



Village of Southampton

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Board of Trustees

MINUTES

May 23, 2023 - 6:00 PM

Call to Order:

Start Meeting Time: 6:03 PM

Present:

Mayor Jesse Warren, Trustee Gina Arresta, Trustee Robin Brown, Trustee William Manger, Trustee Roy Stevenson, Village Administrator Charlene Kagel-Betts, Village Attorney Andrew Preston, Village Clerk Cathy Sweeney, Assistant to the Mayor Patrick Derenze & A/V Coordinator Sage Certain

Pledge of Allegiance:

Led by Mayor Warren

Public Comment:

1. The Village of Southampton's Board of Trustees Meeting will be taking place as a Hybrid In-Person/ZOOM Meeting.
The meeting will be held at Southampton Village Hall located at 23 Main Street, Southampton, NY, live-streamed and a transcript will be provided at a later date.
Join the meeting via ZOOM:
<https://us02web.zoom.us/j/89730446459>
View the meeting via YouTube:
<https://www.youtube.com/channel/UCwDidTdhkHXbspR0hkoxH4g>
There is no Public Comment during work sessions.

Board Presentations:

1. Clean Water Project Presentation ~ Paul Travis and Adriana Restrepo EFC Financing (WIFA)

Communications to the Board:

Discussion Items:

Suggested Resolutions:

1. RESOLVED, the claims for the warrant dated May 23, 2023 totaling \$109,997.16 (Warrant #A-26 - General Fund), \$19,193.02 (Warrant #H-14 - Capital Fund) and \$1,000 (Warrant #T-19 - CS Trust Fund) are audited and approved.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

2. RESOLVED, the Board of Trustees (Board) of the Incorporated Village of Southampton (Village) authorizes the Village Clerk to Publish a Notice of Public Hearing for a Special Meeting to be held on Tuesday, June 6, 2023 @ 6:00pm as a Hybrid In-Person/ZOOM Meeting regarding the Environmental Assessment related to the contemplated Village of Southampton Water Treatment Facility IS HEREBY RESCINDED effectively immediately upon Board of Trustee approval.

Motion to Approve (Aye) was initiated by Gina Arresta and seconded by Roy Stevenson.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

3. RESOLVED, the Board of Trustees (Board) of the Incorporated Village of Southampton (Village) authorizes the Village Clerk to Publish a Notice of Public Hearing to be held on Tuesday, June 20, 2023 @ 6:00pm as a Hybrid In-Person/ZOOM Meeting regarding Local Law XX-2023, the proposal to amend §116-37(A)(6)(c)(2).

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

4. WHEREAS, the Village of Southampton's Old Town Pond Bioswale grant project awarded by the Southampton Town Community Preservation Fund and Suffolk County WQPRP requires planting to be installed;

NOW, THEREFORE BE IT

RESOLVED, the Board of Trustees approves the purchase of plants from Nelson, Pope & Voorhis, not to exceed \$9,234.00, and approves the installation of these plantings by HTC Landscaping at a cost not to exceed \$29,722.00.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

5. RESOLVED, The Board of Trustees approved the following amendment 347 to the Adopted 2022-23 Budget for Replacement of rusted Picnic Tables.
FROM BUILDING CONTRACTUAL SERVICES A 1620.44 - \$10,000.00
TO BUILDING SUPPLIES A1620.41 - \$10,000.00

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

6. RESOLVED, The Board of Trustees approved the following amendment 346 to the Adopted 2022-23 Budget for Playground Safety Inspections.
FROM SHADE TREE CONTRACTUAL A 8560.4 - \$5,320.00
TO PARKS CONTRACTUAL A7110.44 - \$5,320.00

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

7. RESOLVED, the Village Attorney shall undertake the drafting of proposed local laws and/or proposed Village Board of Trustee resolutions only upon the directive of two or more members of the Board of Trustees.

Motion to Approve (Aye) was initiated by Gina Arresta and seconded by William Manger.

Yes: Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: Jesse Warren

Abstain: None

8. RESOLVED, the Board of Trustees accepts the Suffolk County Civil Service reclassification of Michael Quick from Groundskeeper I to Groundskeeper II, effective May 19, 2023 at a salary of \$56,040.32.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

9. RESOLVED, the Board of Trustees appoints Cameron Pase to the position of part time, Senior Office Assistant in the Clerk Department, at an hourly rate of \$24.00, effective May 22, 2023.

Motion to Approve (Aye) was initiated by Gina Arresta and seconded by William Manger.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

10. RESOLVED, the Board of Trustees appoints Guadalupe Vargas to the position of Student Intern in the Tax Receiver's Office, at an hourly rate of \$26.00, effective May 23, 2023.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

11. RESOLVED, the Board of Trustees approves the hiring of the 2023 Seasonal Police Staff: The anticipated start date for each employee differs according to their job responsibilities and availability. They will be sworn in before his employment begins.

