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INCORPORATED VILLAGE OF LAUREL HOLLOW  
BOARD OF TRUSTEES  
PUBLIC HEARING  
May 13, 2020  
7 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  
JAMES ANTONELLI, Village Engineer  
MICHAEL MCNERNEY, Superintendent of Buildings

RONALD KOENIG  
OFFICIAL COURT REPORTER

1                   MAYOR DEVITA: Under the Governor's order, we  
2 are committed to have these public meetings by Zoom  
3 conference. We posted notice on the website. And  
4 pursuant to the Governor's order, the entire meeting,  
5 except for executive session, is being transcribed by  
6 the court reporter who is present.

7                   And, Ron, so you are going to, like last time,  
8 you're going to transcribe the entirety of the meeting,  
9 correct?

10                  So, the first thing we always have is  
11 resident's concerns. I'll just ask Mr. Emanuel, do you  
12 have anything in particular you want us to address or  
13 you just want to watch the meeting?

14                  ANTHONY EMANUEL: I have one in particular  
15 issue.

16                  I live at 1686 Route 25A. And we had that  
17 incident at 1690, the house that has been, I guess,  
18 foreclosed upon. But we had squatters and police  
19 activity and SWAT helicopters. I just wanted to know a  
20 couple of things. One, the status of any arrests that  
21 may have been made in that situation. Secondly, I want  
22 to know what the village does or in terms of protocol of  
23 having the police check periodically for these kinds of  
24 things. I don't know what the story is. I just wanted  
25 to get that.

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1                   MAYOR DeVITA: Sure. And I'll fill you in.  
2                   And just so you know, number two on our agenda tonight  
3                   is to discuss things, if anything, but we want to be  
4                   creative, things the Village can do to prevent future  
5                   squatter situations.

6                   With respect to the incident that occurred at  
7                   1686, I think you're pretty aware of what happened and  
8                   you were kind of in the epicenter of it. In any event,  
9                   long story short, when the police gained access, the  
10                  perpetrators were not there and they had found, they had  
11                  a consent to search the place from the property manager,  
12                  but they found a stolen firearm and ammunition.

13                  Liz, maybe you want to mute people.

14                  THE CLERK: Can everybody self mute.

15                  MAYOR DeVITA: If you can self mute, people.

16                  So subsequently, there was an incident at, and  
17                  forgive me, it's either 5 or 8 Stillwell. It's the  
18                  brick house right on the corner basically of 108 and  
19                  Stillwell, and the house is vacant and my understanding  
20                  for sale. And the police, you know, were called by a  
21                  neighbor because there were cars, whatever. To make a  
22                  long story short, when the person inside answered the  
23                  door again he tried the baloney about I have a valid  
24                  lease, that kind of thing, but because the police had  
25                  identified him as one of the perpetrators at 1686 who

1 they first met, as you know, and then when they went  
2 back the people were gone, but they had identified that  
3 person and he was one of the same people at the  
4 Stillwell house. They arrested that person. And  
5 subsequent to that, I don't know the status presently of  
6 his case, but so that was the last basically that we've  
7 heard.

8           And now subsequent to that, I've spoken with  
9 the chief and they thought it would be helpful for us to  
10 send them a list of houses that are presently in  
11 foreclosure. So we sent them a brief list which I think  
12 there were a total of four right now in the village.  
13 And they will continue to -- they said they'll do  
14 heightened patrol of those houses.

15           So, we also know there is a number of houses  
16 for sale. I mean, I periodically go on Zoom [sic] just  
17 to keep abreast and I see houses, Laurel Hollow,  
18 elsewhere, advertised and, you know, thirty pictures and  
19 all the rooms are empty. So it's apparently also, as  
20 Sergeant Mergel explained to us in the memo, this is  
21 very widespread unfortunately on Long Island. And also,  
22 unfortunately, we're not immune to this kind of criminal  
23 act.

24           So what we wanted to do, and when we'll get to  
25 it on number two, is see what we as a village can do.

1 For instance, throwing ideas around such as if you're  
2 going to lease your house, you know, pass legislation if  
3 you're going to lease your house provide us with a copy  
4 of an executed lease within X number of days, if a house  
5 is going to be vacant for longer than X period they have  
6 to notify us, or some other kind of thing.

7 When a house is sold, this is another issue  
8 that we have as a village, when a house is sold it's  
9 sometimes weeks if not months that we're notified of the  
10 sale and who the new owners are. So maybe we have some  
11 kind of requirement that they have to file a copy of  
12 their deed within a certain number of days of closing.  
13 I mean, we can't do everything, but there's certain  
14 things we can do within our powers to try and control  
15 the transfer, you know, the occupation of the  
16 residences. And again that, yes, it depends a lot on  
17 the police being kept abreast of individual properties,  
18 and they're more than happy to do that.

19 So that's kind of, I don't know if that  
20 answers all your questions for now, but that's kind of  
21 where we are with this.

22 ANTHONY EMANUEL: I appreciate it. Just one  
23 other question and then I'll be done with this issue.

24 That day, there were quite a few Nassau County  
25 police officers as opposed to old Brookville. What is

1 the concurrent jurisdiction? How do they operate with  
2 one another?

3 MAYOR DEVITA: It's a very good question.

4 So, it's in our police contract and every one  
5 of the local police force contracts, whether it's  
6 Brookville, Muttontown, et cetera, Nassau County will  
7 back up our police when our police think it's necessary.  
8 So for instance, we have, each of our villages, Oyster  
9 Bay Cove and Laurel Hollow, each have a dedicated patrol  
10 car meaning, theoretically, one should be available to  
11 each of our villages at all times. What frequently, not  
12 frequently, what happens on a number of occasions is,  
13 for instance, the Oyster Bay Cove car may have a traffic  
14 accident they're answering to, Laurel Hollow at the same  
15 time may be on an aided case, maybe someone had a heart  
16 attack, in that case if something else comes in, let's  
17 say a car accident on 25A, Nassau County would be called  
18 in as a backup.

19 Now on something like what happened at 1686, I  
20 think it's, to me it's of such a serious nature, it's  
21 kind of like an all-alarm fire where you're going to get  
22 a lot of different fire companies showing up. So when  
23 they heard about this incident and the fact there was a  
24 firearm present, they knew the suspects were dangerous  
25 and possibly armed, so they called out everyone for

1 backup. And it could also be, I didn't know old  
2 Brookville was there, it could very well be that Nassau  
3 needed backup. Maybe they didn't have enough cars  
4 available for what they needed, whatever. I mean, all  
5 the police are basically trained at the same academy,  
6 just wearing different uniforms.

7 On top of that, as part of our taxes, in  
8 addition to paying for coverage by the Laurel  
9 Hollow/Oyster Bay Cove Police, we pay a fee for services  
10 at Nassau County Police Department being, number one, we  
11 pay for the detectives work, detective work by, in this  
12 case, Second Precinct detectives, and we also pay part  
13 of that goes to the Nassau County criminal lab which in  
14 the past has had issues, but they have a brand new lab.  
15 They are high tech and everything else. So while we  
16 have our own police force with Oyster Bay Cove, we're  
17 still very much plugged into the Nassau County Police  
18 Department.

19 And I know from personal experience our chief,  
20 you know, all the officers, men and woman, are very  
21 plugged into Nassau County. They all know each other.  
22 The commissioner, Patrick Ryder, is very good friends  
23 with our police chief. So they all truly do work hand  
24 in hand. So when something like this comes up, which is  
25 a rarity in Laurel Hollow, they're ready to deal with

1 it.

2 ANTHONY EMANUEL: I appreciate it.

3 I just wanted to say one other thing. You've  
4 been referring to 1686. That's my address.

5 MAYOR DeVITA: I'm sorry, 1680.

6 ANTHONY EMANUEL: 1690. I just want to be  
7 clear. I know you are transcribing it. I don't want a  
8 SWAT team coming to my house.

9 MAYOR DeVITA: I have 1680 on the brain  
10 because we have a lot of building code problems with  
11 1680. So when I hear 168 on 25A -- I apologize.

12 ANTHONY EMANUEL: I want to thank everyone for  
13 listing to my question. Thank you very much.

14 TRUSTEE MIRITELLO: Anthony, before you go,  
15 just so I get a little feeling for our next discussion,  
16 had you seen, was there any activity there or anything  
17 that would alert someone to --

18 ANTHONY EMANUEL: So here's the thing. When  
19 these people moved out, we really didn't have much of a  
20 relationship with them, they never really said anything  
21 that they were leaving. I think a few days before, my  
22 wife had smelled the fireplace and she said, I know it's  
23 that fireplace. And I'm being the guy in the house, I  
24 go, you're crazy, that's a fireplace from three blocks  
25 away, whatever. My wife knew, so she called the police



1 a couple days early and said I think someone is in that  
2 house. And then I heard what happened later that they  
3 went and someone said that the people when they answered  
4 the door said that we have a lease. They went and  
5 checked with the former owner, I think, and they said,  
6 well, we sold it to whoever they sold it to. They  
7 checked with that new owner and they said, we never gave  
8 anyone a lease. So this was going on for a couple of  
9 days before anyone came out. I had gone out to a store  
10 and when I came back there were the two cops cars in my  
11 driveway and five next door, then everything broke  
12 loose.

13 TRUSTEE MIRITELLO: So if you hadn't called,  
14 nobody would have known anything.

15 ANTHONY EMANUEL: That's the problem. And I  
16 understand. The house is set back. It's the perfect  
17 house for someone to do that. You can't see it from the  
18 road. I can barely see it now that the foliage has  
19 grown in. But, you know, a month ago you could see in  
20 there. We thought we saw a couple lights on at some  
21 time. But then again, I didn't know if they had it on a  
22 timer. But the smell of the fireplace, and I guess  
23 maybe the heat wasn't on, they got a couple of cold  
24 nights, they started a fire in there. They were living  
25 in there for however long. It's kind of scary because

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1 my kids are in the backyard. They're home from high  
2 school. I have triplet girls. They're supposed to  
3 graduate and they're not graduating now. They're  
4 sitting out on the deck and I've got some guys in the  
5 house next door with guns. It's very frightening. You  
6 don't expect that here.

7 Thank you very much. I appreciate your time.

8 MAYOR DEVITA: Thanks, Anthony, for coming to  
9 us.

10 ANTHONY EMANUEL: Thank you.

11 MAYOR DEVITA: Okay. So the police report. I  
12 think we all saw Teddy's extensive summary. I don't  
13 think there's any other questions with respect to that.  
14 Teddy is back, as he calls, on administrative duty. So  
15 he's our go-to man again after having a long bout with  
16 this COVID-19.

17 TRUSTEE NICKLAS: It was a great summary, Dan.

18 MAYOR DEVITA: Thanks.

19 It's a problem. Like I said and Teddy said,  
20 this is a problem all over Long Island. We'll do what  
21 we can.

22 So, Jim, are you there?

23 MR. ANTONELLI: I'm here.

24 MAYOR DEVITA: Just hold on a minute. We will  
25 do your MS4 report after number one.

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1 MR. ANTONELLI: Sure.

2 MAYOR DeVITA: Minutes, Liz.

3 THE CLERK: I e-mailed around the revised with  
4 your changes. So unless there's anything else --

5 MAYOR DeVITA: Okay. So we need a motion to  
6 approve the minutes.

7 I'll move. Second, Trustee Nicklas.

8 We have to poll again for everyone.

9 Trustee Jusko?

10 TRUSTEE JUSKO: Aye.

11 MAYOR DeVITA: Jeff Miritello?

12 TRUSTEE MIRITELLO: Aye.

13 MAYOR DeVITA: Trustee Tsafos?

14 TRUSTEE TSAFOS: Aye.

15 MAYOR DeVITA: Deputy Mayor Nemshin?

16 DEPUTY MAYOR NEMSHIN: Aye.

17 MAYOR DeVITA: Trustee Novick?

18 TRUSTEE NOVICK: Aye.

19 MAYOR DeVITA: Okay. Financial report, Liz.

20 THE CLERK: Was that for minutes of 4/6 and  
21 5/1?

22 MAYOR DeVITA: Do we need separate votes?

23 THE CLERK: No.

24 MAYOR De VITA: That was for both. They are  
25 both written out. Unless someone has comments about

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1 either, that was the vote.

2 Financial report.

3 THE CLERK: The report is through April 30.  
4 And as of April 30, a deficit of \$200,000. But I  
5 mentioned that we did receive the Cold Spring Harbor Lab  
6 pilot for 227,000. So as of 4/30, we've broken even.  
7 However, we still have tonight's bills and then next  
8 month's bills with probably not too much revenue coming  
9 in. So, you know, my projection is that we'll be  
10 somewhere in the maybe, you know, 50 or 100,000. Better  
11 than we projected back at the budget.

12 MAYOR DEVITA: But we'll have to draw from the  
13 contingency to cover that?

14 THE CLERK: Yeah, we'll be into fund balance  
15 for some of that.

16 MAYOR DEVITA: Okay.

17 TRUSTEE MIRITELLO: Is there any money going  
18 to governments at this point, to towns? Is there any  
19 money from the government coming into the towns or  
20 villages for help?

21 MAYOR DEVITA: What do you mean? Well, you  
22 know, it's going on in Congress right now. They're  
23 fighting over whether to give the state local  
24 governments any money. So right now, we don't know.

25 TRUSTEE MIRITELLO: So there's nothing that we

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1 can apply for at this point?

2 TRUSTEE TSAFOS: Jeff, no. Sales tax revenue  
3 for the State is down, so the State doesn't have money.  
4 Unless Congress approves this next round of stimulus  
5 bill, there's nothing out there as of yet.

6 MAYOR DEVITA: Questions on the financials?  
7 Okay.

8 One on the agenda is the waiver of the drone  
9 ordinance. Let me explain this.

10 So, as you know, we're members of the Oyster  
11 Bay/Cold Spring Harbor Protection Committee whose  
12 mission basically is educational and to determine ways  
13 to try and clean up Oyster Bay and Cold Spring Harbors,  
14 and obviously, the signature program so far has been the  
15 Shellfish Gardeners program. So recently the committee  
16 was approached by one of its members with the idea of  
17 what's really a new concept which is trying to determine  
18 pollution outfalls through thermal imaging as taken by a  
19 drone up in the air. And the idea is, there's a  
20 contrast in ground temperature versus pollutants, and  
21 they're going to try and map these areas and they're  
22 going to do it through the use of drone. And this is  
23 stretching all the way from inside Oyster Bay near Mill  
24 Neck down through what they call outfall 273 which is  
25 the outfall outside of the Hamlet of Cold Spring Harbor,

1 that commercial district which we know is polluting the  
2 inner harbor and I think is one of the major reasons  
3 that the southern part of Cold Spring Harbor is in  
4 closed waters, uncertified waters. In any event, this  
5 company which is headed by Scott Harrigan, this is what  
6 they do.

