

**MINUTES OF THE REGULAR MEETING  
BOARD OF TRUSTEES  
HELD VIA ZOOM VIDEOCONFERENCE  
(due to COVID-19 public assembly restrictions)  
STENOGRAPHICALLY RECORDED  
APRIL 13, 2022, 6:30 PM**

**PRESENT:**

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

Howard Avrutine, Village Attorney  
Nancy Popper, Clerk  
Elizabeth Kaye, Treasurer  
Renee Fenton, Deputy Clerk  
Michael F. McNerney, Supt. Of Buildings

**EXCUSED:**

Deputy Mayor Jeffrey Nemshin

**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 March 2022, which was distributed to the Board upon receipt. Sergeant Mergel was present to answer questions. Statistics for the month are as follows:

	Totals this month	Totals this year	Totals prior year to date
Auto Accidents Personal Injury	0	0	0
Auto Accidents Property Damage	1	8	2
Aided Cases Resulting from Auto Accidents	0	0	0
Aided Cases Other	2	10	15
Arrests	0	0	0
Summonses - Moving Violations	31	66	74
Summonses - Parking	0	0	5
Fire Calls	0	1	2
Patrol Mileage	4,650	13,500	13,500
Offenses - Case Reports	3	7	2
Suspicious Autos	3	8	4
Suspicious Persons	0	8	2
Suspicious Phone Calls	0	1	0
Recorded Alarms	20	50	23
Vacant Houses	2	8	11
Disturbances	1	2	7
Malicious Mischief	0	0	0
Non-Case Incidents	2	3	2
Animal Nuisance Complaints	1	1	3
Assist From NCPD	0	0	0

**Summons Report:**

<b>Stop Signs</b>	<b>5</b>
<b>Cell Phone</b>	<b>0</b>
<b>Speeding</b>	<b>4</b>
<b>Unlicensed Operation</b>	<b>2</b>
<b>Uninspected mv</b>	<b>4</b>
<b>DWI</b>	<b>0</b>
<b>No Insurance</b>	<b>8</b>
<b>Expired Registration</b>	<b>1</b>
<b>Disobey Traffic Control Device</b>	<b>1</b>
<b>Vio. Village Ordinance</b>	<b>0</b>
<b>Reckless Driving</b>	<b>0</b>
<b>Fail to Move Right</b>	<b>0</b>
<b>Unsafe Pass</b>	<b>0</b>
<b>No Parking</b>	<b>0</b>
<b>Equipment Violation</b>	<b>6</b>
<b>No Seatbelt</b>	<b>0</b>
<b>Total</b>	<b>31</b>

**BUILDING REPORT – EXTEND BUILDING PERMITS #3049 & #3026 AT 2 WOODGREEN WAY**

The Building Inspector reported that the Boskoffs are requesting to extend the time to complete work pursuant to building permits issued for construction of a fence, retaining wall, and water feature as they are about to expire for a second time. The projects were delayed due to labor shortages, problems with obtaining building materials, and the need to remove trees.

It was moved by Mayor DeVita and seconded by Trustee Miritello, that the building permits be extended for four months without renewal fees being charged. Mayor DeVita explained that during this time of pandemic, New York State has encouraged municipalities to be lenient in granting extensions. The motion was approved by the following poll of the Board:

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

**BUILDING REPORT – COLD SPRING HARBOR LABORATORY REQUEST TEMPORARY CERTIFICATE OF OCCUPANCY FOR “EAST HOUSE” – BP #3183**

The Building Inspector reported that Cold Spring Harbor Laboratory is requesting that a temporary Certificate of Occupancy (TCO) be granted for the building known as “East House”. Upon inspecting the premises earlier in the day, the Building Inspector was able to further report

that all life safety measures were complete and operational and that only minor construction items remain open.

It was moved by Mayor DeVita and seconded by Trustee Nicklas, that the TCO be issued for a six-month period pending a successful follow-up inspection on April 14. The motion was approved by the following poll of the Board:

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

#### **BUILDING REPORT – COLD SPRING HARBOR LABORATORY REQUEST TO CLEAN SEWAGE LINE – BP #3401**

The Building Inspector reported that Cold Spring Harbor Laboratory (CSHL) has applied for a building permit to install two clean-outs of the sewer main serving its facility with the work to be performed between the hours of 9:00pm and 5:00am, which is outside of the permissible hours for construction activity. It was explained by Stephen Monez, the Facilities Director of CSHL, that these nighttime hours are the most efficient time to shut down the sewage pumps, since the least sewage is collected between 11pm and 5am. Upon questions from the Mayor and Board, Mr. Monez stated that the noise level would be similar to that of a vacuum cleaner; lighting will be pointed directly down into the manhole so as not to disturb residents; emergency crews will be available if needed, and no work would proceed in the rain. In addition, the roads will not be excavated.

