

REGULAR MEETING AUGUST 22, 2022

The Regular Meeting of the Board of Trustees was held on August 22, 2022, at the Village Hall, 34 School Street, Bayville, New York 11709, at 6:30PM.

Present were:

Trustee Walsh	Village Clerk-Treasurer
Trustee Santoro	Maria Alfano-Hardy
Trustee Nigro	Secretary to Board
Trustee De Natale	Nikki Paris
Trustee DiBartolomeo	Village Attorney
Trustee Valsecchi	Peter Weiler
Mayor Minicozzi	

Trustee Valsecchi 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-Treasurer is hereby authorized to make said payments. Trust and Agency Warrant 1F, approved on July 11, 2022 is changed from \$101,826.69 to \$25,643.55; Trust and Agency warrant 1F had duplicate entries.

GENERAL				
PAYROLL	7/27/2022	2K	\$	45,165.33
	171	2L	\$	3,443.42
	172/176	2M	\$	1,432.71
PAYROLL	8/3/2022	3A	\$	46,408.53
	177	3B	\$	3,538.17
PAYROLL	8/10/2022	3C	\$	44,363.85
	178	3D	\$	3,382.33
	8/17/2022	3E	\$	48,073.79
	179	3F	\$	3,665.14
	180/193	3G	\$	86,242.16
	194/252	3H	\$	404,086.24
TOTAL GENERAL			\$	689,801.67
WATER				
PAYROLL	7/27/2022	2K	\$	6,415.21
	41	2L	\$	489.09
	42	2M	\$	165.46
PAYROLL	8/3/2022	3A	\$	7,570.15
	43	3B	\$	577.16
PAYROLL	8/10/2022	3C	\$	6,534.45
	44	3D	\$	498.19
PAYROLL	8/17/2022	3E	\$	6,511.30
	45	3F	\$	496.42
	46/50	3G	\$	12,156.09
	51/60	3H	\$	36,543.57
TOTAL WATER			\$	77,957.09
TRUST & AGENCY				
	55/59	2E	\$	20,184.27
	60/63	3A	\$	16,279.16
	64/68	3B	\$	95,582.69
	69/73	3C	\$	16,716.82
	74/77	3D	\$	2,560.27
TOTAL T & A			\$	151,323.21
REVENUE ENTERPRISE				
	11/13	3A	\$	1,990.45
	14/16	3B	\$	9,903.68
TOTAL REVENUE ENTERPRISE			\$	11,894.13

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CAPITAL				
	24/25	3A	\$	162,430.00
TOTAL CAPITAL			\$	162,430.00
COMMUNITY DEVELOPMENT				
TOTAL COMMTY DEVELOP				
GRAND TOTAL			\$	1,093,406.10

Seconded by: Trustee Santoro

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-145

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

Seconded by: Trustee Nigro

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-146

Trustee Valsecchi moved BE IT RESOLVED to accept the resignation of John Murphy as Laborer.

Seconded by: Trustee DeBartolomeo

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-147

Trustee Valsecchi moved BE IT RESOLVED to accept the proposal from Devito' Home Improvement and Design (formerly Window World of Long Island) to replace 13 windows at Village Hall Complex for a total cost of \$10,825.00.

Seconded by: Trustee Nigro

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-148

Trustee DiBartolomeo moved BE IT RESOLVED to introduce Proposed Local Law 2022-D a local law to add new Chapter 8 "Bamboo" to the Code of the Village of Bayville. The hearing date will be September 26, 2022.

Seconded by: Trustee Santoro

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-149

Trustee Valsecchi moved

Whereas the Board of Trustees is desirous of the Rehabilitation of Plant No. 1-3, and had authorized H2M architects + engineers to prepare engineering design report and submit and comply with Nassau County and New York State Department of Health requirements for said modifications.

Whereas the project to complete the stated modifications will include, engineering, permit review fees, well and plant rehabilitation, and laboratory sampling and analysis, estimated as not to exceed, \$1,612,800.

NOW THEREFORE, after discussion and due deliberation, and in consideration of the above recitals, the Board:

RESOLVED, that the Board of Trustees of the Incorporated Village of Bayville authorizes the expenditure of \$1,612,800 to fund the project: Rehabilitation of Plant No. 1-3.

Seconded by: Trustee De Natale

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-150

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Trustee Santoro moved

Whereas the Board of Trustees has resolved to the submittal of grant applications for the following project: Rehabilitation of Plant No. 1-3.

Whereas the grant submission process requires the completion of the SEQRA-State Environmental Quality Review Act.

Whereas the Districts engineer has completed a review in analysis of the subject project and recommended that the project is a Type II action.

NOW THEREFORE, after discussion and due deliberation, and in consideration of the above recitals, the Board:

RESOLVED, that the Board of Trustees of the Incorporated Village of Bayville has determined that the project is a Type II and therefore require no further review in accordance with 617.5.

