

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
HELD VIA ZOOM VIDEOCONFERENCE
(due to COVID-19 public assembly restrictions)
STENOGRAPHICALLY RECORDED
JANUARY 13, 2021
6:00 PM**

PRESENT:

Mayor Daniel F. DeVita	Howard Avrutine, Village Attorney
Trustee Kevin Jusko	Elizabeth Kaye, Clerk / Treasurer
Trustee Jeffrey Miritello	Michael F. McNerney, Supt. of Building Department
Trustee Jeffrey Nemshin	Nancy Popper, Deputy Clerk/Court Clerk
Trustee Richard Nicklas	Jim Antonelli, Village Engineer
Trustee Martin Novick	Joseph Macy, Esq. for Executive Session
Trustee Nicholas Tsafos	

EXCUSED:

MAYOR DE VITA called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

POLICE REPORT

The December Report was distributed to the Board prior to the meeting. No oral report was given.

	Totals this Month	Totals year-to-date	Totals prior year- to- date
Auto Accidents Personal Injury	0	4	5
Auto Accidents Property Damage	3	10	22
Aided Cases Resulting from Auto Accidents	0	6	7
Aided Cases Other	2	48	52
Arrests	1	2	0
Summonses-Moving Violations	18	182	252
Summonses-Parking	1	97	38
Fire Calls	1	14	13
Patrol Mileage	4,650	54,900	54,750
Offenses -Case Reports	1	20	14
Suspicious Autos	3	44	18
Suspicious Persons	4	21	17
Suspicious Phone Calls	0	1	0

Recorded Alarms	8	158	198
Vacant Houses	6	51	61
Disturbances	3	34	51
Malicious Mischief	0	0	0
Non-Case Incidents	0	8	10
Animal Nuisance Complaints	2	7	19
Assist from NCPD	0	0	0

Stop Signs	1
Cell Phone	0
Speeding	0
Unlicensed Operation	1
Uninspected MV	2
DWI	1
No Insurance	4
Expired Registration	2
Disobey Traffic Control Device	4
Following Too Closely	0
Defective Lights	2
Fail to Move Right	0
Fail to Signal	0
No Parking	1
Equipment Violation	0
No Seatbelt	0
Total	18

RESIDENTS' CONCERNS

Steve Ross appealed to the Board for relief from the dinghy/kayak storage and removal fee. He indicated that he did not receive the email alerting residents to remove their kayaks but acknowledged it was his responsibility to make sure the Village had his correct contact information. Mayor DeVita moved to charge a reduced fee of \$100.00, seconded by Trustee Miritello, and approved upon the following poll of the Board:

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

BUILDING REPORT

BUCCELLATO FILL PERMIT/ APPLICATION F5-2020

Michael Rant, P.E., appeared on behalf of Mary Buccellato of 143 Stillwell Lane to present Mrs. Buccellato's application for an Excavation & Fill permit, seeking to remove approximately 60 cubic yards of soil, to be replaced with new sandy soil for an English Garden where drainage is poor. Village Engineer Antonelli reported no drainage issues with the proposed plan. Mayor DeVita expressed concern with the pile of soil at the end of the driveway and potential run off into the storm drains. Village Engineer agreed and said it should be covered or removed immediately. Mayor DeVita moved to approve the permit with the condition that the soil pile be tarped or removed by the close of business on the Friday following this meeting (January 15th), seconded by Trustee Jusko, and approved upon the following vote:

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

KEEGAN REQUEST FOR PENALTY RELIEF

Janene Keegan, 1 Cedarwood Court, appeared before the Board with a request for relief from a \$500.00 penalty for an illegal shed, of which she was not aware when she bought her house. The Keegans must still proceed with a variance application to the Zoning Board. Trustee Miritello moved to waive the \$500.00 penalty, seconded 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	Aye

