

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
HELD VIA ZOOM VIDEOCONFERENCE
(due to COVID-19 public assembly restrictions)
STENOGRAPHICALLY RECORDED
MARCH 10, 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 Buildings
Trustee Jeffrey Nemshin	Jim Antonelli, Village Engainer
Trustee Richard Nicklas	
Trustee Martin Novick	
Trustee Nicholas Tsafos	

EXCUSED:

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

POLICE REFORM & REINVENTION COLLABORATIVE

Mayor Charles Goulding, Oyster Bay Cove, and Sergeant Mergel, Oyster Bay Cove Police, appeared before the Board to discuss police reform and to present the draft Police Reform & Reinvention Collaborative Plan pursuant to new legislation enacted by New York State. The Plan had been distributed to local houses of worship, political leaders, and other organizations. Since the Oyster Bay Cove Police is already a community police force, much of what the legislation requires was already in practice. Nonetheless, additional training was added. Mayor DeVita indicated that it was a very comprehensive plan.

POLICE REPORT

The February 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	0	0
Auto Accidents Property Damage	0	0	2
Aided Cases Resulting from Auto Accidents	0	0	0
Aided Cases Other	6	10	10
Arrests	0	0	0
Summonses-Moving Violations	36	49	63
Summonses-Parking	3	5	1
Fire Calls	2	2	3

Patrol Mileage	4,200	8,850	9,000
Offenses -Case Reports	0	1	1
Suspicious Autos	0	3	5
Suspicious Persons	0	1	3
Suspicious Phone Calls	0	0	0
Recorded Alarms	10	16	26
Vacant Houses	3	7	8
Disturbances	0	4	3
Malicious Mischief	0	0	0
Non-Case Incidents	1	1	1
Animal Nuisance Complaints	0	2	2
Assist from NCPD	0	0	0

Stop Signs	5
Cell Phone	0
Speeding	6
Unlicensed Operation	1
Uninspected MV	9
DWI	0
No Insurance	9
Expired Registration	1
Disobey Traffic Control Device	1
Following Too Closely	0
Defective Lights	4
Fail to Move Right	0
Fail to Signal	0
No Parking	3
Equipment Violation	0
No Seatbelt	0
Total	39

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CONTINUATION OF PUBLIC HEARING, OYSTER BAY FIRE & ATLANTIC STEAMER CONTRACT RENEWAL

Mayor DeVita opened the hearing at 6:10 pm. Village Attorney Avrutine reported that the hearing was to be continued to await further information pertaining to the allocation of percentages among the villages. Mayor DeVita moved to adjourn the hearing to the April meeting, seconded by Trustee Jusko, 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

BUILDING REPORT

Building Superintendent McNerney reported that Mr. Pultz, 18 Overlook Drive, is requesting a building permit extension with no work left to be done. Mayor DeVita moved to extend Building Permit # 2961 to May 1, 2021, with no additional fee, 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

ENGINEER'S REPORT

A written report was provided to the Board by Village Engineer James Antonelli prior to the meeting regarding the upcoming bid for road work. Mr. Antonelli also advised the Board that the bid specifications included an increase in the umbrella liability insurance coverage to \$ 5 million and that the successful bidder provide both a Certificate of Insurance and a copy of the Insurance Policy.

MINUTES of the Board of Trustees meetings held on February 10, February 27, and March 4, 2021, as amended, were approved on a motion by Mayor DeVita and seconded by Trustee Novick, 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

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The **FINANCIAL REPORT** for February 2021 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, seconded by Trustee Jusko, 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

- Abstract # 34 Trust & Agency \$741.98
- Abstract # 1087 Capital Fund \$4,480.00
- Abstract # 1128 Prepays \$15,546.10
- Abstract # 1129 General Fund \$37,112.38

APPOINTMENT OF ELECTION INSPECTORS FOR JUNE 15, 2021 ELECTION

Mayor DeVita moved to appoint the following election inspectors, at a stipend of \$150.00, for the next Village Election on June 15, 2021, seconded by Deputy Mayor Nemshin, and approved by the following poll of the Board:

Patrice Benneward - unaffiliated
Jane Ames – Rep.
Elizabeth Kaye-alternate

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

BUDGET TRANSFERS

Mayor DeVita moved to approve the following budget transfers to cover unanticipated spending in certain budget lines, seconded by Trustee Jusko, 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

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Trustee Tsafos Aye

<u>ACCOUNT</u>	<u>NAME</u>	<u>2/28/2021</u>	<u>FROM</u>	<u>COMMENT</u>
A1110.2	JUSTICE COURT EQUIP.	1,850.00		plexiglass required for courtroom
A1410.44	CLERK STENO/LEGALS	1,994.88		due to Zoom meetings
A1620.2	VILLAGE HALL EQUIP.	5,780.50		computer upgrades
A1620.49	VILLAGE HALL MISC.	1,154.74		village hall floor, generator, hot water system
A3620.49	SAFETY INSP. MISC.	316.33		
A5110.11	OVERTIME PAY	2,419.86		storm and Covid related
A5110.47	SAND REMOVAL/CARTING	4,295.00		storm related
A5110.50	MACHINERY REPAIRS	1,290.51		repairs to Komatsu
A9010.8	STATE RETIREMENT	472.00		
A1990.0	CONTINGENCY		19,573.82	

SET PUBLIC HEARING FOR FISCAL 2021-2022 TENTATIVE BUDGET

The Clerk/Treasurer presented the Tentative Budget for fiscal 2021-2022, which was reviewed by the Board at its special budget meetings held on February 6 and 27, 2021.

