

**Village of Westhampton Beach
Board of Trustees Organizational Meeting
Monday October 5, 2020 at 5:00 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

- 1.LL # 10 of 2020 - Amending Chapter 197 of the Village Code Entitled "Zoning",
Fences
- 2.LL # 11 of 2020 - Amending Chapter 197 of the Village Code Entitled "Zoning",
Nonconforming Uses
- 3.LL # 12 of 2020 - Amending Chapter 5 of the Village Code Entitled "Architectural
Review Board"
- 4.LL # 13 of 2020 - Amending Chapter 197 of the Village Code Entitled "Zoning",
Administration

ANNUAL APPOINTMENTS AND RESOLUTIONS:

- 1.Appoint Village Attorney
- 2.Appoint Special District Attorney
- 3.Appoint Acting Village Justice
- 4.Appoint Deputy Mayor
- 5.Appoint Village Clerk-Treasurer
- 6.Appoint Village Deputy Treasurer
- 7.Appoint Architectural Review Board Chairman
- 8.Appoint Zoning Board of Appeals Chairman
- 9.Appoint Planning Board Chairman
- 10.Appoint Zoning Board of Appeals Member
- 11.Appoint Members and Chairperson of the Conservation Advisory Council
- 12.Appoint Members of the Ethics Board
- 13.Appoint Mayor as Commissioner of Licenses
- 14.Appoint Safety Committee
- 15.Appoint Village Clerk as Designee

- 16.Appoint Marriage Officer
- 17.Accept minutes Board of Trustees Meetings
- 18.Accept Departmental Monthly Reports
- 19.Accept results of Village General Election
- 20.Designate Official Depositories
- 21.Approve 2020-21 Board of Trustees Meeting Schedule
- 22.Approve 2020-2021 Meeting Schedules for Appointed Boards
- 23.Authorize Check Signers
- 24.Designate Official Newspaper
- 25.Approve Mileage Reimbursement for Official Business
- 26.Approve Village Investment Policy
- 27.Authorize Mayor to Sign Connection Agreement
- 28.Approve Warrant for October 2020
- 29.Declare and Approve Sale of Village Surplus Vehicles
- 30.Authorize Unreserved Fund Balance Transfer
- 31.Authorize Notice to Bidders-LWRP Project
- 32.Authorize Renewal of HVAC Annual Service Agreement
- 33.Authorize Bond Resolution
- 34.Schedule a Public Hearing

PUBLIC COMMENT

ADJOURN

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Administration

ANNUAL APPOINTMENT AND RESOLUTIONS:

1.Appoint Village Attorney

RESOLVED, that the firm of Esseks, Hefter, Angel, Di Talia & Pasca, LLP are hereby appointed to serve as the Village Attorneys to perform the functions and duties as legal counsel to the Board of Trustees, Planning Board and Zoning Board of Appeals for an annual retainer of \$65,000.00 to be paid in twelve equal installments; and the Architectural Review Board on an hourly basis as needed.

2.Appoint Special District Attorney

RESOLVED, that Anthony Rattoballi is hereby appointed to serve as a Special District Attorney to prosecute Village Justice Court cases and write appeals as necessary, at an hourly rate of \$175.00 for a term of one year.

3.Appoint Acting Village Justice

RESOLVED, that Martha M. Rogers, Esq. is hereby appointed as the Acting Village Justice of the Village of Westhampton Beach, to serve for a one-year term to expire June 30, 2021 at an annual salary of \$5,000.00.

4.Appoint Deputy Mayor

RESOLVED, that Trustee Ralph Urban is hereby appointed to serve as Deputy Mayor for a term of one year to expire June 30, 2021.

5.Appoint Village Clerk-Treasurer

RESOLVED, that Elizabeth Lindtvit is hereby appointed as the Village Clerk-Treasurer for a term expiring on June 30, 2022.

6.Appoint Village Deputy Treasurer

RESOLVED, that Jeannine Conte is hereby appointed as the Village Deputy Treasurer for a term expiring on June 30, 2022.

