

**MINUTES OF THE REGULAR MEETING  
BOARD OF TRUSTEES  
VILLAGE HALL  
FEBRUARY 13, 2019  
7:00 PM**

**PRESENT:**

Mayor Daniel F. DeVita	Howard Avrutine, Village Attorney
Trustee Kevin Jusko	Elizabeth Kaye, Clerk / Treasurer
Trustee Jeffrey Miritello	James Antonelli, Village Engineer
Trustee Richard Nicklas	Michael McNerney, Building Inspector
Trustee Martin Novick	Nancy Popper, Deputy Clerk/ Court Clerk
Trustee Nicholas Tsafos	

**Excused:** Trustee Jeffrey Nemshin

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

**POLICE REPORT**

Mayor DeVita acknowledged and expressed gratitude to Sergeant Mergel and the entire Oyster Bay Cove Police Department for saving the life of a resident, reading aloud a letter of commendation he wrote to Chief Cronin.

The Board reviewed the Oyster Bay Cove Police Department Monthly Report for January, 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	0	0	1
Auto Accidents Property Damage	3	3	1
Aided Cases Resulting from Auto Accidents	0	0	1
Aided Cases Other	2	2	5
Arrests	0	0	0
Summonses-Moving Violations	20	20	18
Summonses-Parking	2	2	2
Fire Calls	0	0	0
Patrol Mileage	4,650	4,650	4,650
Offenses -Case Reports	0	0	1
Suspicious Autos	1	1	2
Suspicious Persons	1	1	0
Suspicious Phone Calls	0	0	2

Recorded Alarms	17	17	19
Vacant Houses	5	5	3
Disturbances	5	5	1
Malicious Mischief	0	0	1
Non-Case Incidents	1	1	0
Animal Nuisance Complaints	1	1	0
Assist from NCPD	0	0	0

Stop Signs	9
Cell Phone	0
Speeding	0
Unlicensed Operation	1
Uninspected mv	1
DWI	0
No Insurance	6
Expired Registration	0
Disobey Traffic Control Device	2
Fail to signal-rt-turn	0
Defective lights	1
Pass no pass-zone	0
No U turn	0
No Parking	2
Village Ord. Violation	0
No Seatbelt	0
Total	22

Sergeant Mergel was present and spoke to the Board regarding recent events. Mayor DeVita requested additional monitoring of the stop sign at Picardy Lane.

**PUBLIC HEARING ON LOCAL LAW A-2019, TAX CAP OVERRIDE**

Mayor DeVita then called to order the public hearing at 7:10 pm on Introductory Local Law A-2019, which would authorize a property tax levy in excess of the limit established in General

Municipal Law §3-c for the 2019-2020 tax year. A stenographer was present, and a transcript of the hearing will be affixed to and made a part of these minutes.

New York State Law requires that this local law be enacted prior to adoption of the budget, which is scheduled for consideration at the April meeting. Exceeding the tax cap without enacting the required override local law could result in financial penalties for the Village even if the result of arithmetic errors. In addition, the law must be passed now because the Village budget process for 2019-20 is not completed. There would be insufficient time to pass this law if the Board were to wait until the final budget is filed in April. The passing of this law is a precautionary measure, as the Board has done this every year since the tax cap law was imposed even though the Village has stayed under the tax cap every year since it was enacted except last year due to financing the road reconstruction project. Thus the Board determined it prudent to pass the law.

The Village Attorney entered exhibits into the record, as follows:

- Affidavit from North Shore Leader, stating that the legal notice was published in the Leader on January 16, 2019
- Affidavit from Elizabeth Kaye, stating that the legal notice was posted at the Village Hall on January 14, 2019
- Email from the Village Clerk to the Mayor and Board of Trustees, sent on January 28, 2018, with local law in final form attached
- Confirmation that the Notice of Public Hearing was published to the Village of Laurel Hollow website on January 17, 2019
- Confirmation that the Notice of Public Hearing was sent to website NEWS subscribers on February 7, 2019
- A copy of the proposed local law emailed to the Board of Trustees
- Chart published by the Office of the State Comptroller showing that for those local governments with a fiscal year beginning June 1, the cap will be 2%.
- Letter from the Nassau County Planning Commission, dated Feb. 13, 2019, indicating that the local law is deferred to the Village to take action as deemed appropriate.

The Village Attorney reported that adoption of this local law would be a Type II Action, requiring no additional review under the State Environmental Quality Review Act.

After discussing the matter, and hearing no questions from the public, it was moved by Mayor DeVita, seconded by Trustee Tsafos, and unanimously carried with Trustee Nemshin not present, that the public hearing be closed to further evidence and testimony.

