

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
MARCH 11, 2020
7:00 PM**

PRESENT:

Mayor Daniel F. DeVita	Howard Avrutine, Village Attorney
Trustee Kevin Jusko	Elizabeth Kaye, Clerk / Treasurer
Trustee Jeffrey Miritello	Michael F. McNerney, Supt. of Building Department
Trustee Jeffrey Nemshin	Nancy Popper, Deputy Clerk/Court Clerk
Trustee Richard Nicklas	
Trustee Martin Novick	Joseph Macy, Esq. (arrived 8:00 pm)
Trustee Nicholas Tsafos	

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 February, 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	1
Auto Accidents Property Damage	2	2	5
Aided Cases Resulting from Auto Accidents	0	0	1
Aided Cases Other	5	10	5
Arrests	0	0	0
Summonses-Moving Violations	38	63	52
Summonses-Parking	0	1	2
Fire Calls	1	3	1
Patrol Mileage	4,350	9,000	8,850
Offenses -Case Reports	1	1	2
Suspicious Autos	2	5	3
Suspicious Persons	1	3	1
Suspicious Phone Calls	0	0	0
Recorded Alarms	16	26	29
Vacant Houses	3	8	7
Disturbances	2	3	8

Malicious Mischief	0	0	0
Non-Case Incidents	1	1	1
Animal Nuisance Complaints	1	2	1
Assist from NCPD	0	0	0

Stop Signs	5
Cell Phone	0
Speeding	8
Unlicensed Operation	3
Uninspected MV	3
DWI	0
No Insurance	9
Expired Registration	0
Disobey Traffic Control Device	4
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	38

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

PUBLIC HEARING ON LOCAL LAW 3-2020 (Introductory Law C-2020)

Mayor DeVita opened the public hearing at 7:06 pm with a discussion of Introductory Local Law 3-2020, concerning a proposed amendment to Chapter 22 of the Village Code related to Stop Work Orders.

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

- Affidavit of Publication from the North Shore Leader that the legal ad was published on Feb. 26, 2020.

- Affidavit from Elizabeth Kaye that the legal notice was posted at the Village Hall on February 21, 2020
- Email from the Village Clerk to the Mayor and Board of Trustees sent on Feb. 28, 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 February 19, 2020
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on March 4, 2020
- Letter from the Nassau County Planning Commission, dated Feb. 27, 2020, indicating that the local law has been deferred to the Village to take action as deemed appropriate.

Mayor DeVita explained that the law expands the authority of the Code Enforcer to issue Stop Work Orders for activities which constitute a violation of any provision of the Village Code. There being no comments from the Board or public, Mayor DeVita moved to close the hearing at 7:10 pm, seconded by Trustee Nicklas, 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.

Mayor DeVita moved to adopt Local Law 3-2020, seconded by Trustee Tsafos, approved by all present.

PUBLIC HEARING ON LOCAL LAW 4-2020 (Introductory Law D-2020)

At 7:11 pm, Mayor DeVita opened the public hearing in connection with Introductory Local Law 4-2020, a proposed amendment to Chapter 10 of the Village Code related to the manner in which Appearance Tickets must be served.

Village Attorney Avrutine entered the following items into the record:

- Affidavit of Publication from the North Shore Leader that the legal ad was published on Feb. 26, 2020.
- Affidavit from Elizabeth Kaye that the legal notice was posted at the Village Hall on Feb. 21, 2020
- Email from the Village Clerk to the Mayor and Board of Trustees sent on Feb. 28, 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 February 19, 2020
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on March 4, 2020
- Letter from the Nassau County Planning Commission, dated Feb. 27, 2020, indicating that the local law has been deferred to the Village to take action as deemed appropriate.

Village Attorney Avrutine explained that the law expands the manner in which appearance tickets may be served; currently, the law only allows personal service.

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

Deputy Mayor Nemshin moved to close the public hearing on Local Law 4-2020 at 7:15 pm, seconded by Trustee Jusko, approved by all present.

Mayor DeVita moved to adopt Local Law 4-2020, seconded by Trustee Jusko, approved by all present.

PUBLIC HEARING ON LOCAL LAW 5-2020 (Introductory Law E-2020)

At 7:17 pm, Mayor DeVita opened the public hearing in connection with Introductory Local Law 5-2020 (Introductory E-2020), a proposed amendment to Chapter 23 of the Village Code related to fees for Building Permits, Certificates of Occupancy, and Plan Reviews.

Village Attorney Avrutine entered the following items into the record:

- Affidavit of Publication from the North Shore Leader that the legal ad was published on March 4, 2020.
- Affidavit from Elizabeth Kaye that the legal notice was posted at the Village Hall on February 28, 2020
- Email from the Village Clerk to the Mayor and Board of Trustees sent on Feb. 28, 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 March 4, 2020
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on March 4, 2020
- Letter from the Nassau County Planning Commission, dated March 11, 2020, indicating that the local law has been deferred to the Village to take action as deemed appropriate.

