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INCORPORATED VILLAGE OF WEST HAMPTON DUNES

BOARD OF TRUSTEES

February 24th, 2020

7:30 PM

Meeting held at

598 Broadhollow Road, Executive Room 2, Melville, NY

APPEARANCES:

- Gary Vegliante, Mayor
- John Eff, Jr., Trustee
- Barry Goldfeder, Trustee
- Michael Craig, Trustee
- Gary Trimarchi, Trustee

ALSO PRESENT:

- Joseph Prokop, Village Attorney
- Angela Sadeli, Village Clerk
- Aram Terchunian, Commissioner of Wildlife
Protection
- Claire Vegliante, Treasurer

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INDEX

PUBLIC HEARINGS:

PAGE:

No. 1, 906 Dune Road

3 - 53

SCTM #907-1-1-4

No. 2, 949A Dune Road

54

SCTM #907-1-2-4-.003

No. 3, 949B Dune Road

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SCTM #907-1-2-4-.004

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MAYOR VEGLIANTE: Okay. Good evening. It's going to be an energetic meeting tonight. We have a lot on the agenda. Everybody think nice thoughts.

We'll start tonight with the VID. We have Aram here to answer some questions.

THE CLERK: We have to start with the public hearing.

MAYOR VEGLIANTE: We're going to start with the public hearing because the stenographer is here.

Public Hearing Number 1, which was adjourned on a prior date. It's a public hearing to accept public comment on a proposed acquisition of an easement of 906 Dune Road in the Barrier Beach Preservation.

We're here to take comments on that. Although it's not been finalized, that's what we're doing. We would like to hear from the people, pro, con, or whatever they would like to say, the next two public hearing will be ocean

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side, but this is the bay side public hearing.

What's being proposed is a transfer of a public right-of-way from the ocean to the public, and for a bay side right-of-way to be transferred from the owners of the public right-of-way on the ocean side for their use for giving up the property -- the land on their property for an easement on their property. Is that accurate?

MR. PROKOP: Yes.

MAYOR VEGLIANTE: Okay. So we'll take comments from anybody who would like to talk about the 906. Any comments you would like to make? Lauren?

MR. TABONE: I have a lot of comments I would like to make. I don't want to take up everybody's time while making them. My neighbor is on the Widgeon Canal, nobody could be here tonight, they're all away. And they've asked if we could have a meeting with

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the Board or a conference call with the Board to voice our concerns.

MAYOR VEGLIANTE: All right. I'm always willing to meet at any time, and we'll set that up.

If you want to make any cursory comments about it -- I understand, but that's fine. So we'll set up a conference call for all of us.

And Chuck, find out what dates are good with your people and we'll get a conference number where we can talk, that's fine.

MR. TABONE: Okay.

MS. WOOLFSON Catherine Woolfson, I'm speaking as the treasurer of the Barrier Beach Preservation Association, as well as a homeowner in the Village.

I have grave concern with the possibility of the condemnation of the -- by the Board of the 906 property. I don't feel that it's an adequate comparable to what the situation is. I think that it's apples and oranges that

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we're trying to put together. And I think that the issue with the easement that is on the ocean that has been there for over 20 years needs to be addressed completely separately, versus pulling in the BBPA property for something to appease a homeowner on that side to try to make it work.

It's something that needs to be addressed completely separately, and I feel very strongly about. And I'm speaking on behalf of myself as well as part of the Barrier Beach, but it's something that the Board will be discussing as part of the Barrier Beach as well.

MR. TABONE: I will say I will agree with that.

MAYOR VEGLIANTE: I'm shocked. So we don't need a conference call?

MR. TABONE: If there were three people here it would be a different story. There's more people here than I've ever seen.

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MAYOR VEGLIANTE: We have a lot on the agenda.

MR. TABONE: Right. So I don't want to take up everybody's time with our issues.

MAYOR VEGLIANTE: I understand. I want to relay to everyone what's involved. We're basically -- this is an effort, first and foremost to maintain the status of the beach nourishment program. Because as you know, a very integral part of the beach status is the fact that several walkways exist.

Currently, only six exist legally, by the strictest sense. I'm certain there are other ways that it could be dealt with, but it would be much more difficult if we cannot -- what we're trying to do is accommodate everybody's needs without jeopardizing the stip, the court order.

If anybody has been out to the beach recently, you can see what that court order means. It's a very long

1
2 walk to get to the water today, whereas
3 several months ago, if you walked off
4 your walkway you were in the water. And
5 we have an about 1,000 feet of beach at
6 some spots, 300 feet as a minimum, and
7 at very high elevations. So it's
8 something we don't want to jeopardize,
9 and we're trying to maintain and
10 validity and the stature of the
11 settlement for at least another seven or
12 eight years.

13 MS. WOOLFSON: And you certainly
14 know I, as a past trustee, completely
15 understand the importance and the
16 critical need of that. I just feel like
17 we're throwing two completely different
18 animals in the same pen that should not
19 happen.

