

REGULAR MEETING FEBRUARY 27, 2023

The Regular Meeting of the Board of Trustees was held on February 27, 2023, at the Village Hall, 34 School Street, Bayville, New York 11709, at 6:30PM.

Present were:

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

Absent were: Trustee Santoro and Trustee Valsecchi

Trustee Walsh 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.

GENERAL				
PAYROLL	1/25/2023	8I	\$	27,391.43
	631	8J	\$	2,088.32
	632/639	8K	\$	1,106.24
PAYROLL	2/1/2023	9A	\$	25,761.10
	640	9B	\$	1,964.03
PAYROLL	2/8/2023	9C	\$	25,825.88
	641	9D	\$	1,968.96
PAYROLL	2/15/2023	9E	\$	25,955.51
	642	9F	\$	1,978.85
PAYROLL	2/22/2023	9G	\$	26,371.63
	643	9H	\$	2,010.51
	644/658	9I	\$	87,594.76
	659/710	9J	\$	238,548.59
TOTAL GENERAL			\$	468,565.81
WATER				
PAYROLL	1/25/2023	8I	\$	6,530.07
	174	8J	\$	497.87
	175/177	8K	\$	215.37
PAYROLL	2/1/2023	9A	\$	6,461.32
	178	9B	\$	492.62
PAYROLL	2/8/2023	9C	\$	6,562.34
	179	9D	\$	500.31
PAYROLL	2/15/2023	9E	\$	6,461.32
	180	9F	\$	492.62
PAYROLL	2/22/2023	9G	\$	6,544.09
	181	9H	\$	498.93
	182/188	9I	\$	23,870.82
	189/199	9J	\$	13,805.18
TOTAL WATER			\$	72,932.86
TRUST & AGENCY				
	213/221A	8E	\$	21,558.91
	222/226	9A	\$	10,551.80
	226A/231	9B	\$	10,631.10
	232/237	9C	\$	100,035.54
	238/242	9D	\$	15,621.03
	243/245	9E	\$	4,743.10
TOTAL T & A			\$	163,141.48
REVENUE ENTERPRISE				
	40/41	9A	\$	1,285.93
	42	9B	\$	7,322.00

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TOTAL REVENUE ENTERPRISE			\$	8,607.93
CAPITAL				
	32	9A	\$	18,675.00
TOTAL CAPITAL			\$	18,675.00
COMMUNITY DEVELOPMENT				
TOTAL COMMTY DEVELOP				
GRAND TOTAL			\$	731,923.08

Seconded by: Trustee Nigro

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

RESOLUTION 2023-19

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

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2023-20

Trustee Nigro moved BE IT RESOLVED to change the meeting dates for the Planning Board to the first Tuesday of the month, effective March 7, 2023.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2023-21

Trustee DiBartolomeo moved BE IT RESOLVED to approve the request of the Bayville Elementary Parent Council to hold their 5th Grade Beach Party from 9:00AM to 2:30PM at West Harbor Beach on June 5, 2023, with a rain date of June 7, 2023.

Seconded by: Trustee Walsh

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

RESOLUTION 2023-22

Trustee DiBartolomeo moved BE IT RESOLVED to approve the proposals from Alessio Pipe & Construction Co., Inc. to fix drainage issue at Well 1-3 on Godfrey Avenue for a total cost of \$16,700.00 and to replace broken service valves on Bayville Avenue near 16th Street and Nova Road for a total cost of \$44,862.00. ARPA funds will be used to cover both projects.

Seconded by: Trustee De Natale

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

RESOLUTION 2023-23

Trustee DiBartolomeo moved BE IT RESOLVED to approve the proposal from AC Schultes, Inc. to abandon Well 1-2 for a total cost of \$31,615.00. ARPA funds will be used to cover this project.