7 So, they're working through the committee.  
8 They applied for a grant and received a substantial  
9 amount of money. And I forgot, it's somewhere in the  
10 neighborhood of 12 to \$15,000 to do this. And the  
11 committee gave us an extra \$2,000 in order to do an  
12 extra swing, and that is mapping in the spring meaning  
13 now. The idea is, they'll have these two different time  
14 frames to compare. And they want to do it early and  
15 they want to do it after the summer because the contrast  
16 with the temperatures of the ground is greatest for  
17 their purposes at that point.

18 So, what they're planning on doing is  
19 basically going along the shoreline because that's where  
20 a lot of these outfalls, whether they're faulty septic  
21 systems or some commercial establishments, that's where  
22 they suspect they'll find most of these pollutants. So  
23 when it comes to Laurel Hollow, I explained we have a  
24 drone ordinance. And if you saw my e-mail, I put out a  
25 number of questions to Scott, the head of the company,

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1 and he answered, and I submitted his answers. And  
2 basically they're really not going to be flying over  
3 private property. It's the shoreline and up a bit on  
4 Laurel Hollow Road. But it still does implicate our  
5 ordinance because there's a section, this drone  
6 ordinance we have is Section 85-9 of the Village Code.  
7 It prohibits, let's just say, the use of a drone for  
8 three areas. The first two aren't implicated, it's a  
9 person or dwelling occupied by a person. In other  
10 words, someone's private, civilian, private property.  
11 The second is -- and that had to do with the dwelling's  
12 curtilage, meaning the property area. The second area  
13 has to do with the house, the private real property  
14 without the consent of the owner implying that you can  
15 do it with the owner's consent. And number three is,  
16 conduct surveillance of municipal buildings and real  
17 property owned or leased by the Village of Laurel  
18 Hollow. So that would implicate Laurel Hollow Road.

19 Now, if you saw his map, he's basically, it  
20 looks like he'd be going up, and the idea is -- he's  
21 going up Laurel Hollow Road almost to the intersection  
22 with Ridge Road, and the idea is that's where the storm  
23 water -- and Jim, you'll correct me if I'm wrong --  
24 accumulates and rushes and may pick up maybe a bad  
25 septic overflow or something that will rush it into the

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1 harbor by our beach. So, what they're asking for and  
2 what I would urge, because this I think should be a very  
3 helpful study, is that we just waive that third  
4 provision for the dates that they intend on using the  
5 drone and the thermal imaging which are, according to  
6 Scott, from I believe it's May 15 that they plan on  
7 being over Laurel Hollow and then in September there  
8 will be another flyover which will mirror the same areas  
9 that they're covering. But again, that's the second  
10 date so they have a better overall picture of the  
11 information they're collecting.

12 So that's really it. So, do people have  
13 questions, concerns?

14 Let me just also explain. They're a very  
15 professional company. And they actually, because these  
16 drones, they're very expensive, they rent them for a  
17 week at a time.

18 And I don't know, Jeff Miritello, did you see  
19 the e-mail from Joe Croasdale?

20 So, Joe Croasdale, a resident and one of our  
21 major shellfish gardeners, went to I think it was Eagle  
22 Dock with the operator, I think it was Monday, and  
23 witnessed, you know, how they took off and what they did  
24 over there, and he was very impressed on the whole  
25 presentation.



1           So, the second thing is, which is on here, I  
2 forgot to mention, their takeoff zones are important  
3 because they need a breadth a view of the harbor when  
4 they take off. I don't know the intricacies of it, but  
5 I asked them, would the Laurel Hollow beach provide a  
6 good area. And they said, yes. So it would include  
7 that also. Now they are planning on doing this, they do  
8 it early in the morning, like dawn-ish or seven o'clock  
9 or something like that, because that's when the ground  
10 is the coolest and these pollutants are warm. So they  
11 figure they can get the best thermal imaging pictures at  
12 that time. So it will be early. He says, we anticipate  
13 flying between 5 a.m. and 9 a.m., so we'll likely spend  
14 one hour in the air, it will not be contingency.

15           So, that's basically what we're talking about.

16           TRUSTEE JUSKO: The village will send a  
17 SwiftReach out so the residents are aware that there is  
18 a drone over their house?

19           MAYOR DeVITA: Yes. And I can even just send  
20 it to the north side and let people know it's a  
21 scientific study just being conducted for an hour or two  
22 and it will remain on public land, but if you hear or  
23 see it, this is what is being done.

24           TRUSTEE JUSKO: Okay.

25           TRUSTEE NICKLAS: I support it.

1 TRUSTEE MIRITELLO: what could the  
2 consequences be if they find some of these outflows from  
3 who knows what they can find? We're pretty sure the  
4 village, Cold Spring Harbor, is polluting, but what if  
5 they find stuff on our side from the Lab or who knows?

6 MAYOR DEVITA: We deal it. This isn't -- you  
7 can't say it's conclusive proof. But if it's the Lab or  
8 say a resident, it looks like they have a bad septic  
9 system and they may not know it, I would knock on the  
10 door and say, oh by the way, Mr. and Mrs. Smith, we did  
11 this study and it looks like you may have a problem you  
12 may not have even known about. The Lab, you know the  
13 Lab, if they have a problem and they didn't know about  
14 it, they'll be all over it. So the harder ones are the  
15 Town of Huntington in dealing with Cold Spring Harbor  
16 outfalls and, you know, in Mill Neck they've been trying  
17 forever to get something done. So, if we can at least  
18 find something out about our area, they would be great.

19 TRUSTEE MIRITELLO: Okay.

20 MAYOR DEVITA: Anybody?

21 TRUSTEE NOVICK: A motion?

22 MAYOR DEVITA: Are there any other questions?

23 So, Howard, I assume we'll do a motion to  
24 waive subsection 3 of the village Code of Section 85-9  
25 for the period requested by Harkin is the name of the

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1 company.

2 MR. AVRUTINE: You can do it that way or you  
3 can do it as issuing specific consent notwithstanding  
4 the ordinance provisions but authorize in these limited  
5 circumstances specific consent, or a waiver as you  
6 indicated, whichever you prefer.

7 MAYOR DeVITA: So why don't we -- a waiver  
8 seems a little cleaner. So the motion will be to give  
9 the waiver to Ordinance 85-9 capital letter A,  
10 Subsection 3, to Harkin Company for drone flyover in May  
11 and then in September.

12 So, Jeff Miritello moves. I'll second.

13 Trustee Jusko?

14 TRUSTEE JUSKO: Aye.

15 MAYOR DeVITA: Trustee Nicklas?

16 TRUSTEE NICKLAS: Aye.

17 MAYOR DeVITA: Trustee Tsafos?

18 TRUSTEE TSAFOS: Aye.

19 MAYOR DeVITA: Trustee Nemshin?

20 DEPUTY MAYOR NEMSHIN: Aye.

21 MAYOR DeVITA: Trustee Novick?

22 TRUSTEE NOVICK: Aye.

23 MAYOR DeVITA: Okay.

24 So, the next thing is the squatters. You  
25 heard the whole background. So the idea was if we can

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1           come up with ways, if there's anything we can do, to,  
2           you know, kind of close the gap in things. I mean, Liz  
3           and Nancy will tell you there have been times been  
4           driven crazy because people buy houses and don't let us,  
5           or they sell houses, and don't let us know. For  
6           instance, like the Northern Boulevard thing, we'll get  
7           calls and then we don't even have the records of who the  
8           present owners are.

9                        Is there something we can do with respect to  
10           that in terms of an ordinance, in terms of having people  
11           either file the new deed or notify us after X days of  
12           closing that their house has been sold?

13                       Is there anything like that, Howard?

14                       MR. AVRUTINE: You can do it. The problem is  
15           enforcing it. Certainly there's nothing you can do  
16           really regarding someone selling. Once they sell,  
17           they're out of the picture. Someone buying, yes, you  
18           can legislate requiring that a copy of the deed be filed  
19           with the village Clerk. However, they're not going to  
20           know. They are just not going to know it. And unless  
21           there was some way of letting them know, no one, I mean,  
22           typically looks at the code for something like that when  
23           they're buying a house in a community. It wouldn't  
24           occur to them. So that's going to be the biggest  
25           difficulty.

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1                   Maybe, I know the Village has spoken for a  
2 while about a, you know, a welcome to the community kind  
3 of --

4                   MAYOR DeVITA: We do. We have a welcome  
5 letter now that we send out. But also maybe every year  
6 we put something in, like a little pink slip, in the tax  
7 bill saying if you're selling your house, blah, blah,  
8 blah, we put notice out.

9                   One other thing is -- and Liz and Nancy,  
10 correct me if I'm wrong -- frequently when people are  
11 selling a house, you'll have title companies come down  
12 to the Village Hall to look through the property  
13 records, and what if we stuck, you know, something in  
14 the property records or somehow, I'm not sure how,  
15 either a computer or paper file -- go ahead.

16                  MS. POPPER: I have an idea. A lot of times  
17 the brokers take out sign permits when they're going to  
18 sell a place. Maybe we can talk to the broker and tell  
19 them when it's sold you have to let us know.

20                  MAYOR DeVITA: We can make it a condition of a  
21 for sale sign being issued or something. There seems  
22 like a lot of things. It's little things, but I think  
23 that people want us to try to do something.

24                  TRUSTEE MIRITELLO: Why can't we educate  
25 people through the SwiftReach?

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1                   MAYOR DEVITA: We will, Jeff, absolutely.  
2                   That's the easiest thing. But it's frustrating how many  
3                   people you come across who don't read them. So, yes,  
4                   but let's put it in legislation and we can point to  
5                   that.

6                   TRUSTEE MIRITELLO: But if this is a law that  
7                   only Laurel Hollow has, how do you make anyone be aware  
8                   that we have this law? How is it enforceable if it's  
9                   not a universal thing that all villages or the County  
10                  requires? If it's just us, I can see a lot of people  
11                  just not knowing it, not ignoring, but just not knowing.

12                  MAYOR DEVITA: Well, we educate them like we  
13                  do with every other ordinance.

14                  DEPUTY MAYOR NEMSHIN: I don't think it hurts.  
15                  We do the best we can to collect as much information as  
16                  possible. If we get one more house or ten more houses  
17                  that are exchanging hands, and through the sign permit,  
18                  I think that's a good idea. At least it will notify us  
19                  as to put it on watch a little bit and we'll say this  
20                  house is for sale. We'll have an updated list of houses  
21                  for sale. Can you enforce it? Not really. But no one  
22                  is looking to like skate the issue. And if they  
23                  remember to do it and they do it, we're that much better  
24                  off.

25                  TRUSTEE NICKLAS: So you know the house is for

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1 sale, now what do you do?

2 MAYOR DeVITA: So if they come down and they  
3 ask us for a permit for a sign, the house is for sale,  
4 we tell them that a condition, because brokers are  
5 involved in the sale as you know until the day of  
6 closing, and we say a condition of a sign permit being  
7 issued is X, a copy of the deed has to be filed within  
8 whatever, ten business days, with the village, and if  
9 not, you know, their broker is penalized, the homeowner  
10 is penalized. I mean, we kind of have some kind of  
11 teeth or something. You know, we can't make it a  
12 recommendation. The brokers, forget it, they'll laugh  
13 at us.

14 TRUSTEE MIRITELLO: Are we the only village --

15 MAYOR DeVITA: If we are, so what.

16 DEPUTY MAYOR NEMSHIN: I don't think it's so  
17 much knowing a house is for sale. I think that's just  
18 the beginning of it. The critical part is when a house  
19 is vacated either during when a house is up for sale or  
20 vacated after the house is sold and the new people  
21 haven't moved in. So, it's that transition that's a  
22 little sticky. But at least instead of watching 650  
23 houses, if there's 25 houses for sale, at least we can  
24 narrow down the list of it and make the police aware and  
25 maybe give them a monthly list of houses that are for

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1 sale and/or if we know they're vacant.

2 I don't know how you put a fine or I don't  
3 know how you put some kind of teeth in it. You make it  
4 a rule, but it's not something -- what are you going to  
5 do, fine someone.

6 TRUSTEE MIRITELLO: Is it something the County  
7 can help us with? Are the deeds filed with the County  
8 right away?

9 MR. AVRUTINE: They are submitted for  
10 recording. But the County is notoriously slow under the  
11 best of the circumstances. These days it's even worse.  
12 But it can take weeks and weeks between the time that  
13 the deed is submitted to the County Clerk for recording  
14 and the actual recording and then the subsequent return  
15 of the original deed to the new owner and the forwarding  
16 of documents to the village which would indicate who the  
17 new owner is. That's part of the problem.

18 TRUSTEE MIRITELLO: When does the new tax bill  
19 kick in? Who knows who to send the tax bill to?

20 MR. AVRUTINE: Well, that's usually, in the  
21 vast majority of cases where there is a lender, the  
22 taxes are paid by the lenders. So the tax bills would  
23 go to the lender directly.

24 If the taxes are being paid by the -- directly  
25 by the homeowner whether in a mortgage situation or if



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1 there were no mortgage involved, then it's incumbent  
2 upon the new owner to advise the taxing authority to  
3 send them the bill because they won't do it on their own  
4 or they'll mess it up and the new owner incurs all kinds  
5 of problem. I've had this many, many times over the  
6 years with people who did not advise the taxing  
7 authority that they were the new owners. They never got  
8 tax bills but had the obvious problem when you never got  
9 your taxes and bills and you never paid your taxes. So  
10 that's not going to be a real way of doing it either.

