

**The Regular Meeting of the Board of Trustees was held on June 22, 2015 at the Bayville Intermediate School, 50 Mountain Avenue, Bayville, New York 11709 at 7:30 PM.**

Present were:	Trustee Fay	Village Clerk Treasurer
	Trustee Pinkerton	Maria Alfano-Hardy
	Trustee Russo	Secretary to Board
	Trustee Charon	Nikki Paris
	Trustee Taylor	Village Attorney
	Trustee Valsecchi	Keith Corbett
	Mayor Rupp	

Presentation by Bonnie Franson, a representative from H2M, started the meeting with a presentation for the residents explaining the areas the proposed local laws affect.

**NOTICE OF PUBLIC HEARING  
INCORPORATED VILLAGE OF BAYVILLE**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Incorporated Village of Bayville will hold a continuation of the public hearing for Proposed Local Law 2015-3, a local law to amend the Village Code Chapter 80: Zoning Section 80-49 (B) Residential buildings and apartments, commencing at 7:45 PM on Monday, June 22, 2015 at the Bayville Intermediate School, 50 Mountain Avenue, Bayville, New York 11709 with respect to the matter summarized below:

Proposed Local Law 2015-3, a local law to amend the Village Code Chapter 80: Zoning Section 80-49 (B) Residential buildings and apartments.

The purpose of the proposed local law is to amend Chapter 80: Zoning Section 80-49 (B) Residential buildings and apartments to change the locations of residential apartments permitted within the Business District.

Persons who may suffer from a disability, which would prevent them from participating in said hearing, should notify Maria Alfano-Hardy, Village Clerk-Treasurer, at (516) 628-1439 in sufficient time to permit such arrangements to be made to enable such persons to participate in said hearing.

By Order of the Board of Trustees  
Incorporated Village of Bayville

Maria Alfano-Hardy  
Village Clerk-Treasurer

Dated: June 5, 2015

For the record the hearing started at 8:00PM.

The following people spoke before the Board:

Tom Tini  
George Jehn  
Ed Orski  
Richard Kita  
Bill Bauer  
Bea Rupp  
Rita DeRose  
Robert DeNatale  
Jim Alessi  
Barry Lee  
Peter Ronzetti  
Frank Bates  
Victoria Siegel  
Loretta Cummings  
Victoria Siegel/Wayne Gaddy  
Judy Sniffen  
Steve Cantone  
Bill Allard

Ron Ruell  
Charles Scafonas  
Barbara Garriel  
Jeff Davis  
Richard Mohring  
Lisa McLoughlin  
Michelle Principe  
Doug Watson  
Lucille Guibord  
Charles Patak  
Mario Gallo  
Joe Gallo  
Rich Rutherford  
Dean Husing  
John Atsidis  
Gulhan Latif  
Vincent Gatti  
Annette Rostad  
Paula Chardavoyne  
Lynn Ann Dunn  
Cliff Cotton

Trustee Charon moved BE IT RESOLVED to close the Public Hearing for Proposed Local Law 2015-3 at 10:50PM.

Seconded by: Trustee Russo

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-70**

**NOTICE OF PUBLIC HEARING  
INCORPORATED VILLAGE OF BAYVILLE**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Incorporated Village of Bayville will hold a continuation of the public hearing for Proposed Local Law 2015-4, a local law to amend the Village Code Chapter 80: Zoning Section 80-96 (E) Conditions and standards for approval, commencing at 7:55 PM on Monday, June 22, 2015 at the Bayville Intermediate School, 50 Mountain Avenue, Bayville, New York 11709 with respect to the matter summarized below:

Proposed Local Law 2015-4, a local law to amend the Village Code Chapter 80: Zoning Section 80-96 (E) Conditions and standards for approval.

The purpose of the proposed local law is to amend Chapter 80: Zoning Section 80-96 (E) Conditions and standards for approval to change the required distance from a residence from 250 feet to 50 feet.

