



The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, April 4, 2019 at 5 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: Mayor Maria Z. Moore
Deputy Mayor Ralph Urban
Trustee Stephen Frano
Trustee Rob Rubio
Trustee Brian Tymann

Clerk-Treasurer Elizabeth Lindvit
Village Attorney – Stephen Angel

PUBLIC HEARINGS

2019–2020 Tentative Village Budget

Mayor Moore asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained the budget follows on the previous budgets to provide services to the tax payers with no increase in taxes. The budget stays within the 2% tax cap. Mayor Moore asked the audience if anyone had a questions or comments; there being no response the Mayor asked the board if they had any comments, after no comments the Mayor asked for a motion to close the public hearing, motion made by Trustee Frano, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Motion made by Trustee Tymann:

WHEREAS, the Village Clerk-Treasurer has presented to the Board of Trustees a Tentative Budget in compliance with the requirements of Section 5-508(1) Village Law; and

WHEREAS, the Trustees have had a chance to review said budget and to conduct a public hearing on the Tentative Budget in accordance with Section 5-508(1) on April 4, 2019; and therefore, be it

RESOLVED, that, without further change, alteration, or additions, the Board of Trustees hereby adopts the 2019–2020 fiscal year Tentative Budget in its current form.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Local Law Amending Chapter 128 - Peddling & Soliciting

Mayor Moore asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained the changes have been discussed at previous work session meeting and prior public hearing on March 7, 2019. Village Attorney Stephen Angel explained the changes and the reason for these amendments. Mayor Moore asked if anyone in the audience would like to be heard, there being no response, she asked for a motion to close the public hearing, motion made by Trustee Frano, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Motion made by Deputy Mayor Urban:

WHEREAS, the Board of Trustees, as the legislative body of the Village of Westhampton Beach, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Village Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared to amend Chapter 128 of the Village Code entitled "Peddling and Soliciting:" a) in order to clarify that the authority of the Board to deny a Peddling/Solicitation Permit is limited to when an investigation of the Police Department establishes that the applicant has been convicted of a crime, there is a pending criminal charge against the applicant or complaints were lodged against the applicant for actions under a prior Peddling/Solicitation permit, and that he or she poses a risk to the health and safety of the Village and its residents, and to provide applicants with a criminal record the opportunity to respond to allegations of criminal charges and to request a hearing on their Permit application, b) to limit peddling, soliciting, or canvassing to daylight hours, in order to protect the expectation

of privacy of Village residents, to prevent alarm to residents from unknown persons in their neighborhoods at night, particularly because many neighborhoods are sparsely occupied during the non-summer months, as well as to protect the safety of the individuals peddling, soliciting, or canvassing, as most neighborhood streets in the Village have no streetlights or sidewalks, and c) to make certain technical changes to improve Chapter 128; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Board of Trustees for seven calendar days, exclusive of Sunday; and

WHEREAS, the proposed local law is not subject to the State Environmental Quality Review Act ("SEQRA") because the law does not affect the environment and is, therefore, not an "action" under the regulations adopted pursuant to the State Environmental Quality Review Act (6 NYCRR Section 617.2[b]); and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 4th day of April 2019, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public during regular business hours in the Office of the Village Clerk; and

WHEREAS, the Board of Trustees has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on April 4, 2019, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, be it RESOLVED, that that the Board of Trustees of the Village of Westhampton Beach hereby enacts and adopts Local Law # 3 of 2019, a local law amending Chapter 128 of the Village Code clarifying the permit process and limiting the time when peddling and soliciting can occur in the Village to daylight/dusk hours. that the Board of Trustees of the Village of Westhampton Beach authorizes the Mayor to sign the local law annexed; and that the Board of Trustees of the Village of Westhampton Beach hereby authorizes the Village Clerk to certify the local law annexed as a true and correct enactment adopted by this Board and to forward it in proper form to the Secretary of State for filing.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

RESOLUTIONS

Accept minutes of Board of Trustees Meeting

Motion made by Trustee Frano:

RESOLVED, that the minutes of the Board of Trustees Meeting of March 7, 2019 are hereby accepted.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Accept Departmental Monthly Reports

Motion made by Trustee Rubio:

RESOLVED, that the Treasurer's report for February 2019, the Justice Court, Police Department's and Building Inspector's reports for March 2019, are hereby accepted.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Accept Retirement

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby regretfully accepts the retirement of Paul Houlihan effective April 16, 2019.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Appoint Senior Building Inspector