7.Appoint Architectural Review Board Chairman

RESOLVED, that Gregory Minasian is hereby appointed to serve as Chairman of the Village Architectural Review Board for a term of one year to expire May 31, 2021.

8.Appoint Zoning Board of Appeals Chairman

RESOLVED, that Gerard Piering is hereby appointed to serve as Chairman of the Village Zoning Board of Appeals for a term of one year to expire May 31, 2021.

9.Appoint Planning Board Chairman

RESOLVED, that David Reilly is hereby appointed to serve as Chairman of the Village Planning Board for a term of one year to expire May 31, 2021.

10.Appoint Zoning Board of Appeals Member

RESOLVED, that Ellen Cea is hereby appointed as a member of the Village Zoning Board of Appeals for a five-year term to expire May 31, 2025.

11.Appoint Members of the Conservation Advisory Council

RESOLVED, that Patricia Schaefer and Dawn LaDu are hereby appointed to serve two-year terms as members of the Village Conservation Advisory Council to expire on May 31, 2022; and Patricia Schaefer is also appointed as Chairperson to serve a one-year term to expire on May 31, 2021.

12.Appoint Members of the Ethics Board

RESOLVED, that Ralph Urban, Janeen Turano and Jim LaDu are hereby appointed to the Ethics Board to serve a three-year term to expire May 31, 2023 and Ralph Hubbard is appointed to serve a two-year term to expire May 31, 2022.

13.Appoint Mayor as Commissioner of Licenses

RESOLVED, that Mayor Maria Z. Moore is hereby appointed Commissioner of Licenses for a term of one year.

14.Appoint Safety Committee

RESOLVED, that the Board of Trustees hereby appoints the following individuals to the Safety Committee which will meet quarterly as recommended by the NYS Municipal Workers Compensation Alliance: Maria Moore Mayor, Stephen Frano Trustee, Elizabeth Lindtvit Village Clerk, Trevor Gonce Chief of Police, Brad Hammond Building & Zoning Administrator, Matthew Smith Superintendent of Public Works, Andrew Kirwin PBA President, Paul Bugge AME Shop Steward and Nicholas VanVliet.

15.Appoint Village Clerk as Designee to accept Notice of Claims

WHEREAS the New York State Legislature on June 15, 2013 amended the New York General Municipal Law to allow a notice of claim against the Village to be served upon the New York State Secretary of State and the law further provided that the Village is required to adopt a resolution approving the designation of the individual to be served the notice of claim by the Secretary of State and that all such notices of claim and any other legal papers received shall be immediately provided to the Mayor and each Trustee for review.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Board of Trustees hereby appoints the Village Clerk as the individual to whom the Secretary of State must serve any notice of claim against the Village.

16.Appoint Marriage Officer

RESOLVED, that Ralph Urban is hereby appointed to serve as Marriage Officer for a term of one-year pursuant to the provisions of NYS Domestic Relations Law §11-c.

17.Accept Minutes of Board of Trustees Meetings

RESOLVED, that the minutes of the Board of Trustees Meeting of September 3, 2020 and Special Meeting of September 16, 2020 are hereby accepted.

18.Accept Monthly Reports from Departments

RESOLVED, that the Police Department, Justice Court and Building Inspector's reports for September 2020 and the Treasurer's report for August 2020 are hereby accepted.

19.Accept Results of General Village Election

RESOLVED, that the results of the General Village Election of September 15, 2020 are hereby accepted as set forth in the attached Official Return of Votes.

20.Designate Official Depositories

RESOLVED, that TD Bank, MBIA Municipal Investors Service Corporation (CLASS Program), and Signature Bank are hereby designated the official depositories of the Village of Westhampton Beach during the ensuing year and that the Village Clerk-Treasurer is hereby ordered to deposit all funds therein.