Mayor DeVita moved to schedule the public hearing on the Tentative Budget for April 14, 2021, at 6:00 pm, seconded by Trustee Jusko, 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

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Trustee Tsafos Aye

RELEASE OF UNITED PAVING PERFORMANCE BOND

Deputy Mayor Nemshin moved to approve the release of United Paving's Performance Bond, which was held for one year after satisfactory completion of Phase II road work, seconded by Trustee Jusko, 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

SCHEDULE PUBLIC HEARING ON LOCAL LAW B-2021 FOR DEFERMENT OF VILLAGE TAX PAYMENT

As permitted by Section 1910 of the New York Real Property Tax Law, while the Covid-19 state of emergency is in effect, the Board desires to pass a local law permitting taxpayers to defer the payment of Village property taxes for up to 30 days. Trustee Nicklas moved to schedule the public hearing for April 14, 2021, at 6:00 pm, on Introductory Local Law B-2021, seconded by Mayor DeVita 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	(unable to vote due to technical problems with internet)

ADOPT PUBLIC EMPLOYER HEALTH EMERGENCY PLAN

In order to meet the requirements of legislation (S8617B/A10832) signed into law by the Governor on September 7, 2020, the Board drafted a Health Emergency Plan to be followed in case of another health emergency. After review and discussion, Mayor DeVita moved to adopt the referenced Health Emergency Plan, seconded by Trustee Novick, 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

MAILBOXES AND SNOWPLOWS

As a result of certain residents making complaints regarding mailboxes being damaged during recent snow plowing events, Trustee Jusko reviewed policies of other municipalities and proposed the following policy for the Village to adopt:

We do our absolute best to stay as far away from your mailboxes as possible. Our main goal is to clear the roads in a timely manner. Unfortunately, sometimes damage to a mailbox may occur as a consequence of snow removal. In most instances, a mailbox is damaged by the heavy snow and ice as it is being plowed off the roadway. Under New York State law, mailboxes are considered private property that when placed in the public right of way are not required to be repaired by the municipality.

Nevertheless, the Village will repair or replace mailboxes and posts only if, after an inspection, it is determined that the damage was caused by Village plows. For example, if a mailbox is damaged due to a rotted post or rusted box, repairs or replacements will not be made by the Village.

If a mailbox is deemed to have been damaged by a Village snowplow, the Highway Department will, as a courtesy, install a temporary mailbox so that a resident can receive mail. If it is considered necessary, in the Spring the Highway Department will replace both the damaged mailbox and post with a Village issued standard mailbox and post. Specialized or decorative mailboxes will not be replaced in kind.

We are often asked whether plow operators can lift up the plows when passing by driveways, and unfortunately the answer is, “No, we can’t.” Sometimes snow does get pushed into driveways, but this cannot be helped. The vast majority of the more than 600 houses in our Village are on our public roads. If we agreed to do it for one, we would have to do it for all. It just cannot be done.

Also, please note that throwing or blowing snow into the road can create a patch of snow and ice that can cause a hazardous condition and is prohibited. Snow removal is an arduous and time-consuming task, so your understanding and cooperation are essential to successful implementation of our plan.

Mayor DeVita moved to adopt the foregoing policy, 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

UNDERGROUND FUELSTORAGE TANK AT THE POLICE BOOTH

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Trustee Nicklas expressed concern that the age of the underground tank at the Police Booth might pose a leakage risk. Trustee Nicklas reported that he had spoken to a contractor who indicated that the tank was double lined with fiberglass and that, therefore, the risk of a leak is minimal. As a result, Trustee Nicklas recommended that the Village take no action at this time to replace the tank.

APPROVE KAISER MARINE PROPOSAL TO REPLACE SECTION OF DOCK

Mayor DeVita moved to approve Kaiser Marine's proposal to replace a 6' x 20' section of the floating dock for \$5,175, seconded by Trustee Jusko, 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

AUTHORIZE MAYOR TO SIGN ANY DOCUMENTS LEGALLY REQUIRED FOR PURCHASE OF NEW PAYLOADER

Mayor DeVita moved to authorize his signing of all documents legally required to purchase the new Caterpillar Payloader, seconded by Trustee Jusko, 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

APPOINTMENT OF SALLY INGRAHAM TO PLANNING BOARD

Mayor DeVita appointed Sally Ingraham to fill a vacancy on the Planning Board subject to Board approval. Trustee Nicklas moved to approve the appointment of resident Sarah (Sally) Ingraham to the Planning Board to fill the unexpired term of Beth DiBlasio, seconded by Trustee Novick, 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

ADJOURN TO EXECUTIVE SESSION

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At 7:42 pm, Mayor DeVita moved to adjourn to Executive Session to discuss litigation matters, 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

The Board returned to public session at 8:35 pm with no action taken.

There being no further business to come before the Board, Mayor DeVita moved to adjourn the meeting at 8:35 pm, seconded by Trustee Novick, and approved by all present.

Elizabeth Kaye
Elizabeth Kaye, Clerk / Treasurer

ALSO, PRESENT:

Charles Goulding
Sergeant Mergel
Stephen Monez
Lauren Schmidt
Michael Gurtowski
Armando D'Arduini

Mayor, Oyster Bay Cove
Oyster Bay Cove Police
Cold Spring Harbor Lab
Cold Spring Harbor Lab
Cold Spring Harbor Lab
31 White Oak Tree Road

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 6:00 P.M. ON WEDNESDAY, APRIL 14, 2021.