

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
DECEMBER 11, 2019
7:00 PM**

PRESENT:

Mayor Daniel F. DeVita
Trustee Kevin Jusko
Trustee Jeffrey Miritello
Trustee Richard Nicklas
Trustee Martin Novick
Trustee Nicholas Tsafos

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

Excused: Deputy Mayor Jeffrey Nemshin

MAYOR DE VITA called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department's Monthly Report for November, 2019, which was distributed to the Board upon receipt. Statistics are as follows:

	Totals this Month	Totals year-to-date	Totals prior year- to- date
Auto Accidents Personal Injury	1	5	4
Auto Accidents Property Damage	1	19	39
Aided Cases Resulting from Auto Accidents	1	7	14
Aided Cases Other	4	50	51
Arrests	0	0	0
Summonses-Moving Violations	23	238	223
Summonses-Parking	0	38	58
Fire Calls	2	12	14
Patrol Mileage	4,500	50,100	50,100
Offenses -Case Reports	0	13	7
Suspicious Autos	0	14	23
Suspicious Persons	0	15	9
Suspicious Phone Calls	0	0	2
Recorded Alarms	16	176	171
Vacant Houses	9	54	56
Disturbances	1	46	33

Malicious Mischief	0	0	1
Non-Case Incidents	1	9	3
Animal Nuisance Complaints	2	19	12
Assist from NCPD	0	0	0

Stop Signs	6
Cell Phone	0
Speeding	3
Unlicensed Operation	2
Uninspected MV	0
DWI	0
No Insurance	5
Expired Registration	1
Disobey Traffic Control Device	0
Following Too Closely	0
Defective Lights	6
Unsafe Pass	0
Fail to Signal	0
No Parking	0
Driving on Shoulder	0
No Seatbelt	0
Total	23

Sergeant Mergel was present and spoke to the Board regarding recent events.

PUBLIC HEARING ON WETLANDS PERMIT FOR ZHOU-LONG, 2 VISTA DRIVE

Mayor DeVita opened the public hearing at 7:06 pm on the application of Zhou-Long for an approval required under §145-12.A.(1)(d) of the Village Code, because the proposed activity will encroach into the 100' required setback from a wetland. The property is located at 2 Vista Drive, Section 25, Block 64, Lot 11.

Village Attorney Avrutine entered the following items into the record:

EXHIBIT LIST

- Affidavit of Posting from Elizabeth Kaye that the legal notice was posted on the front bulletin board in front of Village Hall on November 22, 2019
- Affidavit of Publication that the legal notice was published in the North Shore Leader on November 27, 2019
- Document that confirms that the legal notice was published to the website on November 21, 2019
- Document that confirms that the legal notice was sent to News subscribers on December 5, 2019
- Affidavit of Mailing from Applicant, indicating that the Notice of Public Hearing was mailed on November 25, 2019 to the persons named on said affidavit
- Notification from the Nassau County Planning Commission (NCPC) dated Nov. 15, 2019 that the matter is deferred to the Village to take action as deemed appropriate.

Mr. Marnika, P.E. spoke on behalf of the applicant and indicated that a proposed pool, deck, pavilion and outdoor kitchen all complied with the Code and were within the required setback from the retention pond. The existing deck would be removed, and a silt fence would be placed around the construction activity to catch any sediment from run-off.

Mr. Antonelli reviewed the applicant's Short Form Environmental Assessment Form (EAF) and prepared the required Part II SEQRA Form for the Board's consideration, recommending that the Board declare a negative declaration.

There being no further questions from the Board or public, at 7:23 p.m. Mayor DeVita moved to close the public hearing, seconded by Trustee Tsafos, approved by all present.

Mayor DeVita moved to declare the Board lead agency under SEQRA, seconded by Trustee Novick, approved by all present.

Mayor DeVita moved to declare the matter an unlisted action under SEQRA, seconded by Trustee Jusko, approved by all present.

Mayor DeVita moved to declare a negative declaration in accordance with the Village Engineer's recommendation under SEQRA, seconded by Trustee Nicklas, approved by all present.

Mayor DeVita moved to approve the application as submitted, seconded by Trustee Novick, approved by all present.

BUILDING DEPARTMENT REPORT

BPA# 3018 - Expired Demolition Application at 265 Laurel Lane for resident Sun

The original application was submitted on 12/10/2018 to demolish the dwelling at 265 Laurel Lane. The application lay dormant until 1/27/2019, when the newly hired architect submitted an updated and more complete version of the application.

The original demolition application which expired on 12/10/2019, needs to be renewed so the permit may be issued. Trustee Jusko moved to extend the demolition permit until 1/10/2020 at no fee, seconded by Trustee Nicklas, approved by all present.

BP# 2872 - Expired Building Permit at 1458 Ridge Road for resident Poll

The original permit to construct a beach house and dock was issued on 6/7/2018. The project passed the final inspection on 12/5/19, but the permit expired two days later on 12/7/19. The permit could not be closed because the electrical inspection certificate is outstanding. Trustee Tsafos moved to extend the permit for one month at no fee, seconded by Trustee Novick, approved by all present.

RENEWAL OF CARDIAC LIFE CONTRACT

Mayor DeVita moved to approve a two-year contract renewal with Cardiac Life, encompassing the AED apparatus in Village Hall, for \$350.00/year, including replacement of the battery, which is due to expire in April, 2020, seconded by Trustee Nicklas, approved by all present.

UNPAID TAXES

The Board agreed that no Certificate of Occupancy should be issued to the contractor building a home on Hilltop Drive until delinquent taxes have been paid.

