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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
May 1, 2020
5:00 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

RONALD KOENIG
OFFICIAL COURT REPORTER

1 THE CLERK: Mayor, do you want the agenda or
2 are you good?

3 MAYOR DEVITA: I think we're good. It's
4 really just two things. First is the MOU.

5 Just to give a little background, this
6 Memorandum of Understanding, MOU, has to do with the
7 Shellfish Gardening program. Originally, the Shellfish
8 Gardening program was financially administered by
9 Friends of the Bay, and they wanted out because it
10 really wasn't their project. They had all kinds of
11 problems with people saying that they're using
12 administrative resources and all this. It started
13 because the first year we had the Shellfish Program we
14 started collecting checks and we said, okay, so now what
15 do we do with the money, and Friends, they said, okay,
16 we'll take it. So this year they wanted out.

17 So, I suggested that Laurel Hollow, since
18 we're the main player in the Shellfish Gardening
19 program, take it over. And I checked with NYCOM's
20 general counsel. There's absolutely no problem, he
21 says, as long as there's a benefit to the Village. I
22 said, what about clean water? He says, yes.

23 So what happened was, there was an \$18,000
24 surplus on this program, and Friends of the Bay
25 transferred that money to us and Liz set up a special

1 trust fund so that that money can only be used for that
2 thing, that program.

3 Now going forward, part of the program, every
4 year we contract with Cornell Cooperative Extension for
5 a number of things, for technical advice, and Barry
6 Udelson is our connection, very good. And, that's where
7 we get the oyster seeds from.

8 So, that's what this MOU is. It's very simple
9 and very basic. And Howard had a good question, when do
10 we pay over the money. I checked with Rob Crafa who is
11 the coordinator of the Protection Committee, and he said
12 usually it's very early, right away, because CCE,
13 Cornell Cooperative Extension, they purchase these
14 even -- Jeff Miritello, I don't know what they're
15 called -- it's an even tinier thing, and then they raise
16 them to a certain point and then give those to us.

17 TRUSTEE MIRITELLO: June and July.

18 MAYOR DEVITA: But they need the money on
19 execution of the agreement in order for them to start
20 purchasing the shellfish seedlings.

21 So that's what this MOU is all about. It's
22 very simple. And at least now we have the track record
23 with it. This is the fourth year.

24 Is there any questions about it? Or, Jeff, do
25 you have anything to add?

Proceedings

1 TRUSTEE MIRITELLO: No.

2 MR. AVRUTINE: I presume the fee is
3 acceptable?

4 MAYOR DEVITA: Yes. Just so you know, it's
5 what they charge every year. But just to make it
6 perfectly clear, this is not money that comes out of our
7 budget. This is money that's raised separate and apart
8 from our tax base or any of our revenue. It's really
9 almost not our money. That's why it's in this trust
10 fund account. It's money that's raised from the
11 Shellfish Gardeners. It's deposited separately in that
12 account and the money is spent solely for the program.

13 For instance, there's going to be some
14 supplies, things along the way that we'll have to write
15 checks about. But it's not village money, so to speak.

16 Okay. Any discussion, anybody in the
17 audience?

18 THE CLERK: No.

19 MAYOR DEVITA: I'll move for authorization to
20 execute the Memorandum of Understanding between the
21 village and Cornell Cooperative Extension.

22 TRUSTEE MIRITELLO: Seconded.

23 MAYOR DEVITA: All in favor?

24 (Whereupon, all trustees answered in the
25 affirmative.)

Proceedings

1 MR. AVRUTINE: Do you want to poll the Board?

2 MAYOR DeVITA: So, Kevin Jusko?

3 TRUSTEE JUSKO: Aye.

4 MAYOR DeVITA: Rich Nicklas?

5 TRUSTEE NICKLAS: Aye.

6 MAYOR DeVITA: Nick Tsafos?

7 TRUSTEE TSAFOS: Aye.

8 MAYOR DeVITA: Marty Novick?

9 TRUSTEE NOVICK: Aye.

10 MAYOR DeVITA: And Jeffrey Nemshin?

11 DEPUTY MAYOR NEMSHIN: Aye.

12 MAYOR DeVITA: That's everyone. Okay.

13 The next order of business is to adjourn to
14 executive session to discuss litigation issues. I'll
15 move to adjourn. I need a second. Richard Nicklas,
16 second. And I'll poll.

17 Kevin Jusko?

18 TRUSTEE JUSKO: Aye.

19 MAYOR DeVITA: Jeff Miritello?

20 TRUSTEE MIRITELLO: Aye.

21 MAYOR DeVITA: Nick Tsafos?

22 TRUSTEE TSAFOS: Aye.

23 MAYOR DeVITA: Marty Novick?

24 TRUSTEE NOVICK: Aye.

25 MAYOR DeVITA: Jeffrey Nemshin?

1 DEPUTY MAYOR NEMSHIN: Aye.

2 MAYOR DeVITA: So we have to adjourn to
3 executive order. And, Liz, I'm not sure how you close
4 out executive session.

