

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, November 6, 2014 at 7 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

2015 Community Development Block Grant Funding

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Schedule a Public Hearing to Amend Section 178-33 of the Village Code-Speed Limits
4. Schedule a Public Hearing to Amend Section 178-42 of the Village Code-Speed Limits
5. Schedule a Public Hearing to Amend Section 178-44 of the Village Code-Parking Prohibitions
6. Schedule a Public Hearing to Enact Chapter 127 of the Village Code-Peace and Order
7. Schedule a Public Hearing to Enact Chapter 182 of the Village Code-Vehicles on Beach
8. Authorize Snow Removal Agreement with Village of Westhampton Dunes
9. Authorize Use of Village Property-East End Hospice
10. Authorize Use of Village Property-WHB Fire Department
11. Authorize Purchase of Polar Kraft Boat
12. Authorize payment of 2009/2010 Assessment Roll Certiorari property tax reductions
13. Authorize Mayor to Sign an Inter-municipal Agreement with the Suffolk County Planning Commission
14. Authorize SEQRA Review
15. Authorize Market and Municipal Impact Study

16. Authorize Special Exception Study
17. Appoint Part Time Police Personnel
18. Approve warrant for November 2014

PUBLIC COMMENT

ADJOURN

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, November 6, 2014 at 7 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

2015 Community Development Block Grant Funding

RESOLUTIONS:

Accept minutes of Board of Trustees Meeting

RESOLVED, that the minutes of the Board of Trustees Meeting of October 2, 2014 and Special Meeting of October 15, 2014 are hereby accepted.

Accept Departmental reports

RESOLVED, that the Justice Court, Police Department and Building Department reports for October 2014 and Treasurer's Report for September 2014 are hereby accepted.

Schedule a Public Hearing to Amend Section 178-33 of the Village Code-Speed Limits

WHEREAS, the Board of Trustees wishes to amend section 178-33 of the Village Code, to make certain changes in the Code concerning speed limits on Village streets; and

WHEREAS, Pursuant to Municipal Home Rule Law §20(5), no local law shall be passed by the Board of Trustees until a public hearing is held upon at least five (5) days' notice, it is hereby RESOLVED that a Public Hearing will be held on December 4, 2014, at 7:00 p.m. on the proposed amendment to section 178-33 of the Village Code. A copy of the proposed amendment to Chapter 178-33 is annexed hereto.

Schedule a Public Hearing to Amend Section 178-42 of the Village Code-Speed Limits

WHEREAS, the Board of Trustees wishes to amend section 178-42 of the Village Code, to make certain changes in the Code concerning speed limits on Village streets; and

WHEREAS, Pursuant to Municipal Home Rule Law §20(5), no local law shall be passed by the Board of Trustees until a public hearing is held upon at least five (5) days' notice, it is hereby RESOLVED that a Public Hearing will be held on December 4, 2014, at 7:00 p.m. on the proposed amendment to section 178-42 of the Village Code. A copy of the proposed amendment to Chapter 178-42 is annexed hereto.

Schedule a Public Hearing to Amend Section 178-44 of the Village Code-Parking Prohibitions

WHEREAS, the Board of Trustees wishes to amend section 178-44 of the Village Code, to make certain changes in the Code concerning parking prohibitions on Village streets; and

WHEREAS, Pursuant to Municipal Home Rule Law §20(5), no local law shall be passed by the Board of Trustees until a public hearing is held upon at least five (5) days' notice, it is hereby RESOLVED that a Public Hearing will be held on December 4, 2014, at 7:00 p.m. on the proposed amendment to section 178-44 of the Village Code. A copy of the proposed amendment to Chapter 178-44 is annexed hereto.

Schedule a Public Hearing to Enact Chapter 127 of the Village Code-Peace and Order

WHEREAS, the Board of Trustees wishes to enact a new chapter in the Village Code entitled "Peace and Order," to prohibit persons from sleeping in parked vehicles on Village-owned or Village-controlled streets and areas; and

WHEREAS, Pursuant to Municipal Home Rule Law §20(5), no local law shall be passed by the Board of Trustees until a public hearing is held upon at least five (5) days' notice, it is hereby RESOLVED that a Public Hearing will be held on December 4, 2014, at 7:00 p.m. on the proposed enactment of Chapter 127 to the Village Code. A copy of proposed Chapter 127 is annexed hereto.

