

REGULAR MEETING SEPTEMBER 23, 2024

The Regular Meeting of the Board of Trustees was held on September 23, 2024, at the Village Hall, 34 School Street, Bayville, New York 11709, at 6:30PM.

Present were:

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

Absent: Trustee Santoro & 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.

FUND	CLAIM NO.	WARRANT	AMOUNT
GENERAL			
PAYROLL	8/28/2024	3I	\$ 43,394.35
	239	3J	\$ 3,308.39
	240/246	3K	\$ 2,064.76
PAYROLL	9/4/2024	4A	\$ 39,060.47
	247	4B	\$ 2,978.00
PAYROLL	9/11/2024	4C	\$ 27,574.72
	248	4D	\$ 2,102.32
PAYROLL	9/18/2024	4E	\$ 30,899.99
	249	4F	\$ 2,355.87
	250/259	4G	\$ 89,126.06
	260/307	4H	\$ 178,411.70
TOTAL GENERAL			\$ 421,276.63
WATER			
PAYROLL	8/28/2024	3I	\$ 7,329.50
	49	3J	\$ 558.81
	50/51	3K	\$ 3,098.25
PAYROLL	9/4/2024	4A	\$ 7,152.69
	52	4B	\$ 545.33
PAYROLL	9/11/2024	4C	\$ 6,866.59
	53	4D	\$ 523.52
PAYROLL	9/18/2024	4E	\$ 6,952.86
	54	4F	\$ 530.09
	55/59	4G	\$ 28,866.53
	60/68	4H	\$ 43,801.69
TOTAL WATER			\$ 106,225.86
TRUST & AGENCY			
	68/76	3E	\$ 26,078.99
	77/80	4A	\$ 14,202.78
	81/87A	4B	\$ 112,197.84
	88/91	4C	\$ 12,200.99
	92/94	4D	\$ 6,067.33
TOTAL T & A			\$ 170,747.93
REVENUE ENTERPRISE			
	16/18	4A	\$ 2,061.70
	19/20	4B	\$ 433.77
TOTAL REVENUE ENTERPRISE			\$ 2,495.47

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CAPITAL			
TOTAL CAPITAL			\$ -
COMMUNITY DEVELOPMENT			
TOTAL COMMTY DEVELOP			
GRAND TOTAL			\$ 700,745.89

Seconded by: Trustee De Natale

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

RESOLUTION 2024-136

Trustee DiBartolomeo moved BE IT RESOLVED to accept the minutes from the August 26, 2024, meeting of the Board of Trustees as presented.

Seconded by: Trustee Walsh

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

RESOLUTION 2024-137

Trustee DiBartolomeo moved BE IT RESOLVED to approve the request of St. Gertrude's Preschool to use Soundside Beach for its end-of-year picnic on June 3, 2025, from 9:00AM to noon, with a rain date of June 5, 2025.

Seconded by: Trustee De Natale

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

RESOLUTION 2024-138

Trustee Tucker moved BE IT RESOLVED to approve the request of the Village Preschool to use West Harbor Beach for its end-of-year picnic on June 4, 2025, from noon to 3:00PM.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-139

Trustee Walsh moved BE IT RESOLVED to approve the request of the Bayville Elementary Parents Council to hold their 5th Grade Beach Party at West Harbor Beach on June 3, 2025, with a rain date of June 5, 2025, from 9:30AM to 2:00PM.

Seconded by: Trustee Tucker

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

RESOLUTION 2024-140

Trustee DiBartolomeo moved BE IT RESOLVED to accept the donation from the Pinkerton Family of a "Compass Rose" brick inlay to be installed at the entrance to Soundside Beach.

Seconded by: Trustee De Natale

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

RESOLUTION 2024-141

Trustee DiBartolomeo moved BE IT RESOLVED to accept the proposal from Rocco T. Ranaldo, Jr. for the installation of 23 new LED lights provided by the Village in the main garage area and installation of two wireless switches to control all the newly installed lighting for a total cost of \$9,450.00.

Seconded by: Trustee De Natale

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

RESOLUTION 2024-142

REGULAR MEETING SEPTEMBER 23, 2024

Trustee DiBartolomeo moved BE IT RESOLVED to accept the proposal from Ultra Audio/Video & Security, Inc. for installation of new network wiring and wall jacks for the front office renovation for a total cost not to exceed \$1,732.29.

Seconded by: Trustee Walsh

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

RESOLUTION 2024-143

Trustee DiBartolomeo moved BE IT RESOLVED to accept the proposal from Advanced Electrical Resources, Ltd. for electrical updates to Village Hall front office, lobby, and building department for a total cost of \$4,650.00.

