

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
JULY 12, 2017
7:30 PM**

PRESENT:

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

Howard Avrutine, Village Attorney
Karen A. Navin, Clerk / Treasurer
James Antonelli, Village Engineer

EXCUSED:

Michael McNerney, Superintendent of Building Dept.
Nancy Popper, Deputy Clerk / Court Clerk

MAYOR DE VITA called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING - INTRODUCTORY LOCAL LAW C-2017 – CHAPTER 145, POOL NOISE

Mayor DeVita then called to order the public hearing on Introductory Local Law C-2017, which would amend Chapter 145 of the Code of the Village of Laurel Hollow, specifically to modify Section 145-20.H. as it relates to noise from swimming pools and equipment

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

- Excerpt from the minutes of the June 21, 2017 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 June 30, 2017
- Affidavit from Nicholas Porcaro that the legal notice was posted at the Village Hall on June 30, 2017
- Email from the Village Clerk to the Mayor and Board of Trustees with the draft local law in final form, sent on June 22, 2017
- Affidavit from the Village Clerk stating that the notice of public hearing and local law were mailed to other interested parties on June 30, 2017
- Documents confirming that the Notice of Public Hearing was published to the Village of Laurel Hollow website & sent to NEWS subscribers on June 30, 2017
- July 5, 2017 letter from the Nassau County Planning Commission advising that they have reviewed the proposed local law and that they defer to the Village to take action as deemed appropriate
- A copy of the proposed local law emailed to the Board of Trustees
- Email correspondence between Michael Thompson, Mayor DeVita and Trustee Jusko

Mr. McCarthy was present and spoke to the Board regarding the proposed amendment.

After discussing the matter, and hearing no questions, it was moved by Trustee Nemshin, seconded by Trustee Tsafos and unanimously carried, that the hearing be closed to further evidence and testimony.

It was moved by Mayor DeVita, seconded by Trustee Jusko and unanimously carried, that the Board of Trustees declare themselves Lead Agency under SEQRA.

It was moved by Mayor Devita, seconded by Trustee Tsafos and unanimously carried, that the Board determines the action before them to be an Unlisted Action under SEQRA.

It was moved by Trustee Miritello, seconded by Trustee Nicklas and unanimously carried, that the Board declares a Negative Declaration under SEQRA.

It was moved by Trustee Miritelo, seconded by Trustee Nemshin and unanimously carried, that Introductory Local Law C-2017, which would amend Chapter 145, be adopted as Local Law #3-2017; 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.

The **ANNUAL ORGANIZATIONAL MEETING** of the Village of Laurel Hollow was called to order.

Mayor DeVita appointed Jeffrey Nemshin as Deputy Mayor for the official year.

Mayor DeVita made the following Trustee assignments for the official year.

<u>ASSIGNMENT</u>	<u>NAME</u>
Mayor in Charge of Police	Daniel DeVita
Trustee in Charge of Beach & Waterways	Jeffrey Miritello
Trustee in Charge of Buildings & Grounds	Martin Novick
Trustee in Charge of Roads	Kevin Jusko
Trustee in Charge of Budget	Nicholas Tsafos
Trustee in Charge of Emergency Mgmt & Planning	Jeffrey Nemshin
Trustee in Charge of Communication/Technology & Insurance	Richard Nicklas

Mayor DeVita made the following appointments:

	<u>NAME</u>	<u>TERM EXPIRES</u>
Clerk / Treasurer	Karen Navin	07/2019
Deputy Clerk / Court Clerk	Nancy Popper	07/2018
Harbor Master	Jeffrey Miritello	07/2018
Village Historian	Elizabeth Watson	07/2018
Member, Planning Board	James Galtieri	07/2022
Member, Board of Zoning Appeals	Chris Hadjandreas	07/2022
Chair, Board of Zoning Appeals	Russell Mohr	07/2018
Acting/Associate Village Justice	Joseph Lafferty	07/2018
Prosecutor for Village Court	Joseph R. Carrieri	07/2018

Assistant Prosecutor for Village Court	Dwight Kennedy	07/2018
Assistant Prosecutor for Village Court	Jeffrey Blinkoff	07/2018
Building Inspector, Code Enforcement Officer, Building Official, Tree Warden, Street Commissioner, Local Administrator- Floodplain Development, Stormwater Management Officer	Michael F. McNerney	07/2018
On Call Code Enforcement Officer	Vacant	
Dock Committee:	Jeffrey Miritello	07/2018
	Jeffrey Nemshin	07/2018
	Kevin Jusko	07/2018

Mayor DeVita advised the Board that Paul Bregman had submitted his resignation as Member and Chairman of the Planning Board, effective July 11th and that he will appoint Chris Hadjandreas to fill the vacancy in early August. Assuming he accepts the appointment, Mr. Hadjandreas will resign his position as Member of the Board of Zoning Appeals.

