

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
September 14, 2022, 6:30 PM**

PRESENT:

Mayor Daniel F. DeVita
Deputy Mayor Kevin Jusko
Trustee Nancy Jones
Trustee Jeffrey Miritello
Trustee Jeffrey Nemshin
Trustee Nicholas Tsafos

Howard Avrutine, Village Attorney
Nancy Popper, Clerk/Court Clerk
Elizabeth Kaye, Treasurer
Renee Fenton, Deputy Clerk
Michael F. McNerney, Supt. of Buildings
James Antonelli, Village Engineer

EXCUSED:

Trustee Richard Nicklas

MAYOR DEVITA called the meeting to order at 6:32pm with the Pledge of Allegiance.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department Monthly Report for August 2022, which was distributed to the Board prior to the meeting. Police Office Michael Failla 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	3
Auto Accidents Property Damage	2	22	9
Aided Cases Resulting from Auto Accidents	0	0	4
Aided Cases Other	11	40	31
Arrests	0	1	1
Summonses - Moving Violations	31	174	183
Summonses - Parking	5	29	37
Fire Calls	0	6	10
Patrol Mileage	4,650	36,450	36,450
Offenses - Case Reports	4	17	9
Suspicious Autos	0	21	13
Suspicious Persons	2	22	23
Suspicious Phone Calls	0	1	0
Recorded Alarms	17	143	97
Vacant Houses	5	27	30
Disturbances	2	13	33
Malicious Mischief	0	0	0
Non-Case Incidents	1	8	5
Animal Nuisance Complaints	0	3	15
Assist From NCPD	0	0	0

Stop Signs	5
Cell Phone	0

Speeding	5
Unlicensed Operation	3
Uninspected mv	1
DWI	0
No Insurance	7
Expired Registration	0
Disobey Traffic Control Device	0
Violate Village Ordinance	1
Reckless Driving	0
Fail to Move Right	0
Unsafe Pass	1
No Parking	4
Equipment Violation	9
No Seatbelt	0
Total	36

LEGISLATION FOR ASSEMBLIES, DEMONSTRATIONS, AND PARADES

Due to a public notice which stated that the public hearing would be held by Zoom and the Governor's failure to extend emergency powers only two days before the hearing was scheduled, the hearing was postponed. It was moved by Mayor DeVita and seconded by Trustee Nemshin to reschedule the public hearing in connection with the adoption of this legislation for 6:30pm on October 12, 2022. The motion was approved by the following poll of the Board.

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

BUILDING REPORT – REQUEST BY THE KRASNERS FOR A PARTIAL REFUND OF BUILDING PERMIT FEES – BP #3373

The Building Inspector reported that the Krasners decided against installing a swimming pool, which was included in their building permit and caused the fee to be increased by approximately \$3000. The Krasners are requesting that a portion of the fee be refunded due to the decreased scope of the project. It was moved by Trustee Miritello and seconded by Mayor DeVita, that \$2250 be refunded to the Krasners. The remainder will be retained by the Village as a review fee. The motion was approved by the following poll of the Board:

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

VILLAGE ENGINEER REPORT – SUFFICIENCY OF EXISTING ROAD BOND REQUIREMENTS FOR STREET OPENING PERMITS

At the July meeting, the Board requested that the Village Engineer analyze the cost of road repairs and the amount of deposits collected by other municipalities for Street Opening Permits. Upon discussion of the information provided by the Village Engineer, it was moved by Mayor DeVita and seconded by Deputy Mayor Jusko, that the restoration deposit, which is fully refundable if there is no damage to the road, be increased to \$12,000 for Street Opening Permits. The motion was approved by the following poll of the Board:

Mayor DeVita	Aye
Deputy Mayor Jusko	Aye
Trustee Jones	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Excused .
Trustee Tsafos	Aye

Due to the need for the Village Engineer to be present when a street is opened and again when it is restored, the current deposit of \$500 is no longer sufficient to cover the professional fees incurred by the Village. It was moved by Mayor DeVita and seconded by Deputy Mayor Jusko, that the professional fee deposit be increased to \$2500 for Street Opening Permits. Any unused portion of this fee will be refunded to the applicant. The motion was approved by the following poll of the Board:

