

MINUTES OF JULY 11, 2024
THE BOARD OF TRUSTEES
REGULAR MEETING
FOR THE
INC. VILLAGE OF RUSSELL GARDENS

PRESENT: Mayor David M. Miller, Deputy Mayor Larry Chaleff, Trustee Martin Adickman, Trustee Matt Ellis, Trustee Jane Krakauer, Village Clerk Treasurer Danielle Pennise and Deputy Clerk Eileen Clancy

Mayor David M. Miller opened the meeting at 8:00 P.M. in Village Hall and addressed approval for the minutes of the Board of Trustees Meeting on June 6, 2024, Treasurers Report Ending May 31, 2024 and approval for the Building Inspector's Report and Maintenance Report for the month of **June 2024**.

Mayor Miller commented, all taxes have been received at this time with the exception of three commercial properties and two residential properties.

A motion was made by Larry Chaleff and seconded by Jane Krakauer to approve the Minutes of June 6, 2024, the Treasurers Report for the period **May 31, 2024**, Building Inspector's Report and Maintenance Report for the month of **June 2024**.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

Mayor Miller introduced **Local Law 4-2024** entitled "**Rental Registry**", to amend Section 39-1 through Section 39-15 of Russell Gardens Code and to schedule the Local Law for a Public Hearing on September 5, 2024. The law states that rental occupancy is permitted at a minimum of one year. An owner who wants to rent must file with the village Building Department.

Proposed **Local Law 5-2024** was introduced by **Mayor David Miller** to amend Russell Gardens Code Chapter 60, entitled "**Zoning**" with the following subsections to be amended:

1. section 60-2 entitled "Definitions"
2. Article III entitled "Residence AA District", subsection I
3. 60-11 entitled "Permitted uses", subsection J
4. Subsection 60-13.2 entitled "Maximum floor area"

5. Subsection 60-14 entitled "Yards", amended to add a new subsection E
6. Subsection 60-14.1 entitled "Minimum dimensions of private, noncommercial garages" amended to add a new subsection C
7. Subsection 60-15 entitled "Building height"
8. Article IV entitled "Residence A District", Subsection 60-19 entitled "Permitted uses", subsection I.
9. Subsection 60-19 entitled "Permitted uses", subsection J
10. Subsection 60-21.2 entitled "Maximum floor area"
11. Subsection 60-22 entitled "Yards", amended to add a new subsection E and F
12. Subsection 60-22.1 entitled "Minimum dimensions of private, noncommercial garages" amended to add a new subsection C.
13. Subsection 60-23 entitled "Building height".
14. Article V entitled "Residence B District" subsection 60-29.7 entitled "Permitted uses",
15. Article V entitled "Residence B District", subsection 60-29.2 entitled "Maximum floor area",
16. Subsection 60-30 entitled "Yards" amended to add a new subsection D
17. Subsection 60-31 entitled "Building height" (Refer to **Local Law 5-2024**).

Mayor Miller commented, this law has to do with structures in the rear yard and prohibits to build a new garage. The law has specific set backs and rear yards.

PUBLIC COMMENT: Danielle Pennise, Village Clerk Treasurer raised an issue concerning Village Law Section 3-02-3, requiring a two-year appointment for the Clerk Treasurer, prior to the Board voting on her resolution. As a result, the resolution was tabled pending further investigation of standard appointment term.

Tabled for next Board of Trustees Meeting.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

The proposed Local Laws 4-2024 Rental Registry and Local Law 5-2024 Zoning was scheduled for a Public Hearing on Sept. 5, 2024, at 8:05 p.m.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

Mayor Miller read the following appointments:

RESOLVED, that Larry Chaleff be appointed Deputy Mayor for a term of one year.

RESOLVED, that Danielle Pennise be appointed Village Clerk-Treasurer for a term of two (2) official years. Tabled for next meeting for consultation with legal regarding term requirements.

RESOLVED, that notwithstanding any other provision of law to the contrary, with the consent of the Board of Trustees, the Village Clerk Treasurer shall not be required to be a resident of the Village of Russell Gardens but is a resident within the State of New York wherein the Village is located and shall be a resident of the County of Nassau or a county which adjoins the County of Nassau.

RESOLVED, that Danielle Pennise be designated Secretary to the Zoning Board of Appeals at the rate of \$75.00 per meeting.

RESOLVED, that the Village Clerk-Treasurer be appointed as the Issuing Agent to issue permits to any eligible disabled resident of New York State, whether the applicant resides in the jurisdiction from which a permit is sought, or to any eligible agency that transports handicapped individuals.

