

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
FEBRUARY 12, 2018
7:00 PM**

PRESENT:

Mayor Daniel F. DeVita	Howard Avrutine, Village Attorney
Trustee Kevin Jusko	Karen A. Navin, Clerk / Treasurer
Trustee Jeffrey Miritello	Michael McNerney, Superintendent of Building Dept.
Trustee Jeffrey Nemshin*	Nancy Popper, Deputy Clerk / Court Clerk
Trustee Richard Nicklas	
Trustee Martin Novick	
Trustee Nicholas Tsafos	

EXCUSED:

James Antonelli, Village Engineer

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

POLICE REPORT

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

	JANUARY	YTD	PRIOR YTD
Auto Accidents Personal Injury	1	1	1
Auto Accidents Property Damage	1	1	1
Aided Cases Resulting from Auto Accidents	1	1	1
Aided Cases Other	5	5	8
Arrests	0	0	0
Summonses - Moving Violations	18	18	33
Summonses - Parking	2	2	3
Fire Calls	0	0	1
Patrol Mileage	4650	4650	4650
Offenses - Case Reports	1	1	2
Suspicious Autos	2	2	4
Suspicious Persons	0	0	1
Suspicious Phone Calls	2	2	0
Recorded Alarms	19	19	17
Vacant Houses	3	3	8
Disturbances	1	1	2
Malicious Mischief	1	1	0
Non-Case Incidents	0	0	0

Animal Nuisance Complaints	0	0	1
Assist from NCPD	0	0	0

During the month of January twenty (20) tickets were issued, as follows:

Stop Signs	0	Expired Registration	1
Cell Phone	0	Disobey Traffic Control Device	0
Speeding	4	Improper U Turn	0
Unlicensed Operation	0	Defective Lights	4
Uninspected Motor Vehicle	4	No Passing Zone	0
No Insurance	5	Parking	2
Failure to Signal	0	DWI	0
Seat Belt	0	Village Ordinance	0

P.O. Mergel was present and spoke to the Board regarding recent events. Trustee Jusko asked that the Police contact the Highway Staff at home if they need to report to work to salt and/or plow the roads during bad weather.

PUBLIC HEARING - INTRODUCTORY LOCAL LAW A-2018 – TAX CAP OVERRIDE

Mayor DeVita then called to order the public hearing on Introductory Local Law A-2018, which would authorize a property tax levy in excess of the limit established in General Municipal Law §3-c for the 2018-2019 tax year. A stenographer was present and a transcript of the hearing will be affixed to and made a part of these minutes.

New York State Law requires that this local law be enacted prior to adoption of the budget, and in light of the bond resolution adopted by the Board of Trustees in the fall of 2017, the Village may have to exceed the cap. Exceeding the limit without enacting the required override local law could result in adverse financial/Village tax issues for the residents of the Village.

The Village Attorney entered exhibits into the record, as follows:

- Excerpt from the minutes of the January 10, 2018 meeting of the Board of Trustees setting the public hearing
- Legal notice of public hearing prepared by the Village Clerk
- Affidavit from Richner Communications, Inc., the publisher of the Oyster Bay Guardian, stating that the legal notice was published in the Oyster Bay Guardian on January 19, 2018
- Affidavit from Nicholas Porcaro that the legal notice was posted at the Village Hall on January 19, 2018
- Email from the Village Clerk to the Mayor and Board of Trustees sent on January 19, 2018, with local law in final form attached
- Affidavit from the Village Clerk stating that the notice of public hearing and local law were mailed to other interested parties on January 22, 2018
- Documents that confirm that the Notice of Public Hearing was published to the Village of Laurel Hollow website & sent to NEWS subscribers on January 23, 2018

- January 16, 2018 email from the Nassau County Planning Commission advising that they do not have jurisdiction and that the Village may take action as deemed appropriate
- A copy of the proposed local law emailed to the Board of Trustees
- Email from NYCOM notifying Villages that the Office of the State Comptroller has announced that the allowable growth factor or tax cap, for those local governments with a fiscal year beginning June 1, 2018 will be 2%.

The Village Attorney reported that adoption of this local law would be a Type II Action, requiring no additional review under the State Environmental Quality Review Act.

