

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, April 4, 2019 at 5 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

2019–2020 Tentative Village Budget

Local Law Amending Chapter 128 - Peddling & Soliciting

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Accept Retirement
4. Appoint Senior Building Inspector
5. Approve 2019 Shared Computer Services with Southampton Town
6. Authorize Mayor to Sign Intermunicipal Agreement
7. Authorize Unreserved Fund Balance Transfer
8. Authorize Unreserved Fund Balance Transfer
9. Authorize Use of Village Property-Greater WH Chamber of Commerce
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11. Authorize Use of Village Property-Greater WH Chamber of Commerce
12. Approve Special Event-Bike to the Beach
13. Approve Special Event Autism Relay Walk
14. Authorize 2019 Renewal of Espresso Coffee's Outdoor Tables, Chairs and Benches
15. Schedule Public Hearing Local Law
16. Direct Altice N.V. (and it subsidiaries) to Make Changes to It's System for the Main Street Improvement Project
17. Direct Verizon (and it subsidiaries) to Make Changes to It's System for the Main Street Improvement Project
18. Approve Warrant for April 2019

PUBLIC COMMENT

ADJOURN

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, April 4, 2019 at 5 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

2019–2020 Tentative Village Budget

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.

Local Law Amending Chapter 128 - Peddling & Soliciting

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meeting

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

2. Accept Departmental Monthly Reports

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.

3. Accept Retirement

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

4. Appoint Senior Building Inspector

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

5. Approve 2019 Shared Computer Services with Southampton Town

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.

6. Authorize Mayor to Sign Intermunicipal Agreement

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.

7. Authorize Unreserved Fund Balance Transfer

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.

8. Authorize Unreserved Fund Balance Transfer

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.

9. Authorize Use of Village Property-Greater WH Chamber of Commerce

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.

10. Approve Use of Village Property-Greater WH Chamber of Commerce

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.

11. Authorize Use of Village Property-Greater WH Chamber of Commerce

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.

12. Approve Special Event-Bike to the Beach

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.

13. Approve Special Event Autism Relay Walk

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.

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

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.

15. Schedule Public Hearing Local Law

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".

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

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.

17. Direct Verizon (and its subsidiaries) to Make Changes to It's System for the Main Street Improvement Project

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.

18. Approve Warrant for April 2019

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.

PUBLIC COMMENT

ADJOURN

DATED: April 4, 2019

**Elizabeth Lindtvit
Village Clerk-Treasurer**