

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
SEPTEMBER 19, 2017
7:00 PM**

PRESENT:

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

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 July and August 2017, which had been distributed to the Board upon receipt. Statistics are as follows:

	JULY	YTD	PRIOR YTD
Auto Accidents Personal Injury	1	8	5
Auto Accidents Property Damage	2	13	16
Aided Cases Resulting from Auto Accidents	1	13	5
Aided Cases Other	5	45	27
Arrests	1	1	0
Summonses - Moving Violations	16	209	145
Summonses - Parking	12	26	40
Fire Calls	1	4	2
Patrol Mileage	4650	31800	31950
Offenses - Case Reports	0	8	7
Suspicious Autos	2	19	14
Suspicious Persons	3	9	16
Suspicious Phone Calls	0	0	1
Recorded Alarms	25	147	150
Vacant Houses	7	44	54
Disturbances	2	13	9
Malicious Mischief	0	0	1
Non-Case Incidents	1	2	2
Animal Nuisance Complaints	2	10	5
Assist from NCPD	0	2	0

During the month of July, twenty-eight (28) tickets were issued, as follows:

Stop Signs	0	Expired Registration	1
Cell Phone	0	Disobey Traffic Control Device	1
Speeding	6	Improper U Turn	0
Unlicensed Operation	2	Defective Lights	1
Uninspected Motor Vehicle	1	No Passing Zone	0
No Insurance	2	Parking	12
Failure to Signal	0	DWI	0
Seat Belt	2	Village Ordinance	0

	AUGUST	YTD	PRIOR YTD
Auto Accidents Personal Injury	0	8	5
Auto Accidents Property Damage	3	16	19
Aided Cases Resulting from Auto Accidents	0	13	5
Aided Cases Other	5	50	31
Arrests	0	1	0
Summonses - Moving Violations	16	225	168
Summonses - Parking	10	36	49
Fire Calls	0	4	2
Patrol Mileage	4650	36450	36600
Offenses - Case Reports	2	10	7
Suspicious Autos	3	22	17
Suspicious Persons	2	11	18
Suspicious Phone Calls	0	0	1
Recorded Alarms	20	167	180
Vacant Houses	6	50	62
Disturbances	3	16	12
Malicious Mischief	0	0	1
Non-Case Incidents	0	2	2
Animal Nuisance Complaints	0	10	5
Assist from NCPD	0	0	0

During the month of August, twenty-six (26) tickets were issued, as follows:

Stop Signs	1	Expired Registration	0
Cell Phone	0	Disobey Traffic Control Device	1
Speeding	5	Improper U Turn	0
Unlicensed Operation	0	Defective Lights	3
Uninspected Motor Vehicle	1	No Passing Zone	0
No Insurance	5	Parking	10
Failure to Signal	0	DWI	0
Seat Belt	0	Village Ordinance	0

Sgt. Tully was present and spoke to the Board regarding recent events.

BUILDING REPORT

PIERS IN RIGHT-OF-WAY / MARCHESE – 8 SPRINGWOOD PATH

Board members reviewed the request from Stephen Marchese, 8 Springwood Path, to maintain piers located in the right-of-way adjacent to his home. Mr. Marchese was present and discussed his concerns with the Revocable License Agreement typically required by the Village.

No action was taken to waive the requirement that the agreement be filed.

BP#2660 – 50 WILDWOOD LLC – 50 WILDWOOD LANE

Board members reviewed the Building Report as it relates to the request from 50 Wildwood LLC for a second extension of their building permit. The first extension expired on July 27, 2017.

Based on the recommendation of the Superintendent of Buildings, it was moved by Trustee Miritello, seconded by Trustee Nemshin and unanimously carried, that, subject to receipt of a fee of \$787.50, the permit be extended for an additional nine months from the expiration date. The permit will now expire on April 27, 2018.

BP#2654 – FRIEDMAN – 1247 MOORE'S HILL ROAD

Board members reviewed the Building Report as it relates to the request from Joel Friedman for a second extension of his building permit. The first extension expires on October 9, 2017.