It was moved by Mayor DeVita, seconded by Trustee Tsafos, and unanimously carried with Trustee Nemshin not present, that Introductory Local Law A-2019, which would authorize a property tax levy in excess of the limit established in General Municipal Law §3-c for the 2019-2020 tax year, be adopted as Local Law #-1-2019; further, that the Clerk be authorized and directed to forward the local law to the Secretary of State and publish and post a notice of adoption, upon the following poll of the Board:

Mayor DeVita	Aye
Trustee Kevin Jusko	Aye
Trustee Jeffrey Miritello	Aye
Trustee Richard Nicklas	Aye
Trustee Martin Novick	Aye
Trustee Nicholas Tsafos	Aye

## **BUILDING DEPARTMENT REPORT**

### **BP # 2887- Vogel Addition/Alteration - Request to Extend Permit**

A building permit was issued on 7/27/2017, which expired (for first time) on 1/27/2019. The original permit fee was \$2575. Under authority granted by the Code, it may be extended for a period of nine months upon payment of one-half of the original fee. The applicant is requesting only a three-month extension with a pro-rated renewal fee. Mr. Doug Kelly, General Contractor, spoke on behalf of the homeowner to request an extension and the pro-rated fee.

Trustee Jusko moved to extend the permit for three months with a one-third fee of \$429.17, seconded by Trustee Nicklas, approved by all present.

### **Village Code Sections:137 & 145-5 (E)(3)**

A "recreational vehicle" that is used to travel and provide sleeping quarters could be considered a "camper" under **Section 137**. This Code section defines "camper" as a motorized, self-propelled vehicle containing sleeping and other facilities for habitation. Under 137-2, a camper may not be stored on public property or outside on private property.

A "recreational vehicle" is not defined under section **145-5 (E)(3)(b)**. However, under Section 145, the recreational vehicle must be parked or stored in zoning compliant locations and must not be visible from the street or by adjoining properties.

Village Attorney Avrutine will propose an amendment to the Village Code for uniform treatment of such vehicles.

### **Erosion Control for New Construction**

Building Inspector McNerney indicated that significant run-off occurs from construction sites after severe rains, despite control measures. Mayor DeVita explained that the Village Highway Crew must clean out the storm drains at a cost to the Village. Village Engineer Antonelli indicated that the silt fencing or hay bales need to be partially buried when installed. Village Attorney Avrutine was instructed to propose a resolution to require a possible deposit to cover run-off clean-up costs.

### **Damage Deposits**

Building Inspector McNerney discussed the possibility of requiring a damage deposit for interior renovations over a certain dollar threshold, as is required for new construction, demolitions, and new pools. Discussion will continue at a later meeting.

## **RESIDENT CONCERNS**

Mr. John Wright and Mr. Lou Gileno of Cherry Lane addressed the Board concerning problems with the road work on Cherry Lane. Mr. Wright also complained that his son had damaged a car

tire in a pot hole on Cold Spring Road. Mayor DeVita advised Mr. Wright that he had met with NYS Senator Gaughran and requested his assistance intervening with the County to fully repave Cold Spring Road with asphalt.

## **ENGINEER'S REPORT**

### **Phase I Road Work**

Mr. Angelo Stanco of American Paving & Masonry was informed that the Board had voted not to pay his invoice for work completed through December 7<sup>th</sup> because of unacceptable work in places, and that there had been no effort to complete work since December 21. Mr. Antonelli met with Mr. Stanco on February 5<sup>th</sup> to show him the work to be done on two driveways and a walkway on Cherry Lane and to discuss some cleanup work in other locations.

### **Phase II Road Work**

Since the January Board meeting, approximately half of the survey work to collect topographic data for Phase II has been completed, and design work is underway. Required Department of Labor information has been obtained, and several bid package attachments have been prepared. Work toward a spring bid is ongoing.

### **Seawall**

On January 28, Mr. Antonelli, on behalf of the Village, submitted permit applications to the New York State Department of Environmental Conservation (NYSDEC), US Army Corps of Engineers, and the NYS Department of State to repair the seawall. On February 5th, NYSDEC requested additional information which was provided to them.

The **MINUTES** of the January 9, 2019 meeting of the Board were approved, as amended by all present on a motion by Trustee Tsafos, seconded by Trustee Jusko.

The **MINUTES** of the February 6, 2019 meeting of the Board were approved, as amended by all present on a motion by Mayor DeVita, seconded by Trustee Jusko.

The **FINANCIAL REPORTS** for January, 2019 and the **REPORT OF UNPAID TAXES** were distributed to the Board. Bank statements and reconciliations were reviewed by Trustee Tsafos prior to the meeting.

