

INCORPORATED VILLAGE OF BAYVILLE

REGULAR MEETING **JULY 25, 2022**

- ≈ Pledge of Allegiance
- ≈ Warrants and Claims
- ≈ Prior Meeting Minutes
- ≈ Court Application for Funding
- ≈ Mayor's Office
- ≈ Tree Proposals
- ≈ Introduce Proposed Local Law 2022-C

EXECUTIVE SESSION

TO: MAYOR ROBERT DE NATALE AND THE BOARD OF TRUSTEES

FROM: VILLAGE CLERK TREASURER

DATE: JULY 25, 2022

SUBJECT: WARRANTS AND CLAIMS

BE IT RESOLVED that the following warrants and claims 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 payment.

FUND	CLAIM NO.	WARRANT	AMOUNT
GENERAL			
PAYROLL	7/13/2022	2E	\$ 43,921.50
	118	2F	\$ 3,348.61
PAYROLL	7/20/2022	2G	\$ 49,190.36
	119	2H	\$ 3,750.30
	120/128	2I	\$ 71,094.17
	129/170	2J	\$ 310,690.23
TOTAL GENERAL			\$ 481,995.17
WATER			
PAYROLL	7/13/2022	2E	\$ 7,132.81
	31	2F	\$ 543.82
PAYROLL	7/20/2022	2G	\$ 8,092.75
	32	2H	\$ 616.98
	33/36	2I	\$ 24,803.46
	37/40	2J	\$ 15,577.66
TOTAL WATER			\$ 56,767.48
TRUST & AGENCY			
	41/47	2B	\$ 91,909.57
	48/51	2C	\$ 17,103.70
	52/54	2D	\$ 6,573.26
TOTAL T & A			\$ 115,586.53
REVENUE ENTERPRISE			
	9/10	2C	\$ 1,266.81
TOTAL REVENUE ENTERPRISE			\$ 1,266.81
CAPITAL			
TOTAL CAPITAL			\$ -
COMMUNITY DEVELOPMENT			
TOTAL COMMTY DEVELOP			
GRAND TOTAL			\$ 655,615.99

ORGANIZATIONAL MEETING
JULY 11, 2022

2022-108 Board re-appoints Maria Alfano-Hardy as Village Clerk-Treasurer

2022-109 Board re-appoints Christopher Vivona as Deputy- Village Clerk-Treasurer

2022-110 Any appointed officer of VOB can reside in Nassau County

2022-111 First National Bank of LI and Metropolitan Commercial Bank are designated as Bank Depositories.

2022-112 Board appoints Prosecuting Attorney.

2022-113 Board designates Newsday as official newspaper.

2022-114 Garden/Beautification appointments

2022-115 A proposed Local Law may be introduced by e-mail.

2022-116 Clerk of the Town of Oyster Bay is designated as the Registrar of Vital Statistics.

2022-117 WHEREAS there is to be held during the coming official year (a) the annual meeting conducted by NYCOM for municipal officials, (b) the training schools for fiscal officers and municipal officers, (c) the training school for fiscal officers and Village officials meetings, etc. and WHEREAS it is determined by the Board of Trustees that attendance by certain municipal officials and employees at one or more of these meetings, conferences or school, benefits the municipality, NOW THEREFORE BE IT SO RESOLVED that this resolution shall take effect immediately. Attendance is authorized under Section 77-B of the General Municipal Law.

2022.118 John Kennedy is appointed as Associate Village Justice

2022-119 Committee of Architectural Review appointments

2022-120 Bayville Environmental Conservation Commission appointments

2022-121 Planning Board appointments

2022-122 Louis Pillari is appointed to the Cemetery Board

2022-123 Zoning Board of Appeals appointments

2022-124 Audit Commission appointments

2022-125 Boating Committee appointments

2022-126 Museum appointments.

