

**VILLAGE OF MATINECOCK
ANNUAL ORGANIZATION
AND
REGULAR BOARD OF TRUSTEES' MEETING
JULY 18, 2023**

A public information meeting on the Locust Valley Water District Pump Station, Annual Organization and regular meeting of the Board of Trustees of the Incorporated Village of Matinecock, Nassau County, New York, was held at the Portledge School on Duck Pond Road in the Village, on Tuesday, July 18, 2023, at 6:00 P.M.

Present:	Kenneth J. Goodman, MD	Mayor
	Albert Kalimian	Trustee
	Linda Berke	Trustee
	William I. Hollingsworth	Trustee
	Carol E. Large	Trustee
	Robert Marmorale	Trustee
Absent:	William R. Denslow, Jr.	Trustee
Also Present:	H. Thomas Hogan, III - Attorney for LV W District	
	Dominick Scaperotta - Commissioner for the LVW District	
	Joe Todaro - Engineer - H2M Consultants	
	Chris Weber - Engineer -H2M Consultants	
	Jess DeMarco - Engineer - H2M Consultants	
	Perry Tehrani - Village Resident	
	Douglas Johnson - Village Resident	
	Jennifer A. Zoufaly, Village Clerk/Treasurer	
	James F. Wellington, Commissioner of Public Works	
	Peter P. MacKinnon, Esq., of	
	Humes & Wagner, LLP	
	Attorneys for the Village	

THE LOCUST VALLEY WATER DISTRICT PUMP STATION UPGRADE

The Mayor stated that the Locust Valley Water District is proposing an upgrade of the Water District's pump station located at the corner of Duck Pond Road and Wellington Road. The Mayor had requested that representatives from the LV Water District attend the Trustees meeting to explain to the Trustees and interested residents, the need for the upgrade to the District's pump station, the design of the new structure and the changes and modifications to the existing site that will be made.

Commissioner Scaperotta of the LV Water District, District's engineers and architects from H2M Consultants and District Attorney H. Thomas Hogan appeared on behalf of the LV Water District. Mr. Hogan introduced the LVWD representatives and outlined the District's improvement project. He stated that under NYS water quality guidelines for Water Districts, the LV WD must replace the current filtration system at this site, which cannot be accommodated in the current structure. The District has been working with the Mayor and Village Resident Catherine O'Kane, an architect, to design the new structure that will have a residential exterior appearance that will be compatible with the community and the Village. Renderings of the proposed building exterior appearance and design were shown and discussed. The Board then discussed with the representatives the various changes and improvements that will be made to the site during the construction phase and then those that will be permanently in place. Mr. Hogan did note that the Village had requested that during construction that a temporary access be installed directly from Duck Pond Road to

DEPUTY MAYOR

Pursuant to Sec. 4-400 of the Village Law, the Mayor appointed Albert Kalimian as Deputy Mayor for a term of one year. During the absence or inability of the Mayor, he is vested with all the powers, and may perform all the duties, of the Mayor.

After discussion on the noted topics, and upon motion duly made and seconded, the following resolutions were unanimously adopted:

VILLAGE PROSECUTORS

RESOLVED, that Dwight Kennedy, as Prosecutor and James Cortazzo, Peter P. MacKinnon, Peter M. Weiler, and Christopher G. Wagner as Deputy Prosecutors be, and they hereby are, authorized to prosecute in the Village Court violators of Village ordinances or local laws, or persons accused of committing any offense, infraction or criminal act within the Village Court in the name of the People of the State of New York.

ATTORNEYS FOR THE VILLAGE

RESOLVED, that Humes & Wagner, LLP be retained as Attorneys for the Village for the ensuing fiscal year with compensation authorized pursuant to retainer letter dated February 2023.

SURETY BONDS

RESOLVED, that the Clerk be, and she hereby is, authorized to renew any surety bonds covering Village personnel which may have expired.

