

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INCORPORATED VILLAGE OF LAUREL HOLLOW  
BOARD OF TRUSTEES  
PUBLIC HEARING  
April 6, 2020  
7:00 p.m.  
(Via video conference.)

VILLAGE HALL  
1492 Laurel Hollow Road  
Syosset, New York 11791-9603

PRESENT: DANIEL DeVITA, Mayor  
JEFFREY NEMSHIN, Deputy Mayor  
KEVIN JUSKO, Trustee  
JEFFREY MIRITELLO, Trustee  
RICHARD NICKLAS, Trustee  
MARTIN NOVICK, Trustee  
NICHOLAS TSAFOS, Trustee

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney  
ELIZABETH KAYE, Clerk/Treasurer  
NANCY POPPER, Deputy Clerk and Court Clerk

Introductory Local Law F-2020

RONALD KOENIG  
OFFICIAL COURT REPORTER

## Proceedings

1 MR. AVRUTINE: Good evening. This is the  
2 public hearing regarding Introductory Local Law F. It  
3 concerns the change to Chapter 88 of the Code. It's an  
4 amendment to Chapter 88 of the Village Code.

5 The exhibits in connection with this hearing  
6 are as follows:

7 First, a copy of the page from the March 18  
8 addition of the North Shore Leader showing that the  
9 public notice of this hearing was published on that  
10 date.

11 The next exhibit is an affidavit from  
12 Elizabeth Kaye that the legal notice was posted at the  
13 Village Hall on March 13, 2020.

14 The next exhibit is an e-mail from the Village  
15 Clerk to the Mayor and Board of Trustees sent on  
16 March 27, 2020, with the local law in final form  
17 attached.

18 The next exhibit is a confirmation that the  
19 notice of public hearing was published to the Village of  
20 Laurel Hollow website on March 12, 2020.

21 The next exhibit is confirmation that the  
22 notice of public hearing was sent to Village website  
23 NEWS subscribers on April 2, 2020.

24 And the final exhibit is a letter from the  
25 Nassau County Planning Commission dated April 3, 2020,

1 that the local law was referred to the Village Board of  
2 Trustees to take action as it deems appropriate.

3 This local law is essentially being adopted to  
4 effectuate a settlement regarding Active Environmental  
5 litigation that they had threatened as they did last  
6 year, if the Board will recall, and we're just changing  
7 a few provisions so that the settlement can be  
8 effectuated. And the Local Law, as modified based upon  
9 that which was previously adopted, is the subject of a  
10 stipulation of settlement whereby they are acknowledging  
11 that the Local Law that we will now have in place is  
12 fully and completely constitutional as far as their  
13 First Amendment rights and essentially should close this  
14 matter as far as the village is concerned.

15 MAYOR DeVITA: I just want to add. This  
16 basically -- and correct me if I'm wrong, Howard -- I  
17 think there's basically three changes and it really  
18 could almost say it improves the ordinance, it makes it  
19 tighter.

20 Number one was in terms of we reduced the time  
21 to issue the permit I believe to ten business days. We  
22 previously had been out somewhere 20 to 30, maybe it was  
23 even 30 days. So, we have ten business days from the  
24 time the application is submitted to issue it, which  
25 seems reasonable.

1           We also removed a provision that basically  
2           stated the Board of Trustees could impose whatever  
3           requirements it wants. It was something very broad  
4           which we don't need and it will prohibit future scrutiny  
5           on that ground.

6           And third, we still have a \$50 fee but we had  
7           an extra \$200 fee, and I forgot if it was for processing  
8           or something. The argument was that that raised the  
9           level of the whole application to an amount that wasn't  
10          commensurate with the actual costs of providing this  
11          license and, therefore, since you're regulating speech  
12          even though it's commercial speech, it could be subject  
13          to a constitutional challenge. So we agreed to  
14          eliminate that. So as Howard said, with these changes  
15          we avoid any litigation and most importantly in the  
16          stipulation they essentially agree to go away forever.

17          So, that's the nature of these changes. I  
18          think that's it.

19               MR. AVRUTINE: That is correct.

20               MAYOR DeVITA: Okay. All right. So, any  
21          discussion from the Board?

22               Rich?

23               TRUSTEE NICKLAS: Is this strictly to do with  
24          permits?

25               MAYOR DeVITA: Permits for solicitors. Active

## Proceedings

1 Environmental were the guys who went around looking for  
2 work on whatever, tree work or tree spraying or  
3 something.

4 TRUSTEE NICKLAS: All right.

5 MR. AVRUTINE: Let me -- also, I know this was  
6 a concern for a lot of trustees, remaining intact in the  
7 chapter is the ability for residents to be on the  
8 do-not-solicit list. So that anyone who chooses to be  
9 on that list, anyone receiving permission or a permit  
10 for solicitation within the village is moving from  
11 soliciting people who choose to be on there.

