

A Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held at the William J. Vescio Community Center on the 25th of July, 2023 commencing at 7:30 p.m.

Present

Steven A. Vescio, Mayor
Peter S. Chatzky, Deputy Mayor
Kevin Hunt, Trustee
Rhea Mallett, Trustee
Edward E. Midgley, Trustee

Also Present

Josh Ringel, Village Manager
Christine Dennett, Village Clerk
Dan Pozin, Village Attorney
Jeffrey Gaspar, Village Engineer

Pledge of Allegiance

Swearing in and Appointment of a Police Officer

Chief Bueti stated Officer Farrell was coming to the Village with two years of experience but in those two years she had many accomplishments. He further stated she had a flawless background and came from a family of Police Officers.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that Mackenzie Farrell of Ossining, New York is hereby appointed, effective July 26, 2023, to the position of Police Officer Grade 5 to be paid at an annual salary of \$82,325.67 as per the Village of Briarcliff Manor PBA Collective Bargaining Agreement salary scale effective June 1, 2023.

BE IT FURTHER RESOLVED that the Village Manager will undertake the necessary administrative steps to get Officer Farrell appointed.

Mayor Vescio swore in Officer Farrell and the Board congratulated her and wished her many years of success with the Village.

**Continued Public Hearing Special Use Permit Request – IPPsolar
Integration LLC, Chilmark Shopping Center, 1856 Pleasantville Road**

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Midgley, the Board voted unanimously to adjourn the public hearing to September 5, 2023.

**Continued Public Hearing Special Use Permit Request – 333 South
Highland LLC, Skae Power Solutions, 333 South Highland Avenue**

Village Planning Consultant, Sarah Yackel explained the determination of the application not needing a variance and that the County acknowledged receipt for informational purposes only and noted it was reflected in the resolution.

Upon motion by Trustee Mallett, seconded by Deputy Mayor Chatzky, the Board voted unanimously to close the public hearing.

Upon motion by Trustee Hunt, seconded by Trustee Midgley, the Board voted unanimously to approve the following resolution:

**333 South Highland Avenue, Briarcliff Manor, NY
Resolution of Special Permit Approval**

WHEREAS, the Board of Trustees (“Board of Trustees”) of the Village of Briarcliff Manor, New York (“Village”) received an application and accompanying documentation dated March 24, 2023 submitted by Skae Power Solutions (333 SHA) (“the Applicant/Owner”) for Special Permit Approval for the existing 10.6-acre data center facility (the “Facility”), located at 333 South Highland Avenue, Briarcliff Manor, NY 10510 (Section 97.19-2-2, Block 2, Lot 2); and

WHEREAS, the Applicant is seeking a Special Permit pursuant to Village Code Chapter 220-6.M. “Special uses in Complementary Use Transition CT Zoning Districts” for the existing data center Facility; and

WHEREAS, when the Site Plan for the existing Facility was approved by the Planning Board (July 2009, amended, June 2010), it was a conforming use within the BT zoning district. Subsequent to this approval, the Project Site was rezoned to the CT-5 zoning district and the data center use, along with all other uses allowed in the CT-5 district, became a special permit use subject to review and approval by the Village Board of Trustees (“BOT”). Village Code Section 220-6l. states the following with respect to preexisting conforming uses:

“Preexisting uses deemed to be conforming. Any lawful use existing at the time of an amendment of this chapter may be continued and shall be deemed to be a conforming use; but any modification, change or extension to any use newly permitted by an amendment to this chapter, or any increase or expansion of a

previously permitted use, shall be subject to the issuance of a special permit as provided in this chapter.”

WHEREAS, the data center currently operates as a preexisting conforming use, the Facility does not have a special permit subject to the requirements of Section 220-6M. Special Use in Complementary Use Transition CT Zoning Districts; and

WHEREAS, the Applicant is seeking approval for the installation of four (4) diesel powered generators and the replacement of two existing chillers at the existing Facility; and

WHEREAS, the request for review and approval of the generators and replacement chillers, constitutes a modification of the use and therefore, the Applicant applied for a special use permit for the data center use pursuant to Village Code Section 220-6M.(2)(c) Data storage; and

WHEREAS, the data center is an existing use and facility, the extent of the review of this new special permit for the data center has been limited to the addition of the four (4) generators, two (2) replacement chillers and any related site work with a total area of 0.15-acres of disturbance; and

