

Minutes of the public meeting of the Board of Trustees of the Incorporated Village of Hewlett Neck held on Monday, October 23, 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 5:01 p.m.

A. Mayor Epstein Appointed Aron Schnell as Deputy Mayor for a term of (1) year

2. <u>Roll call:</u>	Mayor Deputy Mayor Trustee	Ross Epstein Aron Schnell Isaac Showman
	Village Clerk/Treasurer Village Attorney Building Inspector	Michelle Blandino Brian Stolar, Esq Dennis Fromigia- Via Zoom
	Excused Trustee Trustee	Michael Levine Moshe Blinder

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 September 18, 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 September 18, 2023 as the Clerk had previously mailed such minutes and they are hereby approved.

5. Appointments

A. Mayor Epstein made the following appointments for the terms indicated

Deputy Village Clerk	1 year	Karen Quintavalle
Deputy Village Treasurer	1 year	Dana Garraputa
Court Clerk	1 year	Karen Quintavalle
Deputy Court Clerk	1 year	Dana Garraputa
Clerk – Design Review Board	1 year	Dana Garraputa
Clerk- Board of Appeals	1 year	Dana Garraputa
Deputy Registrar	1 year	Karen Quintavalle
Chair – Board of Appeals	1 year	Seth Paul
Member – Board of Appeals	5 years	Gregory Mariasch
Alternate Member – Board of Appeals	1 year	Cathy Levine
Alternate Member – Board of Appeals	1 year	Jack Hollander

Chair & Member -Design Review Board	3 years	Seth Paul
Vice Chair- Design Review Board	3 years	Edward Vilinsky
Design Review Board – Member	3 years	Michael Stauber
Design Review Board- Member	3 years	Edward Vilinsky
Design Review Board Member	3 years	Gregory Mariasch
Design Review Board Member	3 years	Karen Orenstein
Alternate Member – Design Review Board	1 year	Cathy Levine
Alternate Member – Design Review Board	1 year	Jack
Hollander		
Road Commissioner	1 year	Neiv Ziarno

On motion by Deputy Mayor Schnell seconded by Trustee Showman, the above appointments were unanimously approved.

B. Mayor Epstein made the following Appointments to serve at the Pleasure of the Mayor

Associate Village Justice	Steven Hochberg
Prosecuting Attorney	Merik Aron
Deputy Village Prosecutor	Vacant
Building Inspector	Dennis Fromigia
Plumbing Inspector	Dennis Fromigia
Village Engineers	West Side Engineering/ Jim Antonelli
Village Engineers	Nelson & Pope
Historian	Vacant
Electrical Inspectors	Alliance Electrical Inspections, Ltd Certified Electrical Inspections, Inc. Electrical Inspection Service Inc. Electrical Inspectors Inc. NYS Electrical Inspections, Inc. Suffolk Bureau of Electrical Inspectors, Inc.

On motion by Deputy Mayor Schnell seconded by Trustee Showman, the above appointments were unanimously approved.

C. The Mayor made the following Appointment to serve at the pleasure of the Mayor:

Law Firm of Harris Beach PLLC
Brian S. Stolar as Village Attorney

On motion by Deputy Mayor Schnell and seconded by Trustee Showman, the following resolution was unanimously approved:

**RESOLUTION RETAINING VILLAGE ATTORNEY
AND SPECIAL COUNSEL**

RESOLVED, that the Board of Trustees hereby approves the Mayor's appointment of BRIAN S. STOLAR as Village Attorney to serve at the pleasure of the Mayor, and it is further

RESOLVED, that the compensation for the services of the Village Attorney and other attorneys associated with their law firm designated by either Village Attorney as Deputy Village Attorneys, for retainer legal services (all legal services required by the Village other than legal services in connection with litigation matters, or Village acquisition or sale of real estate) to be performed by the Village Attorney or under his direction, shall be \$270 per hour, plus reimbursement of all reasonable and necessary disbursements incurred in connection with the performance of such retainer legal services, which sums will be billed to the Village monthly by the Village Attorney or any law firm with which he may be associated, and it is further