Seconded by: Trustee DiBartolomeo

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-151

Trustee Valsecchi moved

Whereas, the Clean Water Infrastructure Act of 2017 will invest at least \$3 Billion in clean and drinking water infrastructure projects and water quality protection projects across the State of New York over multiple years, and

Whereas, \$225 Million of these funds will be made available during the 2022-2023 state fiscal year for clean and drinking water projects that protect public health and/or improve water quality, and

Whereas, under this program the Environmental Facilities Corporation, (EFC), provides grants to assist municipalities in funding water quality infrastructure projects including critical water infrastructure projects that combat emerging contaminants (EC), such as PFOA, PFOS, and 1,4 Dioxane with system upgrades and innovative pilot technologies, along with those that address combined and/or sanitary sewer overflow impacts from sustained rain events, and

Whereas, drinking water awardees for projects addressing an emerging contaminant above the State determined Maximum Contaminant Level (MCL) would be awarded 60% of net eligible project costs, and

Whereas, drinking water awardees for projects not addressing emerging contaminants, including phases of the project, would be awarded the lesser of \$5 million or 60% of net eligible project costs, and

Whereas, the grant application and documentation sufficient for a project to be considered for a WIIA grant must be submitted to the EFC no later than 5:00 p.m. on September 9, 2022, and

Whereas, the Board of Trustees of the Incorporated Village of Bayville believes itself to be qualified for a NYS WIIA Grant, and is willing to carry out all activities described in the grant application, and

Whereas, in this action the Incorporated Village of Bayville will upon an award and acceptance of the grant, agree to the terms of the grant;

Whereas, one of the requirements under the NYS WIIA grant administered by the NYS Environmental Facility corporation (EFC) is that the Trustees are required to appoint a Minority Business Officer (MBO) as the official contact person to administer the Minority and Women Owned Business Enterprise (MWBE) documentation and act as a liaison between the NYS EFC and the prime contractors.

NOW THEREFORE, after discussion and due deliberation, and in consideration of the above recitals, the Board Unanimously:

RESOLVED, that the Board of Trustees of the Incorporated Village of Bayville authorizes the submittal of grant applications for the following project: Rehabilitation

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of Plant No. 1-3, to the NYS Water Infrastructure Improvement Act (WIIA) and assigns Maria Alfano-Hardy, Administrator & Clerk-Treasurer, to be the Authorized Representative of the Village, it was

FURTHER RESOLVED, that the Incorporated Village of Bayville requests the funds and assistance available from the NYS WIIA Grant and will comply with all rules and requirements of this program, it was

FURTHER RESOLVED, that the Board of Trustees appoint Maria Alfano-Hardy, Administrator & Clerk-Treasurer, as the Village's MBO Officer for any NYS WIIA Grant received, it was

FURTHER RESOLVED, that the Board of Trustees authorize H2M architects + engineers to submit the grant applications on behalf of the Village.

Seconded by: Trustee De Natale

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-152

Trustee DeBartolomeo moved BE IT RESOLVED to increase the base salary of Joseph Borruso \$2500 for his CDL license as per Section 28 of the labor contract.

Seconded by: Trustee Valsecchi

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-153

Trustee Nigro moved BE IT RESOLVED to approve the request of Mill River Rod and Gun Club to hold their annual Children's Snapper Derby at West Harbor Beach on September 10, 2022.

Seconded by: Trustee Valsecchi

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-154

Trustee Valsecchi moved BE IT RESOLVED to accept the proposal from H2M to update the Emergency Response Plan (ERP) and Vulnerability Assessment (VA) plans as required by the New York State Sanitary Code and Public Health Law that requires all water suppliers to review an updated plan every five years. The total cost is not to exceed \$11,000.00.

Seconded by: Trustee De Natale

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-155

**VILLAGE OF BAYVILLE
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW**

PLEASE TAKE NOTICE that, for the purpose of adopting a codification of the local laws, ordinances and certain resolutions of the Village of Bayville, said codification to be known as the "Code of the Village of Bayville," a public hearing will be held by the Board of Trustees at the Village Hall 34 School St. Village of Bayville, NY on **the 22nd day of August 2022, at 6:45 p.m.**, to consider the enactment of the proposed local law described and summarized below:

PROPOSED LOCAL LAW NO. 2022-C

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"

This local law:

- (1) States the legislative intent of the Board of Trustees in adopting the Code.
- (2) Provides for the designation of the local laws, ordinances and certain resolutions of the Village of Bayville as the "Code of the Village of Bayville."