20 It's a really bad analogy, but
21 that's --

22 MAYOR VEGLIANTE: Well, there's a
23 way to resolve it. There's always a way
24 in the smoothest way.

25 So we're open to suggestions, but

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we have to hold the open hearings to get started.

MR. PROKOP: So the purpose of the hearing is -- with regard to this proposal to -- and again, it's just a proposal -- is to accept comments regarding are possible alternatives, the public purpose, and also the potential for any impacts on the environment. So these are really the three things that could comment -- well, you could comment on whatever you want, but that would be the focus.

MAYOR VEGLIANTE: Yes?

UNIDENTIFIED RESIDENT: So for clarification, you're basically taking a walkway on the ocean that's been in dispute and making that public, and then you're taking property --

MAYOR VEGLIANTE: We're re-establishing the public efficacy that existed before.

UNIDENTIFIED RESIDENT: Okay. But what's been said at previous meetings is

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there's been a title issue or an issue with Suffolk County, you've discussed.

MAYOR VEGLIANTE: Right.

UNIDENTIFIED RESIDENT: And -- but to do that, you're making a private way walkway by 906 only for certain residents, not for the whole village?

MAYOR VEGLIANTE: That's correct. What's on the table now is just condemning the bay side walkway for use of people that are donating the ocean side walkway, at time point.

MR. TABONE: How is that going to be enforced?

MAYOR VEGLIANTE: It's private ownership. It's enforced like any other private property. We would maintain -- if that's the way we go, we'll maintain it being private property. If that's the way it goes. I don't know if that's the way it goes.

MS. FABRIZIO: Because there would be some resistance from the BBPA or at least some of us --

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MAYOR VEGLIANTE: That's why were'
here talking about it.

MS. FABRIZIO: To not be a private
walkway.

MAYOR VEGLIANTE: That's exactly
why we're here talking about it.

MS. FABRIZIO: Well, that's exactly
why I'm here. So it should be open to
the community, at least. At least the
BBPA members.

MAYOR VEGLIANTE: I don't think
there's any -- I don't believe there
would be any problem with people
receiving an easement, but that's why
we're talking about it. That's what the
purpose of this meeting is.

TRUSTEE TRIMARCHI: Aram, what's
the closest public easement?

MR. TERCHUNIAN: On the bay or the
ocean?

TRUSTEE TRIMARCHI: On the bay.

MR. TERCHUNIAN: There are no
public easements on the bay.

MAYOR VEGLIANTE: There is a public

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easement just east of the Dune Lane.

MR. TERCHINIAN: That's Suffolk County Water Authority property.

TRUSTEE TRIMARCHI: That's been used as public.

MR. TERCHUNIAN: It's been used as public, but it's not a designated public access walkway.

TRUSTEE TRIMARCHI: But it is a walkway.

MR. TERCHUNIAN: And it's a de facto walkway.

MAYOR VEGLIANTE: Which side --

MS. FABRIZIO: In the same way this has been.

MAYOR VEGLIANTE: I'm sorry?

MS. FABRIZIO: This has been an active public walkway for many, many years.

MAYOR VEGLIANTE: I'm sorry. Which side?

UNIDENTIFIED RESIDENT: I'm sorry. Back to the ocean.

MAYOR VEGLIANTE: It has been, and

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that's true.

UNIDENTIFIED RESIDENT: And actively public, but was certainly there for the property purchases that have happened.

MAYOR VEGLIANTE: That's not an argument we want to take at this point. The bay side, we would take that argument immediately.

There are differences. There are similarities, but there are still very different.

TRUSTEE CRAIG: So I'm clear.

MAYOR VEGLIANTE: Yes.

TRUSTEE CRAIG: This is a -- I think it's been said, but this proposal is for a private walkway over the BBPA walkway?

MAYOR VEGLIANTE: No, the first public hearing, we're only talking about the 906 walkway, that would be -- as it's being discussed now, would be as a private walkway.

TRUSTEE CRAIG: Where does that

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proposal come from? Is this the Village's proposal or is this the homeowner on the ocean side?

MAYOR VEGLIANTE: This is what the Village believes was the interest of the people on the ocean side.

TRUSTEE CRAIG: So this is a the village's proposal, to make this private as opposed to public? That's what I'm --

MAYOR VEGLIANTE: The proposal that is in front of us know is simply the condemnation of the ocean side -- I'm sorry, of the bay side.

TRUSTEE CRAIG: Okay. So that's not private or public. That's a condemnation of the --

TRUSTEE TRIMARCHI: That's from the village.

MAYOR VEGLIANTE: We're going to condemn it, but the use of it is part of what the discussion here is about.

TRUSTEE CRAIG: Okay.

MAYOR VEGLIANTE: That's why I want

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to hear from everyone. We need to know the feelings of the community.

Chuck, you're worried about potential --

MR. TABONE: I'm worried about a lot of things. I'm worried about the Widgeon Canal looking like the end of the are water authority area where there's kayaks, there's paddleboards, there's all kinds of floats, equipment, which is great, but that's nobody's property over there.