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby appoints Brad Hammond as Senior Building Inspector from Civil Service Eligible List # 19SR054 effective April 15, 2019 at a semi-monthly salary of \$3,750.00.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Approve 2019 Shared Computer Services with Southampton Town

Motion made by Trustee Frano:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2019 Shared Computer Services Agreement with the Town of Southampton at a cost of \$18,444.62; which may vary according to the addition or deletion of services during the calendar year from G/L account code A1355.4.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Authorize Mayor to Sign Intermunicipal Agreement

Motion made by Trustee Rubio:

RESOLVED, that the Mayor is hereby authorized to sign the amended Intermunicipal Agreement with the Town of Southampton for the purchase of fuel and use of the Town's fuel management system.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Authorize Unreserved Fund Balance Transfer

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves the transfer of \$500,000.00 from the 2017-2018 unreserved fund balance to increase the 2018-2019 Transfer to Capital Fund Budget line A9950.0 to fund H9500 Road Project.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Authorize Unreserved Fund Balance Transfer

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby approves the transfer of \$500,000.00 from the 2017-2018 unreserved fund balance to increase the 2018-2019 2017 Marina Bulkhead Improvement Principal G/L account A9710.65 to pay down the BAN principal amount due.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Authorize Use of Village Property-Greater WH Chamber of Commerce

Motion made by Trustee Frano:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Sidewalks on Main Street for the annual "Sidewalk Sale" event on Saturday and Sunday April 27 & 28, 2019 from 10:00 a.m. to 5:00 p.m.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Approve Use of Village Property-Greater WH Chamber of Commerce

Motion made by Trustee Rubio:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Saturdays starting May 18, 2019 and ending October 26, 2019 from 9:00 a.m. to 1:00 p.m. for the seasonal Farmers Market, subject to limitations created by post Labor Day Main Street construction, and approved signage limited to 1 on-site location sign only.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Authorize Use of Village Property-Greater WH Chamber of Commerce

Motion made by Trustee Tymann:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Glovers Lane Park and Main Street for the annual "Easter Egg Hunt" event on Saturday April 13, 2019 from 12:00 p.m. to 2:00 p.m.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Approve Special Event-Bike to the Beach

Motion made by Deputy Mayor Urban:

RESOLVED, that the Bike to the Beach Inc. is hereby authorized to hold a special event Charity ride through the Village on Friday June 7, 2019 from 11:00 a.m. to 3:00 p.m. as per route on file with application.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Approve Special Event Autism Relay Walk

Motion made by Trustee Frano:

RESOLVED, that the EJ Autism Foundation is hereby authorized to pass through the Village of Westhampton Beach on May 18, 2019 for the Annual Walk Relay from 3:30 p.m. to 6 p.m.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Authorize 2019 Renewal of Espresso Coffee's Outdoor Tables, Chairs and Benches Permit

Motion made by Trustee Rubio:

WHEREAS, Espresso Coffee has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2019 to place three (3) tables, twelve (12) chairs and two (2) umbrellas pursuant to §196-2 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved on September 1, 2016 and subject to the same set of conditions and plan attached to the 2019 application.

Seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays

Schedule Public Hearing Local Law

Motion made by Trustee Tymann:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday May 2, 2019 at 5:00 p.m. at the Village Hall for the creation of a Local Law to require "Innovative and Alternative On-site Waste Water Treatment Systems".

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Direct Altice N.V. (and its subsidiaries) to Make Changes to Its System for the Main Street Improvement Project

Motion made by Deputy Mayor Urban:

WHEREAS, the Village is undertaking a comprehensive construction project (the "Main Street Improvement Project") that includes, among other things, replacement and upgrading of the Village's drainage system, reconfiguration and reconstruction of Main Street and associated sidewalks for traffic calming and pedestrian purposes and the removal of utility poles from Main Street by either undergrounding or locating all utility services in the rear of the buildings; and

WHEREAS, the Main Street Improvement Project will run from Potunk Lane on the West to Beach Road/Beach Lane on the east; and

WHEREAS, the Main Street Improvement Project will serve the public health and safety of the Village and its residents in that, among other things, there will be an implementation of traffic calming measures, increased sidewalk area and relocation of existing overhead utility lines to enhance pedestrian access and circulation along Main Street; specifically the removal of utility poles and wires from Main Street will improve public health and safety by removing existing overhead utility lines and poles that currently obstruct firefighting capabilities and create hazardous conditions to firefighters and building occupants, inhibit property owners from performing necessary work on the facades of their buildings, create hazards in extreme weather events due to vulnerable power outages and downed wires, and impede pedestrian access and circulation along Main Street; and