11 I think requiring new owners to file a copy of  
12 their deed is a good idea. The enforceability will be  
13 problematic, obviously. But clearly the goal here is to  
14 get information, not to penalize anyone. So to the  
15 extent that the SwiftReach or a news letter or a welcome  
16 to the community letter advises people about these sort  
17 of things, then it will maybe raise the consciousness a  
18 little bit and you'll get a better situation of keeping  
19 track as to when properties have been transferred. But  
20 I think a lot of the time it's not even necessarily a  
21 sale. Somebody buys a piece of property for investment  
22 and they're not using it and it remains empty for a  
23 while or they are looking for a tenant and they don't  
24 find one for a while. Something you may want to  
25 consider, and it just occurred to me, I hadn't looked

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1 into it, if you're interested I can, a limitation on the  
2 amount of time a home can remain unoccupied for any  
3 reason because you don't want empty homes.

4 TRUSTEE MIRITELLO: Does this ever happen  
5 before the house is sold where people just squat on a  
6 house that's for sale?

7 MR. AVRUTINE: It could happen if the people  
8 who previously lived there left, sure. That type of  
9 situation as you might imagine is ripe for a squatter if  
10 they somehow know that the house has been vacated. It's  
11 a place to live, and especially in Laurel Hollow where  
12 they can do so and maybe it wouldn't be conspicuous.

13 TRUSTEE MIRITELLO: So that legislation  
14 wouldn't help us at all because the house wouldn't have  
15 been sold yet?

16 MR. AVRUTINE: In that particular sample,  
17 you're correct. But maybe something along the lines of  
18 limiting the duration of time that a house can remain  
19 unoccupied might be something you want to consider.

20 MAYOR DeVITA: Just so you know, Jeff, I've  
21 spoken to Chris Hadjandreas and his partner were very  
22 nervous after this about their house on Laurel Hollow  
23 Road that they built. They were up there checking it  
24 every day after this happened. And then they actually  
25 sold it, and it was like, phew.

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1           Yes, it is a concern for anyone, to me, who  
2 has a house for sale that's empty. I'm not sure, you  
3 know, we can check out Howard's idea.

4           Oh, the other thing in connection with this  
5 is, these crooks were showing fake leases. And just so  
6 you know, I had a conversation with Mayor Goulding from  
7 Oyster Bay Cove. They had someone it took them over a  
8 year to get out because they had a lease. The people  
9 had to go to Court and they ended up, the real  
10 homeowners, ended up paying them to get out after a year  
11 because everything was taking so long and they couldn't  
12 do it. So I thought if someone is leasing their  
13 property, then file the lease with us, you know, within  
14 X days after it's signed. And then when you go to the  
15 property and you got somebody there says, Oh, I'm  
16 renting this, it's easy enough to check out or at least  
17 it would give the police probable cause to say those  
18 aren't legitimate tenants. So --

19           TRUSTEE TSAFOS: Dan, wouldn't that be the way  
20 to enforce it instead of asking the real estate agents  
21 that put up a house for sale?

22           For example, if we say if you are renting out  
23 your house please file the lease with the village. And  
24 all the other houses that are up for sale obviously are  
25 up for sale and there's no lease there so nobody maybe

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1 can make that argument that -- if they do make the  
2 argument, we know it's a false argument that they're  
3 leasing the house, if it's a --

4 MR. MCNERNEY: Nick, the village of Kensington  
5 and I think Town of North Hempstead has, and I'm sure  
6 many other municipalities have, a rental registration  
7 program where you need to register a rental with the  
8 village for a small fee for one or two years. The house  
9 gets inspected for basic life safety and they get to  
10 rent it for two years for \$200 or whatever. But they  
11 have to register the lessee's name, et cetera, et  
12 cetera, with the village.

13 MAYOR DEVITA: I think that's a great idea.

14 TRUSTEE NICKLAS: That sounds --

15 TRUSTEE TSAFOS: That's the way to enforce it.

16 I'll tell you, there's two things that bother  
17 me. One, you have people that do not put up their  
18 houses for sale and leave for three months or six months  
19 and go to Florida or whatever they do, and I think those  
20 houses are harder for squatters to find because they're  
21 not up for sale. They can't go to some website and look  
22 for houses that are up for sale. It's just not  
23 publicized. But the ones that are up for sale and are  
24 empty, that's an easy target for somebody to go to the  
25 internet and drive around and figure out if they're

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1 empty.

2 MR. AVRUTINE: Or as Dan pointed out, if it  
3 has photos and you can see if there is no furniture  
4 inside.

5 TRUSTEE TSAFOS: That's exactly right.

6 TRUSTEE NICKLAS: Howard, to your point to  
7 have the new owner file something, how can we enforce  
8 that if we don't even know the house was sold?

9 MR. AVRUTINE: Again, it's a question of  
10 raising awareness. If people are inclined to do the  
11 right thing and they know about the requirement, they'll  
12 file the new deed.

13 TRUSTEE NICKLAS: What I'm getting at, how are  
14 they going to know or are they going to know if -- how  
15 would they know?

16 MAYOR DEVITA: Rich, that's why if you put it  
17 on the broker.

18 TRUSTEE NICKLAS: That's different. As to  
19 Howard's point, I don't think that's viable that the new  
20 owner is going to have to file. We may not even know  
21 it's sold.

22 MAYOR DEVITA: You know what, you can make it  
23 joint like we do with building code violation, the owner  
24 and the contractor. In this case, put it on the broker  
25 and the homeowner. You know, when the brokers say I

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1 told them, look I gave them a letter and showed them the  
2 village ordinance, then it's on the homeowner as well.

3 TRUSTEE NICKLAS: I mean, I agree on the  
4 broker because let's say a homeowner -- I mean, this is  
5 great, so we have a law, thirty years from now I decide  
6 to sell my house, do you honestly think I'm going to  
7 remember or look into something like that. I just want  
8 to sell me house. It's kind of nice to have, but it's  
9 like, it's not going to work.

10 MAYOR DeVITA: So the broker, you think, it  
11 would be better.

12 TRUSTEE NICKLAS: I personally think that's  
13 better than saying I as an owner should let you know,  
14 because I'm not going to be thinking about you.

15 DEPUTY MAYOR NEMSHIN: I think the first  
16 message on whatever we let the public know is, if you're  
17 going to be vacating your house whether it's for sale or  
18 being sold or sold, please let the village know. It's  
19 in everybody's benefit to do it. People don't think of  
20 it and now you put it in their heads when they say we  
21 are selling the house or moving out six months before  
22 the sale or one month before the sale let's remember to  
23 let the village know. Maybe they'll remember, maybe  
24 they won't. But that's certainly the first place as a  
25 reminder anyway because maybe it's not a sale.

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1           Do we go as far as saying if the homeowner is  
2 going to Florida, they're snowbirds, maybe they are in  
3 Florida for six months, anyone vacating their house for  
4 a long period of time should notify? We tell people to  
5 tell us that for going on vacation so we let the police  
6 know, so maybe we should expand on that a little bit and  
7 get people used to realizing they should do that.

8           TRUSTEE NICKLAS: How do you get them used to  
9 it, Jeff? It's a nice idea, but --

10          TRUSTEE MIRITELLO: I think we should just  
11 hammer it with the SwiftReach, and maybe each time we  
12 send out the Lantern make it the last paragraph until  
13 people -- you just keep hammering people and hammering  
14 people, make them aware of the problem, what happened  
15 and what can happen.

16          I'm not sure that we need all this  
17 legislating. This is a problem that's just come to  
18 surface after how many, many, many years. And I think  
19 if people are vigilant and they learn that this is  
20 something they should watch out for, the same thing as  
21 leaving your key fob in your car.

22          MAYOR DEVITA: You know what, Jeff, how many  
23 times during the holiday season do we remind people and  
24 then three months later they're leaving their keys in  
25 the car again. I think there's got to be -- look, I'm

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1 all for reminders and everything else, but if you tell  
2 people now you have to register your lease, it's a law  
3 in the village, now the broker has to ensure a copy of  
4 the deed is delivered after closing, I'm mean things  
5 like that, yeah, we'll tell people, but look, you're  
6 selling your house, you're glad, you're going to be out  
7 and the last thing you're thinking about is I have to  
8 keep my promise to the village that I will send them a  
9 copy of the deed, I think we've got to put some teeth to  
10 this.

11 TRUSTEE MIRITELLO: And the people who are  
12 leasing a room or leasing their house for cash, do you  
13 think they're going to do this?

14 MAYOR DEVITA: Look, we know they're doing  
15 something illegal anyway and we know it's almost  
16 impossible to catch them. They're a category unto  
17 themselves. That's a whole other issue.

18 why don't we do this, ask Howard to look into  
19 the registration program and see if it's easily  
20 transferrable to a village like ours and we can talk  
21 about it, and the same with connecting a copy of the  
22 deed with the sign permit. Let's just keep talking  
23 about it and we'll send out reminders. But I think the  
24 people were very upset when they heard about that first  
25 squatting situation.



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1                   And, Jeff Nemshin, tell me if I'm wrong, the  
2 people were very upset --

3                   DEPUTY MAYOR NEMSHIN: Absolutely.

4                   MAYOR DeVITA: -- when they heard all about  
5 that. So, I think we have an obligation to try and do  
6 something.

7                   TRUSTEE MIRITELLO: Upset at who? They are  
8 upset at someone in particular or just nervous?

9                   DEPUTY MAYOR NEMSHIN: All of the above.

10                  MAYOR DeVITA: Basically, these situations  
11 unfortunately invite criminals into the area, and we  
12 know they're not there just to enjoy an empty house.  
13 They could have been drug dealers or whatever. So, we  
14 just have to do what we can do to try and shield the  
15 community from that. Let's explore these areas and  
16 we'll talk about it. It's not like anything is going to  
17 get passed next month. Maybe Howard can explore those  
18 areas of legislation and see if there is something  
19 doable.

20                  TRUSTEE MIRITELLO: Have we ever alerted the  
21 residents of this whole situation?

22                  MAYOR DeVITA: Yes. I sent a SwiftReach.  
23 Didn't you read it?

24                  TRUSTEE MIRITELLO: I don't have my flip  
25 phone.

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1                   MAYOR DeVITA: Rich, go ahead.

2                   TRUSTEE NICKLAS: I think Mike's idea is  
3 something that should be pursued. And maybe another  
4 thing that you can consider if we're going to do any  
5 reminders is remind me if I know the house next door is  
6 unoccupied to report it. I mean, that's one of the  
7 easiest things.

8                   MAYOR DeVITA: Yes. To tell them, if you know  
9 of a house next to you that's unoccupied, let the  
10 village know and we'll report it to the police so they  
11 can do heightened patrol in the area.

12                  TRUSTEE TSAFOS: That's a very valid point.  
13 The house next door to me has gone up for sale twice in  
14 nine months and nobody is living in it. So since this  
15 incident, I'll obviously be paying a lot more attention.

16                  DEPUTY MAYOR NEMSHIN: It's because the  
17 neighbors are so noisy.

18                  MAYOR DeVITA: But also, Nick, I know that  
19 house. That's open view from the street, correct?

20                  TRUSTEE TSAFOS: Yes.

21                  MAYOR DeVITA: These other houses were,  
22 especially you'll see the one on Stillwell, there's  
23 walls of tall arborvitaes. You can barely see the  
24 house. So these people must figure that they have a  
25 little cover when they're in a wooded area.

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1 TRUSTEE MIRITELLO: So the house on the left  
2 going --

3 MAYOR DeVITA: Yes. You know which one.

4 TRUSTEE MIRITELLO: I thought it was the house  
5 on the right. I was going to say --

6 MAYOR DeVITA: No one wants to squat in that  
7 house on the right.

8 TRUSTEE MIRITELLO: No.

9 MR. MCNERNEY: That's the one with the weird  
10 fence.

11 MAYOR DeVITA: Yes.

12 TRUSTEE TSAFOS: The reason I bring up the  
13 houses next to me, it's not just next door, is because  
14 the other one where they arrested the person I believe  
15 was on Stillwell and those houses are pretty visible.

16 MAYOR DeVITA: No. No. I was just  
17 describing, Nick, that particular house on Stillwell is  
18 completely surrounded by a giant wall of arborvitae and  
19 evergreens that are so close together you can barely see  
20 the house.

21 MR. MCNERNEY: Yes. You've got a 12-foot shot  
22 into the driveway and that's it. It's the very first  
23 house on Stillwell on the north side.

24 TRUSTEE TSAFOS: I'll go jogging tomorrow on  
25 Stillwell.

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1                   MAYOR DeVITA: Jog to the end where the  
2 intersection is 108 and look to the house on the left.  
3 You'll see.

4                   TRUSTEE TSAFOS: Yes. Yes, I know.

5                   MR. MCNERNEY: Interestingly enough, the cops  
6 were back there the second or third time, there was a  
7 pile of furniture out by the street. Did you see that?  
8 The intruders must have brought some of their own  
9 furniture. They put it out on the street.

10                  MAYOR DeVITA: All right. Anything else?  
11 Howard, you can look into that?

12                  MR. AVRUTINE: Sure. Of course.

13                  MAYOR DeVITA: Anything else on that? Great.  
14 So, parking ticket fines. I asked for this  
15 one.

16                  MR. MCNERNEY: You're done with me?

17                  MAYOR DeVITA: Nancy, maybe just on the  
18 parking ticket fines.

19                  Mike, you can go.

20                  MR. MCNERNEY: Kevin, you have a question?

21                  TRUSTEE JUSKO: Yes. What is the Village's  
22 position while construction is halted for extending  
23 permits automatically without, you know, harming a  
24 resident?

25                  MR. MCNERNEY: Dan and I have had a brief

1 conversation about this. I think most municipalities  
2 that I'm familiar with, certainly the three that I'm  
3 intimately familiar with, two of them are talking about  
4 extending the permits. It would probably take -- Dan  
5 was going to mention this to Howard -- it would probably  
6 take a board vote of some sort. But extending permits  
7 by however long the Governor's ban lasts plus maybe a  
8 grace period, whatever. We're not looking to hammer  
9 anybody here who certainly can't finish their work.

10 MAYOR DeVITA: And look, if this pause ends up  
11 being whatever, three months, I think we may want to  
12 think about a blanket extension of outstanding permits  
13 for three months. Otherwise, you know people are going  
14 to come in at the end and go I couldn't work. So if we  
15 just make a blanket extension for a certain period of  
16 time and it seems fair, I don't think anyone can  
17 complain. But we can talk about it.