21.Approve 2020-2021 Board of Trustees Meeting Schedule

RESOLVED, that the Board of Trustees shall hold its regular meetings on the first Thursday of the month at 5:00 p.m. in the Municipal Building located at 165 Mill Road, Westhampton Beach unless the first Thursday is a holiday in which event the regular meeting shall be held on the first Friday thereafter which is not a holiday or as specifically noted on the attached schedule; and be it further

RESOLVED, that the work sessions will be held at the Municipal Building at 5 p.m. as indicated on the attached schedule. The Annual Organizational Meeting will be held on Monday July 5, 2021 at 5:00 p.m. at the Municipal Building.

22. Approve Meeting Schedules for Appointed Boards

RESOLVED, that the Planning Board shall hold its regular meetings at 5:00 p.m. on the second and fourth Thursday of each month as necessary, the Zoning Board of Appeals shall hold its regular meeting on the third Thursday of each month at 5:00 p.m. as necessary and the Architectural Review Board shall hold meetings on the first and third Tuesdays of each month at 7:00 p.m. as necessary according to the schedules attached.

23. Authorize Check Signers

RESOLVED, that all Village of Westhampton Beach checks shall be signed by Maria Z. Moore, Mayor, or Ralph Urban the Deputy Mayor, and Elizabeth Lindtvit, Village Clerk-Treasurer or Jeannine Conte, Deputy Village Treasurer, except for Trust and Agency checks which shall be signed by either Elizabeth Lindtvit or Jeannine Conte upon written approval by the appropriate Department Head to release such funds.

24. Designate Official Newspaper

RESOLVED, that *The Southampton Press* is hereby designated as the official newspaper of the Village of Westhampton Beach during the ensuing year.

25. Approve Mileage Reimbursement for Official Business

RESOLVED, that all employees and officials of the Village who use their vehicles or other private vehicles for official Village business shall be reimbursed mileage at the rate allowed by the Internal Revenue Service in effect at the time the request is made.

26. Approve Village Investment Policy

RESOLVED, that the attached investment policy is hereby approved.

27. Authorize Mayor to Sign Connection Agreement

RESOLVED, that the Board of Trustees hereby authorizes the Mayor to execute a connection agreement with Suffolk County with respect to the connection of the village's sewer conveyance and collection system to Suffolk County's sewer treatment plant # 24 at Gabreski airport and to undertake modifications to the plant to increase the plants capacity.

28. Approve Warrant for October 2020

RESOLVED, that the warrant for October 2020 in the amount of \$247,755.30 for the General Fund and \$390,443.30 for the Capital Fund is hereby approved.

29. Declare and Approve Sale of Village Surplus Vehicles

RESOLVED, that the Village owns 2007 Ford F-650, 2007 GMC C5500, ExMark Giant Vac 46" Walk behind mower and Exmark Metro 36" walk behind mower used by the Department of Public Works are hereby declared surplus and obsolete for Village purposes; and be it further

RESOLVED, that the Superintendent of the Department of Public Works is hereby authorized to publicize the items for sale on GovDeals and to dispose of any items that

may remain unsold after the auction period has closed.

30. Authorize Unreserved Fund Balance Transfer

RESOLVED, that the Board of Trustees hereby approves the transfer of \$25,000.00 from the 2019-2020 unreserved fund balance to increase the 2020-2021 A8090.401 Environmental LWRP Grant Budget line.

31. Authorize Notice to Bidders-LWRP Project

Whereas, the Village of Westhampton Beach wishes to explore a Local Waterfront Revitalization Program with recommendations for strategies and projects to preserve its natural resources, address infrastructure, economic and environmental challenges, and

Whereas, the Village was awarded a grant from the NYS Environmental Protection Fund in the amount of \$56,250, and

Whereas, the Village, working with the NYS Department of State is requesting proposals for assistance in preparing a Local Waterfront Revitalization Plan,

Now, therefore be it; RESOLVED, that the Village Clerk-Treasurer is hereby authorized to post a Request for Proposals for the Village of Westhampton Beach Local Waterfront Revitalization Plan, with Harbor Management and Water Management Components.

