

**VILLAGE OF MATINECOCK  
PUBLIC HEARING ON PROPOSED LOCAL LAW A-2023  
and  
REGULAR BOARD OF TRUSTEES' MEETING  
FEBRUARY 21, 2023**

A public hearing on Proposed Local Law A-2023 and a regular Trustees meeting of the Incorporated Village of Matinecock, were held by the Board of Trustees of the Incorporated Village of Matinecock, Nassau County, New York, at Portledge School on Duck Pond Road in the Village, on Tuesday, February 21, 2023, at 6:30 P.M.

Present:	Kenneth J. Goodman, MD	Mayor
	Linda Berke	Trustee
	William R. Denslow, Jr.	Trustee
	William I. Hollingsworth, III	Trustee
	Albert Kalimian	Trustee
	Carol E. Large	Trustee
	Robert Marmorale	Trustee

Also present:	James F. Wellington, Commissioner of Public Works
	Jennifer A. Zoufaly, Village Clerk/Treasurer
	Peter P. MacKinnon, Esq., of Humes & Wagner, LLP

**HEARING ON PROPOSED LOCAL LAW A-2023 - "FILMING"**

The Mayor called the hearing on proposed Local Law A-2023 to order at 6:30 p.m. The affidavits of publication of the notice of hearing and mailing of the local law and notice were presented and ordered annexed to the minutes of this hearing. The Board discussed and considered proposed Local Law A-2023 which will add new Chapter 65, "*Filming*," to the Code of the Village of Matinecock. The proposed local law will set forth regulations pertaining to commercial filming in the Village. These regulations will establish a permit and permit procedures pertaining to commercial filming the Village.

The Mayor called for comments in favor of, or in opposition to, the proposed local law. There being no questions or comments, the Mayor declared the hearing closed.

The Mayor then called the regular meeting to order at 6:40 p.m.

**MINUTES**

The Mayor called for approval of the minutes of the Trustees' meeting held on January 17, 2023 and February 6, 2023, which, on motion duly made and seconded, were unanimously approved as presented.

**BILLS/ABSTRACT OF CLAIMS**

The Village Clerk presented revised Warrant No. 704 dated January 17, 2023, in the amount of \$341,410.39 and Warrant No. 705 dated February 21, 2023, in the amount \$106,364.03. The Village Clerk also presented for the Trustees review, all vouchers with supporting documentation for said claims which are listed on Warrants 704 and 705. After discussion and an opportunity to review all claims presented on Warrants 704 and 705, the Board on duly motion made and seconded, approved all claims on Warrants 704 and 705 and directed the Village Clerk/Treasurer to make payment.

## TREASURER'S REPORT

The Financial Reports for the month ending January 31, 2023 were presented and examined, approved an ordered filed, subject to audit. The Village Clerk/Treasurer requested approval to transfer \$106,000 from the General Savings to the Checking Account to maintain the Collateral Balance of \$600,000 as required by FNBLI. After discussion, on motion duly made and seconded, the Board approved the requested transfer. The Clerk also circulated a copy of the current balances in all of the Village's accounts as of February 21, 2023, copy attached.

## FIREWORKS DISPLAY AT PIPING ROCK CLUB

The Village Clerk noted that the Village had received a request for a fireworks display permit from Piping Rock Club for its annual display, pursuant to NYS Penal Law, Section 405. The display is scheduled to take place on Tuesday, July 4, 2023, with a rain date of Saturday, August 12, 2023, on the Piping Rock Club grounds, the Polo Field North. The display would be approximately 30 minutes in length. After discussion, and on motion duly made and seconded, it was

**RESOLVED**, that a permit be granted to the Piping Rock Club and Santore's World Famous Fireworks pursuant to Penal Law, Section 405, to allow the firm of Santore's World Famous Fireworks to discharge fireworks on Tuesday, July 4, 2023, with a rain date of August 12, 2023, on the Polo Field North of the main clubhouse at the Piping Rock Club, 150 Piping Rock Road, Matinecock, New York, in accordance with and subject to the conditions contained in its letter application, and subject to the provisions of Section 405 of the Penal Law and the following:

1. Approval by the Brookville Police Department and Nassau County Police Department and compliance with all restrictions and requirements of the Nassau County Bomb Squad.
2. All activities occurring at this event are to be coordinated with the Brookville Police Department. If the Brookville Police Department requires additional personnel to provide adequate protection or traffic control, the sponsor shall pay for all cost and charges, including, but not limited to, overtime payment for all police officers used.
3. The Applicant shall indemnify and hold the Village harmless from any and all claims and liabilities which arise in connection with the issuance of this permit by any participants, workers, volunteers, motorists and spectators.
4. The Applicant shall file with the Village an original certificate of liability insurance naming the Village as an additional insured in the minimum amount of \$5,000,000. This certificate shall be delivered to the Village Clerk at least five (5) days in advance of the date of the display.
5. The Applicant shall notify, in writing, all Village residents of the day and time of the event at least one week in advance.
6. Parking is prohibited on Piping Rock Road, Duck Pond Road and Wellington Road. Traffic control at the site shall be under the constant supervision of the Brookville Police Department ("BPD") and Applicant shall be required to contact the BPD to coordinate security for the event, and
7. Applicant shall pay to the Village a permit fee in the sum of \$1,500; and

**FURTHER RESOLVED**, that the certificate of insurance and evidence that liability coverage remains in force and effect from preparation until the displays are concluded, and

**FURTHER RESOLVED**, that failure to comply with any of the above requirements shall result in immediate revocation of the permits.

## **HARRIS LOCAL GOVERNMENT TAX PROGRAM**

The Village Clerk/Treasurer circulated a proposal from Harris Local Government dated January 26, 2023 (*copy attached*) in connection with upgrading the Village's tax program from Microsoft Access, which is no longer supported by Microsoft. The Village Clerk noted that the proposal from Harris Computer Corporation was for 1 software license with one user for Property Tax Manager - Spectrum program and would cost \$3,595. In addition, Harris will also provide professional services for training and data conversion for the initial installation at an additional cost of \$7,700. The annual support and maintenance for the software would \$925 yearly. She noted that the surrounding Villages of Lattintown, Mill Neck and Cove Neck also use the Harris tax software and are very satisfied with the program and support. After discussion, the Board agreed that the updated tax program is needed and necessary and accordingly, the Board authorized the Clerk/Treasurer to purchase the tax program from Harris Local Government pursuant to their proposal dated January 26, 2023.

## **INDEPENDENT ANNUAL AUDIT FOR 2021/22**

The Village Clerk circulated the audit and management letter from Skinnon & Faber, which reported its findings following an examination of the books and records of the Village for the fiscal period June 1, 2021, through May 31, 2022. The Board reviewed the Auditors comments on the Village's policies and procedure and proposed the following actions to address the issues raise as follows:

Pertaining to approval of claims for payment and cash disbursements, the Board unanimously

**RESOLVED**, that the Clerk/Treasurer be authorized to make the following payments before formal Board audit:

Public utility bills, including Verizon, Optimum & PSEGLI and USPostal Service;

**RESOLVED**, that the Clerk/Treasurer be authorized to make the following payments which do not require pre-audit approval:

- a. Approved salaries;
- b. Debt payments;
- c. Amounts due under lawful contracts;
- d. NYS Retirement contribution and health insurance premiums.

**FURTHER RESOLVED**, that the following procedures be adopted for the approval and payment of all claims that require audit review as follows:

The Village Clerk will present to the Trustees, prior to approval for payment, all claim vouchers, which are subject to audit, along with supporting documentation to determine the validity of the claim.

a. Each claim form shall be reviewed and then signed by the department head or Village Clerk acknowledging receipt of the goods or services by the Village.

b. The Village Clerk was directed not to disburse any payment for any vouchers that are subject to audit prior to approved by the resolution of the Trustees.

The Village Clerk/Treasurer is directed to consult with the Village's accountant to address the following issues.

- a. Establishing a fund balance policy that will;
  - i. Include the Village's budgeting practices;
  - ii. Establish target levels of unassigned and reserve fund balances;
  - iii. How and when reserve funds will be used.

The Village Clerk/Treasurer was further directed to update the Village ledgers for funds on deposit, update and reconcile said ledgers on a monthly basis, and use the correct ledger codes, as per the Office of the State Comptroller (OSC).

- b. Update Village ledger for funds on deposit with the Village for applications and building department matters.
- c. Update and reconcile on a monthly basis.
- d. Use of the correct general ledger codes and codes as per the Office of the State Comptroller.
- e. A Year-end update of the general ledger of the fund balances allocation approved by the Board will be made.

Lastly, the Village Clerk/Treasurer reported that the Annual Expenditure Report that was due on April 30, 2022 for the American Rescue Plan was filed on September 23, 2022.

Thereafter, the Board of Trustees accepted the Skinnon & Faber Independent Auditor's Report for the Fiscal Year Ending May 31, 2022 and ordered it filed.

