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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
June 4, 2020
6 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 (whereupon, The Pledge of Allegiance was
2 recited.)

3 MAYOR DEVITA: So I want to do, just so we can
4 let Mike and Nancy go, this extended building permits
5 thing.

6 The Governor signed an order. It would
7 authorize local governments approving up to a 120-day
8 extension of open building permits beyond their
9 expiration date.

10 And, Mike, you tell me if I'm wrong, 120
11 sounds good, I mean otherwise -- go ahead, what do you
12 think?

13 MR. MCNERNEY: Yeah, 120 sounds right. I
14 mean, people were legitimately impaired and not able to
15 work on construction projects for almost three months.
16 A little bit of grace period makes sense.

17 TRUSTEE MIRITELLO: Well, that would be 90
18 days.

19 MR. MCNERNEY: I'm saying the construction
20 shutdown was about 78 days long, if I'm not mistaken.
21 So I'm suggesting give them the 120 and make it
22 retroactive to anything that was going to expire
23 starting March 1 instead of March 12.

24 MAYOR DEVITA: So, how would that work? There
25 have been some that expired during this period, right?

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1 MR. MCNERNEY: Correct.

2 MAYOR DeVITA: How would we deal with that
3 group?

4 MR. MCNERNEY: Extend them 120 days.

5 MAYOR DeVITA: From the date of the expiration
6 of the permit?

7 MR. MCNERNEY: You can certainly do it that
8 way, yes.

9 MAYOR DeVITA: And then what about the group
10 that had the open permits that haven't expired yet,
11 you're extending it from the date of the shutdown?

12 MR. MCNERNEY: Well, I think you just add
13 120 days to their permit length for every single permit,
14 every open permit as of March 1, and that way, some
15 people didn't even get started, in other words I handed
16 out a permit on March 8 or March 9, they never even got
17 started, so every open permit that was open on March 1,
18 just add 120 days to its duration.

19 MAYOR DeVITA: Anybody have any questions or
20 comments about that?

21 TRUSTEE NOVICK: You are adding 120 days to
22 when?

23 MR. MCNERNEY: In other words -- say that
24 again.

25 TRUSTEE NOVICK: I said, you're adding the

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1 120 days when? At the beginning?

2 MR. MCNERNEY: The permit duration. In other
3 words, if it was due to expire March 1, it would now
4 expire like July 1.

5 TRUSTEE NOVICK: You said that you issued a
6 permit March 5. How long does that permit supposedly
7 run for?

8 MR. MCNERNEY: Eighteen months, normally. In
9 this case, now it will run for 18 months plus 120 days.

10 TRUSTEE NOVICK: So, you're adding 120 days
11 automatically onto a permit that has 18 months to run?

12 MR. MCNERNEY: Correct.

13 MAYOR DeVITA: But it really didn't have
14 18 months because they couldn't get started for the
15 last 78 days.

16 MR. MCNERNEY: And some of them are having
17 trouble mobilizing now because, you know, all
18 contractors are crazy.

19 TRUSTEE NOVICK: Okay.

20 MAYOR DeVITA: Do we have any of the public on
21 this call?

22 THE CLERK: No. Nobody is here.

23 MAYOR DeVITA: So we need a resolution.

24 MR. AVRUTINE: That's correct.

25 MAYOR DeVITA: Jeff, you're voting already.

1 Wait a minute.

2 So, the resolution is to extend all building
3 permits 120 days. Is that it, Mike?

4 MR. AVRUTINE: All building permits which were
5 effective as of March 1. Correct, Mike?

6 MR. MCNERNEY: March 1, that's correct.

7 MAYOR DeVITA: Okay. I saw Trustee Nemshin
8 moved and Trustee Miritello seconded.

9 I vote aye.

10 Trustee Jusko?

11 TRUSTEE JUSKO: Aye.

12 MAYOR DeVITA: Trustee Nicklas?

13 TRUSTEE NICKLAS: Aye.

14 MAYOR DeVITA: Trustee Tsafos?

15 TRUSTEE TSAFOS: Aye.

16 MAYOR DeVITA: Trustee Jusko?

17 TRUSTEE JUSKO: Aye.

18 MAYOR DeVITA: Trustee Novick, you're here in
19 person.

20 TRUSTEE NOVICK: Yes. Aye.

21 MAYOR DeVITA: That's resolved. Great.

22 So, it's kind of out of order but it's quick
23 and we'll get it out of the way and then we can
24 concentrate on Crown.

25 Thank you, Nancy and Mike.

1 So, we've talked about this before, the 21-day
2 extension of paying the taxes without penalty. There
3 was something of a consensus, we didn't hear from
4 everyone but, that as long as it didn't affect our
5 financial status, that kind of thing. And I checked
6 with Liz a couple times and it doesn't seem to be a
7 problem.

