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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
February 8, 2017
7:30 p.m.

VILLAGE HALL
1492 Laurel Hollow Road
Syosset, New York 11791-9603

PRESENT: DANIEL DeVITA, Mayor
KEVIN JUSKO, Trustee
JEFFREY NEMSHIN, Trustee
MARTIN NOVICK, Trustee
RICHARD NICKLAS, Trustee
NICHOLAS TSAFOS, Trustee

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
KAREN A. NAVIN, Clerk/Treasurer

INTRODUCTORY LOCAL LAW A-2017

RONALD KOENIG
OFFICIAL COURT REPORTER

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1 MR. AVRUTINE: This is the public hearing by
2 the Board of Trustees of the Village of Laurel Hollow,
3 Introductory Local Law A-2017, which is relating to
4 authorizing the Village to exceed the state tax imposed
5 cap under General Municipal Law Section 3-c.

6 The exhibits in connection with this hearing
7 are as follows:

8 First, an excerpt from the minutes of the
9 January 11, 2017 meeting of the Board of Trustees
10 setting the public hearing for this evening.

11 The next exhibit is a legal notice of the
12 public hearing prepared by the Village Clerk.

13 The next exhibit is an affidavit from Richner
14 Communications, Incorporated, Publisher of the Oyster
15 Bay Guardian, stating that the legal notice was
16 published in the Oyster Bay Guardian on January 20,
17 2017.

18 And the next exhibit is an affidavit from
19 Nicholas Porcaro that the legal notice was posted at the
20 Village Hall on January 20, 2017.

21 The next exhibit is an e-mail from the Village
22 Clerk to the Mayor and Board of Trustees sent on
23 January 19, 2017.

24 The next exhibit is an affidavit from the
25 Village Clerk stating that the notice of public hearing

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1 and local law were mailed to other interested parties on
2 January 20, 2017.

3 The next exhibit consists of documents that
4 confirm that the Notice of Public Hearing was published
5 to the Village of Laurel Hollow website and sent to
6 website NEWS subscribers on January 20, 2017.

7 The next exhibit is a letter dated January 30,
8 2017 from the Nassau County Planning Commission advising
9 that the Commission has reviewed the proposed local law
10 and that the Commission defers the matter to the Village
11 to take action as it deems appropriate.

12 The next exhibit is a copy of the proposed
13 local law as submitted to the Board of Trustees.

14 The next exhibit is an e-mail from
15 info@nycom.org notifying villages that the Office of the
16 State Comptroller has announced the allowable growth
17 factor or tax cap for those local governments for the
18 fiscal year beginning June 1, 2016 will be 1.15 percent.

19 That is the exhibits.

20 Just for the record, this matter is deemed
21 Type II under the New York State Environmental Quality
22 Review Act.

23 The Board is familiar with the tax cap, of
24 course. It's been in effect for several years now. And
25 while the village, of course, always seeks to stay

1 within the limits of the cap, it can occur, even
2 inadvertently, there can be exceeding of the cap. And
3 so, this is essentially a measure that is taken to
4 ensure that the village -- if by some chance there is,
5 the budget does exceed the cap, penalties would be
6 incurred without the necessary legislation being passed
7 authorizing the Board to exceed the cap. So, that's the
8 purpose of this local law, to allow the Board to exceed
9 the cap so that if it does, there will be no penalty
10 incurred.

11 MAYOR DEVITA: We have to pass this every year
12 because of the timing. This ordinance has to be passed
13 now, even though it's before we've undertaken our annual
14 budget review process. Because of the timing, the way
15 the law sets it out, we have to pass this. It's a
16 prophylactic measure.

17 We haven't pierced the cap yet since it's
18 enacted, but nevertheless, we had to pass this
19 ordinance. It's really almost a municipal malpractice
20 not to because, as Howard stated, even if there is a
21 mathematical error and it's inadvertently a
22 documentation submitted to the Comptroller saying
23 there's no cap and we actually pierce the cap, even if
24 it was by 5 cents, our municipality can get penalized if
25 we didn't pass this ordinance. So, we pass it in the

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1 exercise of caution. And again, it's before our budget
2 review process. And as in prior years, we will be
3 rescinding it if we don't exceed the cap this year.

4 THE CLERK: If required. We only have to
5 repeal it because of the tax freeze, and I think the tax
6 freeze is done.

7 MAYOR DeVITA: If it's required, which it was
8 last year, that's why we did it last year.

9 THE CLERK: The first motion will be to -- any
10 questions? There's no questions.

11 A motion to close?

12 Trustee Tsafos. Seconded by Trustee Jusko.

13 All in favor?

14 TRUSTEE JUSKO: Aye.

15 TRUSTEE NICKLAS: Aye.

16 TRUSTEE NEMSHIN: Aye.

17 TRUSTEE TSAFOS: Aye.

18 TRUSTEE NOVICK: Aye.

19 MAYOR DeVITA: Aye.

20 MR. AVRUTINE: Just to reiterate again, this
21 is Type II under SEQRA.

22 THE CLERK: Yes.

23 A motion to adopt Local Law A of 2017 as Local
24 Law 1-2017.

25 Mayor DeVita. Seconded by Trustee Novick.

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All in favor?
TRUSTEE JUSKO: Aye.
TRUSTEE NICKLAS: Aye.
TRUSTEE NEMSHIN: Aye.
TRUSTEE TSAFOS: Aye.
TRUSTEE NOVICK: Aye.
MAYOR DeVITA: Aye.

CERTIFIED THAT THE FOREGOING IS A TRUE AND
ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES
IN THIS CASE.

RONALD H. KOENIG
Senior Court Reporter