

**Minutes of the General Meeting of the Board of Trustees  
Village of West Hampton Dunes  
West Hampton Dunes, NY  
June 13, 2008  
906 Dune Road, WHD, NY**

Attendance: Mayor Veliante, Trustees, Robert Strecker, Charles Brown, Gary Trimarchi, George Asem, Village Clerk, Laura J. Dalessandro, Joseph Prokop, Village Attorney, Aram Terchunian, Commissioner of Wildlife Protection, Chief, Don Zlatniski, about 15 residents.

Open Meeting 7:20 p.m. Pledge of Allegiance – Waived, no Flag

**Mayors Report**

- This is the last meeting as Trustees for George Asem & Bob Strecker, both whose terms are up and have chosen not to run again for the position of Trustee. Both Bob & George have been Trustees since the creation of the Village and have put in endless hours of hard work and dedication.
- On a very sad note, one of the founding patrons of the community, Ilia Ozero, passed away. Her husband, Brian Ozero served on the Zoning Board of Appeals for many years. Our condolences to Brian and his family.
- Mayor discusses recent unfortunate issues and rumors that have been published in the press. One specifically has been the accreditation of our Police Constabulary. This is not, nor has ever been true.

**Chief Constabulary Report**

- Chief Zlatniski confirms what Mayor Vegliante stated and explains that by Dan's Papers publishing the statement that our Constables are not able to write tickets, puts our police department and the entire Village at risk.

**Aram Terchunian, Commissioner of Wildlife Protection – Report**

- Plover update – handout distributed.

**Building Inspector Report**

- Three new Certificate's of Occupancies
- Four more open building permits pending CO's
- Possible regulations pending re: BBQ's with glass

**Village Clerk Report**

- Absentee Ballots – NYS Village Election Law has different standards when it comes to issuing absentee ballots. Unfortunately, being absent from the Village or County due to your normal course of business is not a valid reason to obtain an absentee ballot. This is not a Law created by the Village of West Hampton Dunes, it is a New York State Village Election Law and our Village is required to abide by and enforce it.

**Village Attorney Report**

- Bayside Litigation – Lawsuit in the State Court brought against the Village by the Town Trustees and the Town of Southampton. Defendants in the case are The Incorporated Village of West Hampton Dunes and a group of co-defendants including about 38 individual property owners on the bayside. Attorney, Joe Prokop has been retained by the Village to represent the Village in the case and the individual property owners proceeded pro-se or they hired private attorneys, or defaulted and some hired as a group one attorney, Jonathan Sinnreich. Two of the main causes of action that the Town is challenging against the Village are the

actual incorporation of the Village, as well the actual boundary of the Village. The town is trying to basically pull back in a southerly direction the northern boundary, in some cases, a few feet, in other cases, several hundred feet. If the town was to succeed in this case, the Village would be dramatically different than it is now. These are the two causes of action that Joe Prokop has been hired to work on for the Village. The other four causes of action are against the actual property owners, who have had to hire their own attorneys. No Village funds have been, nor will be, used on those actions. Legal fees for Mr. Prokop from the Village to date, have been estimated around \$25,000-\$30,000 at \$150.00 per hour.

