

**Village of Westhampton Beach  
Board of Trustees Work Session  
Wednesday, October 17, 2018 at 5 p.m.**

**DISCUSSION TOPICS**

Presentation - Kyle Collins, Code Change - Hotel Development in the B-1

Bernstein Property (Main Street) Update

Harassment in the Workplace Policy

Use of Village Property -

WHB Elementary School PTA - Halloween Parade

East End Hospice - Tree of Lights Memorial Service

Cornell Local Roads Program

Incident & Accident Review Policy

NYS Unified Solar Permit-NYSERDA'S Clean Energy Communities Program

Town of Southampton Govern Software Update

**SPECIAL MEETING:**

Accept Performance Bond

**EXECUTIVE SESSION:**

## **Accept Performance Bond**

WHEREAS, BMB ENTERPRISES, LLC (hereinafter, "applicant"), is the owner of property known as SCTM# 905-11-2-29, located at 145 Main Street, within the Village of Westhampton Beach (hereinafter referred to as the "Property"), and

WHEREAS, by resolution adopted on December 8, 2016, the Planning Board approved a Site Plan to allow the construction of a two-story commercial building on the Property; and

WHEREAS, by resolution dated October 11, 2018, the Planning Board approved a modification of the Site Plan to allow for the completion of the site plan improvements in two phases, and that a certificate of occupancy be issued on completion of the "phase 1" improvements, on condition that a Performance Bond in the amount of \$14,500 be given to secure completion of all of the "phase 2" improvements, which include the permanent sidewalk and associated landscaping and pavers (hereinafter, the "Improvements"); and

WHEREAS, the applicant filed a proposed Performance Bond and certified check in the amount of \$14,500, as security for the completion of the Improvements;

NOW THEREFORE, BE IT RESOLVED, that, the Village accepts the Performance Bond and deposit of \$14,500 as security for the performance of the completion of the required site plan Improvements, pursuant to the resolutions of the Planning Board; and be it further

RESOLVED that the Village Treasurer shall deposit the \$14,500 in Trust & Agency Account T36, BMB Performance Bond; and be it further

RESOLVED that, in the event of the Principal's default in completing the Improvements, in accordance with the approved Site Plan (such default to be evidenced by a resolution of the Board of Trustees of the Village of Westhampton Beach stating that a default has occurred), the Village may, after fifteen (15) business days' written notice to Owner and Owner's failure to substantially complete the Improvements within said period of fifteen (15) business days, enter upon the Property and supply such labor and material as may be required for the completion of the Improvements, using the security of \$14,500 to the extent necessary to pay for the cost of the completion of the Improvements; and be it further

RESOLVED that, in the event the Planning Board certifies the completion of the Improvements in accordance with the approved Site Plan, or otherwise certifies that the Performance Bond (or part thereof) is no longer needed to secure the completion of the Improvements, the applicant may apply to the Board of Trustees to release the Performance Bond and refund any unexpended portion of the security to the applicant.