18 TRUSTEE JUSKO: I like the idea of having a  
19 blanket. Because when I heard the period of time that  
20 we were not able to work, just make it automatic.

21 MR. MCNERNEY: And maybe a small additional  
22 grace period, Kevin, just to get things back going again  
23 anyway.

24 TRUSTEE NICKLAS: That's a good idea.

25 MAYOR DeVITA: Do we need to act on that now?

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1 MR. AVRUTINE: I think it probably makes more  
2 sense to do it when we know when the restriction is  
3 lifted and then we can say for the duration of the  
4 restriction, from such date to such date plus whatever  
5 you want to add.

6 MR. MCNERNEY: The only thing is, Howard,  
7 there are probably permits that are expiring now.

8 MR. AVRUTINE: Right. But if you're going to  
9 say -- essentially, one of the things that the Governor  
10 did was, he stopped statutes of limitations on civil  
11 cases from continuing to run during the duration of this  
12 thing. So, it's an analogous situation. The day he  
13 issued the order, wherever you were then you'll be at  
14 the end of this plus whatever the Board decides to add  
15 to it.

16 MAYOR DEVITA: How many, would you say, are  
17 about to expire?

18 MS. POPPER: Maybe half dozen.

19 MAYOR DEVITA: Okay. We can just do an e-mail  
20 to them saying, you know, the original permit date is  
21 set to expire on such a date, however this will be  
22 extended, this is extended and a new termination date  
23 will be determined in the future by the Board of  
24 Trustees, or something like that, so that they are not  
25 all worried --

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1 MS. POPPER: Okay.

2 MAYOR DeVITA: -- and they start calling and  
3 you know.

4 MR. MCNERNEY: Got it. Thank you.  
5 See you, guys.

6 MAYOR DeVITA: I'm sorry. Jim, you're hanging  
7 out for the MS4. So, Jim, we've looked at the extensive  
8 MS4 report and I know you incorporated Kevin's change.  
9 The only change in light of the drone thing, on  
10 paragraph three of the first page of your report it  
11 says, minimum control measure three, illicit discharge  
12 detection and elimination. So I'm wondering now if you  
13 can add something about the thermal imaging study that's  
14 going to be done by the drone.

15 MR. ANTONELLI: Right. That will be for next  
16 year's report. I can put it down in the final paragraph  
17 of that minimum control measure three, it asks what you  
18 plan to do or how you maintain your plan, I can put it  
19 there. And then next year, certainly, we report that we  
20 did it.

21 MAYOR DeVITA: Terrific. Did you want to give  
22 us a brief synopsis, Jim, or do you think everything is  
23 in the --

24 MR. ANTONELLI: Everything is here. We just  
25 have to get to the point where, you know, I would need

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1 you to sign the Page 4 and then submit.

2 I've heard from the very beginning, even  
3 though the DEC is not working, they're on pause, they at  
4 least let people know, I did not see this in writing  
5 firsthand, but they let people know that they were going  
6 to extend the deadline of June 1. I'm not comfortable  
7 with that. I think we just supply them with this  
8 electronically like we did in years past, do it by the  
9 1st and end it. And, frankly, the DEC was always, if  
10 you contacted them and told them you were having a  
11 problem, I had some villages that couldn't meet in May  
12 or June and couldn't get a quorum, so you let them know  
13 and there was never any problem anyway. But I think in  
14 this case, let's --

15 MAYOR DeVITA: Fine, Jim. Just make a change  
16 and then I'll sign it.

17 MR. ANTONELLI: Great. I'll get it to you.

18 MAYOR DeVITA: Thanks, Jim.

19 MR. ANTONELLI: Thank you.

20 THE CLERK: Do we need a motion to --

21 MR. AVRUTINE: Yes. We need a motion to  
22 authorize the Mayor to sign the report.

23 THE CLERK: Okay.

24 TRUSTEE MIRITELLO: I'll motion.

25 MAYOR DeVITA: Jeff Miritello. Seconded by



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1 Trustee Tsafos. I vote in favor.

2 Trustee Jusko?

3 TRUSTEE JUSKO: Aye.

4 MAYOR DeVITA: Trustee Nicklas?

5 TRUSTEE NICKLAS: Aye.

6 MAYOR DeVITA: Trustee Nemshin?

7 DEPUTY MAYOR NEMSHIN: Aye.

8 MAYOR DeVITA: Trustee Novick?

9 TRUSTEE NOVICK: Aye.

10 MAYOR DeVITA: Okay. Terrific.

11 So, I just wanted to bring up the parking  
12 ticket fine thing. I got on the police in April to  
13 issue a lot of tickets for the parking in conjunction  
14 with reminding, me, in SwiftReaches, two of them,  
15 reminding people to get stickers, and that's worked  
16 because I know the Village Hall has been inundated with  
17 requests for stickers, Nancy is shaking your head, she's  
18 involved with that, and at the same time continue to  
19 have nonresidents and all that parking there.

20 So, I think there were 13 tickets issued in  
21 April, Nancy?

22 MS. POPPER: In May, issued in May, May 3 and  
23 May 2, around.

24 MAYOR DeVITA: Okay. But right now our  
25 parking ticket fine -- a parking ticket ordinance is

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1 used frequently in court as a plea-down measure. So,  
2 you get a speeding ticket, all right, you're offered the  
3 opportunity to plea to a parking ticket in which case  
4 you don't get points, which everyone tries to avoid  
5 because that goes to the insurance company. And at  
6 times they'll use a different parking ordinance. And  
7 the idea is we get the entirety of the fine.

8 Correct me if I'm wrong, Nancy.

9 MS. POPPER: We usually do reduce to a VTL  
10 parking section statute. But, yes, the village gets all  
11 of the fine. The State gets a \$25 surcharge. That's  
12 it.

13 MAYOR DeVITA: Okay.

14 MS. POPPER: And we'll get like \$400 from the  
15 speeding ticket.

16 MAYOR DeVITA: Right. I spoke to Jeff  
17 Blinkoff, our prosecutor, about this too. But, you  
18 know, and they'll reduce, let's say, a bad speeding  
19 ticket to parking by a fire hydrant which is up to a  
20 \$400 fine. So they can get a lot of the money that way.  
21 It doesn't happen too often, but it happens. But the  
22 straight parking in our public parking lot, the fine is  
23 a maximum \$150, and if you plead guilty by mail and pay,  
24 Nancy, it's 70 or 90?

25 MS. POPPER: It's half. It's \$75 if you pay

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1 by the court date.

2 MAYOR DEVITA: Okay. So personally, I'd like  
3 to see that higher, especially now since the police seem  
4 to be in something of a willingness to write tickets.  
5 And, you know, to me, if a nonresident gets a ticket, if  
6 it's something like \$200, \$250, they're not coming back,  
7 and that to me is a goal. So, I don't know. I'm  
8 throwing this out here.

9 I had Jeff Blinkoff, our prosecutor, spoke to  
10 the general counsel of NYCOM. I talked to him a couple  
11 of times. There was some research done to see how much  
12 you can raise parking fines. The bottom line is, and  
13 the general counsel of NYCOM agrees, it's in our power  
14 to raise it to what we want. So, there's no maximum  
15 problems or any problems like that. So my thought was  
16 to see if we can raise the maximum to \$250.

17 So, see what you guys think.

18 TRUSTEE NICKLAS: How does that work with the  
19 parking ticket reduced? Explain that. I mean the  
20 speeding ticket.

21 MS. POPPER: If somebody in court gets a  
22 speeding ticket and they have a good driver's record,  
23 they look over the driving record because they don't  
24 want to give a break to somebody who is a constant  
25 violator, they might offer them the opportunity to plea

## Proceedings

1 down to a lesser point violation like parking in  
2 exchange for paying more fines. So, there's a statute  
3 in the Vehicle and Traffic Law that deals with parking  
4 where the maximum fine can be 400 or 450. So they'll  
5 charge them \$425 if the record is good. And the village  
6 gets to keep pretty much the 400. \$25 goes to the  
7 State.

8 MAYOR DeVITA: Explain, I don't know if Rich  
9 was asking about, if someone decides to plea by mail.

10 MS. POPPER: If they plead by mail, if they  
11 plead guilty to a parking ticket by mail and the plea  
12 comes in prior to the return date which is the court  
13 date, they'll be asked to pay \$75, and then they have to  
14 provide, you know, payment for that. If they don't, if  
15 it's after the court date and then they plead guilty,  
16 the fine will be 150, unless they come to court, appeal  
17 to the Judge and get a favorable determination. That's  
18 how it works.

19 And right now our statute, the village  
20 Ordinance says, the maximum you can be charged is \$150  
21 for a first parking offense. You can charge 300 for a  
22 second one that occurs within 18 months, and 450 for a  
23 third one within that same 18-month time frame. There's  
24 no ability to charge penalties and no ability to raise  
25 any one of those without your vote.

## Proceedings

1 TRUSTEE MIRITELLO: Has that happened, have  
2 you given, have we ever --

3 MS. POPPER: No. A second or third offender  
4 within the 18 months, no.

5 TRUSTEE MIRITELLO: Never?

6 MS. POPPER: No. We have some people that I  
7 have on file that have parked more than once, but they  
8 basically been scofflaws. They weren't residents and  
9 they got away without paying.

10 TRUSTEE NICKLAS: So if we raise it to 250  
11 then and they pay it before the court date, is it  
12 automatically fifty percent?

13 MAYOR DeVITA: We can say in the revision it's  
14 250, if you plead by mail before the court date,  
15 appearance date, it will be 125. We can do that.

16 Just so you know, Nancy is also Deputy Clerk  
17 and Court Clerk, so she can't weigh in on whether we  
18 should raise. All she can do is what she is doing,  
19 telling us how things work.

20 TRUSTEE NICKLAS: That's fine.

21 TRUSTEE MIRITELLO: Is our goal revenue based  
22 or to keep people from parking?

23 MAYOR DeVITA: Both.

24 TRUSTEE MIRITELLO: Is now a little bit of a  
25 time where it's just a difficult time because of this

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1 pandemic that you think that more people are doing this  
2 just to kind of get out and get some fresh air?

3 MAYOR DEVITA: I don't care.

4 You know what, Jeff, that damn Town of  
5 Huntington supervisor not only closes beaches, but he  
6 padlocked the gates. So all these people are going all  
7 over. Lloyd Harbor has got a hell of a problem too.  
8 And they come in, and yesterday I had them too, they are  
9 together, no masks. It's like la-di-da, this is a nice  
10 area. Well, excuse me, we have good residents who pay  
11 taxes to be able to park here. And maybe I'm being so  
12 territorial and am I not being sympathetic. Let them go  
13 over to Teddy Roosevelt Beach to hang out. Let them go  
14 over somewhere in Northport if they want to hang out.  
15 But it doesn't give them a right to hang out in our  
16 village hall and our parking lot. I don't know who they  
17 are.

18 I go back to the time where Karen, there was  
19 some guy who got naked in the parking lot, she ran  
20 outside screaming at the guy. It wasn't her business,  
21 but we don't know who we're getting in here when they're  
22 nonresidents.

23 DEPUTY MAYOR NEMSHIN: Is there a way to  
24 distinguish between a resident who doesn't have a  
25 sticker or took the wrong car and a nonresident?

## Proceedings

1                   MAYOR DeVITA: Two things, Jeff, just so you  
2 know. And yesterday, after -- you know, it took forever  
3 for the police to come down. What they generally do is  
4 get out of their car and look on the beach and say is  
5 this your car, are you a resident, if not you have to  
6 leave. So they kind of give a heads-up warning.  
7 Sometimes the people aren't there. They may have taken  
8 a walk all the way down the beach. And secondly, I'm  
9 not asking Nancy if she agrees with this, but she can  
10 attest to it, that if we do give tickets to residents  
11 who don't have stickers, the Court is usually very  
12 lenient. They may dismiss the ticket or tell them you  
13 better get a sticker tomorrow, or something like that.

14                   So, are there two standards? Yes. One's for  
15 our residents and one's for a nonresident. I don't know  
16 if that answers that.

17                   DEPUTY MAYOR NEMSHIN: It does. It answers  
18 the question.

19                   I'm still here. I have to shut my camera for  
20 five minutes. I'm still here.

21                   MAYOR DeVITA: Okay.

22                   TRUSTEE NICKLAS: Dan, you know what the  
23 police are doing now?

24                   MAYOR DeVITA: What?

25                   TRUSTEE NICKLAS: What the police are doing

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1 now when they go down there, they're turning on their  
2 speaker and saying anyone without a sticker on the car  
3 should leave or else they're going to be ticketed.

4 MAYOR DEVITA: They don't like to get out of  
5 the car.

6 TRUSTEE NICKLAS: I mean, that's an effective  
7 way of getting rid of the people.

8 MAYOR DEVITA: Look, if it works, fine.  
9 whatever, whatever. But, you know, it's just, I'll just  
10 be damned till I die what it takes to get them to write  
11 a parking ticket. And I raised holy hell in the last  
12 couple weeks. That's why they wrote these 13 tickets.  
13 But, you know, I got to sign a check tomorrow for a  
14 million dollars for the police for six months. It just  
15 gets my gourd that they will not write tickets.

16 So that being said, I've had this talk with  
17 Teddy. He's terrific. I'm glad he's back. He said  
18 he'd take care of it. So, we'll see.

19 TRUSTEE MIRITELLO: How visible is the sign  
20 telling people, you know, no parking without --

21 MAYOR DEVITA: I think there's more than one  
22 sign.

23 Is there, Nancy?

24 MS. POPPER: There's when you drive into the  
25 parking lot from Laurel Hollow Road and then there's one



## Proceedings

1 in the parking lot.

