

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
FEBRUARY 12, 2020
7:00 PM**

PRESENT:

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

Howard Avrutine, Village Attorney
Elizabeth Kaye, Clerk / Treasurer
Michael F. McNerney, Supt. of Building Department
Nancy Popper, Deputy Clerk/Court Clerk

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 January, 2020, 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	0
Auto Accidents Property Damage	0	0	0
Aided Cases Resulting from Auto Accidents	0	0	0
Aided Cases Other	5	5	2
Arrests	0	0	0
Summonses-Moving Violations	25	25	20
Summonses-Parking	1	1	2
Fire Calls	2	2	0
Patrol Mileage	4,650	4,650	4,650
Offenses -Case Reports	0	0	0
Suspicious Autos	3	3	1
Suspicious Persons	2	2	1
Suspicious Phone Calls	0	0	0
Recorded Alarms	10	10	17
Vacant Houses	5	5	5
Disturbances	1	1	5

Malicious Mischief	0	0	0
Non-Case Incidents	1	0	1
Animal Nuisance Complaints	1	1	1
Assist from NCPD	0	0	0

Stop Signs	0
Cell Phone	0
Speeding	4
Unlicensed Operation	1
Uninspected MV	6
DWI	0
No Insurance	7
Expired Registration	0
Disobey Traffic Control Device	0
Following Too Closely	0
Defective Lights	6
Unsafe Pass	0
Fail to Signal	0
No Parking	1
Driving on Shoulder	0
No Seatbelt	1
Total	26

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

PUBLIC HEARING ON LOCAL LAW 1-2020 (Introductory Law A-2020)

Mayor DeVita opened the public hearing at 7:06 pm on Introductory Local Law 1-2020, concerning permissible hours for construction and commercial landscaping activities.

Village Attorney Avrutine read the following Exhibit items into the record:

- Affidavit of Publication from the North Shore Leader, indicating that the legal ad was published on January 22, 2020.
- Affidavit from Elizabeth Kaye that the legal notice was posted at the Village Hall on January 17, 2020

- Email from the Village Clerk to the Mayor and Board of Trustees, sent on January 30, 2020, 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, 2020
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on January 21, 2020
- Letter from the Nassau County Planning Commission, dated Jan. 14, 2020, indicating that the local law has been deferred to the Village to take action as deemed appropriate.

Mayor DeVita explained that the law was initiated as a result of residents' complaints concerning Saturday construction. Input was solicited from the Board and residents. There being no comments from the Board, Mayor DeVita opened the hearing to the public. Mr. Ray O'Hara, Picardy Lane, submitted a letter from Mrs. O'Hara, which Mayor DeVita read into the record and which will be attached to these minutes. Mrs. O'Hara pointed out that the law will be ineffective without enforcement. There being no further comments, Trustee Nicklas moved to close the hearing at 7:25 pm, seconded by Deputy Mayor Nemshin, approved by all present.

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

Trustee Novick moved to adopt Local Law 1-2020, seconded by Mayor DeVita, approved by all present.

PUBLIC HEARING ON LOCAL LAW 2-2020 (Introductory Law B-2020)

At 7:26 pm, Mayor DeVita opened the public hearing to a discussion of Introductory Local Law 2-2020, authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c for fiscal 2020-2021.

Village Attorney Avrutine entered the following items into the record:

- Copy of legal ad as it appeared in the North Shore Leader, stating that the legal notice was published in the Leader on January 22, 2020
- Affidavit from Elizabeth Kaye, affirming that the legal notice was posted at the Village Hall on January 17, 2020
- Email from the Village Clerk to the Mayor and Board of Trustees sent on January 30, 2020, 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, 2020
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on January 21, 2020
- Letter from the Nassau County Planning Commission dated 2/13/2020, stating that the local law has been deferred to the Village to take action as deemed appropriate.

Mayor DeVita explained that the law has been passed every year to protect the Village in case of an unforeseen need to exceed the tax cap. Enactment of the law requires a vote by a super majority of the Board.

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

Trustee Miritello moved to close the public hearing on Local Law 2-2020 at 7:35 pm, seconded by Trustee Tsafos, approved by all present.

Deputy Mayor Nemshin moved to adopt Local Law 2-2020, seconded by Trustee Nicklas, approved by all present.

BUILDING DEPARTMENT REPORT

Building Inspector McNerney discussed the application for a road opening permit at 32 Hilltop Drive, which is needed to reconnect water service. Mayor DeVita advised that the Village Engineer must review the specifications to determine whether “missling”, a process whereby pipes and equipment are installed underground without damage to the roadway, is possible. Accordingly, no action was taken on the application.

INTRODUCTORY LOCAL LAW C-2020 – SCHEDULE PUBLIC HEARING

The Village Attorney discussed Introductory Local Law C-2020, which proposes to amend the Village Code in order to expand the authority of the Building Inspector/Code Enforcement Officer/Building Official to issue a Stop Work Order. Trustee Nicklas moved to schedule the public hearing on Local Law C-2020 for the March meeting, seconded by Trustee Jusko, approved by all present.

INTRODUCTORY LOCAL LAW D-2020 – SCHEDULE PUBLIC HEARING

Village Attorney Avrutine discussed Introductory Local Law D-2020, which proposes to broaden the manner in which a Village Justice Court Summons may be served. Trustee Miritello moved to set the public hearing on Local Law D-2020 for the March meeting, seconded by Mayor DeVita, approved by all present.

