

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
APRIL 6, 2017
7:30 PM**

PRESENT:

Mayor Daniel F. DeVita	Howard Avrutine, Village Attorney
Trustee Jeffrey Miritello	Karen A. Navin, Clerk / Treasurer
Trustee Jeffrey Nemshin	Nancy Popper, Deputy Clerk
Trustee Richard Nicklas	Michael F. McNerney, Supt. of Buildings
Trustee Nicholas Tsafos	

EXCUSED:

Trustee Kevin Jusko
Trustee Martin Novick

MAYOR DE VITA called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department Monthly Report for March 2017, which had been distributed to the Board upon receipt. Statistics are as follows:

	MARCH	YTD	PRIOR YTD
Auto Accidents Personal Injury	2	4	2
Auto Accidents Property Damage	1	5	8
Aided Cases Resulting from Auto Accidents	5	7	2
Aided Cases Other	11	21	15
Arrests	0	0	0
Summonses - Moving Violations	38	124	70
Summonses - Parking	1	5	5
Fire Calls	0	2	1
Patrol Mileage	4650	13500	13650
Offenses - Case Reports	0	4	3
Suspicious Autos	3	9	6
Suspicious Persons	1	4	4
Suspicious Phone Calls	0	0	1
Recorded Alarms	23	52	58
Vacant Houses	5	19	26
Disturbances	3	6	1
Malicious Mischief	0	0	1
Non-Case Incidents	0	1	0
Animal Nuisance Complaints	3	6	2
Assist from NCPD	0	0	0

During the month of March, thirty-nine (39) tickets were issued, as follows:

Stop Signs	2	Expired Registration	0
Cell Phone	1	Disobey Traffic Control Device	2
Speeding	12	Improper U Turn	0
Unlicensed Operation	2	Defective Lights	9
Uninspected Motor Vehicle	2	No Passing Zone	0
No Insurance	7	Parking	1
Failure to Signal	0	DWI	0
Seat Belt	1	Village Ordinance	0

P.O. O'Donnell was present and spoke to the Board regarding recent events and the condition of Cold Spring Road, a Nassau County roadway.

ENGINEER'S REPORT

REPORT OF BID OPENING – IMPROVEMENTS TO STEWART LANE

After reviewing the Village Engineer's March 28, 2017 report of bids received for the IMPROVEMENTS TO STEWART LANE, which were opened and read aloud by the Clerk on March 27, 2017, it was moved by Trustee Nicklas, seconded by Trustee Nemshin and unanimously carried, with Trustee Jusko and Trustee Novick not present, that, based upon the recommendation of the Village Attorney, the contract for STEWART LANE IMPROVEMENT be awarded to the low bidder, Stasi Industries, 303 Winding Road, Old Bethpage, NY, at their corrected bid price of \$122,120.75. This is a Type II Action under SEQRA, requiring no further review.

VILLAGE STORMWATER PROGRAM

The Village Engineer reported that the Draft Stormwater Management Program Annual Report Year 14, was being prepared. It will be provided to the Clerk / Treasurer who will post it to the website for public comment. The matter will appear on the agenda for May 10th.

BUILDING DEPARTMENT REPORT

BPA#2839 – ZARBOUTIS – 265 LAUREL LANE

Board members reviewed the Building Department Report as it relates to the request from Valentino Zarboutis for a refund of application fees in excess of that authorized in §23-3.G. of the Code for refunds in the event an application is withdrawn.

After discussing the request, and based upon the extenuating circumstances as reported by Mr. Zarboutis, it was moved by Trustee Nicklas, seconded by Trustee Tsafos and unanimously carried, with Trustee Jusko and Trustee Novick not present, that, upon receipt of a signed voucher, the Clerk / Treasurer be authorized to process a refund in the amount of \$10,000.00, which includes the \$125.00 certificate fee.

BPA#2752 – DONALDSON – 1 GLEN LANE

Board members reviewed the Building Department Report as it relates to the request from Douglas Donaldson for an extension of his building permit, submitted on September 23, 2015 but not yet perfected.

After discussing the request, and based upon the circumstances as reported by Mr. Donaldson, it was moved by Trustee Nicklas, seconded by Mayor DeVita and unanimously carried, with Trustee Jusko and Trustee Novick not present, that, upon payment of an amount equal to one-half of the original application fee, the application be renewed to July 25, 2017. If the application is not perfected by that date Mr. Donaldson will need to apply to the Board of Zoning Appeals to extend the variance granted by them.