8 Liz, unless there's something changed.

9 THE CLERK: No. We can cover our bills. No
10 problem.

11 MAYOR DEVITA: I just thought personally it
12 was something of a way -- you know, look, I know we're a
13 wealthy community, but really nobody was working for
14 most of the last couple months and this may be I think a
15 gesture on our part to at least to see what we can do.
16 It doesn't really cost us much, I guess, except a couple
17 days interest on some of these checks.

18 What about the Board at this point?

19 TRUSTEE MIRITELLO: Fine.

20 TRUSTEE NICKLAS: I'm okay with it.

21 TRUSTEE JUSKO: I'm okay with it.

22 DEPUTY MAYOR NEMSHIN: I'm okay with it.

23 MAYOR DEVITA: Nick?

24 TRUSTEE TSAFOS: I agree. As long as we have
25 the cash to pay our bills when they become due until we

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1 receive the tax revenues, I'm okay with this. And it
2 sounds like Elizabeth has done that analysis and we
3 should be fine.

4 THE CLERK: And I think most people will pay.
5 I already got 150,000 in paid. So people just want to
6 get it off their desk.

7 MAYOR DeVITA: So if we pass this tonight,
8 I'll have to send a SwiftReach tomorrow morning because
9 there's still people holding on to their tax bills. I
10 hope it doesn't affect the ones who've already paid.
11 Basically I'll just say we just got the permission of
12 the Governor, which is true.

13 So, we'll go around and do a vote on a
14 resolution. The resolution is to allow the residents to
15 pay taxes 21 days after the due date without penalty.

16 So, I'll move. Second, Trustee Nicklas.
17 Trustee Jusko?

18 TRUSTEE JUSKO: Aye.

19 MAYOR DeVITA: Trustee Miritello?

20 TRUSTEE MIRITELLO: Aye.

21 MAYOR DeVITA: Trustee Nemshin?

22 DEPUTY MAYOR NEMSHIN: Aye.

23 MAYOR DeVITA: Trustee Novick?

24 TRUSTEE NOVICK: Aye.

25 MAYOR DeVITA: Trustee Tsafos?

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1 TRUSTEE TSAFOS: Aye.

2 MAYOR DeVITA: Did I get you, Kevin?

3 TRUSTEE JUSKO: Yes.

4 MAYOR DeVITA: Thank you.

5 All right. So Crown Castle, Howard, you want
6 to go through this?

7 MR. AVRUTINE: Surely.

8 As the Board will recall, on May 1 a special
9 meeting of the Board was held and the Board approved the
10 stipulation of Settlement and Order that was negotiated
11 between the Village and Crown Castle to resolve the
12 federal litigation, and as part of that stipulation of
13 settlement there were various actions that were required
14 to be taken by the Board within a period of 30 days
15 after the Stipulation of Settlement and Order was signed
16 and filed in court. Subsequent to that meeting, the
17 documents were submitted to the Court and the Court
18 signed the order and filed the order on May 18. So, the
19 Mayor requested that a special meeting be held in order
20 to perform the various actions that are required to be
21 taken by the Board pursuant to the Stipulation of
22 Settlement and Order well in advance of the expiration
23 of the 30-day period which would have expired on
24 June 17, the day of the next scheduled board meeting.
25 So, the Mayor had requested this meeting this evening.

1 So, in accordance with the various
2 requirements of the Stipulation of the Settlement and
3 Order, the Board has to take certain actions. As the
4 Board will recall at the first public hearing held in
5 connection with the Crown Castle applications on
6 April 15, 2019, the Board declared itself lead agency
7 under the New York State Environmental Quality Review
8 Act and declared further that the application would be
9 treated as unlisted, an unlisted action under the New
10 York State Environmental Quality Review Act if it were
11 to be approved. I have prepared for the Mayor's review
12 and signature the Part II of the Long Environmental
13 Assessment Document under the SEQRA regulations. The
14 applicant, of course, submitted the Long Form Part I.
15 Part II assesses the impacts, and that's been
16 distributed to the Board. And Part III is the
17 determination being made by the Board regarding impacts.

18 Trustee Jusko indicated there are a couple of
19 boxes missed on Page 9. That was before the meeting
20 started. Those will be corrected at the very top there.
21 They should be checked off to indicate there will be
22 minimal or no impact. And I discussed that with Liz,
23 and she'll take care of just filling in those check
24 marks that got missed on the computer.

25 So at this time, it is my recommendation that

1 the Board enact a negative declaration under SEQRA.
2 There is a resolution which has been distributed to the
3 Board indicating that the application as approved will
4 not have a significant impact upon the environment, and
5 further that that resolution adopting a negative
6 declaration include within it authorization for the
7 Mayor to sign Part III of the SEQRA document that has
8 been distributed.