Based on the recommendation of the Superintendent of Buildings, it was moved by Trustee Miritello, seconded by Trustee Jusko and unanimously carried, that, subject to receipt of a fee of \$675.00, the permit be extended for an additional nine months from the expiration date. The permit will now expire on July 9, 2018.

BP#2380 – MCBRIDE – 32 WOODVALE DRIVE

Board members reviewed the Building Report as it relates to the request from Ken McBride an additional extension in connection with his building permit that expired on May 17, 2017.

Based on the recommendation of the Superintendent of Buildings, it was moved by Trustee Nicklas, seconded by Mayor DeVita and unanimously carried that, subject to receipt of a fee of \$652.50, the permit be extended for an additional five months from the expiration date. The permit will now expire on October 17, 2017.

PROPOSED LOCAL LAW REQUIRING CONSTRUCTION DEPOSITS

Board members reviewed the Building Report as it relates a local law that would require construction deposits for certain building permits. No action was taken and the matter will appear on the agenda for October 11, 2017, at which time the Superintendent will make recommendations for a fee schedule.

ENGINEER'S REPORT

IMPROVEMENTS TO STEWART LANE – PROJECT NO. 1-2017

The Village Engineer reported on the work performed by United Paving on Stewart Lane. No action was taken.

DRIVEWAY AT 1472 LAUREL HOLLOW ROAD

Board members reviewed correspondence from Dr. Fred DiBlasio and Beth DiBlasio regarding damage to the southerly driveway at 1472 Laurel Hollow Road, suffered after the recent deluge on the morning of August 18th, when nearly 3" of rain fell in approximately one hour.

Although the Village Engineer has, in past correspondence, indicated that the runoff from Laurel Hollow Road onto the property is not the result of any work performed by the Village, Board members agreed that Highway Department staff should use stock material to fill in the rut and create a small UPM berm at the entrance to the driveway.

The **MINUTES** of the July 12, 2017 and July 18, 2017 meetings of the Board were unanimously approved on a motion by Trustee Nicklas, seconded by Trustee Novick.

The **FINANCIAL REPORTS** were not available as certain adjusting entries need to be made for the fiscal year ending May 31, 2017. The **REPORT OF UNPAID TAXES** was distributed to the Board.

APPOINTMENTS

Mayor DeVita advised the Board that he had appointed Chris Hadjandreas as Member and Chairman of the Planning Board, filling the vacancy created by the resignation of Paul Bregman. The appointment as Member is for the balance of the five year term expiring on the first Monday in July, 2020. The appointment as Chairman is for the balance of the official year. Mr. Hadjandreas submitted his resignation as Member of the Board of Zoning Appeals to accept the appointments to the Planning Board, and Mayor DeVita appointed Louis Lebedin as Member of the Board of Zoning Appeals to fill the vacancy created by Mr. Hadjandreas' resignation. The appointment of Mr. Lebedin is for the balance of the five year term expiring on the first Monday in July, 2022.

The Clerk advised the Board that the Oath of Office for Village Prosecutor was not filed by Joseph Carrieri within thirty days. Mr. Carrieri served in the position as a holdover and Mayor DeVita appointed him for the balance of the official year. The Clerk will notify Mr. Carrieri.

OFFER OF BENCH DONATION

No action was taken on the offer to donate a memorial bench, submitted by resident Dr. Iris Vardy. Board members asked the Deputy Clerk to contact Dr. Vardy to obtain a detailed proposal from her, asking that the proposal include documentation that the family of the person to be memorialized gives their support and permission. Provided additional information is received, the matter will appear on the agenda for October 11, 2017.