WHEREAS, in support of its Application, the Applicant submitted the following documents and plans:

1. The following plans prepared by James J. Hahn Engineering, P.C. for Skae Power Solutions, dated March 23, 2023, revised May 16, 2023:
 - a. Sheet C1 – Property Plan;
 - b. Sheet C2 – Existing Conditions and Demolition Plan;
 - c. Sheet C3 – Site Plan;
 - d. Sheet C4 – Notes & Details;
 - e. Sheet C5 – Sound Level Plan;
2. The following plans prepared Day Stokosa Engineering, P.C. for Skae Power Solutions, dated March 23, 2023:
 - a. Sheet SP-1 – Generator Dunnage Site Plan;
 - b. Sheet S100 – Generator Dunnage Framing Plan;
 - c. Sheet S101 – Generator Dunnage Framing & Foundation Plan;
 - d. Sheet S102 – Generator Dunnage Framing & Foundation Details;
 - e. Sheet S103 – Generator Catwalk Framing & Foundation Details;
 - f. Sheet S500 – Generator Dunnage Framing & Foundation Details;
 - g. Sheet S501 – Generator Dunnage Framing Details;

- h. Sheet S502 – Generator Dunnage Access Stair Details;
 - i. Sheet S503 – Helical Pile Details;
 - j. Sheet S504 – Stair 108 Details;
 - k. Sheet S505 – Exterior Stair Details;
 - l. Sheet S506 – Exterior Stair Details;
 - m. Sheet S507 – Exterior Stair Details;
 - n. Sheet S508 – Miscellaneous Details;
3. The following plans prepared Corporate Design for Skae Power Solutions, dated March 23, 2023:
 - a. Sheet A101 – Exterior Stair – Plan & Elevation;
 - b. Sheet SKM-1 – Mechanical Elevation;
 4. Sheet HE-2 – Proposed Con-Ed Sitework for (4) New 4000A Services, prepared by Healy Electric Contracting dated March 9, 2023;
 5. Supplemental generator “Dimensions & Weights” information, provided via email on April 28, 2023;
 6. Kohler Generator Specifications; and

WHEREAS, in support of its Application, the Applicant also submitted a Short Environmental Assessment Form Part 1 (“Short EAF”), dated March 16, 2023 pursuant to the State Environmental Quality Review Act [“SEQRA”(6 NYCRR Part 617)]; and

WHEREAS, the Board of Trustees reviewed the Short EAF Part 1 for preliminary assessment of the environmental impacts of the Proposed Action under SEQRA, determined that it is subject to SEQRA, that it does not involve any federal agency, that it will involve other agencies, and that it is classified as an Unlisted Action under SEQRA, and by Resolution adopted May 2, 2023, declared its intent to serve as Lead Agency for the purpose of a coordinated review of the environmental impacts of the Proposed Action under SEQRA, directed the Village Clerk to transmit and file a notice, dated May 3, 2023 of the Board of Trustees’ intent to serve as Lead Agency pursuant to 6 N.Y.C.R.R. §617.6(b), and preliminarily classified the Proposed Action as an Unlisted Action under SEQR pursuant to 6 N.Y.C.R.R. §617.6(a).; and

WHEREAS, the Village Clerk transmitted the Board of Trustees’ Notice of Intent to serve as the SEQRA Lead Agency to the Village Planning Board, Village Fire Department, Westchester County Department of Planning, and Town of Ossining; and

WHEREAS, by resolution adopted May 2, 2023, the Board of Trustees set a Public Hearing on the Special Permit to be held at William J. Vescio Community Center, 1 Library Road Briarcliff Manor, at 7:30 PM on May 16, 2023; and

WHEREAS, the Village Clerk gave notice of the Public Hearing and as directed by the Board of Trustees, also referred the Proposed Special Permit to neighbors within 500 feet of the Project Site; and

WHEREAS, the Board of Trustees held a duly advertised Public Hearing on issuance of the Proposed Special Permit at William J. Vescio Community Center at 7:30 PM, at which time the Board heard oral comments from the public, and representatives of the Applicant, gave the opportunity to be heard to all those wishing to be heard, and adjourned the Public Hearing to June 20, 2023; and

