

March 18, 2019

A Regular Meeting of the Board of Trustees of the Village of Old Westbury was held at the Village Hall on the above date at 7:25 p.m.

Present: Fred J. Carillo - Mayor  
Marina Chimerine - Deputy Mayor  
Cory Baker - Trustee  
Leslie Fastenberg - Trustee  
Edward Novick - Trustee  
Michael Sahn, Esq. - Village Attorney  
Brian S. Ridgway - Village Administrator / Clerk-Treasurer  
Michael Malatino - Superintendent of Buildings  
Thomas O'Connor - Superintendent of Water  
Daniel Alves - Superintendent of Public Works  
Robert Glaser - Chief of Police

Also Present: Joshua D. Brookstein - Attorney, Sahn Ward Coschignano, PPLC  
Paul Stevens - Village Engineer, LiRo Engineers, Inc.

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

On the motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board approved the minutes of the Regular meeting held on February 19, 2019 and Special Meeting held on March 4, 2019.

At the request of the Mayor ó On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, New Business Agenda Item#5 regarding the upcoming Village Election approval was authorized to publish the Legal Notice for the Village Election to be held on Tuesday, June 18, 2019 between the hours of 12noon and 9PM at Village Hall ó 1 Store Hill Road Old Westbury. Offices for Two (2) Trustees for a term of four (4) years.

On motion by Trustee Novick, seconded by Trustee Chimerine and carried unanimously, the Board approved the amount of bills listed below:

<u>ABSTRACT</u>	<u>ACCOUNT</u>	<u>AMOUNTS</u>
10	General	\$1,290,217.26
10	Water	\$116,718.03
10	Trust	\$377,592.55
10	Capital	\$164,385.00

On motion by Trustee Baker, seconded by Trustee Novick and carried unanimously, the Board accepted the Chief of Police report for the month of February 2019. Trustee Baker added comments related to the Police Traffic Enforcement efforts and associated grant funder availability as well as an update to the National Grid Gas Main project and related traffic issues this causing to the Village.

On motion by Trustee Chimerine, seconded by Trustee Novick and carried unanimously, the Board accepted the Superintendent of Public Works report for the month of February 2019.

## **PUBLIC HEARINGS:**

1. Application of the Lubavitch of Old Westbury: On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Public Hearing related to The Lubavitch of Old Westbury application in their request for Board of Trustees relief for the following nine (9) variances: Lot Area, Lot Width & Depth, Front Yard Setback, Side Yard Setback, Rear Yard Setback, Lot Coverage, Undeveloped Space, Off-Street Parking and Place of Worship pursuant to Section 216-111.2 of the Village Code will be continued.
2. Application of the Old Westbury Hebrew Congregation in their request to modify its existing special use permit in order to construct additional structures on the property, including event pavilion, storage building and valet booth at 21 Old Westbury Road. Thomas Pantelis, Esq. and Al Sutton, Architect were present to represent the applicant. An overview of the proposed project was reviewed with the Board. Following discussion, the Mayor offered that a *Work Session* on this proposed project be scheduled in order to move it along. On motion by Trustee Novick, seconded by Trustee Baker the application will be continued.
3. Application of the Life Lutheran Church in their request for renovation and expansion of their on-site parking lot, including a net increase of 48 paved spaces, drainage improvements, landscape screening and new site lighting at 1 Old Westbury Road. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the application will be continued pending final recommendation of the Planning Board.
4. On motion by Deputy Mayor Chimerine and carried unanimously, the Public Hearing was opened for proposed Local Law# 1-2019. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board closed the Public Hearing and adopted the proposed Local Law# 1-2019: A Local Law amending Chapter 139 of the Code of the Village of Old Westbury, relating to the Prohibition and Penalties for Offenses Relating to "Nuisance" Parties.
5. Application of Bolla Operating, L.I., 3 Jericho Turnpike in the request for Amendment and Renewal of Special Use Permit. Harry Singh, Owner, David Altman, Esq., Larry O'Brien, Architect and Charles Olivo, Traffic Engineer were all present and updated the Board on the proposed project. Following discussion, the Mayor requested the following items be provided to the Board: color photos of the proposed inside of the store, traffic study data, prior history of dates/times of fuel delivery to the site and a copy of the agreement with Burger King. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the application will be continued.
6. On motion by the Mayor and carried unanimously, the Public Hearing was opened for proposed Local Law to amend Chapter 182 "Streets and Sidewalks" of the Village of Old Westbury relating to the authority to issue permits relating to the Opening of Any Village Public or Private Street. On motion by Trustee Chimerine, seconded by Trustee Baker and carried unanimously, the Board closed the Public and adopted the proposed Local Law.
7. On motion by the Mayor and carried unanimously, the Public Hearing was opened for proposed Local Law to override the tax levy limit established in General Municipal Law

3-C. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board closed the Public Hearing and adopted the proposed Local Law.