9 I'll certainly answer any questions anyone may
10 have regarding the environmental resolution.

11 MAYOR DEVITA: Just to note, Howard, the part
12 that says "Impact on Human Health," there is no place
13 and it has nothing to do with radio frequencies.

14 MR. AVRUTINE: Correct. That is correct.

15 MAYOR DEVITA: Just in case someone says, oh,
16 how can you say it has no impact on human health. As we
17 know, that whole subject is preempted. But
18 nevertheless, this form doesn't call for any analysis
19 with respect to that.

20 MR. AVRUTINE: It does not. Let me just open
21 it up so I have it in front of me while you're
22 discussing it.

23 In evaluating impacts on health, the basis for
24 the conclusion that there would be no impact is
25 predicated upon the fact that Crown will comply with

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1 federal law and with federal limitations on RF
2 emissions, and it is a matter of federal law and public
3 policy as established by the FCC that provided they do
4 that, that that is conclusive on the issue of impact on
5 health. Therefore, the answer on No. 16 on Part II is
6 no.

7 MAYOR DeVITA: Any questions or comments from
8 the Board?

9 Okay. So, you need a resolution to approve --

10 MR. AVRUTINE: If I may, it's a resolution to
11 adopt a negative declaration under SEQRA with respect to
12 the Crown Castle application, and there is a formal
13 resolution which has been prepared reflecting that, and
14 at the same time to authorize the Mayor to sign Part III
15 of the Environmental Assessment Document which reflects
16 also the negative declaration.

17 MAYOR DeVITA: I'll move.

18 TRUSTEE MIRITELLO: Second.

19 MAYOR DeVITA: Second, Trustee Miritello.

20 Trustee Jusko?

21 TRUSTEE JUSKO: Aye.

22 MAYOR DeVITA: Trustee Nemshin?

23 DEPUTY MAYOR NEMSHIN: Aye.

24 MAYOR DeVITA: Trustee Novick?

25 TRUSTEE NOVICK: Aye.

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1 MAYOR DeVITA: Trustee Nicklas?

2 TRUSTEE NICKLAS: Aye.

3 MAYOR DeVITA: Trustee Tsafos?

4 TRUSTEE TSAFOS: Aye.

5 MAYOR DeVITA: I think that's everyone.

6 MR. AVRUTINE: Yes.

7 MAYOR DeVITA: Okay.

8 MR. AVRUTINE: The next matter is the adoption
9 of the resolution granting the special use permit. The
10 Board, I believe, is fully familiar with the resolution
11 and its conditions. And attached to the resolution are
12 the three-page engineer drawings and photo simulations
13 for each of the 25 nodes that the Board is approving by
14 virtue of its actions this evening and as part of the
15 stipulation of Settlement and Order executed by the
16 Court.

17 So unless anyone has questions regarding the
18 special use permit resolution or of the conditions, I
19 would request a motion to adopt the resolution which
20 grants to Crown Castle a special use permit to install
21 and maintain 25 nodes, a distributed antenna system node
22 facilities I should say, as set forth in the resolution
23 granting the special use permit and the exhibit to it.

24 MAYOR DeVITA: I'll move.

25 Second?

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1 TRUSTEE NICKLAS: Second.

2 MAYOR DeVITA: Nicklas.

3 Trustee Jusko?

4 TRUSTEE NICKLAS: I have a question. Is this
5 the final step of this long process?

6 MR. AVRUTINE: Yes. Once the Board adopts the
7 resolution granting it, you've done your SEQRA and you
8 adopted it and it is now formally approved, and in
9 accordance with the Court order, the Board of Trustees
10 of the village will have complied with the main
11 requirements of the agreement. There are some odds and
12 ends. I believe Crown Castle is required to submit a
13 fee in the sum of \$57,500 which Liz indicated was
14 received yesterday, I believe.

15 In addition, there's the right of way use
16 agreement which was signed by Crown Castle. We will get
17 to that resolution next. And we also have to refund to
18 Crown Castle the remainder of the funds they placed in
19 escrow for consulting services in connection with these
20 applications. And that will be done in due course.

21 MAYOR DeVITA: Howard, before I forget because
22 when you notify, I assume you're going to notify
23 Gaudio tomorrow of all this, that the Board approved
24 these resolutions, please, if you're going to do it, do
25 it in writing.