2022-127 Board of Water Commissioners appointed

2022-128 Board sets meeting schedule for 2022-2023 fiscal year

2022-129 Board determines fixed rate per mile for reimbursement as per the IRS mileage rate

Mayor Minicozzi makes the following Mayoral appointments, each for a one-year term:

Trustee De Natale is appointed as **Deputy Mayor** and as liaison to the **Garden/Beautification Committee, Water Department** and **Cemetery Board**.

Trustee Walsh is appointed as liaison to the **Bayville Free Library**.

Trustee Valsecchi is re-appointed as liaison to the **Zoning Board of Appeals, Museum Board** and **Building Department**.

Trustee Santoro is re-appointed as liaison to the **Planning Board, Recreation Commission** and **Girl Scouts**.

Trustee DiBartolomeo is appointed as liaison to the **Bayville Environmental Conservation Commission**.

Trustee Nigro is re-appointed as liaison to the **Committee of Architectural Review**.

Mayor Minicozzi is appointed as liaison to the **Boating Committee, Department of Public Works, Boy Scouts, and Bayville Fire Company #1**.

2022-130 Board closes Organizational Meeting at 6:45PM

REGULAR MEETING
JULY 11, 2022

2022-131 Board approves warrants and claims

2022-132 Board accepts prior meeting minutes

2022-133 Board appoints Elena Cacavas as a workplace investigator

2022-134 Board closes Regular Meeting at 6:52PM

Trustee _____ moved BE IT RESOLVED that the Board of the Village of Bayville authorizes the Bayville Village Court to apply for a JCAP grant in the 2022-23 grant cycle up to \$30,000.00.
Seconded by: Trustee _____
Poll of the Board:

RESOLUTION 2022-

To: Village Clerk

From: _____, Village Justice

Re: Application for funding from the Justice Court Assistance Program

Date: _____

The Village Court is requesting authorization from the Village Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle. One required component of that application is a Resolution from the Village Board authorizing the Village Court to apply for this funding.

The Office of Court Administration will not accept the court's application unless the Resolution incorporates one of the following two options EXACTLY as written below

Option # 1

"The Board of the Village of _____ Name of Village _____ authorizes the _____ Name of Village _____ Village Court to apply for a JCAP grant in the 2022-2023 grant cycle up to \$30,000.00."

Option # 2

"The Board of the Village of _____ Name of Village _____ authorizes the _____ Name of Village _____ Village Court to apply for a JCAP grant in the 2022-2023 grant cycle up to \$ _____ Amount Requested _____."

While the Resolution may include one or more "WHEREAS" clauses, it is essential that the "Be it RESOLVED" portion of the Village Board's resolution be worded exactly as indicated above (with the addition of the name of the Village inserted as shown above in both options and with the addition of the amount requested as shown above in the second option).

In addition, the Board Resolution must be certified.

The deadline for our application is Friday, October 14, 2022.

Thank you for your attention to this matter and for your help with the Court's application.

As a general rule, the Board of Trustees is responsible for and sets the policies regarding municipal infrastructure, buildings, etc. This would include authorizing, either at Village expense or at the expense of the individual officer or employee, renovation of village offices. While many large businesses and organizations have official policies regarding employee decorations and personal effects on desks and in cubicles, such policies are generally unheard of in most municipal governments because it isn't ever an issue, and I'm assuming that Bayville doesn't have such a policy in place.

There are several ways that this can be handled. The Board could outright approve it or the Board could approve it with the condition that the Mayor return the office to its prior state prior to leaving office. The Board could (and maybe should) adopt a policy that addresses this issue generally, not just for this specific instance. The Board could outright deny it. If the Board denied the Mayor's plan, an argument could be made that the Mayor, as the elected chief executive officer, could do it anyway so long as he restored it upon leaving office. The argument that the Mayor has such powers would be derived from the co-equal powers of government principles. You can read about this principle at <https://mrsc.org/Home/Stay-Informed/MRSC-Insight/February-2021/Separation-of-Powers-in-Local-Government.aspx>.

Does this answer your question? I hope that this is helpful. If you have any questions or would like to discuss this matter further, do not hesitate to drop me an email or give me a call.