Village Attorney Avrutine explained that the Code currently sets forth the specific fees for Building Permits, Certificates of Occupancy and Plan Reviews. The proposed law allows the Board to set these fees by Resolution rather than by Code amendment..

There being no further comments, Trustee Nicklas moved to close the public hearing at 7:25 pm, seconded by Trustee Jusko, approved by all present.

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

Trustee Nicklas moved to close the public hearing on Local Law 5-2020 at 7:25 pm, seconded by Trustee Jusko, approved by all present.

Mayor DeVita moved to adopt Local Law 5-2020, seconded by Trustee Miritello, approved by all present.

ENGINEER'S REPORT

Village Engineer Antonelli reported that he was unable to review the road opening permit application for 32 Hilltop Drive as the road had not been properly marked out.

BUILDING DEPARTMENT REPORT

DISCUSSION OF PROPOSAL TO BAR COMPANIES WHO FAIL TO ANSWER COURT SUMMONS FROM PERFORMING WORK IN THE VILLAGE

Building Inspector McNerney informed the Board that many companies that have received summonses to Village Court have failed to appear yet continued to perform work in the Village. Mayor DeVita moved to bar any contractor issued an appearance ticket and/or summons from working in the Village if, after such contractor is sent two notices by the Village Court, they nonetheless failed to appear. The motion was seconded by Trustee Tsafos and approved by all present.

RESOLUTION TO ADOPT REVISED BUILDING DEPARTMENT FEES

The following resolution was moved by Deputy Mayor Nemshin, seconded by Mayor DeVita, and approved by all present.

It is hereby **RESOLVED**

That pursuant to Section 23-3(F) of the Village Code, the following fees shall be collected in connection with applications for building permits, applications for certificates of compliance, applications for certificates of occupancy and plan review:

Building permit fees shall be as follows:

- [1] When the cost of the work to be done under a permit, as estimated by the Building Inspector, does not exceed \$3,000, then the fee shall be \$250.
- [2] When the cost of the work to be done under a permit, as estimated by the Building Inspector, exceeds \$3,000, then the fee shall be \$250, plus \$17.50 for each additional \$1,000 of estimated cost, or fraction thereof.
- [3] Notwithstanding the foregoing, the fee for a building permit shall not in any case be less than \$3.00 for each square foot of newly constructed or created floor areas.

The fee for a Certificate of Compliance will be \$150.

The fee for a Certificate of Occupancy will be \$200.

In addition to any applicable fees provided in this section and elsewhere in the Village Code, the following plan review fees shall be applicable:

- [1] Construction of a new principal dwelling or servants' building: \$2,500.
- [2] Alteration to an existing principal or servants' building: \$1,250.
- [3] All other applications for building permits: \$250.
- [4] Demolition of a residence or construction of new swimming pool: \$750.

DEER FENCING

Mayor DeVita addressed an email from resident Mrs. Ghitelman, requesting that deer fencing be exempt from the 6' height restriction for fencing. Building Inspector McNerney reported that deer

fencing placed around a garden in the rear of the property in excess of 6' would not violate the Code and that based upon discussions with vendors, a 6' foot deer fence would be sufficient. Mayor DeVita indicated that he would contact Mrs. Ghitelman.

GREATER LI RUNNING CLUB/RUNNER'S EDGE BIKE RACE

Mindy Davidson, Event Director for Runner's Edge, addressed the Board concerning changing the start time for the August 30, 2020 bike leg of the race scheduled to pass along Moore's Hill Road and Stewart Lane from 8:00 am to 7:20 am so as to avoid Church services in Oyster Bay. Mayor DeVita reiterated the possibility of the Village's scheduled reconstruction of a portion of Moore's Hill Lane, which is bumpy and dangerous for bikers. The Village should have a better idea of the anticipated construction within a few months and will revisit this issue at that time.

ROAD BOND – SEVEN YEAR REDEMPTION PROHIBITION

Mayor DeVita reported that he had consulted with Mike Loguercio of Munistat regarding refinancing the road bond to a lower interest rate. However, since the bond agreement has a seven-year redemption prohibition period, refinancing is not feasible at this time.

APPOINTMENT OF ELECTION INSPECTORS

Mayor DeVita moved to appoint the following election inspectors for the Annual Village Election on June 16, 2020, at a rate of \$150.00, seconded by Trustee Tsafos, and approved by all present:

Patrice Benneward - unaffiliated
Robert McCullough – Dem.
Jane Ames – Rep. alternate

APPROVAL OF ABSTRACTS

Trustee Tsafos moved that the following abstracts of vouchers plus one add-on be approved for payment, seconded by Trustee Miritello, and approved by all present:

- Abstract # 19 Trust & Agency \$ 69,067.00
- Abstract # 1104 Prepaids \$ 17,730.42
- Abstract # 1105 General Fund \$ 154,109.60

Add on: Maccarone Plumbing for \$4,500.00 for installation of a hot water system in Village Hall