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1 You know, they've already sent, which is fine,
2 they send these guys out in massive, you know, in groups
3 of five or six trucks. They get out. They're doing
4 stuff. We get calls. I get these e-mails, you won't
5 believe it, at night, something is going on, who is it.
6 I say, did you see whose name is on the truck. Please
7 have them notify us when they're going to send out their
8 men and equipment to start these installations, and, if
9 possible, give us a schedule of what they're planning,
10 like what street is going to be done and when, so we can
11 notify the residents. And you can tell Gaudioso it will
12 go a long way in creating headaches, not just for us,
13 but when we get on the phone with him, you know, if all
14 of a sudden, you know, people appear at the crack of
15 dawn and they're doing something and we don't know what
16 they're doing. Just tell him it behooves everybody that
17 if he can please give us a schedule to the best they can
18 of what their plans are for installation.

19 MR. AVRUTINE: I will prepare an e-mail. Dan,
20 would you like to see the e-mail before it goes to them?

21 MAYOR DEVITA: Sure, that would be great. You
22 know what, tomorrow is very bad. It's fine. Just send
23 it.

24 MR. AVRUTINE: I had spoken to Liz. I had
25 asked Liz to send to Crown via Mr. Gaudioso a signed

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1 copy of the resolution so he has it for his records.
2 Obviously, Liz will maintain one in her village Clerk
3 file. So it will be there as well along with the
4 approved drawings and everything else that belongs with
5 it.

6 And just for the Board's edification, the
7 approval of this special use permit does not authorize
8 construction as set forth in the document itself and of
9 course the village's regulation. They must apply for a
10 building permit for each of the installations. So, 25
11 separate building permit applications must be filed. So
12 we'll get a better sense from them, I suppose, when they
13 intend to start doing the work based upon when they file
14 their building permit applications and with respect to
15 which locations. But nonetheless, of course, I will ask
16 them for a specific schedule. But it won't just start
17 out of the blue. If it does, that's a different problem
18 that they're going to have on their hands because they
19 will not have complied with the village's requirements
20 or with the conditions set forth in the resolution
21 through the application which specifically requires that
22 they obtain building permits and pay the requisite fees.

23 TRUSTEE MIRITELLO: When we approved the
24 120-day on building permits, what was the date that --
25 it didn't go forward. I know we started March 1. We

1 didn't say when we were going to end that. Like if
2 someone applies for a building permit now, will they get
3 the additional four months?

4 MR. AVRUTINE: That wasn't what Mike referred
5 to. Mike was referring specifically with the resolution
6 we discussed earlier to permits that had been in effect
7 as of March 1 of this year, and that whatever the
8 expiration date was on those permits, an additional
9 120 days would be added to the end.

10 TRUSTEE MIRITELLO: So did he issue any
11 permits after March 1 or March 8?

12 TRUSTEE JUSKO: I think he said March 8 there
13 was one.

14 TRUSTEE MIRITELLO: That was it. There was no
15 more after that?

16 MR. AVRUTINE: I don't know.

17 TRUSTEE MIRITELLO: Nobody was able to work up
18 until now, so --

19 MR. AVRUTINE: My best guess, and I can check
20 with Mike in the morning, is that there were no permits
21 issued after the March 8. He specifically mentioned the
22 March 8 and he did also add that they got the permit but
23 by then they couldn't do any work under it anyway.

24 MAYOR DEVITA: He did review applications. He
25 reviewed plans and all that kind of thing.

1 TRUSTEE MIRITELLO: But as long as Crown
2 doesn't get the additional four months.

3 MR. AVRUTINE: The resolution that the Board
4 passed this evening would not be applicable to permits
5 that have not yet been issued, and in Crown's case not
6 even applied for.

7 MAYOR DEVITA: They're not going to take their
8 sweet time on getting these in the ground anyway, I have
9 a feeling. They want to get up and running and making
10 money.

11 I think you answered it, Howard, so they also
12 have to pay building permit fees?

13 MR. AVRUTINE: Yes. They have to pay building
14 permit fees. They have to pay an escrow for review
15 fees. And they have to pay a CC or CO fee as well as
16 part of the process. It's all specifically spelled out
17 in the special use permit.

18 TRUSTEE NOVICK: What does it amount to per
19 node?

20 MR. AVRUTINE: It's based upon the cost of
21 construction which we don't know what that is. But I
22 can tell you --

23 MAYOR DEVITA: They'll put something in and
24 Michael will review it.

25 MR. AVRUTINE: If it's assuming that the cost

1 of construction for each particular installation exceeds
2 \$3,000, then it's a base building permit of fee of \$250
3 and then \$17.50 for each \$1,000 or part thereof that the
4 cost of construction exceeds \$3,000.

5 TRUSTEE MIRITELLO: Times 25?

6 MR. AVRUTINE: Correct. For each
7 installation.

8 THE CLERK: Howard, isn't there an annual fee
9 as well?

10 MR. AVRUTINE: There is an annual fee. That's
11 under the right of way use agreement. I believe it's
12 \$270 per node per year.