Schedule a Public Hearing to Enact Chapter 182 of the Village Code-Vehicles on Beach

WHEREAS, the Board of Trustees wishes to enact a new chapter in the Village Code entitled "Vehicles on Beach," to regulate the operation of motorized vehicles on ocean beaches located in the Village; and

WHEREAS, Pursuant to Municipal Home Rule Law §20(5), no local law shall be passed by the Board of Trustees until a public hearing is held upon at least five (5) days' notice, it is hereby RESOLVED that a Public Hearing will be held on December 4, 2014, at 7:00 p.m. on the proposed enactment of Chapter 182 to the Village Code. A copy of proposed Chapter 182 is annexed hereto.

Authorize Snow Removal Agreement with Village of Westhampton Dunes

RESOLVED, that the Mayor is hereby authorized to execute an agreement with the Village of Westhampton Dunes for the removal of snow by the Village of Westhampton Beach Department of Public Works employees for an annual fee of \$10,500.00 plus reimbursement of any certified expenses that may exceed said fee, for the time period November 1, 2014 through October 31, 2015.

Authorize Use of Village Property-East End Hospice

RESOLVED, that East End Hospice is hereby authorized to use the Village Green on Sunday, December 7, 2014 for the annual Tree of Lights Memorial Service from 12:00 p.m. until 4 p.m.

Authorize Use of Village Property-WHB Fire Department

RESOLVED, that the WHB Fire Department is hereby authorized to use the Village owned property located at 172 South Country Road (Old DPW Barn) for training purposes during the construction of the new fire house. The Village will receive 1 week notice prior to various training sessions.

Authorize Purchase of Polar Kraft Boat

RESOLVED, that the Board of Trustees hereby approve the purchase of a 2014 Polar Kraft 16' boat for the Public Works Department in the amount \$3,990.00 from account code A5110.2 Equipment.

Authorize payment of 2009/2010 Assessment Roll Certiorari property tax reductions

RESOLVED, that the Board of Trustees hereby authorize the payment of 2010/2011 tax year property tax reductions in the amount of \$4,293.28 to the property owners specified on the attached list as a settlement of Certioraris as ordered by the NYS Supreme Court.

Authorize Mayor to Sign an Intermunicipal Agreement with the Suffolk County Planning Commission

WHEREAS, General Municipal Law (GML) 239 requires the referral of certain proposed planning and zoning actions to the Suffolk County Planning Commission by local Towns and Villages within the County, and

WHEREAS, GML also allows for the County to enter into an agreement with a referring body or duly authorized body of a Town or Village to provide that certain proposed actions be deemed matters of local rather than inter-community or county-wide concern and, therefore, not subject to referral, and

WHEREAS, the Village of Westhampton Beach has proposed a litany of actions which are consistent with the intent of GML and represent matters of local not county-wide concern, and

WHEREAS, the adoption of an inter-municipal agreement would streamline the referral review process without any compromise to county-wide or inter-community planning considerations, now therefore be it

RESOLVED, that pursuant to the above the Suffolk County Planning Commission considers the following list of actions to constitute matters of local determination which are NOT subject to the referral process:

- All area variances associated with single family residences.
- Change of one permitted use to another with no changes in parking requirements (i.e. retail to office).
- Minor additions less than 1,000 square feet with no change to use or occupancy.
- Site plan applications proposing less than 5,000 square feet of new or renovated floor area or less than 10,000 square feet of land disturbance.

Exception – actions that have been given a Positive Declaration pursuant to SEQR or actions involving property abutting state or county parkland, the Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water shall be subject to the full review process.

RESOLVED, That the Village Clerk is directed to forward a copy of this resolution to the Suffolk County Planning Commission and to the Planning Board and Zoning Board of Appeals of the Village of Westhampton Beach.

Authorize SEQRA Review

WHEREAS, an application has been submitted by Sunset West LLC and Tessera LLC for a 10,000 square foot drugstore in an existing building located on Sunset Avenue; and

WHEREAS, said application is subject to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the applicant submitted a short EAF; and

WHEREAS, more than one agency is involved in the application to wit: the Suffolk County Department of Health Services, the Village’s Planning Board and the Village’s Architectural Review Board; and

WHEREAS, the action is unlisted under SEQRA; and

WHEREAS, the Board of Trustees has opted for coordinated review under SEQRA; and

WHEREAS, the Board of Trustees is interested in being designated lead agency under SEQRA for this application; and

WHEREAS, coordinated review pursuant to NYCRR Section 617.6 requires that Part I of the EAF be submitted to the other involved agencies along with a notice that a lead agency must be agreed upon within 30 days.

