

MINUTES OF SEA CLIFF VILLAGE BOARD
October 15, 2013

Present: Bruce Kennedy, Village Mayor
Carol Vogt, Village Trustee
Edward Lieberman, Village Trustee
Peter Hayes, Village Trustee
Marianne Lennon, Village Clerk
Brian Stolar, Village Attorney

Absent: Thomas Powell, Village Trustee

Trustee Edward Lieberman led the Assembly in the Pledge of Allegiance.

Mayor Bruce Kennedy

Welcome to the Board Meeting of October 15, 2013 of the Incorporated Village of Sea Cliff.

Mayor Kennedy offered the following resolutions for adoption:

RESOLUTION NO. 65, YEAR 2013

BE IT RESOLVED, that the 2014 Sea Cliff Village General election will take place on Tuesday, March 18, 2014, for the purpose of electing the following officers of the Village:

A Village Trustee for a term of two years for the Office presently held by Tom Powell whose term expires April 7, 2014; and a Village Trustee for a term of two years for the Office presently held by Peter Hayes whose term expires April 7, 2014 and a Village Justice for a term of four years for the Office presently held by John Reali whose term expires April 7, 2014.

Seconded by Trustee Vogt and unanimously approved by those present.

RESOLUTION NO. 66, YEAR 2013

WHEREAS, a payment was made to the Village Treasurer in the sum of \$ 10,602.85 on account of 2009 taxes for 161 Glen Cove Avenue; and

WHEREAS, a Lien holder commenced a tax lien foreclosure proceeding, the payment of \$10,602.85 was processed and deposited prior to the Village receiving notice that a tax lien foreclosure had been commenced, but the lien is not subject to redemption as a notice of pendency was filed prior to the payment being delivered to the Village;

NOW, THEREFORE, the Board authorizes the payment to Palmieri, Castiglione & Associates, P. C. in the sum of \$ 10,602.85 on account of the payment made to the Village after the conclusion of the redemption period.

Seconded by Trustee Hayes and unanimously approved by those present.

RESOLUTION NO. 67, YEAR 2013

WHEREAS, the Board of Trustees maintains a list of agencies, commissions, associations, universities, persons, and other organizations that the Board has authorized as training providers to meet certain training requirements for members of the Planning Board and Zoning Board of Appeals; and

WHEREAS, the Suffolk County Village Officials Association (the "SCVOA"), a recognized training provider, has an upcoming training program and members of the

MINUTES OF SEA CLIFF VILLAGE BOARD
October 15, 2013

Village Boards have requested that the SCVOA be added to the list of approved training providers;

NOW, THEREFORE, BE IT RESOLVED that the SCVOA is an approved provider and shall be added to the list of approved training providers.

Seconded by Trustee Vogt and unanimously approved by those present.

On a motion by Mayor Kennedy, seconded by Trustee Hayes and unanimously approved by those present, Abstract No. 2355 in the amount of \$ 62,853.35, Abstract No. 2356 in the amount of \$ 43,135.08 and Abstract No. 2357 in the amount of \$433,115.39 were approved.

Public Comment:

- Resident discussed history of property sub-division; request Board review
- Did Board ever consider having an ombudsman for building permit process
- Further resident discussion on Barnaby sub-division and questions regarding time period of application, opening of Preston Avenue and communication with residents
- Question regarding New York American Water billing rates.

On a motion by Mayor Kennedy, seconded by Trustee Hayes and unanimously approved by those present, the Board went into Executive Session to discuss proposed litigation at 10:35pm.

On a motion by Mayor Kennedy, seconded by Trustee Hayes and unanimously approved by those present, the Board came out of Executive Session at 11:00pm.

Mayor Kennedy offered the following resolution for adoption:

RESOLUTION NO. 68, 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

MINUTES OF SEA CLIFF VILLAGE BOARD
October 15, 2013

the contract wherein the bidders shall forfeit to the Village, as liquidated damages the security deposit accompanying the bid; and

WHEREAS, on October 7, 2013, the Board adopted a resolution providing for an extension of time for Biltwel to provide the required security and execute and deliver the contract to the Village no later than the close of business on October 11, 2013, but Biltwel failed to provide the security or execute and deliver the contract; and

WHEREAS, Biltwel has notified the Village that it is diligently working on obtaining the required security and will be meeting with its bond representative on October 17, 2013; 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 execute and deliver the contract to the Village no later than 4pm on October 17, 2013; 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 RESOLVED, that upon such default, the Board shall proceed to process the project with a different company.

Seconded by Trustee Lieberman and unanimously approved by those present.

Meeting adjourned at 11:10pm.

Marianne Lennon
Village Clerk