

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
HELD VIA ZOOM VIDEOCONFERENCE
(due to COVID-19 public assembly restrictions)
STENOGRAPHICALLY RECORDED
DECEMBER 08, 2021, 6:30 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
Nancy Popper, Clerk
Elizabeth Kaye, Treasurer
Renee Fenton, Deputy Clerk
Michael F. McNerney, Supt. Of Buildings

EXCUSED:

Trustee Tsafos

MAYOR DEVITA called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department Monthly Report for November 2021, which was distributed to the Board upon receipt. Sergeant Mergel was present to answer questions and to report that police are on patrol 24/7. Statistics for the month are as follows:

	Totals this Month	Totals year-to-date	Totals prior year- to-date
Auto Accidents Personal Injury	0	4	4
Auto Accidents Property Damage	3	20	10
Aided Cases Resulting from Auto Accidents	0	5	6
Aided Cases Other	6	48	46
Arrests	0	1	1
Summonses-Moving Violations	22	249	163
Summonses-Parking	1	45	96
Fire Calls	1	15	13
Patrol Mileage	4500	50,100	50,250
Offenses -Case Reports	1	14	19
Suspicious Autos	1	24	41
Suspicious Persons	4	30	17

Suspicious Phone Calls	0	0	1
Recorded Alarms	13	134	150
Vacant Houses	5	42	45
Disturbances	2	36	31
Malicious Mischief	0	0	0
Non-Case Incidents	1	6	8
Animal Nuisance Complaints	0	17	7
Assist from NCPD	0	0	0

Stop Signs	3
Cell Phone	0
Speeding	2
Unlicensed Operation	1
Uninspected MV	0
DWI	0
No Insurance	7
Expired Registration	0
Disobey Traffic Control Device	1
Village Ordinance	0
Reckless Driving	0
Fail to Move Right	0
Unsafe Pass	1
No Parking	1
Equipment Violation	7
No Seatbelt	0
Total	23

STUDY OF BACTERIA IN COLD SPRING HARBOR

Mayor DeVita briefed the Board about the results of a Cold Spring Harbor Microbial Source Testing Study, which detected canine fecal material at all sampling locations.

PUBLIC HEARING ON PROPOSED CONTRACT FOR FIRE SERVICES BETWEEN THE INC. VILLAGE OF LAUREL HOLLOW AND THE OYSTER BAY FIRE DEPARTMENT INC. AND ATLANTIC STEAMER FIRE COMPANY NO. 1.

Mayor DeVita opened the public hearing at 6:37 pm.

Village Attorney Avrutine read the following exhibits into the record:

- Notice of Public Hearing dated November 17, 2021
Affidavit of Publication from Richner Communications stating that the legal notice was published in the Oyster Bay Guardian on November 26, 2021.
- Affidavit from Nancy Popper that the legal notice was posted at the Village Hall on November 23, 2021
- Confirmation that the Notice of Public Hearing was published to the Village of Laurel Hollow website on November 29, 2021.
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on November 29, 2021.
- Email from the Nassau County Planning Commission dated November 5, 2021 that the proposed action is deferred to the Village Board of Trustees to take action as deemed appropriate
- Affidavit from Nancy Popper that Notice of Public Hearing was mailed to other interested parties on November 23, 2021
- Proposed agreement with Oyster Bay Fire Department Inc. and Atlantic Steamer Fire Company No. 1.
- Proposed Inter-Municipal Agreement among the Town of Oyster Bay, Inc. Village of Mill Neck, Inc. Village of Cove Neck, Inc. Village of Oyster Bay Cove, and Inc. Village of Laurel Hollow

Mayor DeVita recounted the recent negotiations with the Oyster Bay Fire Department Inc. and Atlantic Steamer Fire Company No. 1, whereby the originally proposed fee structure of an increase one percent (1%) per year was withdrawn as a result of the reassessment of property values by Nassau County. Due to the newly inflated property values, the proposed increase soared to 25%. Mayor DeVita and other Board members explored alternate arrangements for fire protection services, including one with the Cold Spring Harbor Fire Department. Ultimately, a five-year agreement was reached with Oyster Bay Fire Department Inc. and Atlantic Steamer Fire Company No. 1, which contained no increase in cost to Laurel Hollow for the first year and only one percent (1%) increase for each of the next four years.

Following discussion and there being no further questions from the Board or public, the public hearing was closed at 6:56 pm upon motion by Trustee Nicklas, second by Trustee Miritello, and approved by the following poll of the Board.

