

MINUTES OF THE REGULAR MEETING

**BOARD OF TRUSTEES
VILLAGE HALL
MAY 9, 2018
7:00 PM**

PRESENT:

Mayor Daniel F. DeVita
Trustee Kevin Jusko
Trustee Jeffrey Miritello
Trustee Jeffrey Nemshin
Trustee Richard Nicklas
Trustee Martin Novick

Howard Avrutine, Village Attorney
Elizabeth Kaye, Clerk / Treasurer
Nancy Popper, Deputy Clerk / Court Clerk
James Antonelli, Village Engineer
Michael McNerney, Superintendent of Building Dept.

EXCUSED:

Trustee Nicholas Tsafos

MAYOR DE VITA called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

BUILDING REPORT

Building Superintendent McNerney reported the following:

#BP 2660 - Acker, 50 Wildwood Drive -Permit Extension

A Building permit was issued on April 27, 2015 to install: a deck, an outdoor kitchen, a hot tub, and drainage. The original fee was \$1,575. Per Village Code, the permit was extended for nine months upon payment of \$787.50 (1/2 original permit fee). At the time, the Building Department was waiting for the drywell to be installed.

The permit again expired on July 27, 2017 because the drainage system was not installed. The Board of Trustees granted another nine-month extension upon payment of \$787.50. The permit expired for the final time on April 27, 2018; however, the project was completed and ready for a Certificate of Completion on May 2, 2018.

Recommendation: Permit be extended thru May 10, 2018 so that a final Certificate of Completion may be issued and the permit closed. The project was completed within two business days following its expiration, so no fee is recommended.

Mayor DeVita moved to extend the permit thru May 10, 2018 with no additional fee, seconded by Trustee Novick, all approved.

PUBLIC HEARINGS

At 7:05 pm, Mayor DeVita opened the public hearing on Local Law 2-2018, introduced as Introductory Local Law B-2018, which proposes to add a new Section 145-32 to the Code regarding the authority of the Building Inspector. The new section would allow the Building Inspector to issue a stop work order with respect to violations of the zoning code. Mayor DeVita indicated that the proposed law was drafted in order to close a gap discovered in the Code.

The Village Attorney entered the following items into the record:

- Excerpt from minutes of April 11, 2018 meeting, setting the public hearing for May 9, 2018
- Copy of Local Law 2-2018 (introduced as Introductory Local Law B-2018)
- Affidavit of Publication from Richner Communications, Inc., stating that the public notice of the May 9th hearing was published in the Oyster Bay Guardian on April 27, 2018
- Evidence that the public notice for the May 9th hearing and the Local Law was posted to the NEWS section of the Village website, and a copy of the legal notice was forwarded to website subscribers on April 30, 2018
- Affidavit that the notice of the public hearing was posted on the bulletin board located at the main entrance to the office of the Village Clerk on April 30, 2018
- Email from the Village Clerk to the Mayor and Board of Trustees with the draft local law in final form, sent on April 22, 2018
- May 8, 2018 letter from the Nassau County Planning Commission advising that they have reviewed the proposed Introductory Local Law B-2018 and that they defer to the Village to take action as deemed appropriate
- Affidavit that the notice of the public hearing was sent to neighboring municipalities on April 30, 2018

There being no questions from the Board or public, Trustee Nicklas moved to close the public hearing to further evidence and testimony, seconded by Trustee Jusko, all approved.

Mayor DeVita moved to declare the Village as lead agency under SEQRA, seconded by Trustee Novick, all approved.

Village Attorney Avrutine having prepared a Short Form Environmental Assessment Form (EAF), recommended that the Board declare the proposed law as an unlisted action under SEQRA and declare a negative declaration. Trustee Jusko moved to declare the proposed local law as an unlisted action under SEQRA, seconded by Trustee Miritello, all approved. Mayor DeVita moved to declare a negative declaration on the proposed action, seconded by Trustee Jusko, all approved.

Mayor DeVita moved to adopt Local Law 2-2018, seconded by Trustee Nicklas, all approved.