It was moved by Mayor DeVita and seconded by Trustee Tsafos, that the application be approved subject to the condition that two days advance notice is provided to the Village prior to the work being conducted. The motion was approved by the following poll of the Board:

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

#### **BUILDING REPORT – RESIDENT INQUIRY REGARDING CONSTRUCTION OF A TREEHOUSE**

The Building Inspector received an inquiry about whether a building permit is needed to construct a treehouse. Upon discussion, the Board confirmed that, as stated in the Village Code, Section 22-4(B)(1), no permit is required for a detached accessory structure provided the gross floor area does not exceed 144 square feet and the structure complies with all required setback and lot coverage requirements as set forth in the zoning chapter of the Village Code.

**AMENDED MINUTES** of the Board of Trustees Regular Meeting of February 9, 2022 were distributed to the Board prior to the meeting for review. The Clerk reported that the section on budget transfers was incomplete and it has now been corrected. It was moved by Mayor DeVita and seconded by Trustee Nicklas that the amended minutes be approved. The motion was approved by the following poll of the Board:

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

**MINUTES** of the Board of Trustees Regular Meeting of March 9, 2022 were distributed to the Board prior to the meeting for review and it was moved by Mayor DeVita and seconded by Trustee Novick that the minutes be approved. The motion was approved by the following poll of the Board:

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

#### **MS4 PERMIT UPDATE BY VILLAGE ENGINEER**

The Village Engineer provided a summary of the proposed MS4 Stormwater Management and Plan. He explained that permitting procedures will become more expensive and more rigorous in many respects (e.g. permitting process, training of staff, inspecting for illicit discharges, record keeping etc.) A more in-depth report will be provided to the Board at next month's meeting.

#### **FINANCIAL REPORT and the REPORT OF UNPAID TAXES.**

The **FINANCIAL REPORT** and the **REPORT OF UNPAID TAXES** were distributed to the Board prior to the meeting for review and presented by the Treasurer at the meeting. The Treasurer reported that 95.75% of the revenues have been collected and 87.7% of the expenditures have been made at this time. The Report of Unpaid Taxes will be updated to include two payments recently received.

#### **PUBLIC HEARING ON TENTATIVE BUDGET FOR 2022-2023**

At 7:27pm the public hearing commenced on the filing of the annual budget for the 2022-2023 fiscal year. The Village Attorney introduced the Exhibits for the hearing. Mayor DeVita explained this was a fiscally sound budget with lower expenditures than in the past, primarily due to the savings achieved in the police contract with Oyster Bay Cove. The Mayor further described how the entire Board examined the budget line by line over the course of the entire day on February 12<sup>th</sup> and the evening of February 15<sup>th</sup>. It is expected there will be a \$125 decrease in taxes for the average Village homeowner. Despite the high inflationary environment, the tax levy was reduced from the prior fiscal year and therefore fell well below the 2% tax cap if taxes were going to be increased, which they are not.

It was moved by Mayor DeVita and seconded by Trustee Novick that the public hearing be closed at 7:38pm. The motion was approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Deputy Mayor Nemshin	Excused

Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Aye

It was moved by Mayor DeVita and seconded by Trustee Miritello that the tentative budget for fiscal year 2022-2023 be adopted, as presented. The motion was approved by the following poll of the Board:

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

The stenographically recorded transcript regarding adoption of this budget is appended to these minutes

### **APPROVAL OF ABSTRACTS**

The Abstracts were distributed to the Board prior to the meeting for review and presented by the Treasurer at the meeting. The Treasurer explained that payment for 2 years LOSAP (length of service payments to volunteer firefighters) were included because the Village never previously received statements for amounts due in 2021. The Treasurer requested permission to add a payment to Village resident for return of a \$5000 deposit made in connection with a tree removal application with the Planning Board. Also requested was the ability to pre-pay the Village credit card bill so that potential late charges may be averted. It was moved by Mayor DeVita and seconded by Trustee Novick that the following abstracts of vouchers with the return of the aforementioned deposit and the ability to prepay the Village credit card be approved.