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

Trustee Jusko then moved to approve the agreements and to authorize the Mayor to sign the contract with Oyster Bay Fire Department Inc. and Atlantic Steamer Fire Company No. 1 and the Inter-Municipal Agreement with the Town of Oyster Bay, Inc. Village of Mill Neck, Inc. Village of Cove Neck, Inc. Village of Oyster Bay Cove, and Inc. Village of Laurel Hollow. This motion was seconded by Trustee Novick and approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

PUBLIC HEARING ON PROPOSED LOCAL LAW C-2021 – OPT OUT OF RETAIL CANNABIS ESTABLISHMENTS AND DISPENSARIES

Mayor DeVita opened the public hearing at 6:57 pm.

Village Attorney Avrutine read the following exhibits into the record:

- Notice of Public Hearing dated November 17, 2021
Affidavit of Publication from Richner Communications stating that the legal notice was published in the Oyster Bay Guardian on November 26, 2021.
- Affidavit from Nancy Popper that the legal notice was posted at the Village Hall on November 23, 2021
- Confirmation that the Notice of Public Hearing was published to the Village of Laurel Hollow website on November 29, 2021.
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on November 29, 2021.
- Letter from the Nassau County Planning Commission dated November 29, 2021 that the local law is deferred to the Village Board of Trustees to take action as deemed appropriate
- Affidavit from Nancy Popper that Notice of Public Hearing was mailed to other interested parties on November 23, 2021
- Copy of Proposed Local Law C-2021; Local Law 3-2021

The Mayor asked the Trustees if they had ample opportunity to review the proposed law, which was first distributed prior to the November meeting and had not been changed. No Trustee reported the inability to review. Deputy Mayor Nemshin stated that the deadline for opting out of allowing retail dispensaries and/or on-site consumption establishments is December 31, 2021. To effectuate the opt-out, local governments must adopt a local law on or before December 31, 2021. However, there is always an ability to opt back in at a later date.

There being no further questions from the Board or public, the public hearing was closed at 7:06pm upon motion by Mayor DeVita, second by Deputy Mayor Nemshin, and approved by the following poll of the Board.

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

Mayor DeVita then moved to adopt Local LawC-2021/Local Law 3-2021. This motion was seconded by Trustee Nicklas and approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

SET PUBLIC HEARING ON COLD SPRING HARBOR LABORATORY APPLICATION FOR MASTER PLAN REVISION AND SPECIAL USE PERMIT

James Murphy, Esq., attorney for the Cold Spring Harbor Laboratory, requested that the public hearing in connection with the Lab's application to revise its master plan and for a special use permit to construct various new buildings be set as soon as possible. He also requested permission for the Lab to commence construction of a temporary parking lot (south of the tennis court) and a temporary construction access road off of NYS Route 25A. Both the temporary parking lot and access road will be removed at the conclusion of the project. Mr. Murphy further explained that this work is critical for the Lab to mobilize vendors and to be ready for launching the project immediately upon securing all necessary approvals or risk losing a \$30 million grant. After a lengthy discussion, the Board agreed to consider this request at a special meeting to be held at 6:30 PM on Thursday, December 16, 2021. Any approval will be subject to review by the Village Engineer and Building Inspector and contingent upon subsequent approval of the Special Use Permit and the revised Master Plan. Upon a motion by Mayor DeVita, seconded by Trustee Nicklas and approved by the following poll of the Board, a public hearing was set to consider the Master Plan and Special Use Permit on January 6, 2022 at 6:30pm.

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

BUILDING REPORT – No Monthly Report

ENGINEER'S REPORT – No Monthly Report

Village Engineer Antonelli was excused from the meeting tonight as there was no monthly report.

MINUTES of the Board of Trustees meeting of November 10, 2021 were distributed to the Board prior to the meeting for review and upon a motion by Mayor DeVita and second by Trustee Novick, the Minutes were approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

FINANCIAL REPORT and the REPORT OF UNPAID TAXES.

The **FINANCIAL REPORT** for November 2021 and the **REPORT OF UNPAID TAXES** were distributed to the Board prior to the meeting for review. The Treasurer indicated the status is different from that of last November because the police and the pension bills are now paid in full. The Report of Unpaid Taxes is unchanged since last month. The Treasurer also discussed the accounting of funds and expenses under the American Rescue Plan Act (ARPA).

BUDGET TRANSFERS

The Treasurer reported that no transfers were made.