After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the Village's Audit prepared by Skinnon & Faber for the period June 1, 2021 through May 31, 2022, be and hereby is, accepted, and

**FURTHER RESOLVED**, that the Village Clerk be, and she hereby is, authorized to file the audit and publish a notice of completion in the Village's official newspaper as required by law.

## **BUILDING INSPECTOR'S CONSULTING AGREEMENT**

The Mayor noted that Mr. Bicknese has circulated a retainer agreement with an modest fee increase for the 2023/24 fiscal year for his services as Building Inspector (*copy attached*). After discussion, the Board approved the fee increase request.

## **VILLAGE ATTORNEY RETAINER AGREEMENT**

The Mayor noted that Humes and Wagner has circulated a retainer agreement with an modest fee increase for the 2023/24 fiscal year for their services as Village Attorney (*copy attached*). After discussion, the Board approved the fee increase request.

## WEST SIDE ENGINEERING PROPOSAL/STORMWATER PROGRAM

The Mayor noted that West Side Engineering, P.C., (James Antonelli) has circulated a retainer agreement for the preparation of the Stormwater Report for the 2022/23 at a fixed fee of \$2,000. After discussion, the Board approved the retainer for the preparation of the Stormwater Report.

### GRIEVANCES

The Clerk/Treasurer reported that Grievance Day was held on February 21, 2023. She noted the following grievances have been filed and the affidavit of publication of the notice of Grievance Day is attached to these minutes.

The Board then considered the following grievances submitted to the Village and are attached to these minutes:

1. *"Complaint on Real Property Assessment for 2023/24"* for Christopher and Danielle Figoni, c/o Cronin & Cronin Law Firm, PLLC, 200 Old Country Road, Suite 470, Mineola, NY 11501 for Section 23, Block K, Lot(s) 566, from 636 to 63.
2. *"Complaint on Real Property Assessment for 2023/24"* for John & Agatha Burns, c/o Cronin & Cronin Law Firm, PLLC, 200 Old Country Road, Suite 470, Mineola, NY 11501 for Section 24, Block 24, Lot(s) 8, from 396 to 39.
3. *"Complaint on Real Property Assessment for 2023/24"* for Jaqueline & Noah Weissman, c/o Cronin & Cronin Law Firm, PLLC, 200 Old Country Road, Suite 470, Mineola, NY 11501 for Section 23, Block B, Lot(s) 36, from 524 to 52.
4. *"Complaint on Real Property Assessment for 2023/24"* for Donald DiRenzo, c/o Farrell, Fritz, P.C., 1320 RXR Plaza, Uniondale, NY 11556-400 for Section 23, Block B, Lot(s) 484, 487, from 846 to 475.
5. *"Complaint on Real Property Assessment for 2023/24"* for Toll House, LLC, c/o Farrell, Fritz, P.C., 400 RXR Plaza, Uniondale, NY 11556-400 for Section, Block 23, Lot(s) B, Lot 401 from 1,899 to 475.
6. *"Complaint on Real Property Assessment for 2023/24"* for Gunnar Overstrom, c/o Farrell, Fritz, P.C., 400 RXR Plaza, Uniondale, NY 11556-400 for Section 23, Block B, Lot(s) 533, from 2,251 to 563.
7. *"Complaint on Real Property Assessment for 2023/24"* for Linda Berke, c/o Farrell, Fritz, P.C., 400 RXR Plaza, Uniondale, NY 11556-400 for Section 23, Block B, Lot(s) 508, from 1,136 to 284.
8. *"Complaint on Real Property Assessment for 2023/24"* for 339 Duck Pond LLC, c/o Farrell, Fritz, P.C., 400 RXR Plaza, Uniondale, NY 11556-400 for Section 23, Block K, Lot(s) 663, from 1,582 to 396.
9. *"Complaint on Real Property Assessment for 2023/24"* for Asia Baker Stokes, c/o Farrell, Fritz, P.C., 400 RXR Plaza, Uniondale, NY 11556-400 for Section 23, Block B, Lot(s) 403D, from 891 to 223.
10. *"Complaint on Real Property Assessment for 2023/24"* for Amy Finestone, c/o Farrell, Fritz, P.C., 400 RXR Plaza, Uniondale, NY 11556-400 for Section 23, Block 43, Lot(s) 6, from 506 to 126.
11. *"Complaint on Real Property Assessment for 2023/24"* for Steven Lane, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block B, Lot(s) 319, from 752 to 188.