32. Authorize Renewal of HVAC Annual Service Agreement

RESOLVED, that the annual renewal of labor and inspection service agreement for October 1, 2020 to September 30, 2021 with Dynaire Service Corp. for the Village Hall HVAC system at a cost of \$8,000.00 is hereby renewed.

33. Authorize Bond Resolution

RESOLVED, that the Board of Trustees does hereby authorize and approve the issuance of \$5,500,000. bonds (Bond Resolution attached) of the Village of Westhampton Beach, Suffolk County, NY to finance the construction of improvements to the sewage treatment plant (STP) located at Gabreski Airport in Westhampton Beach, pursuant to an intermunicipal agreement between the Village and the County of Suffolk, New York; stating the estimated maximum cost thereof is \$5,500,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$5,500,000. to finance said appropriation.

34. Schedule a Public Hearing Concerning the Proposed Acquisition of Permanent Easements for a Public Purpose Over Private Property Located in the Phase One Area of the Village's Sewer District Under Eminent Domain Procedure Law

WHEREAS, the Board of Trustees of the Incorporated Village of Westhampton Beach established the Incorporated Village of Westhampton Beach Sewer System ("Sewer System") pursuant to Article 14 of the Village Law; and

WHEREAS, the Sewer System divides the Village into four areas, each of which is labeled a "Phase"; and

WHEREAS, the Village Board of Trustees adopted a map and plan for the Sewer System prepared by H2M architects+engineers; and

WHEREAS, the Village is in the final stage of negotiating and entering into an Intermunicipal Agreement for Sewer Connection (hereinafter, the "Connection Agreement") with Suffolk County Sewer District No. 24 – Gabreski, the Suffolk County Department of Public Works, the Suffolk County Sewer Agency, the Suffolk County Department of Health Services and the County of Suffolk (collectively referred to as the "County") for the construction and installation of sewer lines and appurtenances including pump stations, force mains, and sewage collection systems (the "Collection System") in order to connect parcels within an area in the Village identified as the "Phase One Area" to Suffolk County Sewer District No.24-Gabreski; and

WHEREAS, the Phase I area is located in the core business area of the Village and includes 156 tax lots; and

WHEREAS, by Resolution dated November 15, 2017, the Village issued a Negative Declaration of Environmental Significance for construction and maintenance of the Collection System in accordance with the State Environmental Quality Review Act ("SEQRA"), thus, no further environmental review is required; and

WHEREAS, the Collection System will require permanent and temporary easements over thirteen (13) private properties; and

WHEREAS, negotiations regarding the permanent and temporary easements required to allow the Village to install and maintain the Collection System for installation of underground sewer lines, underground lateral sewers, manholes and perpetual access for maintaining same have not yet been completed though several property owners have expressed willingness to convey the permanent and temporary easements and two already have done so, leaving the need for eleven (11) of the thirteen (13) easements; and

WHEREAS, the properties over which the Village seeks permanent easements (hereinafter, the "subject properties") are located in the Phase One Area and are identified by the following Suffolk County Tax Map numbers and addresses:

0905-011.00-02.00-002.002
59-69 Main Street and 6-8 Mitchell Road

0905-011.00-02.00-009.000
77 Main Street

0905-011.00-02.00-026.000
133-135 Main Street

0905-011.00-03.00-003.001
161 Main Street

0905-012.00-03.00-016.000
48 Main Street

0905-012.00-03.00-017.000
54 Main Street

0905-012.00-04.00-025.000
90 Main Street

0905-012.00-04.00-036.001
124 Main Street

0905-012.00-04.00-037.000
128 Main Street

0905-012.00-04.00-043.000
154 Main Street

0905-012.00-04.00-053.001
112 Main Street

WHEREAS, the Village intends to pursue all means to complete the negotiations with the owners of the subject properties in a timely manner, but must provide for the contingency that permanent and temporary easements over the properties may need to be acquired via eminent domain procedures as a last resort, now therefore it is hereby

RESOLVED that a Public Hearing pursuant to Section 201 of the Eminent Domain Procedure Law ("EDPL") will be held on Thursday November 5, 2020, at 5:00 p.m.; and it is further

RESOLVED that the purpose of the hearing is to inform the public of the location and public purpose of the Sewage Facilities and that the acquisition of permanent easements over the subject properties is necessary in order to construct and maintain the Sewage Facilities; and it is further

RESOLVED that, pursuant to Section 202 of the EDPL, the Clerk of the Village shall cause to be published at least ten (10) days and not more than thirty (30) days prior to said hearing a notice of the public hearing in at least two (2) consecutive issues of The Southampton Press.