WHEREAS, the Village Clerk gave notice of the resumed Public Hearing; and

WHEREAS, following the public hearing on June 20, 2023, the Board of Trustees held the public hearing open until July 25, 2023 at which time, after all members of the public wishing to be heard had an opportunity to speak, it was closed; and

WHEREAS, pursuant to New York General Municipal Law Sec. 239-m and Westchester County Administrative Code Sec. 277.61 and 277.71, the Application was referred to the Westchester County Planning Board/Department for informational purposes only; and

WHEREAS, pursuant to Village Code §220-6(C), the Application was referred to the Village Planning Board for its review and recommendation; and

WHEREAS, the Village Planning Board responded to the referral by letter to the Board of Trustees dated May 12, 2023 meeting; and

WHEREAS, the Board of Trustees received and reviewed a Short Environmental Assessment Form, Part 2 (“EAF Part 2”) prepared on its behalf by the Village Planning Consultant BFJ Planning for assessment of the adoption of the Amended Special Permit; and

WHEREAS, the Board of Trustees considered the Short EAF Part 1, the Short EAF Part 2, letter from the Village Planning Board, other written submissions, and oral comments made at the Public Hearing; and

WHEREAS, the Proposed Action has been subject to a coordinated review by the Board of Trustees as Lead Agency under SEQRA, and the Board of Trustees has concluded that issuance of the Special Permit to the Applicant will not result in any significant adverse environmental impact; and

WHEREAS, the Planning Board issued a general recommendation of support for the Proposed Data Storage Facility in its letter but also raised concerns regarding the potential for noise from the proposed generators; and

WHEREAS, the Board is familiar with the 333 South Highland Avenue site which is currently improved with the existing Data Center; and

WHEREAS, the existing building is currently nonconforming with respect to the required 100-foot side yard setback; and

WHEREAS, the existing building footprint is not being altered, so the degree of nonconformity is not increasing; and

WHEREAS, issuance of the Special Permit will allow for installation of four (4) new electrical generators and two (2) replacement chillers to ensure continued use of the property and allow better regulation and land use control of the Project Site; and

WHEREAS, the proposed generators and chillers are an accessory use/structure to the existing Facility; and

WHEREAS, pursuant to the requirements of Village Code Chapter 220-6D., the Applicant has submitted the requisite information as follows: site plan (§ 220-6.D.1), SWPPP (§220-6D.2), marketing study (§220-6D.3), Infrastructure and Utility Study (§ 220-6.D.4), traffic (§ 220-6.D.5), municipal service impact study § 220-6.D.6), educational resources impact study § 220-6.D.7), and fiscal impact study § 220-6.D.8); and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLVED, the Board of Trustees adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.

RESOLVED, in its consideration of the Skae Power Solutions' application, the Board of Trustees has reviewed and relied on:

1. Special Permit Application letters prepared by James J. Hahn Engineering, P.C. dated March 24, 2023 and May 16, 2023, and accompanying Plans, Short Environmental Assessment Form, Part 1, noise study details, generator specifications, and other analyses provided pursuant to §220-6.D.
2. Letter from Village Planning Board on May 12, 2023.
3. Village Consultant Memoranda from BFJ Planning dated May 4, 2023; from DTS Provident dated May 3, 2023; from LaBella dated May 9, 2023; and from EDR dated May 8, 2023.
4. Special Permit EAF, Part 2 prepared by Village Planning Consultants.
5. Presentations and statements made at the Public Hearing(s).

RESOLVED, that the Board of Trustees, having heard no objections from the other Involved Agencies, hereby declares itself Lead Agency for the environmental review of the Proposed Action pursuant to the requirements of SEQRA and Part 617 (6NYRR Part 617), the Statewide implementing regulations pertaining to SEQRA.

RESOLVED, the Board of Trustees has reviewed the studies provided pursuant to § 220-6.D and has determined that the Proposed Project will not result in significant impacts to the Village; and

RESOLVED, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, and based upon the review of the Short EAF Parts 1, 2 and 3 and all other application materials that were prepared for this action, the Board of Trustees hereby adopts a Negative Declaration for the Proposed Action and determines that the Proposed Action will not have a significant adverse impact upon the environment as it will not have an adverse impact upon the character of the area, nor will it result in an adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or result in a material conflict with the Village's current plans or goals.