Part Time Traffic Control Specialist \$20.00 Hourly

Nootimus D. Williams

Markim Austin

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Robin Brown.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

12. RESOLVED, the Board of Trustees approves the hiring of the 2023 Cooper's Beach Staff, effective, May 19, 2023.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Robin Brown.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

13. RESOLVED, the Board of Trustees approves the appointment of Kenneth A. Gray, from the firm of Bee Ready Fishbein Hatter Donovan to serve as Election Counsel to the Village Clerk in support of Village Election matters on Friday, June 16, 2023, effective June 16, 2023.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

14. RESOLVED, the Board of Trustees approves the Southampton High School Oceanography Class to host a Beach Clean Up on June 3, 2023 from 9:00am - 12:00pm at Coopers Beach, rain date is June 10, 2023.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Robin Brown.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

15. RESOLVED, the Board of Trustees approves Southampton Intermediate School to host an 8th Grade Day at Coopers Beach on Thursday, June 22, 2023 from 8:30am - 10:30am, at which, Mr. Sisco has arranged to have the SVOR Lifeguards present for the event.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Robin Brown.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

16. RESOLVED, the Board of Trustees approves the Southampton History Museum to host the Halsey House Gala on Saturday, July 1, 2023, from 5:30PM to 8:00PM.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

17. RESOLVED, the Board of Trustees approves the Beach Event Application for Smitttown Partners LLC, 40 Meadow Lane on Sunday, July 2, 2023 @ 6:00pm - 11:59pm for 150 guests. Parking will be pre-coordinated and exception to parking letters will be conspicuously displayed on vehicles during the event.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Gina Arresta.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

18. RESOLVED, the Board of Trustees approves the Southampton Village Ocean Rescue to host the Cadet Program for ages 14 and 15, dates and times to be determined.

Motion to Approve (Aye) was initiated by Jesse Warren and seconded by Robin Brown.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

19. WHEREAS, it has been the practice of the Incorporated Village of Southampton (the "Village") to provide medical and dental insurance benefits to former and/or retired Mayors and Trustees who attain eligibility pursuant to Village policy and NYSHIP rules and regulations; and,
WHEREAS, the Board finds that the adoption of resolutions approved in the past created a fiscal obligation for the Village that is burdensome, excessive and unnecessary, and administers medical and dental insurance in an inequitable manner; and
WHEREAS, such medical and dental insurance is not a contractual right but rather a gratuity that the Village bestowed upon eligible former and/or retired Mayors and Trustees; and
WHEREAS, the Village possesses discretionary authority in bestowing and/or continuing governmental benefits, NOW, THEREFORE, it is hereby
RESOLVED, that the Board hereby revokes and rejects the right, if any, of any current and future departing Mayor or Trustees to retain free lifetime medical and dental insurance benefits from the Village, and it is further
RESOLVED, that the medical and dental insurance benefits currently being provided by the Village to former and/or retired Mayors and Trustees who have the vested right to receive such insurance benefits in retirement at the Village's expense for premium costs shall not be affected by this resolution; and it is further
RESOLVED, that any policy statements, benefit summaries and/or employee manuals shall be modified in accordance with the resolution, and it is further
RESOLVED, that the Village's Healthcare Benefits Administrator is hereby directed to ensure that any and all notices that may be required pursuant to COBRA, NYSHIP or any other applicable law, rule or regulation necessary in order to effectuate this resolution be timely issued, filed and otherwise implemented.

Motion to Table was initiated by Gina Arresta and seconded by William Manger.

Yes: Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: Jesse Warren

Abstain: None

20. RESOLVED, the Board of Trustees approves the proposal with Center for Governmental Research (CGR) Promising Solutions to perform a study of Compensation, Benefits and Terms of Office for Elected Officials as recommended by the Budget and Finance Committee and Planning Commission, at a cost not to exceed \$5,000, to be negotiated by the Village Administrator for services paid for by Trustee Special Projects A1010.443.

Motion to Approve (Aye) was initiated by Gina Arresta and seconded by William Manger.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

21. WHEREAS, the Village has the right, under section 18 of the New York Public Officers Law, as well as other applicable provisions of law, to defend and indemnify public employees and officials from liability for acts taken while the employee or official was acting within the scope of their public employment or duties except where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee or official; and
WHEREAS, the Village of Southampton obtains insurance coverage to protect the public and Village employees and officials from exposure to certain types of liability for official acts performed within the scope of their employment; and
WHEREAS, the insurance policies obtained by the Village require, among other things, that the Village, and any employees and officials who are subject to claims, cooperate in the defense of such claims and take reasonable steps to prevent further injury or damage resulting from such claims; and