VILLAGE ARBORIST & COLLECTION OF TREE REPORT FEE DEPOSIT

Board members reviewed the Building Department Report as it relates to the December 12, 2016 proposal from Elizabeth Bibla, Landscape Architect. The proposal was obtained by the Village Attorney at the request of the Planning Board, in furtherance of section (2)(b) of the Rules and Regulations adopted by the Planning Board on November 22, 2016. The regulations require that, in all tree removal applications other than those where the applicant has an absolute right to issuance of a permit, a report be prepared by a professional arborist or landscape architect selected by the Planning Board which addresses the criteria for permit issuance set forth in §125-5(C) of the Village Code. As required by the Rules and Regulations, the expense associated with such report will be borne by the applicant.

After discussing the matter, it was moved by Trustee Miritello, seconded by Mayor DeVita and unanimously carried, with Trustee Jusko and Trustee Novick not present, that in those cases where professional review is required, the Application for Tree Permit must be accompanied by an initial fee of \$350.00, payable to the Village of Laurel Hollow, to cover the cost of the report. Applicants will be notified if it is determined that additional site work will be required, which would result in additional fees.

POOL EQUIPMENT

The committee established to review the Zoning Code as it relates to the location of pool equipment and noise generated by that equipment had not yet met, and the matter will appear in the Building Department Report for the May meeting.

PROPOSED LOCAL LAW REQUIRING CONSTRUCTION DEPOSITS

Board members requested that the matter of a local law that would require construction deposits be part of the Building Department Report for the May meeting.

BPA#2754 - COLD SPRING HARBOR LABORATORY – 1 BUNGTOWN ROAD

Board members reviewed the Building Department Report as it relates to the request from the Cold Spring Harbor Laboratory for a second extension of their building permit application for work at the Olney House. Arthur Brings, Facilities Manager for the Cold Spring Harbor Laboratory, was present and discussed the request with the Board.

Based upon the recommendation of the Superintendent of Buildings, it was moved by Trustee Nicklas, seconded by Trustee Miritello and unanimously carried, with Trustee Jusko and Trustee Novick not present, that, upon payment of a fee equal to one quarter of the original fee, the application be extended until October 1, 2017.

BP#2692 – TAFRESHI-SAFALI – 433 COLD SPRING ROAD

Board members reviewed the Building Department Report as it relates to the request from Faranak Tafreshi-Safaii for a second renewal of her permit to install a natural gas generator.

After discussing the matter, it was moved by Trustee Nemshin, seconded by Trustee Nicklas and unanimously carried, with Trustee Jusko and Trustee Novick not present, that, upon payment of a fee equal to \$195.00, the permit be renewed for nine months to January 21, 2018.

BP#2594 – MESSINA – 9 OVERLOOK DRIVE

Board members reviewed the Building Department Report as it relates to the request from John Messina for a third renewal of his permit for additions and alterations to his home.

After discussing the matter, and in light of the circumstances as outlined by Mr. Messina in his request, it was moved by Mayor DeVita, seconded by Trustee Tsafos and unanimously carried, with Trustee Jusko and Trustee Novick not present, that, subject to receipt of a payment equal to one half the original application fee, the permit be renewed for nine months to January 22, 2018.

F1-2016 – DIEFENDORF – 12 WAYLOR LANE

Board members discussed the application from Christine Diefendorf for a permit to relocate approximately 250 cubic yards of material on her property. The matter is scheduled for a public hearing before the Board of Trustees on May 10, 2017.

The application was submitted with the minimum fee required; \$100.00, and it was moved by Trustee Tsafos, seconded by Trustee Nicklas and unanimously carried, with Trustee Jusko and Trustee Novick not present, that, as authorized by §48-3 of the Code, the application fee for this permit be \$500.00, leaving a balance of \$400.00 due from the applicant.

The **MINUTES** of the March 15, 2017 meeting of the Board were unanimously approved on a motion by Trustee Nicklas, seconded by Mayor DeVita, with Trustee Jusko and Trustee Novick not present.

The Financial Reports and Report of Unpaid Taxes were distributed to the Board.

WATER TESTING FOR BEACH PERMIT / WATER FILTRATION SYSTEM AT VILLAGE HALL

It was moved by Mayor DeVita, seconded by Trustee Tsafos and unanimously carried, with Trustee Jusko and Trustee Novick not present, that Maximum Environmental Services be authorized to proceed as outlined in their two (2) proposals dated March 16, 2017, as follows:

#1	Annual Start-up Disinfection	\$950.00	Includes 1 st required Seasonal Sample
	Filtration System Annual Service	\$850.00	Water softener and acid neutralizer units: disinfect the units, re-bed the units, reprogram the heads (if necessary) and

supply ten (10) bags of salt

#2 Seasonal Sample-May, June, July \$50.00 Nitrate - Collected in May
per month-May, June, July \$125.00 Total Coliform / E.Coli

The authorization does not include the Back Flow Prevention test.