NOW, THEREFORE, it is hereby RESOLVED that the Clerk is authorized and directed to transmit notice of coordinated review of the Sunset West LLC application pursuant to NYCRR Section 617.6(b)(3) to all involved agencies and the regional office of the DEC.

Authorize Market and Municipal Impact Study

WHEREAS, Sunset West LLC and Tessera LLC have made application to the Board of Trustees pursuant to Section 197-80.8 of the Village Code for a special exception permit for a drug store; and

WHEREAS, Section 197-80.8 of the Village Code provides that "the Village Trustees shall conduct or hire a consultant to conduct a market and municipal impact study at the expense of the applicant;" and

WHEREAS, the Village Trustees have decided to hire a consultant for such market and municipal impact study; and

WHEREAS, the Village Trustees have received two proposals from The Clue Group of Arlington, Virginia and Ferrandino & Associates Inc. of Elmsford, New York; and WHEREAS, the Village Trustees have reviewed said proposals.

It is hereby RESOLVED that the Board of Trustees of the Village of Westhampton Beach shall hire _____ at the expense of the applicant and that the Village Clerk shall notify said firm that it has been chosen and should start forthwith on the market and municipal impact study.

Authorize Special Exception Study

WHEREAS, the Board of Trustees wishes to study the special exception permit conditions contained in Section 197-80.8 of the Village Code; and

WHEREAS, the Board of Trustees has been provided with a proposal by Nelson, Pope & Voorhis of Melville, New York, to prepare such a study, a copy of this is annexed hereto.

It is hereby RESOLVED that the Board of Trustees of the Village of Westhampton Beach hereby retains Nelson, Pope & Voorhis to provide the services set forth in the attached proposal and the Village Clerk is authorized to so advise Nelson, Pope & Voorhis.

Appoint Part Time Police Personnel

RESOLVED, that Joseph Loria is hereby appointed to the position of Part Time Police Officer at an hourly rate of \$20.00 effective October 30, 2014.

Approve Warrant for November 2014

RESOLVED, that the warrant for November 2014 in the amount of \$251,370.71 for the General Fund and \$2,200.00 for the Trust & Agency fund is hereby approved.

PUBLIC COMMENT

ADJOURN

DATED: November 6, 2014

Elizabeth Lindtvit
Village Clerk-Treasurer

PROPOSED LOCAL LAW NO. 4/2014

**A LOCAL LAW AMENDING
CHAPTER 178 OF THE VILLAGE CODE
ENTITLED "VEHICLES AND TRAFFIC"**

Be it enacted by the Board of Trustees of the Village of Westhampton Beach as follows:

SECTION I. PURPOSE

The Board of Trustees has reviewed the provisions of Chapter 178-33 of the Village Code with respect to Traffic Control Signals and finds that the 15 MPH speed limit set forth for the Intersection (Location) of Mill Road north 470 feet east of Oneck Lane is inaccurate and should be changed to 20 MPH.

SECTION II. AMENDMENT TO SECTION 173-33

(a) The bracketed material shall be deleted as follows:

(b) The underlined material shall be added as follows:

Section 178-33

In accordance with the provisions of §178-4, traffic control signals shall be installed at the following described intersections:

Intersection (location)

* * *

Mill Road north 476 feet east
of Oneck Lane

* * *

Type of Signal

* * *

Flashing (yellow) warning
traffic on Mill Road westerly,
School Zone [15] 20 MPH

* * *

SECTION III. EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

PROPOSED LOCAL LAW NO. 5/2014

**A LOCAL LAW AMENDING
CHAPTER 178 OF THE VILLAGE CODE
ENTITLED “VEHICLES AND TRAFFIC”**

Be it enacted by the Board of Trustees of the Village of Westhampton Beach as follows:

SECTION I. PURPOSE

The Board of Trustees has reviewed the provisions of Chapter 178-42 of the Village Code with respect to speed limitations and finds that it contains two inaccuracies that should be corrected: (1) the 15 MPH speed limit set forth for the Intersection (Location) of Mill Road north 470 feet east of Oneck Lane should be changed to 20 MPH, and (2) the reference to “Washington Riverhead Road (County Road 31)” should be changed to “Westhampton Riverhead Road (County Route 31).” The Trustees also find that a 20 MPH restriction should be imposed on Mill Road between Oneck Lane and Lilac Road.