We have homeowners that live on the Widgeon Canal that chose to live on that canal. There wasn't a public access when we all chose to live there. Now all of a sudden it's going to be a public access, and it's not going to be controlled.

I have a letter or a memo from the BBPA, talking about a dock, which I know I've been told there was no dock, but this letter says something about a dock. This letter says something about an

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event in the summertime on the dock. I mean, you know, there's a lot of different stuff flying around here, which --

MS. FABRIZIO: That was in the very, very beginning. That's not in consideration right now.

MR. TABONE: Well, I don't know. I have no idea because I hear you saying you want it to be public. I hear Gary saying it's going to be for the right of two homeowners. So I don't know what it's going to be.

TRUSTEE CRAIG: There's three board members from the BBPA here tonight?

MS. FABRIZIO: Yes, three.

TRUSTEE CRAID: Do you have a concerted answer or is there --

MAYOR VEGLIANTE: A suggestion?

TRUSTEE CRAIG: -- a suggestion?

MAYOR VEGLIANTE: What's your suggestion for it to be?

TRUSTEE CRAIG: Right. What does the board want?

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MS. WOOLFSON: I think that the board has different viewpoints.

MAYOR VEGLIANTE: Okay.

MS. WOOLFSON: We haven't met as a board on the subject specifically. There's been a lot of different things that have floated around about what was going to happen, and this was the latest. And I think that we have a couple of different viewpoints on it.

MAYOR VEGLIANTE: I think -- let me tell I what our position is. And it's very clear. Number one is the integrity of the court ordered stip, that's always number one. And I'm sure you it's yours as well. We have to keep the stip in place.

Number two is the access to the ocean at the current location, which is important to many bay side owners who want to access the ocean. We need to maintain that access where it is. Or if we could find another place just as good, we would, but there is no other

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place.

And number three, is the people who have the access on the ocean going right across their property, their real owned property, would like an opportunity to get to the bay. That's, basically, I think a fair appraisal of what's going on.

So what's in front of us now is the possibility of building a walkway across 906 property that would either get -- just the people who are giving the walkway on the ocean, well --

MR. TABONE: What about their neighbors? They want access to the canal too, don't they? Where do you stop?

This is a village thing. The village can give an easement just to two people.

MAYOR VEGLIANTE: Yes.

MR. TABONE: But isn't the easement, or whatever the word is, for Walkway Number 7, that's been there for

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20-some-odd years. Isn't that something called easement by prescription? Where it's almost like adverse possession --

MAYOR VEGLIANTE: Yes. However, that doesn't work against municipal entities.

So the problem -- there's a real, legal battle that could cast a very serious light on the stipulation that we don't choose to go. If we had to, we would. But we're looking to find a way to do this without that.

But if you feel -- and I understand that the bay would be overtaxed by an open easement and open access, that may be true, but we're not proposing that that would be true because of that concern.

However, one way or the other, we have to free -- and there's another property owner that's being impacted by that, Dr. Wang (ph.) whose property title has been clouded by this whole issue. It's completely the county's

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fault, but that's something, regardless of --

MR. TABONE: So why don't we fight with the county? We seem to fight with everybody else.

MAYOR VEGLIANTE: Well, we would fight with the county, but it's a long, arduous battle --

MR. PROKOP: The reason why --

MAYOR VEGLIANTE: Well, because we didn't know it wasn't proper to transfer.

TRUSTEE TRIMARCHI: Well, I think that we'd like to solve it without so much litigation and cost.

MR. TABONE: Agreed. But I don't want your problem to become my problem.

MAYOR VEGLIANTE: It is your problem. It's the Villge's problem.

TRUSTEE TRIMARCHI: We're all the village.

MAYOR VEGLIANTE: Listen, it's not my problem because I have --

MR. TABONE: You're making a

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village problem specific to the Widgeon people because that's your answer. Instead of dealing with the county, you're going to steamroll us. That's just not right. We're all neighbors, Gary.

MAYOR VEGLIANTE: Chuck, we have been doing it for two years, it's not a steamroller, it's really moving pretty slowly. We have --

MR. TABONE: It's moving slowly maybe in your view, but last year when you and I spoke, you told me there was nothing to worry about and you had all the paperwork, it was done. Forget about it. Now, all of a sudden, the paperwork doesn't exist.

MAYOR VEGLIANTE: If you feel steamrolled, I don't think I can convince you of otherwise. But I can tell you this, Chuck, we're trying to get through this in the smoothest way. But if you're what you're saying is that you feel very comfortable having the

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ocean access across someone's property
but don't feel comfortable having anyone
accessing the bay --

MR. TABONE: Gary, when I bought my
property --

MAYOR VEGLIANTE: Yes.

MR. TABONE: -- that access was
there. That access didn't happen in the
last month or last year. That access,
Number 7, has been there forever. I
been around since '02, the access was
there before me.