RESOLVED, that Eileen Clancy be appointed Deputy Village Clerk Treasurer for one (1) official year.

RESOLVED, that notwithstanding any other provision of law to the contrary, with the consent of the Board of Trustees, the Deputy Village Clerk Treasurer shall not be required to be a resident of the Village of Russell Gardens, but is a resident within the State of New York wherein the Village is located and shall be a resident of the County of Nassau or a county which adjoins the County of Nassau.

RESOLVED, that Eileen Clancy be designated Secretary to the Design Review Board at the rate of \$75.00 per meeting.

RESOLVED, that Laurie Berlin be appointed Associate Village Justice with compensation at \$450.00 per Court session for a period of one year.

RESOLVED, that Eileen Clancy be designated Clerk to the Justice with compensation at the rate of \$75.00 per Court session for a period of one year.

RESOLVED, that Adam Covitt be designated as Village Prosecuting Attorney at the rate of \$450.00 per Court session for one year.

RESOLVED, to designate Arthur Anderman as Chairperson of the Zoning Board of Appeals for one year.

RESOLVED, that the Board of Trustees be designated to act as the Village Assessment Board of Review for a period of one year.

RESOLVED, to extend the Design Review Board for a period of 12 months with the following five members: Andrew Rouchou-Chairman, Nancy Citriniti, Jason Jia, Ron Nahum, and Robin Sherman.

RESOLVED, to appoint Ragini Srivastava, Town Clerk of North Hempstead, as Registrar of Vital Statistics for the Inc. Village of Russell Gardens for a term of one year.

RESOLVED, to appoint Margaret Malito, Deputy Town Clerk of North Hempstead, as Deputy Registrar of Vital Statistics for the Inc. Village of Russell Gardens for a term of one year.

A motion was made by Larry Chaleff to accept the above resolutions as presented and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

ELECTED

RESOLVED, that Edward Goodman elected as Village Justice be compensated at \$450.00 per Court session.

A motion was made by Larry Chaleff and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

CONTRACTUAL

RESOLVED, that the Village retain the services of Robert Barbach as Superintendent of the Building Department; although not a resident of the Village, is a resident within the County of Nassau wherein the Village is located, at the rate of \$120.00 per hour for a period of one year.

RESOLVED, that the Village retain the services of Kristofer De Paola as Building Inspector, although not a resident of the Village, is a resident within the State of New York wherein the Village is located, at the rate of \$70.00 per hour for a period of one year.

A motion was made by Larry Chaleff and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

INVOICES

RESOLVED, to approve **\$412,242.41** total disbursements from First National Bank of Long Island General Fund Checking Account for invoices paid in the amount of **\$379,134.32** in **June 2024**, Check # 2362 to 2394 (Note: A check in the amount of \$263, 924 was issued for the purchase of a New 2024 Sweeper-includes trade-in) and Electronic Transfers in the amount of **\$316.43** and Payroll disbursements of **\$32,791.66**.

A motion was made by Larry Chaleff and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

ASSIGNED FUND BALANCE

Mayor Miller commented, the village has a surplus of \$800 Thousand and I have decided to move some money into the fund accounts. The board will determine future long-term expenses to set aside funds. At the next meeting, the village auditors will be present.

RESOLVED, to fund the following accounts by the village from the Unrestricted Fund balance:

Assigned Fund Balance-Roads: \$500,000 for Fiscal Year 2024

Assigned Fund Balance-Equipment: \$100,000 for Fiscal Year 2024

Assigned Fund Balance-Building Maintenance: \$137,500 for Fiscal Year 2024

Assigned Fund Balance-Technology: \$100,000 for Fiscal Year 2024

Total Assignment \$837,500.00

A motion was made by Larry Chaleff and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

CONTRACTS

Mayor Miller commented, Share Builder completed Wensley Dr. and is now working on Melbourne Rd. This is a very large job and will proceed to work on Dunster Rd. followed by Darley Rd., Clent Rd., and Linford Rd., and a couple of cross streets.

RESOLVED, to authorize the mayor to sign a second agreement with Share Builder Corp. 53 Stevens St., Roosevelt, NY, 11575, in the amount of \$1,100 per day to repair all joiners and cobblestones for (10) days beginning June 28,2024 and to include contract #4 beginning July 15, 2024.

RESOLVED, that the Village retain the law firm of Forchelli, Deegan, Terrana Law to provide such legal services as may be requested by the Mayor and/or the Board of Trustees at an hourly rate of \$225.00 for partners and associates, plus reimbursement of necessary disbursements.