Wade Beltramo
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New York Conference of Mayors
119 Washington Ave., 2nd Floor
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wade@nycom.org



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From: Maria Alfano-Hardy [mailto:malfanohardy@bayvilleny.gov]
Sent: Wednesday, July 13, 2022 1:07 PM
To: wade@nycom.org
Subject: Village of Bayville

Wade,

As follow up to our conversation regarding the remodeling that my new Mayor would like to do to his office using his own funds and contractors, I asked the Mayor what type of work he wanted to do.



North Shore Tree Service

320 Cedar Swamp Road
 Glen Head, NY 11545
 (516) 676-8216

ESTIMATE

RECEIVED
 INCORPORATED VILLAGE
 OF BAYVILLE

2022 JUN 27 P 3:14

VILLAGE CLERK-TREASURER

June 27, 2022

The Incorporated Villiage of Bayville

34 School Street

Bayville, NY 11709

DATE	DESCRIPTION	CHARGES
	RE: Work at Bayville Cemetery	\$5,500.00
	Remove 6 trees and grind stumps where possible in Bayville	
	Cemetery	
	SUB TOTAL	\$5,500.00
	TAX	EXEMPT
	TOTAL DUE	\$5,500.00

Phone (516) 676-3735
Fax (516) 609-9110

RECEIVED
INCORPORATED VILLAGE
OF BAYVILLE
2022 JUN 24 12:09
VILLAGE CLERK/TREASURER

WOODY TREE SERVICE, INC.

Joseph Douso III, President

Serving the Area Since 1978

1 Collins Road
Glen Cove, New York 11542

- REMOVAL
- PRUNING
- CABLING
- UPRIGHTING
- SHRUB PLANTING

- EMERGENCY SERVICE
- INSURED
- STUMP GRINDING
- RETAINING WALLS
- 73' AERIAL BUCKET TRUCK

TO Inc. Village of Bayville

34 School St. Bayville NY 11709

June 23, 2022

Estimate for tree work:

1...15th Street remove one (1) Elm tree & stump.
Cost: \$750.00

2...Village Hall
Safety trim two (2) Sycamore trees.
Remove one (1) dying Weeping Cherry tree & stump.
Safety trim two (2) large Red Oak - one by flag & one by
Village Hall front door.
Safety trim English Oak by historical museum.
Cost: \$3,245.00

3...Soundside Beach
Safety trim twenty-two (22) trees - Sycamore & Aspen.
Cost: \$2,850.00

Work at the Bayville Cemetery:

4...Laundermat side
Two (2) Maples - one trunk \$850.00. Second larger rotted \$2,455.00
Cost: \$3,305.00

5...Center of cemetery
One dead Cedar \$850.00
One small rotted leaning
Cedar \$850.00
One large split cedar
remove \$1,900.00
One large split Cedar
Remove \$1,900.00
or Repair \$950.00

\$9,800

6...In Rear by back gate:
Large rotted Maple
Cost: \$2,750.00
First Hemlock
Cost: \$1,500.00 or save & safety trim \$850.00
Second Hemlock
Cost: \$1,950.00 or save & safety trim \$850.00

8% Fuel Charge will be added to total



RICHARD WEIR, III
Horticulture Solutions

174 Cove Road • Oyster Bay, New York • 11771

(516) 922-1956 • rw38@cornell.edu

To: Mr. Doug Groth, Building Inspector,
Inc. Village of Bayville

26 November 2021

From: Richard Weir

Re: Site visits in the Village

On Thursday November 18, I met with the Village's Building Inspector, visiting three sites in the Village with regard to trees-of-concern and/or their condition. Each site and the trees are noted as follows:

***2 Forest Street:**

The grouping of a 3-trunked Chestnut Oak exhibits multiple reasons for Removal. First and most important of note is that all three of the crowns were unmercifully-topped a number of years ago. This provides the tree very little opportunity to remain healthy and safe i.e., very little foliage in the upper crown to manufacture essential food.