MAYOR VEGLIANTE: Of course.

MR. TABONE: So the access was
there. There was nothing to talk about.
This is something new you're creating.
The access across Dune Road into Widgeon
Canal is not there now. There's a path
there that we have no problem with our
neighbors using, they've been using it.
But the change of who is going to own
it, who is going to give it, who is
going to be able to use it. That's the
concern -- not the concern if a couple

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of our neighbors want to walk over to the canal, there's no issue with that.

MAYOR VEGLIANTE: I understand that. Isn't the real issue the people who are being post most affected by this?

UNIDENTIFIED RESIDENT:; I think the BBPA --

TRUSTEE TRIMARCHI: I think we need to hear some suggestions, not tonight, from the BBPA about how they might want to address the issue, for starters, not that I'm slighting you, Chuck.

MR. TABONE: No, that's fine.

TRUSTEE CRAIG: Is there --

TRUSTEE TRIMARCHI: Because really, we need to hear, when you're ready, some real input about, you know, what do we do about this? We have to resolve the issues, so when you're ready, give us some input and we'll continue to work in this.

MS. WOOLFSON: If our facility was on the ocean, and there was some way for

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us to appease the public, I, myself,
would be much more open to having that
conversation to help the Village in
whole. To help --

TRUSTEE TRIMARCHI: That's the idea
of what I'm suggesting.

UNIDENTIFIED RESIDENT: Exactly,
but it's an ocean access that we're
talking about that there's a problem
with. So we're turning that ocean
access that's the issue that needs to be
addressed for Mr. Wang and for --

TRUSTEE TRIMARCHI: And for the
community.

UNIDENTIFIED RESIDENT: And for the
community, understood. But to flip it
and satisfy a homeowner that wants bay
access all of a sudden in exchange to
go away and to --

TRUSTEE TRIMARCHI: Not so fast.

UNIDENTIFIED RESIDENT: This is --
I've been involved with this as much as
this --

TRUSTEE TRIMARCHI: So is this a

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representation of what the BBPA wants?

MS. FABRIZIO: Absolutely not. I don't think the BBPA has a unified verdict right now. Some of us feel that the Village needs us to do this and there's going to be a benefit to the BBPA, we're not as opposed to it.

Some of us feel opposed to it. So we don't have an answer.

MAYOR VEGLIANTE: Okay.

MS. WOOLFSON: We look towards you to give us some direction as to what you're thinking you want to do so that we can then better take that information to our directors and make a decision. Right now, we don't know what's on the table.

MS. FABRIZIO: Another option that's been brought up in the past and discussed in the past with the BBPA, which I'm happy to be forthcoming with it, is we discussed alternative locations on the 906 or the other properties that the BBPA owns to access

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2 the canal, which would not appease one
3 particular homeowner because it's not
4 directly across the street. But if we
5 are talking about all of a sudden
6 needing bay access for the community, it
7 makes much more sense to have it in an
8 alternate location versus that little
9 tiny strip directly across the street
10 from one person's home when it will,
11 environmentally -- I am not an expert, I
12 will not speak to that, but certainly, I
13 think the DEC and the people that have
14 problems, that little canal has seen
15 dramatic water droppage over the past 20
16 years. I don't know that it needs to be
17 commented and asked the people that live
18 on that no longer even have their boats
19 in the water because they can't. So all
20 of a sudden we're going to have people
21 traipsing and and possibly damaging what
22 is there. I'm not going to speak to the
23 environmental issue, because that's not
24 my expertise, but --

25 TRUSTEE GOLDFEDER: Why does it

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have to be for a public access on the bay side. Isn't it going to be for the homeowners that are --

MAYOR VEGLIANTE: Originally, it can be for the people that are dedicating the oceanfront getting an easement to the bay front. And it doesn't have to be public.

TRUSTEE GOLDFEDER: For two homeowners, basically.

MAYOR VEGLIANTE: It could be.

TRUSTEE GOLDFEDER: So would there be an issue if somebody donated funds to the BBPA, the BBPA built the walkway, owns the walkway, and rents to the homeowners and as long as they're deeded homeowners, for the life of their deed, for \$1 a year, and they're the only ones that use that walkway. It's still -- it's your property. It's -- you didn't build it with your money, the homeowners built it or whoever wants the walkway to the bay --

TRUSTEE TRIMARCHI: And it's only

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for them.

MR. TABONE: But the BBPA bylaws prohibit -- not from accepting donations, enriching a director, a member. That's enriching. That access is worth a lot of money.

TRUSTEE GOLDFEDER: They're providing a community service, which is in their charter.

(Unreportable cross-talk).

TRUSTEE TRIMARCHI: I did that with my bay with two of the other neighbors. They wanted to have access to the bay, and I said, you know, they're walking down, I said, you know what, I'll give it to you and your family, so they didn't have renters that could go and suddenly there's 15 people going --

MR. TABONE: But you're not a not-for-profit.

