

**MINUTES OF SEA CLIFF VILLAGE BOARD**  
**October 1, 2012**

The meeting of the Incorporated Village of Sea Cliff was held on Monday, October 1, 2012 at 7:30 p.m. at Village Hall, to discuss various Village matters.

Present:        Bruce Kennedy, Mayor  
                  Thomas Powell, Village 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

Absent:         Carol Vogt, Village Trustee

Trustee Hayes moved Abstract No. 2315 in the amount of \$135,598.52, Abstract No. 2316 in the amount of \$ 79,712.10 and Abstract No. 2317 in the amount of \$ 90,593.44. Seconded by Trustee Murphy and unanimously approved by those present.

On a motion by Trustee Hayes, seconded by Trustee Powell and unanimously approved by those present, the minutes of September 4 and September 10, 2012 were approved.

Richard Klenkel, an independent auditor, presented the Village's Audit for Fiscal Year End 5/31/2012.

On a motion by Trustee Hayes, seconded by Trustee Powell and unanimously approved by those present, the Audit Report for the Village Court for the fiscal year commencing June 1, 2011 and ending May 31, 2012, prepared by Richard Klenkel, be and hereby is accepted.

On a motion by Trustee Hayes, seconded by Trustee Murphy and unanimously approved by those present, the Audit Report for the General Fund for the fiscal year commencing June 1, 2011 and ending May 31, 2012, prepared by Richard Klenkel, be and hereby is accepted.

On a motion by Mayor Kennedy, seconded by Trustee Hayes and unanimously approved by those present, the Board accepted a gift of a weathervane from the family of Rebecca Dorsey.

Trustee Hayes offered the following resolutions for adoption:

**RESOLUTION NO. 63, YEAR 2012**

**RESOLVED**, that the Village of Sea Cliff's Public Housing Agency (PHA), will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

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

On a motion by Trustee Hayes, seconded by Trustee Powell and unanimously approved by those present, the Board authorized the Village to enter into an agreement with the Town of Oyster Bay, to furnish to the Village all services for the seizing, impounding, disposition and euthanization of dogs under the provision of law applicable, and for the seizing, impounding, disposition and euthanization of injured cats, and authorized the Mayor to execute the agreement, upon approval as to form by the Village Attorney.

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Trustee Hayes offered the following resolutions for adoption:

**RESOLUTION NO. 64, YEAR 2012**

BE IT RESOLVED, that the Village of Sea Cliff, hereby establishes the following as standard work days for its employees and appointed officials and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by those members to the clerk of this body:

Title	Standard Work Day
Deputy Clerk	6.5
Deputy Treasurer	6.5
Secretary to BOT	6.5
Secretary to Zoning Board	6.5
Director of Public Works	6.5
Superintendent of Buildings	6.5
Clerk/Treasurer	6.5
Typist	6.5
Laborers	8.0
Motor Equipment Operators	8.0
Mechanics	8.0
Court Clerk	6.5
Sanitation Worker	8.0

Seconded by Trustee Powell and unanimously approved by those present.

Mayor Kennedy offered the following resolution for adoption:

**RESOLUTION NO. 65, YEAR 2012**

BOND RESOLUTION DATED OCTOBER 1, 2012.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$55,000 BONDS OF THE VILLAGE OF SEA CLIFF, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS EQUIPMENT FOR THE VILLAGE'S FIRE DEPARTMENT, IN AND FOR SAID VILLAGE.

RESOLVED, by the Village Board of Trustees of the Village of Sea Cliff, Nassau County, New York, as follows:

Section 1. For paying the cost of various equipment for the Village's Fire Department, in and for the Village of Sea Cliff, Nassau County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$55,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$55,000 and the plan for the financing thereof is by the issuance of the \$55,000 bonds of the Village of Sea Cliff, Nassau County, New York, authorized to be issued pursuant to this resolution.

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Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision eighty-nine of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class can be assigned a period of probable usefulness of at least five years under subdivisions twenty-eight or thirty-two of said paragraph a. It is hereby further determined that the maximum maturity of the bonds authorized will not exceed five years, and that the foregoing is not an assessable improvement.

Section 4. The faith and credit of said Village of Sea Cliff, Nassau County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Sea Cliff, Nassau County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or

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facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of its Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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Section 10. This resolution, which takes place immediately, shall be published in summary in the *Gold Coast Gazette*, the official newspaper of the Village, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Seconded by Trustee Powell and unanimously approved by those present.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Kennedy	voting	Aye
Trustee Hayes	voting	Aye
Trustee Murphy	voting	Aye
Trustee Powell	voting	Aye

The resolution was thereupon declared duly adopted.