Mayor DeVita then opened the public hearing on Local Law 3-2018, introduced as Introductory Local Law C-2018 which proposes to add a new section 22-7(K) to the Code regarding damage to Village property in connection with work performed pursuant to building permits and to add a new section 23-3(F)(1)(f) to the Code regarding the required monetary deposit.

The Village Attorney entered the following items into the record:

- Excerpt from minutes of April 11, 2018 meeting setting the public hearing for May 9, 2018
- Copy of Local Law 3-2018 (introduced as Introductory Local Law C-2018)
- Affidavit of Publication from Richner Communications, Inc., stating that the public notice of the May 9th hearing was published in the Oyster Bay Guardian on April 27, 2018
- Evidence that the public notice for the May 9th hearing and the Local Law was posted to the NEWS section of the Village website and a copy of the legal notice was forwarded to website subscribers on April 30, 2018

- Affidavit that the notice of the public hearing was posted on the bulletin board located at the main entrance to the office of the Village Clerk on April 30, 2018
- Email from the Village Clerk to the Mayor and Board of Trustees with the draft local law in final form, sent on April 22, 2018
- Affidavit that the notice of the public hearing was sent to neighboring municipalities on April 30, 2018

There being no questions from the Board or public, Trustee Jusko moved to close the public hearing to further evidence and testimony, seconded by Trustee Novick, all approved.

Mayor DeVita moved to declare the Village as lead agency under SEQRA, seconded by Trustee Jusko, all approved.

Village Attorney Avrutine having prepared a Short Form Environmental Assessment Form (EAF), recommended that the Board declare the proposed law as an unlisted action under SEQRA and declare a negative declaration. Mayor DeVita moved to declare the proposed law as an unlisted action under SEQRA, seconded by Trustee Jusko, all approved. Trustee Miritello moved to declare a negative declaration on the proposed action, seconded by Trustee Jusko, all approved.

Trustee Jusko moved to adopt Local Law 3-2018, seconded by Trustee Nicklas, all approved.

Mayor DeVita then opened the public hearing on Local Law 4-2018, introduced as Introductory Local Law D-2018 regarding the nullifying of Board of Zoning Appeals approvals and adding a new Section 145-32 to the Code, regarding extensions of time limitations.

The Village Attorney entered the following items into the record:

- Excerpt from minutes of April 11, 2018 meeting, setting the public hearing for May 9, 2018
- Copy of Local Law 4-2018 (introduced as Introductory Local Law D-2018)
- Affidavit of Publication from Richner Communications, Inc., stating that the public notice of the May 9th hearing was published in the Oyster Bay Guardian on April 27, 2018
- Evidence that the public notice for the May 9th hearing and the Local Law was posted to the NEWS section of the Village website and a copy of the legal notice was forwarded to website subscribers on April 30, 2018
- Affidavit that the notice of the public hearing was posted on the bulletin board located at the main entrance to the office of the Village Clerk on April 30, 2018
- Email from the Village Clerk to the Mayor and Board of Trustees with the draft local law in final form, sent on April 22, 2018
- May 8, 2018 letter from the Nassau County Planning Commission advising that they have reviewed the proposed local law D-2018 and that they defer to the Village to take action as deemed appropriate
- Affidavit that the notice of the public hearing was sent to neighboring municipalities on April 30, 2018

There being no further questions from the Board or public, Mayor DeVita moved to close the public hearing, seconded by Trustee Nicklas, all approved.

Trustee Jusko moved to declare the Village as lead agency under SEQRA, seconded by Deputy Mayor Nemshin, all approved.

Village Attorney Avrutine having prepared a Short Form Environmental Assessment Form (EAF), recommended that the Board declare the proposed law as an unlisted action under SEQRA and declare a negative declaration. Mayor DeVita moved to declare the proposed law as an unlisted action under SEQRA, seconded by Trustee Jusko, all approved. Mayor DeVita moved to declare a negative declaration on the proposed action, seconded by Deputy Mayor Nemshin, all approved.

Mayor DeVita moved to adopt Local Law 4-2018, seconded by Trustee Nicklas, all approved.

