

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
JULY 10, 2019
7:00 PM**

PRESENT:

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

Howard Avrutine, Village Attorney
Elizabeth Kaye, Clerk / Treasurer
Michael McNerney, Building Inspector
Nancy Popper, Deputy Clerk/ Court Clerk
James Antonelli, Village Engineer

Excused: Trustees Jeffrey Nemshin and Jeffrey Miritello

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 June, 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	3	3
Auto Accidents Property Damage	3	11	17
Aided Cases Resulting from Auto Accidents	0	4	13
Aided Cases Other	4	23	18
Arrests	0	0	0
Summonses-Moving Violations	28	150	132
Summonses-Parking	6	14	34
Fire Calls	0	4	6
Patrol Mileage	4,500	27,150	27,150
Offenses -Case Reports	1	6	6
Suspicious Autos	2	7	13
Suspicious Persons	4	11	6
Suspicious Phone Calls	0	0	2
Recorded Alarms	12	88	88
Vacant Houses	6	22	29
Disturbances	6	23	14

Malicious Mischief	0	0	1
Non-Case Incidents	0	5	1
Animal Nuisance Complaints	1	6	5
Assist from NCPD	0	0	0

Summons Report

Stop Signs	1
Cell Phone	0
Speeding	0
Unlicensed Operation	2
Uninspected MV	0
DWI	0
No Insurance	9
Expired Registration	0
Disobey Traffic Control Device	11
Following Too Closely	1
Defective Lights	0
Unsafe Pass	3
No U Turn	0
No Parking	6
Driving on Shoulder	1
No Seatbelt	0
Total	34

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

PUBLIC HEARINGS

At 7:07 pm, Mayor DeVita opened the public hearing on Local Law 2-2019, introduced as Introductory Local Law B-2019, regarding Chapter 88 of the Code of the Inc. Village of Laurel Hollow which is hereby repealed, and a new Chapter 88 of the Code of the Inc. Village of Laurel Hollow, which is enacted, entitled "Hawking, Peddling and Soliciting."

The Village Attorney entered the following items into the record:

- Affidavit from North Shore Leader stating that the legal notice was published in the Leader on June 26, 2019

- Excerpt from the draft minutes of June 19, 2019, setting the public hearing for July 10, 2019
- Affidavit from Elizabeth Kaye that the legal notice was posted at the Village Hall on June 21, 2019
- Email from the Village Clerk to the Mayor and Board of Trustees sent on July 3, 2019, with local law in final form attached
- Confirmation that the Notice of Public Hearing was published to the Village of Laurel Hollow website on June 20, 2019
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on July 5, 2019
- A copy of the proposed local law emailed to the Board of Trustees
- Letter from the Nassau County Planning Commission dated July 8, 2019 that the local law is deferred to the Village to take action as deemed appropriate.

Mayor DeVita explained that the Village needed to bring its existing law into constitutional conformity after a pest control company contacted the Village Attorney about its First Amendment right to solicit. The law requires, among other things, that solicitors must obtain a license from the Village prior to soliciting (and pay a license fee) and must have appropriate identification prominently displayed when soliciting. Significantly, Mayor DeVita also emphasized that residents may notify the Village that they wish to be placed on a Non-Solicitation list precluding solicitors from approaching their homes.

There being no questions from the Board or public, Mayor DeVita moved to close the public hearing to further evidence and testimony, seconded by Trustee Nicklas, approved by all present.

Trustee Jusko moved to declare the Village as lead agency under SEQRA, seconded by Mayor DeVita, approved by all present.

Village Attorney Avrutine, having prepared a Short Form Environmental Assessment Form (EAF), recommended that the Board declare the proposed law as an unlisted action under SEQRA and declare a negative declaration. Mayor DeVita moved to declare the proposed local law as an unlisted action under SEQRA, seconded by Trustee Nicklas, approved by all present. Mayor DeVita moved to declare a negative declaration on the proposed action, seconded by Trustee Tsafos, approved by all present.

Trustee Jusko moved to adopt Local Law 2-2019, seconded by Trustee Novick, approved by all present.

Mayor DeVita then opened the public hearing on Local Law 3-2019, introduced as Introductory Local Law C-2019, entitled Peace and Good Order, which proposes a new Article V of Chapter 85 of the Code of the Inc. Village of Laurel Hollow, entitled "Regulation of Certain Activities."