Persons who may suffer from a disability, which would prevent them from participating in said hearing, should notify Maria Alfano-Hardy, Village Clerk-Treasurer, at (516) 628-1439 in sufficient time to permit such arrangements to be made to enable such persons to participate in said hearing.

By Order of the Board of Trustees  
Incorporated Village of Bayville

Maria Alfano-Hardy  
Village Clerk-Treasurer

Dated: June 5, 2015

For the record the hearing started at 10:55PM.

The following people spoke before the Board:

Michelle Principe  
Mike Aiello  
Steve Cantone  
Victoria Siegel  
Michael Siegel

Frank Bates  
Frank Hurlihey  
Ed Orski  
Annette Rostad  
Rich Rutherford  
John Atsidis

Trustee Russo moved BE IT RESOLVED to close the Public Hearing for Proposed Local Law 2015-4 at 11:27PM.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-71**

**NOTICE OF PUBLIC HEARING  
INCORPORATED VILLAGE OF BAYVILLE**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Incorporated Village of Bayville will hold a public hearing to amend Proposed Local Law 2015-5, a local law to add the definition of the term "Residential Building" to Section 80-3 of the Village Code of the Incorporated Village of Bayville, commencing at 8:05 PM on Monday, June 22, 2015 at the Bayville Intermediate School, 50 Mountain Avenue, Bayville, New York 11709 with respect to the matter summarized below:

Amended Proposed Local Law 2015-5, a local law to add the definition of the term "Residential Building" to Section 80-3 of the Village Code of the Incorporated Village of Bayville as a building containing five (5) apartment units or more.

The purpose of the proposed local law is to provide a definition for the term "Residential Building" as set forth in Section 80-49 of the Village Code of the Incorporated Village of Bayville.

Persons who may suffer from a disability, which would prevent them from participating in said hearing, should notify Maria Alfano-Hardy, Village Clerk-Treasurer, at (516) 628-1439 in sufficient time to permit such arrangements to be made to enable such persons to participate in said hearing.

By Order of the Board of Trustees  
Incorporated Village of Bayville

Maria Alfano-Hardy  
Village Clerk-Treasurer

Dated: June 5, 2015

For the record the hearing started at 11:30PM.

The following people spoke before the Board:

Michelle Principe  
Bob DeNatale  
Frank Bates  
Lisa McLoughlin  
Luigi Gallo  
Mike Aiello  
Jack Kahn  
Steve Cantone  
Kevin Murray  
Michael Siegel  
Frank Bates

Trustee Charon moved BE IT RESOLVED to close the Public Hearing for Proposed Local Law 2015-5 at 11:55PM.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-72**

Trustee Russo moved

WHEREAS, on March 27, 2015, the Village of Bayville Board of Trustees (Village Board) circulated a Notice of Intent to be lead agency for the proposed action, namely the adoption of an amendment to Section 80-49(B) of Chapter 80, Zoning, of the Village of Bayville Code which would remove the last ten words of said section regarding the location of apartments pursuant to said section; and

WHEREAS, the Village Board is the only agency which has the authority to adopt revisions to the Village Zoning Code, and is therefore the only involved agency for this action; and

WHEREAS, although the Village Board is the only involved agency for this action, the Village Board did transmit a Notice of Intent to act as Lead Agency to various interested agencies, including but not limited to: the Nassau County Planning Commission, NYSDEC - Region 1, the Nassau County Health Department, and the Nassau County Department of Public Works; and

WHEREAS, the Village Board has allowed the agencies the requisite minimum 30-day time period to comment on the lead agency request; and

WHEREAS, the Village Board is not in receipt of any letter or notice from any agency disputing said lead agency request.

