

**MINUTES OF THE REGULAR MEETING  
BOARD OF TRUSTEES  
November 9, 2022, 6:30 PM**

**PRESENT:**

Mayor Daniel F. DeVita via Zoom  
Trustee Richard Nicklas  
Trustee Jeffrey Miritello  
Trustee Nancy Jones  
Trustee Nicholas Tsafos

Howard Avrutine, Village Attorney via Zoom  
Nancy Popper, Clerk/Court Clerk  
Renee Fenton, Deputy Clerk  
Elizabeth Kaye, Treasurer  
Michael McNerney, Building Inspector  
James Antonelli, Village Engineer

**EXCUSED:**

Deputy Mayor Kevin Jusko  
Trustee Jeffrey Nemshin

**TRUSTEE NICKLAS** 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 October 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:

	<b>Totals this month</b>	<b>Totals this year</b>	<b>Totals prior year to date</b>
<b>Auto Accidents Personal Injury</b>	<b>1</b>	<b>2</b>	<b>4</b>
<b>Auto Accidents Property Damage</b>	<b>1</b>	<b>26</b>	<b>17</b>
<b>Aided Cases Resulting from Auto Accidents</b>	<b>1</b>	<b>5</b>	<b>5</b>
<b>Aided Cases Other</b>	<b>3</b>	<b>51</b>	<b>42</b>
<b>Arrests</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Summonses Moving Violations</b>	<b>20</b>	<b>217</b>	<b>227</b>
<b>Summonses - Parking</b>	<b>2</b>	<b>34</b>	<b>44</b>
<b>Fire Calls</b>	<b>0</b>	<b>10</b>	<b>14</b>
<b>Patrol Mileage</b>	<b>4,650</b>	<b>45,600</b>	<b>45,600</b>
<b>Offenses - Case Reports</b>	<b>0</b>	<b>20</b>	<b>13</b>
<b>Suspicious Autos</b>	<b>5</b>	<b>28</b>	<b>23</b>
<b>Suspicious Persons</b>	<b>2</b>	<b>26</b>	<b>26</b>
<b>Suspicious Phone Calls</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Recorded Alarms</b>	<b>16</b>	<b>173</b>	<b>121</b>
<b>Vacant Houses</b>	<b>4</b>	<b>34</b>	<b>37</b>
<b>Disturbances</b>	<b>2</b>	<b>15</b>	<b>34</b>
<b>Malicious Mischief</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Non-Case Incidents</b>	<b>0</b>	<b>8</b>	<b>5</b>
<b>Animal Nuisance Complaints</b>	<b>2</b>	<b>7</b>	<b>17</b>
<b>Assist From NCPD</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Stop Signs</b>	<b>4</b>
<b>Cell Phone</b>	<b>0</b>
<b>Speeding</b>	<b>2</b>
<b>Unlicensed Operation</b>	<b>2</b>
<b>Uninspected Motor Vehicle</b>	<b>0</b>
<b>DWI</b>	<b>0</b>
<b>No Insurance</b>	<b>6</b>
<b>Expired Registration</b>	<b>0</b>
<b>Disobey Traffic Control Device</b>	<b>0</b>
<b>Violate 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>2</b>
<b>Equipment Violation</b>	<b>6</b>
<b>No Seatbelt</b>	<b>0</b>
<b>Total</b>	<b>22</b>

**BUILDING REPORT – STREET OPENING PERMIT SAWMILL CONSTRUCTION CORP:** The Building Inspector explained that Sawmill Construction Corp., the new owner of 210 Laurel Lane, requires a street opening permit to shut off the water main in order to undertake the demolition of the principal building. It was noted that the water main is located in the grass area alongside the road and not in the paved roadway. Anthony Raso of Sawmill Construction Corp. was present at the meeting. It was moved by Trustee Nicklas, seconded by Trustee Miritello, and approved by all present that the street opening application be approved with the following conditions: that the work authorized by the permit be performed under the supervision of and according to all specifications provided by the Village Engineer, that all associated engineering fees are to be paid by the applicant, and that a demolition permit application is to be filed with the Building Department prior to issuance of the permit.

**REFUND TO THE BITONS OF DAMAGE DEPOSITS HELD UNDER BP #S: 2962 & 3150** The Building Inspector requested that the Board approve the refund of two deposits in the amounts of \$15,000 and \$5000 to the Bitons in that the corresponding building permits are ready to be closed and the outstanding violations have been disposed of in Village Court. It was moved by Trustee Miritello, seconded by Trustee Nicklas, and approved by all present that the funds be released, as requested, pending the results of the Building Inspector's inspection of the property.

**VILLAGE ENGINEER REPORT – STATUS OF ROAD PROJECTS:** The Village Engineer reported on the findings of the Cedarwood Court asphalt investigation by Slacke Test Boring, Inc, which did not identify any defect with the asphalt material or installation of same. Some of the soil samples, however, did reveal an excess of silty material. The Village Engineer will continue to monitor the roadway and will formulate a plan to remedy the problem. The Village Engineer also reported that he is working with representatives from National Water Main Cleaning Company to schedule the cleaning and inspecting of the catch basins and drainage pipes on Laurel Hollow Road.

**SEPTIC SYSTEMS:** Mayor DeVita reported to the Board about the harmful effects of nitrogen in the Long Island Sound and current efforts to have property owners install new septic systems that capture nitrogen before it enters the ground. Various municipalities are adopting measures to encourage the installation of environmentally friendly septic systems.

