

**Minutes of the  
General Meeting of the Board of Trustees  
Village of West Hampton Dunes  
January 7, 2008, Manhattan  
7:30 p.m.**

Attendance: Mayor Veliante, Trustees, Robert Strecker, Gary Trimarchi, Charles Brown, Village Clerk, Laura J. Dalessandro, Joseph Prokop, Village Attorney, Chief Don Zlatniski, Police Constable, Brian Hennig, Building Inspector, Herb Hoffman, Attorney, John O'Connell, Aram Terchunian, Commissioner of Wildlife Protection, NYSDEC Assistant Attorney, Scott Abrahamson, NYSDEC Sr. Engineer, Roman Rakoczy and about 35-40 residents.

Absent: Trustee, George Asem

Open Meeting 7:45 p.m.

Pledge of Allegiance – Waived, no Flag

**Mayors Report**

- Mayor introduces two officials from the NYSDEC in Albany, who are present to discuss two issues. The \$550,000 that has been owed to the Village for 15 years for the relocation of houses. Mayor gives a brief history of how 15 homes needed to be moved before the Project (beach re-nourishment) could begin, and unfortunately, it was not in the states budget for that fiscal year. The Board of Trustees agreed that the Village would move the houses and bill back the State and Federal Government for that money. Only through the incredible diligent work of two officials from the NYSDEC, Roman Rakoczy, Sr. Engineer and Scott Abrahamson, Assistant Attorney, that we are now are going to get that reimbursement money that has been owed to us for so long.
- The other issue is the transferring of oceanfront title. There is a complexity of issues stemming from the titles not being correctly transferred as stated in the Stipulation of Settlement. Richard Agins, attorney and village resident, has been working with village attorneys Joseph Prokop and John O'Connell on this matter.
- Attorney, Scott Abrahamson speaks regarding the money reimbursement. Basically summing up that the ball got dropped with regards to getting that money back to the Village. Currently, the State and Village are working on the fine details of the Contract and is hopeful to have the money to the Village by April, 2008.
- The Title Issue: In January 2006, a letter was written by the Army Corps of Engineers to New York State claiming that there were defects in the title. Once that trigger was pulled, a series of incidents were set off. The entire project was in jeopardy. The sand re-nourishment could have been stopped. This created a snow ball effect of serious implications. This left the village in a very tough position and the need to further protect our position through litigation, and unfortunately extensive legal fees. Through the hard work of everyone involved, we now have all of the necessary entities to agree that the 2008 re-nourishment will go on as scheduled.

- The current issue is the title and how 187.5 feet from Dune Road south, would be owned by the State of New York. The original southern two of the Dune property ends at the water. The problem is that some property owners have titles showing that they own from Dune Road to the water. This needs to be resolved.
- Scott Abrahamson speaks about the original settlement. Part of the settlement was that a certain part of the land was to be conveyed to the State of New York by way of Boundary Line Agreement. This agreement was supposed to set the boundaries between privately owned property between Dune Road and a certain line (187.5 feet), and then from that line to the Atlantic Ocean was to belong to NYS so that the Army Corps of Engineers could complete the beach replenishment. As part of NYS Law, the land has to be owned by a public entity or there has to be a public easement in order to get beach re-nourishment. The reason being so that public taxpayer money does not get used to replenish private beaches.
- John O'Connell in 1994, representing a class of property owners, signed a deed with the boundary line agreement which was to be recorded either by NYS and/or Suffolk County. Unfortunately, it was not recorded until 2003. The period of time between 1994 and 2003, any transfers that took place should have reflected the boundary line agreement, however, did not. Instead, each property transferred during that period of time reflects ownership to the ocean rather than 187.5 feet from Dune Road. That period of time has now caused some uncertainty with property owners as well as a lawsuit that was filed recently by one property owner against the State of New York, Suffolk County and the title insurance company.
- This title issue is going to take a lot of work. Unfortunately, because of current litigation with the State, Mr. Abrahamson, is not able to discuss this issue much further until it is settled. Mr. Abrahamson makes a point of saying that the title issue was not the Village's fault. It was not the responsibility of the Village to have these deeds recorded. It was the State and the County. Because of that, Scott Abrahamson and Roman Rakoczy have been, and will continue doing everything they can to resolve this issue.
- CEHA Violations – Roman Rakoczy addresses the recent violations, which is an issue with the federal government, as well. The building envelope that was created was a setback from Dune Road and then a setback from the Coastal Erosion Hazard Area. There have been some encroachments in these conservation easements in an area that can not have any permanent structures. There are violations with hot tubs, in ground and above ground swimming pools, play gyms and cantilevered decks. The play gyms can possibly be revisited. Unfortunately, this is a very sensitive area that needs to be protected. If you give an inch and let structures be built in this area, eventually, there will be structures out to the tow of the dune. The Village would be in jeopardy of losing its insurance.
- NYSDEC and the ACE have put in a budget request for the funding for the Beach Renourishment in Fall of 2008. Due to the fact that this was pursuant to a federal settlement agreement, this takes priority. All of the agencies have stated in writing that the renourishment is going forward this fall.