SECTION II. AMENDMENT TO SECTION 178-42

(a) The bracketed material shall be deleted as follows:

(b) The underlined material shall be added as follows:

Section 178-42

In accordance with the provisions of §178-13B, speed limits are hereby established upon the following described streets or parts thereof:

Name of Street	Speed Limit	Location
* * *	* *	* * *
<u>Mill Road</u>	<u>20</u>	<u>Between Oneck Lane and Lilac Road</u>
* * *	* *	* * *
Rogers Avenue extension [Added 1-23-2013 by L.L. No. 1-2013]	25	Between [Westhampton Riverhead Road (County Road 31)] <u>Westhampton Riverhead Road (County Route 31)</u> and Rogers Avenue

Roundabout [**Added 2-1-2007**
By L.L. No. 2-2007]

* * *

[15] 20

**

Circle at intersection of Mill Road/
Brook Road/Oak Street/Potunk Lane

* * *

PROPOSED LOCAL LAW NO. 6/2014

A LOCAL LAW AMENDING
CHAPTER 178 OF THE VILLAGE CODE
ENTITLED "VEHICLES AND TRAFFIC"

Be it enacted by the Board of Trustees of the Village of Westhampton Beach as follows:

SECTION I. PURPOSE

The Board of Trustees has reviewed the provisions of Chapter 178-44 of the Village Code with respect to parking prohibitions on Village streets between certain hours and finds that it contains three provisions relating to Lilac Road that should be removed and replaced with two new provisions.

SECTION II. AMENDMENT TO SECTION 178-44

(a) The bracketed material shall be deleted as follows:

(b) The underlined material shall be added as follows:

Section 178-44

In accordance with the provisions of §178-17, no person shall park a vehicle between the hours listed upon any the following described streets or parts of street:

Name of Street	Side	Hours/Days	Location
* * *	* *	* *	* * *
[Lilac Road]	[East]	[8:00 a.m. to 4:00 p.m., school days]	[Southerly from County Road 80 intersection (Montauk Highway) for a distance of 86 feet]
[Lilac Road]	[East]	[8:00 a.m. to 7:00 p.m., school days]	[Northerly from Mill Road intersection for a distance of 1,952 feet]
[Lilac Road]	[West]	[8:00 a.m. to 4:00 p.m., school days]	[Between Mill Road and County Road 80 intersection (Montauk Highway)]
<u>Lilac Road</u>	<u>East</u>	<u>8:00 a.m. to 4:00 p.m., school days</u>	<u>From a distance of 75 feet north of County Road 80 intersection Montauk Highway)</u>

Lilac Road

West

8:00 a.m. to
4:00 p.m., school
days

Between Mill Road and County
Road 80 intersection (Montauk
Highway)

PROPOSED LOCAL LAW NO. 7/2014

A LOCAL LAW ENACTING
CHAPTER 127 OF THE VILLAGE CODE
ENTITLED "PEACE AND ORDER"

Be it enacted by the Board of Trustees of the Village of Westhampton Beach as follows:

SECTION I. PURPOSE

The Board of Trustees has reviewed the provisions of the Village Code and finds that it contains no prohibition against persons sleeping in parked vehicles on any street, park, recreation area, beach, beach access road, or parking area owned, controlled, or operated by the Village of Westhampton Beach during the early morning hours. The Board of Trustees believes it is in the best interest of the Village to prohibit this activity.

SECTION II. ENACTMENT OF CHAPTER 127. PEACE AND ORDER

The underlined material shall be added to the Village Code as follows:

Chapter 127. PEACE AND ORDER

Section 127-1 – Sleeping in vehicles in public places

No person or persons shall sleep in any stationary motor vehicle at or on any street, park, recreation area, beach, beach access road, or parking area owned, controlled, or operated by the Village of Westhampton Beach, New York, between the hours of 2:00 a.m. and 5:00 a.m.