12. *"Complaint on Real Property Assessment for 2023/24"* for Steven and Susan Holzman, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block B, Lot(s) 48, from 954 to 239.
13. *"Complaint on Real Property Assessment for 2023/24"* for Ruth and Michael C. Slade, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block B, Lot(s) 476, from 1,539 to 385.
14. *"Complaint on Real Property Assessment for 2023/24"* for Claudio and Lucy Evangelista, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block H, Lot(s) 482 & 487, from 559 to 140.
15. *"Complaint on Real Property Assessment for 2023/24"* for Peter Gollobin Trustee, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block K, Lot(s) 12, from 644 to 161.
16. *"Complaint on Real Property Assessment for 2023/24"* for Kailash & Neelam Lalwani, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block K, Lot(s) 653 & 707, from 756 to 189.
17. *"Complaint on Real Property Assessment for 2023/24"* for Paul & Kathleen Valkenburg, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block K, Lot(s) 673, from 720 to 180.
18. *"Complaint on Real Property Assessment for 2023/24"* for Patricia M. O'Kane Trust, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block B, Lot(s) 117, from 733 to 183.
19. *"Complaint on Real Property Assessment for 2023/24"* for Michael & Rebecca Santoli, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block B, Lot(s) 461, from 932 to 93.
20. *"Complaint on Real Property Assessment for 2023/24"* for Philip Wolf & Jennifer Tytel, c/o Schroder & Strom, LLP, 114 Old Country Road, Suite 218, Mineola, NY 11501 for Section 23, Block K, Lot(s) 640, from 596 to 149.
21. *"Complaint on Real Property Assessment for 2023/24"* for Peter Castellana. Jr., c/o Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, The Omni, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553 for Section 24, Block 24, Lot(s) 12, from 645 to 6.
22. *"Complaint on Real Property Assessment for 2023/24"* for Peter Castellana. Jr., c/o Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, The Omni, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553 for Section 23, Block K, Lot(s) 719, from 249 to 5.
23. *"Complaint on Real Property Assessment for 2023/24"* for Peter Castellana. Jr., c/o Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, The Omni, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553 for Section 23, Block K, Lot(s) 720, from 266 to 6.
24. *"Complaint on Real Property Assessment for 2023/24"* for Estate of Paul G. Pennoyer, Jr., c/o Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, The Omni, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553 for Section 23, Block H, Lot(s) 522A, from 276 to 3.

25. *"Complaint on Real Property Assessment for 2023/24"* for 4 C Woods Holdings, LLC, c/o Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, The Omni, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553 for Section 23, Block B, Lot(s) 531, from 932 to 9.
26. *"Complaint on Real Property Assessment for 2023/24"* for 4 C Woods Holdings, LLC, c/o Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, The Omni, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553 for Section 23, Block B, Lot(s) 532, from 452 to 6.
27. *"Complaint on Real Property Assessment for 2023/24"* for 4 C Woods Holdings, LLC, c/o Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, The Omni, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553 for Section 23, Block B, Lot(s) 530, from 431 to 4.
28. *"Complaint on Real Property Assessment for 2023/24"* for Douglas P. Braff, c/o Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, The Omni, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553 for Section 23, Block B, Lot(s) 410, from 1,364 to 16.
29. *"Complaint on Real Property Assessment for 2023/24"* for Judith Rechler Qualified Personal Residence Trust, c/o Koepfel, Martone & Leistman, L.L.P., 155 First Street, P.O. Box 863, Mineola, New York 11501 for Section 23, Block B, Lot(s) 519, from 1,890 to 378.
30. *"Complaint on Real Property Assessment for 2023/24"* for Joseph B. Ryan and Janet A. Ryan, c/o Koepfel, Martone & Leistman, L.L.P., 155 First Street, P.O. Box 863, Mineola, New York 11501 for Section 23, Block H-02, Lot(s) 38, from 567 to 120.
31. *"Complaint on Real Property Assessment for 2023/24"* for Ruth Brown, c/o Koepfel, Martone & Leistman, L.L.P., 155 First Street, P.O. Box 863, Mineola, New York 11501 for Section 23, Block K, Lot(s) 688, from 3,414 to 683.
32. *"Complaint on Real Property Assessment for 2023/24"* for Viale, LLC., c/o Koepfel, Martone & Leistman, L.L.P., 155 First Street, P.O. Box 863, Mineola, New York 11501 for Section 23, Block H, Lot(s) 451, from 1,477 to 295.
33. *"Complaint on Real Property Assessment for 2023/24"* for Susan E. Simon, c/o Litt Law Group, LLC, 66 North Village Avenue, Rockville Centre, NY 11570 for Section 23, Block B, Lot(s) 435, from 704 to 176.
34. *"Complaint on Real Property Assessment for 2023/24"* for Paula & Brian Malone, c/o Litt Law Group, LLC, 66 North Village Avenue, Rockville Centre, NY 11570 for Section 30, Block B, Lot(s) 732, from 1,659 to 415.
35. *"Complaint on Real Property Assessment for 2023/24"* for Edwin Vega, c/o Litt Law Group, LLC, 66 North Village Avenue, Rockville Centre, NY 11570 for Section 30, Block 55, Lot(s) 24, from 976 to 244.
36. *"Complaint on Real Property Assessment for 2023/24"* for Hope Lapsley, c/o Meyer, Suozzi, English & Klein, P.C., 990 Stewart Avenue, Suite 300 for Section 23, Block B, Lot(s) 355, from 432 to 43.
37. *"Complaint on Real Property Assessment for 2023/24"* for Marilyn Hollingsworth, c/o Maidenbaum & Sternberg, LLP, 483 Chestnut Street, Cedarhurst, NY 11516 for Section 23, Block B, Lot(s) 527, from 1,100 to 1.