TRUSTEE TRIMARCHI: Well --

MAYOR VEGLIANTE: Chuck, I think you're on the wrong track. I don't think the BBPS is prohibiting anyone

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from having access to the bay, and
that's basically what you're saying.

MR. TABONE: No, I'm not saying
they're prohibited, I'm saying it may be
prohibited me giving it to one of their
directors.

MAYOR VEGLIANTE: Giving what to
their directors?

MR. TABONE: Giving that person
something of value. Access to the bay
is valuable. I mean, there's a dollar
amount that --

MS. WOOLFSON: Nobody for this
easement sits on the board of the BBPA.

MAYOR VEGLIANTE: I'm sure, if you
really feel that's a legal issue, I
don't think that's an issue.

TRUSTEE TRIMARCHI: You can always
adjust your bylaws.

MAYOR VEGLIANTE: No, I think --

MR. TABONE: I don't want to dive
this deep, but it seems like it keeps
going.

MAYOR VEGLIANTE: No, I don't think

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that's an issue. I think if the Board of Directors -- if I was on the Board of Directors, I'd say goodbye to the BBPA, but I don't think -- that's why we're discussing it.

MR. TABONE: I mean, is there a donation being made to the BBPA or the Village to accommodate --

MAYOR VEGLIANTE: We haven't discussed that.

TRUSTEE GOLDEFER: No, I just threw that against the wall.

MAYOR VEGLIANTE: But it's been discussed -- not discussed, but mentioned. And they would -- I don't know whether they would have, but I think that would be an area that we could explore. But I don't think that remedies what you're concerned about. An a donation to the BBPA is not going to remedy the amount of use.

MR. TABONE: No, no, because my neighbors will make a bigger donation. I mean, you know, we can play this game.

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MAYOR VEGLIANTE: That's a good battle. You could make a lot of money on this. I think --

TRUSTEE TRIMARCHI: If we could have a proposal from the BBPA about what they would like to do.

THE REPORTER: Can we please speak one at a time? And I will need some names for the record.

MS. FABRIZIO: I'm not speaking for the entire board, but I know at least myself, and one or two of the other board members are willing to work with the Village in order to resolve this issue to the best of everybody's -- to the best of the community's ability.

MAYOR VEGLIANTE: And I think everybody is --

MS. FABRIZIO: I agree with Gary and the board that we obviously need to protect sand on the beach, that's number one, of course.

So if there's a way that we could facilitate that and help with that, one

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vote would say, I would be willing to do that.

TRUSTEE GOLDFEDER: All right. So you should be on that conference call.

MR. TABONE: So please explain to me how this is a problem with sand on the beach? How do those --

MAYOR VEGLIANTE: Because one of the most rudimental issues of the settlement were that there were conditions that were required by the court order. And one of those requirements were that seven walkways be presented and delegated to the public. So we presented seven walkways in seven different locations. And the County was then tasked with transferring the title of those walkways at a time, back in '95. And they transferred six and did not transfer the seventh.

And actually, when they replaced one of the homes that they moved off the beach, they replaced the home in an area that would almost completely wipe out

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the seventh walkway. So they built six walkways, did not build a seventh walkway, and came -- we were merrily along for 10 years. And at one point, we realized there was no number 7. At which point, there was a question made, well, if there's no Number 7, we can't bring any more sand there because the conditions of the precedent were not met.

Unfortunately, the county, instead of doing the right thing and working with the village, they went out and filed a deed on the property on which a home was placed putting the walkway right into the home. Not building it, but actually placing the deed, which is completely illegal and improper, and certain that had brought a clear title action to the courts, not only would the county be found guilty and -- or they would have to clear that title, but they would also be found guilty of contempt of court because they showed up at the

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court house saying, yes, we accommodated all the seven walkways, it's done, Your Honor. They testified to that. So it was a very dicey issue for the county.

At which point, Bob Striker, I believe, had an act of subdivision going on in the village at the end of where -- those homes that now exist between 947 and 951 or 953. And he said, look, there was a deeded easement, which is not really a public easement, but it was a deeded easement for -- I don't know who the property owners are on the other side of the street, whatever, that exist on my properties at 949A and B. I'll give it to the county now, I'll give it to the -- we'll build the walkway. We -- actually, we that built that walkway, right, Bob? We actually built the walkway that exists. It didn't meet the standards that the other one did, but we got it done.

The Army Corps looked at us and said, that's good enough for us, we're

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good. We're not going to challenge the stip. And everybody went their merry way for a second time. Believing that it was done and finished, the Army Corps was fine.

The County has recently stopped accepting that now because of a change in the attorneys at the county, there's one attorney had a very bad attitude towards the village and found a good way to try to break out chops, she then went back and after the title had changed on the house, that existed with the walkway on it, they then filed a deed back on the original walkway, without notifying the property owner who has since bought the house and was never properly notified, which I think would negate that there was an illegal deed, they just re-took the deed, and here we sit. And the problem --

MR. STRIKER: It was a big deal because they weren't going to put sand on the beach. That's why we remedied

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this with this walkway. It's a big deal.