12 MAYOR DEVITA: Anybody else?

13 I'd ask for public comments, but -- one thing,  
14 Howard, in this legislative history, it advised keeping,  
15 if you close your public hearing, it advised keeping the  
16 record open for five days so that the public, assuming  
17 they get wind of it, will have an opportunity to submit  
18 comments.

19 Do you see any problem with that?

20 MR. AVRUTINE: The only problem with it --

21 MAYOR DEVITA: You're breaking up.

22 MR. AVRUTINE: The problem with that is that  
23 the public hearing is essentially kept open. So if  
24 we're going to do that, we can't close the public hearing  
25 and then adopt the local law and then keep the record

1 open for comments.

2 MAYOR DEVITA: I'm sorry. Look, I haven't  
3 read anything that said you must do this. These are  
4 suggestions. But given the difficulty of us getting  
5 together and timing and everything, I think we should,  
6 just because we talked about this ordinance before in a  
7 couple meetings and there's never been any comments,  
8 people just want the opportunity to be able to opt out  
9 which remains, so I would say we'll just close it then.

10 MR. AVRUTINE: I just wanted to add that I  
11 read the same thing you did, the Mayor, and I believe  
12 that it was still under these circumstances with the  
13 existing executive orders in place that the Board is  
14 really legally empowered to both close the public  
15 hearing and to act to adopt it if that's what the Board  
16 is planning to do.

17 TRUSTEE NOVICK: You are very tough to  
18 understand, Howard.

19 MR. AVRUTINE: Unfortunately, this is the best  
20 I can do.

21 TRUSTEE NICKLAS: You need a new webcam,  
22 Howard.

23 MAYOR DEVITA: Ron, just basically what he  
24 said, what Howard explained was, he saw the same  
25 notations that I did, but that there's no, his opinion,

1 he agrees with mine, is that there's no legal  
 2 prohibition to us closing the record and closing the  
 3 public hearing tonight.

4 Right, Howard?

5 MR. AVRUTINE: That's correct.

6 MAYOR DeVITA: So, any other discussions from  
 7 the Board?

8 MR. AVRUTINE: We need a motion to close the  
 9 public hearing.

10 MAYOR DeVITA: There's a motion to close the  
 11 public hearing. I see Trustee Nicklas makes the motion,  
 12 seconded by Trustee Miritello.

13 So, we'll go and do a poll, the rest of the  
 14 Board.

15 Trustee Jusko?

16 TRUSTEE JUSKO: Yes.

17 MAYOR DeVITA: Trustee Tsafos?

18 TRUSTEE TSAFOS: Yes.

19 MAYOR DeVITA: Jeff, how do you vote?

20 DEPUTY MAYOR NEMSHIN: Yes.

21 MAYOR DeVITA: Marty, how do you vote?

22 TRUSTEE NOVICK: Yes.

23 MAYOR DeVITA: Anybody else? Is that  
 24 everyone?

25 Next, Howard.

1 MR. AVRUTINE: Also, the record reflect that  
 2 this matter is deemed Type II under the New York State  
 3 Environmental Quality Review Act.

4 THE CLERK: They have to adopt now, right?

5 MR. AVRUTINE: The next motion is to adopt the  
 6 legislation as submitted.

7 MAYOR DeVITA: Ron, he said adopt the  
 8 legislation as submitted is the next motion.

9 All right. I'll move to adopt the legislation  
 10 as submitted.

11 Seconded?

12 TRUSTEE NOVICK: I second.

13 MAYOR DeVITA: You know what, Marty, I'm just  
 14 nervous because you're not physically present.

15 TRUSTEE NOVICK: Okay.

16 MAYOR DeVITA: Deputy Mayor Nemshin seconded.  
 17 So now we'll poll the rest of the Board.

18 Trustee Jusko?

19 TRUSTEE JUSKO: Yes.

20 MAYOR DeVITA: Trustee Miritello?

21 TRUSTEE MIRITELLO: Yes.

22 MAYOR DeVITA: Trustee Nicklas?

23 TRUSTEE NICKLAS: Yes.

24 MAYOR DeVITA: Trustee Tsafos?

25 TRUSTEE TSAFOS: Yes.



Proceedings

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MAYOR DeVITA: And Marty, how do you vote?

TRUSTEE NOVICK: Yes.

MAYOR DeVITA: Howard, does that end the public hearing?

MR. AVRUTINE: The public hearing, yes.

\*\*\*\*\*

CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN THIS CASE.

*Ronald Koenig*  
\_\_\_\_\_  
RONALD H. KOENIG  
Official Court Reporter