DISCUSSION ON AMENDING BUILDING DEPARTMENT FEES

The Building Superintendent presented a proposed new fee structure for Building Permit, Certificate of Occupancy, and Plan Review fees. Mr. McNerney was instructed to solicit other villages in the area to ascertain their fee structures.

ENGINEER'S REPORT

No report given.

MINUTES of the Board of Trustees meeting, held on Jan. 8, 29, Feb. 6, 8 2020, were approved by all present on a motion by Trustee Nicklas and seconded by Trustee Novick.

The **FINANCIAL REPORT** for January 2020 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.

FUNDING TO REPLACE TWO BEACH CAMERAS

Trustee Jusko moved to approve funding to replace two beach cameras at a cost of \$2,195 in the manner indicated below. If the donation of \$675.00 from the Cold Spring Harbor Protection Committee for the 360⁰ camera is not forthcoming, then the balance will be paid out of the Village Budget, seconded by Trustee Nicklas, approved by all present:

JCAP Court Grant -	\$590.00
Cold Spring Harbor Protection Committee -	\$675.00
Village's Budget -	\$930.00
Total -	\$2,195.00

ACCEPTANCE OF DONATION TOWARD PURCHASE OF GOLD LETTERING FOR VILLAGE JUSTICE COURT COURTROOM WALL

Mayor DeVita moved to accept the offer of a donation to cover the cost of gold lettering for the Village Justice Court courtroom wall, after applying \$500.00 from the JCAP Court Grant, seconded by Deputy Mayor Nemshin, approved by all present.

INCREASE OF PARKLAND FEES ON APPROVED SUBDIVISION APPLICATIONS

Mayor DeVita moved to increase the Parkland Fees in connection with approved subdivisions from \$1500.00 per lot to \$10,000 for each newly created lot, seconded by Deputy Mayor Nemshin, approved by all present.

LETTER OF SUPPORT FOR COLD SPRING HARBOR LAB NYSERDA GRANT

Randy Jones, of the Cold Spring Harbor Lab, reported that the Lab is seeking grant money for energy conversation measures to build a microgrid at the Lab, which will result in a 36% reduction in energy. Mayor DeVita signed a letter of support for awarding the grant to the Lab submitted as part of the grant application.

APPROVAL OF ABSTRACTS

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

- Abstract # 18 Trust & Agency \$43,630.42
- Abstract # 1079 Capital Projects \$ 176,074.47
- Abstract # 1102 Prepays \$13,410.94
- Abstract # 1103 General Fund \$105,412.31

APPROVAL OF KAISER MARINE PROPOSAL TO BUILD A NEW SWIM FLOAT

Trustee Miritello moved to approve the proposal by Kaiser Marine to build a new swim float at a cost of \$5,040 seconded by Trustee Nicklas, approved by all present.

APPROVAL OF ENGAGEMENT LETTER FOR FISCAL 2019-2020 AUDIT

Trustee Tsafos moved to approve the audit engagement letter received from Cullen & Danowski LLP and to authorize the Mayor to sign it. The fee for the audit in connection with the 2019-2020 fiscal year will be \$16,000. The motion was seconded by Deputy Mayor Nemshin, approved by all present.

APPROVAL OF WEST SIDE SCHOOL ANNUAL RUN EVENT FOR MAY 17, 2020

Mayor DeVita moved to approve the West Side School Run for May 17, 2020, with the same conditions as in previous years, seconded by Deputy Mayor Nemshin, approved by all present.

APPROVAL OF RUNNER’S EDGE BIKE COURSE EVENT FOR AUGUST 30, 2020

Mayor DeVita moved to approve the Runner’s Edge Bike Course event to take place, in part, along Moore’s Hill Road and Stewart Lane for Sunday, August 30, 2020 with the same conditions as in prior years and subject to the road potentially being unavailable as a result of reconstruction planned at around that date, seconded by Trustee Nicklas, approved by all present.

LIFEGUARD PROPOSAL

Tabled to the next meeting.

ACCEPTANCE OF INDEPENDENT AUDIT FOR FISCAL YEAR 2018-2019

Trustee Tsafos reported that he was satisfied with the fiscal year 2017-2018 audit numbers which were restated to comply with the new AICPA requirements in order to report the Village-wide financials in accordance with GAAP requirements. As a result, Trustee Tsafos recommended accepting the 2018-2019 audit and thereafter moved to accept same, seconded by Trustee Novick, approved by all present.

EXECUTIVE SESSION

Mayor DeVita moved to adjourn to Executive Session at 9:40 pm to discuss employee matters, seconded by Trustee Jusko, approved by all present.

The Board returned to public session at 9:45 pm.

Mayor DeVita moved to approve a payment to Highway Superintendent Nicholas Porcaro for unused vacation for fiscal year 2019-20in light of the fact that the vacation time was not taken because Highway employee Engelhardt was on disability leave, seconded by Trustee Jusko, approved by all present.

There being no further business to come before the Board, Trustee Jusko moved to adjourn the meeting at 9:45 pm, seconded by Trustee Tsafos, and approved by all present.

Elizabeth Kaye
Elizabeth Kaye, Clerk / Treasurer

ALSO PRESENT:

Sergeant Mergel
Randy Jones
Daniel Cartagena
Tomy Biton
Chris Hadjandreas
Ray O’Hara

Oyster Bay Cove Police
Cold Spring Harbor Lab
32 Hilltop Drive
16 Springwood Path
1592 Laurel Hollow Rd.
44 Picardy Lane

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00 P.M. ON WEDNESDAY, MARCH 11, 2020