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

VILLAGE ENGINEER REPORT – DRAINAGE ON LAUREL HOLLOW ROAD

The Village Engineer prepared and circulated a Request for Proposals (RFP) for cleaning storm water pipes and drywells on Laurel Hollow Road to be paid for by funds received under the American Rescue Plan Act (ARPA). Of the six companies contacted, only one company submitted a proposal. The proposal by National Water Main Cleaning was distributed to the Board for review prior to the meeting. It was moved by Trustee Nemshin and seconded by Trustee Tsafos that the proposal from National Water Main Cleaning be approved subject to the provision of satisfactory insurance. The motion was approved by the following poll of the Board:

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

VILLAGE ENGINEER REPORT – CEDARWOOD COURT REPAIRS

The taking and testing of road samples from Cedarwood Court has not proceeded because the company, whose proposal was accepted, was not able to satisfy Village insurance requirements. After attempting to solicit bids from other companies, the Village Engineer did procure one

proposal, which was distributed to the Board for review prior to the meeting. It was moved by Deputy Mayor Jusko and seconded by Mayor DeVita that the proposal by Slacke Test Boring for \$4104 be approved subject to satisfactory insurance. The motion was approved by the following poll of the Board:

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

PLANNING BOARD – GUIDELINES FOR REPLANTING OF TREES

Chris Hadjandreas, Chair of the Planning Board, provided a briefing to the Board about potential new guidelines that the Planning Board is considering for replanting in connection with tree removals within required setbacks.

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 was deferred to the October 12, 2022 meeting.

MINUTES of the Board of Trustees Regular Meeting of June 22, 2022 were distributed to the Board prior to the meeting for review. It was moved by Mayor DeVita and seconded by Deputy Mayor Jusko that the minutes be approved. The motion was approved by the following poll of the Board:

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

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 Trustee Tsafos and seconded by Mayor DeVita that the following abstracts of vouchers be approved for payment.

- Abstract # 1176 Prepays \$844.82
- Abstract # 1177 Prepays \$221.34
- Abstract # 1178 General Fund \$385,312.10

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

Mayor DeVita	Aye
Deputy Mayor Jusko	Aye
Trustee Jones	Aye
Trustee Miritello	Aye

Trustee Nemshin	Aye
Trustee Nicklas	Excused
Trustee Tsafos	Aye

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RATIFY AUGUST VOUCHERS

It was moved by Mayor DeVita and seconded by Trustee Nemshin to ratify the following abstracts for claims paid in August:

- Abstract # 1172 Prepays \$ 2,678.06
- Abstract # 1173 \$51,023.33
- Abstract # 1174 \$384.00
- Abstract # 1175 \$144.44

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

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

NEW PLOW TRUCK, NEW FORKLIFT ATTACHMENT, AND NEW BROOM SWEEPER ATTACHMENT / DRAINAGE REMEDIATION FOR LAUREL HOLLOW ROAD

Deputy Mayor Jusko reported that the Village plow truck needs to be replaced and that there is a short time period for placing an order for a 2023 Ford truck through the BOCES contract. It was moved by Mayor DeVita and seconded by Trustee Miritello to authorize the purchase of the following items to be paid for by funds received under the American Rescue Plan Act (ARPA):

- A new plow truck, at the discretion of the Deputy Mayor so that he may take advantage of the purchase opportunity, when it becomes available
- A new forklift attachment;
- A new broom sweeper attachment; and
- Drainage remediation for Laurel Hollow Road

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

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

HOMELAND SECURITY REVIEW OF VILLAGE HALL

Mayor DeVita reported that a security assessment of Village Hall was conducted by a Police Officer from Homeland Security at the Nassau County Police Department on August 15, 2022. The purpose of the assessment was to identify safety concerns and to address the physical security of the facility. It was noted that access to Village and Court employees is completely unhindered once the building is entered. This vulnerability could be remedied with the installation of a limited access vestibule, so that visitors would be admitted one at a time after undergoing a security check in the limited vestibule area.

AUTHORIZATION TO SUBMIT JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT

It was moved by Mayor DeVita, seconded by Trustee Nemshin and approved by a unanimous poll of the Board to approve the following resolution.