NOW, THEREFORE BE IT RESOLVED, that the Village Board declares itself Lead Agency for the SEQRA review of the action identified above.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-73**

Trustee Russo moved

WHEREAS, the Village Board of Trustees ("Village Board") has caused to be prepared a proposed amendment to Section 80-49(B) of Chapter 80, Zoning, of the Village of Bayville Code which would remove the last ten words of said section regarding the location of apartments pursuant to said section; and

WHEREAS, the Village Board has determined that the proposed action is subject to review under the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Village Board determined that the proposed action is an Unlisted Action in accordance with the regulations implementing SEQRA; and

WHEREAS, the Village Board prepared and reviewed a short Environmental Assessment Form, Part 1, which form was circulated to various interested agencies for comment. The Village Board is the only involved agency in this action; and

WHEREAS, subsequent to said circulation, an Environmental Assessment Form, Part 2, was prepared and reviewed by the Village Board in order for the board to determine whether the proposed action had the potential to result in any significant adverse impact to the environment.

NOW, THEREFORE BE IT RESOLVED, that based on its review of the proposed action, i.e., amendment to Section 80-49(B) of the Village Zoning which would remove the last ten words of said section regarding the location of apartments, the Village Board hereby determines that the proposed action will not result in any significant adverse impact on the environment.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Village Board hereby adopts a Negative Declaration pursuant to the regulations implementing the New York State Environmental Quality Review Act.

Seconded by: Trustee Charon

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-74**

Trustee Pinkerton moved BE IT RESOLVED to adopt proposed Local Law 2015-3 as Local Law No. 3 of the Year 2015 a local law to amend the Village Code Chapter 80: Zoning Section 80-49 (B) Residential buildings and apartments.

Seconded by: Trustee Charon

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-75**

Trustee Russo moved

WHEREAS, on March 27, 2015, the Village of Bayville Board of Trustees (Village Board) circulated a Notice of Intent to be lead agency for the proposed action, namely the adoption of an amendment to Section 80-96(E) of the Village Zoning Code to allow a reduction in the permitted distance from 250 feet to 50 feet of a residence; and

WHEREAS, the Village Board is the only agency which has the authority to adopt revisions to the Village Zoning Code, and is therefore the only involved agency for this action; and

WHEREAS, although the Village Board is the only involved agency for this action, the Village Board did transmit a Notice of Intent to act as Lead Agency to various interested agencies, including but not limited to: the Nassau County Planning Commission, NYSDEC - Region 1, the Nassau County Health Department, and the Nassau County Department of Public Works; and

WHEREAS, the Village Board has allowed the agencies the requisite minimum 30-day time period to comment on the lead agency request; and

WHEREAS, the Village Board is not in receipt of any letter or notice from any agency disputing said lead agency request.

NOW, THEREFORE BE IT RESOLVED, that the Village Board declares itself Lead Agency for the SEQRA review of the action identified above.

Seconded by: Trustee Charon

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, nay, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-76**

Trustee Charon moved

WHEREAS, the Village Board of Trustees ("Village Board") has caused to be prepared a proposed amendment to Section 80-96(E) of Chapter 80, Zoning, of the Village of Bayville Code which would reduce the permitted distance from 250 feet to 50 feet of a residence; and

WHEREAS, the Village Board has determined that the proposed action is subject to review under the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Village Board determined that the proposed action is an Unlisted Action in accordance with the regulations implementing SEQRA; and

WHEREAS, the Village Board prepared and reviewed a short Environmental Assessment Form, Part 1, which form was circulated to various interested agencies for comment. The Village Board is the only involved agency in this action; and

WHEREAS, subsequent to said circulation, an Environmental Assessment Form, Part 2, was prepared and reviewed by the Village Board in order for the board to determine whether the proposed action had the potential to result in any significant adverse impact to the environment.

NOW, THEREFORE BE IT RESOLVED, that based on its review of the proposed action, i.e., amendment to Section 80-96(E) of the Village Zoning which would reduce the permitted distance from 250 feet to 50 feet of a residence, the Village Board hereby determines that the proposed action will not result in any significant adverse impact on the environment.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Village Board hereby adopts a Negative Declaration pursuant to the regulations implementing the New York State Environmental Quality Review Act.