**MINUTES** of the Board of Trustees Regular Meeting on October 12, 2022 and of the Special Meeting on November 1, 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 votes are deferred.

**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 BUDGET TRANSFERS:** It was moved by Trustee Tsafos, seconded by Trustee Nicklas, and carried by all present that the budget transfers, as shown below, be approved.

ACCOUNT	NAME	OVERAGE	FROM
A7140.1	Lifeguards	\$3331.00	
A5110.3	Signs	\$289.00	
A1450.4	Election	\$82.94	
A1990.0			\$3702.94
<b>TOTAL</b>		<b>\$3702.94</b>	<b>\$3702.94</b>

**APPROVAL OF AMENDMENTS TO BUDGET:** It was moved by Trustee Tsafos, seconded by Trustee Miritello, and approved by all present that the budget be amended, as shown below:

- Amend budget to reflect funds received & expended for Records Grant-Increase budget line A3060-\$37,500.
- Increase budget line A1410.43-\$37,500. Amend budget to reflect ARPA funds spent to date and recognize corresponding income – Increase income line A4089-\$4,131, increase expenditure line A5110.2 \$4,131

**APPROVAL OF ABSTRACTS:** It was moved by Trustee Tsafos, seconded by Trustee Miritello and approved by all present that the following abstracts of vouchers be approved for payment with the exceptions described by the Treasurer, which include payments of \$240 to Center Sanitation, and \$20,000 to the Bitons (as already authorized) and removal of the payment to USPS for \$1000.

- Abstract # 1182 \$ 13,796.08
- Abstract # 1183 \$1,118,275.75

**DENTAL INSURANCE FOR RETIREES:** As directed by the Board during the October meeting, the Clerk continued to explore options to replace the Healthplex dental insurance for Village retirees, which will terminate as of December 31, 2022. New options, provided by Premier Benefit Plans, Inc., were distributed to the Board for review prior to the meeting. It was moved by Trustee Nicklas, seconded by Trustee Tsafos, and carried by all present that the Aetna DHMO plan be approved as replacement dental insurance for Village retirees.

**INTEREST RATE:** Trustee Nicklas reported that he and the Village Treasurer investigated the low interest rate of 1% being applied to Village money market funds. After several conversations with bank personnel, the bank agreed to increase the interest rate to 3%.

**NEW COPIER/PRINTER/SCANNER:** The RICOH copier, which was purchased by the Village in 2014, has been malfunctioning and is a detriment to office productivity, given the wait times for service. The Clerk obtained four proposals to lease new copier/printer/scanner/fax machines, which were distributed to the Board prior to the meeting. Mayor DeVita noted that only the Epson proposal from ARESKO included a guaranty “of no down time” because of ARESKO’s commitment to do the Village copying if the Epson machine is out of commission for a full day. It was further noted that the Epson utilizes the newest technology available. Although there was one lower bid, the Board recognized the reliable track record of ARESKO, to whom it has outsourced wide format printing and scanning for more than a decade. It was moved by Trustee Nicklas, seconded by Trustee Tsafos, and approved by all present that the Village enter into a 5-year lease agreement with ARESKO for the EPSON 4-in-1 Network MFP, for \$149.55 per month, which includes 2000 black & white and 1000 color prints per month.

#### **FUNCTIONALITY AND TIGHTNESS TESTS OF UNDERGROUND GAS TANK**

Proposals by AARCO to perform the functionality and tightness tests of the underground gas tank at the police booth, which are required by Nassau County and the Village insurance carrier, were distributed to the Board prior to the meeting. Upon request of the Clerk to waive the proposed \$400 price increase, AARCO agreed to only increase the price by \$100 from the prior year. The expense will be reimbursed by the CSH Lab, as part of its contractual agreement with the Village. It was moved by Trustee Nicklas, seconded by Trustee Jones, and approved by all present to accept the proposals by AARCO.

#### **RATIFY ACTION TO MODIFY APPROVED WORKING HOURS UNDER FILM PERMIT #1-2022**

It was moved by Trustee Nicklas, seconded by Trustee Jones, and carried by all present that the approval issued on November 3<sup>rd</sup>, based on email polling of the Trustees, to modify the hours as set forth during the Special Meeting on November 1<sup>st</sup>, be ratified.

**ADJOURNMENT TO EXECUTIVE SESSION:** At 8:09pm, the Board adjourned to Executive Session to discuss personnel matters.

**RETURN TO PUBLIC SESSION:** The Board returned to public session at 8:15pm.

**RESOLUTION TO PAY UNUSED VACATION DAYS:** When Elizabeth Kaye retired, she neglected to request payment for the 9.5 days of unused vacation time, which she was entitled to receive per Section 802 of the Employee Handbook. In correspondence to the Mayor and Board dated October 29, 2022, Ms. Kaye recounted this omission and asked for belated payment in connection with the unused vacation days. It was moved by Trustee Nicklas, seconded by Trustee Tsafos, and unanimously carried by all present that the request by Elizabeth Kaye, for payment in the sum of \$4371.83 representing 9.5 days of unused vacation time prior to her retirement as Village Clerk, be approved.

There being no further business to come before the Board, the meeting was adjourned at 8:20pm.

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 6:30 P.M. ON WEDNESDAY, DECEMBER 14, 2022.

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Nancy Popper, Village Clerk

**ALSO PRESENT:**

11/09/2022

Sergeant Ted Mergel, OBCPD

Lee Israel, Laurel Hollow Resident -1512 Laurel Hollow Road

Anthony Raso, Sawmill Construction Corp. - 210 Laurel Lane