WHEREAS, the Village is a seaside community where its population and the activity on Main Street increase substantially between the period from Memorial Day to Labor Day (the "season") each year, including increased pedestrian and vehicular traffic on Main Street and associated sidewalks between Potunk Lane and Beach Road/Beach Lane; and

WHEREAS, in order to avoid, to the greatest extent possible, interference with businesses during the season and the risks of construction on the increased pedestrian and vehicular traffic during the season, the Village determined that the Main Street Improvement Project should begin immediately after Labor Day 2019, and be substantially complete before Memorial Day 2020; and

WHEREAS, the Village retained an experienced construction management consulting firm to study the construction means and methods necessary to begin and complete the Main Street Improvement Project during one season; and

WHEREAS, the Village's construction manager consultant, with collaboration from the Village's engineers for the Main Street Improvement Project, determined that the only way to meet the time requirement to achieve substantial completion of the Main Street Improvement Project in one season is to retain one general contractor to be responsible for all work, including the installation of conduit and service laterals to the edge of the

Village sidewalk for all utilities being placed underground, including but not limited to trenching, installation, backfilling and compaction of conduit, and placement of other associated raceway components; and

WHEREAS, New York law provides that a utility's privilege to maintain its facilities on public lands comes at the cost of making such changes as the public convenience and security require at the utility's own cost and expense; and

WHEREAS, Altice N.V. (and its subsidiaries) have provided the Village and the Village's engineers with plans for two installations in connection with the Main Street Improvement Project: 1) the replacement of conduit for existing coaxial cable, and 2) the installation of a dry conduit loop for future fiber-optic cable; and

WHEREAS, the bid documents to be prepared by the Village for the Main Street Improvement Project will require the successful bidder to provide separate pricing for 1) the materials and installation, including trenching, backfilling and compaction, of conduit and service laterals to the edge of the Village sidewalk and other associated raceway components for Altice N.V.'s coaxial cable, and 2) the materials and installation of a conduit loop, including trenching, backfilling and compaction for future fiber-optic cable; and

WHEREAS, any deviation from this plan would materially interfere with the public works and public improvements included in the Main Street Improvement Project; and

WHEREAS, in addition to the New York law mentioned above, Altice N.V. (and its subsidiaries) are required under the Franchise Renewal Agreement between the Village of Westhampton Beach and CSC Acquisition NY, Inc., which was adopted by Altice N.V. (and its subsidiaries) to relocate its System or part thereof at Altice N.V.'s cost and expense when reasonably directed to do so by the Village; and

WHEREAS, this resolution constitutes a direction to Altice N.V. (and its subsidiaries).

NOW, THEREFORE, BE IT RESOLVED:

1. Altice N.V. (and its subsidiaries) are directed to relocate their System.
2. The Board of Trustees of the Village of Westhampton Beach finds that in order for Altice N.V. (and its subsidiaries) to relocate the System in a fashion that will not interfere with the public works and public improvements included in the Main Street Improvement Project is to have all relocation work performed by the Village's general contractor after such general contractor is chosen after a public bidding process.
3. Altice N.V. (and its subsidiaries) are hereby directed to pay the Village for the cost and expenses of:
 - a) the materials and installation, including trenching, backfilling and compacting, of conduit and service laterals to the edge of the Village sidewalk and other associated raceway components, as such cost is determined in the bid of the successful bidder for the Main Street Improvement Project, and
 - b) the materials and installation, including trenching, backfilling and compacting of conduit for a conduit loop for future fiber-optic cable.
4. The Village Attorney is directed to provide Altice N.V. (and its subsidiaries) with a certified copy of this resolution and to take such steps as are reasonably necessary in said attorney's opinion to effectuate the directions contained in this resolution.

Seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

Direct Verizon (and its subsidiaries) to Make Changes to Its System for the Main Street Improvement Project

Motion made by Trustee Frano:

WHEREAS, the Village is undertaking a comprehensive construction project (the "Main Street Improvement Project") that includes, among other things, replacement and upgrading of the Village's drainage system, reconfiguration and reconstruction of Main Street and associated sidewalks for traffic calming and pedestrian purposes and the removal of utility poles from Main Street by either undergrounding or locating all utility services in the rear of the buildings; and

WHEREAS, the Main Street Improvement Project will run from Potunk Lane on the West to Beach Road/Beach Lane on the east; and

