

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
SEPT 11, 2019
7:00 PM**

PRESENT:

Mayor Daniel F. DeVita	Howard Avrutine, Village Attorney
Trustee Kevin Jusko	Elizabeth Kaye, Clerk / Treasurer
Trustee Jeffrey Miritello	
Trustee Jeffrey Nemshin	Michael McNerney, Building Inspector
Trustee Richard Nicklas	Nancy Popper, Deputy Clerk/ Court Clerk
Trustee Martin Novick	James Antonelli, Village Engineer

Excused: Trustee Nicholas Tsafos

MAYOR DE VITA called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and called for a moment of silence for the victims of the September 11, 2001 attacks.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department's Monthly Report for August, 2019, which was distributed to the Board upon receipt. Statistics are as follows:

	Totals this Month	Totals year-to-date	Totals prior year- to- date
Auto Accidents Personal Injury	0	3	3
Auto Accidents Property Damage	3	14	23
Aided Cases Resulting from Auto Accidents	0	4	13
Aided Cases Other	4	36	35
Arrests	0	0	0
Summonses-Moving Violations	16	170	153
Summonses-Parking	5	36	50
Fire Calls	0	5	7
Patrol Mileage	4,650	36,450	36,450
Offenses -Case Reports	1	7	6
Suspicious Autos	0	8	19
Suspicious Persons	0	14	7
Suspicious Phone Calls	0	0	2
Recorded Alarms	11	120	111
Vacant Houses	8	37	44

Disturbances	5	33	21
Malicious Mischief	0	0	1
Non-Case Incidents	0	7	2
Animal Nuisance Complaints	5	17	7
Assist from NCPD	0	0	0

Summons Report

Stop Signs	2
Cell Phone	0
Speeding	4
Unlicensed Operation	1
Uninspected MV	1
DWI	0
No Insurance	5
Expired Registration	1
Disobey Traffic Control Device	0
Following Too Closely	0
Defective Lights	2
Unsafe Pass	0
No U Turn	0
No Parking	5
Driving on Shoulder	0
No Seatbelt	0
Total	21

Sergeant Mergel was present and spoke to the Board regarding recent events.

BUILDING DEPARTMENT REPORT

BP # 3053- Harmatz Driveway – 43 Timber Ridge Drive – Request to Waive Penalty Fee

Work was stopped at 43 Timber Ridge Drive when it was discovered that a new driveway with a new Belgium block apron was being installed. The homeowner was told that permits are required because the driveway is being altered and the apron is being installed in the Village R-O-W. The homeowner immediately stopped the job, submitted an application to the Building Department, and was issued a permit on the following day. As required by the Code, the Village collected a

penalty fee because the project was commenced prior to a permit being obtained. The homeowner is requesting a refund of this penalty because the apron had not yet been installed when the project was stopped.

Trustee Nicklas moved to refund the penalty to homeowner Harmatz, seconded by Trustee Novick, and approved by all present.

Update on Violations at 1680 Route 25A

The homeowner and his attorney appeared at Court on 8/7/2019. They entered a plea of Not Guilty to all 11 charges and requested a trial. Subsequent to that court appearance, 2 additional summonses were issued. A trial is scheduled for October 10, 2019. A 'bare-bones' application was submitted to the Building Department, and the architect was advised about what additional information is needed to conduct a full review.

BP #2966-Sun Request for Refund- 265 Laurel Lane

A building permit for the new house has not been issued, and the application expired for the 2nd time on 8/31/2019. It was extended by the Trustees in May after it had expired for the first time. No renewal fee was charged. Recently, the homeowner hired a new architect, who will be submitting a new set of plans for review. If the current application is withdrawn as requested by the owner's architect, the Code provides for a partial refund of fees. In this case, the owners would be entitled to a refund of \$7,391.00 of the total fee of \$21,698.00. They would forfeit \$14,307.00.

An application for demolition was submitted, but is also not ready to be issued. This application will expire in December. The homeowners very much want to go forward with both the demolition of the current house and the construction of the new one.

