

April 14, 2021

**MINUTES OF THE REGULAR MEETING  
BOARD OF TRUSTEES  
HELD VIA ZOOM VIDEOCONFERENCE  
(due to COVID-19 public assembly restrictions)  
STENOGRAPHICALLY RECORDED  
APRIL 14, 2021 6:00 PM**

**PRESENT:**

Mayor Daniel F. DeVita	Howard Avrutine, Village Attorney
Trustee Kevin Jusko	Elizabeth Kaye, Clerk / Treasurer
Trustee Jeffrey Nemshin	Michael F. McNerney, Supt. Of Buildings
Trustee Richard Nicklas	Jim Antonelli, Village Engainer
Trustee Martin Novick	Deputy Clerk Nancy Popper
Trustee Nicholas Tsafos	

**EXCUSED:**

Trustee Jeffrey Miritello

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

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

Mayor DeVita opened the hearing at 6:02 pm. Village Attorney Avrutine reported that no progress has been made, and the hearing was to be continued to at the May meeting.

Trustee Jusko	Aye
Trustee Miritello	Excused
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Aye

**PUBLIC HEARING ON FISCAL 2021-22 TENTATIVE BUDGET**

At 6:03 pm, Mayor DeVita opened the public hearing on the Tentative Budget for fiscal year 2021-2022.

Village Attorney Avrutine read the following Exhibits into the record.

- Copy of the Tentative Budget as filed with the Board of Trustees on March 10, 2021
- Affidavit of Posting by the Village Clerk stating that the Notice of Public Hearing was posted at the Village Hall on March 12, 2021
- Affidavit of Publication from Richner Communications showing that the public notice of the April 14<sup>h</sup> hearing was published on March 19, 2021.
- -Evidence that the public notice for the April 14<sup>th</sup> hearing and the Tentative Budget were posted to the website on March 15, 2021 and forwarded to subscribers on April 5, 2021.

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- -Evidence that the Tax Cap Certification was filed with the Office of the State Comptroller on April 13, 2021

Mayor DeVita explained that the proposed tax levy reflects an increase of \$110,210 over the 2020-2021 levy, primarily due to an increase in the police budget. The Clerk/Treasurer anticipates a reduction of \$4,500 in revenue, which represents proposed mooring fees that the Board decided against imposing after the Budget Worksession.

There being no questions from the Board or public, Trustee Nicklas moved to close the public hearing on the tentative budget at 6:10 pm, seconded by Trustee Tsafos, and approved by the following poll of the Board.

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

Mayor DeVita moved to adopt the fiscal 2021-22 Budget as amended, seconded by Trustee Jusko, and approved by the following poll of the Board:

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

## **PUBLIC HEARING ON LOCAL LAW 2-2021 (introductory Local Law B-2021)**

Mayor DeVita opened the public hearing at 6:11 pm on Local Law 2-2021. Village Attorney Avrutine presented the legislation, which authorizes an extension of 30 days to pay Village property taxes without penalty. The proposed law was precipitated by the Governor's Executive Order to help taxpayers during the pandemic.

Village Attorney Avrutine read the following Exhibits into the record:

- Email from Richner Communications, stating that the legal ad was published in the Oyster Bay Guardian on March 26, 2021 (Affidavit forthcoming)
- Affidavit from Elizabeth Kaye, stating that the legal notice was posted at the Village Hall on March 19, 2021
- Email from the Village Clerk to the Mayor and Board of Trustees, sent on April 5, 2021, with local law in final form attached.
- Confirmation that the Notice of Public Hearing was published to the Village of Laurel Hollow website on March 15, 2021.
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on April 5, 2021.
- Letter from the Nassau County Planning Commission, dated April 12, 2021, stating that the local law is referred to the Village to take action as deemed appropriate.

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There being no comments from the Board or public, Trustee Nicklas moved to close the public hearing at 6:14 pm, seconded by Trustee Jusko, and approved by the following poll of the Board:

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

Village Attorney Avrutine reported that this matter is a Type II action under SEQRA, and no further environmental review is needed.