ENGINEER'S REPORT

Flood Insurance, Village Hall

As a follow-up to the discussion of flood insurance from the last meeting, Mr. Antonelli reported that the most recent FEMA flood map of the area indicates that the applicable flood elevation is 11 feet, also known as the 100-year floodplain elevation, or the level of 1% flood occurrence each year. If the land surrounding the Village Hall building is less than elevation 11, a certain flood insurance rate is assigned to the insurance premium by the National Flood Insurance Program (NFIP). If an elevation certificate shows that the land surrounding Village Hall is above elevation 11, the premium will be reduced. Trustee Miritello moved to authorize Village Engineer Antonelli to obtain quotes for preparation of an elevation certificate from three reputable surveyors, not to exceed \$1,200, seconded by Trustee Tsafos, approved by all present.

Road Repair Work, Phase 2

Mr. Antonelli reported that United Paving is continuing to work on the items from the punch-list.

MINUTES of the Board of Trustees meeting held on October 29, 2019 were approved by all present on a motion by Trustee Nicklas and seconded by Trustee Novick. **MINUTES** of the Board of Trustees meeting held on November 13, 2019 were approved as amended by all present on a motion by Mayor DeVita, seconded by Deputy Mayor Nemshin.

The **FINANCIAL REPORT** for November, 2019 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.

CONSTRUCTION ON SATURDAYS

Village Attorney Avrutine reviewed proposed legislation that would limit construction activity on Saturdays from 9:00 am to 4:00 pm. Mayor DeVita moved to schedule a public hearing on the proposed legislation for the January meeting, seconded by Trustee Tsafos, approved by all present.

Mayor DeVita requested that Village Attorney Avrutine also draft legislation proposing reduced landscaping hours, to be discussed at the January meeting.

APPROVAL OF ABSTRACTS

Trustee Tsafos moved that the following abstracts of vouchers be approved for payment, seconded by Mayor DeVita, and approved by all present:

- Abstract # 16 Trust & Agency \$ 6,025.75
- Abstract # 1076 Capital Projects \$19,528.81
- Abstract # 1095 Prepays \$ 2,427.01
- Abstract # 1096 General Fund \$62,603.65

SCHEDULE BUDGET WORKSESSIONS

Trustee Tsafos moved to set the 2020-21 Budget Worksession for Saturday, February 8, 2020, at 9:00 am, and Saturday, February 29, 2020, at 9:00 am, if needed, subject to confirmation by Deputy Mayor Nemshin. seconded by Mayor DeVita and approved by all present,

RESCHEDULED PUBLIC HEARING, SYOSSET FIRE DEPARTMENT CONTRACT RENEWAL

Having adjourned the public hearing regarding the Syosset Fire Department Contract Renewal, Trustee Nicklas moved to reschedule the hearing for the January meeting, seconded by Trustee Miritello, approved by all present.

COLD SPRING HARBOR LAB FUEL STORAGE TANK CONTRACT

Trustee Miritello moved to authorize Mayor DeVita to execute a new five-year Agreement with Cold Spring Harbor Lab regarding the underground fuel storage tank located at the police booth, seconded by Trustee Nicklas, approved by all present.

CHANGE OF JULY, 2020 TRUSTEES' MEETING DATE

Mayor DeVita moved to change the date of the July, 2020 Board meeting from Wednesday, July 8 to Wednesday, July 15, 2020 at 7 pm, seconded by Trustee Nicklas, approved by all present.

EXECUTIVE SESSION

Trustee Nicklas moved to adjourn to Executive Session at 8:34 pm to discuss litigation matters, seconded by Trustee Jusko, approved by all present.

The Board returned to public session at 8:45 pm.

RESOLUTION AUTHORIZING COMMENCEMENT
OF A LAWSUIT AGAINST AMERICAN PAVING
& MASONRY, CORP. AND UNITED
STATES FIRE INSURANCE COMPANY

WHEREAS, the Board of Trustees is the duly constituted legislative body of the Inc. Village of Laurel Hollow ("Village") and is authorized by law to initiate legal actions in the name of the Village; and

WHEREAS, the Village contracted with American Paving & Masonry, Corp. ("American Paving") to perform road work on various roads within the Village pursuant to a written contract executed in July 2018; and

WHEREAS, American Paving has failed to perform its obligations pursuant to the aforesaid contract as required by same and is in breach thereof; and

WHEREAS, United States Fire Insurance Company ("United") furnished a performance bond as required by the aforesaid contract in connection with the work performed by American Paving.

NOW, THEREFORE, BE IT RESOLVED, that authorization and direction is hereby granted to commence a lawsuit against American Paving, United and any other appropriate person or entity in connection with a breach of the aforesaid contract by American Paving and that the law firm of Berkman, Henoch, Peterson, Peddy & Fenchel, P.C. be retained as attorneys to represent the Village in connection with said lawsuit at the rate of \$250 per hour for partners, \$175 per hour for associates and \$90 per hour for paralegals pursuant to a written retainer agreement approved by the Village Attorney.

On motion by Mayor DeVita, seconded by Trustee Jusko, and unanimously carried, with Deputy Mayor Nemshin not present, the Board adopted the resolution as set forth above.

There being no further business to come before the Board, Trustee Jusko moved to adjourn the meeting at 8:50 pm, seconded by Trustee Tsafos, and approved by all present.

Elizabeth Kaye
Elizabeth Kaye, Clerk / Treasurer

ALSO PRESENT:

Sergeant Mergel
Randy Jones
Hrvoje Marnika
Tomy Biton

Oyster Bay Cove Police
Cold Spring Harbor Lab
East Northport, for Zhou-Long
16 Springwood Path

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00 P.M. ON WEDNESDAY, JANUARY 8, 2020