BUDGET TRANSFERS

Mayor DeVita moved to approve the following budget transfers, seconded by Trustee Novick, approved by all present:

<u>ACCOUNT</u>	<u>NAME</u>	<u>PROJ. OVERAGE 5/31/20</u>	<u>FROM</u>	<u>COMMENT</u>
A1110.42	VILLAGE COURT- STENO	300.00		addt'l trials, Code violations
A1110.49	VILLAGE COURT - MISC	500.00		training, dues, Court Clerk annual school, Syracuse
A1320.4	AUDITOR	1,500.00		incr. approved from 14500 to 16000
A1410.44	CLERK- STENO	900.00		public hearings for local laws, Crown Castle
A1410.45	CLERK-GEN'L CODE	4,000.00		codify local laws, cost to print books in new format
A1420.43	ATTY. - LITIGATION	40,000.00		litigation
A1420.44	ATTY. - PROSECUTOR	4,000.00		addt'l trials, Code violations, process server
A1910.40	UNALLOC. INS.	4,214.92		claims for jeep payout, litigation
A3120.55	POLICE B&G	4,000.00		propane, AARCO insp (pass-thru), water, PSEG
A3620.11	SAFETY INSP. - SALARY	3,989.46		salary increase; 7 PP left (Mar-May, with April 3 pp)
A3620.49	SAFETY INSP. MISC	300.00		cell phone
A5110.49	HWY - CURBING	1,000.00		Moore's Hill Rd. curbing
A5110.13	HWY SUPERVISOR	2,900.00		pd. 10 days unused vacation
A7140.20	PARKS & REC. - EQUIP.	7,000.00		new light poles at beach
A9060.8	HEALTH INS	4,417.02		incr. for McNerney
A9030.8	SOCIAL SECURITY	350.00		incr. for McNerney
A7140.1	PARKS & EQUIP-SALARY		22,000.00	lifeguard salary under budget
A1990	CONTINGENCY		50,000.00	
A5142.41	SNOW REMOVAL-SAND & SALT		7,371.40	
		79,371.40	79,371.40	

SET PUBLIC HEARING FOR FISCAL 2020-2021 TENTATIVE BUDGET

The Clerk/Treasurer presented the Tentative Budget for fiscal 2020-2021, which was reviewed by the Board at its special budget meeting held on February 8, 2020.

Trustee Jusko moved to change the date of the regular Board meeting from April 7, 2020 to April 6, 2020 and at the same time schedule the public hearing on the Tentative Budget for April 6, 2020 at 7:00 pm, seconded by Trustee Tsafos, approved by all present.

DISCUSSION OF GASB 34 AND GASB 75

Trustee Tsafos discussed reporting the Village's Financial Statements in accordance with GASB 34 (recording depreciation on capital assets) and GASB 75 (actuarial valuation of other than

pension post-employment benefits) in order to avoid receiving an adverse opinion on the Independent Audit. The Clerk/Treasurer indicated she could comply with GASB 34 without additional expense to the Village and indicated that an actuarial valuation of post-employment benefits other than pension could cost \$2,500.00 every three years. Mayor DeVita expressed support for compliance and moved to approve up to \$2,750.00 for an actuarial valuation, seconded by Trustee Jusko, and passed upon an Aye vote by Mayor DeVita, Trustee Jusko, Trustee Tsafos and Deputy Mayor Nemshin with the Nays being Trustee Novick, Trustee Nicklas and Trustee Miritello.

LIFEGUARD PROPOSAL

The Board discussed a proposal by W & L Pool Servicing, Inc. to provide lifeguards for the 2020 summer season at a cost of \$27,500 for a seven-day per week schedule from 11:00 am to 5:00 pm. Mayor DeVita moved to approve the proposal, with the added stipulation that the lifeguards fulfill the Village's additional lifeguard duties, seconded by Trustee Novick, and approved by all present with the exception of Trustee Nicklas and Trustee Miritello, who abstained.

MINUTES of the Board of Trustees meetings, held on February 12 and 26, 2020, were approved by all present on a motion by Trustee Novick and seconded by Trustee Tsafos.

The **FINANCIAL REPORT** for February 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.

EXECUTIVE SESSION

Mayor DeVita moved to adjourn to Executive Session at 9:30 pm to discuss litigation matters, seconded by Trustee Jusko, approved by all present.

The Board returned to public session at 10:20 pm with no action taken.

INTRODUCTORY LOCAL LAW F-2020 – SCHEDULE PUBLIC HEARING

Mayor DeVita moved to schedule the public hearing on introductory Local Law F-2020, related to Hawking, Peddling & Soliciting, seconded by Trustee Nicklas, approved by all present.

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

Elizabeth Kaye
Elizabeth Kaye, Clerk / Treasurer

ALSO PRESENT:
Sergeant Mergel
Tomy Biton
Mindy Davidson

Oyster Bay Cove Police
16 Springwood Path
Greater LI Running Club

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00 P.M. ON WEDNESDAY, APRIL 6, 2020