WHEREAS, on August 15, 2022, Nassau County Police Department Homeland Security (Homeland Security) conducted a security review of Laurel Hollow facilities, including Laurel Hollow Village Court; and

WHEREAS, Homeland Security noted that access to the courtroom and court staff offices at present is completely unimpeded once the building is entered; and

WHEREAS, the Board of Trustees has concluded that security improvements for Village Court are necessary for the safety of court personnel and the visiting public; and

WHEREAS, the Board of Trustees has further concluded that a limited access vestibule should be constructed at the entrance hallway so as to allow visitors to be admitted one at a time from the exterior door to a secure area where they would undergo a security check and then be given access;

NOW, THEREFORE, BE IT RESOLVED that the Board of the Village of Laurel Hollow authorizes the Laurel Hollow Village Court to apply for a Justice Court Assistance Program (JCAP) grant in the 2022-2023 cycle up to \$30,000.00.

RAVE PANIC BUTTON APPLICATION

It was moved by Mayor DeVita, seconded by Deputy Mayor Jusko to approve the purchase of the RAVE Panic Button Application, which will expedite emergency calls from personnel at the Village Hall and the Highway facilities for a cost of \$450/year. The motion was approved by the following poll of the Board:

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

ANNUAL TRAINING ON SEXUAL HARASSMENT AND WORKPLACE VIOLENCE

The Clerk notified the Board that they are required to complete training on sexual harassment and workplace violence each year and that links for the online training will be sent to them.

MEMBERSHIP TERMS ON BOARD OF ZONING APPEALS AND PLANNING BOARD

Introductory Law D-2022, establishing 3-years terms for members of the Village Zoning and Planning Boards was distributed to the Board for review prior to the meeting. It was moved by Mayor DeVita and seconded by Deputy Mayor Jusko that a public hearing to consider the adoption of this legislation be set for 6:30pm on October 12, 2022. The motion was approved by the following poll of the Board.

Mayor DeVita	Aye
Deputy Mayor Jusko	Aye
Trustee Jones	Aye

Trustee Miritello	Aye
Trustee Nemshin	Aye
Trustee Nicklas	Excused
Trustee Tsafos	Aye

FINANCIAL ADMINISTRATION OF OYSTER BAY / COLD SPRING HARBOR PROTECTION COMMITTEE

It was moved by Mayor DeVita and seconded by Trustee Tsafos that the Village accept transfer of the financial administration for the Oyster Bay/Cold Spring Harbor Protection Committee. The motion was approved by the following poll of the Board.

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

SHIRT BUDGET FOR VILLAGE HALL STAFF

It was moved by Mayor DeVita and seconded by Trustee Jones to authorize an annual budget of \$250 for the purchase of Laurel Hollow shirts for the Code Enforcer and the Village Hall staff. The motion was approved by the following poll of the Board.

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

ADJOURNMENT TO EXECUTIVE SESSION

At 9:25 pm, the Board adjourned to Executive Session to discuss litigation and personnel matters.

RETURN TO PUBLIC SESSION

The Board returned to public session at 9:58pm. The following resolutions were adopted in public session.

SETTLEMENT OF PENDING LAWSUIT WITH AMERICAN PAVING

Mayor DeVita moved to modify the Board's resolution to settle the pending lawsuit commenced by the Village against American Paving adopted on August 18, 2020 as follows: the Village will pay to American Paving the sum of \$50,000 in full settlement of the lawsuit conditioned upon completion in all respects of the tentative settlement of the Jimmie Davis personal injury lawsuit including all required general releases in favor the Village being executed and delivered. The Village will retain approximately \$100,000 of the contract amount originally due to American Paving but not paid because of faulty workmanship. The motion was seconded by Trustee Jones and approved by the following poll of the Board.

09/14/2022

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

VACATION AND PERSONAL DAYS FOR RENEE FENTON

It was moved by Mayor DeVita and seconded by Trustee Jones to provide Renee Fenton with four additional vacation days and two additional personal days to be used between now and May 31, 2023. The motion was approved by the following poll of the Board.

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

There being no further business to come before the Board, the meeting was adjourned at 10:00pm.

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

Nancy Popper

Nancy Popper, Village Clerk

ALSO PRESENT:

PO Michael Failla, OBCPD
Daniel Krasner, Resident

Chris Hadjandreas, PB Chair