Seconded by: Trustee Russo

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, nay, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-77**

Trustee Pinkerton moved BE IT RESOLVED to adopt proposed Local Law 2015-4 as Local Law No. 4 of the Year 2015 a local law to amend the Village Code Chapter 80: Zoning Section 80-96 (E) Conditions and standards for approval,

Seconded by: Trustee Russo

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, nay, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-78**

Trustee Russo moved BE IT RESOLVED to adopt proposed Local Law 2015-5 as Local Law No. 5 of the Year 2015 a local law to add the definition of the term “Residential Building” to Section 80-3 of the Village Code of the Incorporated Village of Bayville as a building containing five (5) apartment units or more.

Seconded by: Trustee Charon

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, nay, Mayor Rupp, aye

**RESOLUTION 2015-79**

Trustee Charon moved BE IT RESOLVED that the following warrants and claims have been audited by the Audit Commission and are hereby offered for approval by the Board of Trustees and BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized to make said payments.

FUND	CLAIM NO.	WARRANT	AMOUNT
<b>GENERAL</b>			
PAYROLL	5/20/2015	12F	\$ 30,490.99
	846	12G	\$ 2,324.63
PAYROLL	5/27/2015	12H	\$ 27,244.67
	847	12I	\$ 2,077.29
	848/854	12J	\$ 1,641.30
	855/912	12K	\$ 100,103.94
PAYROLL	6/3/2015	1A	\$ 26,758.71
	1	1B	\$ 2,040.21
PAYROLL	6/10/2015	1C	\$ 27,058.08
	2	1D	\$ 2,063.10
	3/36	1E	\$ 553,893.39
PAYROLL	6/17/2015	1F	\$ 28,231.96
	37	1G	\$ 2,152.49
<b>TOTAL GENERAL</b>			<b>\$ 806,080.76</b>
<b>WATER</b>			
PAYROLL	5/20/2015	12F	\$ 1,833.09
	191	12G	\$ 139.76
PAYROLL	5/27/2015	12H	\$ 2,628.48
	192	12I	\$ 200.40
	193	12J	\$ 52.22
	194/202	12H	\$ 23,749.15
PAYROLL	6/3/2015	1A	\$ 2,145.60
	1	1B	\$ 163.59
PAYROLL	6/10/2015	1C	\$ 2,547.35
	2	1D	\$ 194.21
	3/6	1E	\$ 4,720.86
PAYROLL	6/17/2015	1F	\$ 2,203.46
	7	1G	\$ 167.99

REGULAR MEETING JUNE 22, 2015

<b>TOTAL WATER</b>			<b>\$</b>	<b>40,746.16</b>
<b>TRUST &amp; AGENCY</b>				
	272/275	12C	\$	9,544.51
	276/280	12D	\$	12,488.88
	281	12E	\$	1,101.28
	1/7	1A	\$	9,332.54
	8/12	1B	\$	9,304.93
	13/16	1C	\$	51,773.04
	17/20	1D	\$	9,115.88
			.	
<b>TOTAL T &amp; A</b>			<b>\$</b>	<b>102,661.06</b>
<b>REVENUE ENTERPRISE</b>				
	69	12B	\$	94.90
	70	1A	\$	319.65
<b>TOTAL REVENUE ENTERPRISE</b>			<b>\$</b>	<b>414.55</b>
<b>CAPITAL</b>				
	31/33	12B	\$	2,932.50
	34/40	12C	\$	13,689.45
<b>TOTAL CAPITAL</b>			<b>\$</b>	<b>16,621.95</b>
<b>COMMUNITY DEVELOPMENT</b>				
<b>TOTAL COMMUNITY DEVELOPMENT</b>			<b>\$</b>	<b>-</b>
<b>GRAND TOTAL</b>			<b>\$</b>	<b>966,524.48</b>

Seconded by: Trustee Taylor

Poll of the Board: Trustee Fay, nay, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-80**

**TRUSTEE FAY LEFT THE MEETING AT 12:10AM**

Trustee Pinkerton moved BE IT RESOLVED to accept the prior meeting's minutes as presented.