Seconded by: Trustee De Natale

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

RESOLUTION 2023-24

Trustee Nigro moved BE IT RESOLVED to approve the proposals from Advanced Electrical Resources, Ltd. to fix lighting in cellar of Village Hall for a total cost of \$1,400.00 and to update electrical circuits in front office of Village Hall for a total cost of \$1,500.00.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2023-25

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Trustee DiBartolomeo moved BE IT RESOLVED to award the contract for installing pickleball courts at West Harbor Beach to lowest responsible bidder Construction Consultants/LI, Inc. as per recommendation from H2M for a total cost of \$168,616.00. Funding from DASNY (Project ID: 25225) will be used to cover this project.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2023-26

Trustee De Natale moved BE IT RESOLVED to approve the proposal from H2M to provide professional services for the Village's annual stormwater management reporting as required by NYS DEC for a total cost of \$9,600.00.

Seconded by: Trustee Nigro

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

RESOLUTION 2023-27

Trustee DiBartolomeo moved BE IT RESOLVED to approve the requests of the Village Church to use Soundside Beach for services on March 26, 2023, from 6:30PM to 9:30PM and April 9, 2023, at 7:00AM.

Seconded by: Trustee Walsh

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

RESOLUTION 2023-28

Trustee Nigro moved BE IT RESOLVED to accept, with regret, the resignation of Ashley McAleer as Secretary to Zoning Board of Appeals, Planning Board, and Committee of Architectural Review.

Seconded by: Trustee De Natale

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

RESOLUTION 2023-29

Trustee De Natale moved BE IT RESOLVED to approve the proposal from USI Consulting Group to provide actuarial services for other post-employment benefits (OPEB) for three years as required by Governmental Accounting Standards Board (GASB) Statements Nos. 74 & 75 for a total cost of \$6,800.00.

Seconded by: Trustee Walsh

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

RESOLUTION 2023-30

**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, February 27, 2023, at the Bayville Village Hall, 34 School Street, in said Village.

Said hearing will be on whether to enact Proposed Local Law C-2023, a local law to amend Chapter 80, "Zoning," Article XVIII, "Board of Appeals," of the Code of the Village of Bayville. The Code was adopted by Local Law 2-1978 on May 22, 1978, and last amended by the Board of Trustees on January 23, 2023, by Local Law 1-2023.

A copy of Proposed Local Law C-2023 is posted on the Village of Bayville's website, which may be found at:

<https://bayvilleny.gov/wp-content/uploads/2023/01/LL-C-2023.pdf>

Proposed Local Law C-2023 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.

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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: February 3, 2023

Trustee Nigro moved BE IT RESOLVED to close the Public Hearing at 6:49PM.

Seconded by: Trustee Walsh

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

RESOLUTION 2023-31

Trustee DiBartolomeo moved

WHEREAS, the Board of Trustees of the Village of Bayville ("Village Board") by resolution dated January 23, 2023 introduced Local Law 2023-C "Board of Appeals Procedure" to amend Chapter 80 Article XVIII Section 80-88 of the Code of the Village of Bayville ("Village Code") regarding the powers of the Board of Appeals, for consideration at a public hearing to be held on February 27, 2023 at 6:45 PM at the Village Hall located at 34 School St., Bayville, NY; and

WHEREAS, the Village Board in accordance with the State Environmental Quality Review Act ("SEQRA") declares itself to be Lead Agency and has determined that the proposed action is an Unlisted Action.

NOW, THEREFORE, BE IT RESOLVED, that this Board declares the proposed action will not result in a significant adverse impact on the environment because it is a procedural matter amending the Village Code to allow the rendering of short form and longform board of appeals decisions and extending the time for filing same; and

BE IT FURTHER RESOLVED, that proposed Local Law 2023-C adopted as Local Law No. 3 of the Year 2023" 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 Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Mayor Minicozzi, aye

RESOLUTION 2023-32

**INCORPORATED VILLAGE OF BAYVILLE
LOCAL LAW NO. 3 OF THE YEAR 2023
AMENDMENT TO CHAPTER 80, "ZONING"**

A local law to amend Chapter 80, "Zoning," Article XVIII, "Board of Appeals," of the Code of the Village of Bayville. The Code was adopted by Local Law 2-1978 on May 22, 1978, and last amended by the Board of Trustees on January 23, 2023, by Local Law 1-2023.

