

REGULAR MEETING SEPTEMBER 26, 2022

The Regular Meeting of the Board of Trustees was held on September 26, 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
Mayor Minicozzi	Peter Weiler

Absent was – Trustee Valsecchi

Trustee Santoro 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.

FUND	CLAIM NO.	WARRANT	AMOUNT
GENERAL			
PAYROLL	8/24/2022	3I	\$ 41,201.75
	253	3J	\$ 3,141.24
PAYROLL	8/31/2022	3K	\$ 42,165.28
	254	3L	\$ 3,214.68
	255/263	3M	\$ 3,904.19
PAYROLL	9/7/2022	4A	\$ 37,480.87
	264	4B	\$ 2,857.57
PAYROLL	9/14/2022	4C	\$ 26,956.03
	265	4D	\$ 2,055.16
PAYROLL	9/21/2022	4E	\$ 25,580.10
	266	4F	\$ 1,950.23
	267/279	4G	\$ 91,964.38
	280/334	4H	\$ 151,150.51
TOTAL GENERAL			\$ 433,621.99
WATER			
PAYROLL	8/24/2022	3I	\$ 6,534.45
	61	3J	\$ 498.19
PAYROLL	8/31/2022	3K	\$ 6,795.40
	62	3L	\$ 518.09
	63	3M	\$ 190.74
PAYROLL	9/7/2022	4A	\$ 6,772.96
	64	4B	\$ 516.37
PAYROLL	9/14/2022	4C	\$ 6,451.68
	65	4D	\$ 491.88
PAYROLL	9/21/2022	4E	\$ 6,782.07
	66	4F	\$ 517.06
	67/71	4G	\$ 12,135.01
	72/80	4H	\$ 35,154.69
TOTAL WATER			\$ 83,358.59
TRUST & AGENCY			
	78/82	3E	\$ 15,004.62
	83/87	3F	\$ 21,702.24
	88/91	4A	\$ 13,489.44
	92/96	4B	\$ 88,367.36
	97/100	4C	\$ 10,363.52
	101/103	4D	\$ 5,503.70
TOTAL T & A			\$ 154,430.88

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REVENUE ENTERPRISE				
	17/19	4A	\$	1,982.82
	20	4B	\$	2,607.50
TOTAL REVENUE ENTERPRISE			\$	4,590.32
CAPITAL				
	26	4A	\$	1,890.00
TOTAL CAPITAL			\$	1,890.00
COMMUNITY DEVELOPMENT				
TOTAL COMMUNITY DEVELOPMENT				
GRAND TOTAL			\$	677,891.78

Seconded by: Trustee Nigro

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

RESOLUTION 2022-161

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

Seconded by: Trustee Walsh

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

RESOLUTION 2022-162

Trustee De Natale moved BE IT RESOLVED to authorize the purchase of a Chevrolet Tahoe SLT, formerly used as a Chief's vehicle, from Bayville Fire Company No. 1 for a total cost of \$12,000.00.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2022-163

Trustee De Natale moved BE IT RESOLVED to hire nunc pro tunc Joshua Corleto as Laborer at a starting annual salary of \$31,987.68 as per current collective bargaining agreement, effective September 8, 2022.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2022-164

Trustee De Natale moved BE IT RESOLVED to authorize the purchase of two 2023 Ford F-150's for the Water Department to replace two of its existing vehicles for a total cost of \$140,993.08.

Seconded by: Trustee Nigro

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

RESOLUTION 2022-165

Trustee Nigro moved BE IT RESOLVED to authorize the purchase of a new snowplow, spreader, and safety lights to be installed on existing Ford F-250 for a total cost of \$14,635.00.

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, Mayor Minicozzi, aye

RESOLUTION 2022-166

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Trustee Santoro moved BE IT RESOLVED to increase the salary of the Building Inspector by \$10,400.00, effective September 29, 2022.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2022-167

Trustee DiBartolomeo moved BE IT RESOLVED to increase the hourly wage of the Motor Equipment Operator – Part Time by 2.75%, effective June 1, 2022.

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, Mayor Minicozzi, aye

RESOLUTION 2022-168

Trustee Santoro moved BE IT RESOLVED to approve the proposal from CSHL, Inc. to prune three trees and remove one tree at Village Hall property for a total cost of \$1,500.00.

