

**Minutes of the  
General Meeting of the Board of Trustees  
Village of West Hampton Dunes  
February 19, 2008  
Melville, NY**

Attendance: Mayor Vegliante, Trustees, Robert Strecker, Charles Brown, George Asem Village Clerk, Laura J. Dalessandro, Joseph Prokop, Village Attorney, Chief Don Zlatniski, 6 residents.

Absent: Trustee, Gary Trimarchi, Aram Terchunian, Commissioner of Wildlife Protection

Open Meeting 7:15 p.m.

Pledge of Allegiance – Waived, no Flag

**Mayors Report**

- Oceanfront Litigation – Mayor reviews the January meeting and the attendance of NYSDEC Officials who admitted fault in the title issue on the oceanfront. Clearly, other government agencies were at fault for the titles not being recorded. The Village had no fault in this matter, as it was not the responsibility of the Village to make sure the deeds were recorded.

- Beach Re-nourishment is going to take place this fall/winter. The Village has gotten letters of confirmation from the necessary agencies, stating that they will go forward as scheduled.

- NYS cannot admit that they do not own the property, because if they do, they cannot re-nourish. The State will deed it over to the Village, however, in order for the Village to deed it to the property owners, there will need to be an easement stating that the public has the right to use the property and that the ACE has the right to re-nourishment the beach and place sand on the property and possibly other provisions for the management of species. Then the State, County and Village jointly will have to get a waiver from the NYS legislature for the state to deed over to the village with no restrictions to the village to be able to give back property of value to private property owners. It is not legal for the state to give property for free that then can be given away with value to someone else.

- Money owed to Village. The same people from the NYSDEC have been working very hard at getting our \$548,000 back. Mayor is hopeful that we will have that money by March. The Village will pass a resolution to hold that money in a reserve account for emergency use and litigation costs. It took the Village 14 years to get reimbursed.

- Bayside litigation- Brief explanation of what is going on. The Southampton Town Trustees are suing the Village over the same case that they sued a village resident, Louie Buoninfante over and lost in 2003. The homeowner proved without a doubt that he owned the property. Accretion not avulsion. Three years later NYSDEC instigated this new lawsuit with Southampton Town, the same lawsuit that Buoninfante won, against the Village and 34 individual homeowners and sued the Village as well, over its' jurisdictional boundaries. They are suing the village for its incorporation. Where the village ends and the town begins its' boundaries. Actually challenging ownership of private property within the Village.

- Homeowners, personally, brought an action with their own attorney against the Town. Village attorney, Joe Prokop, brought an action regarding the boundary issue. They sued the Village and we answered with a motion to dismiss saying that their case should not go to trial and shouldn't even be heard because the same issues were already decided and won in the Bouninfante case and has set precedent.

- The judge responded in a twenty page decision that nobody can figure out. Although he denied the motion for dismissal, he agreed with the appellate court decision on Bouninfante that the boundary is where the water is, where your feet get wet.
- Both sides interpret the decision as they each won. We now have sent a motion to appeal and clarify the decision.
- The judge basically decided that the boundary is the water line, but we still need to determine where the water line is. The town used an old platt map from 1972 from the County which have nothing to do with the actual dimensions of the properties and that is what Southampton Town says rules. The judge clearly says that does not work.
- When the village was formed, there is a state law that said that the town was required to file a map of the Village with the State within 10 days. They had an obligation to file that map within that amount of time. The town never did that. They sent up the 1972 plat map, instead, which was wrong. The tax map was created in 1993 when the village was born. The 1993 map never made it to the State. The village paid for a qualified engineer, knowing that there was a problem, and had a map created of the Village. He was actually the subcontractor for the Army Corps of Engineers, who did the mapping for the re-nourishment. The Village then filed that map with the Secretary of State, because the county never did it.
- The map provided in the litigation is not sufficient. Judge is questioning where the actual footage is.
- We are now going to be filing our answer, in court and try to re-argue this. It has cost Southampton Town over \$500k, and the Village between \$20-25k.
- Village is trying to make headway with the town board and the trustees, if that does not work, the village will have to take it to the public.

### **Mayor's Schedule**

- NYCOM – Mayor is attending Winter Legislative Meeting this Sunday- Tuesday and;
- ASBPA Coastal Summit Wednesday to Friday, with Aram Terchunian, Commissioner of Wildlife Protection where the Village will be receiving an award for “Top Restored Beach”, Senator Schumer and Clinton will be attending, as well as the Chief of the Army Corps of Engineers, and Congressman Tim Bishop. It is an incredible honor for our Village to be receiving this award.

### **Police Constabulary Report**

- Numerous homes in Village had frozen pipes that burst.
- Yale Nelson, Village resident who produced the movie “The Incredible Journey” speaks briefly about the movie being shown in Manhattan and some of the press the movie has gotten, and is going to have the movie run again in Westhampton hopefully in the next few months. Mayor Vegliante encourages everyone who has not seen the movie yet, to go and see it. It will give you a new prospective of how far the Village has come.
- Village resident, Yeva Rintel, at 820A Dune Road, complains about a walkway that was constructed directly next to her house down to the bay. All of her shrubs and bushes were ripped out and there is now nothing between the walkway and her house. Whoever did this, had no right to remove those bushes. Ms. Rintel would like to handle this matter within the Village. Officer Hennig went down and took pictures. Ms. Rintel would have to file a complaint with the Village.

- Discussion of the BBPA property and a Village community center, pool, tennis courts. Possibly wrapping the bonds that we currently have into one single bond for capital improvement (road). Proposal to build a facility, repair the road and bond it all together.

- Cupsogue Entrance to begin this year, by late April.

- Trustee Strecker would like to put aside money for the reconstruction of the road.

- Abandoned house in Village 794 Dune, owned by Suffolk County, is coming down. The County agreed to come and take it down.

- There was a proposal to capture the feral cats in the Village and put them in a cat cage behind the Police Constabulary. The Village and the BBPA was not in favor in this. However, the BBPA needs to communicate more with the Village about these issues.

- Discussion of putting a percentage of the budget aside for beautification of the Village.

- Looking for students to patrol the beach and do clean-up this summer. The Village will pay \$8.00 to \$9.00 per hour.

**Resolution** to approve putting money into a reserve account for emergency .

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

**Resolution** to approve the minutes from January, 2008 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 close hearing – 9:00 p.m.

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