Trustee Miritello moved for the Village to refund \$10,849, which is half the original fee, seconded by Deputy Mayor Nemshin and approved by all present.

BP # 2814- 1212 Moore's Hill Road LLC — Request to Extend Permit

This building permit to install a pool was issued on June 22, 2017. The applicants estimated the cost of the job at \$15,000, and the Building Department adjusted this cost to \$50,000, which carried an application fee of \$950.00. The permit expired on December 22, 2018 and, as allowed under the Code, the Building Inspector extended it for 9 months for $\frac{1}{2}$ the original permit fee or \$487.50.

The project is still not complete and will expire again on 9/22/2019. Mayor DeVita moved to extend the Permit for 9 months from 9/22/2019 for a fee of \$950.00, seconded by Deputy Mayor Nemshin, and approved by all present.

Construction Work on Saturdays and Permit Extensions

Mayor DeVita has received complaints from neighbors about construction work on Saturdays. At his request, Deputy Clerk Nancy Popper ran reports on the number of projects that needed permit extensions back to 2014.

In the past five years, thirteen applications for new residences were received and permitted with five yet to expire. Of the eight closed applications, two required extensions (4 Waylor Lane and 9 Shady Lane). Forty-two applications for a major addition / alteration were received and permitted and eight are yet to expire. Of thirty-four closed applications, three required extensions (1592 Laurel Hollow Road, 1224 Moore's Hill Road and 31 Woodfield Court). There have been twenty-four applications for new swimming pools and twenty two applications involving alterations of substance. None of them required permit extensions.

The Clerk also prepared a chart showing that surrounding Villages mostly restrict construction on Saturdays.

Village Attorney Avrutine was asked to propose language for the Board to consider regarding restrictions on Saturday construction activities.

ENGINEER'S REPORT

Mr. Antonelli reported on the following:

Road Repair Work, Phase II

Phase II road work commenced on August 5, 2019. All drainage structures, curbing, and stone shoulder stabilization was to be completed as of meeting time. Paving was scheduled to commence on Wednesday, September 11, and continue through the following week.

Bids were solicited from three qualified contractors for centerline markings on Laurel Hollow Road, Moore's Hill Road, for stop bars, and pavement markings at Village Hall. One firm has submitted a written quote, and two more are expected by the end of this week.

In the interest of time, Mayor DeVita moved to approve specifications for the line striping not to exceed \$.85/foot for thermoplastic and \$.50/foot for painting for Laurel Hollow Road and at Village Hall and to authorize the Village Engineer to select the lowest responsible bidder within the parameters of the specifications, seconded by Trustee Jusko, and approved by all present.

Seawall at Village Hall

The seawall reinforcement and armoring was done during the period from August 12 through the 27th. Mr. Antonelli is satisfied with the work but there are a few details to discuss with the contractor to finish the project.

Phase I Road Work

The centerline pavement markings were completed during the second week of August on Picardy Lane and Moore's Hill Road.

Ridge Road Shoulder

Mr. Antonelli met with Mr. Jim McGowan, contractor selected for Ridge Road shoulder project, to review the job and will meet again to mark the work in the field.

MINUTES of the Board of Trustees meetings held on July 10, as amended, July 23, and August 5, 2019 were approved by all present on a motion by Mayor DeVita and seconded by Trustee Novick.

The **FINANCIAL REPORT** for August, 2019 and the **REPORT OF UNPAID TAXES** were distributed to the Board. Bank statements and reconciliations will be reviewed by Trustee Nicklas subsequent to the meeting.

SET PUBLIC HEARING FOR JASON PAUL FILL AND WETLANDS APPLICATIONS

Mayor DeVita moved to set the public hearing on the application of Jason Paul, 3 Picardy Lane, for permission to place fill in his front yard, which will encroach into the 100' setback from a wetland, for Wednesday, October 16, 2019 at 7:00 pm, seconded by Trustee Miritello, and approved by all present.