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

SECTION I. Amend Chapter 80 *Zoning*, Article XVIII, entitled *Board of Appeals*, in part by amending §80-88. *Powers and duties* by adding new subparagraph D which shall read as follows:

D. Board of Appeals decisions.

1. Form of decision.

(a) The board of appeals may render its decision on any appeal or application in a short form format, setting forth the board's determination and conditions, if any, without enumerating the findings which formed the basis for its determination. Any applicant, or person or persons, jointly or severally aggrieved by a decision of the board, may within thirty (30) days after the

filing of the short form decision in the office of the village clerk, file a written demand with the village clerk requesting that the board of appeals render its decision in a long form format containing findings which formed the basis for the board's determination. The village clerk shall promptly deliver the written demand to the chairperson of the board of appeals. The chairperson shall then cause the long form decision to be prepared and upon its approval by the board file it with the village clerk who shall mail a copy thereof to the applicant and the person who demanded the long form decision.

(b) For the purposes of Village Law §7-712-c, in cases where the board renders a short form decision and no written demand requesting a long form decision is filed within the above required thirty (30) day period, the date of filing of the short form decision with the village clerk shall be deemed the date of filing of the board's decision and in cases where the board renders or is required to render a long form decision, the date of the filing shall be extended to the date of filing of the long form decision.

2. Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the village clerk within twenty (20) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

3. Application to supreme court by aggrieved persons. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or any officer, department, board, or bureau of the village, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceeding shall be instituted within thirty days after the filing of a decision of the board in the office of the village clerk, as provided for in in Section I. D. 1. above.

SECTION II. 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 III. Effective date. This local law shall take effect upon the filing with the Department of State.

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 6:50 PM on Monday, February 27, 2023, at the Bayville Village Hall, 34 School Street, in said Village.

Said hearing will be on whether to enact Proposed Local Law D-2023, a local law to amend Chapter 77, "Water," of the Code of the Village of Bayville. The Code was adopted by Local Law 2-1978 on May 22, 1978, and last amended by the Board of Trustees on January 23, 2023, by Local Law 2-2023.

A copy of Proposed Local Law D-2023 is posted on the Village of Bayville's website, which may be found at:

<https://bayvilleny.gov/wp-content/uploads/2023/01/LL-D-2023-Water-rents-charges.pdf>

Proposed Local Law D-2023 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.

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By Order of the Board of Trustees
Incorporated Village of Bayville

Maria Alfano-Hardy
Village Clerk-Treasurer

Dated: February 3, 2023

For the record, the hearing started at 6:52PM.

Trustee DiBartolomeo moved BE IT RESOLVED to close the Public Hearing at 6:54PM.
Seconded by: Trustee De Natale
Poll of the Board: Trustee Walsh, aye, Trustee Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Mayor Minicozzi, aye

RESOLUTION 2023-33

Trustee Walsh moved:

WHEREAS, the Board of Trustees of the Village of Bayville ("Village Board") by resolution dated January 23, 2023 introduced Local Law 2023-D to amend Chapter 77 §77-20 "Water Rents" of the Code of the Village of Bayville ("Village Code") for consideration at a public hearing to be held on February 27, 2023 at 6:45 PM at the Village Hall located at 34 School St., Bayville, NY; and

WHEREAS, the Village Board in accordance with the State Environmental Quality Review Act ("SEQRA") declares itself to be Lead Agency and has determined that the proposed action is an Unlisted Action.

NOW, THEREFORE BE IT RESOLVED, that this Board declares the proposed action will not result in a significant adverse impact on the environment because it is a procedural matter amending the Village Code to allow the installment payment of water facility charges to the Village; and

BE IT FURTHER RESOLVED, that proposed Local Law D adopted as Local Law No. 4 of the Year 2023 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 Nigro, aye, Trustee De Natale, aye, Trustee DiBartolomeo, aye, Mayor Minicozzi, aye

RESOLUTION 2023-34

**INCORPORATED VILLAGE OF BAYVILLE
LOCAL LAW NO. 4 OF THE YEAR 2023
AMENDMENT TO CHAPTER 77, "WATER"**

A local law to amend Chapter 77, "*Water*," of the Code of the Village of Bayville. The Code was adopted by Local Law 2-1978 on May 22, 1978, and last amended by the Board of Trustees on January 23, 2023, by Local Law 2-2023.