BOSKOFF REQUEST FOR EXTENSION OF EXPIRED PERMIT

Dana Boskoff, 2 **Woodgreen** Way, appeared before the Board to request an extension of an expired permit and to request relief from the renewal fee of \$1,200. Mr. Boskoff advised the Board that he and his wife had contracted COVID-19, so workers were not able to work on their

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property. Mayor DeVita moved to extend the Boskoff permit for 3 months without ~~penalty~~ **fee** due to hardship caused by the COVID-19 virus, 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	Aye

Potential debris removal ordinance continued - The Board continued a discussion concerning debris on property, mainly firewood stacked in the front yards of properties. Discussion ensued. Mayor DeVita asked Attorney Avrutine to draft an ordinance regulating the stacking of firewood in front yards, with the suggestion to use the Village of Old Westbury's ordinance as a guideline but allow up to a cord of wood (4 feet high, 4 feet wide, 8 feet long) to be stacked in the front yard.

ENGINEER'S REPORT

None given.

MINUTES of the Board of Trustees meeting held on December 9, 2020, as amended, were approved on a motion by Mayor DeVita and seconded by Trustee Novick 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	Aye

The **FINANCIAL REPORT** for December 2020 and the **REPORT OF UNPAID TAXES** were distributed to the Board prior to the meeting for review. Bank statements and reconciliations were reviewed by Trustee Tsafos prior to the meeting.

APPROVAL OF ABSTRACTS

Mayor DeVita moved that the following abstracts of vouchers be approved for payment, excluding a claim from United Paving to be held until the next meeting, seconded by Trustee Nicklas, 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	Aye

- Abstract # 30 Trust & Agency \$970.92

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• Abstract # 1085	Capital Projects	\$27,432.24
• Abstract # 1121	Prepays	\$52,964.83
• Abstract # 1122	General Fund	\$51,462.16

WARRANT OF UNPAID TAXES FOR FISCAL 2020-2021

The Board reviewed the ACCOUNT OF 2020-2021 UNPAID TAXES prepared by the Clerk/Treasurer pursuant to §1436 of the Real Property Tax Law of the State of New York. The Board elected not to conduct a tax lien sale at this time. Board members will individually certify the report, and a copy of the report will be attached to and made a part of these minutes.

PUBLIC HEARING SCHEDULED FOR LOCAL LAW A-2021

The Clerk presented a draft of Introductory Local Law A-2021, authorizing a property tax levy in excess of the limit established by General Municipal Law, §3-c, after which it was moved by Mayor DeVita, seconded by Deputy Mayor Nemshin, and approved by the Board, that a public hearing be scheduled for February 10, 2021 at 6:00 p.m., or as soon as possible thereafter, on said local law, and that the Clerk be authorized and directed to publish and post the required notice of public hearing. Mayor DeVita explained that this legislation is prophylactic and is passed every year at this time because the Board has not yet completed the budget for the next fiscal year and therefore does not know at this time whether the state-imposed tax cap will be exceeded. Nevertheless, because of the time constraints imposed by law when enacting legislation, the law needs to be enacted now so that it is in place if the relief provided by the legislation becomes necessary.

INSURANCE RENEWAL

Trustee Nicklas presented the insurance renewal package to the Board. Mayor DeVita moved to approve renewal of the insurance Package Policy, Public Officials policy, and Storage Tank policy, from Salerno Insurance, for the period 2/6/2021 thru 2/6/2022, for \$71,342.89 (excludes Flood Insurance approved in Dec. 2020), seconded by Trustee Nicklas, and approved by all present.

ANNUAL SAFETY REPORT

The Board, sitting as the Safety Committee, reviewed the annual NYS Department of Labor Report SH – 900.1, Summary of Work- Related Injuries and Illnesses, prepared by the Clerk and reported that no incidents had occurred during the year 2020.