MONTHLY MEETINGS

RESOLVED, that the regular monthly meetings of the Board of Trustees shall be held on the third Tuesday of the month at 6:30 p.m. at the Portledge School with the exception of August, or via teleconference when legally permitted.

OFFICIAL NEWSPAPER

RESOLVED, that the Glen Cove Oyster Bay Enterprise Pilot be, and it hereby is, designated as the official newspaper of this Village, there being no other newspaper published in the Village.

BANK DEPOSITORIES

RESOLVED, that First National Bank of L.I., (*Locust Valley Branch*), Bank of America (*Glen Cove Branch*), Chase (*Greenvale Branch*) and Citibank (*Glen Head Branch*), be, and they hereby are, designated as bank depositories of this Village, and

FURTHER RESOLVED, that the Clerk/Treasurer be, and she hereby is, authorized to purchase and redeem certificates of deposit of said banks and U.S. Government or other legal securities with the funds of this Village, and

FURTHER RESOLVED, that Village funds deposited with said banks be subject to withdrawal in an amount of \$2,000 or less, upon check or withdrawal slip, when signed by the Village Treasurer, or in her absence or inability the Mayor, and

FURTHER RESOLVED, that the Clerk/Treasurer, or in her absence or inability the Mayor, be and they hereby are, authorized to sign checks not to exceed \$2,000.00. If said amount exceeds \$2,000.00, the Mayor and the Clerk/Treasurer, the Mayor and one Trustee, or in the absence or inability of the Mayor, any two Trustees, those presently being:

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Robert Marmorale

be, and they hereby are, authorized to sign and countersign checks or savings withdrawal slips on the funds of the Village in amounts exceeding \$2,000.00, or to purchase and redeem certificates of deposit of said banks and U.S. Government or other legal securities purchased with the funds of this Village, and

FURTHER RESOLVED, that the Clerk/Treasurer be, and she hereby is, authorized and directed to require from the above designated depositories such securities as are authorized by the Village Law of the State of New York as security for the funds of the Village deposited with said depositories and as security for Certificates of Deposit of said banks purchased with the funds of the Village, and

FURTHER RESOLVED, that a certified copy of the foregoing resolutions be filed with the above named bank depositories.

VILLAGE ENGINEER

RESOLVED, that D & B Engineers and Architects (Roger Cocchi), be, and it hereby is, appointed as engineer for the Village, with compensation authorized pursuant to retainer letter dated October 23, 2017.

BUILDING INSPECTOR

Defer appointment of Harbor's Edge Consultants (Karl F. Bicknese), as Village Building Inspector for the ensuing year.

CODE ENFORCEMENT

RESOLVED, that John Mancusi, be and he hereby is appointed as Code Enforcement Officer on an as needed basis.

ACCOUNTANTS

RESOLVED, that Schulman & Glaves be, and they hereby are, appointed as accountants for the Village with compensation authorized pursuant to retainer letter.

INDEPENDENT AUDITORS

RESOLVED, that Skinnon & Faber be, and they hereby are, appointed as independent auditors for the Village with compensation authorized pursuant to retainer letter.

REAPPOINTMENT OF BOARD OF ZONING APPEALS MEMBER

RESOLVED, that Hugh Weidinger, IV, is hereby reappointed to the Board of Zoning Appeals for a five year term expiring on the 1st Monday of July, 2028.

DEFER APPOINTMENT OF AN ALTERNATE BOARD OF ZONING APPEALS

RESOLVED, that the appointment of an alternate member be deferred.

It was noted that the Board of Zoning Appeals is composed of the following persons whose terms will expire on the 1st Monday in July in the year indicated:

	<u>Term Expires 1st Monday in July:</u>
Linda S. Gardiner, (<i>Chairman</i>)	2027
Susan Foley	2025
Catherine O’Kane	2026
Jonathan Green	2024
Hugh J. Weidinger, IV (“Jack”)	2028
Vacant (<i>Alternate</i>)	2024

REAPPOINTMENT OF PLANNING BOARD MEMBER

RESOLVED, that Benjamin Stokes be, and he hereby is reappointed as a member of the Planning Board for a 5 year term expiring on the 1st Monday of July 2028.