13 MAYOR DeVITA: Anybody else?

14 So we'll take --

15 MR. AVRUTINE: I believe we had a motion and a
16 second, and Trustee Nicklas had a question.

17 MAYOR DeVITA: Well, I moved. Who seconded?

18 TRUSTEE NICKLAS: I think I did.

19 MAYOR DeVITA: Okay, Rich.

20 Trustee Jusko?

21 TRUSTEE JUSKO: Aye.

22 MAYOR DeVITA: Trustee Miritello?

23 TRUSTEE MIRITELLO: Aye.

24 MAYOR DeVITA: Deputy Mayor Nemshin?

25 DEPUTY MAYOR NEMSHIN: Aye.

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1 MAYOR DeVITA: Trustee Tsafos?

2 TRUSTEE TSAFOS: Aye.

3 MAYOR DeVITA: Trustee Novick?

4 TRUSTEE NOVICK: Aye.

5 MAYOR DeVITA: Next, Howard.

6 MR. AVRUTINE: The next item for consideration
7 is the Public Right of Way Use Agreement. This is the
8 document, the agreement between the village and Crown
9 Castle whereby separate and apart from the special use
10 permit under the village's telecommunications ordinance,
11 this is a contractual agreement whereby Crown Castle is
12 permitted to place its utility poles and antennas within
13 the village's rights of way. And this was an
14 extensively negotiated agreement. And as Liz pointed
15 out a few moments ago, as part of it there is a \$270 fee
16 to be paid to the village annually for each of the
17 installations which are authorized by virtue of this
18 approval.

19 And so the resolution would be to authorize
20 Mayor DeVita to sign the Public Right of Way Use
21 Agreement on behalf of the village which has already
22 been signed and furnished to us by Crown Castle.

23 MAYOR DeVITA: Any questions, comments?

24 THE CLERK: Howard, do you want to review, or
25 Mayor, the agreement or do you want --

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1 MAYOR DeVITA: I couldn't hear you.

2 THE CLERK: Do you want to review what I
3 received from them?

4 MR. AVRUTINE: If you wouldn't mind scanning
5 it to me, and I will take a look at it in the morning.

6 MAYOR DeVITA: what does that mean what you
7 received from them?

8 THE CLERK: I received the Right of Way
9 Agreement from Crown.

10 MAYOR DeVITA: The executed one?

11 THE CLERK: Correct.

12 MR. AVRUTINE: Joe Macy, I believe, forwarded
13 it to them and asked Mr. Gaudio, prior to the Mayor
14 signing it on behalf of the Village we requested that
15 they execute it first, and they agreed. So they signed.
16 They had a representative of Crown Castle sign the
17 agreement and send it over to Liz. And I think Liz's
18 question is just, one, making sure that the agreement
19 that they signed and that the Mayor is now going to sign
20 is the actual agreement that was made part of the
21 settlement documents and the one that we actually
22 negotiated and all agreed to. So I can easily do that
23 once it's scanned over, and I can take care of that
24 first thing tomorrow.

25 THE CLERK: All right.

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1 MAYOR DeVITA: Anybody else?

2 This is the meat and potatoes, this agreement.
3 Correct me if I'm wrong, Howard. There was a lot of
4 negotiation on this.

5 MR. AVRUTINE: Yes.

6 MAYOR DeVITA: Back and forth.

7 MR. AVRUTINE: Absolutely there were. But
8 this does not pertain to the specifics of the cellular
9 antenna installations, but rather more general terms
10 about use of the right of way.

11 MAYOR DeVITA: Any questions?

12 Okay. So, Howard --

13 MR. AVRUTINE: We need a motion, please, to
14 authorize Mayor DeVita to sign the Right of Way Use
15 Agreement.

16 TRUSTEE NOVICK: I so move.

17 MAYOR DeVITA: Trustee Novick moved.

18 Second, Trustee Jusko. I vote yes.

19 Trustee Nicklas?

20 TRUSTEE NICKLAS: Aye.

21 MAYOR DeVITA: Trustee Nemshin?

22 DEPUTY MAYOR NEMSHIN: Aye.

23 MAYOR DeVITA: Trustee Tsafos?

24 TRUSTEE TSAFOS: Aye.

25 MAYOR DeVITA: Trustee Nicklas?

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1 TRUSTEE NICKLAS: I said aye.

2 MAYOR DeVITA: Trustee Miritello?

3 TRUSTEE MIRITELLO: Aye.

4 MAYOR DeVITA: Great.

5 MR. AVRUTINE: That completes the Crown Castle
6 approvals required pursuant to the stipulation of
7 Settlement and Order.

8 MAYOR DeVITA: Okay. Thank you.

9 Just before we get to executive session, you
10 know, we kind of added a couple of these things on just
11 because they needed to be done right away.

