

MINUTES OF SEA CLIFF VILLAGE BOARD
February 6, 2012

The meeting of the Incorporated Village of Sea Cliff was held on Monday, February 6, 2012 at 7:30 p.m. at Village Hall, to discuss various Village matters.

Present: Bruce Kennedy, Mayor
 Carol Vogt, Village Trustee
 Thomas Powell, Trustee
 Peter Hayes, Village Trustee
 Thomas Murphy, Village Trustee
 Marianne Lennon, Village Clerk
 Brian Stolar, Village Attorney
 John Mirando, Village Administrator
 Drew Lawrence, Superintendent of Buildings

Representatives from the Sea Cliff Memorial Committee discussed the memorial for Eve Haim to be located at Central Park.

Trustee Hayes moved Abstract No. 2290 in the amount of \$180,535.94 and Abstract No. 2291 in the amount of \$77,441.67, seconded by Trustee Vogt and unanimously approved by those present.

On a motion by Trustee Vogt, seconded by Trustee Hayes and unanimously approved by those present, the minutes of January 3, 2012, January 9, 2012 and January 16, 2012 were approved.

The Board reviewed the application of 59 The Boulevard, to repair an existing retaining wall which is partially on Village property. Mayor Kennedy offered the following resolution:

RESOLUTION NO. 8, YEAR 2012

RESOLVED, that the Board hereby finds and concludes:
the application to repair an existing wall which encroaches on Village property

- a. is an Unlisted action under the State Environmental Quality Review Act and its regulations;
- b. the Board is the lead agency with respect to environmental review of this proposed action;
- c. the Board has considered the following factors in respect to its review of the environmental impacts of the proposed action:
 - i. whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or any substantial increase in solid waste production, or create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;
 - iv. whether the proposed action would conflict with the community's current plans or goals as officially approved or adopted;
 - v. whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. whether the proposed action would result in a major change in the use of either the quantity or type of energy;
 - vii. whether the proposed action would create a hazard to human health;

MINUTES OF SEA CLIFF VILLAGE BOARD
February 6, 2012

- viii. whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or its capacity to support existing uses;
- ix. whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- x. whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when considered together would result in a substantial adverse impact on the environment;
- xi. whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- xii. whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- d. the proposed action would not have a significant adverse environmental impact; and
- e. no further environmental review is required with respect to the proposed action.

and be it

FURTHER RESOLVED, that the Board of Trustees finds that the proposed area is in need of repair and that permission should be granted to Maureen Raftery in accordance with a right-of-way agreement between the Village and Maureen Raftery;

NOW, THEREFORE, the Board hereby authorizes the Mayor to execute a right-of-way agreement with Maureen Raftery in a form approved by the Village Attorney.

Mayor Kennedy moved the adoption of the resolution, seconded by Trustee Powell and unanimously approved.

Upon receipt and review of an application for a permit to store a boat in excess of 20 feet on homeowners property during off season months only, accompanied by the written consent of at least 75% of adult residents living within 200 feet of applicants property, Mayor Kennedy offered the following resolution for adoption:

RESOLUTION NO. 9, YEAR 2012

RESOLVED, that the Board hereby finds and concludes:
the storage of a boat on the homeowners property located at 10 Highland Avenue

- f. is an Unlisted action under the State Environmental Quality Review Act and its regulations;
- g. the Board is the lead agency with respect to environmental review of this proposed action;
- h. the Board has considered the following factors in respect to its review of the environmental impacts of the proposed action:
 - xiii. whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or any substantial increase in solid waste production, or create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - xiv. whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - xv. whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;

MINUTES OF SEA CLIFF VILLAGE BOARD
February 6, 2012

- xvi. whether the proposed action would conflict with the community's current plans or goals as officially approved or adopted;
- xvii. whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- xviii. whether the proposed action would result in a major change in the use of either the quantity or type of energy;
- xix. whether the proposed action would create a hazard to human health;
- xx. whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or its capacity to support existing uses;
- xxi. whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- xxii. whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when considered together would result in a substantial adverse impact on the environment;
- xxiii. whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- xxiv. whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- i. the proposed action would not have a significant adverse environmental impact; and
- j. no further environmental review is required with respect to the proposed action.