MR. TABONE: Like last week?

MR. STRIKER: No, no. Many, many, years ago.

MR. PROKOP: But the threat of that is recent.

MAYOR VEGLIANTE: The new threat -- the threat of that is current. Right before this --

MR. TABONE: They're putting sand on the beach now, right?

MAYOR VEGLIANTE: That's right. One of the reasons why --

MR. TABONE: Let them finish putting sand on.

MAYOR VEGLIANTE: Wel, why don't we go stick our finger in their --

(Unreportable cross-talk).

MR. TABONE: It is what it is right now, Gary, and they're putting sand on the beach. We haven't resolved any of this. They're still putting sand on the beach.

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MAYOR VEGLIANTE: Right.

MR. TABONE: So we have time
resolve it. That's all I'm getting at.

MAYOR VEGLIANTE: The public hearing
is for comments. That's why we're
having the public hearing. It's not
going to be resolved tomorrow, but the
fact is, remember, this project occurred
under suspicion that there was going to
be a problem. We did not pursue this
aggressively because we does not raise
the ire or the spectre of the project,
of several walkways not being in place.

One other thing that occurred in
between three years ago and today, the
then-county attorney has retired. So
the new county attorney, I believe, is a
more reasonable person, and I think
we'll be able to work with them on some
of these other issues. We didn't want
to really rattle his tree when we had
\$22-million worth of sand coming to the
beach, and the beach was right up to our
back doors. So we got that done,

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exactly what we wanted. We got the sand in place, it was about to be finished, and now we can really deal with it. Otherwise, it will be stopped again. It's a very difficult -- it's a tight rope that we're walking, so it's a difficult process.

TRUSTEE TRIMARCHI: Nothing worse than putting your replenishment in any type of danger.

MR. TABONE: Nobody wants that. But I guess, maybe I'm not speaking correctly. You had years to get this resolved, I don't know, and now all of a sudden there's an issue with sand. But meanwhile, this has not be resolved, they put the sand on the beach or they're putting the sand on the beach.

So I don't get the emphasis of having to take care of it. I mean, I could understand it from the homeowner's point of view, they want to get it resolved. No doubt about that. I'd want to get it resolved too.

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TRUSTEE TRIMARCHI: That's reasonable.

MAYOR VEGLIANTE: But don't confuse the people working on this board getting sand on the beach as being no problem. It's been a serious problem, we --

MR. TABONE: It's not that.

MAYOR VEGLIANTE: It's just that we're very good at getting around it. But eventually, that's going to stop. I mean, it's not an issue that we can ignore.

TRUSTEE TRIMARCHI: It's time to make this this thing go away.

MAYOR VEGLIANTE: Right.

MR. TABONE: But I think making it "go away" is what Catherine was talking about. Make that go away. You don't have to make the Widgeon Way Canal part of that problem.

MS. WOOLFSON: I think --

MR. TABONE: Deal with Suffolk County --

MS. WOOLFSON: I think -- I'm

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speaking for myself, Chuck, I won't put words in your mouth, but I think it's an issue that needs to be resolved with the county and have straightened out once and for all.

MAYOR VEGLIANTE: That's what we're trying to do.

MR. PROKOP: The county won't even talk to us. There's nothing to straighten out with the county. There's no part of -- if we were not in Suffolk County, if it was a different county that wouldn't happen, but it's not -- there's no vailability of working anything out with the county.

MAYOR VEGLIANTE: Well --

MS. WOOLFSON: Well, they can't -- if we go to them with issues that need to be addressed --

MAYOR VEGLIANTE: To your point is -- what they can say is there are no seven walkways and the project stops. That's what they can say.

TRUSTEE GOLDFEDER: Or we sue the

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county which gets costly.

TRUSTEE TRIMARCHI: Which can affect the sand on the beach and we don't want that.

MAYOR VEGLIANTE: Look --

MS. WOOLFSON: I understand that. You know that I under this.

TRUSTEE GOLDFEDER: We can go up against the county, it's costly, but if Chuck's willing to go pro bono.

MR. TABONE: I'm not a lawyer.

TRUSTEE GOLDFEDER: Well that's --

MAYOR VEGLIANTE: Chuck, just say yeah.

The problem is, guys, the reality is the hearing here is to see if there are any immediate suggestions that work. If not, we'll work with the families, we'll work with all of them, and work with the BBPA.

TRUSTEE TRIMARCHI: You guys should take your time. The BBPA can come back to us and say, listen, try this, try that.

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MAYOR VEGLIANTE: So go --

UNIDENTIFIED RESIDENT: You know, we've been going back and forth on this for two or three years also. We've been working with the three parties that have been involved, and it has not been a resolved situation.

MAYOR VEGLIANTE: So do you have any additional suggestions?

MS. FABRIZIO: No.

MAYOR VEGLIANTE: You don't.