RESOLUTION SETTING OFFICES TO BE FILLED, DATE & TIME OF ELECTION

The following resolution was moved by Mayor DeVita, seconded by Trustee Novick:

RESOLVED that the offices to be filled at the next general election and the terms thereof are as follows:

MAYOR	Two Years
TRUSTEE	Two Years
TRUSTEE	Two Years
TRUSTEE	Two Years

and,

BE IT FURTHER RESOLVED, that, pursuant to §15-104(3) of the Election Law of the State of New York, said election shall be held on Tuesday, June 15, 2021; from noon to 9:00 p.m. at Village Hall, and

BE IT FURTHER RESOLVED that the Village Clerk shall cause this resolution to be published as required by law.

The Mayor polled the Board as follows:

In favor:	Mayor DeVita	Aye
	Trustee Jusko	Aye
	Trustee Miritello	Aye
	Trustee Nemshin	Aye
	Trustee Nicklas	Aye
	Trustee Novick	Aye
	Trustee Tsafos	Aye

RENEWAL OF RETIREE DENTAL PLAN

Mayor DeVita moved to approve renewal of the retiree dental plan with Healthplex at no increase for the year 2021.

NASSAU COUNTY GRANT FOR SALT BARN

Deputy Mayor Nemshin moved to authorize Mayor DeVita to execute the Intermunicipal Agreement with Nassau County for a Legislative Grant for new siding on the Highway Salt Barn for \$29,000, seconded by Trustee Tsafos, and approved upon the following vote:

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

PUBLIC HEARING SCHEDULED FOR OYSTER BAY FIRE DEPARTMENT AND ATLANTIC STEAMER FIRE COMPANY NO. #1 FIRE PROTECTION CONTRACT

Village Attorney Avrutine advised the Board that he was advised that he should be receiving shortly the proposed new contract for fire protection services from James Cammarata, Esq., the attorney for the Oyster Bay Fire Department and Atlantic Steamer Fire Company No. 1 which it is anticipated will provide for 1% increase per year for 2 years. Mayor DeVita moved to schedule the public hearing on the contract renewal for February 10, 2021 at 6:00 p.m., or as soon as possible thereafter, seconded by Trustee Nicklas, and approved upon the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Trustee Nemshin	Aye

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Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Aye

PROPOSED BREACH NOTIFICATION POLICY

The Board, having reviewed the proposed Breach Notification Policy-- a policy required by NYS to notify harmed parties in the event of a data breach—indicated that it was ready for adoption. Trustee Nicklas moved to adopt the proposed Breach Notification Policy and incorporate it with the Village's other policies, seconded by Trustee Miritello, 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	Aye

VILLAGE HALL GENERATOR SERVICE CONTRACT RENEWAL

The Clerk advised the Board that she had solicited two bids from local Kohler contractors for an annual generator service contract, but neither had responded. In addition, the generator stopped working, and the present service contractor stated that it requires a new control panel and controller. Deputy Mayor Nemshin offered to contact Kohler to question why the generator had failed. It has been suggested that it may be more economical to purchase a new generator than to repair the existing one. This item will be placed on the next agenda.

SURPLUS OUTDATED COMPUTER EQUIPMENT

Mayor DeVita moved to surplus the existing Village Office computer equipment, which has been replaced by new computers. The outdated equipment consists of three computer towers, monitors, keyboards and ancillary parts. Pursuant to the motion, the equipment is to be sold for salvage value or donated; motion 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	Aye

ADJOURNMENT TO EXECUTIVE SESSION

Mayor DeVita moved to adjourn to Executive Session at 8:00 pm to discuss litigation matters, seconded by Trustee Novick, and approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye

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Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Aye

The Board returned to public session at 9:12 pm with no action taken.

There being no further business to come before the Board, Mayor DeVita moved to adjourn the meeting at 9:12 pm, seconded by Trustee Novick, and approved by all present.

Elizabeth Kaye
Elizabeth Kaye, Clerk / Treasurer

ALSO PRESENT:

Michael Rant, P.E.
Janene Keegan
Dana Boskoff
Steve Ross

NorthCoast Civil for Buccellato
1 Cedarwood Court
2 Woodgreen Way
79 Cherry Lane

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 6:00 P.M. ON WEDNESDAY, FEBRUARY10, 2021.