5 THE CLERK: I'm not going to let anybody in,
6 admit anybody else.

7 MAYOR DeVITA: Were there public people on
8 before?

9 THE CLERK: No.

10 MAYOR DeVITA: Okay. So, you're not going to
11 admit anybody else.

12 THE CLERK: I'm going to probably minimize and
13 take the link off.

14 MAYOR DeVITA: Okay. And Ron is not going to
15 transcribe.

16 (Pause in the proceedings.)

17 MR. AVRUTINE: So at this point there'll be a
18 motion to authorize special counsel to execute the
19 stipulation of settlement as provided and reviewed by
20 the Board.

21 MAYOR DeVITA: A stipulation of settlement for
22 the federal action of Crown Castle.

23 MR. AVRUTINE: Entitled Crown Castle.

24 MAYOR DeVITA: Versus Laurel Hollow.

25 I'll move. Second, Trustee Nicklas.

Proceedings

1 MR. AVRUTINE: Poll the Board.

2 MAYOR DeVITA: Trustee Jusko?

3 TRUSTEE JUSKO: Aye.

4 MAYOR DeVITA: Trustee Miritello?

5 TRUSTEE MIRITELLO: Aye.

6 MAYOR DeVITA: Trustee Tsafos?

7 TRUSTEE TSAFOS: Aye.

8 MAYOR DeVITA: Trustee Novick?

9 TRUSTEE NOVICK: Aye.

10 MAYOR DeVITA: Deputy Mayor Nemshin?

11 DEPUTY MAYOR NEMSHIN: Aye.

12 MAYOR DeVITA: I think that's everyone.

13 What's next? Do we have to approve the SEQRA?

14 MR. AVRUTINE: That's not happening now. All
15 the Board is doing tonight is authorizing execution of
16 the stipulation of settlement. Once the Court so orders
17 that stipulation, we have thirty days for the Board to
18 meet to grant the special use permit and go through this
19 other procedural aspect.

20 MAYOR DeVITA: Okay. Great.

21 I just want to say, thank the lawyers, Todd
22 and Joe and Howard. It's been a hard, long road. And
23 sometimes I know I haven't been easy to deal with on
24 this either. It's been somewhat of an emotional issue
25 because in many ways what's at stake and reflecting on

1 the emotional responses of the residents. We're talking
2 about people's property. And any time you change
3 anything on it, you're going to have a reaction. But
4 you guys did the top legal job, and I thank you,
5 personally want to thank you.

6 TRUSTEE MIRITELLO: Do we have to keep all
7 these papers?

8 MR. AVRUTINE: In most instances, defending
9 any of these types of suits will involve the records
10 that are on file at the village. If somebody thinks
11 that they're really clever and decide to sue board
12 members individually on some wacky theory, then it would
13 be prudent to not have to say, well, I threw everything
14 away. So, yes, hold onto them until we see what if any
15 suits are brought.

16 MR. MACY: Howard, may I just add something to
17 that. In today's day and age in litigation, e-mails
18 particularly, but any kind of electronic documentation,
19 has become a flash point for discovery. I don't know to
20 what extent you've all communicated regarding this
21 matter via e-mail, but to the extent that you have
22 those, I would strongly urge you not to delete them
23 until we know that this has really been put to bed and
24 that there are no lawsuits out there. Because that will
25 be something that is sought in discovery should this

1 matter ever go there. I'm not anticipating it. Howard
2 has indicated he thinks there may be a challenge. It's
3 possible. Obviously, we know there are some residents
4 who are not going to be happy no matter what. So, I
5 just recommend that you not delete any e-mails, and to
6 the extent that you have an automatic deletion feature,
7 you might want to disable that at this point in time.

8 TRUSTEE MIRITELLO: A copy of the records I
9 sent to you guys on the discovery, could we access those
10 through you if we needed them?

11 MR. MACY: I know I have everything that you
12 sent to me.

13 I'm assuming, Todd and Howard, you also.

14 MR. AVRUTINE: Certainly Joe is going to hold
15 onto that for quite sometime.

16 MR. MACY: We never delete our materials. So
17 anything you've sent to us, we have.

18 TRUSTEE NICKLAS: To my knowledge, there's
19 been no e-mails since we sent the ones you wanted for
20 discovery.

21 MR. MACY: I'm not saying there are or not.
22 It's sort of a precautionary thing.

23 MAYOR DEVITA: Also, I just want to add, I
24 think the Board did an unbelievable job on this. I
25 mean, really, everybody was involved. And the hearings,

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I thought people just were exceptional. All the Board members asked phenomenal questions. And the feedback that I got afterwards from somebody who lived in Huntington who was there, they thought that it was like a different world compared to what went on in Huntington. So kudos to you guys. We're saying that now. Hopefully the People will agree with that. But I think no matter what they end up doing, I think because of everyone's actions, we got the best deal we could.

On that note, is there anything else?

Liz, that's it for that, right, for the agenda?

THE CLERK: That's all.

MAYOR DeVITA: Motion to adjourn. Thank you.

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

Ronald Koenig
RONALD H. KOENIG
Senior Court Reporter