

The Regular Meeting of the Board of Trustees was held on April 22, 2024, at the Village Hall, 34 School Street, Bayville, New York 11709, at 6:30PM.

Present were:

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

Absent was: Trustee Santoro

**CONTINUATION OF PUBLIC HEARING FOR
PINE HOWARD CIVIC ASSOCIATION**

Maureen Wilson – spoke before the Board on behalf of the Pine Howard Civic Association.

Trustee DiBartolomeo moved BE IT RESOLVED to close the Public Hearing at 6:34PM.

Seconded by: Trustee Nigro

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

RESOLUTION 2024-45

Trustee Walsh moved BE IT RESOLVED to set the hearing date for May 20, 2024, for effectuating an assessment, levy, and collection for proportionate unpaid sums due against recalcitrant property owner(s) abutting Pine Park Avenue and Howard Road.

Seconded by: Trustee Valsecchi

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

RESOLUTION 2024-46

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.

FUND	CLAIM NO.	WARRANT	AMOUNT
GENERAL			
PAYROLL	3/27/2024	10I	\$ 26,301.12
	711	10J	\$ 2,005.21
	712/718	10K	\$ 1,821.34
PAYROLL	4/3/2024	11A	\$ 26,905.28
	719	11B	\$ 2,051.27
PAYROLL	4/10/2024	11C	\$ 24,759.16
	720	11D	\$ 1,887.66
PAYROLL	4/17/2024	11E	\$ 25,433.12
	721	11F	\$ 1,939.04
	722/731	11G	\$ 87,040.42
	732/774	11H	\$ 101,145.59
TOTAL GENERAL			\$ 301,289.21

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WATER				
PAYROLL	3/27/2024	10I	\$	6,666.58
	195	10J	\$	508.26
	197/197	10K	\$	3,098.79
PAYROLL	4/3/2024	11A	\$	6,627.52
	198	11B	\$	505.29
PAYROLL	4/10/2024	11C	\$	6,666.58
	199	11D	\$	508.26
PAYROLL	4/17/2024	11E	\$	6,892.71
	200	11F	\$	525.51
	201/206	11G	\$	21,969.12
	207/216	11H	\$	32,620.94
TOTAL WATER			\$	86,589.56
TRUST & AGENCY				
	248/253	10E	\$	16,037.10
	254/257	11A	\$	10,952.14
	258/262	11B	\$	99,115.81
	263/268	11C	\$	10,812.15
	269/274	11D	\$	7,506.26
TOTAL T & A			\$	144,423.46
REVENUE ENTERPRISE				
	58/60	11A	\$	1,346.37
	61/63	11B	\$	13,234.22
TOTAL REVENUE ENTERPRISE			\$	14,580.59
CAPITAL				
	18	11A	\$	5,400.00
TOTAL CAPITAL			\$	5,400.00
COMMUNITY DEVELOPMENT				
TOTAL COMMTY DEVELOP				
GRAND TOTAL			\$	552,282.82

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-47

Trustee Valsecchi moved BE IT RESOLVED to accept the minutes from the March 25, 2024, meeting of the Board of Trustees as presented.

Seconded by: Trustee De Natale

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

RESOLUTION 2024-48

Trustee Nigro moved BE IT RESOLVED to appoint the following Election Inspectors for the June 18, 2024, General Village Election:

Vito Cassano (R)

Michael A. Harrington (R) Alternate

Debra Savlas (R) Alternate

Inspectors will be paid \$240.00, Chairpersons \$290.00, and Poll Coordinators will be paid \$250.00.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-49

Trustee De Natale moved BE IT RESOLVED to hire the following Lifeguards:

LIFEGUARDS

DAVID RUPP	\$29.00
ANDREW BURKARD	\$19.00
TEDDY MAVROS - WSI	\$23.75
TOM COLL	\$19.00
LOUIS SINGE	\$18.50
CHARLES DICKMAN	\$18.00
PHILIP TERRELL	\$18.00
CONNOR TERRELL	\$18.00
JULIEN SANTORO	\$17.50
ISABELLA CHARON WSI	\$23.00
TRICIA MAVROS	\$18.50
PAYTON TINI	\$18.00
EMMA CARROZZA	\$18.00
CARLEY POCZATEK	\$18.00
KATHERINE NABET	\$17.50
CHARLOTTE CHARON	\$17.50
LAUREN KLEIN	\$17.50
AINSLEY JOHNSON	\$17.50

PENDING CERTIFICATION

MARY FITZGERALD
MARLEY HOLIFIELD
MADELINE FARREN
WILLIAM NABET
MEGHAN JOHNSON

And, BE IT FUTHER RESOLVED, that the Village Clerk is hereby authorized to hire, if needed, additional Lifeguards at the starting rate of \$17.00 per hour during the 2024 summer season.