WHEREAS, the Main Street Improvement Project will serve the public health and safety of the Village and its residents in that, among other things, there will be an implementation of traffic calming measures, increased sidewalk area and relocation of existing overhead utility lines to enhance pedestrian access and circulation along Main Street; specifically the removal of utility poles and wires from Main Street will improve public health and safety by removing existing overhead utility lines and poles that currently obstruct firefighting capabilities and create hazardous conditions to firefighters and building occupants, inhibit property owners from performing necessary work on the facades of their buildings, create hazards in extreme weather events due to vulnerable power outages and downed wires, and impede pedestrian access and circulation along Main Street; and

WHEREAS, the Village is a seaside community where its population and the activity on Main Street increase substantially between the period from Memorial Day to Labor Day (the "season") each year, including increased pedestrian and vehicular traffic on Main Street and associated sidewalks between Potunk Lane and Beach Road/Beach Lane; and

WHEREAS, in order to avoid, to the greatest extent possible, interference with businesses during the season and the risks of construction on the increased pedestrian and vehicular traffic during the season, the Village determined that the Main Street Improvement Project should begin immediately after Labor Day 2019, and be substantially complete before Memorial Day 2020; and

WHEREAS, the Village retained an experienced construction management consulting firm to study the construction means and methods necessary to begin and complete the Main Street Improvement Project during one season; and

WHEREAS, the Village's construction manager consultant, with collaboration from the Village's engineers for the Main Street Improvement Project, determined that the only way to meet the time requirement to achieve substantial completion of the Main Street Improvement Project in one season is to retain one general contractor to be responsible for all work, including the installation of conduit and service laterals to the edge of the Village sidewalk for all utilities being placed underground, including but not limited to trenching, installation, backfilling and compaction of conduit, and placement of other associated raceway components; and

WHEREAS, New York law provides that a utility's privilege to maintain its facilities on public lands comes at the cost of making such changes as the public convenience and security require at the utility's own cost and expense; and

WHEREAS, Verizon (and its subsidiaries) have provided the Village and the Village's engineers with plans for the installations necessary to relocate utility lines and laterals for the Main Street Improvement Project; and

WHEREAS, the bid documents to be prepared by the Village for the Main Street Improvement Project will require the successful bidder to provide separate pricing for the materials and installation, including trenching, backfilling and compaction, of conduit and service laterals to the edge of the Village sidewalk and other associated raceway components for Verizon's relocated equipment; and

WHEREAS, any deviation from this plan would materially interfere with the public works and public improvements included in the Main Street Improvement Project; and

WHEREAS, this resolution constitutes a direction to Verizon (and its subsidiaries).

NOW, THEREFORE, BE IT RESOLVED:

1. Verizon (and its subsidiaries) are directed to relocate their utility lines and laterals.
2. The Board of Trustees of the Village of Westhampton Beach finds that in order for Verizon (and its subsidiaries) to relocate Verizon's lines and laterals in a fashion that will not interfere with the public works and public improvements included in the Main Street Improvement Project is to have all relocation work performed by the Village's general contractor after such general contractor is chosen after a public bidding process.
3. Verizon (and its subsidiaries) are hereby directed to pay the Village for the cost and expenses of the materials and installation, including trenching, backfilling and compacting, of conduit and service laterals to the edge of the Village sidewalk and other associated raceway components, as such cost is determined in the bid of the successful bidder for the Main Street Improvement Project.
4. The Village Attorney is directed to provide Verizon (and its subsidiaries) with a certified copy of this resolution and to take such steps as are reasonably necessary in said attorney's opinion to effectuate the directions contained in this resolution.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Approve Warrant for April 2019

Motion made by Trustee Rubio:

RESOLVED, that the warrant for April 2019 in the amount of \$324,651.13 for the General Fund and \$60,708.68 for the Capital Fund is hereby approved.

Seconded by Trustee Tymann and unanimously approved 4Ayes, 0 Nays

PUBLIC COMMENT

Mr. Dean Speir asked the board if PSEG, LI needed the same resolution as Altice and Verizon, Village Attorney Angel explained that PSEG was different from the other utility companies, it has a state specific tariff that deals with the situation it tells what PSEG, LI can get away with and what the Village has to comply with. The tariff directs PSEG to do the work and the cost is spread over a twenty-year period by the people who benefit from the work. Mr. Angel explained there is no demand to be made to PSEG, the Village is working with PSEG on the Main Street project. Mayor Moore asked if there was anyone else who would like to be heard, there being no response, Mayor Moore asked to a motion to close the meeting to go into executive session; motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays

MEETING ADJOURN AT 5:41 PM

DATED: April 4, 2019


Elizabeth Lindtvit
Village Clerk-Treasurer