2 TRUSTEE MIRITELLO: There is.

3 TRUSTEE NICKLAS: I have no objection with  
4 raising it to 250.

5 MAYOR DeVITA: Okay.

6 Anybody else?

7 TRUSTEE MIRITELLO: No skin off my back.

8 DEPUTY MAYOR NEMSHIN: I have no objection to  
9 it.

10 MAYOR DeVITA: Howard, can you prepare an  
11 amendment?

12 MR. AVRUTINE: Yes.

13 MAYOR DeVITA: Okay.

14 THE CLERK: Is that a local law or no, it's  
15 just a --

16 MR. AVRUTINE: That's a local law. I'm going  
17 to have to look at it.

18 MAYOR DeVITA: It's amending our parking  
19 ordinance.

20 THE CLERK: Okay. So, are we scheduling a  
21 hearing?

22 MR. AVRUTINE: I think I should draft it  
23 first.

24 MAYOR DeVITA: And then schedule it for the  
25 following one.

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1 THE CLERK: Okay.

2 MAYOR DeVITA: Next is the Greater Long Island  
3 Running Club.

4 So they sent a letter, which everyone should  
5 have in their packet, dated March 11 saying that they're  
6 going to run the Ocean to Sound Relay through our  
7 village, and they don't care what we say, they're  
8 running it through the village on 25A.

9 Just to give you a recap of this race, this is  
10 the one that it's either two or three years ago both  
11 Oyster Bay Cove and us in conjunction with discussions  
12 with the chief said this race is out of control and  
13 should not be run through our villages. These runners,  
14 they run in the middle of the road. They have support  
15 vehicles that move five miles an hour. It's all kinds  
16 of issues. So we finally said you're not running  
17 through the village at all.

18 So, in my opinion, they're trying to be cute  
19 saying, well, we're not running through a village road  
20 even though it goes through your village and even though  
21 our police are responsible for, you know, monitoring all  
22 the roads whether they're state or county roads whether  
23 they're village roads that are in our village, and we're  
24 not providing any police support for this. I think it's  
25 bad faith. I think it's asking for trouble. And what

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1 I'd like to do is respond to them in a manner that says  
2 you're not permitted to come through the village, you  
3 should notify your insurer that this is a dangerous act,  
4 there'll be no police monitoring in your race, we've  
5 witnessed in the past runners almost getting run over  
6 running in the middle of the road, traffic being delayed  
7 by support vehicles, that kind of thing.

8 And on top of that, because I thought this was  
9 such a wiseguy thing, I would say we should revoke the  
10 conditional permission we gave them to run the triathlon  
11 through the village in August. If you remember that  
12 whole thing with Moores Hill Road, that we weren't sure  
13 because it may be partially under construction. It just  
14 brings back the whole idea.

15 I'm happy to listen to you guys on it, your  
16 different opinions. But you've got to think once in a  
17 while, what are we doing on a Sunday morning, the  
18 triathlon, closing the roads on the north side for what,  
19 for an organization that takes us for granted that  
20 doesn't do anything for us and trying to sneak this  
21 Ocean to Sound Relay race back through the village  
22 despite what we had told them in the past.

23 So as you can tell, I'm a little burned up  
24 about this because I feel like it's a little kind of a  
25 wiseguy, well, you know what, we don't need your

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1 approval, we're going to run on a state road. Well you  
2 know what, you're running through our village monitored  
3 by our police. Instead of repeating myself, you know  
4 where I'm coming from. So, I'm happy to hear what you  
5 think.

6 TRUSTEE NICKLAS: Which part of 25A are they  
7 going to be traversing?

8 MAYOR DeVITA: If memory services me right,  
9 they traverse from Cold Spring Harbor through to Oyster  
10 Bay.

11 DEPUTY MAYOR NEMSHIN: It's the same group  
12 that's looking for permission for both races?

13 MAYOR DeVITA: Yes.

14 DEPUTY MAYOR NEMSHIN: Our conversation was  
15 somewhat friendly for the first one other than we're  
16 having construction issues, we had to give them a no at  
17 that point. The last time they were in front of us  
18 about this, didn't we recently talk about it?

19 MAYOR DeVITA: We did. And we said we may be  
20 having construction.

21 DEPUTY MAYOR NEMSHIN: Oh, and we're not sure,  
22 we couldn't give them an answer because we didn't know  
23 about the construction. And now it's the same group but  
24 now they're trying to strong-arm us?

25 MAYOR DeVITA: Yes.

## Proceedings

1 TRUSTEE MIRITELLO: Where are they planning to  
2 run? Are they going to go Northern Boulevard to Cove?

3 MAYOR DeVITA: I don't know. They didn't give  
4 a map on this one. I don't know if they're going down  
5 Cove Road which is a county road that runs through  
6 Oyster Bay Cove or down to Berry Hill Road or down to  
7 106 or whatever. I really don't know.

8 TRUSTEE MIRITELLO: Northern Boulevard is the  
9 only stretch that they are going to be in our not even  
10 really our jurisdiction. Would they be in our  
11 jurisdiction?

12 MAYOR DeVITA: It is. Of course, it's our  
13 jurisdiction.

14 Our cops, yesterday, they're sitting out there  
15 writing tickets or at least they're sitting out there.  
16 They usually will sit out there to catch speeders. So,  
17 we are responsible for enforcement on that road.

18 TRUSTEE NICKLAS: And there's going to be no  
19 police there?

20 MAYOR DeVITA: No police.

21 TRUSTEE NICKLAS: It's going to be a disaster.

22 MAYOR DeVITA: In their own letter they say --

23 TRUSTEE NICKLAS: No police protection or  
24 presence.

25 MAYOR DeVITA: Yes. Conditions, there'll be

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1 no police presence, regular auxiliary at any  
2 intersections of local roads and State 25A for this  
3 event.

4 TRUSTEE NICKLAS: So I'm coming down Laurel  
5 Hollow Road and want to get across to Cold Spring Road,  
6 I'm screwed.

7 MAYOR DeVITA: Yes.

8 TRUSTEE NICKLAS: Something is wrong with  
9 that.

10 DEPUTY MAYOR NEMSHIN: Dan, was it something  
11 like a lawyer wrote the letter, was it like a legal  
12 letter?

13 MAYOR DeVITA: No. It's in your packet. It's  
14 from Robert Sherman, Ocean to Sound Relay Director. My  
15 response would be to Mike Polansky who is the head of  
16 the organization.

17 TRUSTEE MIRITELLO: Are they allowed to do  
18 something like that?

19 MAYOR DeVITA: Look, I don't think so. That's  
20 why we denied them the right to come through. But I'm  
21 not going to have the police out there arresting  
22 runners. So I'd rather just tell them, look, we're  
23 against this, it's unlawful, you should send a copy of  
24 this letter to your insurer. That kind of thing. And  
25 at the same time revoke any permission to do the

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1 triathlon. What other power do we have?

2 TRUSTEE MIRITELLO: What are they objecting  
3 to? Are they objecting to paying the police?

4 MAYOR DEVITA: No idea.

5 TRUSTEE MIRITELLO: I think you would give  
6 it if we were looking for, perhaps, some compensation.

7 MAYOR DEVITA: That was on the triathlon I  
8 made that comment. I said it would be nice if you made  
9 a donation. But they never got back to us. I didn't  
10 think they would.

11 But this one, this we sat with the chief and  
12 with the mayor next door. Nobody wanted this race. It  
13 was a problem for everybody. And that's when we said to  
14 them, no. This was a couple years ago. So they  
15 haven't. They didn't come back last year.

16 TRUSTEE NICKLAS: Howard, this sounds like  
17 it's got to be illegal. Why does the Long Island  
18 Marathon get permission and lock up the -- Meadowbrook  
19 or the Wantagh? Either one, but they get permission to  
20 do it. They just can't go and do it. I can't see how  
21 this group can have the authority or think they can  
22 legally go on a road like all the other roads they're  
23 traversing, but from our standpoint 25A.

24 MR. AVRUTINE: Just so I understand, they're  
25 running with traffic flowing as normal?

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1 MAYOR DeVITA: Correct.

2 MR. AVRUTINE: On 25A, so they run along the  
3 shoulder?

4 MAYOR DeVITA: They're supposed to, but I've  
5 seen them run in the middle, cross over, that kind of  
6 thing. It's crazy.

7 MR. AVRUTINE: I mean, you know,  
8 potentially --

9 MAYOR DeVITA: And guess what, someone will  
10 sue us.

11 MR. AVRUTINE: Of course they will. They'll  
12 sue everybody in sight, that will include the village.  
13 And we're not getting insurance from them, correct?

14 MAYOR DeVITA: Right.

15 MR. AVRUTINE: So, it's a problem.  
16 Unfortunately, your only recourse legally would be to  
17 get some sort of an injunction, which I don't imagine  
18 the village is inclined to do. So, there's exposure  
19 here. There's no question about it. They're not  
20 providing insurance. We can write all the letters we  
21 want telling them they're not authorized, but in the end  
22 we're not stopping them or trying to. So, therefore, we  
23 do have exposure if there's a problem. We'll be covered  
24 by our insurance, I would imagine, but it's something  
25 that is troublesome considering they don't have our



1 authority, they're not providing us with insurance as  
2 someone would if we were providing them with authority,  
3 and we're not taking steps to tell our police to stop it  
4 or whatever.

5 MAYOR DeVITA: So you know what, then it makes  
6 even more sense to revoke the triathlon because we say  
7 you're running an unauthorized, dangerous race without  
8 our permission, so that kind of organization we're not  
9 going to allow to run the triathlon through our village  
10 roads. That's what I think.

11 TRUSTEE NICKLAS: What Howard said, we really  
12 could have a major problem. God forbid we have one of  
13 these incidents like we had with this jerk that ran  
14 through the horse down on the Fourth of July and that  
15 how badly that affects our insurance. We already have a  
16 problem with our insurance.

17 TRUSTEE MIRITELLO: Has the chief already told  
18 us this is an unsafe situation?

19 MAYOR DeVITA: The last time when we all  
20 agreed to ban it he said it's out of control.

21 TRUSTEE MIRITELLO: Would he tell us again  
22 that it's an unsafe situation, and we just say no.

23 MAYOR DeVITA: We're going to say that.

24 Howard's point is -- well, look, I don't know  
25 what else we can do other than send them --

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1 MR. AVRUTINE: Let me ask this. I'm posing a  
2 hypothetical, if I may. Supposing you feel like on a  
3 Sunday morning running down the middle of 25A, isn't the  
4 police force going to move you out of the way?

5 MAYOR DeVITA: But when you've got a hundred  
6 racers or more, Howard, what can the police do, you  
7 know.

8 MR. AVRUTINE: I guess they can fine them, can  
9 summons them.

10 MAYOR DeVITA: What are they going to do.

11 TRUSTEE NICKLAS: Well, what if you threaten  
12 that, Dan, that the police will pull as many as they can  
13 over and there'll be severe fines?

14 MAYOR DeVITA: I've got to talk to the chief  
15 before I do that. Maybe he'll have some ideas.

16 And the other joke is, they at least used to  
17 have these, the rent-a-cops, the auxiliary guys. They  
18 don't do anything, but they're supposed to control  
19 traffic. But they are not even doing that.

20 MR. AVRUTINE: When you say, they, who are you  
21 referring to?

22 MAYOR DeVITA: The organization. They would  
23 arrange with Nassau County. The auxiliary cops used to  
24 stand at the intersections and try and do something.  
25 But it's very clear in their letter, it says no police

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1 presence.

2 MR. AVRUTINE: And I guess that their runners  
3 must sign, you know, running-at-your-own-risk waivers?

4 MAYOR DEVITA: Well, every race I was ever in  
5 I did do that. And you know the story with that,  
6 waiving negligence, good luck getting that enforced in a  
7 court.

8 TRUSTEE NICKLAS: As far as the liability,  
9 this is a State road, so if people step in a pothole and  
10 they break their ankle or something like that.

11 MAYOR DEVITA: You're right. To me, it is a  
12 State liability.

13 MR. AVRUTINE: Understand, they will sue --  
14 any personal injury lawyer sues the village, sues the  
15 State, sues the County. They sue everybody until the  
16 dust settles and the parties that don't belong in the  
17 case get themselves extricated. But the problem is,  
18 everybody gets involved at least in the beginning and it  
19 will have to be reported to the carrier and the carrier  
20 will have to assign counsel. The usual type of  
21 situation will unfold.

22 TRUSTEE NICKLAS: I mean, I'm just concerned  
23 about the fact we're not preferred to the insurance  
24 companies right now. We have a bad record. God forbid  
25 we get something else with this. I don't know what you

1 do, but it's something we have to be aware of.

2 MR. AVRUTINE: I think maybe it would be a  
3 good idea to speak to the chief. I don't believe  
4 there's not, there might be -- you know, we can send the  
5 letters that Dan is talking about to this gentleman, but  
6 at the end of the day if there is an incident, an  
7 injury, something of that nature, the village will have  
8 a suit against it. Whether the suit is ultimately valid  
9 and won't be thrown out of court is a different question  
10 than the fact that a suit will be brought and the  
11 village will have to defend it until such time that the  
12 village gets out of it. So that's the problem that you  
13 have. You can't stop it.

14 The only way you could effectively shield  
15 yourself from it is if they provide insurance to the  
16 village that would cover and we wouldn't have to submit  
17 a claim to our own carrier. But that's not happening  
18 here because they're not getting permission to do it and  
19 they're not going to provide us with insurance for  
20 something in turn they can't do.

21 TRUSTEE NICKLAS: It should be illegal then.  
22 There's got to be something in the law. They can run  
23 through my property then, based on what you're saying.

24 MR. AVRUTINE: Well what I'm saying is, in  
25 this particular instance if they don't have permission

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1 from the State to do this, then it's not legal. They're  
2 just doing it and no one is doing anything about it  
3 apparently. That's from my understanding here. Unless  
4 they have permission from the State. I don't know that  
5 they do or they don't. I don't know what they have.

6 But the point is they do, the portion of 25A  
7 that goes through the village, they would need our  
8 permission. They haven't gotten it. But they're  
9 saying, tough, you don't like it, too bad. That's what  
10 they're essentially saying. And so we could -- the only  
11 thing we can do that would be effective without a huge  
12 expense like trying to go to court and stop them, which  
13 would be probably problematic in and of itself, a judge  
14 is going to stop a foot race, I don't know that a judge  
15 would do that anyway, but the police would have to try  
16 to summons them as we talked about before which they may  
17 or may not be willing to do. And that really is the  
18 only option you have. They can't close 25A when they  
19 see the runners coming. You can't put barricades up.

20 MAYOR DeVITA: We've got to send a strong  
21 letter.

22 TRUSTEE NOVICK: Dan, did you contact them?  
23 It says, for additional information please call, and  
24 there's a number. Did we ask them those questions?