RESOLVED, that the Village retain Spellman Gibbons Polizzi Truncale & Trentacoste, LLP, as its attorneys to act as the Village's Tax Certiorari Counsel. The Firm's time shall be billed at \$250 per hour for time expended by associates and \$275 per hour for time expended by partners of the Firm.

RESOLVED, that Skinnon and Faber CPA be retained as the Village Auditor, to audit Village books and records for the Fiscal Year 2024/2025 and to review such other financial records as necessary, for an annual fee of \$13,700 and to perform the annual audit of court records and dockets for an additional fee of \$950.

RESOLVED, that Cavooris Consulting Group be retained to prepare the Actuarial Report for the Fiscal Year.

RESOLVED, to authorize the Mayor to sign an agreement with D&B Engineers and Architects to prepare the Notice of Intent to Continue MS4 General Permit Coverage and to Prepare Interim Progress Certification in the amount of \$4,100.

RESOLVED, to authorize the mayor to sign an agreement with Municipal Valuation Services Inc., in which Thomas Donato will act as engagement coordinator to complete the 2025/2026 Annual Assessment Update and Inventory for a fee of \$6,800. To review small claim and commercial certiorari settlements for 2025/2026 and to review assessment totals for roll years 2025 and 2026 and to assist the Inc. Village of Russell Gardens with the preparation and filing of the Annual Assessor's Report including adjusted base proportion calculations at a cost of \$1,300.

RESOLVED, to authorize the mayor to sign an agreement with Municipal Valuation Services Inc. to act as consultant to the Inc. Village of Russell Gardens for 2025 Small Claims proceedings in which a market analysis for each parcel will be prepared in the amount of \$125.00/parcel and \$200/hr. for commercial certiorari proceedings.

A motion was made by Larry Chaleff to accept the contracts as presented and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

PROCUREMENT

RESOLVED, to re-adopt the present Village Procurement Policy on file with the Village Clerk as required by law.

FUNDS

RESOLVED, that **First National Bank of Long Island** be designated as a legal depository for funds of the following accounts:

General Funds Account, Checking Account
Money Market Account

Trust And Agency Account
Edward S. Goodman Village Justice Account
Laurie Berlin Associate Village Justice Account

A motion was made by Larry Chaleff to accept the above resolutions and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

RESOLVED, that the following individuals are authorized for and on behalf of the Organization to open a transaction account (Demand Deposit/Savings/Money Market Savings) with **First National Bank of Long Island (the Bank)** and to execute and deliver to the Bank any additional documentation, including but not limited to, a signature card or cards supplied by the Bank, containing a specimen signature of such individuals. Furthermore, such individuals are authorized for and on behalf of the Organization to conduct transactions, to endorse or cause to be endorsed, to deposit or cause to be deposited from time to time checks, drafts and other instruments and funds payable or held by the Organization, and that any funds so deposited shall be subject to withdrawal or transfer by any individuals: **Danielle Pennise, Village Clerk Treasurer, Eileen Clancy, Deputy Village Clerk Treasurer and Court Clerk, David M. Miller, Mayor, Larry Chaleff, Deputy Mayor, Martin Adickman, Trustee, Jane Krakauer, Trustee and Matthew Ellis, Trustee.**

A motion was made by Larry Chaleff and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

RESOLVED, that **First National Bank of Long Island (the Bank)** may purchase, give credit for, cash, accept, pay, and charge to any of the aforementioned accounts, without inquiry, all items signed, drawn, accepted or endorsed on behalf of the Organization, whether under a title, the words "Authorized Signature" or otherwise, with the purported actual or facsimile signature

or any one of the officials whose names, titles and specimen signatures appear above or on a rider hereto, or his or her successor in office, regardless of the circumstances under which the signature shall have become affixed if it resembles any actual or facsimile signature previously certified to the Bank. The Organization shall indemnify and hold the Bank harmless against all claims, losses, damages, liabilities, costs, penalties, and expenses (including, but not limited to, attorneys' fees and disbursements) incurred by the Bank in connection with the honoring of any purported signature of any authorized signer or any refusal to honor the signature of any person who is not an Authorized Signer. (The Organization acknowledges that dual signature requirements and restrictions impose no liability on the Bank).

RESOLVED, that the above individuals, as well as designees by written instructions from the Organization, are authorized for and on behalf of the Organization to open a Certificate of Deposit account with the Bank and to execute and deliver a confirmation of instructions and any additional documentation containing a specimen signature of such individuals. Any funds deposited therein shall be subject to withdrawal or transfer by such individuals.