It was moved by Trustee Jusko and seconded by Trustee Miritello that the Mayor's appointments be approved.

The Clerk polled the Board as follows:

	Aye	Nay	Absent
Mayor DeVita	X		
Trustee Jusko	X		
Trustee Miritello	X		
Trustee Nemshin	X		
Trustee Nicklas	X		
Trustee Novick	X		
Trustee Tsafos	X		

Mayor DeVita stated that the following officials remain in office:

	<u>NAME</u>	<u>TERM EXPIRES</u>
Member, Planning Board	Elizabeth DiBlasio	07/2018
	Scott Abrams	07/2019
	Nancy Jones	07/2021
	<u>NAME</u>	<u>TERM EXPIRES</u>
Member, Board of Zoning Appeals	Cindy Kaufman	07/2018
	Newton J. Burkett	07/2019
	Jeffrey Blumin	07/2020
	Russell Mohr	07/2021

The following resolution was moved by Trustee Miritello and seconded by Trustee Tsafos, to wit:

BE IT RESOLVED, that the requirements set forth in §3-306 of the Village Law of the State of New York concerning "official undertakings" of the Clerk/Treasurer, Deputy Clerk/Court Clerk, Village Justice, and the Acting Village Justice, be deemed satisfied by Utica National Insurance Group Faithful Performance Bond #SU4274307 in the amount of \$500,000; and, be it further

RESOLVED, that the regular meetings of the Board of Trustees shall be held at 7:00 pm. as follows:

Tuesday	July 18, 2017 (Special Meeting-6:30 PM)
Tuesday	September 19, 2017 (3rd Tuesday)
Wednesday	October 11, 2017
Wednesday	November 8, 2017
Wednesday	December 13, 2017
Wednesday	January 10, 2018
Tuesday	February 13, 2018
Wednesday	March 14, 2018
Wednesday	April 11, 2018 (Budget Hearing)
Wednesday	May 9, 2018
Wednesday	June 20, 2018 (3rd Wednesday)
Wednesday	July 11, 2018 (Annual Meeting)

and, be it further

RESOLVED, that the Village adopt the INVESTMENT POLICY, most recently amended on April 9, 2013 and February 11, 2015, attached to and made a part of these minutes, including the designation of depositories outlined therein, and, be it further

RESOLVED, that the funds of the Village, deposited in a bank authorized by said INVESTMENT POLICY, be subject to withdrawal upon check when signed on behalf of the Village by any one of the following: Mayor, Clerk / Treasurer or Deputy Village Clerk, with checks in the amount of \$5,000.00 or more requiring two signatures; and, be it further

RESOLVED, that the procurement policy previously adopted, and amended on September 16, 2010, be further amended to incorporate changes authorized in Local Law 2-2015, adopted by the Board of Trustees on February, 11, 2015, affixed to and made a part of these minutes, and, be it further

RESOLVED, that the Village continue to utilize the Employee Handbook, including all compliance policies, previously adopted and revised, and, be it further

RESOLVED, that, as permitted by §5-524(6) of the Village Law of the State of New York, the Clerk / Treasurer be authorized to make payment in advance of audit of claims for public utility services, employee benefit contributions (pass-thru amounts) and insurance premiums, postage, freight and express charges, and that, as permitted by §5-524(7), the Clerk / Treasurer be authorized to make payment in advance of audit for a village officer, including the Village Justice and Acting Village Justice, to attend training provided by the education department or given by their county magistrate's association. Such claims must be presented for audit at the next regular meeting, and, be it further

RESOLVED, that, as permitted in §99-b. of the General Municipal Law, "Receipts for money received; records of money disbursed by check", the Clerk / Treasurer be authorized to accept check images in lieu of cancelled checks from payor banks, and, be it further

RESOLVED, that the Clerk / Treasurer, Deputy Clerk / Court Clerk and Highway Supervisor be authorized to attend meetings of their respective professional associations and New York State Department of Education Training Workshops, that the Clerk / Treasurer be authorized to attend the Annual NYCOM Fall Training School, that the Court Clerk be authorized to attend annual training, all reimbursed for travel & / or mileage at the current IRS rate, and, be it further

RESOLVED, that the "Oyster Bay Guardian" be, and the same hereby is, designated as the official newspaper of the Village, there being no newspaper published regularly in the Village, and, be it further

