

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
October 12, 2022, 6:30 PM**

PRESENT:

Mayor Daniel F. DeVita
Deputy Mayor Kevin Jusko
Trustee Jeffrey Miritello
Trustee Jeffrey Nemshin
Trustee Nicholas Tsafos
Trustee Richard Nicklas- Via Zoom

Howard Avrutine, Village Attorney
Nancy Popper, Clerk/Court Clerk
Elizabeth Kaye, Treasurer
Renee Fenton, Deputy Clerk

EXCUSED:

Trustee Nancy Jones
Michael McNerney, Building Inspector

MAYOR DEVITA called the meeting to order at 6:33pm with the Pledge of Allegiance.

POLICE REPORT: The Board reviewed the Oyster Bay Cove Police Department Monthly Report for September 2022, which was distributed to the Board prior to the meeting. Sergeant Ted Mergel was present to answer questions. Statistics for the month are as follows:

	Totals this mo	Totals this year	Totals prior year to date
Auto Accidents Personal Injury	1	1	4
Auto Accidents Property Damage	3	25	11
Aided Cases Resulting from Auto Accidents	4	4	5
Aided Cases Other	6	48	34
Arrests	0	1	1
Summonses - Moving Violations	23	197	207
Summonses - Parking	3	32	39
Fire Calls	4	10	14
Patrol Mileage	4,500	40,950	40,950
Offenses - Case Reports	3	20	10
Suspicious Autos	2	23	19
Suspicious Persons	2	24	26
Suspicious Phone Calls	0	1	0
Recorded Alarms	14	157	110
Vacant Houses	3	30	33
Disturbances	0	13	34
Malicious Mischief	0	0	0
Non-Case Incidents	0	8	5
Animal Nuisance Complaints	2	5	16
Assist From NCPD	0	0	0

Stop Signs	5
Cell Phone	0
Speeding	6

Unlicensed Operation	4
Uninspected mv	0
DWI	0
No Insurance	5
Expired Registration	0
Disobey Traffic Control Device	0
Violate Village Ordinance	0
Reckless Driving	0
Fail to Move Right	0
Unsafe Pass	2
No Parking	3
Equipment Violation	1
No Seatbelt	0
Total	26

PUBLIC HEARING ON LOCAL LAW C-2022 (LL3-2022) – ASSEMBLIES, DEMONSTRATIONS AND PARADES: At 6:36pm the public hearing commenced on proposed Local Law C-2022, which establishes a requirement that a permit be obtained to assemble, demonstrate, or conduct a parade on public property in the Village. The Village Attorney introduced the exhibits for the hearing. Mayor DeVita then explained that this matter came to the attention of the Village due to an inquiry received about whether permits were needed to conduct demonstrations within the Village. Since there were no applicable regulations in the Village Code, the Village Attorney was directed to draft legislation for the Board to consider. The matter has been discussed by the Board in prior meetings.

It was moved by Trustee Tsafos, seconded by Mayor DeVita, and approved by all present that the public hearing be closed to further evidence and testimony.

The Village Attorney indicated that this matter is deemed Type II under the New York State Environmental Quality Review Act.

It was moved by Mayor DeVita, seconded by Trustee Tsafos, and approved by all present that Local Law C-2022/Local Law 3-2022 be adopted, as presented.

The stenographic transcript regarding adoption of this local law is appended to these minutes

PUBLIC HEARING ON LOCAL LAW D-2022 (LL4-2022) – TERMS OF MEMBERS OF THE BOARD OF ZONING APPEALS AND PLANNING BOARD: At 6:43pm the public hearing commenced on proposed Local Law D-2022, which changes the length of terms for the Members of the Board of Zoning Appeals and the Planning Board from five years to three years. The Village Attorney introduced the exhibits for the hearing. Mayor DeVita explained that the objective of this change is to better align the terms of all Village Boards. The Village Trustees serve two-year terms.

