for Solar Power Facility

WHEREAS, on December 7, 2023, the Board of Trustees of the Village of Westhampton Beach (the "Village") approved a lease between the Village and CVE North America, Inc. ("CVE") to permit a solar power facility on property of the Village located at 172 South Country Road, Westhampton Beach, New York 11978 (SCTM No. 900-359-3-47.1 (the Property)); and

WHEREAS, the Property is approximately 13.2 acres in area and, under the aforesaid lease, the Village reserved approximately three (3) acres, leasing the remainder to CVE; and

WHEREAS, CVE assigned the lease to CVE US NY WESTHAMPTON BEACH 274 LLC ("CVE Assignee"); and

WHEREAS, CVE Assignee has requested an amendment to the aforesaid lease to reduce the area reserved by the Village from approximately three (3) acres to approximately 1.4 acres, said reserve area to consist of a strip 30 feet in width running from North Country Road to a 100 foot by 100 foot parcel at the northwest corner of the Property, which amendment would increase the area leased to CVE Assignee to approximately 11.8 acres; and

WHEREAS, CVE Assignee agreed to increase the minimum rental by the percentage increase in land area; and

WHEREAS, the Mayor, the Deputy Mayor and the Village Attorney negotiated the terms of a proposed Amendment to Lease Agreement and Grant of Access and Utility Easement, consistent with the above, with the knowledge and consent of the Board of Trustees; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Village and its citizens to enter into said Amendment to Lease Agreement and Grant of Access and Utility Easement.

NOW, THEREFORE, BE IT RESOLVED that the Village has agreed to enter into the Amendment to Lease Agreement and the Grant of Access and Utility Easement between the Village and CVE US NY WESTHAMPTON BEACH 274 LLC in their current forms, copies of which are on file with the Village Clerk; and that the Board of Trustees authorizes the Mayor and/or Deputy Mayor to execute the Amendment to Lease Agreement and the Grant of Access and Utility Easement between the Village and CVE US NY WESTHAMPTON BEACH 274 LLC in their current forms and sign any documents reasonably related thereto.

PUBLIC COMMENT

DATED: December 7, 2023

Elizabeth Lindtvit
Village Clerk-Treasurer

PID#	<u>Owner/Payer</u>	<u>Property Location</u>	<u>2022/23 final assessment</u>	<u>reduction granted</u>	<u>corrected assessment</u>	<u>refund owed for 2023/24 taxes</u>
9393	Daniel Mizukovski	8 Fanning Dr	\$2,203,500.00	\$149,500.00	\$2,054,000.00	\$435.22
8567	Rosina Chrisomalis	37 Fiske Ave	\$4,912,100.00	\$369,600.00	\$4,542,500.00	\$1,075.98
9440	Mona Sterlin	4 Coss Curve	\$2,405,200.00	\$131,200.00	\$2,274,000.00	\$381.95
10035	Arthur & Jill Green	193 Dune Rd	4,303,100.00	\$1,143,100.00	3,160,000.00	\$3,327.79
9760	Lawrence Zweibel	337 Dune Rd	4,084,400.00	\$450,400.00	3,634,000.00	\$1,311.20
9775	Ronald Gold	303 Dune Rd	7,369,700.00	\$654,700.00	6,715,000.00	\$1,905.96
80139	Kenneth Schulhof	167 Oneck Ln	3,382,000.00	\$182,500.00	3,199,500.00	\$531.29
73071	Toni Stanek	250 Mill Rd	4,108,200.00	\$553,200.00	3,555,000.00	\$1,610.48
10009	Samantha Dubek	192 Dune Rd	3,134,100.00	\$92,600.00	3,041,500.00	\$269.58

Total:	\$10,849.46
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