APPROVAL OF ABSTRACTS

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

- #1033 for prepaid items from 07/13/17 to 08/10/17 in the amount of \$24,716.90
- #1034 in the amount of \$39,359.75 for payments made on 08/10/17
- #1035 for prepaid items from 8/22/17 to 9/08/17 in the amount of \$12,559.92
- #1036 in the amount of 233,645.68

VERIZON FIOS FRANCHISE RENEWAL

Based upon the recommendation of the Village Attorney, it was moved by Trustee Nicklas, seconded by Trustee Jusko and unanimously carried, that a public hearing be scheduled for October 11, 2017 at 7:00 p.m. or as soon as possible thereafter on the application of Verizon New York, Inc., for renewal of the Cable Franchise Agreement; further that the Clerk be authorized and directed to prepare, publish and post notice of the public hearing as required.

It was moved by Trustee Novick, seconded by Trustee Nemshin and unanimously carried, that, if necessary, the Clerk / Treasurer be authorized to transfer up to \$5,000.00 from account A1990, Contingency, to account A1010.49, Board of Trustees – Miscellaneous, to cover consultant expenses related to the this matter.

CROWN CASTLE – REQUEST FOR WAIVERS – SUBMISSIONS 1-2017 THROUGH 26-2017

The Village Attorney reported on discussions with Crown Castle. No action was taken and the matter will appear on the agenda for the October meeting.

REPORT OF BID OPENING - STREET SWEEPING

The Clerk / Treasurer advised the Board that bids for STREET SWEEPING SERVICES ON VILLAGE ROADWAYS were opened on August 4, 2017, at noon. Only one bid was received, as follows:

- Dejana Industries, Inc. Unit Price=\$5,440 Extended Price=\$27,200

It should be noted that the bid was accompanied by a letter dated August 2, 2017 indicating that Dejana Industries, Inc. takes exception to the requirement that the sweeping debris must be taken to 110 Sand Inc. in Melville for disposal, as on more than one occasion in the past, 110 Sand, Inc. has rejected street sweeping material. As a result, additional costs were incurred by Dejana Industries, Inc. to dispose of the material properly.

Based upon the recommendation of the Village Attorney, it was moved by Trustee Nicklas, seconded by Trustee Novick and unanimously carried, that the bid be rejected and that the Village Attorney be directed to revise the bid and contract documents to take into account the issues stated above.

Once the bid and contracts have been updated, the Clerk / Treasurer is authorized to re-advertise for bids for this work.

VILLAGE LANDMARKS

Board members reviewed the draft local law which would regulate designated landmarks by creating a Board of Historic Review. No action was taken and the matter will appear on the agenda for October 11th.

ROAD BONDING

Board members reviewed the Bond Counsel Engagement Letter prepared by Hawkins Delafield and Wood LLP and the Municipal Advisor Services agreement prepared by Munistat Services Inc.

No action was taken and the matter will appear on the agenda for October 11th. Mayor DeVita suggested that all Trustees inspect the roadways prior to the next meeting.

REPORT ON PROPOSALS TO CONDUCT FUNCTIONALITY TEST – GASOLINE STORAGE TANK AT POLICE BOOTH

The Clerk / Treasurer advised the Board that proposals were solicited and received from three (3) vendors to perform the functionality test on the gasoline storage tank at the police booth, recently required by the Nassau County Department of Health. Proposals were received as follows:

- AARCO Environmental Services Corp. \$695 test plus \$185 NCHD Fee
- Metro Environmental Services, LLC \$1,950
- Island Pump & Tank \$2,250 test plus \$225 NCHD Fee

It was moved by Trustee Nicklas, seconded by Trustee Miritello and unanimously carried, that the Mayor be authorized to execute the agreement with AARCO Environmental Services Corp. to perform the test. The cost of the testing will be passed through to the Cold Spring Harbor Laboratory pursuant to the Gasoline Storage and Pumping Access Agreement dated October 8, 2013.

AGREEMENT WITH STONY BROOK UNIVERSITY

Board members discussed the proposed agreement received from Stony Brook University. The Village Attorney will continue to discuss the matter with representatives from Stony Brook and the matter will appear on the agenda for the October 11th meeting.