RESOLVED, the Board of Trustees finds that:

1. The Project will result in the installation of a four (4) generators and two (2) replacement chillers at the existing Sha Data Center at 333 South Highland Avenue. The Facility is a pre-existing nonconforming use within the CT-5 district and the proposed site modifications require the Facility to seek a Special Permit pursuant Village Code §220-M.(2)(c). Minimal external site modifications are proposed for the installation and operation of the Proposed Project on the Project Site.
2. The proposed generators will be sized to provide power to the Facility in the event of a loss of power and will be individually tested once per month for a 15-minute period (total of 1-hr for all four) on a weekday and/or Saturday between the hours of 8:00 AM and 7:00 PM in compliance with the Village Noise Ordinance.
3. Generator fuel storage tanks will be specified and maintained in compliance with all federal, state and local regulations.
4. The replacement chillers (2) will provide the required cooling capacity for the critical data hall equipment load of 1.5 MW. The two (2) proposed chillers are each sized for 500 tons and will replace the two existing 250-ton chillers. One 500-ton chiller is required for operation to maintain the required cooling redundancy. The anticipated operation will be two chillers, each operating at half capacity for optimal energy efficiency.
5. The Facility's use of its property and location(s) on the site, the nature and intensity of the operations and traffic in connection with it, the size of the site in relation to it, and the location of the site with respect to the type, arrangement, and capacity of streets giving access to it are in satisfactory harmony with the

- appropriate and orderly development of the CT-5 zoning district in which the Facility is located.
6. The location, nature, and height of the generators and chillers and the nature and extent of the landscaping and screening existing on the site are such that the Facility does not hinder or discourage the appropriate development and use of adjacent land and buildings.
 7. Parking areas are of adequate size for the Facility's use of the site, properly located, and suitably screened from any adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum safety.
 8. The character, intensity, size, and location of the Facility is generally in harmony with the orderly development of the CT-5 zoning district in which the Project Site is located and will not be detrimental to the orderly development of adjacent districts.
 9. The Facility's operations and improvements on the site under the Proposed Site Plan will not impair the use, enjoyment, or value of adjacent residential properties.
 10. The noise analysis for the Project demonstrated compliance with the Village Noise Ordinance at all property lines.
 11. The nature and intensity of the Facility and the traffic generated by it is not especially hazardous, incongruous, or detrimental to the prevailing residential character of the neighborhood and the Project will not change the capacity of the Facility or related traffic.
 12. The Facility and its existing operations and improvements on the site under the Proposed Site Plan is and will be harmonious with the CT-5 district in which it is located, does not and will not create undue pedestrian or vehicular traffic hazards, and does not and will not include any display of signs, noise, fumes, or lights that will hinder the normal development of the district or impair the use, enjoyment and value of adjacent land and buildings.
 13. The applicable conditions and standards for Special Permit Use set forth in Village Code §220-6M.(2)(c) have been met.

RESOLVED, that the Board of Trustees imposes the following conditions on the issuance of an Amended Special Permit to the Facility:

1. Except as otherwise set forth in these conditions or approved by the Board of Trustees in an amendment to the Special Permit, the Data Storage special permit is conditioned and contingent on the Village Planning Board approval of the Proposed Site Plan in the form set forth in Sheet C3 "Site Plan" prepared by James J. Hahn Engineering PC, as may be modified by the Planning Board during Site Plan review.
2. Except as otherwise set forth in these conditions, no change shall be made on the site to add an improvement or to change the footprint or location of any improvement shown on the Proposed Site Plan Amendment approved by the

Village Planning Board (“Site Plan”) unless approval for the addition or change is obtained from the Village Planning Board under Village Code §220–14.

3. Following installation of the proposed generators and replacement chillers, the Village, at the Applicant’s expense. will conduct on-site noise measurements with the generators and chillers running at the property line to ensure that the sound levels presented in Sheet C5 “Sound Level Plan” are accurate and in conformance with the Village Noise Ordinance. If the Village finds that the sound levels are in excess of Village requirements (65 dBA at the property line), the Applicant will work with the Village to develop additional noise mitigation measures. Implementation of additional measures may require an amendment to this special permit and amended site plan approval.
4. All applicable fees, charges, and reimbursements charged to Applicant by the Village on the Village’s review and determination of the Application, the Proposed Action, the Data Storage Special Permit, the Proposed Site Plan Amendment, and any matter incidental to any of the same shall be paid the before the Data Storage Special Permit takes effect.