The Village Attorney entered the following items into the record:

- Affidavit from North Shore Leader stating that the legal notice was published in the Leader on June 26, 2019
- Excerpt from the draft minutes of June 19, 2019, setting the public hearing for July 10, 2019
- Affidavit from Elizabeth Kaye that the legal notice was posted at the Village Hall on June 21, 2019
- Email from the Village Clerk to the Mayor and Board of Trustees sent on July 3, 2019, with local law in final form attached

- Confirmation that the Notice of Public Hearing was published to the Village of Laurel Hollow website on June 20, 2019
- Confirmation that the Notice of Public Hearing was sent to NEWS subscribers on July 5, 2019
- A copy of the proposed local law emailed to the Board of Trustees
- Letter from the Nassau County Planning Commission, dated July 8, 2019, stating that the local law is deferred to the Village to take action as deemed appropriate.

Mayor DeVita explained that the purpose of the law is to limit commercial gardeners and landscapers to performing work for residents in the Village only during the hours of 8:00 AM to 6:00 PM Mondays through Saturdays and not on Sundays or legal holidays, the same hours that construction activity is permitted in the Village.

There being no questions from the Board or public, Trustee Jusko moved to close the public hearing to further evidence and testimony, seconded by Trustee Nicklas, approved by all present.

Mayor DeVita moved to declare the Village as lead agency under SEQRA, seconded by Trustee Tsafos, all approved.

Village Attorney Avrutine, having prepared a Short Form Environmental Assessment Form (EAF), recommended that the Board declare the proposed law as an unlisted action under SEQRA and declare a negative declaration. Mayor DeVita moved to declare the proposed law as an unlisted action under SEQRA, seconded by Trustee Novick, all approved. Trustee Nicklas moved to declare a negative declaration on the proposed action, seconded by Trustee Tsafos, all approved.

Mayor DeVita moved to adopt Local Law 3-2019, seconded by Trustee Jusko, all approved.

BUILDING DEPARTMENT REPORT

BP #2815- Novick Gas Line with Hook-Ups to BBQ, Generator & Firepit - 3rd Request to Renew Permit

A permit was issued on 7/25/2016 and a pressure test was performed on 8/4/2016, but the project had not been completed when the permit expired on 1/25/2018. The first renewal for 9 months was authorized by the Building Inspector upon payment of 1/2 the original fee (\$142.50). The permit expired again on 10/25/2018. A second 9-month renewal was authorized by the Board of Trustees at a meeting on 11/14/2018 upon payment of 1/2 of the original fee (\$142.50). The permit will expire a third time on 7/25/2019, and the homeowner is again is requesting a renewal. Mayor DeVita moved to issue a final three-month extension with payment of 1/2 of the original fee (\$142.50), seconded by Trustee Jusko, approved by all present.

“Zombie” House at 3 Timber Ridge Drive

The subject property, which became vacant last year, has not been maintained. The front door was removed and replaced with plywood panels, grass and weeds are overgrown, and the swimming pool lacks an adequate barrier or safety cover and harbors mosquitos

and toads. The Village issued several "Notices to Remedy," but no attempt to remedy has been made by the bank or the owner.

Mayor DeVita moved to authorize that the owner and the bank be given proper notice that the Village would take the necessary measures to secure the pool and cut the grass and such costs to be levied to the tax bill, seconded by Trustee Nicklas, approved by all present.

Update on Violations at 1680 Route 25A

A Stop Work Order was originally issued on the subject property at 1680 Route 25A due to importing of large boulders, which still rest on the western end of the property. The owner was advised by the Building Department that no further importing of fill of any kind (or any other construction) could take place unless proper applications were made to, and permits were issued by, the Building Department. Subsequently, and more recently, more boulders and building materials arrived on the site, and the first summons (of seven total) for violation of the Stop Work Order was issued.

The owner's attorney was advised that no further work could be performed until the Stop Work Order was lifted and that no Building permits would be issued until all summonses were taken care of. The Building Inspector was advised that the necessary permit applications would be filed.

ENGINEER'S REPORT

Mr. Antonelli reported on the following:

Phase I Road Work – Mr. Antonelli received two quotes to apply thermoplastic striping on Picardy Lane and part of Moore's Hill Road. The Board decided to paint the double yellow lines as a temporary application on part of Moore's Hill Road, which is less expensive at .50 per foot instead of .85/foot until Phase II road work is complete.

Ridge Road Shoulder Restoration – Trustee Nicklas moved to authorize Mr. Antonelli to solicit bids by invitation as the proposed work is estimated to be under the threshold of \$35,000 for competitive bidding, seconded by Trustee Novick, approved by all present.

Seawall Repair – Mayor DeVita moved to authorize publication of the Notice to Bidders for the Seawall Repair, seconded by Trustee Jusko, approved by all present.

Phase II Road Work – the two bids submitted were publicly opened on July 10, 2019; John McGowan & Sons for \$1,850,049.50 and United Paving Corp. for \$1,729,599.50. The Board took no action and recommended holding a pre-award meeting with United Paving.