38. *"Complaint on Real Property Assessment for 2023/24"* for Marvin & Sharon Schechter, c/o Maidenbaum & Sternberg, LLP, 483 Chestnut Street, Cedarhurst, NY 11516 for Section 23, Block K, Lot(s) 689, from 940 to 1.
39. *"Complaint on Real Property Assessment for 2023/24"* for Jonathan Green, c/o Maidenbaum & Sternberg, LLP, 483 Chestnut Street, Cedarhurst, NY 11516 for Section 23, Block B, Lot(s) 40, from 629 to 1.
40. *"Complaint on Real Property Assessment for 2023/24"* for Brenda T. Essex Callaway, c/o Ruskin Moscou Faltischek, P.C., 1425 RXR Plaza, Uniondale, New York 11556, for Section 23, Block, Lot(s) 427, 458B, from 810 to 81.
41. *"Complaint on Real Property Assessment for 2023/24"* for James Bonner, c/o James Burns, Aventine Properties LLC, 333 Walt Whitman Road Huntington Station, NY 11746 for Section 23, Block H-1, Lot(s) 3, from 877 to 100.
42. *"Complaint on Real Property Assessment for 2023/24"* for Wellington Road, LLC, c/o Law Office T. Van Wyck Cushny, P.O. Box 235, Mill Neck, NY 117656 for Section 23, Block B, Lot(s) 505, from 2,399 to 1,300.
43. *"Complaint on Real Property Assessment for 2023/24"* for David F. Anderson Trust, c/o Law Office T. Van Wyck Cushny, P.O. Box 235, Mill Neck, NY 117656 for Section 23, Block B, Lot(s) 13A, from 998 to 599.
44. *"Complaint on Real Property Assessment for 2023/24"* for Ragnar Knutsen, c/o Law Office T. Van Wyck Cushny, P.O. Box 235, Mill Neck, NY 117656 for Section 23, Block B, Lot(s) 49A, from 929 to 630.

In respect to the above complaints/grievances, the Board, on motion duly made and seconded, unanimously

**RESOLVED**, that the aforementioned grievances of Dana Marie Pietranico, Isidore Mayrock, , Christopher and Danielle Figoni, John & Agatha Burns, Jaqueline & Noah Weissman, Toll House, Matinecock, Thomas Rueger, Linda Berke, Ian Huschle, Eric Vaughn, Jennifer Seshadri, Michael Winston, James Taliaferro, Asia Baker Stokes, Alexandra Vance, Amy Finestone, 339 Duck Pond Road, LLC, Steven Lane, Steven and Susan Holzman, Ruth and Michael C. Slade, Claudio and Lucy Evangelista, Peter Gollobin Trustee, Angela and Vincent Cusumano, Kailash & Neelam Lalwani, Paul & Kathleen Valkenburg, Patricia M. O'Kane Trust, Peter Castellana. Jr., Peter Castellana. Jr., Estate of Paul G. Pennoyer, Jr., 4 C Woods Holdings, LLC, 4 C Woods Holdings, LLC, 4 C Woods Holdings, LLC, Douglas P. Braff, Judith Rechler Qualified Personal Residence Trust, Joseph B. Ryan and Janet A. Ryan, Stoddart Court Realty, Ltd., Viale, LLC., Susan E. Simon, , Paula & Brian Malone, Edwin Vega, Randi & Dennis Riese, Hope Lapsley, Marilyn Hollingsworth, Alfred & Olivia Geary, Susan Budd, Robert Aller, Marvin & Sharon Schechter, Irwin and Kwang Park, , Carol and John Johnston, Jonathan Green, Frank Ciardullo, Brenda T. Essex Callaway, be, and the same hereby are, denied because no proof of value to support the claimed reduction was provided, and