APPROVAL OF ABSTRACTS

The Board reviewed the Abstracts and the Treasurer explained that the cost of propane increased almost \$1.00/gallon since last Spring and that she would investigate other possible suppliers. Mayor DeVita pointed out that the shellfish expenses are kept separate from the General Fund. Trustee Nicklas moved that the following abstracts of vouchers be approved for payment, seconded by Mayor DeVita, and approved by the following poll of the Board:

- Abstract # 46 Trust & Agency \$5,171.82
- Abstract # 1094 Capital Projects \$400.00
- Abstract # 1149 Prepaids \$1,984.06
- Abstract # 1150 General Fund \$1,113,800.23

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

SCHEDULE THE 2022-2023 BUDGET WORKSESSION

The Board set Sat., Feb. 12th at 9:00 am for the first budget work session and Sat. Feb. 19th at 9:00 am for a second work session if needed.

UPDATE ON GRANTS

The Treasurer updated the Board on the status of several grants either in the process of approval or already approved. The Treasurer reported that the Village is waiting to receive the reimbursement in connection with damages from Hurricane Isais. The Village is also expecting approximately \$4000 in reimbursement for the labor associated with debris removal caused by Hurricane Ida. The documents in connection with the grant from Nassau County to re-side the Salt Barn at the Highway property was signed by the County Executive.

INDEPENDENT AUDIT REPORT FOR FISCAL 2020-2021

The Treasurer pointed out certain changes which are needed to both the Village draft audit and the Village Court draft audit. Subject to approval by Trustee Tsafos and the changes described by the Treasurer, Mayor DeVita moved to accept the 2020-2021 Independent Audit by Cullen & Danowski, LLP, seconded by Trustee Novick, and approved upon the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

PROPOSAL BY KAISER MARINE TO REPLACE SMALL SECTION OF VILLAGE DOCK

The Board discussed the proposal by Kaiser Marine, Inc. to build a new pressure treated 6 x 10 section of the Village dock for the price of \$2850. This is the last section of dock needing replacement. Mayor DeVita explained that Kaiser is considered to be a "sole source provider" because there is a lack of competition in this line of work and the Village cannot obtain multiple bids. Following a discussion on whether fenders should be installed on the dock to provide further protection, Trustee Miritello moved to accept the proposal and have the Mayor sign the contract. This motion was seconded by Trustee Novick and approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

RENEWAL OF INTERMUNICIPAL AGREEMENT FOR STREET SWEEPING

Mayor DeVita and Attorney Avrutine reported that indemnification clauses were added to this year's proposed agreement by the Town of Oyster Bay that would unnecessarily put Laurel

Hollow at risk. The Board agreed to table the matter until the January meeting to allow the Village Attorney to consult with the Town Attorney.

TIGHTNESS TEST OF UNDERGROUND GASOLINE STORAGE TANK AT POLICE BOOTH

The Board discussed the proposal by AARCO to perform the annual tightness test of the underground gasoline storage tank at the police booth, which is required by the Village insurance carrier. The price of \$795 is unchanged from prior years and the expense will be reimbursed by the Cold Spring Harbor Lab, as part of its contractual agreement with the Village. Mayor DeVita moved to accept the proposal by AARCO, seconded by Trustee Nicklas, and approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

APPOINTMENT OF NEW VILLAGE JUSTICE

Mayor DeVita reported to the Board that Joseph D'Elia, Village Justice for the past 25 years, is retiring as of December 31, 2021. Upon Judge D'Elia's retirement, the Mayor sought Board confirmation of his proposed appointment of Katerina Ligas-Hadjandreas to be the new Village Justice. Mrs. Hadjandreas's resume was circulated to the Board for review prior to the meeting. Mayor DeVita noted that Mrs. Hadjandreas has been attending the Village Court and conferring with the Judges since the summer in anticipation of this appointment. The Board discussed her legal experience, as depicted on the resume. The Mayor noted that she would be the first female Justice in Laurel Hollow. Upon a motion by Trustee Nicklas, seconded by Trustee Miritello and approved by the following poll of the Board, Mayor DeVita's appointment of Katerina Ligas-Hadjandreas to be the new Village Justice effective January 1, 2022 was confirmed.

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Excused

There being no further business to come before the Board, the meeting was adjourned at 8:45 pm.

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 6:30 P.M. ON WEDNESDAY, JANUARY 12, 2022.

Nancy Popper

Nancy Popper, Village Clerk

ALSO, PRESENT:

Sgt. Mergel, OBCPD

Steve Monez, CSHL

Debbie Arenare, CSHL

James Murphy, Atty. for CSHL

Todd Andrews, RA for CSHL