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- (3) Repeals local laws and ordinances of a general and permanent nature not included in the Code, except as provided.
- (4) Saves from repeal certain local laws and ordinances and designates certain matters not affected by repeal.
- (5) Retains the meaning and intent of previously adopted legislation.
- (6) Provides for the filing of a copy of the Code in the Village Clerk's office.
- (7) Provides for certain changes in or additions to the Code including the increasing of certain \$250 maximum fine amounts to \$500.
- (8) Prescribes the manner amendments and new legislation are to be incorporated into the Code.
- (9) Requires that Code books be kept up-to-date.
- (10) Provides for the sale of Code books by the village and the supplementation thereof.
- (11) Prohibits tampering with Code books, with offenses punishable by a fine of not more than \$500 or by imprisonment for not more than 15 days, or both.
- (12) As to land-use, amends:
 - a. Chapter 66, Subdivision of Land to exempt exchanges of land between contiguous property owners which do not create a new plot or any zoning violation.
 - b. Chapter 80, Zoning by: adding the definition of "building"; revising the definition of "family"; adding new definitions for "front yard area" and "paving (pave)"; establishing front yard area paving limits in all residential zoning districts; amending §80-61 regarding fences; and technical changes regarding enforcement.
- (13) Establishes severability provisions with respect to the Code generally.
- (14) Provides that the local law will be included in the Code as Chapter 1, Article I.

Copies of the local law described above and of the Code proposed for adoption thereby are on file in the office of the Village Clerk of the Village of Bayville, where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Board of Trustees of the Village of Bayville will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above, and as deemed advisable by said Board, taking action on the enactment of said local law.

DATED: August 4, 2022

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF BAYVILLE

MARIA ALFANO-HARDY
VILLAGE CLERK

For the record the hearing started at 6:47PM

Trustee DeBartolomeo moved BE IT RESOLVED to close the hearing at 6:54PM.

Seconded by: Trustee

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-156

Trustee DeBartolomeo moved

WHEREAS, The Board of Trustees of the Village of Bayville ("Village Board") has completed a project for the codification of local laws, ordinances and certain resolutions of the Village 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 and safety and welfare of village inhabitants; and

WHEREAS, the Nassau County Planning Commission by resolution dated July 14, 2022 and by letters dated July 15 and July 20, 2022 advised that it has reviewed the land-use/zoning portions of the proposed local law and that it defers to the Village to take action as it deems appropriate; and

WHEREAS, the Village Board has caused to be prepared an Environmental Assessment Form to determine if the proposed codification will result in any significant adverse environmental impacts and has found that it is the only involved agency to approve the codification.

NOW, THEREFORE BE IT RESOLVED, that the Village Board declares itself Lead Agency for the SEQRA review of Proposed Local Law 2022-C.

Seconded by: Trustee Valsecchi

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-157

Trustee De Natale moved

WHEREAS, the Board of Trustees of the Village of Bayville ("Village Board") is considering the adoption of proposed Local Law 2022-C to amend and update the Code of the Village of Bayville as set forth in the Notice of Public Hearing dated August 4, 2022 which was duly published and promulgated; and

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

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

WHEREAS, the Village Board as Lead Agency has caused to be prepared an Environmental Assessment Form to analyze and consider the potential environmental impacts of the proposed action; and

WHEREAS, after careful review of the potential environmental impacts it has been determined that the proposed action will not result in significant environmental impacts.

NOW, THEREFORE BE IT RESOLVED, based upon its review of the proposed action, to amend and update the Code of the Village of Bayville, the Village Board hereby determines that the proposed action will not result in a significant adverse impact on the environment.

Seconded by: Trustee Nigro

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-158

Trustee Valsecchi moved BE IT RESOLVED after publication of the notice of the hearing which set forth time and place when the proposed local law was available to be examined by the public, the Village Board determined to make less restrictive the proposed provisions of Schedule A page 19 of the codification for §80-60 D regarding the setbacks for HVAC equipment and emergency generators by making the following changes:

1. *No adoption (deletion) of proposed new Subsection D (5) and Subsection D (6).*
2. *Renumbering of proposed new Subsection D (8) as Subsection (5).*
3. *Renumbering of proposed new Subsection D (9) as Subsection (6); and*

FURTHER RESOLVED, that proposed Local Law 2022-C to be adopted as Local Law No. 3 of the Year 2022, a local law to amend the Code of the Village of Bayville be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Bayville as follows:

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Seconded by: Trustee De Natale

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-159

The following person spoke before the Board:

Pat Pileggi – Summitview Drive

Trustee Santoro moved BE IT RESOLVED to close the Regular Meeting at 7:04PM.

Seconded by: Trustee De Natale

Poll of the Board: Trustee Walsh, aye, Trustee Santoro, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DeBartolomeo, aye, Trustee Valsecchi, aye, Mayor Minicozzi, aye

RESOLUTION 2022-160

Respectfully submitted,

Maria Alfano-Hardy
Village Clerk-Treasurer