REAPPOINTMENT OF ALTERNATE PLANNING BOARD MEMBER

RESOLVED, that Edith Seligson be, and she hereby is reappointed as an alternate member of the Planning Board for a one year term expiring on the 1st Monday of July 2024.

PLANNING BOARD

It was noted that the Planning Board is composed of the following persons whose terms will expire on the 1st Monday in July in the year indicated:

	<u>Term Expires 1st Monday in July:</u>
Benjamin Stokes (<i>Chairman</i>)	2028
Will Dick	2022
Julia Vaughn	2025
Tracy Kemper	2024
Greg Minutoli	2026
Edith Seligson, Alternate	2024

ETHICS COMMITTEE

Mayor, Kenneth J. Goodman
Norman Turowski
Simon Owen-Williams

REGISTRAR OF VITAL STATISTICS

Noted that Richard LaMarca is appointed as Registrar of Vital Statistics for a two year term which will expire on December 31, 2023.

The Board noted or reaffirmed the following items or actions carried forward from previous resolutions of the Trustees of the Village:

(a) FIRE CONTRACT

The Village's contract for fire protection with the Locust Valley Fire Department is for a present one year term expiring December 31, 2023.

(b) ASSESSMENT ROLL

The Trustees are the assessors of the Village and the Board of Trustees has authorized the use of the assessment roll of Nassau County of the current year as the basis for assessment so far as practicable.

(c) INVESTMENT

The Investment Policy adopted by this Board on December 4, 1993, pursuant to General Municipal Law, Section 39, was reviewed and reaffirmed.

(d) POLICE PROTECTION CONTRACT

The Police Protection contract among the Villages of Brookville, Cove Neck, Mill Neck, and this Village is for the period June 1, 2022 to May 31, 2027.

(e) GARBAGE COLLECTION

The Village's contract for garbage collection with Emmi Industries d/b/a State wide Property Solutions, Inc., is for a five (5) year term commencing on the 1st day of March 2020 and ending the 31st day of February 28, 2025.

(f) PROCUREMENT POLICIES AND PROCEDURES

The regulations relating to the policies and procedures for the procurement of goods, services and public works contracts adopted by this Board on December 14, 1991 and last amended on July 19, 2011, pursuant to General Municipal Law, Section 104-b, were reviewed and reaffirmed as required by paragraph (6) thereof.

(g) SPECIAL ACCOUNTS

All special accounts of the Village were reaffirmed and carried forward from previous resolutions of the Trustees.

(e) INDEMNIFICATION OF VILLAGE OFFICERS AND EMPLOYEES

Reaffirm resolution to cover Building Inspector, Village Engineer, Street Commissioner, Code Enforcement Officer and Village Attorneys as independent contractors under Local Law 1-1979 entitled "*Indemnification of Village Officers and Employees*".

(h) LOCAL LAWS

Reaffirms Rules of Procedure for local laws adopted July 1, 1993.

(i) FIXED ASSETS

Reconfirm policy statement for fixed assets adopted on July 1, 1993 and amended on July 20, 2010. Note appointment of Village Clerk as Fixed Assets Records Coordinator. The minimum standard for determination of significant value for fixed assets is \$1,000.

(j) PAYMENT IN ADVANCE OF AUDIT OF CLAIMS

As permitted by Section 5-524(6) of the Village Law of the State of New York, the Clerk/Treasurer be authorized to make payment in advance of audit of claims for compensation of services of employees or officers regularly engaged by the Village at agreed wages by the hour, day, week, month or year, employee benefit contributions, insurance premiums, public utility services, postage freight and express charges. Village checks in excess of \$2,000 require two signatures by any of the following: the Village Clerk/Treasurer, Mayor or any one or two Trustees. All such claims shall be presented at the next regular meeting for audit, and the claimant and the officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees.