REQUEST FOR FILM PERMIT

Mayor DeVita invited Mr. Joe Stevey, Locations Manager for producers Rick Rosenthal and Hat Trick Productions, Inc., to address the Board concerning his request to film scenes for a movie over a 30-day period at 533 Cold Spring Road. Mr. Sevey requested a reduction in the Village's permit fee. Mr. Sevey also requested relief from the ordinance provision requiring all filming to cease at 10 pm stating that there would be a number of nights necessitating shooting outdoors until midnight. Chief Cronin, Oyster Bay Cove Police Department, was in attendance to address policing needs. Chief Cronin recommended police presence during the whole shoot costing approximately \$1,700 per day. Police would help with traffic control and managing spectators. The Board discussed reducing the Village fee. Mr. Sevey would discuss the issues with his team and get back to the Village.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department Monthly Report for April, 2018, which had been distributed to the Board upon receipt. Statistics are as follows:

	APRIL	YTD	PRIOR YTD
Auto Accidents Personal Injury	1	2	4
Auto Accidents Property Damage	0	7	8
Aided Cases Resulting from Auto Accidents	1	2	7
Aided Cases Other	1	11	24
Arrests	0	0	0
Summonses - Moving Violations	25	98	149
Summonses – Parking	1	6	8
Fire Calls	0	4	3
Patrol Mileage	4500	18,000	18,000
Offenses - Case Reports	2	4	4
Suspicious Autos	1	8	12
Suspicious Persons	0	0	5

Suspicious Phone Calls	0	2	0
Recorded Alarms	12	57	73
Vacant Houses	4	16	26
Disturbances	1	6	7
Malicious Mischief	0	1	0
Non-Case Incidents	1	1	1
Animal Nuisance Complaints	3	3	6
Assist from NCPD	0	0	0

During the month of March, thirty-four (34) tickets were issued, as follows:

Stop Signs	0	Expired Registration	0
Cell Phone	0	Disobey Traffic Control Device	4
Speeding	6	Improper U Turn	0
Unlicensed Operation	0	Defective Lights	8
Uninspected Motor Vehicle	0	No Passing Zone	0
No Insurance	7	Parking	1
Failure to Signal	0	DWI	0
Seat Belt	0	Village Ordinance	0

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

MINUTES

The **MINUTES** of the April 11, 2018 meeting of the Board were unanimously approved, as amended, on a motion by Trustee Nicklas, seconded by Mayor DeVita.

The **FINANCIAL REPORTS** for April, 2018 and the **REPORT OF UNPAID TAXES** were distributed to the Board. Bank statements and reconciliations were reviewed by Trustee Nicklas prior to the meeting.

ENGINEER'S REPORT

VILLAGE STORMWATER PROGRAM

Board members reviewed the Engineer's Report as pertaining to the Village Stormwater Program. The Clerk/Treasurer reported that no comments had been received regarding the Draft Stormwater Management Program Annual Report Year 15, prepared by the Village Engineer. The draft report has been posted to the website and available at Village Hall for public comment. Deputy Mayor Nemshin made a motion, seconded by Trustee Novick and unanimously approved, that the Mayor be authorized to execute the MCC Form and that the Village Engineer be authorized to submit the Final Report on behalf of the Village.

PHASE I ROAD PROJECT

Mr. Antonelli reported that the road project was ready to bid, subject to Village Attorney review of the bid specs. Trustee Jusko moved to authorize the Village Attorney to review

the bid specs and, upon approval, for the Village Engineer to solicit bids for the road project, seconded by Deputy Mayor Nemshin, all approved.

2018-2019 TAX LEVY

It was moved by Mayor DeVita, seconded by Trustee Novick, and all approved, that the following resolution be adopted:

WHEREAS §1420.1. of the Real Property Tax Law of the State of New York mandates that the Board of Trustees levy the tax for the ensuing year by May 15th, and

WHEREAS the Board of Trustees has adopted a budget for the period June 1, 2018 thru May 31, 2019 showing an amount to be raised by taxation of \$2,672,216.00, and

WHEREAS the taxable assessed value of the village for the period June 1, 2018 thru May 31, 2019 is as follows:

Class 1	1,700,694
Class 3	12,984
Class 4	25,885
TOTAL AV	1,739,563

NOW, THEREFORE, BE IT RESOLVED, that there be levied and assessed against the real property of the Incorporated Village of Laurel Hollow the sums for Village Government and other charges for the fiscal year 2018-2019 at rates \$100 of assessed valuation, as follows:

Class 1	156.6832
Class 3	26.9897
Class 4	15.4913

for a total to be raised of \$2,672,216.00.