MINUTES of the Board of Trustees meeting held on June 19, 2019, as amended were approved by all present on a motion by Mayor DeVita and seconded by Trustee Novick.

The **FINANCIAL REPORT** for June, 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 that the following abstracts of vouchers be approved for payment, plus three separate additional claims, seconded by Trustee Tsafos, and approved by all present:

- Abstract # 10 Trust & Agency
- Abstract # 1070 Capital Projects Fund
- Abstract # 1085 General Fund

The Board, which will not be meeting in August, authorized paying August bills upon review of the vouchers by Mayor DeVita and Board review of the Abstracts via email; to be ratified at the September meeting.

The **ANNUAL ORGANIZATIONAL MEETING** of the Village of Laurel Hollow was called to order.

Mayor DeVita appointed Jeffrey Nemshin as Deputy Mayor for the official year.

Mayor DeVita made the following Trustee assignments for the official year.

<u>ASSIGNMENT</u>	<u>NAME</u>
Mayor in Charge of Police	Daniel DeVita
Trustee in Charge of Beach & Waterways	Jeffrey Miritello
Trustee in Charge of Buildings & Grounds	Martin Novick
Trustee in Charge of Roads	Kevin Jusko
Trustee in Charge of Budget	Nicholas Tsafos
Trustee in Charge of Emergency Mgmt. & Planning	Jeffrey Nemshin
Trustee in Charge of Communication/Technology & Insurance	Richard Nicklas

Mayor DeVita made the following appointments:

	<u>NAME</u>	<u>TERM EXPIRES</u>
Clerk/Treasurer	Elizabeth Kaye	07/2021
Deputy Clerk / Court Clerk	Nancy Popper	07/2020
Harbor Master	Jeffrey Miritello	07/2020
Village Historian	Elizabeth Watson	07/2020
Member, Planning Board	Scott Abrams	07/2024
Member Board of Zoning Appeals	Vincent Parziale	07/2024
Chair, Board of Zoning Appeals	Russell Mohr	07/2020
Chair, Planning Board	Chris Hadjandreas	07/2020
Acting/Associate Village Justice	Joseph Lafferty	07/2020
Prosecutor for Village Court	Joseph R. Carrieri	07/2020
Assistant Prosecutor for Village Court	Dwight Kennedy	07/2020
Assistant Prosecutor for Village Court	Jeffrey Blinkoff	07/2020
Building Inspector, Code Enforcement Officer, Building Official, Tree Warden, Street Commissioner, Local Administrator-Floodplain Development, Stormwater Management Officer	Michael F. McNerney	07/2020
On Call Code Enforcement Officer	Vacant	
Dock Committee:	Jeffrey Miritello	07/2020
	Jeffrey Nemshin	07/2020
	Kevin Jusko	07/2020

It was moved by Trustee Nicklas and seconded by Trustee Tsafos that the Mayor's appointments be approved.

The Clerk polled the Board as follows:

	Aye	Nay	Absent
Mayor DeVita	X		
Trustee Jusko	X		
Trustee Miritello			X
Trustee Nemshin			X
Trustee Nicklas	X		
Trustee Novick	X		
Trustee Tsafos	X		

Mayor DeVita stated that the following officials remain in office:

	<u>NAME</u>	<u>TERM EXPIRES</u>
Member, Planning Board	Chris Hadjandreas	07/2020
	Nancy Jones	07/2021
	James Galtieri	07/2022
	Elizabeth DiBlasio	07/2023
	<u>NAME</u>	<u>TERM EXPIRES</u>
Member, Board of Zoning Appeals	Jeffrey Blumin	07/2020
	Russell Mohr	07/2021
	Louis Lebedin	07/2022
	Cindy Kaufman	07/2023

The following resolution was moved by Trustee Nicklas and seconded by Trustee Tsafos, to wit:

BE IT RESOLVED, that the requirements set forth in §3-306 of the Village Law of the State of New York concerning "official undertakings" of the Clerk/Treasurer, Deputy Clerk/Court Clerk, Village Justice, and the Acting Village Justice, be deemed satisfied by Utica National Insurance Group Faithful Performance Bond #SU4274307 in the amount of \$500,000; and, be it further

RESOLVED, that the regular meetings of the Board of Trustees shall be held at 7:00 pm. as follows:

Wednesday	September 11, 2019
Wednesday	October 16, 2019
Wednesday	November 13, 2019
Wednesday	December 11, 2019
Wednesday	January 8, 2020
Wednesday	February 12, 2020
Wednesday	March 11, 2020
Tuesday	April 7, 2020
Wednesday	May 13, 2020
Wednesday	June 17, 2020
Wednesday	July 8, 2020

and, be it further

RESOLVED, that the Village adopt the INVESTMENT POLICY, most recently amended on April 9, 2013, February 11, 2015 and March 14, 2018 attached to and made a part of these minutes, including the designation of depositories outlined therein, and, be it further

RESOLVED, that the funds of the Village, deposited in a bank authorized by said INVESTMENT POLICY, be subject to withdrawal upon check when signed on behalf of the Village by any one of the following: Mayor, Clerk / Treasurer or Deputy Village Clerk, with checks in the amount of \$5,000.00 or more requiring two signatures; and, be it further

RESOLVED, that the procurement policy previously adopted, and amended on September 16, 2010, be further amended to incorporate changes authorized in Local Law 2-2015, adopted by the Board of Trustees on February, 11, 2015, affixed to and made a part of these minutes, and, be it further

RESOLVED, that the Village continue to utilize the Employee Handbook, including all compliance policies, previously adopted and revised, and, be it further

RESOLVED, that, as permitted by §5-524(6) of the Village Law of the State of New York, the Clerk / Treasurer be authorized to make payment in advance of audit of claims for public utility services, employee benefit contributions (pass-thru amounts) and insurance premiums, postage, freight and express charges, and that, as permitted by §5-524(7), the Clerk / Treasurer be authorized to make payment in advance of audit for a village officer, including the Village Justice and Acting Village Justice, to attend training provided by the education department or given by their county magistrate's association. Such claims must be presented for audit at the next regular meeting, and, be it further

RESOLVED, that, as permitted in §99-b. of the General Municipal Law, "Receipts for money received; records of money disbursed by check", the Clerk / Treasurer be authorized to accept check images in lieu of cancelled checks from payor banks, and, be it further

RESOLVED, that the Clerk/Treasurer, Deputy Clerk/Court Clerk and Highway Supervisor be authorized to attend meetings of their respective professional associations and New York State Department of Education Training Workshops, that the Clerk / Treasurer be authorized to attend the Annual NYCOM Fall Training School, that the Court Clerk be authorized to attend annual training, all reimbursed for travel and/or mileage at the current IRS rate, and, be it further

RESOLVED, that the "North Shore Leader" be, and the same hereby is, designated as the official newspaper of the Village, there being no newspaper published regularly in the Village, and, be it further

RESOLVED, that the Board of Zoning Appeals shall meet on the second Thursday of each month providing they have business to transact, and, be it further

RESOLVED, that the Planning Board shall meet on the third Wednesday of each month providing they have business to transact, and, be it further

RESOLVED, that the Village Hall shall be closed on the following holidays in the 2019-2020 official year:

2019

Labor Day	Mon.	September 2 nd
Columbus Day	Mon.	October 14 th
Veteran's Day	Mon.	November 11 th
Thanksgiving	Thurs.	November 28 th
Day after Thanksgiving	Fri.	November 29 th
Christmas Day	Wed.	December 25 th

2020

New Year's Day	Wed.	January 1 st
Martin Luther King Day	Mon.	January 20 th
President's Day	Mon.	February 17 th
Good Friday	Fri.	April 10 th
Memorial Day	Mon.	May 25 th
Independence Day	Fri.	July 3 rd - observed

The Clerk polled the Board as follows:

	Aye	Nay	Absent
Mayor DeVita	X		
Trustee Jusko	X		
Trustee Miritello			X
Trustee Nemshin			X
Trustee Nicklas	X		
Trustee Novick	X		
Trustee Tsafos	X		

NEW LIGHT POLES AT VILLAGE HALL

Mayor DeVita informed the Board that Giudici Electric would be able to install the new poles to be purchased in place of PSEG-owned poles at under \$5,000, which, in accordance with the Procurement Policy, allows for "purchaser discretion" for Public Works contracts under \$5,000.

EXECUTIVE SESSION

Mayor DeVita moved to adjourn to Executive Session at 8:45 pm to discuss potential litigation, seconded by Trustee Tsafos, and approved by all present.

Trustee Jusko moved to return to public session at 9:30 pm, seconded by Trustee Tsafos, and approved by all present.

There being no further business to come before the Board, Mayor DeVita moved to adjourn the meeting at 9:30 pm, seconded by Trustee Tsafos, and approved by all present.

Elizabeth Kaye
Elizabeth Kaye, Clerk / Treasurer

ALSO PRESENT:

Board of Trustees
July 10, 2019

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Sgt. Mergel
Randy Jones

Oyster Bay Cove Police Department
Cold Spring Harbor Lab

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00
P.M. ON WEDNESDAY, SEPTEMBER 11, 2019