(k) ELECTRICAL INSPECTORS

Reappoint Electrical Inspectors, Inc. of East Meadow, Certified Electrical Inspectors, Inc. of Amityville, Electrical Inspection Services, Inc., of East Patchogue, Alliance Electrical Inspections Limited of West Islip, Suffolk Bureau of Electrical Inspectors of Miller Place; NYS Electrical Inspections, Inc., of Kings Park, and Long Island Electrical Inspectors of Bay Shore, as certified electrical inspectors approved to conduct electrical inspections within the Village pursuant the Rules & Regulations established by this Board May 11, 1999.

(l) SEXUAL HARASSMENT POLICY

Reaffirm the policy adopted on October 16, 2018.

The Mayor called to order the regular meeting of the Board of Trustees.

MINUTES

The Mayor called for approval of the minutes of the Trustees' meeting held on June 20, 2023, which, on motion duly made and seconded, were unanimously approved.

COMMISSIONER OF PUBLIC WORKS

Commissioner of Public Works, Jim Wellington, reported that things have been quiet in the Village. He approved a few tree removal applications in the Village over the last month.

Commissioner Wellington reported that he had received inquiries on the Laurel Lane/Potter subdivision. He met at the property with the Village Engineer, Village Attorney, new owner of the property and his engineer. The discussion concerned the need for the installation of the three drainage reserve areas on the property, which was previously approved by the Village Planning Board. The discussion centered on the extent of destruction of the existing plantings and the removal of numerous very large trees that would be required to install the 3 DRAs as approved. The Village Attorney recommended that the Village Engineer and the owner's engineer, North Coast Civil, review the drainage requirements to see if accommodations can be made to lessen the disturbance and destruction of the areas were the DRAs are to be located.

Mr. Wellington reported that Rick Testa will be clearing the brush and weeds from Piping Rock Road.

The Village Attorney reported that the road and curb repair project for Planting Fields Road will be going out for bid in the next few weeks

UNDERHILL ROAD DRAINAGE PROPOSALS

Commissioner Wellington, then reported on the proposed drainage/drywell installation on the northerly side of Underhill Road at the corner of Eyre Lane. He reported that he solicited proposals and the lowest proposal submitted for the installation was from Jim Longo Inc., in the amount of 6,500. After discussion, and on motion duly made and seconded, it was unanimously

RESOLVED, that drainage/drywell installation on the northerly side of Underhill Road at the corner of Eyre Lane be, and it hereby is, awarded to Jim Longo Inc., in the amount not to exceed \$6,500, and

FURTHER RESOLVED that Commissioner Wellington was directed to oversee this work and have it promptly completed.

CLERK/TREASURER'S REPORT

BILLS

The Village Clerk presented revised Warrant No. 709 dated June 1 - 30, 2023, in the amount of \$57,564.91 and Warrant No. 710 dated July 1-18, 2023, in the amount \$369,261.14. The Village Clerk also presented for the Trustees review, all vouchers with supporting documentation for said claims which are listed on Warrants 709 and 710. After discussion and an opportunity to review all claims presented on Warrants 709 and 710, the Board on duly motion made and seconded, approved all claims on Warrants 709 and 710 and directed the Village Clerk/Treasurer to make payment.

TREASURER'S REPORT

The Treasurer's Reports for the months ending May 31, 2023 and June 30, 2023, with Budget Transfers, were presented, examined, approved and ordered filed, subject to audit. The Village Clerk/Treasurer requested approval to transfer \$191,000 from the Village's General Savings to the Village's Checking Account to maintain the required \$600,000 Collateral Balance in that account. After discussion, on motion duly made and seconded, the Board approved all of the requested transfers. The Clerk also circulated a copy of the current fund balances in all of the Village's accounts as of July 18, 2023, copy attached.