Mayor DeVita moved to adopt Local Law 2-2021, seconded by Trustee Nicklas, and approved by the following poll of the Board:

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

## **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	2	2	2
Aided Cases Resulting from Auto Accidents	0	0	0
Aided Cases Other	5	15	16
Arrests	0	0	0
Summonses-Moving Violations	25	74	73
Summonses-Parking	0	5	1
Fire Calls	0	2	3
Patrol Mileage	4,650	13,500	13,650
Offenses -Case Reports	1	2	1
Suspicious Autos	1	4	8
Suspicious Persons	1	2	6

Suspicious Phone Calls	0	0	0
Recorded Alarms	7	23	37
Vacant Houses	4	11	12
Disturbances	3	7	4
Malicious Mischief	0	0	0
Non-Case Incidents	1	2	4
Animal Nuisance Complaints	1	3	2
Assist from NCPD	0	0	0

Stop Signs	0
Cell Phone	0
Speeding	0
Unlicensed Operation	4
Uninspected MV	2
DWI	0
No Insurance	8
Expired Registration	2
Disobey Traffic Control Device	0
Following Too Closely	0
Defective Lights	7
Fail to Move Right	0
Fail to Signal	0
No Parking	0
Equipment Violation	0
No Seatbelt	2
Total	25

## BUILDING REPORT

Building Superintendent McNerney reported that the matter involving Empire Tent has been resolved.

## **BUILDING PERMIT FEE AMNESTY PROGRAM**

Mayor DeVita reported on his discussion with the Mayor of the Village of Muttontown regarding Muttontown's Building Permit Fee Amnesty Program, which provides a way for residents to address violations on their properties that have existed for an extended period of time. Deputy Clerk Popper explained that Muttontown invites residents to apply for building permits to maintain existing conditions that require such permits, with payment of fees required as if the work had not already been performed. Under the amnesty program, the Village of Muttontown waives imposition of the additional fees normally required by its code in order to provide an incentive for residents to remedy existing violations but instead imposes a \$1000 fixed fee over and above the building permit fees. Mayor DeVita asked that the matter be placed on the agenda for the next meeting.

## **ENGINEER'S REPORT**

Village Engineer Antonelli reported on the following:

- Road bids for Cherry Lane and The Hollows and Springwood Path, White Oak Tree and Tiber Ridge as add-ons – having analyzed each bid by line item, Mr. Antonelli reported that United Paving was the lowest responsible bidder at a cost of \$365,711.50. Trustee Jusko moved to accept the bid from United Paving for \$365,711.50 as recommended by Village Engineer Antonelli, seconded by Trustee Nicklas, and approved by the following poll of the Board:

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

- 6 Springwood Path road opening – Village Engineer Antonelli reported that the road restoration was not done satisfactorily. The Village is holding a \$3,000 cash bond, which will be held until this area is paved as part of the Spring road project. Mr. Antonelli will confirm with United Paving that there are no underlying issues with this area.

**MINUTES** of the Board of Trustees meetings held on March 10, 2021 and March 22, 2021, as amended, were approved on a motion by Mayor DeVita, seconded by Trustee Novick, and approved by the following poll of the Board:

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

The **FINANCIAL REPORT** for March 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.

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## **APPROVAL OF ABSTRACTS**

Mayor DeVita moved that the following abstracts of vouchers be approved for payment, seconded by Trustee Nicklas, and approved by the following poll of the Board:

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

- Abstract # 35 Trust & Agency \$30,310.76
- Abstract # 1088 Capital Fund \$2,880.00
- Abstract # 1130 Prepays \$15,981.31
- Abstract #1131 General Fund \$97,526.46

## **FRIENDS OF THE BAY KAYAK LAUNCH**

Mayor DeVita moved to approve a request by Friends of the Bay to hold a kayak launch event at the beach on May 15, 2021 to promote clean water, pending submission of proper insurance, seconded by Trustee Novick, and approved by the following poll of the Board:

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

## **MEMORANDUM OF UNDERSTANDING WITH CORNELL COOPERATIVE EXTENSION**

Mayor DeVita explained that the Memorandum of Understanding (MOU) is an annual arrangement between the Village and Cornell Cooperative Extension (CCE) for the Oyster program, pursuant to which CCE provides technical assistance and grows oyster seeds for a stipend. This does not involve any Village funds but instead comes out of the funds raised through registration fees and donations for the Community Oyster Garden Program. The funds from this program are kept in a special trust account and are not comingled with any other Village moneys. Trustee Nicklas moved to approve the MOU with Cornell Cooperative Extension, seconded by Trustee Jusko, and approved by the following vote of the Board:

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

## **RENEW EMPIRE DENTAL AND HEALTHPLEX DENTAL AT NO RATE INCREASE**

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Mayor DeVita moved to approve renewal of dental coverage with Empire Dental for active employees and with Healthplex for retirees, both at no rate increase for the ensuing year, seconded by Trustee Nicklas, and approved by the following poll of the Board:

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

#### **RENEWAL OF CONTRACT WITH KANE EXTERMINATING**

Mayor DeVita moved to renew the contract with Kane Exterminating for Village Hall for \$300, seconded by Trustee Jusko and approved by the following poll of the Board:

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

#### **RENEWAL OF MAXIMUM ENVIRONMENTAL CONTRACT**

Deputy Mayor Nemshin moved to renew the contract with Maximum Environmental Services for water testing at the beach and in Village Hall, with no rate increase, seconded by Mayor DeVita and approved by the following poll of the Board:

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

#### **RENEWAL OF TOWN OF OYSTER BAY STREET CLEANING AGREEMENT**

The Board expressed interest in renewing the street cleaning agreement with the Town of Oyster Bay and additionally in pursuing an agreement for general DPW services.

#### **USE OF BEACH FOR 6<sup>TH</sup> GRADE GRADUATION PARTY**

The Board addressed a request by Ms. Geraci for use of the beach by approximately 60 parents and children for a 6<sup>th</sup> Grade graduation party. The Board indicated that the CDC COVID-19 guidelines must be adhered to. Mayor DeVita moved to approve use of the beach for the 6<sup>th</sup> Grade Graduation party, date to be finalized, subject to submission of proper insurance by any vendors and providing that state pandemic guidelines regarding wearing masks and social

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distancing are followed, seconded by Deputy Mayor Nemshin, and approved by the following poll of the Board:

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

## **25A TRIANGLE**

Mayor DeVita reported on potential infrastructure money from the federal government, as communicated by Congressman Suozzi, which might be forthcoming. Depending on restrictions, Mayor DeVita suggested improvements to the 25A triangle. Mayor DeVita will continue to investigate and ask for proposals.

## **REPORT ON REDUCTION OF SALT USAGE**

Trustee Jusko reported on the significant savings realized from use of the product Ice B-Gone, which resulted in reduced salt usage and elimination of the need for sand and street cleaning.

## **STANDBY GENERATOR**

Deputy Mayor Nemshin reported that he had yet not received a proposal from a second contractor to repair the generator at Village Hall. Trustee Nicklas indicated that he would contact Giudici Electric to provide a proposal for a new generator, which would have to be compared to what was available from the NYS Contract.

## **ADJOURN TO EXECUTIVE SESSION**

At 7:47 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	Excused
Trustee Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Aye

The Board returned to public session at 8:05 pm with no action taken.

There being no further business to come before the Board, Mayor DeVita moved to adjourn the meeting at 8:05 pm, seconded by Trustee Novick, and approved by all present.

*Elizabeth Kaye*  
Elizabeth Kaye, Clerk / Treasurer



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ALSO, PRESENT:

Michael Gurtowski

Chris Hadjandreas

Cold Spring Harbor Lab

Chairman Planning Board

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 6:00 P.M. ON WEDNESDAY, MAY 12, 2021.