8. Application of SS Old Westbury, LLC to construct a 97 square foot gatehouse to be located at the entrance to the property on Wheatley Road. The property is presently encumbered with a 250-foot conservation easement along Whitney Lane and Wheatley Road. In order to encroach into the conservation easement, permission must be obtained from the Planning Board and Board of Trustees, as well as the variance from the Board of Appeals. Thomas Pantelis, Esq. and Dan Maher, Landscape Architect were present to represent the applicant. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board closed the Public Hearing and directed Counsel to draft the approval Resolution subject to the approval of the Planning Board and Zoning Board of Appeals.

#### **NEW BUSINESS:**

1. Mr. Michael Dombek of 207 Jericho Turnpike appeared before the Board seeking relief related to various Village Code Violations on his property. Building Superintendent of Building Michael Malatino updated the Board that progress on cleaning the property and recommended that another 30 days be granted so the clean-up can be completed. On motion by Trustee Baker, seconded by Trustee Novick and carried unanimously, the Board extended the appeal and continued to reserve decision.
2. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board authorized a Public Notice for a Public Hearing on the Village's Tentative Budget for the fiscal year beginning June 1, 2019. The Public Hearing shall be held on Monday, April 15, 2019 at 7PM.
3. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board authorized a Public Notice of the Village's Audited Financial Statement for fiscal year ending May 31, 2018.
4. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board authorized a Public Notice for the annual Village Tax Lien Sale to be held on May 17, 2019 at Village Hall at 10AM and publish notices in the Village's Official Newspaper on April 17<sup>th</sup>, April 24<sup>th</sup> and on May 1<sup>st</sup>.
5. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board approved the following three internal accounting transfers:
  - National Grid Gas Main Replacement Project: Accounts Receivable Account# A0-0380-0000 - \$9,031.09 to OWPD Overtime Account# A0-3120-1020 - \$7,937.81 and General Revenue Account# A0-1589-1000 - \$1,093.28.
  - National Grid Gas Main Replacement Project: Account Receivable Account# A0-0380-0000 - \$45,169.74 to OWPD Overtime Account# A0-3120-1020 - \$39,632.64 and General Revenue Account# A0-1589-1000 - \$5,537.10.
  - National Grid Gas Main Replacement Project ó Account Receivable Account# A0-0380-0000 - \$30,651.24 to OWPD Overtime Account# A0-3120-1020 - \$26,962.06 and General Revenue Account# A0-1589-1000 - \$3,689.10.

6. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board approved the Change Order from Old World Quality Corporation in the amount of \$4,500.00 toward the Village's Historical Old Barn Rehabilitation Project.
7. On motion by Trustee Chimierine, seconded by Trustee Fastenberg and carried unanimously, the Board awarded to the 2019 Tree Planting Project for Old Westbury Road and I.U. Willets Road to Scenic Design, Inc. East Moriches, New York in the amount of \$87,055.00.
8. On motion by Trustee Novick, seconded by Trustee Chimierine and carried unanimously, the Board authorized the auditing firm of Cullen and Danowski, LLP to perform the annual Audit of the Village's 457 Deferred Compensation Plan for the year ending December 31, 2018 at a cost of \$4,500.00.

**RESOLUTION:**

1. On motion by Trustee Novick, seconded by Trustee Chimierine and carried unanimously, the Board introduced a Local Law creating a New Chapter 176 of the Code of the Village of Old Westbury, and setting the date for the Public Hearing relating to Small Wireless Facilities for Monday, April 15<sup>th</sup> at Village Hall at 7PM.
2. On motion by Trustee Novick, seconded by Trustee Baker and carried unanimously, the Board approved and ratified the execution of a Service Agreement with the Travelers Indemnity Company for the Village of Old Westbury for the policy period of March 5, 2019 to March 4, 2020.
3. On motion by Trustee Chimierine, seconded by Trustee Baker and carried unanimously, the Board approved and ratified the execution of a Service Agreement with CivicPlus for website, and internet communication service for the Village of Old Westbury.

On motion of Trustee Baker, seconded by Trustee Novick and carried unanimously, the Board meeting was adjourned at 9:10 p.m.

For a complete record of the meeting, see the transcript of the stenographer.

Brian S. Ridgway  
Village Administrator/Clerk-Treasurer