APPROVAL OF ABSTRACTS

Mayor Devita moved that the following abstracts of vouchers be approved for payment, plus two separate claims to Berkman Henoch, seconded by Trustee Jusko, and approved by all present:

- Abstract # 13 Trust & Agency \$904.00
- Abstract # 1072 Capital \$8,240.00
- Abstract # 1088 Prepays \$13,646.68
- Abstract # 1089 \$145,726.53

Added claims from Berkman, Henoch Peterson Peddy for \$659.27 and \$175.00.

Mayor DeVita moved to ratify approval of the August vouchers, seconded by Trustee Nicklas and approved by all present:

- Abstract # 12 Trust & Agency \$512.50
- Abstract # 1071 Capital \$15,995.39
- Abstract # 1086 Prepays \$13,830.38
- Abstract # 1087 \$66,163.58

LETTER OF CREDIT AS COLLATERAL WITH FIRST NATIONAL BANK OF LI

Trustee Nicklas spoke to the Board concerning a request from First National Bank of LI, the Village's official depository, to consider utilizing Irrevocable Letters of Credit issued by the Federal Home Loan Bank in favor of the Village in lieu of or in addition to the existing deposit of eligible securities through a Third Party Collateral Arrangement as collateral for the Village's funds over the FDIC insured amount.

The Board decided to table the matter to the next meeting to allow Trustee Tsafos to be present for the discussion and for Trustee Jusko to review further.

COLD SPRING HARBOR LAB PILOT AGREEMENT RENEWAL

Mayor DeVita moved to authorize signing the PILOT agreement renewal with the Cold Spring Harbor Lab for a period of ten years starting January, 2020, seconded by Deputy Mayor Nemshin, and approved by all present.

2019-20 JCAP GRANT

Deputy Clerk/Court Clerk Nancy Popper requested approval for the Court to submit a 2019-2020 JCAP grant for courtroom and building enhancements. Mayor DeVita moved to approve such request, seconded by Trustee Novick, and approved by all present.

INJURY REPORT FOR EMPLOYEE ENGELHARDT

Clerk/Treasurer Elizabeth Kaye updated the Board on Highway Employee David Engelhardt, who severely injured his finger on August 29, 2019 and has been out on Worker's Compensation leave. A claim was filed with PERMA.

RESTRICTIONS ON STREET OPENING PERMITS

In an effort to preserve the newly paved roads, Mayor DeVita moved to restrict opening roads by use of underground missiles unless otherwise approved by the Board of Trustees, seconded by Trustee Novick, and approved by all present. Village Attorney Avrutine would consult with Building Inspector McNerney and Village Engineer Antonelli as to whether certain utilities, such as the Water District, should be excluded.

OYSTER GARDEN UPDATE

Trustee Miritello reported that the Oyster Garden program had a successful season.

EXECUTIVE SESSION

Mayor DeVita moved to adjourn to Executive Session at 9:10 pm to discuss potential litigation, seconded by Trustee Nicklas, and approved by all present.

The Board returned to public session at 9:20 pm.

REPLACING BROKEN CAMERAS AT BEACH

Trustee Nicklas advised the Board that the two broken cameras at the beach would cost \$375.00 per camera and \$600.00 per camera for labor to install.

A suggestion was made to ascertain whether the JCAP Court Grant would cover the cost to replace the cameras as the original cameras and installation were funded by JCAP.

There being no further business to come before the Board, Mayor DeVita moved to adjourn the meeting at 9:30 pm, seconded by Trustee Jusko, and approved by all present.

Elizabeth Kaye

Elizabeth Kaye, Clerk / Treasurer

ALSO PRESENT:

Sgt. Mergel
Randy Jones
Mary Theresa Marolda
Eric Ha

Oyster Bay Cove Police Department
Cold Spring Harbor Lab
Moore's Hill Road
for Sun, 265 Laurel Lane

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00
P.M. ON WEDNESDAY, OCTOBER 16, 2019