END OF YEAR BUDGET TRANSFERS FOR 2022/23

The Village Clerk requested authorization to make the following budget transfers on the 2022/23 Village budget as follows; transfer \$15,000 from the General Savings Account to the Tax Certiorari Account; Transfer \$105,000 from General Savings Account to Street Maintenance Account; transfer \$100,000 from the General Savings Account to Police Contingency Reserve; Transfer \$105,000 from General Savings to Capital Reserve Fund. A copy of these requested transfers is annexed to these minutes. After discussion, on motion duly made and seconded, the Board approved the requested Budget transfers for the 2022/23 Village Budget.

AMENDMENT OF THE VILLAGE 2023/24 BUDGET

The Village Clerk reported that an excel calculation error was discovered in the 2023/24 Village Budget by the Village's accountant, while he was preparing the annual financial statement. Apparently, the excel calculation error was in an excel formula, which caused a miscalculation of the Police A3120.4 account to reflect \$1,200,000 instead of the intended \$1,080,000. The final 2023/24 Village budget, which was filed with New York State, contained the incorrect amount for the Police Account 3120.4. After discussion, the Board unanimously approved and ratified amending the 2023/24 Village budget, to reflect the correct amount for the Police line A3120.4 of \$1,080,000. The Board unanimously approved the annexed 2023/24 Village as amended and directed the Village Clerk/Treasurer to file the amended budget with the New York State Office of the State Comptroller.

VILLAGE CLERK/TREASURE REPORT

July and August Invoices - The Village Clerk/Treasurer requested authorization to pay reoccurring invoices and those invoices that are due under contractual obligations that are received in the months of July and August. These payments would be subject to Board review and ratification at the Trustees September meeting. The authorization to pay invoices throughout the months of July and August, was requested because the Board of Trustees will not be meeting in August. After discussion, and on motion duly made and seconded, the Board unanimously authorized the Village Clerk/Treasurer to pay reoccurring invoices and those invoices that are due under contractual obligations that are received in the months of July and August, which payments would be subject to Board review and ratification at the Trustees September meeting.

2023-2024 Village Tax Receipts - The Village Clerk/Treasurer updated the Board on the status of the receipt of Village 2023 real estate tax payments and reported that there are currently 23 tax bills outstanding and unpaid.

PSE&G Property Tax Bill - The Village Clerk/Treasurer reported that PSEGLI had given formal notice to the Village that its annual payment of taxes was subject to a 2% cap under New York State law, copy attached. The Clerk/Treasurer stated that the PSEGLI original tax bill was for \$7,498.81, while the payment received from PSEGLI of \$4,489.78, representing the allowable amount to be billed under the NYS 2% cap. After discussion, the Board authorized the Village Clerk/Treasurer to accept the \$4,489.78 in full satisfaction of PSEGLI 2023/24 annual tax payment.

Extension to File Annual Financial Report - The Village Clerk/Treasurer reported that the Village's Annual Financial Report must be filed with the New York State Comptroller's Office by July 31, 2023. She noted this report is prepared by Richard Shulman, the Village's accountant. Mr. Shulman, has advised that he is unable to have the report completed and filed with NYS by the deadline. Accordingly, he requested that the Village apply for an extension of time to file the Village's Annual Financial Report. After discussion, and on motion duly made and seconded, it was unanimously

RESOLVED, that the Village Clerk /Treasurer be, and she hereby is, authorized to seek a 60 day filing extension from the New York State Comptroller's Office for filing the Village's 2022/23 Annual Financial Report.