Seconded by: Trustee Nigro

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

RESOLUTION 2024-50

Trustee DiBartolomeo moved BE IT RESOLVED to hire the following summer Beach Attendants:

BEACH ATTENDANTS

George Albro (9 years): \$17.00/hr.
Chelsea Jaworski (9 years): \$19.50/hr.
Linda McKay (13 years): \$17.50/hr.
Joe Rodgers (13 years): \$20.50/hr.
Tyler Waage (3 years): \$16.50/hr.
Madison Poehmel (2 years): \$16.00/hr.

NEW HIRES – BEACH ATTENDANTS

Connor Poehmel - \$16.00
Brenda Cryan - \$16.00
Katie Ann Albro - \$16.00
Samantha Amendolara - \$16.00
Juliet Vivona - \$16.00

And, BE IT FUTHER RESOLVED, that the Village Clerk is hereby authorized to hire, if needed, additional Beach Attendants at the minimum wage rate of \$16.00 per hour during the 2024 summer season.

Seconded by: Trustee De Natale

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

RESOLUTION 2024-51

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Trustee Valsecchi moved BE IT RESOLVED to approve the mooring service proposal plan for 2024 season, dated April 17, 2024, from Bridge Marine at the following rates: \$95.00 per mooring weighing 150 lbs. or less; \$115.00 per mooring weighing between 151 lbs. and 250 lbs.; \$140.00 per mooring weighing between 251 lbs. and 350 lbs.; and \$165.00 per mooring weighing over 351 lbs. Bridge Marine will also supply and install two 200-lbs moorings, one at Creek Beach and one at West Harbor Beach, at a cost of \$360.00 each to the Village.

Seconded by: Trustee De Natale

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

RESOLUTION 2024-52

Trustee Nigro moved BE IT RESOLVED to approve the request of St. Gertrude's RC Church for the following related to their Annual Feast from June 6, 2024 to June 9, 2024, at Centre Island Beach: access for vehicles to park at West Harbor Beach on Friday, June 7 and Saturday, June 8; dispensation allowing vehicles to park on both sides of Bayville Avenue during the Feast; permission to post Feast Banners on the Village kiosks; and permission to post Feast information on the Village website.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-53

Trustee DiBartolomeo moved BE IT RESOLVED to approve the proposal from Advanced Electrical Resources, Ltd. to upgrade the electrical system on the walk-over bridge at Soundside Beach for a total cost of \$5,750.00.

Seconded by: Trustee De Natale

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

RESOLUTION 2024-54

Trustee Valsecchi moved BE IT RESOLVED to approve the proposal from Tony & Nick Landscape & Masonry for asphalt and paving work at the Water Tower on School Street for a total cost of \$8,000.00 plus an additional \$1,000.00 for concrete work required by NYSDEC.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-55

Trustee Valsecchi moved BE IT RESOLVED to approve the proposal from FZ Home Improvement Contractors for alterations to copy room, west part of front office, and main hallway in Village Hall for a total cost of \$10,500.00 and the proposal from Ultra Audio/Video & Security, Inc. for network wiring related to said alterations for a total cost of \$4,608.25.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-56

Trustee De Natale moved BE IT RESOLVED to approve the proposal from Tri-County Installations, Inc. to re-pipe waste pipe in crawl space back to existing house trap to correct the back pitch which is causing stoppage for a total cost of \$3,500.00.

Seconded by: Trustee Nigro

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

RESOLUTION 2024-57

Trustee DiBartolomeo moved BE IT RESOLVED to adjourn the Regular Meeting and to convene into Executive Session at 6:47PM to discuss the following matters:

Discussion with Village Attorney regarding the following:

Billaris v. Village of Bayville

Seconded by: Trustee Walsh

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

RESOLUTION 2024-58

Trustee DiBartolomeo moved BE IT RESOLVED to close Executive Session and reopen the Regular meeting at 7:22PM.