SECTION III. EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

PROPOSED LOCAL LAW NO. 8/2014

A LOCAL LAW ENACTING
CHAPTER 182 OF THE VILLAGE CODE
ENTITLED "VEHICLES ON BEACHES"

Be it enacted by the Board of Trustees of the Village of Westhampton Beach as follows:

SECTION I. PURPOSE

The Board of Trustees has reviewed the provisions of the Village Code and finds that it contains no limitations on the operation of motorized vehicles on ocean beaches located in the Village. The Trustees of the Town of Southampton impose certain requirements on the operation of motorized vehicles on ocean beaches in the Town of Southampton and the Board of Trustees believes it is in the best interest of the Village to adopt these requirements in order to be able to enforce them.

SECTION II. ENACTMENT OF CHAPTER 182. VEHICLES ON BEACHES

The underlined material shall be added to the Village Code as follows:

Chapter 182. VEHICLES ON BEACHES

Section 182-1. Title

This chapter shall be known as "Vehicles on Beach."

Section 182-2. Findings

It is hereby declared and found that the operation of motorized vehicles on the ocean beaches in the Village of Westhampton Beach is a matter affecting the public interest and consequently should be subject to the supervision and control of municipal authority for the purpose of safeguarding the public. The requirements imposed by the Trustees of the Town of Southampton with respect to driving motorized vehicles on the beaches should be adopted so that the Village is able to enforce these requirements.

Section 182-3. Word usage and definitions

- A. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. For the purposes of this chapter, the following terms shall have the meanings indicated:

OCEAN BEACH AREA

Those premises along the Atlantic Ocean bounded on the north by the crest of the dunes, on the south by the low-water mark of the Atlantic Ocean, on the east by the easterly Village line and on the west by the westerly Village line.

Section 182-4. Applicability.

The following requirements shall apply to all "Ocean Beach Areas," as that term is defined in §187-3.

Section 187-5. General limitations on use by vehicles; permit required.

- A. No person shall drive or operate a motor vehicle on the Ocean Beach Area from May 15 through September 15 in each year during the following hours: between the hours of 9:00 a.m. and 6:00 p.m.

- B. No person shall drive or operate a motor vehicle on the Ocean Beach Area at any time unless said vehicle is registered and unless the driver or operator is covered by a liability insurance policy equivalent to that required by the State of New York for the operation of a motor vehicle upon public highways and unless said vehicle displays a permit on the front bumper issued by the Trustees of the Commonalty of the Town of Southampton to operate said motor vehicle on the ocean beach along the Atlantic Ocean in the Town of Southampton.

- C. The provisions of this section shall not apply to:
 - (1) vehicles of governmental agencies in the performance of official duties;
 - (2) contractors working under the direction or supervision of the Village; or
 - (3) emergency vehicles.

- D. The provisions of Subsection A shall not apply to a commercial fisherman holding a valid New York State Department of Environmental Conservation resident marine commercial food fishing license actively engaged in a commercial fishing activity.

Section 187-6. Proper operation of vehicles.

- A. No person shall drive or operate a motor vehicle on the Ocean Beach Area unless said vehicle is equipped with a jack, jackboard, tow chain or rope, air-pressure gauge, tire inflation device and shovel.

- B. No person shall drive or operate any all-terrain vehicle (ATV) or motorcycle at any time on the Ocean Beach Area.

- C. No vehicle shall be operated on the Ocean Beach Area at any time at a speed in excess of 10 miles per hour.
- D. No person shall drive or operate a motor vehicle on any dunes or beach grasses. Vehicles must operate waterward of the debris line. Vehicles shall not trespass on private property.
- E. Vehicles shall only enter and exit the Ocean Beach Area from the Village access road located south of Dune Road just east of Lashley Lane, and only when the Village access gate is open.
- F. No person shall display or use a four-wheel-drive-vehicle permit unless said permit properly applies to the vehicles owner's residency status at the time of said use and is displayed only on the vehicle for which it was issued.
- G. The provisions of this section of this section shall not apply to:
 - (1) vehicles of governmental agencies in the performance of official duties;
 - (2) contractors working under the direction or supervision of the Village; or
 - (3) emergency vehicles.

Section 187-7. Penalties for offenses.

- A. Any person committing offenses against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

SECTION III. EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.