***17 Robert Road:**

A Chestnut Oak, on Village property, with very little canopy remaining and a large amount of dead wood throughout. Although there is only a slight potential for the tree falling into the backyard of this property, there is always the possibility that it could occur. Suggest Removal



RICHARD WEIR, III
Horticulture Solutions

174 Cove Road • Oyster Bay, New York • 11771

(516) 922-1956 • rw38@cornell.edu

The Bayville Cemetery:

When visiting this site with the Village's Building Inspector, I was asked by him to examine the trees within the grounds and provide recommendations in writing for possible removal or some suggested maintenance, where necessary.

The survey commences at the South end of the property and continues North toward Bayville Avenue.

An old Red Maple (*Acer rubrum*) has "lived its life", now with a large amount of decay noted throughout areas of the trunk and with many of the upper scaffold branches no longer present. Though not really a safety/liability issue, it would be better if the tree was removed.

A pair of 2 old Canadian Hemlocks are in serious decline, with little active crown/needle foliage. Not worth trying to restore to decent health and vigor. Even with the better of the two trees (that to the North), there is so much dead wood in the canopy, if it was all removed, there would still be not much good active growth left in the canopy. Recommend Removal of both trees.

All of the mature Eastern Red Cedars (*Juniperus virginiana*), except the one tagged with the pink ribbon which should be a Removal, are in extraordinarily good condition in spite of their age. All of the 7 remaining trees are worth Preserving and would benefit from some selective pruning of dead and broken branches.

The large Wild Black Cherry (*Prunus serotina*) that's adjacent to Cemetery Lane should have the English Ivy removed from the trunk and some of the upper broken branches removed in proper fashion. The native Flowering Dogwood (*Cornus florida*) growing right near-by is a fine specimen and in excellent health!

A nearby Colorado Blue Spruce (*Picea pungens*) also looks to be in excellent health, but should have the English ivy carefully severed at the base of its trunk and then removed to at least the lowest lateral branch.

(All 3 of the above trees would benefit from a sub-surface application of fertilizer.)

The 2 Norway Maples (*Acer platanoides*) further to the North along Cemetery Lane should be Removed. The one to the North or right has only a broken trunk remaining. The live one next to it has so many broken, twisted, and hung-up branches within it. Even if these were all "cleaned-up", there would not be enough canopy remaining to sustain the tree or provide any type of aesthetic.

The Japanese Red Maple (*Acer palmatum*) is in excellent condition, and would also benefit from a sub-surface fertilization, as mentioned above.

This concludes the tree appraisals for the Cemetery, although I was asked to suggest some trees that would be worthy for replanting on the grounds. I'll categorize these for two different areas -- that portion of the Cemetery to the South vs. that to the North where exposure to the wind and salt air of the LI Sound should be a consideration.

Trees toward the North (along Bayville Avenue)

.Cryptomeria, Ilex opaca (American Holly), Nyssa sylvatica (tupelo), Quercus alba (White Oak), and Ulmus parvifolia (Chinese Elm)

Trees for the South end:

Any of the above, plus a few additional suggestions:

Koelreuteria (Golden Rain Tree), Magnolia grandiflora, Malus (any of the disease-resistant crabapple cultivars), Quercus bicolor (Swamp White Oak), and Tilia cordata or euchlora (Little leaf Linden)

Hopefully the above explanations and recommendations prove to be sufficiently thorough. If additional clarification is needed, please contact me at the above.

Cc Robert DeNatale, Mayor
Maria Alfano-Hardy, Village Clerk



RICHARD WEIR, III
Horticulture Solutions

174 Cove Road • Oyster Bay, New York • 11771

(516) 922-1956 • rw38@cornell.edu

RECEIVED

JUN 15 2022

BUILDING DEPARTMENT

To: Mr. Doug Groth
Bldg. Inspector/Inc Village of Bayville

10 June 2022

From: Richard Weir

Re: Site visits in the Village

On Thursday June 2nd, I met with the Village's Building Inspector, visiting 1 residential site and re-visiting to the Bayville Cemetery regarding trees-of-concern.