Seconded by: Trustee De Natale

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

RESOLUTION 2024-144

Introduction of Proposed Local Law C-2024 "Zoning". The Public Hearing is tentatively scheduled for October 28, 2024.

The following people addressed the Board:

Charles Corso – 242 Bayville Avenue

Charles Scefonas – 105 Mountain Avenue

**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 6:35 PM on Monday, September 23, 2024, at the Village Hall, 34 School Street, Bayville, New York 11709 with respect to the matter summarized below:

Proposed Local Law A-2024, a local law to amend Chapter 63A Storm Sewers Article I Illicit Discharges by amending §63A-1 Legislative intent and §63A-2 Definitions of the Code of the Village of Bayville. The Code was adopted by Local Law 1-1981 on February 9, 1981, and last amended by the Board of Trustees on April 24, 2023, by Local Law 7-2023.

A copy of Proposed Local Law A-2024 is posted on the Village of Bayville's website, which may be found at:

<https://bayvilleny.gov/wp-content/uploads/2024/09/LL-A-2024-Storm-Sewers.pdf>

A copy is also available for viewing at the Bayville Village Hall, 34 School Street, in said Village, where it may be reviewed between the hours of 8:30 AM and 4:30 PM, Monday through Friday, from the date of this notice to the time of the hearing.

By Order of the Board of Trustees
Incorporated Village of Bayville

Maria Alfano-Hardy
Village Clerk-Treasurer

Dated: September 5, 2024

For the record the hearing started at 6:40PM.

Trustee Walsh moved BE IT RESOLVED to close the Public Hearing at 6:44PM.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-145

Trustee DiBartolomeo moved BE IT RESOLVED that proposed Local Law A-2024 entitled “Storm Sewers” to amend the Code of the Village of Bayville, be and the same is hereby enacted as Local Law 1-2024 as follows:

**VILLAGE OF BAYVILLE
LOCAL LAW NO. 1 OF THE YEAR 2024**

“STORM SEWERS”

A local law to amend **Chapter 63A Storm Sewers Article I Illicit Discharges** by amending §63A-1 *Legislative intent* and §63A-2 *Definitions* of the Code of the Village of Bayville. The Code was adopted by Local Law 1-1981 on February 9, 1981, and last amended by the Board of Trustees on April 24, 2023, by Local Law 7-2023.

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

SECTION I.

Amend Article I *Illicit Discharges* § 63 A-1. *Legislative intent.* as follows:

The purpose of this article is to provide for the health, safety, and general welfare of the residents of the Village through the regulation of connections to MS4s and the regulation of nonstormwater discharges to MS4s to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into MS4s in order to comply with requirements of the DEC SPDES General Permit (GP-0-24-001), or the most recent version of this permit, for MS4s. The objectives of this article are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-0-24-001, or the most recent version of this permit, as amended and revised;
- B. To regulate the contribution of pollutants to MS4s, since such systems are not designed to accept, process, or discharge nonstormwater discharges;

SECTION II.

Amend Article I *Illicit Discharges* §63 A-2. *Definitions.* as follows:

CONSTRUCTION ACTIVITY

Activities requiring authorization under a DEC SPDES Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, or the most recent version of this permit, as amended and revised, or activities covered by erosion and sediment control or pollution prevention plan laws, rules, or regulations of the Village. Such activities include construction projects resulting in land disturbance equal to or greater than the area stipulated in statutes or regulations of the state, county, or the Village, whichever is most restrictive. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

DEC

The New York State Department of Environmental Conservation.

INDUSTRIAL ACTIVITY

Activities requiring the SPDES Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-23-001, or the most recent version of this permit, as amended and revised.

SECTION III.

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

Seconded by: Trustee Tucker

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

RESOLUTION 2024-146

**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 6:40 PM on Monday, September 23, 2024, at the Village Hall, 34 School Street, Bayville, New York 11709 with respect to the matter summarized below:

Proposed Local Law B-2024, a local law to amend Chapter 63B Stormwater Control Article I Stormwater Management and Erosion and Sediment Control by amending §63B-2. Purpose; §63B-4 Applicability; §63 B-6 Definitions; §63B-7 Stormwater pollution prevention plans; §63B-8 Performance and design criteria; and §63B-9 Maintenance and repair of stormwater facilities of the Code of the Village of Bayville. The Code was adopted by Local Law 1-1981 on February 9, 1981, and last amended by the Board of Trustees on April 24, 2023, by Local Law 7-2023.