PUBLIC COMMENT

ADJOURN

DATED: October 5, 2020

**Elizabeth Lindtvit
Village Clerk-Treasurer**

VILLAGE OF WESTHAMPTON BEACH
BOARD OF TRUSTEES MEETINGS
2020-2021

WORK SESSIONS 5:00 P.M.

2020

Wednesday, July 15, 2020

Wednesday, Aug. 19, 2020

Wednesday, Sept. 16, 2020

Wednesday, Oct. 21, 2020

Wednesday, Nov. 18, 2020

2021

NO DECEMBER WORK SESSION

Wednesday, Jan. 20, 2021

Wednesday, Feb. 17, 2021

Wednesday, March 17, 2021

Wednesday, April 21, 2021

Wednesday, May 19, 2021

NO JUNE WORK SESSION

REGULAR MEETINGS 5:00 P.M.

2020

Thursday, Aug. 6, 2020

Thursday, Sept. 3, 2020

Monday, Oct. 5, 2020
ORGANIZATIONAL MEETING-COVID19

Thursday, Nov. 5, 2020

Thursday, Dec. 3, 2020

2021

Thursday, Jan. 7, 2021

Thursday, Feb. 4, 2021

Thursday, March 4, 2021

Wednesday, March 31, 2021 *
Presentation of Budget to Trustees

Thursday, April 1, 2021

Wednesday, April 14, 2021 *
Budget Hearing

Thursday, May 6, 2021

Thursday, June 3, 2021

Monday, July 5, 2021
ORGANIZATIONAL MEETING

**INVESTMENT POLICY
INC. VILLAGE OF WESTHAMPTON BEACH**

I. SCOPE

This investment policy applies to all monies and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

OBJECTIVES

- The primary objectives of the local government's investment activities are, in priority order,
- To conform with all applicable federal, state and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements(liquidity);
- To obtain a reasonable rate of return (yield).

DELEGATION OF AUTHORITY

The govern board's responsibility for administration of the investment program is delegated to the Treasurer, Deputy Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base of records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Westhampton Beach to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to de derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict **with** proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

DIVERSIFICATION

It is the policy of the Village of Westhampton Beach to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

INTERNAL CONTROLS

It is the policy of the Village of Westhampton Beach for all monies collected by any officer or employee of the government to transfer those funds to the chief fiscal officer within one day of deposit, or within the time period specified in law, whichever is shorter.

The Board of Trustees, Treasurer or Deputy Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

DESIGNATION OF DEPOSITORIES

The banks and trust companies authorized for the deposit of monies are:

COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law 10, all deposits of the Village of Westhampton Beach, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- By a pledge of "eligible securities" with an aggregate "market value" as provided by GML 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
- By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- By an irrevocable letter of credit issued by a qualifying federal home loan bank with an aggregate value equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any. A qualifying federal home loan bank is one whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization.
- By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third-party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any cost or expenses arising out of collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Westhampton Beach or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of the custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposits or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of an s security may cause ineligibility. Such Agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

10. PERMITTED INVESTMENTS

As authorized by General Municipal Law 11, the Village of Westhampton Beach authorizes the Treasurer, Deputy Treasurer to invest monies not required for immediate expenditures for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America

All investment obligations shall be payable or redeemable at the option of the Village of Westhampton Beach within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Westhampton Beach within one year of the date of purchase.