25 MAYOR DeVITA: There's no way I'm getting on

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1 the phone with these guys. Everything has to be by  
2 letter. This is their salvo across the bow. As far as  
3 I'm concerned, we send a strong letter telling they  
4 don't have permission, this is dangerous, it's against  
5 our, you know, they have no authorization, et cetera.

6 And I don't know about you, I still keep going  
7 back to let's hit 'em where it hurts. If it's so  
8 important for them to go through Laurel Hollow with  
9 their triathlon, let's cut 'em off at the knees and deny  
10 any permission to do that.

11 TRUSTEE NICKLAS: I agree.

12 TRUSTEE MIRITELLO: Have we given them  
13 permission already or no?

14 MAYOR DEVITA: Liz, do you remember?

15 MR. AVRUTINE: I think we did subject to what  
16 the construction --

17 THE CLERK: We did subject to last minute  
18 changing.

19 MAYOR DEVITA: So we will revoke it.

20 MR. AVRUTINE: Let me ask this question in  
21 apropos of this. You revoke it and they do it anyway,  
22 what do we do?

23 MAYOR DEVITA: The triathlon?

24 MR. AVRUTINE: Yeah. I'm just saying what do  
25 you do if they say, guess what, we're doing it anyway?

1 TRUSTEE MIRITELLO: Are there insurance  
2 requirements with the one we've already given  
3 permission?

4 MR. AVRUTINE: They would provide a  
5 certificate of insurance with that one, yes.

6 MAYOR DEVITA: You know what, then I have the  
7 police put barricades up on the intersection with Cove  
8 Road and Moores Hill Road and just let vehicular traffic  
9 through.

10 MR. AVRUTINE: Because if this guy -- if these  
11 people are the way they seem to be, they'll just flout  
12 you saying no and say it's a public road, I'm going.

13 MAYOR DEVITA: When it comes to village roads,  
14 they're trying to be cute --

15 MR. AVRUTINE: I get it.

16 MAYOR DEVITA: They can't do that with village  
17 roads.

18 TRUSTEE NICKLAS: That's a good idea, Dan.  
19 That'll stop them. So that's not an empty threat then  
20 as far as cutting them off from the triathlon?

21 MAYOR DEVITA: Yeah. Let's just do that.

22 Right now the next step is to send the letter  
23 saying this is unauthorized, et cetera, et cetera, and  
24 by the way, given your conduct we're revoking any  
25 consent to allow the triathlon to run through Laurel

1           Hollow.

2                   TRUSTEE MIRITELLO:  Could they sue us if we  
3           revoke?

4                   MAYOR DEVITA:  No.  Who are they going to sue?

5                   TRUSTEE MIRITELLO:  I don't know.  Is this  
6           going to cost us money with lawyers?

7                   MR. AVRUTINE:  Only if they had money that  
8           they're willing to pay a lawyer to do it.

9                   THE CLERK:  The pandemic, if you say we're  
10          also thinking that --

11                   MAYOR DEVITA:  No.  Why give them an out?  
12          Let's hit 'em where it hurts and say it's directly  
13          connected to you're going against, which we told you --  
14          we will look up the letter -- a couple years ago, which  
15          is you're no longer allowed to run this race through our  
16          village since you're directly defying us on that and  
17          presenting a dangerous situation, you no longer  
18          demonstrate the ability to run a safe, authorized race,  
19          and we are revoking any permission to run the triathlon  
20          through the village, something like that.

21                   MR. AVRUTINE:  If you're rescinding the prior  
22          approval, you'll need a motion on that.

23                   MAYOR DEVITA:  I'll move to rescind the prior  
24          approval to allow the triathlon to proceed through  
25          Laurel Hollow.  Seconded by Trustee Nicklas.



## Proceedings

1 Trustee Jusko?

2 TRUSTEE JUSKO: Aye.

3 MAYOR DeVITA: Trustee Tsafos?

4 TRUSTEE TSAFOS: Aye.

5 MAYOR DeVITA: Trustee Miritello?

6 TRUSTEE MIRITELLO: Aye.

7 MAYOR DeVITA: Trustee Nemshin?

8 DEPUTY MAYOR NEMSHIN: Aye.

9 MAYOR DeVITA: Trustee Novick?

10 Yes. I think there's a phone number there to  
11 ask for. And if they agree to have police or pay for  
12 the police to --

13 MAYOR DeVITA: Marty, you don't understand.  
14 Our police chief, he thinks this race is too dangerous  
15 to run through our village and he recommended  
16 terminating authorization from it a couple years ago as  
17 well as they did through Oyster Bay Cove. So, I'm not  
18 going to offer anyone police protection, you know, for  
19 something that our own police don't want us to have  
20 going through the village.

21 TRUSTEE NOVICK: What is Oyster Bay Cove's  
22 position on this?

23 MAYOR DeVITA: I told you, they're in  
24 conjunction with us. They disallowed this race from  
25 going through their village as well a couple years ago.

1 That's why it was important to have both villages tell  
2 them you're not going through our village anymore.

3 It's up to you. Vote whatever way you want to  
4 vote.

5 TRUSTEE NOVICK: I'll vote aye.

6 MAYOR DEVITA: Nancy, thank you.

7 Liz, now you can do some talking, Fixed Asset.

8 THE CLERK: Two months ago, the Board, we  
9 agreed to comply with GASB 34, General Accounting  
10 Standards -- Governmental Accounting, which includes a  
11 schedule that shows all our capital assets and then  
12 accumulated depreciation. And in order to do that, you  
13 really need a threshold as to what is considered a fixed  
14 asset versus just an expendable. And just dealing with  
15 the auditors, the Village recommended about a thousand.

16 So I wanted approval tonight to set a fixed  
17 asset policy of \$1,000 for capitalizing for our new  
18 government-wide financial statements. So basically  
19 that's it, to comply with the new requirement for the  
20 audit to set a fixed asset policy of \$1,000.

21 So that would include things like the two  
22 poles we bought this year. I can't think of anything  
23 else. It would exclude our computers that may or not  
24 hit a thousand. Things like chairs. You know, we  
25 bought a small refrigerator, replaced one in the

## Proceedings

1 kitchen. So that would not be considered a fixed asset.

2 MAYOR DeVITA: Are things like the trucks  
3 considered?

4 THE CLERK: Yes.

5 TRUSTEE TSAFOS: Anything over \$1,000 are  
6 fixed assets. Anything less than \$1,000 because it's  
7 not worth the cost of tracking it would just be expensed  
8 when we receive the item.

9 MAYOR DeVITA: Is this going to be a lot of  
10 extra paperwork, Liz?

11 THE CLERK: No, because I have the schedule  
12 from the auditors already with all our fixed assets that  
13 they've kind of held in their possession over time. So  
14 I'm just going to work off that and add to it.

15 You know, we're still going to keep the fund  
16 accounts the way we've always kept them, but there's  
17 going to be a separate statement that for external  
18 reporting purposes is going to show the fixed assets and  
19 accumulated depreciation. But to know what to put on that  
20 schedule we need a threshold. So if I can get approval  
21 tonight for the \$1,000 as our fixed asset threshold.

22 MAYOR DeVITA: Is that too low, Nick?

23 THE CLERK: I'm only going by the  
24 recommendation. We could make it higher, make it go to  
25 two. We can go to five.

## Proceedings

1 TRUSTEE TSAFOS: I would not have a problem  
2 with \$1,000. Is it too low? Yeah, you could make that  
3 argument. But at the same time, would it be misleading  
4 to the reader of the financial statements if you went  
5 higher. So if you look at our excess fund balance or  
6 let's say revenues -- I shouldn't say revenues, if our  
7 receipts are greater than our expenditures for the year,  
8 let's say they were greater by \$60,000, and you expensed  
9 everything less than \$2,000 and you had three or four  
10 items that met that criteria, you can get up to 5 or  
11 \$6,000. So on \$60,000 when revenues exceeds  
12 expenditures, 5 or \$6,000 can be around 10 percent. So  
13 I would keep it at \$1,000.

14 MAYOR DeVITA: Okay. You need a motion?

15 THE CLERK: Yes.

16 MAYOR DeVITA: I'll move to approve the fixed  
17 asset policy. Second, Deputy Mayor Nemshin.

18 Trustee Jusko?

19 TRUSTEE JUSKO: Aye.

20 MAYOR DeVITA: Trustee Tsafos?

21 TRUSTEE TSAFOS: Aye.

22 MAYOR DeVITA: Trustee Miritello?

23 TRUSTEE MIRITELLO: Aye.

24 MAYOR DeVITA: Trustee Nicklas?

25 TRUSTEE NICKLAS: Aye.

## Proceedings

1 MAYOR DeVITA: Trustee Novick?

2 TRUSTEE NOVICK: Aye.

3 MAYOR DeVITA: Okay. Tax levy.

4 THE CLERK: This is the levy for us to raise  
5 taxes in the new fiscal year. I don't have it in front  
6 of me, but I believe it's two --

7 MAYOR DeVITA: Point eight and change.

8 Just so Ron has it for his records, the amount  
9 is \$2,825,898.25. So Ron, that's 2825898.25.

10 THE CLERK: So, a motion for I believe it says  
11 for the Mayor to sign the warrant, which I'll include in  
12 the minutes of this.

13 MAYOR DeVITA: It's Trustee Nicklas who moved.  
14 Second, Trustee Nemshin. I vote aye.

15 Trustee Jusko?

16 TRUSTEE JUSKO: Aye.

17 MAYOR DeVITA: Trustee Tsafos?

18 TRUSTEE TSAFOS: Aye.

19 MAYOR DeVITA: Trustee Miritello?

20 TRUSTEE MIRITELLO: Aye.

21 MAYOR DeVITA: Trustee Novick?

22 TRUSTEE NOVICK: Aye.

23 THE CLERK: Mayor, may I bring up the letter I  
24 e-mailed you today?

25 MAYOR DeVITA: Yes.

## Proceedings

1 THE CLERK: Because --

2 MAYOR DEVITA: This county, our favorite level  
3 of government, is driving Liz crazy here.

4 THE CLERK: The County just passed, and I got  
5 a letter today, I guess they got approval from the State  
6 to spread out increase in the assessed value, any  
7 property owners, mostly north shore, over five years.  
8 And the way they're doing that is issuing an exemption,  
9 and it's probably the majority of the village who will  
10 be getting an exemption on their school and general  
11 taxes that takes that increase over five years so you  
12 won't get hit all at once. Unfortunately, they forgot  
13 the villages who use the county roll and at the last  
14 minute they told us, you know, here's your roll, back on  
15 April 1, so we all worked hard getting our roll  
16 prepared, and then just recently told us you now have a  
17 new roll with this exemption. It got a little confusing  
18 because the County said, well, it doesn't apply to  
19 villages. well, today -- but I have to share the letter  
20 with Howard -- it said it's left up to the villages to  
21 decide legally what to do.

22 And after I e-mailed Dan saying, you know,  
23 maybe it's not worth doing, we'll just ignore the  
24 exemption for five years and leave it alone, I think  
25 it's better now that we do agree with the County because

## Proceedings

1 the people who are entitled to this exemption are going  
2 to want to know why the village didn't honor it.

3 MAYOR DEVITA: How much money are we talking  
4 about?

5 THE CLERK: It varies. It's in relationship  
6 to your increase over last year. So I was going through  
7 the roll I got this afternoon. Some people it's a  
8 30 percent exemption. Some people it's 15.

9 The roll itself that I prepared, the village  
10 ended up with a net assessed value after exemption of --  
11 the roll I got on April 1, the village would be assessed  
12 at, net assessed at 1,068,807. The roll I got today it  
13 goes down to 756,154. I mean, it's --

14 MAYOR DEVITA: Liz, does that mean that we  
15 have to increase taxes even more?

16 THE CLERK: No. No. The levy is the levy.  
17 It's the rate.

18 MAYOR DEVITA: Well, the rate, if you increase  
19 the rate, the people's taxes are going to go up, right?

20 THE CLERK: If their assessment goes down, the  
21 rate goes up.

22 MAYOR DEVITA: Right. So, they're going to  
23 pay more in taxes, some people?

24 THE CLERK: It depends. It depends on your  
25 increase. It's being spread over five years, that's

1 really what we're talking about, versus getting hit all  
2 at once.

3 My initial reaction was the amount of work is  
4 ridiculous because I just finished it and it's 168  
5 pages, the roll. So now it's going through again and  
6 entering everybody's exemption. But then you realize  
7 that these are residents who are entitled to it. It's  
8 not 100 percent of the village. So those residents say  
9 who didn't, their taxes didn't increase or even went  
10 down, percent value, the burden is going to shift to  
11 them a little. But the exemption is, you know, going to  
12 be shown on their county bill and their school bill. So  
13 after I sent you the letter saying, you know, maybe we  
14 shouldn't do it, you know, we're supposed to comply with  
15 the County roll.

16 MAYOR DEVITA: Who qualifies for this  
17 exemption?

18 THE CLERK: Anybody whose assessed value  
19 increased after that re-val that the County --

20 DEPUTY MAYOR NEMSHIN: It's going to be the  
21 high percentage of the village who are --

22 THE CLERK: Which is almost everybody in the  
23 village.

24 DEPUTY MAYOR NEMSHIN: It's going to be a high  
25 percentage of north shore homes. They basically took



## Proceedings

1 all the people that have been fighting their taxes for  
2 all these years to lower them, they now came back and  
3 said we're going to do a do-over, we're going to redo  
4 everybody and now the people who didn't -- the people  
5 who didn't challenge their taxes for all the years,  
6 we're going to help them out. And basically they're  
7 shifting the tax burden to more of the probably the  
8 higher-end properties and shifting away from the  
9 lower-end properties just randomly through their new  
10 assessment.

11           They passed that already, Dan. The big fight  
12 in the County was, you passed it but now -- and people  
13 are going to have -- I think I figured out my increase  
14 was like maybe 20 percent, 18, 20 percent increase on my  
15 taxes. So now it took them a while because between the  
16 two parties, the Republicans were holding out to try and  
17 do something and it delayed the decision which you knew  
18 they were going to agree to let them delay. To delay  
19 the decision you knew they were going eventually agree  
20 to say if your taxes went up we're going to spread the  
21 increases over five years. So, your taxes are going to  
22 go up a little slower, 20 percent slower a year or 20  
23 percent a year over five years of what the increase  
24 would be right now this year. You kind of have to do  
25 it.