OLD BROOKVILLE POLICE DEPT./POST OBLIGATIONS PAYMENT

The Mayor noted that the Village received the Old Brookville invoices for the Village of Matinecock's respective share of the insurance premiums for Old Brookville PD retirees health insurance, that is owed as a termination obligation under the expired 6 Village Protection Agreement. The invoices submitted to the Village for the OBPD post obligations health insurance

totals \$126,726.05. The total amount includes payment for the Village's obligation for the 2022/23 Village fiscal year of \$108,807.43 and payment for the months of June and July 2023 of \$17,918.62. After discussion, and on motion duly made and seconded, it was unanimously

RESOLVED, that the Village Clerk/Treasurer be, and she hereby is, authorized to pay the Village of Old Brookville invoices for the Village of Matinecock's respective share of the insurance premiums for Old Brookville PD retirees health insurance, owed as a termination obligation under the expired 6 Village Protection Agreement totaling \$126,726.05. This amounts include post obligations for the 2022/23 year invoice in the amount of \$108,807.43 and for June and July 2023 in the amount of \$17,918.62, pending verification of the claim form's supporting documentation by George Stack.

VILLAGE JUSTICE COURT ASSISTANCE PROGRAM GRANT (JCAP)

The Village Clerk/Treasurer requested authorization for the Matinecock Court Clerk to apply for the Justice Court Assistance Program grant. This will allow the Village of Matinecock to apply for a NYS Grant to assist in the operation of its Justice Court. The Mayor recommended, and the Board agreed, that the Village should apply for this NYS grant. Accordingly, on motion duly made and seconded, the Board unanimously

RESOLVED, that the Incorporated Village of Matinecock authorizes the Matinecock Village Court to apply for a JCAP grant in the 2023-24 grant cycle up to \$30,000 with the filing of an application to the Chief Administrative Judge of the State of New York for all available funding under the Justice Court Assistance Program to be used for any purpose which will enhance the ability of the Village of Matinecock Justice Court to provide suitable and sufficient services to the community. These purposes may include, but shall not be limited to, automation of Court operations; improvement or expansion of Court facilities; records management; provision of appropriate means for the recording of Court proceedings; provision of law books, treatises and related material; and provision of appropriate training for Justices and for non-judicial Court staff, and

FURTHER RESOLVED, that the Village Attorneys, Mayor, Deputy Mayor, Village Clerk, Village Court Clerk and Village Justice be, and they hereby are, authorized to execute any and all documents necessary to make application which shall be signed and filed by October 1, 2023.

BUILDING DEPARTMENT

The Building Inspector's Report on the status of current building permits and projects in the Village was reviewed and discussed.

POLICE

The Mayor reported that Village police protection from the Brookville Police Department has been running smoothly. He also reported that the Brookville Police Department will be acquiring body cameras for the officers and license plate readers for the patrol cars through a grant.

MAYOR'S REPORT

The Mayor reported that the Matinecock Neighborhood Association is willing to water the triangle on Piping Rock Road as you enter into Locust Valley. M&A Landscaping is interested in maintaining the triangle for a fee. However, Dodds & Eder currently maintains the plantings at the two other triangles in the Village for no fee, just a small sign with their name. Trustee Large was asked to communicate with Dodds & Eder on the possible maintenance of the Piping Rock Road triangle.

PIPING ROCK CLUB VOLUNTARY CONTRIBUTION

The Mayor reported that the Village received a check in the amount of \$5,500 from the Piping Rock Club as a voluntary contribution for the Village's 2023/24 tax year. The Mayor noted that, on behalf of the Trustees and residents of the Village, he would send a letter thanking the Piping Rock Club for their donation.

11 HIGH RIDGE LANE/LITIGATION

The Village Attorney reported on the Short Form Order that was recently rendered (*copy attached*) in Supreme Court in the pending case brought by the Village against the owners of 11 High Ridge Lane for illegal short term rentals. The Court granted the Village's motion for a preliminary injunction, denied both Defendants motions to dismiss and denied the motion to quash the subpoena. The Modlins and 11H are now enjoined from short-term rentals at the property during the pendency of the action.

EXECUTIVE SESSION

The Mayor requested the Board enter into Executive Session to discuss pending personnel 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 September 19, 2023.

There being no further business, the meeting was adjourned.


Village Clerk