RESOLVED, the Board of Trustees grants the Special Permit to Skae Power Solutions in accordance with the provisions of Village Code §220–6 subject to the terms and conditions of this Resolution and to the Applicant’s:

1. Operation of the Facility in conformity with the requirements of the Village Code with regular, repeated, or continued deviations therefrom constituting a violation of the Special Permit.
2. Use and improvement of the Project Site in conformity with the requirements of the Village Code and as set forth in the Site Plan, with regular, repeated, or continued deviations from the maintenance and improvement of the Project Site as set forth in the Site Plan constituting a violation of the Data Storage Special Permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the foregoing Resolution is hereby adopted.

Continued Public Hearing to Amend Chapter 207-6, Vehicles and Traffic, Maximum Speed Limit (School Zone)

Deputy Mayor Chatzky gave a brief explanation of the proposed changes.

There were no public comments.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Mallett, the Board voted unanimously to adjourn the public hearing to August 1, 2023.

Continued Public Hearing to Amend Chapter 195 of the Village Code to Increase the Income Limits for Real Property Tax Exemptions Available to Senior Citizens

Deputy Mayor Chatzky gave a brief explanation of the proposed local law.

There were no public comments.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, the Board voted unanimously to close the public hearing.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Mallett, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the proposed local law to amend Chapter 195 of the Village Code to Increase the Income Limits for Real Property Tax Exemptions Available to Senior Citizens is hereby adopted as amended.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

Board of Trustees Announcements

- The Fire Department is seeking volunteers to join the Department and their Junior Explorer program.
- The pool is open and permits are on sale. Hours are posted on the website.
- Camp concludes on July 28th.
- Briarcliff Bash at Scarborough Park on August 13th.
- Community Day will be on September 9th.
- Floatie Friday and Poolside Acoustics on Sunday's will start up in August.
- The Earth Art program was a big success.
- Residents are reminded about the Dark House Registry. Forms can be submitted to the Police Department online.

Village Manager's Report

- Residential burglaries have occurred over the past few months. Residents are reminded to lock their doors and set alarms.
- Hydrant replacement work will occur overnight tonight.
- There are some storm related street closures.
- The new website is live.
- The new phone system will be migrating over tomorrow.

Village Engineer's Report

- Curb work and various other items are being completed at 1050 Pleasantville Road.
- N. State Road Water Main Project has a leak and will be repaired.
- A meeting was held with Con Edison about relocating some poles.
- The wifi project at the Youth Center will be done on August 1st.
- Law Park Drainage and River Road Projects will be out to bid soon.

Committee Reports

- EAC and SAC posted their summer newsletter. Sign up to receive it automatically.

Public Comments

Mr. Aaron Spring of 64 Meadow Road and AJ Jeffries a Senior at Ossining High School stated they were working with the Town of Ossining to implement the Hometown Heroes banners to recognize Veterans on poles and they were looking to continue it into the Village of Briarcliff. They stated Mr. Jeffries would work on it as part of his Eagle Scout project.

The Board had general discussion regarding where the banners would potentially be and how they'd be maintained and hung and requested further information.

Mr. Stuart Holzer of 142 Law Road asked for more information on the recent burglaries.

Village Manager Ringel stated the investigations were still ongoing and asked Mr. Holzer to send him an email so he could connect him with the Police Chief.

Authorize Village Manager to Execute Agreements

Amendment of Access and Utility Easements for Wireless Cellular Agreements

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Mallett, the Board voted unanimously to approve the following resolution:

Whereas, in accordance with its approvals for the development of the property known as 25 Scarborough Road (the "Property"), the owner thereof, SHI-I I BRIARCLIFF REIT, LLC, (the "Owner") demolished and removed from the Property a municipal water tank (the "Tank") on which various wireless telecommunication carriers, among others, operated and maintained their antennas and related equipment; and

Whereas, the Village had an easement providing it with access to and from the Tank, which it assigned to the following wireless telecommunications carriers or

their predecessors in interest (the “Carriers”) by Assignment and Assumption of Access and Utility Easement agreements (the “Assignment Agreements”):

- Cingular Wireless PCS, LLC (AT&T)
- New York SMSA Limited Partnership d/b/a Verizon Wireless, and
- T-Mobile Northeast LLC, as successor in interest to Omnipoint Communications, Inc.