## Proceedings

1 THE CLERK: You kind of have to do it.

2 DEPUTY MAYOR NEMSHIN: Everyone is going to be  
3 screaming and yelling if they're not following the  
4 paperwork they're getting, which most people aren't, and  
5 they get that tax bill.

6 MAYOR DeVITA: Okay.

7 DEPUTY MAYOR NEMSHIN: So at least it's going  
8 to lighten the impact of getting this 20 percent  
9 increase all at once.

10 MAYOR DeVITA: All right.

11 TRUSTEE NICKLAS: Dan, any financial impact on  
12 the village because taxes will be going up?

13 THE CLERK: No. Taxes aren't changing. The  
14 levy is the same. The village, to be honest with you,  
15 everybody is in the same boat so it really isn't  
16 accomplishing much.

17 MAYOR DeVITA: Jeff, correct me if I'm wrong.  
18 If people's rates have to go up to make up for the  
19 decrease in the assessed value, then there are certain  
20 people who are going to pay more than others for a tax  
21 increase.

22 DEPUTY MAYOR NEMSHIN: That's no different  
23 than every year. Every year everyone's assessment  
24 changes. Some go up. Some go down. Everyone's  
25 assessment changes every year. And then you throw on

1 top of that the balance that we do with Huntington. No  
2 one can ever figure it out anyway. Between those two  
3 concepts, the assessments changing every year in Nassau  
4 and then their balance formula that we win or lose with  
5 the State, everyone's taxes change every year. We could  
6 not change our levy a dime and everyone's taxes are  
7 going to change. It's based on your neighbor. If your  
8 neighbor's go up, yours is going to go down. If yours  
9 go up, your neighbor's is going to go down. The whole  
10 thing balances out. We're still raising the same amount  
11 of taxes. It means everyone is going to pay a different  
12 percentage. We get that every year.

13 THE CLERK: But my real point is, I think we  
14 need to comply with the County even though it's --

15 MAYOR DeVITA: All right. Do you need a  
16 motion?

17 THE CLERK: No, because that's what we do  
18 anyway.

19 MAYOR DeVITA: We follow the County tax roll.

20 THE CLERK: Yes. It would be if the other  
21 thing that I said, let's keep the original roll and not  
22 offer the exemption. Then I think Howard would have to  
23 look into that because the County pushed it off to the  
24 villages saying that's the villages' legal problem, not  
25 ours.

## Proceedings

1 DEPUTY MAYOR NEMSHIN: They delayed their  
2 decision. A political tug of war. They were against  
3 the assessments, which they lost, but they were holding  
4 out to, you know, sort of confirming how it's going to  
5 get dealt with.

6 MAYOR DeVITA: Did Curran, was she ever forced  
7 to release the algorithms on which they based it? She  
8 kept saying it was secret.

9 DEPUTY MAYOR NEMSHIN: That's what one of the  
10 things they were fighting. They were demanding she  
11 provide the information and the formula. She provided  
12 something and it wasn't, you know. It's a party line  
13 thing. They're just fingers at both sides. And it's  
14 unfortunate, they delayed the thing, they sent out the  
15 rolls, and --

16 This whole thing that I deal with, the  
17 schools, they have the same problem every year. Nassau  
18 County and Suffolk County never get their information in  
19 on time to the school district for the school district  
20 to apportion the taxes. They care about no one but  
21 themselves.

22 MAYOR DeVITA: All right.

23 THE CLERK: There is no motion or anything.  
24 It's just what is the village is going to now get, and I  
25 think the code is 40210 which is this TPP exemption for

1 spreading that increase over five years.

2 Unless, Howard, do we need to approve the  
3 motion, I mean do we need to approve the exemption?

4 MR. AVRUTINE: It can't hurt. Just pass the  
5 motion approving the exemption. The worst it can be is  
6 redundant.

7 THE CLERK: So, a motion to approve the  
8 Taxpayer Protection Program exemption is what I need.

9 MAYOR DeVITA: I'll move. Second, Trustee  
10 Nemshin.

11 Trustee Jusko?

12 TRUSTEE JUSKO: Aye.

13 MAYOR DeVITA: Trustee Tsafos?

14 TRUSTEE TSAFOS: Aye.

15 MAYOR DeVITA: Trustee Miritello?

16 TRUSTEE MIRITELLO: Aye.

17 MAYOR DeVITA: Trustee Nicklas?

18 TRUSTEE NICKLAS: Aye.

19 MAYOR DeVITA: Trustee Novick?

20 TRUSTEE NOVICK: Aye.

21 MAYOR DeVITA: We're under the abstracts. I  
22 had a chance to review Howard's bill, Liz. So you can  
23 add that and I'll sign it tomorrow.

24 THE CLERK: Okay. So, without the other --

25 MAYOR DeVITA: Leave the other for now.

## Proceedings

1 THE CLERK: So a motion to approve --  
2 MAYOR DeVITA: The abstracts.  
3 THE CLERK: Without the other legal bills?  
4 MAYOR DeVITA: Without the Berkman Henoch  
5 bills.  
6 THE CLERK: Correct.  
7 MAYOR DeVITA: I'll move. Second, Trustee  
8 Nicklas.  
9 Trustee Jusko?  
10 TRUSTEE JUSKO: Aye.  
11 MAYOR DeVITA: Trustee Tsafos?  
12 TRUSTEE TSAFOS: Aye.  
13 MAYOR DeVITA: Trustee Miritello?  
14 TRUSTEE MIRITELLO: Aye.  
15 MAYOR DeVITA: Trustee Nemshin?  
16 DEPUTY MAYOR NEMSHIN: Aye.  
17 MAYOR DeVITA: Trustee Novick?  
18 TRUSTEE NOVICK: Aye.  
19 MAYOR DeVITA: Budget transfers, Liz.  
20 THE CLERK: Next month.  
21 MAYOR DeVITA: So skip that?  
22 THE CLERK: Yes.  
23 MAYOR DeVITA: GASB 75.  
24 THE CLERK: This is to --  
25 MAYOR DeVITA: Just give some background.

## Proceedings

1 THE CLERK: Two months ago, I believe, the  
2 Board approved up to 2750 for an actuarial valuation for  
3 other than pension benefits given to retirees, and I had  
4 explained that it's for smaller villages, it's an every  
5 three year valuation. That was under GASB 45. GASB 75,  
6 which is I'm thinking 2019, now requires every two years  
7 for all villages despite the size.

8 So I didn't want the Board to not be updated.  
9 We got a quote from an actuary who will charge us 1,800  
10 every two years and then 200 for the roll forward year,  
11 the year in between. So it wouldn't be a full valuation  
12 that second year. So the every two years instead of  
13 every three years is what I wanted the Board to, I  
14 guess, now approve. I had asked for approval for every  
15 three years. So, if we can change that approval to  
16 every two years, that's what that is, you know, for.

17 MAYOR DEVITA: Basically, it works out to  
18 basically the same amount per year.

19 THE CLERK: Yeah. A little more.

20 So if I can get a motion to approve the  
21 actuary valuation as amended to every two years instead  
22 of three.

23 MAYOR DEVITA: I'll move.

24 TRUSTEE MIRITELLO: Are we approving the  
25 amounts or approving -- we have no choice.

## Proceedings

1           MAYOR DeVITA: No, you do. To be fair here,  
2 as we discussed last time, you can refuse to do it. I  
3 don't want to refuse to do it because we get these lousy  
4 notes in the financial reports and, you know, it's, and  
5 we talked about this, I find no need for it. They're  
6 public documents. This costs us, it's not a little  
7 amount of money, it's not a lot amount of money, but  
8 it's money that the general accounting principles are  
9 telling us this is what we've got to do now. So I don't  
10 know.

11           Nick, you can answer better this question.

12           TRUSTEE TSAFOS: I think it's definitely  
13 worthwhile doing because it gets our financial  
14 statements in accordance with the accounting standards  
15 that the village is supposed to follow. That being  
16 said, because these financial statements could be looked  
17 at by the public, and it's always good to have financial  
18 statements that are in compliance with the accounting  
19 standards because nobody can come back and say you guys  
20 are not even following the standards you're supposed to  
21 follow. And I would suspect that a number of people  
22 that live in the village are sophisticated enough to  
23 read financial statements that could be critical of what  
24 we're doing.

25           MAYOR DeVITA: So I'll move. Second, Trustee



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Tsafos.

Trustee Jusko?

TRUSTEE JUSKO: Aye.

MAYOR DeVITA: Trustee Miritello?

TRUSTEE MIRITELLO: Aye.

MAYOR DeVITA: Trustee Nicklas?

TRUSTEE NICKLAS: Aye.

MAYOR DeVITA: Trustee Nemshin?

DEPUTY MAYOR NEMSHIN: Aye.

MAYOR DeVITA: Trustee Novick?

TRUSTEE NOVICK: Aye.

MAYOR DeVITA: Okay. Kane Exterminating.

It's a renewal. It's like an insurance. But I have to tell you, like two weeks ago I was at the Village Hall and this guy came up and said I'm here to do the exterminating. I'm like, okay. And he went around and did it. I think it was probably premature for him to be there and for me to approve, but they did their treatments or whatever. So, I guess this is kind of a retroactive approval of I think this is termite treatment.

MR. AVRUTINE: A motion to ratify?

TRUSTEE NICKLAS: I move that the Mayor pay it.

MAYOR DeVITA: Next time I'll buy the spray

1 myself.

2 TRUSTEE MIRITELLO: well, they don't actually  
3 spray for termites.

4 MAYOR DeVITA: I know. whatever they stick in  
5 the ground. So, do we have a motion?

6 MR. AVRUTINE: It would be a motion to ratify  
7 the Mayor's authorization to --

8 TRUSTEE MIRITELLO: what does that cost?

9 THE CLERK: Almost three hundred and --

10 MAYOR DeVITA: Three hundred, even.

11 TRUSTEE MIRITELLO: I'm saying it's a waste of  
12 money for next year.

13 MAYOR DeVITA: Okay.

14 TRUSTEE MIRITELLO: But for now, yes, I make a  
15 motion.

16 MAYOR DeVITA: Trustee Jusko, do you want to  
17 second?

18 TRUSTEE JUSKO: I'll second.

19 MAYOR DeVITA: I vote aye.

20 Trustee Tsafos?

21 TRUSTEE TSAFOS: Aye.

22 MAYOR DeVITA: Trustee Nicklas?

23 TRUSTEE NICKLAS: Aye.

24 MAYOR DeVITA: Trustee Nemshin?

25 DEPUTY MAYOR NEMSHIN: Aye.

## Proceedings

1 MAYOR DeVITA: Trustee Novick?

2 TRUSTEE NOVICK: Aye.

3 MAYOR DeVITA: Next is another kind of  
4 insurance, a maintenance policy/insurance policy for the  
5 phones.

6 THE CLERK: Yes.

7 MAYOR DeVITA: We go through this every year.  
8 The problem is I think we have had to replace one once  
9 and it's actually, I think, maybe as much or more  
10 expensive.

11 Liz, didn't we have to replace one once when  
12 you came in?

13 THE CLERK: I know we've had some troubles,  
14 you know, since I've been here, but nothing to speak of.  
15 But, you know, they're getting old so it's probably  
16 worth it.

17 MAYOR DeVITA: It's \$440, I think.

18 THE CLERK: 344.

19 MAYOR DeVITA: So motion to approve the SST  
20 coverage. I'll make a motion. Second, Trustee Jusko.  
21 Trustee Miritello?

22 TRUSTEE MIRITELLO: Aye.

23 MAYOR DeVITA: Trustee Nicklas?

24 TRUSTEE NICKLAS: Aye.

25 MAYOR DeVITA: Trustee Tsafos?

## Proceedings

1 TRUSTEE TSAFOS: Aye.

2 MAYOR DeVITA: Trustee Nemshin?

3 DEPUTY MAYOR NEMSHIN: Aye.

4 MAYOR DeVITA: Trustee Novick?

5 TRUSTEE NOVICK: Aye.

6 MAYOR DeVITA: And the highway cleaning  
7 services. Liz, why don't you explain it. It's to  
8 renew. We don't have a new agreement.

9 THE CLERK: If it's the Board's desire to  
10 renew, it's up on 6/30, and if so, then I'll write the  
11 Town and then they put it on their calendar for their  
12 approval.

13 MAYOR DeVITA: The contract actually that's in  
14 existence, I mean we should probably, if this doesn't  
15 cover it, we should have one -- the actual contract, it  
16 was first initiated for sweeping and we thought, which  
17 we did use one year for backup, it was very expensive to  
18 use the Town. But the contract actually says cleaning  
19 services. So I'm wondering if that would cover, if we  
20 needed them, to help remove trees. I don't know if it  
21 would. But the Town on these weekly calls in the  
22 beginning, the supervisor said if any of the villages  
23 need an inter-municipal agreement for the Town to  
24 provide assistance for whatever, and in my mind it would  
25 be for roadwork or trees, they're ready to sign

## Proceedings

1 inter-municipal agreements quickly.

2 It's probably a good thing to have in our back  
3 pocket. It costs us nothing. And if we have one of  
4 these horrible emergencies, hurricanes, whatever, it's  
5 probably good to have them in our back pocket as well.

6 Howard, do you think cleaning services would  
7 cover things like trees or roadwork, or should we get a  
8 separate agreement with the Town?

9 MR. AVRUTINE: My understanding was that this  
10 agreement covered street sweeping only, but that could  
11 be wrong. I think that that was always what the  
12 intention was. I suspect though that the Town, as you  
13 indicated, the Town will do whatever you want as long as  
14 you pay them their high rates because they have the  
15 ability to do, you know, pretty much whatever the  
16 village would need. So if you like, we should clarify  
17 it.

18 MAYOR DeVITA: Liz, can you call the woman  
19 from the Town. Tell her that we'll renew this but we'd  
20 also like an inter-municipal agreement for a public  
21 works services.