LED LIGHTING UPGRADES

Trustee Jusko reported on the proposal to convert to LED lighting for Village buildings and street lights. No action was taken and the matter will appear on the agenda for October 11, 2017.

NEW YORK STATE MUNICIPAL SHELTER INSPECTION REPORT

Board members reviewed recent correspondence from the New York State Department of Agriculture and Markets regarding the Municipal Shelter Inspection Report and the Dog Control Officer Inspection Report. No action was required of the Board.

WATER DAMAGE AT POLICE BOOTH

Board members discussed recent damage to the Police Booth caused by heavy rain on August 18th. The extent of damage was well under the deductible in the insurance policy carried by the Village and Highway Staff will be able to make the necessary changes along with certain improvements.

Based upon the recommendation of Mayor DeVita, it was moved by Trustee Jusko, seconded by Mayor DeVita and unanimously carried that the Highway Staff be authorized to make repairs and improvements at the Police Booth at a cost not to exceed \$3,000.00 and to transfer funds from Account A1990, Contingency, to Account A3120.55, Police Protection – Maintenance PD B&G, if required.

CHANGE ORDER – CONTRACT FOR SECURITY CAMERA UPGRADES

It was moved by Trustee Tsafos, seconded by Trustee Jusko and unanimously carried, that the action taken by Mayor DeVita in approving a change order to the contract with H. Giudici Electric to upgrade surveillance cameras for Court security, adding a twelfth camera at a cost of \$1,169.25, be ratified.

PROCEEDS OF COURT GRANT / AUTHORIZATION TO SUBMIT NEW GRANT APPLICATION

It was moved by Trustee Miritello, seconded by Mayor DeVita and unanimously carried, that the Court Clerk be authorized to apply the additional cost for surveillance upgrades, \$1,169.25, approved earlier in the meeting, to the 2016-2017 court grant, and further that the Court Clerk be authorized to submit an application for a 2017-2018 court grant for 1) the replacement air conditioner unit, 2) a fire-proof / water-proof safe, and 3) professional lettering for the courtroom wall.

LABORER, SEASONAL / HIGHWAY DEPARTMENT

It was moved by Mayor DeVita, seconded by Trustee Nemshin and unanimously carried, that the action taken by Mayor DeVita in increasing the salary of Dieter Herbert, the Laborer, Seasonal hired on June 26, 2017 from \$14.00 per hour to \$15.00 per hour effective August 7, 2017 be ratified, and that his employment be extended from September 30, 2017 to the end of October, to assist in repairs to the Police Booth. The position is a six-month seasonal appointment and the duration will not exceed six months.

NOTICE OF FILING OF ARTICLE 78 / AUTHORIZATION TO RETAIN COUNSEL

Mayor DeVita advised the Board that an Article 78 proceeding was instituted against the Village, the Board of Zoning Appeals and the applicant, Harold Reese, seeking to nullify recent decisions made by the Board of Appeals approving certain variances and slope

disturbance. The Village has been advised by its insurance carrier that there is a \$5,000 limit for "defense expense" incurred in defending an "injunctive relief" action brought because of a "wrongful act", and has authorized the Village to retain counsel to represent the Village and Board of Zoning Appeals in the matter.

After discussing the matter, it was moved by Trustee Jusko, seconded by Mayor DeVita and unanimously carried that Howard Avrutine, Avrutine & Associates, PLLC, be authorized to represent the Village in this matter, at the rates already approved by the Board of Trustees in the retainer agreement currently in place.

There being no further business to come before the Board, the meeting was adjourned at 9:35 p.m.

Karen A. Navin

Karen A. Navin, Clerk / Treasurer

ALSO PRESENT:

Stephen Marchese
Chris Hadjandreas
Sgt. Tully

8 Springwood Path
1592 Laurel Hollow Road
Oyster Bay Cove Police Department

THE NEXT MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00 P.M.
ON WEDNESDAY, OCTOBER 11, 2017.