RESOLVED, that the Board of Trustees hereby retains Harris Beach PLLC As special counsel to the Village for non-retainer legal services as may be required, the services of such special counsel to be compensated at the rate of \$285 per hour, plus reimbursement of all reasonable and necessary disbursements incurred in connection with the performance of such non-retainer legal services, which sums shall be billed to the Village monthly, and be it further

RESOLVED, that the rate for the provisions of legal services by Harris Beach PLLC in connection with applications brought for zoning relief to the Zoning Board of Appeals or the Board of Trustees will be compensated at the rate of \$325 per hour, and be if further

RESOLVED, that the Mayor is authorized to sign the retainer agreement with Brian S. Stolar and Harris Beach PLLC

6. Designations:

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

“BE IT HEREBY RESOLVED that the following banks be designated as depositories of Village funds, provided that such banks have provided the Village with an approved collateral agreement as required by law:”

A. Bank Depositories

Flag Star Bank- Regular Account
Flag Star Bank- Payroll Account
Flag Star Bank- Money Market
Flag Star Bank- Trust Account
Flag Star Bank- Village Justice
Flag Star Bank- Bail Account

B. Signatures on Checks

On motion by Deputy Mayor Schnell, seconded by Mayor Epstein and unanimously carried, the following resolution was unanimously approved:

Resolved that two (2) signatures shall be required on all checks. The Mayor, or in the Mayor's absence the Deputy Mayor, and the Treasurer, or in the Treasurer's absence the Deputy Treasurer, shall be the two (2) signatories

C. Official Newspaper: Nassau Herald

Deputy Mayor Schnell made a motion to designate the Nassau Herald the official newspaper of the Village. The motion was seconded by Mayor Epstein and unanimously approved.

D. Village Auditor- Satty Levine, Ciacco, CPA

Deputy Mayor Schnell made a motion to designate the firm of Satty, Levine, Ciacco, CPA the official auditors of the Village, and to retain Satty, Levine in accordance with the terms of their written proposal dated July 20, 2023. The motion was seconded by Mayor Epstein and unanimously approved.

7. Annual Policies:

Each of the following policies was readopted, on motion by Deputy Mayor Schnell, seconded by Mayor Epstein and adopted unanimously:

Procurement Policy revised 7/19/2021

Payment of Claims Policy revised 7/25/22

Investment Policy revised 7/19/2021

Renew Violence in the Workplace Policy adopted October 28, 2013

Renew Standard Workday Policy adopted October, 2014

Renew Sexual Harassment Policy adopted October 5, 2018

Fund Balance Policy – Adopted 6/27/2022

8. Public Hearing for Proposed Bill HN-2303- A local law to amend the Code of the Village of Hewlett Neck in relation to persons entitled to defense and indemnification in accordance with the Public Officers Law, in the Village of Hewlett Neck

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-2303 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-2303 as Local Law HN-4-2023, and directs the Village Clerk to file Local Law HN-4-2023 with the New York Secretary of State and take all actions required by law.

9. Resolution for the Creation of Reserve Account for Snow and Ice Removal

On motion by Mayor Epstein, seconded by Deputy Mayor Schnell and unanimously carried the following Resolution was adopted

RESOLVED, that pursuant to General Municipal Law (GML) 6-F, there is hereby established a capital reserve fund to be known as the "Snow and Ice Removal and Road Repair Fund" (the "Reserve Fund"). The purpose of this Reserve Fund is to accumulate

monies to finance the cost for the removal of snow and ice from public roadways and public places, which removal is of a type not likely to recur annually or at shorter intervals, for repairing and maintaining roadways to the extent damage to such roadways was caused by the removal of snow and ice including pothole repair and other road surface maintenance.

The Village Treasurer is hereby directed to deposit and secure the monies in this Reserve Fund in the manner provided by GML §10. The Board of Trustees may invest the monies in the Reserve Fund in the manner provided in GML §11, and consistent with the Investment Policy of the Village of Hewlett Neck. Any interest earned or capital gains realized on the monies deposited or invested shall accrue to and become part of the Reserve Fund. The Village Treasurer shall account for the Reserve Fund in a manner that maintains a separate identity of the Reserve Fund and shows the date and amount of each sum paid into the Fund, interest earned by the Fund, capital gains or losses resulting from the investments of the Fund, the amount and date of each withdrawal from the Fund and the total assets of the Fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Board of Trustees and such additional actions or proceedings as may be required by GML 6-F or any other law, including a permissive referendum if required by GML.