**FURTHER RESOLVED**, that as to any proceedings that might be commenced by Dana Marie Pietranico, Isidore Mayrock, , Christopher and Danielle Figoni, John & Agatha Burns, Jaqueline & Noah Weissman, Toll House, Matinecock, Thomas Rueger, Linda Berke, Ian Huschle, Eric Vaughn, Jennifer Seshadri, Michael Winston, James Taliaferro, Asia Baker Stokes, Alexandra Vance, Amy Finestone, 339



Duck Pond Road, LLC, Steven Lane, Steven and Susan Holzman, Ruth and Michael C. Slade, Claudio and Lucy Evangelista, Peter Gollobin Trustee, Angela and Vincent Cusumano, Kailash & Neelam Lalwani, Paul & Kathleen Valkenburg, Patricia M. O'Kane Trust, Peter Castellana. Jr., Peter Castellana. Jr., Estate of Paul G. Pennoyer, Jr., 4 C Woods Holdings, LLC, 4 C Woods Holdings, LLC, Douglas P. Braff, Judith Rechler Qualified Personal Residence Trust, Joseph B. Ryan and Janet A. Ryan, Stoddart Court Realty, Ltd., Viale, LLC., Susan E. Simon, , Paula & Brian Malone, Edwin Vega, Randi & Dennis Riese, Hope Lapsley, Marilyn Hollingsworth, Alfred & Olivia Geary, Susan Budd, Robert Aller, Marvin & Sharon Schechter, Irwin and Kwang Park, , Carol and John Johnston, Jonathan Green, Frank Ciardullo, Brenda T. Essex Callaway, be, and the Village Attorneys are authorized to review the above assessments and are authorized to negotiate an appropriate settlement with the Petitioners' counsel or representative for allowance of such reduction in assessment as may be approved by the Mayor, subject to the approval by this Board.

Votes in favor of resolution:	Kenneth J. Goodman	Aye
	Linda Berke	Aye (noting recusal on Grievance number 7)
	William R. Denslow, Jr.	Aye
	William I. Hollingsworth, III	Aye (noting recusal on Grievance number 37)
	Carol E. Large	Aye
	Albert Kalimian	Aye
	Robert Marmorale	Aye

## **BUILDING DEPARTMENT**

The Building Inspector's Report on the status of current building permits and projects in the Village was reviewed and discussed. The Clerk/Treasurer also referred to the revenue report submitted by the Building Department Clerk for the month of January 2023 activity, annexed.

## **POLICE REPORT**

The Mayor reported on the status of the Brookville Police Department.

## **ADOPTION OF PROPOSED LOCAL LAW A-2023 - NEW CHAPTER 65 "FILMING"**

The Board considered the adoption of Local Law 1-2023, which will add new Chapter 65, "*Filming*," to the Code of the Village of Matinecock. The proposed local law will set forth regulations pertaining to commercial filming in the Village. These regulations will establish a permit and permit procedures pertaining to commercial filming the Village. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review Act, the adoption of Local Law 1-2023, addition of new Chapter 65, "*Filming*," to the Code of the Village of Matinecock, is an Unlisted Action and will have no significant effect upon the environment and shall require no further environmental review, and

**FURTHER RESOLVED** that Local Law 1-2023, addition of new Chapter 65, “*Filming*,” of the Code of the Village of Matinecock Island, be, and the same hereby is, enacted by the Board of Trustees of the Incorporated Village of Matinecock as follows:

**VILLAGE OF MATINECOCK  
PROPOSED LOCAL LAW A-2023  
ADDITION OF NEW CHAPTER 65, “FILMING”**

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

**SECTION I.** Add new Chapter 67, “*Filming*,” to read as follows:

**§65-1 Purpose.**

The rural and aesthetic beauty of the Village, with its many unique residential properties, have made it attractive for the on-site production of theatrical events, including motion-picture, television, and video programs. With any of these on-site productions, there is an influx of activity involving additional personnel, production and support vehicles, corresponding personal traffic and associated parking considerations, all of which impacts the infrastructure of the Village, the utilization of police personnel, governmental resources and an inconvenience and disruption to our Village residents. It is in the public interest to have those individuals and enterprises, which seek to undertake on-site productions within the Village, address these Village concerns and reasonably assume the financial burden associated with those activities. The below requirements are not meant to infringe upon the First Amendment rights of any bona fide news organization covering contemporaneous news events that serves the public interest and accordingly these provisions shall not apply to such news coverage.