and, be it

FURTHER RESOLVED, the Board determined to waive a public hearing on the request, and granted a permit to the homeowner residing at 10 Highland Avenue, to store the existing boat in its current location on the property for a period of not more than five years, during off season months only, subject to the following conditions:

1. to store one boat in its current location (west side of property)
2. storage may be for a period of no more than five years
3. no other boats, regardless of size, to be stored on site
4. no other storage equipment or facilities are to be stored as defined in Chapter 128
5. permit fee of \$50.00
6. no boat repair work to be performed on site
7. not to be used for habitable purposes
8. current tarp, with any other tarp requiring further Board approval
9. boat to be removed or relocated in accordance with Building Department directive if boat deemed dangerous to public for any reason.

Mayor Kennedy moved the adoption of the foregoing resolution and seconded by Trustee Vogt. All present voted in favor of the motion and the resolution was duly adopted.

On a motion by Trustee Vogt, seconded by Trustee Hayes and unanimously approved by those present, the Board awarded the bid for the purchase of a midsize 4x4 Dump Truck with plow to Gabrielli Truck Sales Ltd., 880 So. Oyster Bay Road, Hicksville, New York 11801 in the amount of \$62,810.00.

Mayor Kennedy appointed **Brian S. Stolar**, as Village Attorney; and Sahn Ward Coschignano & Baker, PLLC for non-retainer legal work on behalf of the Village, at the same rates presently paid for such services for one year.

MINUTES OF SEA CLIFF VILLAGE BOARD
February 6, 2012

Trustee Hayes moved that the appointment made by the Mayor be approved, seconded by Trustee Murphy and unanimously carried.

Trustee Hayes offered the following resolutions for adoption:

RESOLUTION NO. 10, YEAR 2012

RESOLVED, that the Board of Trustees hereby approves the Mayor's appointment of Brian S. Stolar, as Village Attorney, to serve at the pleasure of the Mayor, and the services of such Village Attorney to be compensated pursuant to the retainer agreement with Brian S. Stolar, and it is further

RESOLVED, that the Board of Trustees hereby retains Sahn Ward Coschignano & Baker, PLLC, effective January 30, 2012 as special counsel to the Village for non-retainer legal services (including litigation matters or Village acquisition or sale of real estate) as may be required, the services of such special counsel to be compensated pursuant to the retainer agreement with such special counsel, and it is further

RESOLVED, that the Mayor is authorized to execute the retainer agreement with Brian S. Stolar and Sahn Ward Coschignano & Baker, PLLC, a copy of which will be affixed to be made a part of these minutes.

Trustee Hayes moved the adoption of the above resolution, seconded by Trustee Murphy and unanimously approved by those present.

RESOLUTION NO. 11, YEAR 2012

WHEREAS, the Village is committed to providing a safe and secure environment for minors participating in Village sponsored programs and activities, and

WHEREAS, the Village also remains committed to protecting volunteer and compensated workers from any false accusation by providing adequate supervision during Village sponsored activities, now

BE IT RESOLVED, that the Village Board hereby adopts the Child Sexual Abuse Prevention Policy and that such policy shall be on file at Village Hall, and

BE IT FURTHER RESOLVED, that the objectives for establishing this child sexual abuse policy include:

1. To establish a familiarity with the problem of child sexual abuse as a general problem in society.
2. To increase awareness of the symptoms and consequences of child sexual abuse.
3. To underscore the Village's vulnerability to child sexual abuse.
4. To create an understanding of liability concerns and Village's policy guidelines pertaining to screening, supervision, and reporting.
5. To provide instruction on worker selection and worker training in instances where workers are likely to interact with children.
6. To encourage worker commitment to follow the Village's policies.

and

BE IT FURTHER RESOLVED, that all Village workers who, due to their position, may work with children, are required to be screened in accordance with the procedures set forth in the Village's Child Sexual Abuse Prevention Policy.

Trustee Hayes moved the adoption of the foregoing resolution, seconded

MINUTES OF SEA CLIFF VILLAGE BOARD
February 6, 2012

by Trustee Powell and unanimously approved by those present.

RESOLUTION NO. 12, YEAR 2012

RESOLVED, that the Board of Trustees shall hold a meeting on Monday, March 12, 2012 at 8:00 p.m. at Village Hall, 300 Sea Cliff Avenue, Sea Cliff, New York, for the purpose of holding a public hearing on the following: to solicit proposals for housing and community development projects that the Village should undertake during the 2012-2013 program year.