MR. STRECKER: You have three parties involved, right, and I think the Widgeon Way people have to basically come up with what they're comfortable with --

MAYOR VEGLIANTE: Right.

MR. STRECKER: -- to make us feel comfortable and you feel comfortable.

MAYOR VEGLIANTE: Right. We're -- all of us -- there's no us and them here.

MR. STRECKER: I'm just saying, we have three parties, we're trying to get

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them to work together.

MAYOR VEGLIANTE: Trying to
maintain --

TRUSTEE TRIMARCHI: If there is no
other opposition from the BBPA, which
there seems to be, then we should hear
it now. Is it -- you've described the
opposition --

MR. STRECKER: We're three board
members. We can't speak for the board.

MAYOR VEGLIANTE: So that would be
repetitious, so we should go back to the
board --

(Unreportable cross-talk).

THE CLERK: One at a time, please.

THE REPORTER: It's just that I'm
only going to get the loudest person in
the room and I want to make sure the
record is accurate for you.

TRUSTEE TRIMARCHI: So why don't
you go back to the board and say, this
is what I think we can do. Or is this
your position, or --

MS. WOOLFSON: I'm not sure what

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you want us to come back and say.

TRUSTEE TRIMARCHI: I want you to come back and say a firm suggestion on what you think -- give us your position.

TRUSTEE CRAIG: I don't think they're united, Gary.

MS. WOOLFSON: It's not even that we're not united, we --

TRUSTEE TRIMARCHI: Take a vote.

MS. WOOLFSON: We can vote, that's fine, but what do you want us to vote on?

TRUSTEE TRIMARCHI: We want you to vote on what you guys want to happen, you say your position.

TRUSTEE CRAIG: I think there's multiple decisions to be made. A suitable location, either right across the street or around 908 and across --

MAYOR VEGLIANTE: There may be another alternative that I was thinking, Joe and I spoke a little bit about it. We're going to map that out on a map, I'll present it to you, show you where

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it is.

MR. TABONE: Just so you know, it's not just me, I'm just one who is here.

MAYOR VEGLIANTE: I don't mean it just you.

MR. TABONE: I will tell you, Bill Morningstar, whose house is right next to that proposed walkway, is not happy with all the money he's putting into that house right now to have what could be a public walkway right on top of his property.

MAYOR VEGLIANTE: I understand what he's saying, but unfortunately, if that were the only alternative, I still have to take care of the Village.

MR. TABONE: But it's not the only alternative.

MAYOR VEGLIANTE: It may not be. That's what I'm saying.

MR. TABONE: The BBPA controls or owns a lot of other property where interest could be into the canal or the bay.

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MAYOR VEGLIANTE: That they do not own --

MR. STRECKER: Can I ask -- I'll ask Chuck directly, basically. How would you feel if we moved the right-of-way to the most westerly side of the property? To the west of the police constable house?

MAYOR VEGLIANTE: As a matter of fact, that's one of the alternate locations that Joe and I had talked about was west of the BBPA on the property where the constabulary. I believe it would be not effected or have any involvement at all, we go down and go further north on the property and entrance onto the bay, further north into the bay.

MR. TABONE: The neighbors had suggested to Laura and the BBPA last year, there's a path that already exists all the way to the scallops.

THE CLERK: The oysters.

MR. TABONE: There's already a path

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there. That's past everyone's home.

MR. STRECKER: You feel comfortable with that?

MR. TABONE: I mean, the best of the worst, yeah.

MR. STRECKER: We've been talking years about building a -- I guess we'll call it a nature walk back there. I mean, there are places -- Mr. Aram left?

MAYOR VEGLIANTE: No, he's back there.

MR. STRECKER: -- I don't know what the marsh is like down there, but if we did a nature walk or even, you know, somewhat of a car path, I guess, where they could park down there --

MR. TABONE: You're getting a little carried away, Bob.

MAYOR VEGLIANTE: I don't think that's our concern. But again, there's an a piece of property that's for sale there that could be built upon.

MR. TABONE: If somebody buys it and builds a home, then they're entitled

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to do whatever they want to do. What you're talking about is very different because it's public, possibly public, with no, you know, there's no skin in the game. It's just people come and go, like the water authority area but stuff is just left there. It just -- it would be very different than some homeowner.

MAYOR VEGLIANTE: You mentioned about the water authority. There are people that live right on that property, right across the property, very similar to Widgeon Way.

MS. WOOLFSON: I'm speaking on behalf of myself. I would feel more comfortable if I knew that ever possible option had been exhausted directly with the county. I have not been heard --

MAYOR VEGLIANTE: Let me put your concerns aside. The county options are dead unless you want to litigate. I can assure you of that.

MS. WOOLFSON: But you just said a few minutes ago that the new people in

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place are a little more amenable and --

MAYOR VEGLIANTE: That may be true,
but I wouldn't rely on that.

TRUSTEE TRIMARCHI: I wouldn't bet
the ranch on that.