Seconded by: Trustee Walsh

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

RESOLUTION 2024-59

Trustee DiBartolomeo moved:

WHEREAS, Shore Road a.k.a. Washington Avenue ("Shore Road") is a private road which has been the subject of multiple disputes and lawsuits involving the owners of property who either own a portion of or claim a right-of-way over Shore Road and;

WHEREAS, several portions of Shore Road adjacent to Mill Neck Creek, due to substantial erosion and lack of maintenance, are impassable to vehicular traffic and have resulted in requests to the Village of Bayville ("Village") to maintain the road;

WHEREAS, the Village desires to declare a policy regarding Shore Road to limit its involvement regarding the use and maintenance of such road and;

WHEREAS, the owners of Shore Road may desire to install passable barriers and appropriate signage for the purpose of controlling traffic and do so at their own risk and;

WHEREAS, if it is determined that emergency vehicles such as police cars, ambulances and firefighting apparatus are unable to conveniently pass through any such barrier in the event of an emergency, the Village reserves the right to become involved.

NOW, THEREFORE BE IT RESOLVED the Board of Trustees of the Village declares the following policy with respect to privately owned portions of Shore Road:

1. The recitals set forth above are hereby acknowledged as being true and are incorporated into the body of this Resolution.

2. The Village is hereby establishing a neutral policy not to interfere with the installation of passable barriers and appropriate signage on Shore Road which would allow reasonable access to emergency vehicles during an emergency. No Village permit shall be required for such installation.

(a) A "passable barrier" is an unpaved traffic hump 5 feet wide installed across the roadway rising to a height of not more than 12 inches with shrubs planted directly on the traffic hump having a maximum height of 3 ½ feet above the original road surface and one sign with a face area not exceeding one square foot.

3. Any person who constructs such a barrier and signage, takes such action at their own risk.

4. If a substantial barrier is created which prevents reasonable access to emergency vehicles during an emergency, the Village reserves the right to declare the barrier a public nuisance and take appropriate action to have such barrier removed at the expense of the property owner.

5. This resolution shall have no effect on the provisions of §64-12 of the Code of the Village of Bayville, New York regarding petition procedures for street maintenance/improvement; procedures for assessment and collection of costs.

Seconded by: Trustee Valsecchi

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

RESOLUTION 2024-60

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Trustee De Natale moved:

WHEREAS, Holly Billeris (“Billeris”) commenced a lawsuit alleging, among other things, inverse condemnation against the Incorporated Village of Bayville et al. on October 15, 2013 in the Supreme Court of the State of New York, Nassau County under Index Number: 13-12521 captioned as Billeris v. The Incorporated Village of Bayville, New York et al. (“State Action”); and

WHEREAS, on July 22, 2020, Billeris commenced a lawsuit alleging a violation of her constitutional rights against the Village and others in the US District Court for the Eastern District of New York captioned as Billeris v. The Inc. Village of Bayville, New York et al. Case No. 2:20-cv-03298-HG-ST (“Federal Action”); and

WHEREAS, the parties have agreed to settle their differences and compromise, resolved amicably, and discontinue the disputes regarding any and all claims relating to, concerning, arising out of or otherwise connected with the State Action and the Federal Action in any way, without further litigation and without admitting any liability.

NOW, THEREFORE BE IT RESOLVED as follows:

1. In full and final settlement of all claims, causes of action, and alleged damages between the parties, including but not limited to, the claims of the State Action and the Federal Action, the sum of \$100,000 shall be paid to Billeris. The Village of Bayville portion of the settlement payment shall be \$36,000 and the remaining portion of the settlement payment shall be \$64,000 to be paid by the Village’s insurer.
2. The Mayor is hereby authorized to execute on behalf of the Village all required documents to facilitate the settlement process for the State Action and Federal Action
3. The Village Treasurer is hereby authorized to pay \$36,000 to Holly Billeris in payment of the Village’s portion of the settlement payment.

Seconded by: Trustee Walsh

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

RESOLUTION 2024-61

Trustee De Natale moved BE IT RESOLVED to close the Regular Meeting at 7:33PM.

Seconded by: Trustee Valsecchi

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

RESOLUTION 2024-62

Respectfully submitted,

Maria Alfano-Hardy
Village Clerk-Treasurer