Trustee Hayes moved the adoption of the foregoing resolution, seconded by Trustee Powell and unanimously approved by those present.

Trustee Vogt offered the following resolution for adoption:

RESOLUTION NO. 13, YEAR 2012

RESOLVED, that the Board of Trustees of the Incorporated Village of Sea Cliff hold a public hearing upon:

Proposed Bill No. 1, Year 2012: a local law amending Chapters 4 and 36 of the Village code of the Village of Sea Cliff to address changes to the licensing requirements for dogs as provided in Article 7 of the New York State Agriculture and Markets Law.

FURTHER RESOLVED, that such hearing be held on the 12th day of March, 2012, at 8:00 o'clock p.m. at the Community Center in the Village of Sea Cliff, New York, and that notice thereof in the form required by the Code of the Incorporated Village of Sea Cliff be published in The Gold Coast Gazette, the official newspaper of the Village of Sea Cliff, and posted as required by law.

Seconded by Trustee Hayes and unanimously carried by those present.

On a motion by Trustee Vogt, seconded by Trustee Hayes and unanimously approved by those present, the Mayor was authorized to sign an agreement with Animal Lovers League, Inc. for animal sheltering services, in a form approved by the Village Attorney.

On a motion by Trustee Hayes, seconded by Trustee Murphy and unanimously approved by those present, the Mayor was authorized to sign a grant with LGRMIF for record preservation in the amount of \$50,400.00.

Mayor Kennedy appointed the following persons to the Senior Action Committee as drivers:

Ann Costagliola	Janette Heurtley
Lee Janelli	Joyce Kaufmann
Dan Maddock	Maureen Maddock
Frank Murray	Carol Muttee
Chris Scott	Phyllis Sczesnak
Patti Smith	Gen Woods

Trustee Vogt moved that the appointments made by the Mayor be approved, seconded by Trustee Hayes and unanimously carried.

On a motion by Trustee Hayes seconded by Trustee Murphy and unanimously approved by those present, the Board approved the court reporting fees submitted by James Gill of \$75.00 for attendance fee and \$2.50 per page based on the estimated number of pages.

MINUTES OF SEA CLIFF VILLAGE BOARD
February 6, 2012

On a motion by Trustee Vogt, seconded by Trustee Hayes and unanimously approved, the expenditure for the Mayor to attend a NYCOM conference in Albany, Feb 26th and 27th was approved.

Mayor Kennedy appointed Peter Fleischman to the Architectural Review Board, to fulfill the term of Kathie Lieberman upon her resignation.

Trustee Hayes moved that the appointment made by the Mayor be approved, seconded by Trustee Powell and unanimously carried.

On a motion by Mayor Kennedy, seconded by Trustee Hayes and unanimously approved, the Board went into Executive Session at 10:15pm to discuss pending litigation issues.

On a motion by Trustee Hayes, seconded by Trustee Powell, the Board came out of Executive Session at 10:40pm.

Trustee Hayes offered the following resolution for adoption:

RESOLUTION NO. 14, YEAR 2012

RESOLVED, that the 2011-2012 Sea Cliff Village Budget, General Fund accounts be modified by debits or credits in those accounts and those amounts as listed on the schedule dated February 6, 2012, which is affixed to the Minutes of this meeting, for a total amount of \$97,162.00; and be it further,

RESOLVED, that the Village Treasurer be and she hereby is directed and authorized to make such modifications to the 2011-2012 Budget as effectuated by this resolution.

Trustee Hayes moved the resolution, seconded by Trustee Vogt.

Roll Call

Mayor Kennedy	vote	Aye
Trustee Vogt	vote	Aye
Trustee Murphy	vote	Aye
Trustee Powell	vote	Aye
Trustee Hayes	vote	Aye

On a motion by Mayor Kennedy, seconded by Trustee Hayes and unanimously approved by those present, the Mayor was authorized to execute a change of attorney on the following cases:

Village of Sea Cliff v. various defendants (161 Glen Cove Ave) (Nassau Supreme Court)
CSEA v Village (PERB)
Barnaby v. Village and Village Zoning Board of appeals (Nassau Supreme Court)

Meeting adjourned at 10:50pm.

Marianne Lennon
Village Clerk