

MINUTES OF SEA CLIFF VILLAGE BOARD
October 7, 2013

AMENDED – December 2, 2013

The meeting of the Incorporated Village of Sea Cliff was held on Monday, October 7, 2013, at 7:30 p.m. at Village Hall to discuss various Village matters.

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

Absent: Thomas Powell, Village Trustee

The Board considered the request of Alan Geller for a special temporary license for November 8, 2013 from 5:30 pm to 6:30 pm to correspond with the Chill Out in Sea Cliff event. On motion duly made by Trustee Hayes, seconded by Trustee Vogt, and adopted unanimously by those present, the Board waived the requirement of a public hearing for the special temporary license and approved the issuance of a special temporary license for live music to be played at Musu Sushi on Friday, November 8, 2013 from 5:30 pm to 6:30 pm. on the outside patio.

The Board considered the request of Dan Roth for a special temporary license for November 8, 2013 from 8:00 pm to 11:00 pm to correspond with the Chill Out in Sea Cliff event. On motion duly made by Trustee Hayes, seconded by Trustee Vogt, and adopted unanimously by those present, the Board waived the requirement of a public hearing for the special temporary license and approved the issuance of a special temporary license for live music to be played at Still Partners on Friday, November 8, 2013 from 8:00 pm to 11:00 pm. with the same terms and conditions as the current cabaret license.

Mayor Kennedy offered the following resolutions for adoption:

RESOLUTION NO. 61, YEAR 2013

RESOLVED, that Central Avenue between Sea Cliff Avenue and Summit Avenue will be closed on Friday, November 8, 2013 from 4:30pm to 9:00pm to celebrate “Chill out in Sea Cliff”; and be it further

RESOLVED, that the General Foreman of Public Works or his designee be and he hereby is authorized and directed to place appropriate signs to enforce the restriction enacted herein; and be it further

RESOLVED, that the Village Clerk be and she hereby is authorized and directed to publish and post this resolution as required by law; and be it further

RESOLVED, that the parking regulations created by this resolution shall take effect upon the placement of appropriate signs.

On a motion by Trustee Vogt, seconded by Trustee Lieberman and unanimously approved by those present, the resolution was hereby adopted.

Richard Klenkle presented the Village Audit for year end May 31, 2013.

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On a motion by Trustee Hayes, seconded by Trustee Lieberman and unanimously approved by those present, the minutes of August 19, 2013, September 3, 2013 and September 9, 2013 were approved.

On a motion by Trustee Vogt, seconded by Trustee Hayes and unanimously approved by those present, Abstract No. 2353 in the amount of \$ 92,504.50 and Abstract No. 2354 in the amount of \$127,643.66 were approved.

The Board reviewed the application of 6 Lafayette Avenue, to maintain a second driveway which is on Village property. Mayor Kennedy offered the following resolution:

RESOLUTION NO. 62, YEAR 2013

WHEREAS, William and Beatrice Francis applied to the Village for permission to maintain a paved parking area in the Village right-of-way directly in front of premises owned by the applicant located at 6 Lafayette Avenue and designated as Section 21, Block 192, Lot 171 on the Nassau County Land and Tax Map; and

WHEREAS, the applicant proposes on-grade paving only without any above-grade structures and no raised blocks, and the Board finds that the maintenance of the paved area does not interfere with the use of the public street for vehicular and pedestrian use;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees agrees to enter into a license agreement with the applicant in a form approved by the Village Attorney, and further subject to the standard terms of such agreement, payment of the required fee and for a term not to exceed one (1) year with the annual extensions only upon written application by the applicant with the fee waived for each successive extension request, and upon the further condition that the license not be transferable.

On a motion by Trustee Hayes, seconded by Trustee Lieberman and unanimously approved by those present, the resolution was therefore adopted.

Trustee Hayes offered the following resolutions for adoption:

RESOLUTION NO. 63 , YEAR 2013

WHEREAS, the Village Treasurer has previously issued a tax lien certificate to Ramon Lyons, which certificate is dated March 18, 2011 covering premises located at 161 Glen Cove Ave and designated as Section 21, Block 11 , Lot 17-21on the Nassau County Land and Tax Map; and

WHEREAS, the purchaser of the aforesaid tax lien certificate has advised the Village Treasurer that he has lost or otherwise misplaced the original tax lien certificate and has duly filed the appropriate duly notarized Affidavit for Lost Tax Lien Certificate with the Village Treasurer, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Village Treasurer is authorized, upon payment of a fee of \$50.00, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the lost or misplaced certificate; and

BE IT FURTHER RESOLVED, that a copy of this resolution and the Affidavit for Lost Tax Lien Certificate is attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "duplicate".

On a motion by Trustee Vogt, seconded by Trustee Lieberman and unanimously approved by those present, the resolution was hereby adopted.

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RESOLUTION NO. 64, YEAR 2013

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.

On a motion by Mayor Kennedy, seconded by Trustee Lieberman and unanimously approved by those present, the resolution was hereby adopted.

RESOLUTION NO. 64A, YEAR 2013

WHEREAS, on September 9, 2013, the Village awarded the Scudders Pond Improvement Project to Biltwel General Contractor Corp. as the lowest responsible bidder; and

WHEREAS, the Village's project consultant notified Biltwel in writing of such award and requested that Biltwel attend a pre-construction meeting on September 17, 2013; and

WHEREAS, at the pre-construction meeting and in subsequent discussions, Biltwel advised that it has had difficulty obtaining the required performance and labor and materials bonds; and

WHEREAS, Biltwel has requested that the Village give Biltwel time to make further efforts at procuring the required bonds or providing the Village with substitute security; and

WHEREAS, time is of the essence on this project, and the construction period is to start on November 1, 2013 with a window that would permit construction up until April 1, 2013; and

WHEREAS, Bitwel has failed to provide the required predicate contract security to the Village and execute the contract within 10 days after notice of acceptance of Biltwel's bid, as required by the bidding documents; and

WHEREAS, Biltwel is not in compliance with the terms of the bidding documents and in accordance with the bidding documents is subject to the provision in the contract wherein the bidders shall forfeit to the Village, as liquidated damages the security deposit accompanying the bid; and

WHEREAS, the Village desires to timely commence the contract to assure that the work commences and is completed within the permitted timeframe; and

NOW, THEREFORE, BE IT RESOLVED that the Board agrees to waive the timing of the execution of the agreement on the condition that Biltwel provide the required security and execute and deliver the contract to the Village no later than the close of business on October 11, 2103; and

BE IT FURTHER RESOLVED, that if Biltwel fails to deliver a signed agreement and the required security within the time provided herein, the Board shall consider Biltwel to be in default and subject to the liquidated damages provision in the bidding documents; and

BE IT FURTHER RESOLVOED, that upon such default, the Board shall proceed to process the project with a different company.

On a motion by Trustee Hayes, seconded by Trustee Lieberman and unanimously approved by those present, the resolution was hereby adopted.

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On a motion by Trustee Vogt, seconded by Trustee Hayes and unanimously approved by those present, the Board went into Executive Session at 11:10pm to discuss pending litigation.

On a motion by Trustee Hayes, seconded by Trustee Vogt and unanimously approved by those present, the Board came out of Executive Session at 11:55pm.

Meeting adjourned at 11:57pm.

Marianne Lennon
Village Clerk