- The Mayor is attending the ASBPA Conference in February to receive an award for one of America's Top Restored Beach.
- While in Albany at a NYCOM Conference, the Mayor was invited to Albany by the Governor to meet with him to discuss issues with the NYSDEC, as well as being invited to the Governor's Mansion for the After the State of the State Address party.
- Roman Rakoczy has always been an incredible asset to our community. Attorney, Scott Abrahamson came on board in June when the Village met with the County. He didn't really understand how this could have gotten so messed up. Since then, he has done a lot of research on this matter. The State cannot say that they do not own it, because that would admit that they messed up. So they are proposing that they own it but will give it back to the Village with the intention that each homeowner will give an easement for public access and construction. The Village would take the position and say to every property owner that they are willing to deed back, and recreate that original deed title lot number. The only difference would be that the homeowner would agree to deed back the easement. The only glitch would be that the State may require special legislation because it is against the law for a municipality to give public property to a private property owner.
- Every lot number on the ocean has been changed by Suffolk County. Instead of changing the lots on the easement part where the County thinks that they own, the County changed the front lots where houses now sit on. This has caused major problems with mortgage companies and titles.
- Mayor Vegliante speaks about the CEHA violations. Resident, Steve Brenner asks why the Village hasn't taken a more aggressive approach in handling these violations. Mayor explains that the property owner has the right to apply for a variance and the Board, which is the Board of Trustees for the CEHA, hears these matters and then makes a decision. The Mayor and Trustees would like to get more feedback from the NYSDEC, before voting on each variance application.
- The Mayor asks Gary Trimarchi of the Riese Organization, to stand up to receive two awards from the Village of West Hampton Dunes, for both Dennis Riese, and himself. The First plaque is to "An Outstanding Community Service Award to The Riese Organization" for all of their generous and unselfish efforts and contributions throughout the years, as well as a proclamation for both Gary Trimarchi and Dennis Riese.
- Voter Registration – The last election in Southampton was determined by less than 50 votes. The Mayor encourages everyone to get out and register to vote. Domicile for voting -You need only to have the intent or the state of mind to be there. Call the Suffolk County Board of Elections for information. The Village does not register people to vote. The County Board of Elections will help you through the process of registering. The Mayor reminds people that even if someone is running unopposed, they can be defeated by a write in vote. We need to have registered voters to come out and vote.

- The Mayor feels that the new supervisor in the Town of Southampton will help us regarding the Bayside litigation with the Village and Southampton Town. We are hopeful that the State will take the public position.
- Cupsogue Park entrance project. We have NYSDEC approval. The next step is to get a survey of the BBPA property to determine exactly what we need to do and where the easement has to go.
- Resident asks if the road is going to be widened this year. Mayor Vegliante explains that he would like to at least get the walkway in before this summer if we get the \$500k that is owed to the Village.
- Discussion of what the BBPA and the Village should do with the BBPA property. Possibly a community center or village hall with village amenities. This would all have to go for a public referendum before anything is approved.
- Resident expresses concerns about how badly the road floods when a heavy rain comes. The Mayor is hoping to get the final lift of the road bonded and ready to go by the end of this year.
- Bayside Litigation – The town is questioning the ownership of several properties on the bay in West Hampton Dunes, some of which have actual homes on them.
- Village Attorney, Joe Prokop explains the bayside litigation pertaining to about 15-20 property owners. That part of the case is being handled by private counsel, Jonathan Sinnriech, and a few others. The second part of the lawsuit is actually against the Village. The town is trying to claim about 1/3 of the bayside property that is currently in the Village, is not in the village, but is actually outside of the Village. The northern boundary of the village is about 1/3 less than what it currently is. The only thing that the town has to go on is a Suffolk County Tax Map dated 1972 which was done by the county, which has no relation to anything. The trustees are claiming that whatever the tax lots where on this map should be the northern boundary of the village. An actual enlarged picture is shown to the audience to give a visual of the relationship of the tax map boundaries which has no relation at all to what the actual ownership boundaries are or the physical characteristics of the property. This is what the town has chosen to base their lawsuit on. The Village responded to the jurisdictional point of view, as well as private owners, is both filed motions to dismiss the lawsuit in early 2007 and have been waiting since then for the judge to make a decision. If the case is not dismissed, it will just continue and the village will put in an answer and probably a trial. Hopefully, it will be dismissed and the village will not have to go to trial. However, the Town can also appeal that decision. The Town has already spent close to \$400,000 in this case.
- In the 1990's, after the Village was incorporated, the original boundary was the mean high water mark of Moriches Bay and the mean high water mark of the Ocean. Those are the boundaries that were set. These papers were filed with the town and with the Department of State. Aram Terchunian was able to get an ariel surveyor and an engineer and with the data from the Army Corps of Engineers, reconstructed a survey description of what the northern and southern boundaries of the Village were. This was

filed with the Department of State. This has become a critical source in this litigation.

- The Mayor is hopeful that we get the NYSDEC to rescind the letter that was written (to SH Town) that started this lawsuit.

**Annual Constabulary Report**

- We are happy to have Constable, Brian Hennig back to work and feeling much better.
- Chief Don Zlatniski reads the Annual Constabulary Report.

**Resolution** to permit Mayor Gary Vegliante sign the Contract for the Village.

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

**Resolution** to approve the minutes from November, 2007 meeting:

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

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

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

Resolution to approve Attorney John O’Connell’s bill for \$63,000.

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

Resolution to approve a Revenue Anticipation Note for \$250,000.

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

Motion to close meeting: 9:45 p.m.