## **APPROVAL OF ABSTRACTS**

Mayor DeVita moved, seconded by Trustee Tsafos, and approved by all present that the following abstracts of vouchers be approved for payment, subject to Village Attorney review of the claims from Center for Municipal Solutions on Abstract #1073:

- Abstract # 5 Trust & Agency \$ 3,309.00
- Abstract # 106 Capital Fund \$ 3,920.00
- Abstract # 1072 Prepaid \$ 14,765.05
- Abstract # 1073 \$ 87,566.39

## **WEST SIDE SCHOOL ANNUAL RUN**

Trustee Jusko moved to approve the annual West Side School Run for Sunday, May 19, 2019, with the usual stipulations, seconded by Trustee Novick, approved by all present.

#### **GREATER LONG ISLAND RUNNING CLUB**

The Board addressed the request by the Greater Long Island Running Club to route a portion of the bike leg of the Triathlon scheduled for August 25, 2019 through certain Village roads. Mayor DeVita indicated his concern with the Phase II road work occurring at the same time and recommended not approving the route this year, instructing the Clerk to advise Mr. Mike Polansky to apply next year.

#### **CULLEN & DANOWSKI, INDEPENDENT AUDITOR**

Trustee Tsafos moved to approve the engagement letter dated January 31, 2019 from Cullen & Danowski, to perform the 2018-19 audit of the Village's books and records for a fee of \$14,500, seconded by Mayor DeVita and approved by all present.

#### **EXTENSION TO PAY TAXES FOR FEDERAL WORKERS**

No action taken.

#### **ON-LINE TAX PAYMENTS**

The Board indicated its support for the Clerk to pursue an online tax payment option, but to wait until the Village's new website has been implemented to initiate the plan.

#### **UNEMPLOYMENT CLAIM BY FORMER SEASONAL WORKER**

Mayor DeVita advised the Board that a former seasonal worker has filed for unemployment. Mayor DeVita instructed the Clerk to object to the claim as the employee voluntarily quit for another job.

#### **NEW FLOATING DOCK**

Trustee Miritello moved to approve the proposal from Kaiser Marine, dated January 28, 2019, to build a new 6' by 20' floating dock with connector sets at a cost of \$4,550.00, seconded by Trustee Jusko, approved by all present.

#### **NEW TRUCK INSIGNIA**

Mayor DeVita advised the Board that he had placed an order for eight new truck insignias at a cost of \$800.00, one of which will be used for the new Ford F-350.

#### **NEW CAMERAS FOR DOCK**

Mayor DeVita moved to approve the proposal by Giudici Electric, of up to \$5,500, and to waive our procurement policy since Giudici previously installed the entire security system, to install a pan/tilt/zoom security camera at the dock as a continuation of the security upgrades of the Village Hall property that will provide video coverage of our docks, mooring field, and adjacent areas, which requires among other things, extensive trenching for electrical and other hookups, seconded by Trustee Miritello, approved by all present.

## **SCHEDULE SPECIAL MEETING TO REVIEW THE TENTATIVE BUDGET**

The Board tentatively scheduled Saturday, March 23, 2019 at 10:30 am and Saturday, March 30, 2019 to review the 2019-2020 tentative budget, subject to confirmation of proper notice requirements.

## **UPGRADE OF WATER FILTRATION SYSTEM FOR VILLAGE HALL**

This item was tabled to the Board's March meeting.

## **COLD SPRING HARBOR LAB AGREEMENT**

Village Attorney Avrutine reported that the tank agreement contract renewal is continuing to be worked on.

## **EXECUTIVE SESSION**

Mayor DeVita moved to adjourn to Executive Session at 9:10 pm to discuss litigation issues, seconded by Trustee Tsafos, approved by all present.

## **RETURN TO PUBLIC SESSION**

No action was taken during Executive Session.

There being no further business to come before the Board, Trustee Novick moved to adjourn the meeting at 10:20 pm, seconded by Trustee Miritello, approved by all present.

*Elizabeth Kaye*

Elizabeth Kaye, Clerk / Treasurer

## **ALSO PRESENT:**

Sgt. Mergel  
Randy Jones  
Karen Orzel  
Doug Kelly  
John Wright  
Lou Gileno

Oyster Bay Cove Police Department  
Cold Spring Harbor Lab  
Cold Spring Harbor Lab  
Huntington  
Cherry Lane, Laurel Hollow  
Cherry Lane, Laurel Hollow

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00 P.M. ON WEDNESDAY, MARCH 13, 2019.**