RESOLVED, that the Board of Zoning Appeals shall meet on the second Thursday of each month providing they have business to transact, and, be it further

RESOLVED, that, except for June 20, 2018, the Planning Board shall meet on the third Wednesday of each month providing they have business to transact, and, be it further

RESOLVED, that the Village Hall shall be closed on the following holidays in the 2017-2018 official year:

2017

Labor Day	Monday	September 4 th
Columbus Day	Monday	October 9 th
Veteran's Day	Friday	November 10 th
Thanksgiving	Thursday	November 23 rd
Day after Thanksgiving	Friday	November 24 th
Christmas Day	Monday	December 25 th

2018

New Year's Day	Monday	January 1 st
Martin Luther King Day	Monday	January 15 th
President's Day	Monday	February 19 th
Good Friday	Friday	March 30 th

Memorial Day
Independence Day

Monday
Wednesday

May 28th
July 4th

The Clerk polled the Board as follows:

	Aye	Nay	Absent
Mayor DeVita	X		
Trustee Jusko	X		
Trustee Miritello	X		
Trustee Nemshin	X		
Trustee Nicklas	X		
Trustee Novick	X		
Trustee Tsafos	X		

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department Monthly Report for June 2017, which had been distributed to the Board upon receipt. Statistics are as follows:

	JUNE	YTD	PRIOR YTD
Auto Accidents Personal Injury	1	8	5
Auto Accidents Property Damage	3	11	12
Aided Cases Resulting from Auto Accidents	1	12	5
Aided Cases Other	8	40	23
Arrests	1	0	0
Summonses - Moving Violations	23	193	128
Summonses - Parking	5	14	31
Fire Calls	0	3	2
Patrol Mileage	4500	27150	27300
Offenses - Case Reports	2	8	7
Suspicious Autos	3	17	12
Suspicious Persons	1	6	13
Suspicious Phone Calls	0	0	1
Recorded Alarms	20	122	130
Vacant Houses	5	37	47
Disturbances	1	11	5
Malicious Mischief	0	0	1
Non-Case Incidents	0	1	2
Animal Nuisance Complaints	1	8	2
Assist from NCPD	0	0	0

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

Stop Signs	0	Expired Registration	1
Cell Phone	0	Disobey Traffic Control Device	3
Speeding	7	Improper U Turn	0
Unlicensed Operation	1	Defective Lights	0
Uninspected Motor Vehicle	3	No Passing Zone	0
No Insurance	5	Parking	5
Failure to Signal	0	DWI	3
Seat Belt	0	Village Ordinance	0

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

PROPOSED LOCAL LAW REQUIRING CONSTRUCTION DEPOSITS

Board members requested that the matter of a local law that would require construction deposits be part of the Building Department Report for the September meeting.

ENGINEER'S REPORT

IMPROVEMENTS TO STEWART LANE – PROJECT NO. 1-2017

The Village Engineer advised the Board that evidence of insurance required in the Contract for Improvements to Stewart Lane – Project No. 1-2017 had not be received from Stasi Industries, despite many telephone calls, letters and emails to Mr. Stasi.

After discussing the matter, and based upon the recommendation of the Village Engineer and Village Attorney, it was moved by Trustee Jusko, seconded by Trustee Tsafos and unanimously carried, that it be determined that Stasi Industries be deemed to have breached the terms and conditions of the bid documents and specifications.

It was moved by Mayor DeVita, seconded by Trustee Nicklas and unanimously carried, that the action taken by the Board on April 6, 2017 awarding the contract to Stasi Industries be rescinded.

Board members continued discussion on the contract for IMPROVEMENTS TO STEWART LANE, PROJECT NO. 1-2017, after which it was moved by Mayor DeVita, seconded by Trustee Nemshin and unanimously carried, that the contract be awarded to United Paving Corp., at their bid price of \$122,956.25.

It was moved by Trustee Nicklas, seconded by Trustee Nemshin and unanimously carried that Stasi Industries be barred from submitting bids for future public works projects in the Village.

The **MINUTES** of the June 21, 2017 meeting of the Board were unanimously approved on a motion by Trustee Novick, seconded by Trustee Miritello.

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.