A copy of Proposed Local Law B-2024 is posted on the Village of Bayville's website, which may be found at:

<https://bayvilleny.gov/wp-content/uploads/2024/09/LL-B-2024-Stormwater-Control.pdf>

A copy is also available for viewing at the Bayville Village Hall, 34 School Street, in said Village, where it may be reviewed between the hours of 8:30 AM and 4:30 PM, Monday through Friday, from the date of this notice to the time of the hearing.

By Order of the Board of Trustees
Incorporated Village of Bayville

Maria Alfano-Hardy
Village Clerk-Treasurer

Dated: September 5, 2024

For the record the hearing started at 6:45PM.

Trustee Walsh moved BE IT RESOLVED to close the Public Hearing at 6:48PM.

Seconded by: Trustee Tucker

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

RESOLUTION 2024-147

Trustee Tucker moved

WHEREAS, of the public notice for Proposed Local Law B-2024 entitled "Stormwater Control" contained repetitive wording which did not materially change the meaning of said public notice; and

WHEREAS the Board wishes to adopt the local law in proper form.

NOW, THEREFORE BE IT RESOLVED that Proposed Local Law B-2024 entitled "Stormwater Control" is hereby modified by excluding the words "one acre, or activities disturbing less than" in the third line of the amended definition of Land Development Activity of §60 3B-6 Definitions and said proposed local law, as modified, to amend the Code of the Village of Bayville, be and the same is hereby enacted as Local Law 2-2024 as follows:

LOCAL LAW NO. 2 OF THE YEAR 2024

"STORMWATER CONTROL"

A local law to amend **Chapter 63B Stormwater Control Article I Stormwater Management and Erosion and Sediment Control** by amending *§63B-2. Purpose; §63B-4 Applicability; §63 B-6 Definitions; §63B-7 Stormwater pollution prevention plans; §63B-8 Performance and design criteria; and §63B-9 Maintenance and repair of stormwater facilities* of the Code of the Village of Bayville. The Code was adopted by Local Law 1-1981 on February 9, 1981, and last amended by the Board of Trustees on April 24, 2023, by Local Law 7-2023.

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

SECTION I.

Amend the below sections of Article I *Stormwater Management and Erosion and Sediment Control* as follows:

§63B-2. Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 63B-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-24-001, or the most recent version of this permit, as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-20-001, or the most recent version of this permit, as amended or revised;

§ 63B-4. Applicability.

- B. The municipality shall designate a Stormwater Management Officer (SMO) may:
 - (1) Review the plans;
 - (2) Upon approval by the Village Board of Trustees of the Village of Bayville, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter.

§63B-6. Definitions.

LAND DEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre or activities disturbing less than one acre of total land area that is part of a common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LAND DISTURBANCE

A man-made change to the land surface that may result in changes to the runoff characteristics, including but not limited to clearing, grading, and excavation.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-0-20-001

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-0-24-001

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

§63B-7. Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity equal to or exceeding one acre of land disturbance shall be granted final approval until the appropriate board has received a

stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

B. Contents of stormwater pollution prevention plans.

- (1) All SWPPPs shall provide the following background information and erosion and sediment controls:...
- (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

§ 63B-8. Performance and design criteria.

All land development activities shall be subject to the following performance and design criteria:

A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, 2015, most current version or its successor, hereafter referred to as the "Design Manual");
- (2) New York Standards and Specifications for Erosion and Sediment Control, 2016, most current version or its successor (hereafter referred to as the "Erosion Control Manual").

§ 63B-9. Maintenance and repair of stormwater facilities.

A. Maintenance during construction.

- (1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

B. Maintenance easements. Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Bayville to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Bayville.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall operate and maintain the stormwater management practices to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

- (2) Written procedures for operation and maintenance and training new maintenance personnel.
- (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 63B-8B.

D. Maintenance agreements. The Village of Bayville shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter, entitled "Sample Stormwater Control Facility Maintenance Agreement." The Village of Bayville, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

SECTION II.

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

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-148

Trustee De Natale moved to adjourn the Regular Meeting and to convene into Executive Session at 7:00PM to discuss the following matters:

1. Discussion of personnel matters, if any, with the intent to protect the privacy of a particular person or persons.
2. Village Employee collective bargaining negotiations

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-149

Trustee DiBartolomeo moved BE IT RESOLVED to close Executive Session and reopen the Regular Meeting at 7:42PM

Seconded by: Trustee Walsh

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

RESOLUTION 2024-150

Trustee Walsh moved BE IT RESOLVED to close the Regular Meeting at 7:44PM.

Seconded by: Trustee DiBartolomeo

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

RESOLUTION 2024-151

Respectfully submitted,

Maria Alfano-Hardy
Village Clerk-Treasurer