MS. WOOLFSON: I'm not betting it.
I would just like to see that there's
some sort of exchange and some sort of
an attempt at resolving this, in and of
itself, as an oceanfront issue.

MR. PROKOP: We have tried. I'm
not saying we won't continue to try, we
will, but I just want to let you know
that we have tried for ten years, eight
years.

MS. WOOLFSON: And I understand
this has been going back for a long
time. This has been going on since when
I was on the Board. I'm talking about
current and recent --

MAYOR VEGLIANTE: I promise you --
we'll continue to explore the county
government as I do, can assure you that
would be an even longer way, but we will

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continue to try.

TRUSTEE TRIMARCHI: You don't have a financially motivated county to do anything.

MAYOR VEGLIANTE: But we'll try. I would much rather resolve it that way, but we need to keep moving --

MS. WOOLFSON: I understand and appreciate that.

MS. FABRIZIO: So I just want to say one thing, as part of the BBPA Board and as a resident. The only dog in the race -- dog in the fight would be to help the situation. We -- as a BBPA, I think all of us can agree, that this is not something that we have a huge interest in wanting to do.

MAYOR VEGLIANTE: Right.

MS. FABRIZIO: So this is just to help the situation with the community.

MAYOR VEGLIANTE: Of course.

MR. STRECKER: And I think if we have the support of Chuck and the neighbors down there, you know, we would

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feel happy, you know, if they --

MR. TABONE: But let's not forget that the neighbors are fine with our neighbor accessing that path that's there now and doing what he does for the last couple of years.

So it's already happening. That's what we don't understand.

MAYOR VEGLIANTE: What --

MR. TABONE: He's using the --

MAYOR VEGLIANTE: But we have to resolve the issue legally.

TRUSTEE TRIMARCHI: If we don't resolve the issue we're going to end up spending tax dollars on litigation.

MR. TABONE: But he should give you what you want on the ocean side because he's got what he wants on the bay side already. Does he have a deeded easement? No. He's got a walkway over BBPA property that no one is going to stop him from doing anything with. Last I saw he put a mooring in the canal, just all of a sudden it appeared.

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2 I mean, you know, nobody stopped
3 him from doing anything. So he's
4 getting what he wants. And I hate to
5 talk about somebody like "he", that's
6 not right. But that's already
7 happening. So if that's already
8 happening for him, why doesn't Walkway
9 Number 7 happen for us? I mean, I'm
10 missing something.

11 MAYOR VEGLIANTE: I'll be happy to
12 explore it with him. If that would do
13 it I would be very happy. I don't think
14 that's going to happen.

15 TRUSTEE GOLDFEDER: So he should be
16 on the conference call.

17 MR. TABONE: Sounds logical.

18 MS. FABRIZIO: What Bob had
19 originally said about going all the way
20 down to the bay, would that satisfy
21 everybody? Because that --

22 MAYOR VEGLIANTE: I don't know. I
23 have a plan that does not even involve
24 the BBPA.

25 MS. FABRIZIO: Do you want to share

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that plan?

MAYOR VEGLIANTE: Not now.

MS. FABRIZIO: So this could be a moot conversation?

MAYOR VEGLIANTE: No, we will have a public hearing very similar to this one.

TRUSTEE TRIMARCHI: We haven't had a formal presentation from the BBPA either.

MAYOR VEGLIANTE: So listen, I think -- I'm going --

TRUSTEE TRIMARCHI: So we're asking you: What do you want? And you're saying you need more time to do it.

MS. FABRIZIO: I'm saying the Board wants to support you, we're not looking for anything.

TRUSTEE TRIMARCHI: I hear you, but we need to have something saying this is what we will do.

MS. FABRIZIO: I think we're beating a horse here, but --

MAYOR VEGLIANTE: I want to make a

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motion to adjourn this hearing. Motion
by Barry, seconded by Gary and Mike, all
in favor.

MAYOR VEGLIANTE: Public Hearing
Number 2 should be very brief. It
examines the same issues --

MR. STRECKER: Did you close it
already or adjourn it?

MAYOR VEGLIANTE: We're adjourning
it.

Public Hearing Number 2 is to
accept comments on a proposed easement
at 949A Dune Road. The owner of record
is Myles Feeney and Laura Feeney.

TRUSTEE CRAIG: I make a motion to
adjourn that too.

MAYOR VEGLIANTE: You make a
motion.

Any comments?

TRUSTEE TRIMARCHI: Second.

MAYOR VEGLIANTE: All in favor?

(Chorus of ayes).

All opposed?

(Negative response).

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Okay. Public Hearing Number 3, to accept comments on a proposed acquisition of an easement for an existing walkover at 949B Dune Road, owner is Gregory Rinn and Christine Poon.

Any comments?

(Negative response).

TRUSTEE TRIMARCHI: Second.

MAYOR VEGLIANTE: All in favor?

(Chorus of ayes).

(Whereupon the public hearing session ends and the public meeting portion is opened at 8:08 PM).