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Village of Westhampton Beach shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (CALL Report) at the request of the Village of Westhampton Beach. The Board of Trustees, Treasurer or Deputy Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

PURCHASE OF INVESTMENTS

The Treasurer, Deputy Treasurer is authorized to contract for the purchase of investments:

- Directly, including through a repurchase agreement, from an authorized trading partner.
- By participation in a cooperative investment program with another authorized governmental entity pursuant to Article SG of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Westhampton Beach by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General, Municipal Law 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

APPENDIX A
Schedule of Eligible Securities-NY GM Law, Art. 2-10

- I. Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- II. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- III. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
- IV. Obligations issued or fully insured or guaranteed by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys.
- V. Obligations issued by states (other than this state) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- VI. Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- VII. Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- VIII. Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- IX. Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.
- X. Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of no longer than sixty days from the date they are pledged.
- XI. Zero-coupon obligations of the United States government marketed as "Treasury STRIPS"

BOND RESOLUTION OF THE VILLAGE OF WESTHAMPTON BEACH, NEW YORK, ADOPTED OCTOBER 5, 2020, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE SEWAGE TREATMENT PLANT (STP) LOCATED AT GABRESKI AIRPORT IN WESTHAMPTON BEACH, PURSUANT TO AN INTERMUNICIPAL AGREEMENT BETWEEN THE VILLAGE AND THE COUNTY OF SUFFOLK, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,500,000; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE; AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$5,500,000 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF WESTHAMPTON BEACH, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Westhampton Beach, in the County of Suffolk, New York (herein called the "Village"), is hereby authorized to construct improvements to the Sewage Treatment Plant (STP) located at Gabreski Airport in Westhampton Beach, pursuant to an intermunicipal agreement (the "Connection Agreement") between the Village and the County of Suffolk, New York. The STP is owned and operated by the County of Suffolk through the County's Sewer District No. 24. It is expected that the Connection Agreement will provide for the establishment of a sewer connection between the Village's sewage collection system and the STP and the allocation of a certain portion of the STP flow specifically to the Village. It is expected that said improvements shall be constructed substantially as described in the Engineering Report prepared for the Village by H2M Architects + Engineers, dated May 2020. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds of the Village in the principal amount of \$5,500,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any grant funds received or any other funds appropriated by the Village for the project are authorized to be applied to the cost of said project and the principal amount of bonds or notes issued shall be reduced by the amount of such other funds so appropriated and expended.

Section 2. Bonds of the Village in the principal amount of \$5,500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- a. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.
- b. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- c. The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,
- (c) and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (d) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Southampton Press*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF WESTHAMPTON BEACH, NEW YORK

PLEASE TAKE NOTICE that on October 5, 2020, the Board of Trustees of the Village of Westhampton Beach, in the County of Suffolk, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Westhampton Beach, New York, adopted October 5, 2020, authorizing the construction of improvements to the Sewage Treatment Plant (STP) located at Gabreski Airport in Westhampton Beach, pursuant to an intermunicipal agreement between the Village and the County of Suffolk, New York; stating the estimated maximum cost thereof is \$5,500,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$5,500,000 to finance said appropriation,"

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Westhampton Beach to construct improvements to the Sewage Treatment Plant (STP) located at Gabreski Airport in Westhampton Beach, pursuant to an intermunicipal agreement (the "Connection Agreement") between the Village and the County of Suffolk, New York; STATING that the STP is owned and operated by the County of Suffolk through the County's Sewer District No. 24 and that it is expected that the Connection Agreement will provide for the establishment of a sewer connection between the Village's sewage collection system and the STP and the allocation of a certain portion of the STP flow specifically to the Village; and STATING that it is expected that said improvements shall be substantially as described in the Engineering Report prepared for the Village by H2M Architects + Engineers, dated May 2020; and STATING that the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,500,000; APPROPRIATING said amount for such purpose; and STATING that the plan of financing includes the issuance of \$5,500,000 bonds of the Village to finance said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$5,500,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which said bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof;

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum; and

DATED: October 5, 2020

Elizabeth Lindtvit
Village Clerk

Section 8. The Village Clerk is hereby authorized to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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