After discussing the matter and, hearing no questions from the public, it was moved by Trustee Jusko, seconded by Trustee Novick, and unanimously carried with Trustee Nemshin not present, that the public hearing be closed to further evidence and testimony.

It was moved by Trustee Jusko, seconded by Trustee Miritello, and unanimously carried with Trustee Nemshin not present, that Introductory Local Law A-2018, which would authorize a property tax levy in excess of the limit established in General Municipal Law §3-c for the 2018-2019 tax year, be adopted as Local Law #-1-2018; further, that the Clerk be authorized and directed to forward the local law to the Secretary of State and publish and post a notice of adoption.

BUILDING REPORT

BP#2812 – YORMACK – 80 WHITE OAK TREE ROAD

Board members reviewed the Building Report as it relates to the request from Don Mitchel, President of Mitco Associates, representing Mr. Yormack, 80 White Oak Tree Road, in his request for an extension of BP#2812 which expired on January 12, 2018. Construction was completed prior to expiration but certain certificates were not submitted prior to the expiration date. All required documentation has now been received, and based upon the recommendation of Mr. McNerney in his report, it was moved by Mayor DeVita, seconded by Trustee Nicklas and unanimously carried with Trustee Nemshin not present, that the permit be extended until February 13, 2018, at which time it will be closed.

*Trustee Nemshin arrived at this time.

BPA#2878 – MELILLO – 591 COLD SPRING ROAD

Board members reviewed the Building Report as it relates to the request from Dominick Minerva on behalf of Mr. and Mrs. George Melillo, 591 Cold Spring Road, for an extension of BPA#2878, which expired on February 6, 2018. Based upon the recommendation of Mr. McNerney in his report, it was moved by Mayor DeVita, seconded by Trustee Jusko and unanimously carried, that the application be extended for six months to August 6, 2018, without payment of an additional fee.

BP#2790 – COLD SPRING HARBOR LABORATORY – 1 BUNGTOWN ROAD

Board members reviewed the Building Report as it relates to the request from Randal Jones, representing the Cold Spring Harbor Laboratory, for an extension of BP#2790, which will expire on March 1, 2018. All construction work has been completed and the applicant is obtaining affidavits required by the Village before the permit can be closed.

Based upon the recommendation of Mr. McNerney in his report, it was moved by Trustee Nemshin, seconded by Trustee Novick and unanimously carried, that the application be extended for one month to April 1, 2018, without payment of an additional fee.

ENGINEER'S REPORT

SHADY LANE REPAIR

Board members reviewed the Engineer's Report as it relates to required repairs to Shady Lane, the cost of which will be deducted from the escrow account submitted by Robert Foreman. The signed contract and evidence of insurance required by the contract have been received from the contractor awarded the contract, Patsy Bruno & Son Asphalt Paving. Based upon the recommendation of the Village Engineer, a notice to proceed will not be issued until conditions are right for the paving repair this spring, at which time a notice to proceed will be issued by the Village, provided insurance certificates are still current.

INITIAL DEPOSIT FOR STORMWATER POLLUTION PREVENTION PLANS

Board members reviewed the Engineer's Report as it relates to the resolution adopted by the Board on December 13, 2017 establishing a \$500.00 initial fee for applications under Chapter 42 of the Village Code, EROSION AND SEDIMENT CONTROL; STORMWATER MANAGEMENT.

After discussing the matter, it was moved by Trustee Miritello, seconded by Trustee Tsafos and unanimously carried, that, pursuant to §42.6.B.(2) and §42-14 of the Village Code, applicants be required to submit an initial deposit in the amount of \$2,500.00 for services required under ARTICLE I, General provisions, and for services required under ARTICLE IV, Administration and Enforcement. If required, the applicant shall submit additional deposits, in amounts required by the Stormwater Management Officer, to maintain a positive balance in the escrow account.

CEDARWOOD COURT

Board members reviewed the Engineer's Report as it relates to a hole that developed on Cedarwood Court, one of the roads repaved in 2015 by United Paving Corp. Mr. Antonelli reported that United Paving patched the area on January 26, 2018, at no charge. The hole may have been the result of the severe freeze-thaw cycles and the proximity of utility crossings and / or utility boxes.