APPOINTMENT OF ELECTION INSPECTORS FOR JUNE 20, 2017 VILLAGE ELECTION

The following resolution was moved by Trustee Nicklas, seconded by Trustee Nemshin and unanimously carried, with Trustee Jusko and Trustee Novick not present:

RESOLVED, that, pursuant to section 15-116 of the NYS Election Law and, after discussions with the Nassau County Board of Elections, this Board does hereby appoint the following persons to serve as Inspectors of Election and/or Alternate Inspectors of Election on Election Day, June 20, 2017:

Martin Botwinick	3 Hampton Way, Woodbury (D)
Howard Hartman	41 Netto Lane, Plainview (R)

and

BE IT FURTHER RESOLVED, that any inspectors authorized by the Nasasu County Board of Elections may serve as alternate inspectors,

and

BE IT FURTHER RESOLVED, that compensation for Election Inspectors shall be at the rate of \$150.00 per day.

AGREEMENT FOR TERMITE INSPECTION SERVICES

It was moved by Trustee Tsafos, seconded by Trustee Nicklas and carried, with Trustee Miritello opposed and Trustee Jusko and Trustee Novick not present, that the Clerk be authorized to renew the termite services agreement with Kane Exterminating Corp. at a cost of \$300.00.

APPROVAL OF ABSTRACTS

It was moved by Mayor DeVita, seconded by Trustee Tsafos and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the following abstracts of vouchers be approved for payment:

- #1026 for prepaid items from 03/16/2017 to 04/06/2017 in the amount of \$1,208.51
- #1027 in the amount of \$96,538.25

AGREEMENT WITH STONY BROOK UNIVERSITY: WATER TESTING FOR BEACH

The Village Attorney reported that the agreement has been signed by all parties and work will proceed. The matter will appear on the agenda when required.

VERIZON FIOS FRANCHISE RENEWAL

No action was taken and the matter will appear on the agenda for the May 10th meeting.

PROCEEDS OF COURT GRANT

Board members continued discussion on use of the balance of the proceeds of the Village Justice Court Grant. Trustee Nicklas reported on proposals received for upgrades to the Video Surveillance and Recording System. Proposals, solicited from two vendors, were received as follows:

- H. Giudici Electricians \$10,610.00
- Electronix Systems \$13,965.78

It was moved by Trustee Miritello, seconded by Trustee Nemshin and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the provisions in Section 4 of the Procurement Policy adopted by the Board on July 15, 2015, be waived, and that the Mayor be authorized to execute a contract with H. Giudici Electricians, 195 Broadway, Huntington Station, NY, to upgrade the CCTV system at the Village Hall / Court as outlined in their proposal dated March 6, 2017, at their price of \$10,610.00.

This will leave a balance of \$2,874.00 unexpended from the Justice Court Grant, and the matter will appear on the agenda for May 10th.

INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF OYSTER BAY

The Clerk / Treasurer advised the Board that the current Highway Maintenance Program Inter-Municipal Agreement with the Town of Oyster Bay will terminate on June 30, 2017. It was moved by Trustee Nicklas, seconded by Mayor DeVita and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the Clerk / Treasurer be authorized to notify the Town of Oyster Bay that the Village wishes to extend the agreement, and further, authorized the Mayor to execute same on behalf of the Village.

AGREEMENT WITH TOWN OF OYSTER BAY / TIFFANY BEACH

The Village Clerk advised the Board that the License Agreement with the Town of Oyster Bay to operate and maintain the use of Town property for beach purposes expires on April 30, 2017.

After discussion, it was moved by Trustee Nicklas, seconded by Mayor DeVita and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the Clerk be directed to notify the Town of Oyster Bay that the Board wishes to renew said License Agreement with the Town of Oyster Bay, and further, authorized the Mayor and Village Clerk to execute same on behalf of the Village.

CONTRACT FOR STREET SWEEPING SERVICES

The Clerk advised the Board that the contract with Dejana Industries for Street Sweeping Services expires on June 26, 2017. No action was taken and the matter will appear on the agenda for May 10th.

PENALTIES FOR UNPAID PARKING TICKETS / TRACS

Board members reviewed the April 6th report from the Court Clerk regarding Nassau County TRACS and Penalties for Unpaid Parking Tickets.

Mayor DeVita asked the Village Attorney to prepare a draft amendment to establish penalties for unpaid parking tickets and the matter will appear on the agenda for May 10th.

POSSIBLE REPEAL OF LOCAL LAW #1-2017 – TAX CAP OVERRIDE

The Clerk / Treasurer advised the Board that both the Office of the State Comptroller and the New York Conference of Mayors confirmed that there was no need to repeal the tax cap override local law as the program requiring it has expired.

DENTAL INSURANCE RENEWALS

No action was taken and the dental renewals will be an agenda item for May 10th. The Clerk will follow up for additional proposals.

EXECUTIVE SESSION

At 9:00 p.m. it was moved by Trustee Nicklas, seconded by Trustee Tsafos and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the Board adjourn to executive session to discuss police contract negotiations with the Village of Oyster Bay Cove. No action was taken and the Board returned to the open meeting.