Seconded by: Trustee Taylor

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-81**

Trustee Taylor moved BE IT RESOLVED to hire Len Baron from Nassau County Civil Service list #64-081 as full time Building Inspector for the Village of Bayville at an annual salary of \$65,000.00.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-82**

Trustee Pinkerton moved BE IT RESOLVED to hire the following seasonal employees:

**BEACH ATTENDANTS**

Charlotte Dearing – rate change from \$9.50 to \$10.00  
Angelo Ries - \$8.75

**LIFEGUARDS**

Taylor LoMonaco - \$10.00 per hour  
Jane Hanley - \$10.00 per hour

Seconded by: Trustee Charon

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-83**

Trustee Pinkerton moved BE IT RESOLVED to approve the request of Huntington Bicycle Club dated May 27, 2015, to utilize the roads in Bayville on July 12, 2015 for their Gold Coast Tour.

Seconded by: Trustee Russo

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, nay, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-84**

Trustee Pinkerton moved BE IT RESOLVED to accept the proposal dated October 16, 2014 from Tony Catalfamo, General Contractor, to replace the doors at West Harbor Beach in the amount of \$3345.00.

Seconded by: Trustee Charon

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-85**

Trustee Pinkerton moved BE IT RESOLVED to accept the proposal dated June 1, 2015 from General Security in the amount of \$2150.00 for two IR Illuminators.

Seconded by: Trustee Russo

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-86**

Trustee Pinkerton moved:

**WHEREAS**, the Incorporated Village of Bayville is a Incorporated Village of Bayville receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Governor's Office of Storm Recovery (GOSR) of the New York State Housing Trust Fund Corporation (HTFC) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

**WHEREAS**, participation in the New York State CDBG-DR Program requires the adoption and implementation of an Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and other program policies; and,

**WHEREAS**, the purpose of this plan is to prohibit workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Incorporated Village of Bayville that the attached Affirmative Action Plan be hereby officially adopted for implementation in the NY Rising Community Reconstruction New York State CDBG-DR Program.

**COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR)  
PROGRAM**

**AFFIRMATIVE ACTION PLAN**

The Incorporated Village of Bayville has adopted the following Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and

the program policies of the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. Executive Order 11246 prohibits federal contractors and subcontractors from engaging in workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

- 1) The Incorporated Village of Bayville is committed to equal employment opportunity and as part of its Affirmative Action Plan shall:
  - a) Recruit, hire, upgrade, train, and promote in all job classifications, without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.
  - b) Base employment decisions on the principles of equal employment opportunity, and with the intent to further the Incorporated Village of Bayville's commitment to affirmative action;
  - c) Ensure that all terms and conditions of employment such as compensation, benefits, layoff, return from layoff, training, educational tuition assistance, and social and recreation programs, shall be administered without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.
  - d) Ensure that promotion decisions will be made in accordance with the principles of affirmative action by imposing only valid requirements for promotional opportunities;
  - e) Take action to prevent harassment or intimidation of all employees, particularly those encompassed by the (Incorporated Village of Bayville's) affirmative action efforts.
- 2) The Incorporated Village of Bayville will post the federal EEO Poster in a conspicuous location.
- 3) In all solicitations or advertisements for employment the Incorporated Village of Bayville shall state that all qualified applicants will receive consideration for employment without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.
- 4) The Incorporated Village of Bayville will maintain written employment records to demonstrate compliance with Executive Order 11246.
- 5) The Incorporated Village of Bayville will pursue opportunities to recruit and develop qualified job candidates to avoid employment barriers and to ensure equal opportunity for candidates.
- 6) The Incorporated Village of Bayville's Affirmative Action Plan will be posted on the Human Resources Office web page at [www.bayvilleny.gov](http://www.bayvilleny.gov).
- 7) The Village Clerk has been assigned responsibility for the implementation and administration of this Affirmative Action Plan.