(collectively, the “Carriers”); and

Whereas, the Owner constructed on the Property a stealth monopole (the “Monopole”) on which the antennas and related equipment of the Village, the Carriers and others are now located; and

Whereas, the Village and Owner entered into an agreement amending the location of the easement to provide access to and from the Monopole which authorizes the Village to assign such easement to the Carriers; and

Whereas, agreements between the Carriers and the Village require the Village to make such non-exclusive assignments; and

Whereas, the Village and the Carriers wish to enter into new Assignment Agreements reflecting the amended easement; and

Now Therefore, Be It Resolved, that the Village Manager is authorized to execute with each Carrier, a new Assignment and Assumption of Access and Utility Easement reflecting the relocated easement, in the form submitted, subject to nonmaterial revisions as may be required in the discretion of the Village Manager in consultation with the Village Attorney.

DASNY Grant Disbursement Agreement – Club Trail and Pump Station Decommissioning

The Board thanked former Assemblyperson Sandy Galef and Current Assemblyperson Dana Levenberg for the funding.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the Board of Trustees hereby authorizes the Village Manager to execute a Grant Disbursement Agreement in the amount of \$125,000.00 between the Village of Briarcliff Manor and DASNY in connection with The Club Field Walking Trail and Decommissioning of Water Shaft/Conversion to Trail Head Comfort Station Project.

BE IT FURTHER RESOLVED that the Village Manager is further authorized to make or accept any change to the Grant Disbursement Agreement so long as the change is not material and adverse to the Village's interests and is acceptable to Village Counsel in form and substance.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

DASNY Grant Disbursement Agreement – Purchase of Mini Excavator and Trailer

The Board thanked Senator Peter Harckham for the funding.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Midgley, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the Board of Trustees hereby authorizes the Village Manager to execute a Grant Disbursement Agreement in the amount of \$125,000.00 between the Village of Briarcliff Manor and DASNY in connection with the purchase of a mini excavator and trailer.

BE IT FURTHER RESOLVED that the Village Manager is further authorized to make or accept any change to the Grant Disbursement Agreement so long as the change is not material and adverse to the Village's interests and is acceptable to Village Counsel in form and substance.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

Award of Bid - New Parking Lot and Retaining Wall Construction (Cross Access)

Mayor Vescio stated this was a goal of the Village for decades to have connectivity and flow in the downtown area.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Mallett, the Board voted unanimously to approve the following resolution:

WHEREAS the Village received 10 bids for the New Parking Lot and Retaining Wall Construction VM-2223-10 (Cross Access REBID) and;

NOW, THEREFORE, BE IT RESOLVED that the bid for the New Parking Lot and Retaining Wall Construction VM-2223-10 (Cross Access REBID) is hereby awarded to Jablko Construction LLC per their bid of \$348,936.50 to be charged to budget code H1440.201.23280; and

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Jablko Construction LLC for said project.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

Budget Transfer – Emergency Sewer Repair

Deputy Mayor Chatzky gave kudos to the resident that reported the leak.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Midgley, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfer totaling \$45,000 for FY 2023-2024:

From: F1990-490	Contingency – Emergency Funds	\$45,000
To: F8120-201-SPRTA	Sparta Brook Sewer Line Repair	\$45,000

BE IT FURTHER RESOLVED that should the project for the Transite Water Main Project come in at or below the budgeted amount of \$923,240, the Treasurer's office is hereby authorized to review and transfer any remaining available future ARPA funding to fund this repair should it meet with the requirements of ARPA per our auditor.

BE IT FURTHER RESOLVED the Board has reviewed the Manager's documentation and confirms the emergency declaration.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

Minutes

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, with one abstention by Trustee Mallett the Board voted to approve the minutes of the July 11, 2023 regular meeting.

Roll Call:

Trustee Mallett	Aye
Trustee Midgley	Abstain
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye

Adjournment

The Board sent their condolences to Village Attorney, Josh Subin with the tragic loss of his father.

Upon motion by Deputy Mayor Chatzky, seconded by Trustee Mallett, the Board voted unanimously to adjourn the meeting at 8:42pm into an Advice of Counsel.

Respectfully Submitted By,

Christine Dennett
Village Clerk