It was moved by Mayor DeVita, seconded by Deputy Mayor Jusko, and approved by all present that the public hearing be closed to further evidence and testimony.

The Village Attorney indicated that this matter is deemed Type II under the New York State Environmental Quality Review Act.

It was moved by Mayor DeVita, seconded by Trustee Tsafos, and approved by all present that Local Law D-2022/Local Law 4-2022 be adopted, as presented.

The stenographic transcript regarding adoption of this local law is appended to these minutes

BUILDING REPORT – STREET OPENING PERMIT FOR TIMBER RIDGE DRIVE AND

HEMLOCK COURT: The Building Inspector, in his written report, explained that CDL Utilities, on behalf of Cablevision, is seeking to missile under the street to replace defective cable lines. Odean Gilzene of CDL was present at the meeting. At the request of Board members, who were concerned that the underground missile repair could cause bumps on the road's surface, Mr. Gilzene agreed that digging will be as deep as possible in order to avoid this adverse outcome.

It was moved by Mayor DeVita, seconded by Deputy Mayor Jusko, and approved by all present that the street opening application be approved with the condition that the Village Engineer be present for both the street opening and restoration and that restoration be done according to all specifications provided by the Village Engineer and that all associated engineering fees are paid by the applicant.

VILLAGE ENGINEER REPORT – STATUS OF ROAD PROJECTS: The Village Engineer, in his written report, notified the Board that he is currently arranging for National Water Main Cleaning Company to begin cleaning and inspecting the catch basins and drainage pipes on Laurel Hollow Road. He also reported that the sampling and testing of asphalt from Cedarwood Court will be done later this week by Slacke Test Boring. The sampling and testing are being performed due to the premature breakdown of the road.

MINUTES of the Board of Trustees Regular Meeting on July 13, 2022 and of the Special Meeting on August 18, 2022 were distributed to the Board prior to the meeting for review. Due to a lack of quorum of members present for those meetings, the vote is again deferred.

MINUTES of the Board of Trustees Regular Meeting of September 14, 2022 were distributed to the Board prior to the meeting for review. It was moved by Mayor DeVita and seconded by Trustee Nemshin and approved by all present that the minutes be approved.

AMENDED MINUTES of the Board of Trustees Regular Meeting of May 8, 2019 were distributed to the Board prior to the meeting for review. The Clerk reported that there was a typographical error in the Resolution which prohibited American Paving from Bidding on Phase II Road work. It was moved by Mayor DeVita, seconded by Deputy Mayor Jusko, and approved by all present that the minutes be amended to correct the typographical error so that the phrase reads "failure to complete work in a **timely** fashion" instead of "**untimely** fashion".

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.

APPROVAL OF ABSTRACTS: It was moved by Mayor DeVita, seconded by Trustee Tsafos and approved by all present that the following abstracts of vouchers be approved for payment.

- Abstract # 1179 Prepays \$ 1,796.29
- Abstract # 1180 Prepays \$ 433.71
- Abstract # 1181 General Fund \$44,273.91

AGREEMENT WITH QUADIENT FOR NEW POSTAGE METER: A proposed service agreement with Quadient for renting a postage meter was distributed to the Board prior to the meeting for review. The Clerk reported that the current Pitney Bowes postage meter, which the Village rents for \$33 per month, will no longer be compliant with USPS stamp requirements and that a new meter is needed. Trustee Nicklas and the Clerk looked into various options for replacement. It was moved by Trustee Nemshin, seconded by Deputy Mayor Jusko, and approved by all present that the 36-month agreement with Quadient for a monthly rental fee of \$29.99 be approved.

DENTAL INSURANCE FOR RETIREES: The Clerk reported that Healthplex Insurance Company, which currently provides dental insurance for Village retirees, will discontinue its coverage as of December 31, 2022. After reviewing various options for replacement dental coverage, the Board directed the Clerk to explore whether the Village is eligible to join a larger group and/or share services with other municipalities for the purpose of obtaining a better value for retiree dental insurance coverage.