Seconded by: Trustee Walsh

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

RESOLUTION 2022-169

Trustee De Natale moved WHEREAS the Mayor and Board of Trustees of the Incorporated Village of Bayville have determined that the position of Complaint Investigator (Part Time) is no longer a need for the Village and, therefore, have decided to eliminate the Nassau County Civil Service position of Complaint Investigator (Part Time) – XRJ by the layoff procedure; now therefore BE IT RESOLVED that the position of Complaint Investigator (Part Time) – XRJ is hereby eliminated, and BE IT FURTHER RESOLVED that the employee currently holding said position, Santo D'Agate, is hereby separated from service effective September 27, 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, Mayor Minicozzi, aye

RESOLUTION 2022-170

Trustee Nigro moved BE IT RESOLVED to appoint Mike Gavin to the Committee of Architectural Review for a term to expire the first Monday in July 2023.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2022-171

Trustee DiBartolomeo moved BE IT RESOLVED to amend the schedule of rates, fees, and penalties applicable to Chapter 77 Water of the Village Code as follows:

Effective January 1, 2023

Tap Fee – Larger than One Inch – Increase to \$4000

Inspection of Tap Fee – Larger than One Inch – Increase to \$1000

Temporary Water Fee – Increase to \$250 per quarter

Manual Meter Reading Fee – Increase to \$100

ADD NEW FEE

Fire Protection Charge – Unmetered Water Service – Commercial Only \$100 per Inch

Fire protection sprinkler system shall not be supplied through the domestic service line but through a separate service and will be charged at rates to be determined by the Board. Whenever a fire sprinkler system shall be installed in any structure, the owner of such premises shall pay to the Water Department for the privilege of maintaining such sprinkler system and for the supply of unmetered water and water availability.

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Fire Protection Charge is an annual charge billed on the January billing cycle. The annual rate will be \$100.00 per inch diameter of service main as follows:

2" = \$200

3" = \$300

4" = \$400

6" = \$600

8" = \$800

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, Mayor Minicozzi, aye

RESOLUTION 2022-172

Trustee Santoro moved BE IT RESOLVED to amend the Use of Facilities form, increasing the rental fee to \$100.00, and establish a \$150.00 escrow deposit to ensure the facility is cleaned after use.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2022-173

Trustee Santoro moved BE IT RESOLVED that the Board of Trustees hereby appropriates \$275,000.00 of the fund balance in the General Fund to be transferred to the Capital Fund for the purpose of renovating and improving West Harbor Memorial Park, including the purchase and installation of new playground equipment, installation of pickle ball courts, and the refurbishing of the concession stand with \$225,000.00 to be reimbursed by DASNY State and Municipal Facilities Program Project ID 25225 after completion of said project.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2022-174

Trustee DiBartolomeo moved BE IT RESOLVED to approve the proposal from H2M to design, prepare bid specifications and documents, and perform construction administration for the installation of pickle ball courts at West Harbor Memorial Park for a total cost of \$32,400.00.

Seconded by: Trustee Santoro

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

RESOLUTION 2022-175

Trustee De Natale moved BE IT RESOLVED to approve the proposal from Rose Fence, Inc. to remove the old worn-out fence and install new posts and fence at Village-owned property on corner of Ludlam Avenue and Vivona Court for a total cost of \$900.00.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2022-176

Trustee De Natale moved BE IT RESOLVED to approve the proposal from Hotine Bros., Inc. to install wheelchair ramp at sidewalk on Merritt Lane for a total cost of \$2,400.00 and to repave a worn-out section of the parking lot at Creek Beach Marina for a total cost of \$2,600.00.

Seconded by: Trustee Nigro

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

RESOLUTION 2022-177

**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 commencing at 6:45 PM on Monday, September 26, 2022, at the Bayville Village Hall, 34 School Street, in said Village.

The hearing will be on whether to enact Proposed Local Law 2022-D which will add Chapter 8. Bamboo to the Village Code for the purpose of prohibiting the planting and growing of bamboo, as defined by this proposed local law, within the Incorporated Village of Bayville and to establish penalties for violations of said prohibition.

A copy of Proposed Local Law 2022-D is posted on the Village of Bayville's website, which may be found at:

<https://bayvilleny.gov/wp-content/uploads/2022/08/Bamboo-Prohibition-PLL-2022-D.pdf>

Proposed Local Law 2022-D may also be viewed at the Bayville Village Hall, 34 School Street, Bayville, NY 11709 where it may be reviewed between the hours of 8:30 AM and 4:30 PM, Monday through Friday, excepting holidays, from the date of this notice to the time of the hearing.

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: August 31, 2022

For the record, the hearing started at 6:56PM.

Trustee DiBartolomeo moved BE IT RESOLVED to close the hearing at 7:00PM.

