

Minutes of the public meeting of the Board of Trustees of the Incorporated Village of Hewlett Neck held on Thursday March 16, 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	Kenneth Frenkel
Trustee	Moshe Blinder
Village Clerk/Treasurer	Michelle Blandino
Village Attorney	Brian Stolar, Esq
Building Inspector	Dennis Fromigia via Zoom

Excused Trustee Michael Levine

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 January 30, 2023

On motion by Mayor Epstein, seconded by Trustee Blinder and approved unanimously by those present, the Board dispensed with the reading of the minutes of January 30, 2023 as the Clerk had previously mailed such minutes and they are hereby approved.

5. Village Attorney

RESOLVED, that the Mayor previously appointed, and the Board of Trustees approved the appointment, of Brian S. Stolar, as Village Attorney, to serve at the pleasure of the Mayor, and the services of such Village Attorney to be compensated pursuant to the retainer agreement with Brian S. Stolar, and it is further

RESOLVED, that the appointment and approval shall continue, and it is further

RESOLVED, that the Board of Trustees hereby retains Harris Beach, PLLC, as special counsel to the Village, effective March 16, 2023, for non-retainer legal services (including litigation matters or Village acquisition or sale of real estate) as may be required, the services of such special counsel to be compensated pursuant to a

retainer agreement with such special counsel, at the same rates as are currently included in the retainer agreement with Meyer, Suozzi, English & Klein, P.C., and it is further

RESOLVED, that the Mayor is authorized to execute the retainer agreement with Brian S. Stolar and Harris Beach, as special counsel, a copy of which will be on file with the Village, and to sign such other documents, as may be necessary, to effectuate such change in

6. Draft Response and Corrective Action Plan to the Office of the State Comptroller

On motion by Mayor Epstein, seconded by Trustee Blinder, and unanimously carried, the Board authorized the Mayor to sign the Response and Corrective Action Plan to be sent to the Office of State Comptroller with regard to the 2020/21 State Audit.

6. Resignation received from Allan Sexter as Chairman and member of the Design Review Board effective

The Mayor and Board acknowledged the resignation received from Allan Sexter as Chairman and Member of Board of Design Review Board

7. Appointment of Chairman of Board of Design Review Board Dr. Seth Paul
Appointment of Member of Board of Design Review Board Karen Orenstein

The Mayor Epstein appointed Dr. Seth Paul as Chairman of Design Review Board and Karen Orenstein as Member of Design Review Board. On motion by Mayor Epstein, seconded by Trustee Frenkel and carried unanimously carried, the appointments were approved.

8. Public Hearing for Proposed Bill HN- 2208A - A proposed law to adopt a new chapter 129 of the Code of the Village of Hewlett Neck, to include a new Chapter to regulate Tents in the Village

The Mayor opened the public hearing. The Village Attorney explained the proposed local law. The Board confirmed that the hearing notice was published in the Nassau Herald and posted on the bulletin board outside of Village Hall and in the lobby of Village Hall and Village Website. Affidavits of posting and publication of the hearing notices are on file at the Village Clerk's office, and hearing no comments from the public, on motion duly made by the Mayor, seconded by Deputy Mayor Schnell and adopted unanimously, the Board closed the public hearing and adopted the following resolution:

- RESOLVED, that the Board hereby finds and concludes that
- (a) Proposed Law HN-2208A is an Unlisted Action under the State Environmental Quality Review Act and its regulations;
 - (b) the Board is the lead agency with respect to environmental review of this proposed action;
 - (c) 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;
- (d) the proposed action, would not have a significant adverse environmental impact, as that impact is considered under SEQRA; and
- (e) no further environmental review is required with respect to the proposed action

RESOLVED, that the Board adopts Proposed Bill HN-2208A as Local Law HN-1-2023, and directs the Village Clerk to file Local Law HN-1-2023 with the New York Secretary of State and take all actions required by law.

9. Public Hearing for Proposed Bill HN-2301- A local law to amend Chapter 195 of the Code of the Village of Hewlett Neck, to provide for areas included as lot coverage and provisions related to tennis courts, sports courts, and recreational facilities, in the Village

The Mayor opened the public hearing. The Village Attorney explained the proposed local law. The Board confirmed that the hearing notice was published in the Nassau Herald and posted on the bulletin board outside of Village Hall and in the lobby of Village Hall and Village Website. Affidavits of posting and publication of the hearing notices are on file at the Village Clerk's office, and hearing no comments from the public, on motion duly made by the Mayor, seconded by Deputy Mayor Schnell, and adopted unanimously, the Board closed the public hearing and adopted the following resolution:

RESOLVED, that the Board hereby finds and concludes that

- (a) Proposed Law HN-2301 is an Unlisted Action under the State Environmental Quality Review Act and its regulations;
- (b) the Board is the lead agency with respect to environmental review of this proposed action;
- (c) 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;

(d) the proposed action, would not have a significant adverse environmental impact, as that impact is considered under SEQRA; and

(e) no further environmental review is required with respect to the proposed action

RESOLVED, that the Board adopts Proposed Bill HN-2301 as Local Law HN-2-2023, and directs the Village Clerk to file Local Law HN-2-2023 with the New York Secretary of State and take all actions required by law.