**§65-2 Definitions.**

As used herein, the following terms shall have the meanings indicated:

**COMMERCIAL FILMING**

The recording of any image or sound on any media, where such recording is to be used for any commercial purposes. Commercial purposes shall include, but not be limited to, the making of motion pictures, music videos, television programs, advertisements, commercials, and still photography. Commercial filming shall also include all on-site activities associated with the filming, including but not limited to on-site restoration and cleanup. Commercial filming shall not include filming by bona fide news organization covering contemporaneous news stories; weddings and personal family photography undertaken by a commercial photographer, but for personal non commercial use; and filming by students solely educational purposes and not to be used for a commercial purpose.

**§65-3 Permit required.**

No person, firm, association, corporation, or enterprise, including a property owner, shall conduct or allow commercial filming to take place anywhere in the Village, unless a permit has been approved by the Board of Trustees and issued by the Village Clerk.

**§65-4 Permit Application and filing procedure.**

A. A permit application for commercial filming is available from the Village Clerk. The applicant will require to provide the following information:

- (1) Name, address and telephone number of the person or entity responsible for the production of the commercial filming.
- (2) Name, address and telephone number of the commercial filming production coordinator.
- (3) Purpose of the commercial filming.

- (4) Specific Village properties to be used and the locations on those properties where commercial filming will take place.
- (5) Written consent of the owners of all properties where all commercial filming activities are to take place.
- (6) Dates and times of day that the properties will be used for commercial filming activities
- (7) A description of all motor vehicles, trailers and other support equipment to be used in connection with the commercial filming,
- (8) Names and address of all adjoining property owners.
- (9) Listing of all roadways, whether private or public, to be used for access and for production. If a private road or roads are involved, the consent of the road owner or association must be provided.
- (10) Approval of the Village Police Department.
- (11) Such other information as may be required by the Board of Trustees or the Village Clerk.

B. All applications for a permit must be filed with the Village Clerk at least 7 business days before commencing production and must include the required hold harmless agreement, insurance certificate and filing fee.

**§65-5 Modifications to permit.**

Any change in the planned activities for which the permit has been requested or issued shall be submitted to the Village Clerk in advance, and the changed activity will not be permitted until approved by the Village.

**§65-6 Permit review.**

The Village Board of Trustees may grant an application for a commercial filming permit provided it finds that the filming production complies with the purpose and intent of this chapter and serves the public interest of Village residents.

The Village may deny any application when, in the judgment of the Village, such commercial filming would be detrimental to the community because of anticipated traffic and parking issues, excessive noise, excessive or disruptive illumination or other effect caused by the proposed filming on the neighboring properties or the Village at large; would conflict with other scheduled events in the area of the filming location, or would unduly interfere for an extended period of time with the day-to-day activities of the surrounding residents: or among such other grounds which evidences the adverse impacts that the commercial filming would have on the Village and its residents. Where an application has been denied, the applicant may appeal such denial to the Board of Zoning Appeals, whose decision shall be final.

**§65-7 Permit conditions.**

- A. The permit shall contain the date Commercial filming activities are permitted to commence and conclude.
- B. The permit shall specify the specific hours Commercial filming activities are permitted under the permit. No filming or use of any equipment will be allowed between the hours of 10:00 p.m. and 8:00 a.m, nor allowed to take place on Sundays or NYS or Federal holidays, unless permitted by the Village due to special circumstances, such as weather related delays.
- C. No filming activity shall intrude upon or interfere with the privacy or property of any property owner, unless a written consent shall have been obtained from said property owner.

- D. There shall be no rerouting of traffic in connection with any filming activity, except as specifically authorized and approved in advance by the Chief of Police.
- E. The filming activity shall be conducted so as not to interfere with or obstruct access for emergency vehicles and fire hydrants.
- F. The Village may include such other conditions, which in the Trustees' sole discretion are warranted to protect the health, safety and welfare of the Village and its residents.

