

Minutes of the public meeting of the Board of Trustees of the Incorporated Village of Hewlett Neck held on Monday April 10, 2023, at 5:00 PM. At Village Hall, 30 Piermont Avenue, Hewlett NY 11557

1. Calling the meeting to order:

Mayor Epstein called the meeting to order at 5:03 p.m.

2. Roll call:

Mayor	Ross Epstein
Deputy Mayor	Aron Schnell
Trustee	Moshe Blinder

Village Clerk/Treasurer	Michelle Blandino
Village Attorney	Brian Stolar, Esq

Excused	Trustee	Michael Levine
	Trustee	Kenneth Frenkel

3. Notice of Meeting–Nassau Herald:

Clerk Blandino reported that notice of this evening’s public meeting was sent to the Nassau Herald, posted on website, and posted on the bulletin board outside Village Hall.

4. Minutes –Minutes for March 16, 2023

On motion by Mayor Epstein, seconded by Deputy Mayor Schnell and approved unanimously by those present, the Board dispensed with the reading of the minutes of March 16, 2023 as the Clerk had previously mailed such minutes and they are hereby approved.

5. Plumbing Inspector/Joseph Montilli

The Board discussed

6. Public Hearing for adoption of 2023/24 Tentative Budget

A. Open Hearing – The Mayor opened the public hearing:

B. Notice of hearing - Clerk Blandino reported that notice of this evening’s public hearing appeared in the Nassau Herald and was posted on the bulletin board outside Village Hall and in the lobby of Village Hall

- C. Affidavits – Clerk Blandino reported that notice of publication and posting was received.
- D. Appearances: None
- E. Close hearing – All those desiring to be heard, having been heard, Mayor Epstein made a motion to close the public hearing. The motion was seconded by Deputy Mayor Schnell and unanimously approved.

7. Adoption of Budget:

By motion duly made by Mayor Epstein, seconded by Trustee Blinder and unanimously adopted, the Board adopted the following resolution:

WHEREAS, the Board of Trustees of the Incorporated Village of Hewlett Neck, held a public hearing on April 10, 2023, regarding the tentative budget, and heard all persons desiring to be heard thereon, now therefore be it,

RESOLVED, that the tentative budget, as hereinafter set forth, is hereby adopted as the final budget, and that the several amounts stated be, and they hereby are, appropriated for the objects and purposes specified and the salaries and wages, as provided for in said budget, shall be and are hereby fixed at the amounts shown therein, effective June 1, 2023, and be it,

FURTHER RESOLVED, that this resolution shall become effective at the expiration of the time required for filing with the State Comptroller of the State of New York of the statement of the estimated amount of real estate taxes to be levied on account of such budget as required by the State Finance law, and be it

FURTHER RESOLVED, that the Board directs the Village Treasurer to (a) file a certified copy of the budget with the Office of the State Comptroller, (b) to the extent practicable, post the adopted budget on the Village website and (c) take such actions as are necessary and required by law with respect to the budget.

(COPY OF ADOPTED BUDGET IS ATTACHED)

8-12. Additional Budget/Tax Resolution:

On motion duly made by Mayor Epstein, seconded by Trustee Blinder, and adopted unanimously, the Board adopted the following resolution:

WHEREAS, the Board of Trustees of the Incorporated Village of Hewlett Neck has prepared, after public hearing pursuant to notice duly posted and published according to law, has completed and adopted its annual budget for the 2023-2024 fiscal year;

NOW, THEREFORE, BE IT RESOLVED, that the rate of 125.685 for Class 1 properties, 2.100 for Class 3 properties and 4.537 for Class 4 properties be affixed to apply to each \$100.00 of assessed valuation as appearing on the Village assessment roll

for the fiscal year commencing June 1, 2023 and ending May 31, 2024, and the Clerk/Treasurer is authorized and directed to extend and carry out the Roll, and that the assessment roll be completed accordingly; and be it further

RESOLVED, that the Mayor be and he hereby is authorized and directed to sign the proper warrant directed to the Collector of Taxes commanding said Collector to collect said taxes, and to attest same with proper seal of the Village of Hewlett Neck and deliver said warrant to the Clerk of the Village; and be it further

RESOLVED, that the Village Clerk be and she hereby is directed to publish notice of the collection of taxes in the official paper of the Village in two (2) consecutive issues and the required number of said notices to be posted in at least six conspicuous places in the Village pursuant to law; such notices shall state that such tax roll and warrant have been left with said Collector of Taxes for collection; designate the Village Hall as the place where the Collector of Taxes will receive taxes from 8:00am until 4:00pm, Mondays through Fridays except on holidays or such other days or times that the Village Hall Offices may be closed; that taxes shall be paid in full, with late payments subject to interest and penalties, as provided by law; and it is

RESOLVED, that the Collector of Taxes mail to all persons whose property appears on the tax roll, at their last known post office address, a statement of the tax rate, the assessment and the amount of tax due on the property described in such notice and the time and place at which the same may be paid.