RESIGNATION – PAUL BREGMAN

The following resolution was proposed by Mayor DeVita, who moved its adoption, seconded by Trustee Miritello:

WHEREAS, PAUL BREGMAN, a resident of the Incorporated Village of Laurel Hollow for over twenty-five years, with his wife Susan and their family, and

WHEREAS, PAUL BREGMAN has served this village with the utmost distinction, having been appointed as a Member of the Planning Board in July, 1994, and having served as Chairman of that Board since July, 2007 and

WHEREAS, PAUL BREGMAN'S years of service have been marked by meritorious dedication to the best interests of the Laurel Hollow and the surrounding communities; and

WHEREAS, PAUL BREGMAN has earned the respect and admiration of all with whom he has served and with whom he has come into contact,

NOW, THEREFORE, BE IT RESOLVED that this Board of Trustees, speaking on behalf of all our citizens, hereby extends to PAUL BREGMAN our sincere appreciation for his selfless dedication to the Incorporated Village of Laurel Hollow and the Oyster Bay communities at large.

The Clerk polled the Board as follows:

	Aye	Nay	Absent
Mayor DeVita	X		
Trustee Jusko	X		
Trustee Miritello	X		
Trustee Nemshin	X		
Trustee Nicklas	X		
Trustee Novick	X		
Trustee Tsafos	X		

CORRECTION TO CHAPTER 45 – CODE OF ETHICS

Board members reviewed the email from Trustee Jusko informing the Clerk / Treasurer that there was a typographic error in Chapter 45 of the Code, specifically §45-3.E., where the word 'number' should be 'member'. This error has been in place since the code section was adopted in 1970.

Based upon the recommendation of General Code Publishers, it was moved by Mayor DeVita, seconded by Trustee Miritello and unanimously carried, that General Code Publishers be authorized to make the correction immediately to eCode360, updating the paper version of the code with the next regular supplement.

APPROVAL OF ABSTRACTS

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

- #1032A for prepaid items from 06/22/17-07/12/17 in the amount of \$2,007.42
- #1032B in the amount of \$90,153.42

VERIZON FIOS FRANCHISE RENEWAL

No action was taken and the matter will appear on the agenda for the September meeting.

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 September meeting.

CONTRACT FOR STREET SWEEPING

Board members discussed the bid and contract documents for Street Sweeping. No action was taken and the matter will appear on the agenda once bids are opened.

VILLAGE LANDMARKS

Board members reviewed the Village of Old Westbury code as it relates to landmarks. The matter will appear on the agenda for September 19th.

AUTHORIZATION TO PURCHASE BEACH CLEANING EQUIPMENT

It was moved by Trustee Nicklas, seconded by Mayor DeVita and unanimously carried, that the Clerk / Treasurer be authorized to purchase a Sand Man 850 beach cleaning machine from H. Barber & Sons, Inc. at a cost of \$12,700.00, using HGACBuy, a government purchasing cooperative, pricing. Further, the Clerk / Treasurer is authorized to process the payment upon receipt of the item, prior to audit. Funds are available in account H5111.2.

REQUEST TO USE BEACH

The Board discussed the request from the Cold Spring Harbor Beach Club to allow their campers to use the beach on July 28, 2017, approximately between the hours of 8:45 a.m. and 10:30 a.m. as part of program for their summer camp. Campers will arrive and depart by boat from the Cold Spring Harbor Beach Club. It was moved by Trustee Nicklas, seconded by Trustee Jusko and unanimously carried, that the request be approved, subject to receipt of evidence of insurance from the beach club.

AGREEMENT WITH STONY BROOK UNIVERSITY

Board members discussed the proposed agreement received from Stony Brook. The Village Attorney will continue to discuss the matter with Annette DePietri at Stony Brook and the matter will appear on the agenda for the September 19th meeting.

STREET LIGHT REPLACEMENT – LED

No action was taken and the matter will appear on the agenda for the September 19th meeting.

FAMILY MEDICAL LEAVE ACT

Board members discussed the New York State Paid Family Leave program but did not take any action to opt-in.

GRANT APPLICATIONS – LED LIGHTING

It was moved by Trustee Nicklas, seconded by Trustee Nemshin and unanimously carried, that Mayor DeVita and/or Trustee Jusko be authorized to execute any and all documents required in order to submit PSEG Comprehensive Lighting Application 2017 forms for LED conversions at the three (3) Village buildings.

AUTHORIZATION TO PAY VOUCHERS IN ADVANCE OF AUDIT

It was moved by Mayor DeVita, seconded by Trustee Novick and unanimously carried, that in addition to those vouchers that would typically be paid prior to audit, the Clerk / Treasurer be authorized to pay other vouchers in August, upon approval by Trustee Tsafos, as the Board will not meet in August.

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:

Philip McCarthy
Sgt. Tully

8 Waylor Lane
Oyster Bay Cove Police Department

THE NEXT MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00 P.M.
ON TUESDAY, SEPTEMBER 19, 2017. A SPECIAL MEETING WILL BE HELD AT 6:30
P.M. ON TUESDAY, JULY 18, 2017.