AGREEMENT WITH ICC COMMUNITY DEVELOPMENT SOLUTIONS, LLC (ICC) FOR MUNICIPALITY 5: A proposed service agreement with ICC, to use their cloud-based, comprehensive software for managing building and property records, was distributed to the Board prior to the meeting. The Clerk reported that technical support for the current software used by the Building Department is being discontinued. Trustee Nicklas, the Clerk, the Deputy Clerk, and the Building Inspector participated in a demonstration of the proposed new system, which has many new and useful features, such as the integration of building files with an existing Laserfiche system, GIS data, applicable State and local Codes, and media. It was moved by Deputy Mayor Jusko, seconded by Trustee Tsafos, and approved by all present that the agreement with ICC be approved for a cost of \$35,600; \$32,000 of which is already included in the Village's 2022-2023 adopted budget and that the subscription fees for Years 2 and 3 be budgeted in those respective years.

AMENDED POLICIES FOR VILLAGE ON HAZARD COMMUNICATION, SEXUAL HARASSMENT AND WORKPLACE VIOLENCE: Amended policies were distributed to the Board for review prior to the meeting. PERMA, which provides Workers Compensation insurance coverage for the Village has advised the Clerk that certain policies need updating to stay compliant with New York State laws. It was moved by Mayor DeVita, seconded by Trustee Nemshin, and approved by all present that the following three policies be amended, as required to be compliant with applicable laws:

- Hazard Communication Policy, Section 1001,
- Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace, Section 902, and
- Violence in the Workplace, Section 903

30 TIFFANY ROAD: Mayor DeVita reported to the Board that the property at 30 Tiffany Road, which has been vacant and in need of repair, was sold at public auction as a result of a mortgage foreclosure proceeding and that the foreclosing lender was the successful bidder at the foreclosure sale. The Village Attorney will follow-up with the new owner in an effort to have the property safeguarded and cleaned up.

LANDSCAPING FOR CROWN CASTLE POLES: A proposal for planting and landscaping by Frank Suppa Landscaping Corp. was distributed to the Board for review prior to the meeting.

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Mayor DeVita reported that large trees and other shrubbery were purchased for the purpose of screening Crown Castle utility poles. The newly purchased plantings, which are stored at the Highway facility and being maintained by the Highway staff, are too heavy and large for the Village Highway staff to install. Due to the time constraints, which require the material to be planted immediately, the Village is unable to solicit bids. It was moved by Mayor DeVita, seconded by Deputy Mayor Jusko and approved by all present that an Emergency be declared under the Procurement Policy and that the proposal by Frank Suppa Landscaping Corp. for \$9800 be approved.

ADJOURNMENT TO EXECUTIVE SESSION: At 8:00pm, the Board adjourned to Executive Session to discuss litigation matters.

RETURN TO PUBLIC SESSION: The Board returned to public session at 8:25pm.

RESOLUTION TO RETAIN PRIVATE INVESTIGATION SERVICES: It was moved by Mayor DeVita, seconded by Trustee Nemshin, and approved by all present that the Mayor be authorized to retain Countywide Technical Services for private investigation services at \$95 per hour plus travel time of approximately one-half hour each way (minimum engagement of four hours) plus mileage at the current IRS rate and \$125 per hour for court time if necessary (minimum engagement of 4 hours) plus mileage at the current IRS rate and a total maximum expenditure of \$5000.

There being no further business to come before the Board, the meeting was adjourned at 8:30pm.

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 6:30 P.M. ON WEDNESDAY, NOVEMBER 9, 2022.

Nancy Popper

Nancy Popper, Village Clerk

ALSO PRESENT:

Sergeant Ted Mergel, OBCPD
Lee Israel – Laurel Hollow Resident
Odean Gizene- CDL Utilities Representative