

**Minutes of the Meeting Of the Board of Trustees  
Village of West Hampton Dunes**

**January 8, 2007  
Manhattan  
7:30 p.m.**

Attendance: Mayor Veliante, Trustees, Robert Strecker, George Asem, Gary Trimarchi, Charles Brown, Village Clerk, Laura J. Dalessandro, Joseph Prokop, Village Attorney, Chief Don Zlatniski, Sgt Tim Turner, Police Constable, Brian Hennig, Building Inspector, Herb Hoffman, Attorney, John O'Connell and about 75-80 residents.

Absent: Aram Terchunian, Commissioner of Wildlife Protection

Open Meeting 7:40 p.m.

**Mayors Report**

Litigation discussion against the Village. The oceanfront litigation involves the boundary line agreement (that should have been filed in 1994) was not filed by Suffolk County until August, 2003. Lots were transferred with ownership down to the ocean. Suffolk County has now created new tax lots from the ocean to the 187 foot line on all of the oceanfront lots, now marking these titles.

Attorney, John O'Connell, represented the Village in 1994, and won, with regards to this same issue. Mr. O'Connell explains the back round of this issue, and discusses the proposal to resolve these issues with the village. The Army Corps of Engineers re-nourishes our beach as per stipulation, about every three years. This required public ownership of the property, therefore, as part of this stipulation of settlement, all of the oceanfront homeowners were required to transfer the portion of their property from the seaward toe of the dune to the mean high water mark to New York State who was then going to transfer it to Suffolk County. Without some public interest in that land, the Army Corps could not and cannot continue to renourish the beach. For reasons that we are not sure of, about a year ago, the Army Corps realized that the instrument that transferred title was not properly transferred and recorded, causing all of the title transfers between 1994-2003, to not reflect the ownership of the County. Immediately following the signing of the Stipulation, (October, 1994) Suffolk County was supposed to file with the County Clerk, a Lis-Pendens (a lawsuit is pending) stating the title to this property is in dispute. Any one purchasing the property after this was filed, was subject to whatever the Lis Pendens describes. The Stipulation also stated that John O'Connell was the representative of all of the property owners. Documents were signed in the summer of 1995 and held in escrow (in trust) by the State of New York until the restoration of the beach took place. Those deeds were supposed to be filed with Suffolk County at that time, but were not. In August, 2003, a letter was written to the Village that these deeds had now been recorded. Unfortunately, this causes a question of ownership and a problem with the Army Corps because they are precluded by law of being able to put any further sand on the beach if privately owned. Suffolk County has agreed to do a title search of all of the Oceanfront lots and numerous Right of Ways, and look and see what was filed. The village is going to retain John O'Connell's law firm to further pursue this matter.

Mayor discusses a recent article written by Steve Kenney in the Southampton Press regarding camping on the beach.

Discussion of Bay Front Litigation against the Village as well as 35 individual properties claiming that the jurisdictional boundary is much different than what exists.

The Jurisdictional portion of the lawsuit will be brought by the Village. Joe Prokop, the Village Attorney, will represent the Village and has given us a rough budget. The portion of the budget placed on the Mayor's behalf will be mediated by money the Mayor, himself, puts toward it. The private litigation will be brought by the individuals themselves.

Jurisdictional argument (where the northern boundary ends) is based on the fact that the narrative that the village gave to the town when they incorporated is not the same as an old plat map that Southampton has come up with from 1971 claiming that what is reflected on that map is what Southampton has determined the Village to be which does not resemble what the village was then. It is much shorter in some areas and much longer in other areas. The Town is claiming that all of the properties did not exist and are in the Town of Southampton's jurisdiction, which would impose the town's rights, laws and police department on the Village.

Joe Prokop explains the process of filing of the petition in 1993 for the incorporation of the Village. We were required to describe the northern boundary by either a metes and bounds description or by a reference to navigable waters. We referred to the northern boundary as the mean high water mark of Moriches Bay. This was legal and was filed and accepted by the Town Supervisor. When the petition was approved in referendum, the town was required to do a metes and bounds description and to file it with the Secretary of State. The town did not fulfill this requirement. In 2001 the Village did a metes and bounds description of the entire Moriches Bay boundary, and filed that with the Secretary of State.

The map that was included with the papers served on the bay front homeowners, is an ancient map that does not look like anything that is real regarding the water line along Moriches Bay. This was done by the Suffolk County Tax Agency in 1971.

Mr. Prokop strongly encourages any bay front property owner that has been served, or is aware of, these papers, to respond by the drop dead date of January 28, 2007. If you do not respond, you are in jeopardy of losing part of your property by default.

## RESOLUTIONS

**Resolution** to approve setting up a reserve for litigation costs of up to \$120,000.

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

**Resolution** to approve the retainer for the Law Firm of Bennett & Read, located at 212 Windmill Lane, Southampton NY, to defend the Village Mayor, Gary Vegliante, for the Village of West Hampton Dunes, subject to comments by the Village Attorney.

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

**Resolution** to waive attorney client privilege between Attorney, John O'Connell, and the Village of West Hampton Dunes, for discussions concerning title issues as a result of the breach of the barrier island.

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

**Resolution** retaining the Law Firm of Becker & Miesel, located at 590 Madison Avenue, New York, NY regarding the oceanfront litigation.

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

**Resolution** to approve the minutes from November, 2006 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

Village Attorney explains the time frame of the litigation. Filing of the Motion to Dismiss, fully submitted by June or July, this year. Judge will probably render a decision between January 2008 and July 2008.

Mayor discusses and asks for feedback from residents, for changing the election day from March to June, as well as possibly making our body of trustees from four to six.

Please register to Vote!

### **Building Inspector Report**

Herb Hoffman encourages residents to contact him with any questions before building or doing anything. This will keep them out of trouble with us and other agencies.

### **Police Constabulary Report**

Chief Zlatniski gives his annual report to the Board. Please keep your phone numbers updated with the village office. It is so important in case of an emergency with your house, to be able to reach you at any given time.

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