12 Liz, can explain the GovPayNet. It's
13 basically allowing like other municipalities including
14 towns that allow people to pay online by credit card or
15 eCheck. Why don't you explain a little bit about it.

16 THE CLERK: We use them right now for parking
17 and Court, and we added the Shellfish Garden. The
18 eCheck option would require a rider because -- a credit
19 card, which is more expensive. So I think if a resident
20 is willing to give their banking information -- so part
21 of this is to authorize the eCheck rider. And then she
22 applied, I think, a brand new agreement, and I honestly
23 don't even know where the original is. And that would
24 encompass everything, taxes, and then the parking, Court
25 and Shellfish Garden. That will reduce -- because it's

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1 a big enough product for them. So, it's basically to
2 add taxes to our current online payments and to add the
3 eCheck rider.

4 TRUSTEE MIRITELLO: I'm fine with it. But I
5 think that we should let people know what the fee is
6 because even the shellfish, it's \$175 for the shellfish,
7 it's \$8 of processing fees, so it's costing people \$183
8 for a \$175 program.

9 THE CLERK: Right. We had no choice because
10 we didn't have this eCheck.

11 TRUSTEE MIRITELLO: Oddly enough, only about,
12 other than me, maybe one or two other people objected to
13 the fee. No one else said anything to me about it.

14 TRUSTEE NICKLAS: Liz, does this work for this
15 year's payment?

16 THE CLERK: You know what, now it's going --
17 our software company billed GovPayNet just in advance a
18 bunch of files. I don't know how long. So it's --

19 MAYOR DEVITA: Will they let you know, Liz, so
20 that we can tell residents --

21 THE CLERK: Of course.

22 MAYOR DEVITA: -- it's now active?

23 THE CLERK: Yes.

24 MAYOR DEVITA: We won't let them know until
25 it's active.

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1 THE CLERK: The eCheck I think we can do
2 immediately for the other products, but taxes will take
3 some programming time.

4 TRUSTEE MIRITELLO: why are we doing this, to
5 make it easier for us or easier on the residents?

6 THE CLERK: To pay online for taxes?

7 TRUSTEE MIRITELLO: Yes.

8 THE CLERK: To give you an option if you want
9 to pay online. Some people even called village Hall to
10 say are we accepting this because of the virus.

11 TRUSTEE MIRITELLO: Are they actually paying
12 by credit card?

13 THE CLERK: Taxes now we don't offer online.

14 TRUSTEE MIRITELLO: But if we do this, will
15 people actually be able to get points on their credit
16 card if they pay their taxes --

17 THE CLERK: Yes.

18 TRUSTEE MIRITELLO: But they have to pay the
19 fee.

20 THE CLERK: It's a hefty fee. So they'll have
21 the option now, if the Board chooses, to give their
22 banking information.

23 TRUSTEE MIRITELLO: You think it's easier for
24 the residents than sending a check?

25 THE CLERK: You wouldn't believe the number of

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1 people paying beach parking online. It's crazy. The
2 number of checks is almost nothing anymore. It's just I
3 think more and more young families, you know, pay on the
4 phone.

5 MAYOR DeVITA: Can I just ask a couple
6 questions.

7 Howard, did you have a chance to look this
8 thing over?

9 MR. AVRUTINE: I scanned it. I didn't study
10 it. I wasn't even sure what it was.

11 MAYOR DeVITA: Just so I understand, Liz, I
12 looked it over, but from what I understand eChecks, if
13 you use an eCheck, an electronic check, it'll cost you
14 \$2.95, correct?

15 THE CLERK: Correct.

16 TRUSTEE MIRITELLO: Regardless of the amount.

17 MAYOR DeVITA: It says, the attachment says,
18 service fee schedule for eCheck payments \$2.95 per item.
19 That's all it says. So I've got to assume that's all
20 there is.

21 Now, on the other schedule, Attachment A, it's
22 called Service Fees Available, there's a service fee
23 schedule for tax and utility payments. It says, via web
24 or GovSwipe, 2.65 percent. Then it says, service fee
25 schedule for administrative and civil payments via web

Proceedings

1 or GovSwipe, 2.65 percent, and then something else
2 called Premium Assistance. But I don't see anything in
3 this contract that says, and the body of the contract is
4 all about credit cards, but there's nothing that says
5 here's the fee for using a credit card.

6 Are they saying is web or GovSwipe a credit
7 card?

8 THE CLERK: I think that's if they come into
9 village Hall and we swipe it.

10 MAYOR DeVITA: But that's not what they're
11 doing here. So what's the manner, what do they call it
12 in here if I'm using my credit card online filling in
13 the, you know, the forms and saying I want to pay my
14 \$3,000 Laurel Hollow tax bill with a credit card?