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

SECTION I. Amend §77-20 entitled *Lien for rents* by adding new subparagraph C, which shall read as follows:

C. Installment payments. With respect to water facility charges, regardless of when incurred, the board of trustees may, in lieu of including such charges in the annual tax levy, enter into an agreement with the owner of the affected real property for the installment payment of such water facility charges, at an interest rate and under terms deemed appropriate by the board of trustees, including reimbursement of any incidental costs to the village. If no agreement is made for such installment payments or there is a default under any such agreement by the owner of the affected real property, all amounts due regarding such water facility charges shall remain a lien on the property to be included in the next annual tax levy until paid in full.

SECTION II. 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,

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firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION III. Effective date. This local law shall take effect upon the filing with the Department of State.

Trustee Nigro moved BE IT RESOLVED to approve the request of St. Gertrude’s RC Church to use West Harbor Beach lot for parking for feast attendees’ vehicles on June 9 and 10, 2023, and to allow parking on both sides of Bayville Avenue during the feast from June 8 through June 11, 2023.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2023-35

Trustee DiBartolomeo moved BE IT RESOLVED to introduce Proposed Local Law E-2023 for setting a curfew for minors on Fourth of July and to set the hearing date for March 27, 2023.

Seconded by: Trustee De Natale

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

RESOLUTION 2023-36

Trustee De Natale moved BE IT RESOLVED to set a hearing date of March 27, 2023, for the Tentative Budget for fiscal year ending May 31, 2024, as presented to the Board of Trustees by Clerk-Treasurer Maria Alfano-Hardy.

Seconded by: Trustee Nigro

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

RESOLUTION 2023-37

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

New rates to be in effect as of April 1, 2023 (first bill generated on July 15, 2023, for water used April through June 2023)

Increase minimum charge \$5.00 from \$27.50 to \$32.50

Increase all consumption tiers 5%

New tiers as follows:

Rate Tier	Consumption	Rate	
-	minimum charge	\$32.50	minimum charge
1	0 to 5,000 gallons	\$1.25	per thousand gallons
2	5,001 to 67,500 gallons	\$2.65	per thousand gallons
3	67,501 to 137,000 gallons	\$3.81	per thousand gallons
4	137,000 + gallons	\$4.77	per thousand gallons

Seconded by: Trustee De Natale

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

RESOLUTION 2023-38

Trustee De Natale moved BE IT RESOLVED to accept a change order of \$2,000.00 from Ultra Audio/Video & Security, Inc. to furnish and install audio/visual equipment in the conference room at Village Hall approved by Resolution 2022-209. The original quote for the work excluded the labor cost in error.

Seconded by: Trustee Nigro

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

RESOLUTION 2023-39

Trustee Nigro moved BE IT RESOLVED to approve the proposal from H2M to prepare bid documents and specifications for a new residential refuse and recycling contract at a total cost of \$5,500.00; the current contract expires on June 1, 2023.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2023-40

Trustee DiBartolomeo moved BE IT RESOLVED to authorize the Mayor to sign and execute an agreement by and between the Cornell Cooperative Extension of Suffolk County (CCE) and the Village of Bayville for CCE to conduct outfall reconnaissance, dry weather flow monitoring, and sampling for the outfalls in Bayville at a cost of \$9,791.00. The term of said agreement will be March 1, 2023, to February 28, 2024. The activities covered in this agreement are part of the NYS DEC's requirements for MS4 annual stormwater management reporting.

Seconded by: Trustee De Natale

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

RESOLUTION 2023-41

The following person addressed the Board:

George Jehn – 4 Mishaupan Place

Trustee DiBartolomeo moved BE IT RESOLVED to close the Regular Meeting at 7:17PM.

Seconded by: Trustee De Natale

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

RESOLUTION 2023-42

Respectfully submitted,

Maria Alfano-Hardy
Village Clerk-Treasurer