

WHEREAS, in January, 2011, Verizon New York, Inc./LIPA, and the East End Eruv Association (EEEE) commenced legal actions against the Village in Federal Court to install pole attachments to create a religious boundary that was to be proclaimed, leased or otherwise designated as being the private property or domain of one religious sect; and

WHEREAS, because such a proclamation, lease or designation is antithetical to the interests of a free, open and welcoming community such as Westhampton Beach, the Village defended its right to determine what is permitted in its right-of-ways, and defended the lawsuit upon the ground that said religious boundary violated the Establishment Clause of the 1st Amendment to the United States Constitution; and

WHEREAS, the Federal District Court entered an Order during the course of the litigation holding that, as a matter of New York State law, the pole attachments at issue could be authorized by both Verizon and LIPA through an independent agreement directly with the EEEA without any further express authorization from the Village; and

WHEREAS, the Village of Westhampton Beach requested permission to take an appeal on this state law question but such permission was denied by the Court; and

WHEREAS, under the federal law there exists a threat that Plaintiffs' exorbitant costs and attorneys' fees could be imposed upon the Village; and

WHEREAS, the proposed settlement authorized by this resolution eliminates such financial risk, and

WHEREAS, the proposed settlement agreement does not include any words that are of a foreign or religious origin; and

WHEREAS, the proposed settlement agreement expressly provides that it does not create or recognize a religious boundary, nor does it constitute a proclamation, lease or designation of any such religious boundary.

NOW THEREFORE, BE IT RESOLVED, that counsel for the Village of Westhampton Beach is hereby authorized to sign the attached settlement agreement after it has been executed by all Plaintiffs or by their respective authorized representatives, in order to bring an end to the subject litigation; and be it further

RESOLVED that the Village of Westhampton Beach is, and shall remain, a community that is open and welcoming to all people, regardless of race, religion, or national origin.