22 TRUSTEE MIRITELLO: Why would we want to use  
23 them?

24 MAYOR DeVITA: I'm just thinking, Jeff, if we  
25 had like another hurricane and, you know, our guys were

1 maxed out. You remember we had to have, I forgot that  
2 guy who owned -- the one who -- Gary Mealous (phonetic).  
3 We had his trucks in here remove stuff. If we get a  
4 natural emergency like that again, I just want us to be  
5 prepared. So if our guys are all working, we can pick  
6 up the phone and say -- and the supervisor, Jeff, you  
7 heard him on these calls, they're very willing to jump  
8 in and help the villages. So I just want to be able to  
9 have an inter-municipal agreement in place that would  
10 allow us to pick up the phone and say, do you got any  
11 other trucks that can help us out in this  
12 hurricane-laden atmosphere or whatever. It's just good  
13 to have in the back pocket like the sweeping. If you  
14 ever need it again, it's there instead of you trying to  
15 get it done after the disaster happens.

16 TRUSTEE NICKLAS: It's a like a zero-cost  
17 insurance policy, right.

18 MAYOR DeVITA: Right.

19 TRUSTEE MIRITELLO: Motion.

20 MAYOR DeVITA: We don't need a motion.

21 Liz, you'll ask her for that if you don't  
22 mind.

23 THE CLERK: Mayor, just two things I forgot.  
24 The police bill, if I can get to pay --

25 MAYOR DeVITA: Authorization to pay, and I

1 will pay --

2 THE CLERK: The new fiscal year.

3 MAYOR DeVITA: The new fiscal year, June 1 or  
4 after.

5 Do you need a motion for that?

6 MR. AVRUTINE: Yes.

7 MAYOR DeVITA: This is a  
8 nine-hundred-something-thousand-dollar bill.

9 I'll move. Anybody second? Trustee Tsafos.  
10 Trustee Jusko?

11 TRUSTEE JUSKO: Aye.

12 MAYOR DeVITA: Trustee Miritello?

13 TRUSTEE MIRITELLO: Aye.

14 MAYOR DeVITA: Trustee Nemshin?

15 DEPUTY MAYOR NEMSHIN: Aye.

16 MAYOR DeVITA: Trustee Nicklas?

17 TRUSTEE NICKLAS: Aye.

18 MAYOR DeVITA: Trustee Novick?

19 TRUSTEE NOVICK: Aye.

20 THE CLERK: And then the June meeting.

21 MAYOR DeVITA: what's the date scheduled right  
22 now?

23 THE CLERK: The day after election, the 17th.

24 MR. AVRUTINE: I'll check. It's the 17th.

25 MAYOR DeVITA: So, the thought was two things.

## Proceedings

1           Assuming that people are still not commuting, would you  
2           want to, number one, make the hour of the meeting a  
3           little earlier? And number two, since the elections  
4           aren't in June, should we just move it up a little to  
5           the second week in June, from the 17th to the 10th?

6                     THE CLERK: And then the opposite with the  
7           September meeting, after the election.

8                     MAYOR DeVITA: We'd have to move it.

9                     MR. AVRUTINE: Well, you're not setting the  
10          dates for the next year's meetings until the  
11          organizational meeting, so --

12                    THE CLERK: That's true.

13                    MAYOR DeVITA: Although, we're going to have  
14          to set a different September. The organizational  
15          meeting is after the election. But we have to set a  
16          different September meeting date because the election is  
17          now pushed into September.

18                    MR. AVRUTINE: The Board is going to have to  
19          set dates anyway because the Board hasn't set July --  
20          anything past June so far -- I mean July.

21                    MAYOR DeVITA: If you want to do that, we can  
22          do that.

23                    THE CLERK: We can just do the June meeting  
24          and then --

25                    MAYOR DeVITA: July we have set for the 15th.



## Proceedings

1 We have right now that set as the 15th. You can leave  
2 it.

3 THE CLERK: Right. It was just the June  
4 meeting to move up and then we can, in July, set the  
5 September meeting.

6 MAYOR DeVITA: Yeah. So number one, are you  
7 good with moving it up? I mean, we can keep it there.  
8 Whatever you want to do.

9 TRUSTEE JUSKO: Either way.

10 MAYOR DeVITA: In terms of making it earlier,  
11 is that doable, especially Nick and Kevin? Do you have  
12 any plans right now? Do you think you'll be commuting  
13 by June?

14 TRUSTEE TSAFOS: No. I won't be commuting.

15 TRUSTEE JUSKO: I will not be commuting.

16 MAYOR DeVITA: So you want to make it earlier  
17 instead of waiting until seven?

18 TRUSTEE TSAFOS: Sure.

19 TRUSTEE JUSKO: Yes.

20 TRUSTEE NOVICK: When do you have dinner? I  
21 mean --

22 MAYOR DeVITA: If you want to leave it, we'll  
23 leave it. I thought maybe instead of sitting around  
24 waiting for the meeting you might want to knock it off  
25 earlier.

## Proceedings

1 TRUSTEE JUSKO: Whatever works for everybody  
2 else.

3 MAYOR DeVITA: What does everybody think?

4 TRUSTEE MIRITELLO: It doesn't matter to me.

5 TRUSTEE NICKLAS: It doesn't matter to me.

6 TRUSTEE MIRITELLO: Marty wants to eat.

7 MAYOR DeVITA: So, we'll leave it then. Let's  
8 just leave it.

9 Right now it's June 17 at seven.

10 MR. AVRUTINE: I think Marty asked if 5 p.m.  
11 is better.

12 MAYOR DeVITA: It's what everybody feels like.  
13 If they'd rather have a better dinnertime and come  
14 after, it's just it's nine o'clock already. We're  
15 probably going to be another hour or less in executive  
16 session. It seems why are we starting so late and  
17 ending late if we can knock an hour or two earlier,  
18 start an hour or two earlier. But, you know --

19 TRUSTEE NOVICK: Make it five o'clock.

20 MAYOR DeVITA: I asked that.

21 DEPUTY MAYOR NEMSHIN: Go to six.

22 MAYOR DeVITA: How is six?

23 TRUSTEE TSAFOS: Six.

24 MAYOR DeVITA: So, six o'clock. We'll keep it  
25 on the 17th. And, Liz, we'll change it to six.

## Proceedings

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MR. AVRUTINE: We need a motion.

MAYOR DeVITA: I'll move. Second, Trustee  
Nicklas.

Trustee Miritello?

TRUSTEE MIRITELLO: Aye.

MAYOR DeVITA: Trustee Jusko?

TRUSTEE JUSKO: Aye.

MAYOR DeVITA: Trustee Tsafos?

TRUSTEE TSAFOS: Aye.

MAYOR DeVITA: Trustee Nemshin?

DEPUTY MAYOR NEMSHIN: Aye.

MAYOR DeVITA: Trustee Novick.

TRUSTEE NOVICK: Aye.

MAYOR DeVITA: Now I'll move to adjourn to  
executive session to discuss litigation. Second,  
Trustee Nicklas.

Trustee Miritello?

TRUSTEE MIRITELLO: Aye.

MAYOR DeVITA: Trustee Jusko?

TRUSTEE JUSKO: Aye.

MAYOR DeVITA: Trustee Tsafos?

TRUSTEE TSAFOS: Aye.

MAYOR DeVITA: Trustee Nemshin?

DEPUTY MAYOR NEMSHIN: Aye.

MAYOR DeVITA: Trustee Novick?

## Proceedings

1 TRUSTEE NOVICK: Aye.

2 Okay.

3 (Whereupon, the Board adjourned to executive  
4 session.)

5 MAYOR DeVITA: We'll make a motion to  
6 authorize the attorneys to sign the settlement  
7 agreements as approved by the Board of Trustees.  
8 Second, Trustee Miritello. We'll poll everyone.

9 Trustee Jusko?

10 TRUSTEE JUSKO: Aye.

11 MAYOR DeVITA: Trustee Tsafos?

12 TRUSTEE TSAFOS: Aye.

13 MAYOR DeVITA: Trustee Nemshin?

14 DEPUTY MAYOR NEMSHIN: Aye.

15 MAYOR DeVITA: Trustee Nicklas?

16 TRUSTEE NICKLAS: Aye.

17 MAYOR DeVITA: Trustee Novick?

18 TRUSTEE NOVICK: Aye.

19 MAYOR DeVITA: That's everyone.

20 And then, Liz, do you need a vote on the  
21 abstract for Joe's bill or --

22 THE CLERK: Unless you just want to --

23 MR. AVRUTINE: Why don't you include it in the  
24 prior motion.

25 MAYOR DeVITA: It's included in the prior

1 motion, okay.

2 MR. AVRUTINE: I was just going to say, at  
3 this point maybe, Joe, why don't you explain to the  
4 Board what happens next now that you're authorized to  
5 sign the settlement agreement.

6 JOSEPH MACY: Certainly.

7 We will file this settlement agreement on  
8 what's called ECF, Electronic Case Filing, also  
9 sometimes known as PACER, Public Access to Court  
10 Electronic Records. That will be submitted to the  
11 judge. We may have to make a joint application because,  
12 as many of you know, she issued an order rather  
13 precipitously on Monday morning dismissing the case with  
14 leave to reopen within 30 days. So we may have to ask  
15 her to reopen it for the limited purpose of so ordering  
16 the settlement agreement. I don't anticipate any issue  
17 with that. She'll do that.

18 She will then review the settlement agreement.  
19 Between all of us, she's not going to give this a hard  
20 read. She's going to be happy that this case is off her  
21 docket. She will then so order it. It will become an  
22 official order of the Court. And then at that point we  
23 are then bound by the terms of the settlement which, as  
24 you all know, gives you that 30 days to vote on the  
25 right-of-way use agreement and on the special use

## Proceedings

1 permit. So at that point now we will go back into the  
2 process.

3 I would anticipate that she will likely sign  
4 this order within a matter of five to seven days. She's  
5 pretty quick in that respect.

6 MAYOR DeVITA: Joe, once she does that, just  
7 let us know because at that point it triggers for us, I  
8 have to let the residents know, send a letter. And  
9 also, I just don't remember, they sent us all these  
10 things on electronic format? Because we're going to  
11 want to post it on our website for the residents to  
12 view. So, do we need a disk or is that all electronic  
13 at this point?

14 JOSEPH MACY: Dan, everything that is in the  
15 settlement packets that you have I had downloaded from  
16 the electronic copies that we had. So the only thing I  
17 will not have obviously is the signed so ordered  
18 settlement agreement. I can forward everything to you  
19 in electronic form if that's of assistance.

20 MAYOR DeVITA: You can forward to Liz.

21 JOSEPH MACY: Certainly.

22 MAYOR DeVITA: She's going to have to post it  
23 on the website.

24 Not yet, Liz. We have to wait for the judge's  
25 signature.

1 MR. AVRUTINE: Joe, is it set up that, for  
2 instance, the three page drawings and the simulation  
3 together? Because when Crown sent it over it wasn't  
4 that way, they were all separate.

5 JOSEPH MACY: It is all separate, Howard. I  
6 could go back, have it scanned in the form that it is  
7 currently in, if that's of assistance to the village.  
8 Now I will tell you, that will be too big to transmit  
9 electronically. I'll have to put that either on a flash  
10 drive or disk and bring that to Liz. But if you want it  
11 in that format, I can do it that way.

12 MAYOR DEVITA: Let me ask you, Joe, to get it  
13 in the format which you got us in the Velobind, was that  
14 something Gaudioso put together or you?

15 JOSEPH MACY: Unfortunately, that was our arts  
16 and craft.

17 MAYOR DEVITA: I don't mean the paper-wise,  
18 but at some point it was put together I guess on a  
19 computer.

20 JOSEPH MACY: Those agreements were what came  
21 about through the various negotiations. And what I did  
22 was, because I anticipated this day was going to come  
23 about, every time we finalized the form of an agreement,  
24 and they were all sent to you and Howard, every time  
25 that I knew an agreement was in final form, I created an

## Proceedings

1 electronic file of final settlement documents. So what  
2 I did was, then I just downloaded them from that file.

3 MAYOR DEVITA: I think the format they're in  
4 now is perfect with the beginning page map and then the  
5 diagrams and then the sim. I think if someone wants to  
6 look up Node 697, to have that all together like that I  
7 think is very helpful as opposed to looking in a  
8 different place for diagrams and all that.

9 JOSEPH MACY: Sure. So then what I'll do to  
10 help you all out, I'll take that back in, have them all  
11 scanned in the format it's in now in the exact order,  
12 and I'll have that put on either a flash drive or a disk  
13 and get that delivered to Liz.

14 MAYOR DEVITA: Thank you.

15 MR. AVRUTINE: And I guess we'll work out the  
16 logistics of this, Joe, for purposes of that Liz's files  
17 when the Board adopts the special use permit resolution  
18 with the attachments on for that, the same drawings that  
19 Exhibit No. 1 which is all of the plans and the sims,  
20 because she needs to have it separate for that, and then  
21 as well as the settlement agreement which has that as an  
22 exhibit. So I can work with you on exactly how we  
23 should do that for purposes of Liz's files. And then,  
24 of course, if anybody from the Board wants additional  
25 copies for their files. I know Mr. Miritello certainly



1 does.

2 TRUSTEE MIRITELLO: Got to start a fire.

3 JOSEPH MACY: It shouldn't be a huge lift,  
4 Howard, because what I did was, when we created all of  
5 these sets for all of the trustees, I kept one set in  
6 order but from bound. So, for example, if you needed  
7 the special use permit with all of the plans and the  
8 nodes as exhibits to them, I can literally lift that out  
9 and just have it copied in that order. So, it shouldn't  
10 be a huge lift.

11 MR. AVRUTINE: Thank you. Thank you.

12 MAYOR DEVITA: Anybody else?

13 Okay. So thank you, guys. I have a strange  
14 feeling we're going to be going through this at some  
15 time in the future.

16 JOSEPH MACY: I hope not.

17 MAYOR DEVITA: Thank you, everybody, for all  
18 your services. Obviously, we'll be talking. So I think  
19 we are good.

20 Right, we can adjourn, Howard?

21 (Continued on next page.)

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MR. AVRUTINE: We are all done with this unless you have other business you want to discuss.

MAYOR DEVITA: No. We're all done. So I move to adjourn, and everybody, a seconded by Trustee Tsafos, and it's unanimous.

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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