The **MINUTES** of the January 10, 2018 and February 7, 2018 meetings of the Board were unanimously approved on a motion by Mayor DeVita, seconded by Trustee Nicklas.

The **FINANCIAL REPORTS** for January, 2018 and the **REPORT OF UNPAID TAXES** as of February 1, 2018 were distributed to the Board.

ROAD BONDS

Board members continued to discuss work to be performed with the proceeds of the upcoming \$3,000,000.00, fifteen year (with a ten year call option) Public Improvement Bonds. No action was taken and the matter will appear on the agenda for March 14th.

CONTRACT FOR STREET SWEEPING

The Village Attorney reported on the pre-award meeting held with representatives of Coastal Contracting Corp., the low bidder on the recent sealed bid.

After discussing the matter, it was moved by Trustee Nemshin, seconded by Trustee Miritello and unanimously carried, that the contract for STREET SWEEPING SERVICES ON VILLAGE ROADWAYS be awarded to Coastal Contracting Corp. at their bid price of \$5,100.00 per full sweep (\$25,500 for five estimated annual sweeps); \$395.00 per hour partial (\$1,580.00 for four hour estimated), for a total of \$27,080.00.

CUSTOM EARTH RECYCLING, LLC

It was moved by Mayor DeVita, seconded by Trustee Jusko and unanimously carried that the Village open a house account with Custom Earth Recycling, LLC, 45 South 4th Street, Bayshore, NY 11706, for disposal of street sweeping and other material.

APPROVAL OF ABSTRACTS

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

- #1045 for prepaid items from 01/11/2018 through 02/09/2018 in the amount of \$13,783.70
- #1046 in the amount of \$104,401.43

Further, that the Clerk / Treasurer be authorized to transfer funds from Account A1990, Contingency, to the following accounts, if required: A1910.4, Unallocated Insurance, A3120.55, Police, Maintenance of Building, A5142.4, Salt & Sand.

SOLAR INSTALLATION AT VILLAGE HALL

Trustee Jusko reported that the roof at the Village Hall had been inspected by the solar consultant, who found it to be in good condition. Work will proceed on the specifications and bid documents for this project, partially funded by the NYSEERDA grant.

PROPOSAL FROM KAISER MARINE TO CONSTRUCT NEW DOCK SECTION

It was moved by Jusko, seconded by Trustee Tsafos and unanimously carried, that upon receipt of a signed agreement and evidence of insurance, Kaiser Marine, Inc. be authorized to proceed as outlined in their proposal dated December 14, 2017 to construct a new 6' X 20' float at a cost of \$5,470.00.

PROPOSED AMENDMENTS TO CODE

LOCAL LAW REQUIRING CONSTRUCTION DEPOSITS

The Village Attorney requested that the matter of an amendment to the code relating to construction deposits be placed on the March 14th agenda.

STOP WORK ORDERS FOR NON-CONSTRUCTION PROJECTS

The Village Attorney requested that the matter of an amendment to the code relating to stop work orders be placed on the March 14th agenda.

VILLAGE LANDMARKS

No action was taken on a possible amendment to the Code regulating Village Landmarks, and the matter will appear on the agenda for March 14th.

CROWN CASTLE NG EAST LLC – APPLICATION SUBMITTED

The Village Attorney reported on the Crown Castle matter. No action was taken and the matter will appear on the agenda for March 14th.

CPR / AED TRAINING

Board members reviewed the memorandum from Nancy Popper regarding training requirements for CPR / AED, after which it was moved by Mayor DeVita, seconded by Trustee Tsafos and unanimously carried, that training be arranged through Cardiac Life, and that the Clerk / Treasurer be authorized to transfer funds from account A1990.0, Contingency, as required to cover this expense.

APPOINTMENT TO FILL VACANCY – CLERK / TREASURER

Mayor DeVita advised the Board that, effective March 5, 2018, Elizabeth Kaye will be appointed to the office of Clerk / Treasurer, filling the vacancy created by the retirement of Karen Navin. It was moved by Trustee Miritello, seconded by Trustee Nicklas and unanimously carried that the annual salary be established at \$110,000.00, and, further that Ms. Kaye be credited with twenty (20) vacation days on June 1st of each year, prorated for the balance of the official year, and, further, that Ms. Kaye receive personal leave and sick leave benefits as stated in the Employee Handbook, as amended.