VILLAGE ATTORNEY RETAINER AGREEMENT

The Board reviewed the proposal from Howard D. Avrutine to provide legal services for the 2018-2019 official year which provides for the same hourly rate as charged for the past 16 years, after which it was moved by Mayor DeVita, seconded by Trustee Novick and unanimously carried, that the Mayor be authorized to execute the retainer agreement with Howard D. Avrutine for the period June 1, 2018, thru May 31, 2019.

APPROVAL OF ABSTRACTS

Mayor DeVita moved, seconded by Trustee Jusko, and unanimously carried, that the following abstracts of vouchers be approved for payment:

- #1052 for prepaid item(s) in the amount of \$2,648.13
- #1053 in the amount of \$1,022,215.24

- #1054 for Capital items in the amount of \$35,890.39

AGREEMENT WITH THE TOWN OF OYSTER BAY FOR STREET CLEANING

The Clerk reported that the agreement was scheduled for approval by the Town Board at its June meeting.

OYSTER GARDEN

Trustee Miritello reported that Three Harbors' Garden Club and parishioners from St. John's Church were sponsoring cages and would need guest parking passes.

REPORT ON COPIES OF SMALL CLAIMS ASSESSMENT REVIEW PROCEEDINGS FILED

The Clerk/Treasurer reported that she had received twenty-eight (28) copies to date of Small Claims Assessment Review Proceedings filed with Nassau County for the 2018-2019 Tax Year.

APPOINTMENT OF VINCENT PARZIALE TO BOARD OF ZONING APPEALS

Mayor DeVita announced the appointment of Vincent Parziale to the Board of Zoning Appeals to fill the unexpired term of Mr. Burkett, who recently resigned, to July, 2019.

RESIDENTS' PARTY

Mayor DeVita reported that the residents were hosting a party at the Village Green/Beach scheduled for June 10th. The party is in the nature of a picnic and no vendors are involved.

DONATION OF BENCH

Mayor DeVita reported that after reviewing several proposals, the Board approved a memorial bench and plaque and its location. The memorial is being donated by Dr. Vardi in memory of Dr. Alexis D'Elia.

CASH DEPOSITS IN CONNECTION WITH LOCAL LAW 3-2018, Code Section 23-3(F)(1)(f)

Trustee Jusko moved to adopt the following cash deposit schedule in connection with Local Law 3-2018, seconded by Deputy Mayor Nemshin, all approved:

NEW RESIDENCE WITH OR WITHOUT DEMOLITION	\$25,000
RENOVATIONS THAT INCLUDE ADDITIONAL SF OVER 500	\$15,000
RENOVATIONS THAT INCLUDE ADDITIONAL SF 500 OR LESS	\$10,000
DEMOLITION ONLY OF EXISTING RESIDENCE	\$10,000
NEW SWIMMING POOL	\$10,000

APPLICATION NOT LISTED THAT INCLUDES DRYWELL INSTALLATION	\$5,000
ALL OTHER APPLICATIONS	\$0

There being no further business to come before the Board, Trustee Miritello moved to adjourn the meeting at 9:25 p.m., seconded by Trustee Jusko, all approved.

Elizabeth Kaye

Elizabeth Kaye, Clerk / Treasurer

ALSO PRESENT:

Randal Jones
Chief Cronin
Sergeant Mergel
Art Brings
Chris Hadjandreas
Joseph Sevey

Cold Spring Harbor Laboratory
Oyster Bay Cove Police Department
Oyster Bay Cove Police Department
Cold Spring Harbor Laboratory
Chairman Planning Board
Locations Manager for Hat Trick
Productions, Inc.

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT
7:00 P.M. ON WEDNESDAY, JUNE 20, 2018.