- Not one penny of tax payers money has been spent to defend the private individual homeowners in the bayside litigation.
- Over the last fourteen years, the Town has been attempting to disassemble our Village in any way that it can.
- NYSDEC wrote a letter to the SH Town regarding pending subdivisions in West Hampton Dunes, however, the lawsuit says nothing about the subdivisions in their complaint. Their complaint is about the boundary line and the property issue.
- The Town sued Village resident Louis Bouninfante, 770 Dune Road, in 2000 for the very same issue, and lost that case.
- The Village was in litigation with the Town back in 1996 for the same exact land that is in question today, and there were no variances involved.
- Village resident, Mike Rossi, of 750 Dune Road, asks two questions regarding the bayside litigation, of which his property is a part of. Why wasn't there a discussion to try and settle this prior to litigating and what is the conservation easement that has been discussed? Aram Terchunian, the Commissioner of Wildlife Protection for West Hampton Dunes, responds.
- Mr. Terchunian explains that he was present at a meeting two weeks prior to the papers being filed against the Village. Mayor Vegliante had a conversation, on speaker phone, with the then President of the Southampton Trustees, Scott Strough, where Mayor Vegliante expressed to Mr. Strough that he has was hearing that the Southampton Trustees were going to sue the Village of West Hampton Dunes. Scott Strough's responded by saying to Mayor Vegliante that he guaranteed they were not going to sue the Village until he and the Mayor talked. Mayor Velgiantre responded stating that he was ready to meet you anytime, anywhere. Scott Strough, again re-assured the Mayor that they were not going to sue the Village. Two weeks later, papers were filed and served against the Village and the bayside property owners.
- The conservation easement came about after the Town lost the case at the Appellate division on the Bouninfante case. In that decision, the Appellate Court ruled that there was clear evidence of accretion and it remanded the case to the Supreme Court to decided only one thing; the location of where the waters of Moriches Bay begin the bay. When that case came down, Mr. Buoninfante and the Trustees had a choice. They could go back to court or they could sit down and reach a settlement together. They chose to sit down, with Mayor Vegliante's help, they reached a settlement that Mr. Buoninfante, himself, would grant a 100' conservation easement from the high water line in 2003 to the south and that would remain his land, but he would not develop it. He could build a walkway across it, only.
- Mayor Vegliante sat down with the new Town Board and Councilman, to discuss a possible settlement. The Town Councilman was in complete agreement with the Village. He then went back to the Town Trustees to try to settle. The Town Trustees wanted no part of settling with the Village. They would not even discuss it. They basically will not stop until they win.

- The judge in this case has said that there must be a property by property evaluation as to how the land has arrived at its present condition; how it got to where it is today. Was it a process of gradual accretion or was it a process of one time avulsion where it all dropped in one sweep?

- Beach Re-nourishment – Is in place for this Fall/Winter 2008-09

- Trustee Trimarchi comments about the recent allegations that have been made via repetitious emails from a village resident, Ron Comito, to a number of residents. The Board and the Village Attorney have concluded that the accusations are frivolous and were based on inaccurate information and misinterpretation of the law. Based on that, the Board decided not to retain outside counsel to pursue this issue.

- Motion to waive the attorney client privilege to allow the 29 page response to those emails, from Attorney, Joseph Prokop, be made public.

Motion by Trustee Trimarchi  
Seconded Trustee Brown  
All in favor Unanimous  
All opposed None

- To further clarify the legality of allowing Claire Vegliante, the Mayor’s wife, to be the Village Treasurer, Mayor Vegliante reads a law that states “the Mayor’s relatives, otherwise able and qualified, may legally be appointed by the Board of Trustees, as Village Attorney and Village Treasurer”.

- Resident, Steve Brenner, comments about landscaping in the Village. Can the Village pass a Local Law with regards to property owners being required to landscape their property.

- Mayor Vegliante, suggests that possibly requiring a landscape plan along with the plans for new construction.

- Road Plan approved by NYSDEC.

- Joe Benedetto, has accepted the position of Highway Commissioner for the Village and has come up with some good ideas already for the Village.

- Village will be purchasing a Radar Speed sign.

- Village resident, Alice Harris, 848 Dune Road, thanks Trustees Bob Strecker & George Asem, again for their years of endless dedication and devotion to the Village.

**RESOLUTIONS:**

**Resolution** to approve the minutes from last meeting;

Motion by Trustee Strecker  
Seconded Trustee Brown  
All in favor Unanimous  
All opposed None

**Resolution** to approve the payment of standard and ordinary monthly bills;

Motion by Trustee Brown  
Seconded Trustee Asem  
All in favor Unanimous  
All opposed None

Motion to adjourn meeting: 9:35 p.m.

Motion by Trustee Brown  
Seconded Trustee Strecker  
All in favor Unanimous  
All opposed None