- Abstract # 1159      Prepays      \$ 17,641.62
- Abstract # 1160      Prepays      \$ 160.00
- Abstract # 1161      General Fund      \$167,070.21

The motion was approved by the following poll of the Board:

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

### **BUDGET TRANSFERS**

The Treasurer reported that no budget transfers were made this month.

### **TAX EXEMPTION FOR CERTAIN HOME IMPROVEMENTS – RPTL SECTION 421-f**

An article in Newsday, which was distributed to the Board, reported on a new exemption provided by Nassau County, which allows for the phasing in of significant increases in taxes for certain home improvement projects. As a consequence, the tax burden for these home improvement projects is

shifted to property owners not making the improvements. The Board declined to offer the exemption.

### **SAFETY REPORT**

The Clerk reported to the Board, which is also the Safety Committee of the Village, that there were no incidents this quarter.

### **APPROVAL TO PAY INCREASED FEES FOR LASERFICHE CLOUD SYSTEM**

The Clerk reported to the Board, that under a grant from the Department of Education for the conversion of paper property files into electronic format, the Village proposed paying \$3750 as an in-kind contribution for the Laserfiche system. The Village anticipated having a two-user system, but is now hoping to add a third user for a total cost of \$4070. The Clerk also requested that the Board approve a future payment of \$750 for additional 200gb storage, if needed. It was moved by Mayor DeVita and seconded by Trustee Jusko that the additional \$320 and possible \$750, if needed, be approved for payment. The motion was approved by the following poll of the Board:

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

### **RENEWAL OF HEALTHPLEX DENTAL COVERAGE FOR RETIREES**

The Clerk reported that Healthplex Insurance Company agreed to keep current rates for another year. It was moved by Mayor DeVita and seconded by Trustee Nicklas that dental coverage with Healthplex for retirees be renewed with no rate increase. The motion was approved by the following poll of the Board:

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

### **CHANGE OF DENTAL COVERAGE FOR ACTIVE EMPLOYEES**

The Clerk reported that Empire Dental would renew coverage for active Village employees at a 3% rate increase. The Clerk also requested that the insurance broker solicit additional proposals. Six proposals were received and distributed to the Board prior to the meeting. Each of these proposals would cost less than renewal of the current plan. After a lengthy discussion of the merits of these six proposals, it was moved by Mayor DeVita and seconded by Trustee Tsafos that Solstice Proposal 3 - PPO 11117 be approved. This option has a savings of 3% with better coverage. The motion was approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Deputy Mayor Nemshin	Excused
Trustee Nicklas	Aye

Trustee Novick	Aye
Trustee Tsafos	Aye

#### **RENEWAL OF KANE EXTERMINATING CONTRACT**

The Clerk reported that the Village has been contracting with Kane Exterminating for termite extermination since 2011 at a cost of \$300/year. The contract is up for renewal with a rate increase of \$30 for the year. It was moved by Trustee Miritello and seconded by Mayor DeVita that the contract be renewed for an annual cost of \$330. The motion was approved by the following poll of the Board:

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

#### **APPOINTMENT OF MEMBER TO PLANNING BOARD**

Mayor DeVita reported to the Board that there is a vacancy on the Planning Board and he wished to appoint William Wollman to fill that vacancy. Mr. Wolman's resume was circulated to the Board prior to the meeting. It was moved by Trustee Tsafos and seconded by Trustee Nicklas that the Board confirm the Mayor's appointment of William Wollman to the Planning Board. The motion was approved by the following poll of the Board:

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

#### **APPOINTMENT OF RENEE FENTON AS DEPUTY COURT CLERK**

Mayor DeVita reported to the Board that Renee Fenton, Deputy Clerk, is needed to assist with operations of the Village Court. It was moved by Mayor DeVita and seconded by Trustee Novick that the Board confirm the Mayor's appointment of Renee Fenton as Deputy Court Clerk. The motion was approved by the following poll of the Board:

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

#### **ADJOURNMENT TO EXECUTIVE SESSION**

At 8:34 pm, the Board adjourned to Executive Session to discuss contract negotiations.

#### **RETURN TO PUBLIC SESSION**

The Board returned to public session at 8:43pm with no action having been taken while in Executive Session.

04/13/2022

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, MAY 11, 2022.

*Nancy Popper*

---

Nancy Popper, Village Clerk

**ALSO PRESENT:**

Sergeant Ted Mergel, OBCPD  
Jessica Boskoff, Resident

Stephen Monez, CSHL