Seconded by: Trustee Nigro

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

RESOLUTION 2022-178

Trustee Santoro moved:

WHEREAS, the Board of Trustees of the Village of Bayville ("Village Board") by resolution dated August 22, 2022, introduced Proposed Local Law 2022-D "Bamboo" for consideration at a public hearing to be held on September 26, 2022, at 6:45 PM at the Village Hall located at 34 School Street, Bayville, New York; and

WHEREAS, the Village Board in accordance with the State Environmental Quality Review Act ("SEQRA") declared itself to be Lead Agency and caused to be prepared a Short Environmental Assessment Form to analyze and consider the potential environmental impacts of the proposed action; and

WHEREAS, the Village Board has determined that the proposed action is an Unlisted Action which will not result in significant adverse environmental impacts.

NOW, THEREFORE BE IT RESOLVED, that the proposed action will not result in a significant adverse impact on the environment and will improve the environment by preventing the spread of and future establishment of an invasive plant species in the Village. And **BE IT FURTHER RESOLVED** that Proposed Local Law 2022-D to be adopted as Local Law No. 4 of the Year

2022 to add to the Bayville Village Code a new Chapter 8 entitled "Bamboo" be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Bayville as follows:

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, Mayor Minicozzi, aye

Local Law No. 4 of the Year 2022

Incorporated Village of Bayville, County of Nassau

A local law to add Chapter 8. Bamboo to the Village Code for the purpose of prohibiting the planting or growing of bamboo within the Incorporated Village of Bayville.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Bayville as follows:

Section 1. Legislative Intent

It is the intent of this local law to prohibit the planting and growing of bamboo, as defined by this local law, within the Village of Bayville and to establish penalties for violations of this Chapter.

Section 2. Authority

This local law is enacted pursuant to the authority contained in the Village Law of the State of New York and in Article 2 of the Municipal Home Rule Law of the State of New York.

Section 3. Addition of Chapter 8. Bamboo to the Village Code

§ 8-1. Definitions and word usage.

A. The following definitions shall govern the interpretation of this chapter unless otherwise expressly defined herein. Words used in the singular shall include the plural and vice versa. The word "shall" is always mandatory.

B. As used in this chapter, the following terms shall have the meanings indicated:

BAMBOO

Any tropical or semitropical grasses or plants with monopodial (leptomorph) rhizome (root) systems which typically send off rhizomes far away from the plant, including, but not limited to, the following plant genera: Arrow Bamboo, Arundinaria, Bambusa, Chimonobambusa, Common Bamboo, Yellow Groove Bamboo, Golden Bamboo, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

BAMBOO PROPERTY OWNER

A property owner in the Village of Bayville who has planted or grown or caused the planting or growing of bamboo on their property and/or permitted or permits the growing of bamboo on their property that had initially encroached onto their property from an adjoining or neighboring property.

§ 8-2. Applicability.

For purposes of this chapter, if bamboo is found growing upon a property, that shall constitute presumptive evidence that the growing of bamboo on the property shall have occurred with the consent of the owner of such property, except that such property owner shall not be presumed to be a bamboo property owner if the property owner did not plant or grow or cause said bamboo to be planted or grown on this property and they shall provide the Building Department with proof, satisfactory to the Building Inspector, that within a reasonable period of time after they first learned of the encroachment of bamboo on their property from an adjoining or neighboring property, they advised the owner of such adjoining or neighboring property of their objection to the encroachment of bamboo onto their property and/or indicated steps for the removal of the bamboo from their property.

§ 8-3. Prohibition.

Effective upon the date that this provision shall become law, the planting or growing of bamboo shall be prohibited within the Village of Bayville.

§ 8-4. Duty to confine bamboo.

In the event any species of bamboo is located upon any property within the Village of Bayville, the owner or occupant of said property shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right-of-way.

§ 8-5. Regulations regarding bamboo preexisting this prohibition.

Any property owner upon whose property bamboo has been planted or otherwise permitted to grow on any property within the Village of Bayville shall remove, confine, or abate the growth of the bamboo so long as no part of the plant (including stalks, branches, leaves, and/or roots) extends within ten (10) feet of any property line, street, sidewalk, or public right-of-way.

§ 8-6. Violations and penalties.

Any person violating this Article shall be fined not more than five hundred dollars (\$500.00) and/or sentenced to not more than fifteen (15) days in jail for each offense.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION 2022-179

The following people addressed the Board:

Greg Andrea submitted site development plans to the Board for 10 and 12 Bayville Avenue
Peter Vasilas – 11 Hilltop Drive
Jill Morrison – 8 Deans Lane
Caroline Coleman – 6 Warren Avenue

Trustee Santoro moved BE IT RESOLVED to close the Regular Meeting at 8:12PM.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2022-180

Respectfully submitted,

Maria Alfano-Hardy
Village Clerk-Treasurer