On motion by Mayor Epstein, seconded by Deputy Mayor Schnell and unanimously approved, the Treasurer was directed to move \$15,000 of unused snow removal money from fiscal ending 5/31/2023 to the Reserve Account for Snow and Ice Removal

10. Resignation received from Prosecuting Attorney, Mindy Roman, Esq. effective November 1, 2023

The Mayor and Board acknowledged the resignation received from Prosecuting Attorney, Minda Roman, Esq. effective November 1, 2023 and thanked her for her years of service with he Village of Hewlett Neck.

11. Renewal of Cyber Insurance Policy held by Hewlett Bay Park to be 1/3 shared with Village of Hewlett Neck and Village of Woodsburgh

On motion by Mayor Epstein, seconded by Deputy Mayor Schnell, and unanimously approved, the Board approved the renewal of the Cyber Security Insurance Policy held by the Village of Hewlett Bay Park for \$3518.13 to be 1/3 shared between Village of Hewlett Bay Park, Village of Woodsburgh and Village of Hewlett Neck at a price of \$1172.71 per Village.

12. Fly Trap Update

The Board discussed.

13. Potholes to be repaired on Dolphin Drive between Adams and Curtis

Roadwork Ahead Inc \$5900.00

On motion by Mayor Epstein, seconded by Deputy Mayor Schnell and unanimously approved, the Board awarded Roadwork Ahead, Inc. to repair the (2) Potholes on Dolphin Drive, between Adams Lane and Curtis Drive at a price not to exceed \$5,900.00

14. A. Application received from Isaac Showman who resides at 280 Dolphin Drive, requesting a grade change

To be heard at the November 20, 2023 meeting.

- B. Email received 10/23/2023 from Isaac Showman who resides at 280 Dolphine Drive, requesting relief for building permit #-HN-2021-025

Tabled

15. Request received from Maksim Grushkovskiy, who resides on Dolphine Drive, requesting the Village install Speed Humps on Dolphin Drive

The Board discussed.

16. Code Violations- (special events, parking, landscapers working on weekends)

Tabled

17. Parking Waivers and Special Events

Tabled

18. Reports:

- A. Public Safety –September 2023

1. Police Activity Report

September	Arrests	0
	Crime Reports	0
	Movers	0
	Parkers	0
	Aided Cases	2

- B. Treasurer's Report – September 2023

Cash status September 2023

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

As of 9/1/2023

\$992,668.15

Plus Receipts

Real Property Tax Items 4,419.14

Departmental Income 2,875.00

Use of Money & Property 191.88

Licenses and Permits	4,337.87	
Sale of Property/ other Comp	100.00	
Fines and Forfeitures	950.00	
State Aid	2,518.00	
		<u>15,391.89</u>
		\$1,008,060.04

Less Disbursements

General Government Support	24,812.76	
Judicial	635.00	
Public Safety	10,366.75	
Transportation	4,646.07	
Home and Community	2,320.16	
Employee Benefits	7,374.95	
		<u>-50,155.69</u>
		957,904.35

Proof Bank Balances:

Flag Star Regular	36,987.55
Flag Star Money Market	774,629.60
Flag Star Payroll	6,287.20
Flag Star- Trust Account	<u>140,000.00</u>
	957,904.35

1. Audit of Claims

The Board discussed the claims. The Village Treasurer confirmed that the items in abstract #692 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 Mayor Epstein and adopted unanimously, the Board authorized and directed the Village Clerk/Treasurer to pay the general fund claims in the total sum of \$44,192.21 set forth in abstract #692 (copy of the abstract is on file in the Village office).

19. New Business:

None

20. Next Meeting: -- November 20, 2023 at 5:00PM

21. Adjournment:

As there was no further business the meeting was adjourned 6:05 P.M.

Village Clerk
Michelle Blandino