RESOLVED, that each of the foregoing resolutions shall continue in force until express written notice of its rescission or modification has been received by **First National Bank of Long Island (the Bank)**, but if the authority contained in them should be revoked/terminated by operation of law without said notice, it is resolved and agreed for the purpose of inducing the Bank to act hereunder, that the Bank shall be saved and held harmless from any loss suffered or liability incurred by it in so acting after revocation or termination without notice.

RESOLVED, that the Village Clerk-Treasurer be authorized to purchase proper CDs or establish money market accounts and to make deposits in various amounts as may be consistent with Village financial arrangements, as provided by law and as approved by the Mayor and Board of Trustees.

RESOLVED, that the Village of Russell Gardens will be a participant of **NYCLASS** to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; Whereas the Inc. Village of Russell Gardens wishes to satisfy the safety and liquidity needs of their funds.

RESOLVED, that Danielle Pennise, Village Clerk Treasurer of the Inc. Village of Russell Gardens and an authorized participant in the **NYCLASS** program per adopted resolution on January 5, 2023, may deposit funds for contributions into the NYCLASS General account and or

withdraw funds from the NYCLASS General account to transfer funds between the General Fund Checking Account held at First National Bank of Long Island and the NYCLASS General account upon approval with the Mayor.

A motion was made by Larry Chaleff to accept the above resolutions and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

LEAVE

RESOLVED, that Vacation Leave, Sick and Personal leave accrue on a yearly basis and become available to the employee on the employee's anniversary date.

RETIRED EMPLOYEES

Mayor Miller commented, We are looking to change the health insurance for the retirees and maybe as a whole, depending if the union goes along with it. The Excelsior Plan will close by the State. Private Insurance is less expensive. We have a proposal from our insurance company that is remarkably less for the same coverage. I will try to arrange a meeting with the union health care representative and present a private plan with the same coverage; which would be less expensive for the village. In the future, we will change this resolution; since we are working to change insurance. January 1, 2025, the Excelsior Plan will close and retirees will move into the Empire Plan.

Mayor Miller commented, that a resolution for health insurance coverage for retirees (Angelo LoBrutto, Sal Restivo, spouse Rose Restivo, Joseph Simone and spouse Angela Simone, Michael Jurcsak and spouse Deborah Jurcsak, Christine Blumberg, Lorraine Hunt, and spouse Michael Hunt) will be presented when the budget is adopted.

REIMBURSEMENTS

RESOLVED, that a fixed rate of 67 Cents per mile, or whatever the rate might change to, be reimbursed to officials and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village.

RESOLVED, that the Mayor, Board of Trustees, Village Clerk-Treasurer, Deputy Village Clerk-Treasurer, Village Justice, Associate Village Justice, and Clerk to the Justice, are authorized with the approval of the Board of Trustees to attend various meetings to be held during the coming fiscal year and are to be reimbursed for actual and necessary expenses.

A motion was made by Larry Chaleff to accept the resolution on leave and reimbursements and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

BOARD OF TRUSTEE MEETINGS

RESOLVED, that the Regular Monthly Meeting of the Board of Trustees be held in Village Hall or Virtually on the first Thursday of the month at 8:00 p.m. or other dates as may be agreed upon by the Board of Trustees.

RESOLVED, that Great Neck Record be designated the official newspaper for Village publication of requisite notices as required by law.

RESOLVED, that no public meeting will be held during the Summer in August 2024 and the next public Board of Trustees meeting will be held on September 5, 2024.

RESOLVED, that the next Annual Meeting of the Board of Trustees will be held on Thursday, July 10, 2025.

A motion was made by Larry Chaleff and seconded by Jane Krakauer.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

An Overview of the draft of the Village Financial Statements and Audit Report for the Fiscal Year Ending 2/29/2024 will be presented by a representative from Skinnon & Faber CPA, P.C. in September.

OATH OF PUBLIC OFFICES Village Clerk -Treasurer Danielle Pennise was sworn in by Eileen Clancy and Deputy Clerk -Treasurer Eileen Clancy was sworn in by Danielle Pennise.

Mayor Miller commented, Department of Public Works will start repairing potholes throughout the village.

The next meeting of the Board of Trustees will be held on Thursday, September 5, 2024.

A motion was made by Larry Chaleff and seconded by Jane Krakauer, to adjourn the meeting at 9:11 p.m.

VOTE OF THE BOARD OF TRUSTEES:

AYE: DAVID MILLER, LARRY CHALEFF, MARTIN ADICKMAN, MATT ELLIS, AND JANE KRAKAUER

NAY: NONE

Respectfully Submitted,

Danielle Pennise, Village Clerk Treasurer

Inc. Village of Russell Garden