WHEREAS, on or about March 13, 2023, the Village received notification of a claim from attorneys for Mayor Warren's former assistant that alleged, among other things, sexual harassment and a hostile work environment created by Mayor Warren as well as a failure to properly pay wages in violation of federal and state law; and

WHEREAS, the letter was marked as "CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY" and provided to the Mayor and Trustees by counsel for the Village; and

WHEREAS, counsel for the Village advised the Mayor and Trustees, verbally and in writing, not to release the March 13, 2023 letter; and

WHEREAS, Mayor Warren provided the letter to the media and commented upon it; and

WHEREAS, the merits of that claim as well as other claims asserted by the claimant will be determined by a court of competent jurisdiction and the Village reserves all defenses to any claims brought against it as well as its employees and officials; and

WHEREAS, the Mayor's release of the March 13, 2023 letter was inconsistent with the Village's obligation to cooperate in the defense of the claim and to prevent further damage from the claim and could imperil its ability to receive insurance coverage for some of the claims in this matter; now, therefore, be it RESOLVED, that based upon its review of the specific facts and circumstances present in this matter and consistent with section 18 of the Public Officer's Law and other applicable provisions of law, the Village Board of Trustees determines that in the event damages or other relief are awarded to the former employee against the Mayor resulting from his release of the March 13, 2023 letter that are not covered by the Village's insurance carrier, the Village similarly will not provide coverage to the Mayor or indemnify any damages relating to the release of the letter ; and be it further

RESOLVED, that the Mayor is directed not to take any further action with respect to this matter that could reasonably result in a finding that the Village or its officials failed to cooperate in the defense of this claim and/or failed to take actions to prevent further damage or injury, including but not limited to, disclosing or discussing confidential information related to this case except with attorneys assigned by the Village to the defense of this matter or to members of the Southampton Village Trustees.

Motion to Approve (Aye) was initiated by Gina Arresta and seconded by Roy Stevenson.

Yes: Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: Jesse Warren

Abstain: None

22. WHEREAS, Patrick Derenze (the Employee) is employed by the Village as the Assistant to the Mayor; and
WHEREAS, Derenze is a salaried employee of the Village who is required to devote his time and attention during the workday to official Village business; and
WHEREAS, the Employee was scheduled to work for the Village on Friday May 19, 2023 during regular business hours for the Village; and
WHEREAS, the Employee was permitted to work remotely on that date by Mayor Jesse Warren, who is his supervisor; and
WHEREAS, during the workday on Friday May 19, 2023, Derenze engaged in political activity during the work day by sending an email to certain individuals inviting them to attend an event on Sunday May 21, 2023 in furtherance of the Mayor's reelection campaign; and
WHEREAS, on May 21, 2023 Derenze attended and acted as the host and/or moderator of the Mayor's campaign event wherein the upcoming Village Mayoral Election was discussed; and
WHEREAS, among Derenze's duties for the Village is seeking federal grants for various projects; and
WHEREAS, the Employee's actions on Friday May 19, 2023, at the apparent direction or request of Mayor Warren wherein the Employee engaged in political activity on behalf of Mayor Warren in furtherance of his reelection campaign, constitutes misconduct as is a misappropriation of Village resources for a partisan political purpose; and
WHEREAS, the Employee's activity on Friday May 19, 2023 constitutes misconduct and potential violations of State and federal law; and

WHEREAS, the potential violations of law must be researched by the Village's labor counsel and or Village Attorney and/or other government agencies with jurisdiction over such conduct to determine if they constitute violations of State or federal law; and

WHEREAS, irrespective of whether such actions constitute violations of State or federal law they constitute employee misconduct which must be addressed; now, therefore, be it

RESOLVED, that Patrick Derenze is counseled that he is not permitted to engage in political activities during his regular work hours for the Village and that any future instance of engaging in such activity will result in his being suspended, without pay, pending further disciplinary action; and be it further

RESOLVED, the Village's labor counsel and Village Attorney are directed to jointly review this matter and advise the Board of Trustees if a referral to other government agencies is appropriate under the circumstances presented herein; and be it further

RESOLVED, that Mayor Warren is not to continue to utilize Village resources and personnel during their regular working hours to engage in political activity.

Motion to Approve (Aye) was initiated by Gina Arresta and seconded by Roy Stevenson.

Yes: Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: Jesse Warren

Abstain: None

Mayoral Appointments:

Comments from Board Members:

No Comments

Motion to Adjourn to Executive Session

No Executive Session

Return to Public Session:

No Executive Session

Resolutions, if any:

No Additional Resolutions noted.

Motion to Adjourn:

Motion to Adjourn was initiated by Jesse Warren and seconded by William Manger.

Yes: Jesse Warren, Gina Arresta, Robin Brown, Roy Stevenson, William Manger

No: None

Abstain: None

End Meeting Time: 8:00 PM