15 THE CLERK: I don't know. I know how it works
16 for the Shellfish, and it's broken into between zero and
17 \$20 it's this much. So it's not a percentage. But I
18 don't quite know how it work with taxes.

19 MAYOR DeVITA: But is there something in the
20 Shellfish Garden one where it says use of a credit card?

21 THE CLERK: Yes.

22 MAYOR DeVITA: Okay. So we don't have it
23 here.

24 THE CLERK: No. I agree. That's a good
25 catch.

Proceedings

1 MAYOR DeVITA: So I'm not sure what -- it
2 seems incomplete. I don't know if it should be signed
3 yet. And if it's not going to matter for this year's
4 taxes anyway, we can tell them we're introducing it next
5 year. But unless I'm wrong and unless they can tell you
6 on the phone tomorrow you missed it, it's in paragraph
7 eight. Even though it's a nine-page agreement here, how
8 they left that out --

9 TRUSTEE MIRITELLO: Well, the Town of Oyster
10 Bay, when you pay by credit card, they charge you for
11 that.

12 MAYOR DeVITA: No kidding. I know that. They
13 charge an exorbitant fee. And I say exorbitant, it may
14 be 3 percent or so. I'm not sure. But in any event,
15 you know you're paying with a credit card.

16 MR. AVRUTINE: Mayor, would you like me to
17 take a look at it and --

18 MAYOR DeVITA: You can take a look at it.

19 MR. AVRUTINE: And then you can put it on for
20 the June 17 meeting.

21 THE CLERK: You know what, my guess is it says
22 2.65 percent for tax and say utilities.

23 MAYOR DeVITA: I understand that, but we can't
24 sign the contract and all of a sudden they charge our
25 residents 6 percent and we didn't know it.

Proceedings

1 THE CLERK: I'll figure it out.

2 MAYOR DeVITA: We'll deal with it on the 17th.

3 THE CLERK: Okay. How about the eCheck,
4 should we take that separately?

5 MAYOR DeVITA: It's one contract though.

6 THE CLERK: Well --

7 MAYOR DeVITA: It's all one contract. I don't
8 know what to say. I wish I could sign it.

9 THE CLERK: Okay.

10 TRUSTEE NICKLAS: But the other thing, the
11 2.65 is ridiculous, but that's for the credit card.

12 MAYOR DeVITA: It's a lot. And I'm telling
13 you, Saladino kept trying to -- for the Town, theirs I
14 think is 3 percent or thereabouts -- they kept trying to
15 hammer and hammer the company to reduce it and the
16 company said no, and you had a contract. So you're
17 right, it is high. But if that's what we're going to
18 afford as a luxury to the residents, we've got to make
19 it known to them when we announce it, yeah, this is
20 available, but a credit card is 3 percent, but if you
21 want to do eCheck it's \$2.95.

22 TRUSTEE NICKLAS: The Town check e-payment is
23 zero charge.

24 THE CLERK: I get a charge. It's a little
25 cheaper than this.

Proceedings

1 TRUSTEE NICKLAS: I get no charge.

2 THE CLERK: I think it's two bucks.

3 TRUSTEE NICKLAS: I just checked. In fact,
4 before we got on here I checked my last tax bill.
5 There's no fee attached to it all for the payment.

6 THE CLERK: I think it's separate. I just
7 paid it for school.

8 TRUSTEE NICKLAS: You know, you're right.
9 You're absolutely right.

10 MAYOR DeVITA: What is it, a couple dollars?

11 THE CLERK: Yes.

12 TRUSTEE NICKLAS: Yes, \$2.

13 MAYOR DeVITA: Liz, let's put this on for the
14 17th.

15 TRUSTEE MIRITELLO: As long as it doesn't cost
16 us. Because I have customers, it drives me berserk,
17 that I give 30-day terms, the 29th day they pay by
18 credit card, they get points, they get another 30 days
19 to pay the credit card company, and I lose 2 or
20 3 percent. So as long as we're not losing anything.

21 THE CLERK: We don't pay a dime.

22 MAYOR DeVITA: In the contract it says that we
23 get what, I forgot what they call in the thing the
24 resident, we get what they are paying. And I was
25 concerned because what if something like a check

Proceedings

1 bounced. And the answer is yes, we'll be debited.

2 THE CLERK: Correct.

3 MAYOR DeVITA: But I forgot what it says about
4 whatever fees. But anyway, it is what it is. All
5 right. So we'll put that over.