13. Salary Increases:

On motion by Mayor Epstein, seconded by Trustee Blinder, the Board voted unanimously to approve a salary increase for the employees listed below effective June 1, 2023.

Michelle Blandino- Clerk Treasurer	3 %
Karen Quintavalle- Deputy Clerk	3 %
Dana Garraputta Deputy Treasurer	3 %

14. Set Public Hearing for Annual Storm Water Report

On motion by Mayor Epstein, seconded by Deputy Mayor Schnell and unanimously approved, the Board voted to hold a Public Hearing on May 15, 2023 at 5:00 pm, with respect to the Storm Water Annual Report, and directed the publication of the required legal notice.

15. Election Update and Resolutions

A. Appoint Election Inspectors and Compensation

On motion by Mayor Epstein, seconded by Deputy Mayor Schnell, the following resolution was unanimously adopted by the Board:

WHEREAS, pursuant to the Election Law of the State of New York, personal registration is required in the Village of Hewlett Neck for Village Elections, and

WHEREAS, pursuant to the Election Law, the Board of Trustees is required, at least 40 days prior to the Village election, to appoint an even number of inspectors of election, and fix their compensation and designate one of them as Chair,

NOW, THEREFORE, BE IT RESOLVED, that the following persons are hereby designated and appointed inspectors of election, and they shall meet on June 20, 2023 at the place designated for such Village Election, between the hours of 12 Noon and 9:00 p.m., inclusive, for the purpose of the Village Election:

<u>NAME</u>	<u>ADDRESS</u>	<u>PARTY</u>
Bruce Serkes	602 HARRISON AVENUE EAST MEADOW, NY 11554	Democrat
Geri Serkes	602 HARRISON AVENUE EAST MEADOW, NY 11554	Democrat
Enzo Tutino	1135 FULTON STREET HEWLETT NY 11557	REPUBLICAN
Ronald Tilton	2363 HENRY STREET N BELLMORE NY 11710	REPUBLICAN

AND IT IS FURTHER RESOLVED, that Bruce Serkes, hereby is, designated to act as Chair of said inspectors of election, and it is further

RESOLVED, that the compensation for each of the aforesaid inspectors of election shall be 135.00 for each of said days that said inspectors of election may be required to serve.

B. Designate polling place and hours for Village Election to be held on Tuesday, June 20, 2023.

On motion by Mayor Epstein, and seconded by Deputy Mayor Schnell, the following resolution was unanimously adopted.

WHEREAS, pursuant to the Election Law, the Board of Trustees is required to designate the polling place for the Village election to be held on June 20, 2023, and the hours of election,

NOW, THEREFORE, BE IT RESOLVED, that the polling place for the Village Election to be held on June 22, 2023 shall be the Keystone Yacht Club, Woodmere Blvd, Woodmere, New York.

BE IT FURTHER RESOLVED, that the hours of the said Village Election shall be from 12:00 noon to 9:00 p.m., inclusive.

16. Building Department Correspondence

A. Memo received from Building department -Re: 200 Curtis Road, to Maintain a gazebo on a drainage easement

After discussing this matter, on motion made by Mayor Epstein, seconded by Trustee Blinder and adopted unanimously, the Board approved a request to maintain a covered outdoor kitchen in accordance with the following resolution:

WHEREAS, Mohamad Khan, as the owner of property located at 200 Curtis Road, Hewlett Neck ("Applicant"), applied to the Board for permission to maintain a covered outdoor kitchen located partially on and within a drainage area that is subject to an easement running to the favor of the Village, and

WHEREAS, the Board sought input from an engineer as to whether the retention of the kitchen structure impacted the viability of the drainage easement area for drainage purposes and the engineer reported that the structure, in its current location, likely has no current impact on the proper functioning of the drainage in the drainage easement area; and

WHEREAS, the Board determines that the application constitutes an Unlisted Action under the State Environmental Quality Review Act and its regulations, the Board is the lead agency with respect to environmental review of this proposed action, and the Board has considered the following factors in respect to its review of the environmental impacts of the proposed action:

(i) whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(ii) whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(iii) whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;

(iv) whether the proposed action would conflict with the community's current plans or goals as official approved or adopted;

(v) whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) whether the proposed action would result in a major change in the use of either the quantity or type of energy;

(vii) whether the proposed action would create a hazard to human health;

(viii) whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(x) whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xii) whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular; and

WHEREAS, upon consideration of the foregoing factors determines that the the proposed action, would not have a significant adverse environmental impact, as that impact is considered under SEQRA, and no further environmental review is required with respect to the proposed action;

NOW, THEREFORE, the Board grants the request to maintain the covered outdoor kitchen area, a portion of which is located within the easement area, as shown on plans entitled "Plot Plan Zoning Analysis Plans" for "Khan Residence Maintain Gazebo & Covered Outdoor Kitchen 200 Curtis Road Hewlett Neck, NY 11598", prepared by John F. Capobianco, dated 10-10-2022 (the "Plans"), on the following conditions:

1. Applicant may retain the covered outdoor kitchen (the "Structure") in the location shown on the Plans.
2. If the Structure is to be rebuilt or removed and replaced, neither the Structure nor any structure may be constructed within the drainage easement area.
3. Within 3 months after the filing of this decision with the Village Clerk, Applicant shall execute and deliver to the attorney for the Village for recording in the office of the Nassau County Clerk, a Declaration of Covenants and Restrictions, in a form prepared or approved by the attorney for the Village, together with such other documents as may be required by the Nassau County Clerk for such recording, providing, in substance:
 - a. Upon a determination by the Village that the Structure is negatively impacting the functionality of the drainage reserve area to provide for drainage and notice by the Village to the Applicant of such impact, within 30 days of the sending of such notice, the Applicant shall remove the Structure and restore the area of the drainage easement where the Structure was located. Upon Applicant's failure to timely do so, unless the Board agrees to an extension of time to remove the Structure, the Village may remove the Structure at Applicant's expense.

- b. A hold harmless and indemnification agreement that provides, in substance, in whole or in part, in any action or proceeding commenced in any court, other than a Village Justice Court, to enjoin a violation of the Declaration of Covenants and Restrictions, or to otherwise prosecute or defend the provisions of the Declaration of Covenants and Restrictions, the Village shall be entitled to be reimbursed by the then owner of the premises all of its reasonable legal costs and expenses, including, but not limited to, all of its attorneys, experts and witnesses' fees, as may be awarded by such court.
 - c. If the Village shall be entitled to any sums from the then owner pursuant to the terms of the Declaration of Covenants and Restrictions, if said sums are not paid by the then owner of the premises to the Village within 30 days of demand, the Village, at its sole option, either:
 - i. May assess such sums as a lien against the premises, which thereafter shall be collected by the Village in the same manner as if said sums had been assessed as taxes upon the premises; or
 - ii. May collect such sums by judicial proceedings in the Supreme Court of the State of New York, Nassau County, in which case the legal costs and expenses, including, but not limited to, all attorneys, experts and witnesses' fees, of such proceeding, shall be recoverable by the Village in such proceeding, as additional damages.
 - d. The provisions of the Declaration of Covenants and Restrictions shall be covenants running with the land, and binding upon the owner, and its transferees, grantees, successors and assigns.
 - e. The Declaration of Covenants and Restrictions shall run to the benefit of the Board of Trustees, which shall have authority to enforce any of the provisions set forth therein.
 - f. The Declaration of Covenants and Restrictions may not be amended, modified, or rescinded without the express written authority of the Board of Trustees and with the consent of the then owner of the premises, its transferees, grantees, successors or assigns.
4. Applicant shall reimburse the Village for all the costs and expenses it has incurred in the processing of this application, including, but not limited to, the cost of engineering review, attorneys' fees and the cost of the preparation and recording of the Declaration..
5. Applicant

17. Tree Trimming and Pruning Proposals

Frank Suppa Landscaping Corp- \$7875.00 per day
 All State Tree & Shrub Corp. \$3300.00 per day

On motion by Mayor Epstein, seconded by Trustee Blinder and unanimously carried, the Board awarded All State Tree and Shrub Corp. for their proposal dated March 14, 2023 to trim and prune the Village trees at a price not to exceed \$3300 per day.

18. Reports:

A. Public Safety –March 2023

1. Police Activity Report

March	Arrests	0
	Crime Reports	0
	Movers	0
	Aided Cases	1

B. Treasurer’s Report – March 2023

Cash status March 2023

Bank balances	Reg., Pay., M.M.	
As of 3/1/2023		\$729,124.63

Plus Receipts

Departmental Income	2,450.35	
Use of Money & Property	142.39	
Licenses and Permits	5,975.00	
Fines and Forfeitures	650.00	
State Aid	1,431.76	
		<u>10,649.50</u>
		\$739,774.13

Less Disbursements

General Government Support	12,912.01	
Judicial	355.00	
Public Safety	8,647.72	
Transportation	2,586.49	
Employee Benefits	3,252.84	
		<u>-27,754.06</u>
		712,020.07

Proof Bank Balances:

Signature Regular	17,152.30
Signature Money Market	558,921.63
Signature Payroll	3,446.14
Signature- Trust Account	<u>132,500.00</u>
	712,020.07

1. Audit of Claims

The Board discussed the claims. Village Treasurer confirmed that the items in such abstract represented the purchase of goods and services actually received and/or performed and that each item contained in the abstract was for a proper Village

purpose. On motion duly made by Mayor Epstein, seconded by Deputy Mayor Schnell and adopted unanimously, the Board authorized and directed the Village Clerk/Treasurer to pay the general fund claims in the total sum of \$24,275.41 set forth in abstract #688 (copy of the abstract is on file in the Village office).

19. New Business: None
20. Next Meeting: -- May 15, 2023 at 5:00PM
21. Adjournment:

As there was no further business the meeting was adjourned 5:55 P.M.

Village Clerk
Michelle Blandino