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

Elizabeth Luciano  
Thomas Oswald

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

Trustee Hayes offered the following resolution for adoption:

**RESOLUTION NO. 66, YEAR 2012**

**RESOLVED**, that upon receipt of an executed Stipulation of Settlement from the attorneys for the following property owners confirming the settlements listed below, the following tax certiorari proceedings be settled as indicated below, and that the Law Office of Richard Siegel, acting as Village Attorney in these proceedings, be and it hereby is authorized to execute a Stipulation of Settlement and other documents as required to effect the settlements in accordance with the following schedule:

Sea Cliff Yacht Club, 34 The Boulevard, Sec 21, Blk A, Lot 233; Refund \$3,650.00;  
Reduction in assessed value: 78,000; Years settled: 2008/09-2012/13

Sea Cliff Yacht Club, 32 The Boulevard, Sec 21, Blk A, Lot 333; Refund: \$1,150.00;  
Reduction in assessed value: 48,100; Years settled: 2008/09-2012/13

**and, be it further**

**RESOLVED**, that the Village Treasurer be and she hereby is authorized and directed to pay the refund amounts indicated above in accordance with the Stipulations of Settlement and Court Orders; **and, be it further**

**RESOLVED**, that upon receipt of an executed Stipulation of Settlement and Order and Judgment of the Nassau County Supreme Court, the Village Assessor be and he hereby is authorized and directed to reduce and set the assessed values of each of the above properties for the 2013/14 Tax Year, and such subsequent Tax Years as may be indicated, in accordance with the above schedule and the Stipulations of Settlement.

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Trustee Murphy seconded the resolution. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Powell	<b>voting</b>	aye
Trustee Hayes	<b>voting</b>	aye
Trustee Murphy	<b>voting</b>	aye
Mayor Kennedy	<b>voting</b>	aye

The resolution was thereupon declared duly adopted.

Trustee Murphy offered the following resolution for adoption:

**RESOLUTION NO. 67, YEAR 2012**

**RESOLVED**, that Section A153-1(A), (B) and (C) be amended to read as follows:

- A. All sidewalks and curbs shall be constructed in accordance with the grade as established by the Superintendent of Buildings.
- B. Sidewalks. In residence districts, sidewalks shall be three (3) feet in width and not less than four (4) inches thick. In business districts and adjacent to property where a nonconforming business use exist, sidewalks shall be constructed so as to cover the full area between the curb and the property line, unless otherwise directed by the Superintendent of Buildings, and shall be not less than five (5) inches thick. Where crossed by driveways, all sidewalks shall be not less than six (6) inches thick through the width of the driveway.
- C. Curbs. Except in instances where otherwise directed by the Superintendent of Buildings, curbs may be formed by poured concrete or formed using Belgium or granite blocks as follows:
  - (1) Concrete Curbs.
    - a. In residence districts, shall be eighteen (18) inches in depth and not less than six (6) inches thick.
    - b. In business districts and adjacent to property where a nonconforming business use exists, shall be eighteen (18) inches in depth and not less than eight (8) inches thick.
  - (2) Block Curbs.
    - a. In residence districts, shall be either eight (8) inches wide by eight (8) inches long by four (4) inches thick or twelve (12) inches wide by eight (8) inches long by four (4) inches thick. Blocks shall be supported by a concrete base that is a minimum of ten and one-half (10.5) inches deep and twelve (12) inches wide with two (2) - #3 bars running continuously along the length of the concrete at a depth two and one-half (2.5) inches from the bottom of the excavation. The bars are to be spaced six (6) inches apart and three (3) inches from each edge of the excavation. Block will be set four (4) inches below grade leaving a four (4) inch reveal on the street side of the curb. Blocks will be spaced three-quarters (0.75) of an inch between blocks. The back edge of the excavation will be poured to a depth of seven (7) inches to a depth of ten and one-half (10.5) inches at six (6) inches from the back edge of the excavation and continue that depth to the back of the block. Joints will be filled with mortar and a four (4) inch thick mortar backing will be placed behind the block leaving a one (1) inch reveal on the private property side of the block.
    - b. No block curbing is permitted in business districts or adjacent to property where a nonconforming business use exists.
  - (3) All cement shall have a 28 day compressive strength of 3,000 psi.
  - (4) Detail drawings for each curb type are available at Village Hall and on the Village website.

On a motion by Trustee Murphy, seconded by Trustee Powell and unanimously approved by those present, the resolution was adopted.

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On a motion by Trustee Hayes, seconded by Trustee Murphy and unanimously approved by those present, the Board authorized the Mayor to sign and execute an agreement with the Inc. Village of Munsey Park to provide them with the Village's leaf removal machine for a period no less than three weeks, for at least three days of its choosing each week, for a fee of \$350.00 per week.

On a motion by Trustee Hayes, seconded by Trustee Powell and unanimously approved by those present, the Board authorized the Mayor to sign and execute an agreement with Michael Haberman Associates to perform the 2013/3014 Assessment Update of Assessments and Inventory for a fee of \$18,500.

Trustee Powell offered the following resolution for adoption:

**RESOLUTION NO. 68, YEAR 2012**

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

**Proposed Bill No. 7, Year 2012:** A local law repealing Section 48-7 of the Village Code of the Village of Sea Cliff.

**FURTHER RESOLVED**, that such hearings be held on the 12th day of November, 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 Hayes, seconded by Trustee Powell and unanimously approved by those present, the Board went into Executive Session to discuss pending litigation issues at 10:00 p.m.

On a motion by Mayor Kennedy, seconded by Trustee Murphy and unanimously approved by those present, the Board came out of Executive Session at 10:25 p.m.

Meeting adjourned at 10:30 pm.

Marianne Lennon  
Village Clerk