10. Public Hearing for Proposed Bill HN-2302- A local law to amend Chapter 195 of the Code of the Village of Hewlett Neck, in relation to the construction of encroachments of subsurfaces structures in required yards

The Mayor opened the public hearing. The Village Attorney explained the proposed local law. After confirming that the hearing notice was published in the Nassau Herald and posted on the bulletin board outside of Village Hall and in the lobby of Village Hall and Village Website. Affidavits of posting and publication of the hearing notices are on file at the Village Clerk's office, and hearing no comments from the public, on motion duly made by the Mayor, seconded by Trustee Blinder, and adopted unanimously, the Board closed the public hearing and adopted the following resolution:

RESOLVED, that the Board hereby finds and concludes that

(a) Proposed Law HN-2302 is an Unlisted Action under the State Environmental Quality Review Act and its regulations;

(b) the Board is the lead agency with respect to environmental review of this proposed action;

(c) 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;
- (d) the proposed action, would not have a significant adverse environmental impact, as that impact is considered under SEQRA; and
- (e) no further environmental review is required with respect to the proposed action

RESOLVED, that the Board adopts Proposed Bill HN-2302 as Local Law HN-3-2023, and directs the Village Clerk to file Local Law HN-3-2023 with the New York Secretary of State and take all actions required by law.

11. Set Budget Hearing for adoption of 2023/24 Tentative Budget

On motion by Mayor Epstein, seconded by Trustee Blinder and unanimously approved, the Board voted unanimously to hold a public hearing on April 10, 2023, at 5:00 p.m. with respect to the adoption of 2023/24 Budget.

12. Annual Storm Water Report Proposals

West Side Engineering	\$2000
Nelson Pope Engineers	\$2600.

On motion by Mayor Epstein, seconded by Trustee Frenkel, and unanimously approved the Board voted to authorize West Side Engineering, PC to prepare the Annual Report for the Phase 2 Storm Water Program in accordance with a written proposal, and authorized the Mayor to execute any documents necessary to accept the West Side Engineering proposal for a fee not to exceed \$2,000.00

13. Building Department Correspondence

A. Proposed parking regulations-

The Board discussed.

B. Parking without a waiver-

The Board discussed.

C. Memo Received from Plumbing Inspector
The Board discussed

14. Election Update
The Clerk updated the Board

15. Reports:

A. Public Safety –January, February 2023

1. Police Activity Report

January	Arrests	0
	Crime Reports	0
	Movers	2
	Aided Cases	3
February	Arrests	0
	Crime Reports	0
	Movers	1
	Aided Cases	0

B. Treasurer’s Report – January, February 2023

Cash status January 2023

Bank balances	Reg., Pay., M.M.	
As of 1/1/2023		\$728,206.35

Plus Receipts

Departmental Income	2650.00	
Use of Money & Property	119.39	
Licenses and Permits	3,412.00	
Fines and Forfeitures	1,350.00	
		<u>7,531.39</u>
		\$735,737.74

Less Disbursements

General Government Support	14,100.32	
Judicial	643.33	
Public Safety	11,595.94	
Transportation	1,403.26	
Home and Community	1,739.60	
Employee Benefits	2,651.56	
		<u>-33,269.72</u>
		702,468.02

Proof Bank Balances:

Signature Regular	1,852.64
Signature Money Market	568,648.93
Signature Payroll	6,966.45
Signature- Trust Account	<u>125,000.00</u>
	702,468.02

Cash status February 2023

Bank balances Reg., Pay., M.M.

As of 2/1/2023

\$702,468.01

Plus Receipts

Non Property Taxes	18,415.25
Departmental Income	150.00
Use of Money & Property	130.31
Licenses and Permits	13,411.80
Fines and Forfeituress	60.00

32,167.36

\$734,635.38

Less Disbursements

General Government Support	9,348.47
Judicial	275.00
Public Safety	266.13
Transportation	2,513.35
Employee Benefit	607.80

-13,010.75

721,624.63

Trust Account/Road Deposits 7,500.00

7,500.00

729,124.63

Proof Bank Balances:

Signature Regular	27,606.80
Signature Money Market	558,779.24
Signature Payroll	10,238.59
Signature- Trust Account	<u>132,500.00</u>
	729,124.63

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 Deputy Mayor Schnell, seconded by Trustee Blinder, and adopted unanimously, the Board authorized and directed the Village Clerk/Treasurer to pay the general fund claims in the total sum of \$37,887.92 set forth in abstract #687 (copy of the abstract is on file in the Village office).

16. New Business: None

17. Next Meeting: -- April 10, 2023 at 5:00PM

18. Adjournment:

As there was no further business the meeting was adjourned 6:06 P.M.

Village Clerk
Michelle Blandino