**WHEREAS**, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

**WHEREAS**, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

**WHEREAS**, it is the policy of the Incorporated Village of Bayville not to discriminate against any individual, person, or group on the basis of disability and the

intent of the Incorporated Village of Bayville to address any complaints that may arise pursuant to Section 504,

**NOW, THEREFORE, BE IT RESOLVED** that the Incorporated Village of Bayville does hereby adopt by resolution internal grievance procedures (the "Procedure") providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

**BE IT FURTHER RESOLVED**, that the Incorporated Village of Bayville does hereby designate the Village Clerk as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

**BE IT FINALLY RESOLVED**, that the Incorporated Village of Bayville will place its employees, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the Incorporated Village of Bayville's official newspaper, posting of notices in the Incorporated Village of Bayville offices and facilities, placing notices in Incorporated Village of Bayville publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the office of the Village Clerk, Bayville Village Hall, 34 School Street, Bayville, NY 11709 for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the Incorporated Village of Bayville's adopted grievance procedures.

**BACKGROUND:** Section 504 of the Rehabilitation Act of 1973 (the "Act") as amended prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor's Office of Storm Recovery (GOSR), and under which the Incorporated Village of Bayville has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) established provisions for assuring equality of opportunity, full participation, independent living, and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities, and multi-family housing.

**SECTION 504 POLICY/COMPLIANCE:** Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of the Incorporated Village of Bayville not to discriminate on the basis of disability. Towards that end, the Incorporated Village of Bayville has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined in the office of the Village Clerk, Bayville Village Hall, 34 School Street, Bayville, NY 11709. The Village Clerk for the Incorporated Village of Bayville has been designated to coordinate the efforts of the Incorporated Village of Bayville with respect to Section 504 compliance. This information can also be accessed on the Internet at the following address: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/sect504](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504). The office of the Village Clerk is located at Incorporated Village of Bayville, Village Hall, 34 School Street, Bayville, New York. The Section 504 Coordinator can be reached at 516-628-1439.

**GRIEVANCE PROCEDURE:** Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the Incorporated Village of Bayville as outlined below.

- Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Incorporated Village of Bayville relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Incorporated Village of Bayville, Board of Trustees within 15 days of receiving the Section 504 Coordinator's decision. The Incorporated Village of Bayville, Board of Trustees shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The Incorporated Village of Bayville will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for the Incorporated Village of Bayville to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Seconded by: Trustee Charon

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

#### **RESOLUTION 2015-87**

Trustee Russo moved BE IT RESOLVED to accept the proposal dated June 8, 2015 from Eagle Control Corp. for the purchase of one MC4-50Lite with Encore 700 pump in the amount of \$13,930.00.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

#### **RESOLUTION 2015-88**

Trustee Charon moved BE IT RESOLVED to accept the proposal from Fabco Industries, Inc. for a one year service contract for cleanout and maintenance of Fabco Catch Basin inserts within the Village of Bayville in the amount of \$20,500.00.

Seconded by: Trustee Russo

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

#### **RESOLUTION 2015-89**

Trustee Taylor moved BE IT RESOLVED to accept the bid from Syosset Truck Sales, Inc. in the amount of \$114,795.00 for the purchase of a new recycling truck.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

#### **RESOLUTION 2015-90**

Trustee Valsecchi moved BE IT RESOLVED to charge a \$250 non-refundable fee to the current residents on the slip waiting lists.

Seconded by: Trustee Charon

Poll of the Board: Trustee Pinkerton, nay, Trustee Russo, nay, Trustee Charon, aye, Trustee Taylor, nay, Trustee Valsecchi, aye, Mayor Rupp, nay  
**Motion did not carry**

Trustee Charon moved BE IT RESOLVED to increase the annual salary of Nikki Paris to \$38,000.00 effective June 25, 2015.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-91**

Trustee Pinkerton moved BE IT RESOLVED to close the Regular Meeting at 12:20AM.

Seconded by: Trustee Charon

Poll of the Board: Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2015-92**

Respectfully submitted,

Maria Alfano-Hardy  
**Village Clerk Treasurer**