Each site and the respective trees are noted as follows:

15 Grove Street:

Three Robinia (Black Locust) on the corner of Grave and Carr Place. Remove two of the three trees due to their significant lean over the two streets and utility lines. The third locust of the group should be Removed due to evident shelf fungus and mechanical damage to the lower trunk on the East side.

The Norway Maple on the left side of the driveway is an unworthy, invasive species and leans toward the house and has an inferior canopy. Remove

Remove the Wild Black Cherry that's leaning and very close to the house on the south side. The 2 nearby Black Locusts should Remain as they are in reasonably good condition, aren't posing liability concerns, and their presence will maintain some integrity of plant maturity to the landscape.

In the center/rear part of the property behind the house in the lawn area are a Sassafras and a Black Locust. As both are natives, provide some degree of aesthetic, and are of decent quality. Preserve

In the front/north corner of the property are two native Sassafras; one requested for removal, the other not. The one requested, is being Denied due to its reasonably good structure and plant health. Plus, the pair complement each other.

Nine pink-ribbed Norway Maples are permitted for Removal. All of these were originally seedlings and were allowed to get too large. They are all too close to the homeowner's house, as well as that of the close-proximity neighbor. From a distance, when looking at all of their canopies, each have upper canopies that are weak and thin. Some of this unthriftness is due to an earlier grade change (those trees nearer the front) and others due to root limitation because of proximity to the house.

One Wild Black Cherry at the north property border, though alive, has no crown/upper structure remaining. Remove

There is one Norway Maple that is unribboned, and will Remain; thus providing some aesthetic maturity. Furthermore, the tree has a decent balanced canopy and is sufficiently distant from the home's raised deck.

The large, original Norway Maple ('mother' tree to the younger/seedling maples present) by the stairs to the upper deck, should be Removed. It is excessively large with too much of a shaded canopy. It is far too overwhelming for its current location, and will continue to get even larger. Remove

The Bayville Cemetery, that was visited earlier, was desired for a revisit to make sure all of the pink removal ribbons on the five trees were still-in-place. As per the recent observation, all were still noted as Removals from earlier.

Please note, that at all the two sites visited on 2 June, only those trees encircled with pink ribbon are Approved for Removal.

Hopefully the above explanations are sufficiently thorough in my reasoning for Removal or Preservation, or for additional corrective pruning. If additional clarification is required, please don't hesitate to contact me.

Cc: Robert DeNatale, Mayor

VILLAGE OF BAYVILLE
RESOLUTION TO HOLD PUBLIC HEARING
ON PROPOSED LOCAL LAW

WHEREAS the Board of Trustees of the Village of Bayville has entered into a project for the codification of local laws, ordinances and certain resolutions of the Village of Bayville for the purposes of increasing the effectiveness of village governmental administration, providing for greater public awareness of and access to village legislation and protecting the health, safety and welfare of village inhabitants; and

WHEREAS the proposed codification has been published in loose-leaf form and the Board of Trustees now desires to formally effect the adoption of said codification by enactment of a local law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Board of Trustees with respect to enactment of the following local law, such public hearing to be held on the 22nd day of August, 2022, at 6:45 p.m., in the Village Hall, Village of Bayville, New York. The proposed local law to be considered is as follows:

PROPOSED LOCAL LAW C-2022

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF BAYVILLE INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF BAYVILLE"

Copies of the text of the above-named local law shall be filed in the office of the Village Clerk.

AND BE IT FURTHER RESOLVED that the Village Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York.

VOTE OF BOARD OF TRUSTEES

 AYE:

 NO:

DATE:

EXECUTIVE SESSION RESOLUTION

Trustee _____ moved to adjourn the Regular Meeting and to convene into Executive Session at _____ PM to discuss the following matters:

Discussion with Village Attorney regarding the following:

Litigation
Personnel

Seconded by: Trustee _____."