AMENDMENT TO EMPLOYEE HANDBOOK

It was moved by Trustee Tsafos, seconded by Mayor DeVita and unanimously carried, that the EMPLOYEE HANDBOOK be amended as follows:

- Section 804 Personal Leave: Effective 02/12/2018 salaried appointed officials who entered office after January 1, 2012 shall receive personal days pursuant to the schedule in Sec 804
- Section 809 Dental Plan: Effective 02/12/2018 Retiree coverage per schedule in Sec. 808
- Section 810 Optical Plan: Effective 02/12/2018 Retiree coverage per schedule in Sec. 808

AUTHORIZATION TO RETAIN KAREN NAVIN – CONSULTANT

It was moved by Trustee Jusko, seconded by Trustee Tsafos and unanimously carried, that Karen Navin be retained as a consultant to assist in the transition, at a rate of \$65.00 per hour.

REQUEST TO CONDUCT SPECIAL EVENT – WEST SIDE RUN

The Board reviewed the request from the West Side School and the Cold Spring Harbor School district to conduct the West Side Run on Sunday, May 20, 2018, after which it was moved by Trustee Nemshin, seconded by Trustee Jusko and unanimously carried, that, subject to conditions as outlined below, the request be approved:

1. All race activities shall occur between the hours of 8:00 a.m. and 2:00 p.m.
2. The race sponsor/applicant shall ensure that there is NO parking or stopping on any Village roads, and the event shall not create any unreasonable disturbance to the residents of the Village.
3. The race sponsor/applicant shall be responsible for providing appropriate supervision and adequate protection for all participants, workers, volunteers, motorists and spectators.
4. The race sponsor shall provide to the Village a Certificate of Insurance for the event naming the Village as an additional insured in an amount not less than \$5,000,000. This certificate shall be delivered to the Laurel Hollow Village Clerk at least five (5) days in advance of the date of the event.
5. The race sponsor/applicant shall execute an Indemnification and Hold Harmless Agreement from any and all claims and liabilities which arise in connection with the issuance of this permit by any participants, workers, volunteers, motorists and spectators.
6. All roads in the Village used in connection with this event are to be used by each participant, worker, volunteer, motorist and spectator at his or her own risk. The sponsor shall be responsible for obtaining releases from all participants stating that all Village roads are to be used at the risk of each participant.
7. All activities occurring within the Village are to be coordinated with the Oyster Bay Cove Police Department. If the Oyster Bay Cove Police Department requires additional personnel to provide adequate protection, the sponsor shall pay for all costs and charges, including, but not limited to, overtime payment for all police officers used.
8. After the conclusion of the event, the race sponsor/applicant shall promptly remove from the Village of Laurel Hollow all signs and collect and remove all debris generated by race participants, workers, volunteers, motorists and spectators. The use of spray paint as a directional guide on Village roads is strictly prohibited.
9. Any breach of the foregoing conditions, or any violation of the local laws of the Village shall be, in and of itself, grounds for the Village to immediately revoke Village approval.

SPECIAL MEETINGS

It was moved by Trustee Nemshin, seconded by Trustee Jusko and unanimously carried, that the special meetings be scheduled for Saturday, March 3, 2018 at 10:00 a.m. and, if necessary, Saturday, March 10, 2018 at 10:00 a.m., to discuss the 2018-2019 preliminary budget.

PROPOSAL TO INSTALL MOTION ACTIVATED LIGHTS AT POLICE BOOTH

Board members discussed a proposal to install motion activated lights at the Police Booth. No action was taken and Board members agreed the matter should appear on the June agenda for further discussion.

There being no further business to come before the Board, the meeting was adjourned at 8:50 p.m.

Elizabeth Kaye

Karen A. Navin, Clerk / Treasurer

ALSO PRESENT:

Robert Foreman
Chris Hadjandreas
Randal Jones
P.O. Mergel

9 Shady Lane
1592 Laurel Hollow Road
Cold Spring Harbor Laboratory
Oyster Bay Cove Police Department

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT
7:00 P.M. ON WEDNESDAY, MARCH 14, 2018.