**§ 65-8 Fees.**

A. The fee for a commercial (movie and television production) filming permit shall be \$2,000 per day, including days used for setup and take down; and \$1,000 per day for commercials and still photo shoots. The fee shall be paid in cash or certified check prior to the issuance of the permit. The permit fee maybe increased or reduced by resolution of the Board of Trustees.

B. In addition to the filing fee, the applicant shall be responsible for the actual costs incurred by the Village for any Village personnel, including police officers, services or equipment that were required to be used in connection with the filming activity. Prior to the issuance of the permit, the applicant shall post security in an amount and form acceptable to the Village Clerk to ensure payment of any such costs that cannot be reliably estimated. After the completion of the commercial filming, the unused remaining balance of the posted security shall be refunded to the applicant.

**§ 65-9 Suspension or revocation of permit.**

A. A commercial filming permit may be suspended or revoked by a Village Official or Building Inspector for any of the following reasons:

- (1) Violation of any law, rule or regulation of the United States of America, the State of York, the County of Nassau, the Incorporated Village of Matinecock.
- (2) Violation of any condition of the permit.
- (3) Conduct that is detrimental to the health, safety or welfare of the residents of the Incorporated Village of Matinecock, or that is detrimental to public or private property within the Village.

B. A decision by a Village Official or Building Inspector to suspend or revoke a permit shall be appealable by the permit holder to the Village Board of Trustees, whose decision thereon shall be final.

C. Where a permit is suspended or revoked, the fees paid therefor shall be forfeited and shall not be refunded.

D. Any revocation of a commercial filming permit shall bar the applicant and/or permit holder from applying for a new permit for the period of one year from the date of the revocation.

**§ 65-10 Application insurance and indemnification requirements.**

A. The applicant shall file with the Village Clerk a certificate of insurance, in a form and in an amount acceptable to the Village Attorney, evidencing comprehensive liability and property damage insurance coverage, with policy limit not less than \$5,000,000 per occurrence. The Incorporated Village of Matinecock, its officers, agents, and employees shall be listed as an additional insured on

all such policies, thereby providing defense and indemnity from and against any claim, loss or damage resulting from any activity for which the permit was issued. Such indemnity shall not be limited by enumeration of any insurance coverage herein provided.

B. The applicant shall also file with the Village Clerk an indemnification agreement in form approved by the Village Attorney, holding the Incorporated Village of Matinecock, its officers, agents, and employees harmless and indemnifying them from and against any claim, loss or damage resulting from any activity for which the permit was issued. Such indemnity shall include reimbursement for the Village's reasonable attorney fees and shall not be limited by enumeration of any insurance coverage provided by the applicant.

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

Votes in favor of adoption:	Kenneth J. Goodman	Aye
	Albert Kalimian	Aye
	Linda Berke	Aye
	William R. Denslow, Jr.	Aye
	Carol E. Large	Aye
	William I. Hollingsworth III	Aye
	Robert Marmorale	Aye

Votes against adoption: None

### **INTRODUCTION OF PROPOSED LOCAL LAW B-2023 - "TAX CAP OVERRIDE"**

The Village Attorney discussed with the Board the New York State law which imposes a maximum cap increase for the Village's tax levy for the 2023/24 fiscal year. He noted that the State law provides an opt-out provision for local municipalities available by local law. After discussion, and on motion duly made and seconded, it was unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review Act, consideration of Proposed Local Law A-2023, which permits the Village to over-ride and exceed the New York State mandated tax cap for 2023/24 fiscal year be listed as an Unlisted Action; and it is

**FURTHER RESOLVED**, that the Proposed Local Law B-2023 be and it hereby is introduced and the scheduling of a formal hearing to consider adoption is hereby adjourned.

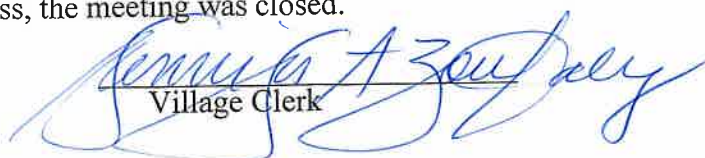
### **EXECUTIVE SESSION**

Mayor Goodman requested the Board enter into Executive Session to discuss pending litigation matters. On motion duly made and seconded, the Board unanimously resolved to enter into Executive Session. After the conclusion of the Executive Session, the Board re-entered the public session.

### **NEXT MEETING**

The next meeting of the Board of Trustees is scheduled for March 21, 2023.

There being no further business, the meeting was closed.

  
Village Clerk