6 So, can you get Joe Macy, Liz, on the line?

7 THE CLERK: Can I just bring up quickly, I'm
8 just going to share a document, if you don't mind,
9 Maximum Environmental Management. They had, you can see
10 dated May 13, the renewal. They test our water in
11 Village Hall and then outside, the fountain. Anyway,
12 they are waiting for okay on the renewal. The prices
13 did go up. Annual startup went from --

14 MAYOR DeVITA: It went from 950 to 1,050?

15 THE CLERK: Yes. Can you see the screen?

16 MAYOR DeVITA: Yes.

17 THE CLERK: Prior 950, it's going up to 1050.
18 Backflow stayed the same. Filtration system, 850 to
19 900. And then as you go down for sampling, for nitrate
20 75, and then 145 to 150. But in any event, I didn't
21 want to put it off with the season starting.

22 MAYOR DeVITA: I think we went through this
23 before. You know, I don't think there's a lot of
24 companies that do this, but we should put this out, if
25 next year. So we'll be paying --

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1 THE CLERK: I agree.

2 MAYOR DeVITA: -- about \$150 more than last
3 year. But we've got to put this out for, you know,
4 requested proposal or something because this is over
5 \$1,000.

6 THE CLERK: I think I might have done that
7 last year and they're still better. But I'm going to
8 check.

9 MAYOR DeVITA: I do remember we went through
10 this.

11 THE CLERK: But if we can approve them this
12 year.

13 TRUSTEE NICKLAS: Liz, what is this covering,
14 what are they checking exactly, what water?

15 THE CLERK: They test the kitchen sink --

16 MAYOR DeVITA: village hall.

17 THE CLERK: village hall, and then the
18 fountain outside.

19 TRUSTEE NICKLAS: That's a ridiculous price.
20 I have my water checked every couple of years. We all
21 are on well water, right. The village hall is on well
22 water.

23 THE CLERK: Correct.

24 TRUSTEE NICKLAS: I'm on well water. You
25 don't need it checked every year.

Proceedings

1 TRUSTEE MIRITELLO: Because of the beach,
2 Rich.

3 MAYOR DEVITA: It's a public. And plus we
4 shut down and start up the fountains and all that. They
5 have to do this disinfecting and all that. But, you
6 know, we definitely should look into it.

7 THE CLERK: I will. I just made a note.

8 TRUSTEE MIRITELLO: Liz, did you ask if they
9 would just keep the price the same?

10 THE CLERK: I am going to ask them. So maybe
11 if the Board approves --

12 MAYOR DEVITA: The maximum here.

13 THE CLERK: -- with my attempting to get them
14 to keep the prices the same.

15 MAYOR DEVITA: We will approve up to.

16 THE CLERK: Okay.

17 MAYOR DEVITA: And tell them the Board, we're
18 going to skip town next year and go with someone else if
19 they don't keep it the same. Maybe we should just then
20 approve up to this amount and --

21 TRUSTEE MIRITELLO: Do our best.

22 MAYOR DEVITA: Do our best.

23 THE CLERK: So up to proposed, and I'll
24 negotiate. Okay.

25 MAYOR DEVITA: Okay. We'll do a motion. So

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1 it will be a motion to approve the payment to Maximum of
2 of a maximum of how much, a thousand what --

3 THE CLERK: There's different. I'll just put
4 as approved.

5 MAYOR DeVITA: The amounts in the invoice of
6 May 15 for Maximum.

7 All right. That's Trustee Miritello.
8 Seconded, Trustee Nicklas. I'll vote yes.

9 Trustee Jusko?

10 TRUSTEE JUSKO: Aye.

11 MAYOR DeVITA: Deputy Mayor Nemshin?

12 DEPUTY MAYOR NEMSHIN: Aye.

13 MAYOR DeVITA: Trustee Tsafos?

14 TRUSTEE TSAFOS: Aye.

15 MAYOR DeVITA: Trustee Novick?

16 TRUSTEE NOVICK: Aye.

17 All right. So, can you get Joe.

18 Jim, you're here, right?

19 MR. ANTONELLI: I'm here.

20 MAYOR DeVITA: Liz, can you get Joe on the
21 line, please.

22 THE CLERK: Yes.

23 MAYOR DeVITA: Or ask him to join the
24 conference. And meanwhile, I'll move to adjourn to
25 executive session to discuss litigation matters.

Proceedings

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MR. AVRUTINE: We need a second.

TRUSTEE MIRITELLO: I second.

MAYOR DeVITA: Trustee Miritello seconds.

Trustee Jusko?

TRUSTEE JUSKO: Aye.

MAYOR DeVITA: Trustee Nicklas?

TRUSTEE NICKLAS: Aye.

MAYOR DeVITA: Deputy Mayor Nemshin?

DEPUTY MAYOR NEMSHIN: Aye.

MAYOR DeVITA: Trustee Tsafos?

TRUSTEE TSAFOS: Aye.

MAYOR DeVITA: Trustee Novick?

TRUSTEE NOVICK: Aye.

(Whereupon, the Board adjourned to executive session.)

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

Ronald Koenig
RONALD H. KOENIG
Official Court Reporter