CONTRACT FOR POLICE PROTECTION SERVICES

Board members discussed the proposal from the Village of Oyster Bay Cove for Police Protection Services. It was moved by Trustee Nemshin, seconded by Trustee Miritello and unanimously carried, with Trustee Jusko and Trustee Novick not present, that Mayor DeVita be authorized to execute the contract under the terms presented in the proposed agreement by Oyster Bay Cove and that the wording of the final document is subject to the approval of the Village Attorney.

PUBLIC HEARING – 2017-2018 BUDGET

At 9:25 p.m. Mayor DeVita called the public hearing on the budget for 2017-2018 to order. A stenographer was present and a transcript will be affixed to and made a part of these minutes.

The Village Attorney entered the following items into the record:

- Excerpt from minutes of March 15, 2017 meeting setting public hearing for April 6, 2017
- Copy of the Tentative Budget as filed with the Board of Trustees on March 15, 2017
- Notice of the April 6, 2017 Public Hearing prepared by the Village Clerk
- Affidavit of Posting prepared by Nicholas Porcaro stating that the Notice of Public Hearing was posted @ the Village Hall on March 17, 2017
- Affidavit of Publication prepared by Richner Communications, Inc., stating that the public notice of the April 6th hearing was published in the Oyster Bay Guardian on March 24, 2017
- Evidence that the public notice for the April 6th hearing and the Tentative Budget were posted to the NEWS section of the website and forwarded to subscribers on March 17th 2017
- Evidence that the Tax Cap Certification was filed with the Office of the State Comptroller on March 24, 2017

The Board discussed the implications of the Contract for Police Protection Services, approved earlier in the meeting. The increase from 2016-2017 to 2017-2018 is greater than was anticipated, requiring amendments to the Tentative Budget, and it was moved by Trustee Nicklas, seconded by Mayor DeVita and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the 2017-2018 Tentative Budget be amended as follows:

- Amend Schedule 1-A: Increase A3120.40, Contract, from \$1,550,000.00 to \$1,625,700.00 and Grand Total Appropriations from \$3,328,078.00 to \$3,403,778.00
- Amend Schedule 3 Estimated Surplus Assigned by Board FYE May 31, 2018 to \$406,073, reducing the Unassigned Fund Balance at May 31, 2017 from \$828,753 to \$753,053.
- Amend Exhibit A to increase Appropriations to \$3,403,778 and Increase Assigned Surplus to \$406,073

Hearing no questions from the Trustees or others present, it was moved by Trustee Nemshin, seconded by Trustee Miritello and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the hearing be closed to further evidence and testimony.

It was moved by Trustee Nicklas, seconded by Mayor DeVita and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the 2017-2018 budget be adopted as amended; further that the salary schedule be adopted effective June 1, 2017. A copy of the adopted budget will be filed, as required, with the Office of the State Comptroller, and a copy will be affixed to and made a part of these minutes.

VACATION ALLOWANCE – NANCY POPPER

It was moved by Mayor DeVita, seconded by Trustee Nicklas and unanimously carried, with Trustee Jusko and Trustee Novick not present, that Deputy Clerk / Court Clerk Nancy Popper be credited with twenty-five (25) vacation days per year, effective June 1, 2017.

EXECUTIVE SESSION

At 9:35 p.m. it was moved by Trustee Miritello, seconded by Trustee Tsafos and unanimously carried, with Trustee Jusko and Trustee Novick not present, that the Board adjourn to executive session to discuss Mhany Management Inc., et al v. County of Nassau et al. No action was taken and the Board returned to the open meeting.

SUBPOENA – MHANY MANAGEMENT INC AND NEW YORK COMMUNITIES FOR CHANGE INC. WITH VILLAGE OF LAUREL HOLLOW

It was moved by Trustee Miritello, seconded by Trustee Nemshin and unanimously carried with Trustee Jusko and Trustee Novick not present, that the action taken by Mayor DeVita in executing a retainer agreement with Joseph E. Macy, Esq. of Berkman, Henoch, Peterson, Peddy & Fenchel, P.C., to represent the Village in connection with the subpoena relating to the matter of Mhany Management Inc. et al v. County of Nassau et al, be ratified.

There being no further business to come before the Board, the meeting was adjourned at 9:40 p.m.

Karen A. Navin
Karen A. Navin, Clerk / Treasurer

ALSO PRESENT:

Valentino Zarboutis
Chris Hadjandreas
Arthur Brings
P.O. O'Donnell

265 Laurel Lane
1592 Laurel Hollow Road
Cold Spring Harbor Laboratory
Oyster Bay Cove Police Department

THE NEXT MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:30 P.M.
ON WEDNESDAY, MAY 10, 2017