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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
August 18, 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
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
JEFFREY BLINKOFF, ESQ.
JOSEPH MACY, ESQ.

RONALD KOENIG
OFFICIAL COURT REPORTER

1 (whereupon, The Pledge of Allegiance was
2 recited.)

3 MAYOR DEVITA: Just a couple of things. So,
4 just to bring you up to date on this DASNY thing, this
5 is the grant for the seawall, they sent us the paperwork
6 and it got to DASNY. DASNY is the Dormitory Authority.
7 They are the ones who fund the grant. And in the
8 paperwork it basically said that by accepting this money
9 we recognize that essentially this source, which is
10 being receiving the money, will become public, open to
11 public, open to the public and public transportation.
12 So, I looked at it. I had Howard look at it and I had
13 the person I know at DASNY who is a lawyer look at it.
14 And we all agreed that it's a problem, that if we accept
15 this money there's a risk that the government, the state
16 government can make an argument that our beach should
17 now be open to the public. So, you know, it's been kind
18 of sitting. We were thinking about it. And I spoke
19 with a person I know at DASNY yesterday and he suggested
20 that we mark up the papers, basically cross out that
21 section, and send it up to DASNY and see what their
22 reaction is instead of just saying at this point forget
23 it or let's take it with the chance they may know and
24 they say anything.

25 And Howard, I guess you would agree that's

1 probably a wise next step.

2 MR. AVRUTINE: It's worth a try.

3 MAYOR DeVITA: And then if that doesn't work,
4 we'll report back to the Board and discuss our options
5 then.

6 The second thing is this storm. A couple of
7 things. First of all, thanks everybody for their
8 support and their help. Kevin has been offering to
9 provide people with his generator. Jeff Nemshin has
10 been working since this storm on getting everyone
11 restored with Optimum. And at the beginning I think it
12 was --

13 Jeff, what was it, 290 or 260 people were out,
14 and I think the other day I saw the numbers are down to
15 two in our village; is that right?

16 DEPUTY MAYOR NEMSHIN: 290 is actually the
17 total. It looks like about a third of the village has
18 Optimum. The rest probably has FIOS or something else.

19 MAYOR DeVITA: It looks like, though, it's
20 been almost fully restored now.

21 DEPUTY MAYOR NEMSHIN: It's down to two. But
22 I was the last -- I believe, probably three. I've been
23 out 11 days.

24 MAYOR DeVITA: We should just think about next
25 time. I know these franchise agreements last a number

1 of years, but next time we've got to think about
2 insisting on a term or a provision that requires them to
3 maintain the trees along their wires, both cable
4 companies, because I can't tell you that they were the
5 cause of a lot of the problems even though I know the
6 power wires are on the top, but they're just a mess and
7 it can't help having all these limbs leaning on, you
8 know, on the wires that are strung between the poles.
9 Anyway, it's something to think about.

10 The other thing is, actually right before I
11 got on this I got a call from Senator Gaughran, and
12 Albany as you may know is having a hearing about the
13 PSE&G's response. And he actually invited -- he was on
14 some of these calls, these municipal official conference
15 calls. And Jeff, you were on the -- Jeff Nemshin was on
16 the day that I kind of let loose and had a diatribe
17 about the failures of PSE&G.

18 DEPUTY MAYOR NEMSHIN: That is a far
19 underestimate. And it was well deserved. I'm sorry to
20 interrupt.

21 MAYOR DeVITA: No. No.

22 But he was on and heard it, and he's invited
23 me to be one of the three local officials at this
24 hearing to talk about our stories. And the others are
25 Ed Lieberman, the mayor of Sea Cliff and the head of the

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1 Nassau County Village Officials Association. And the
2 other is, I forgot his name, the mayor of Huntington Bay
3 who I know experienced similar problems. So that's this
4 Thursday. So from 11 a.m. to 6 p.m., he doesn't know
5 when his turn is going to come, so I have a feeling I
6 will be sitting with my iPad on with this Zoom thing
7 most of the day. It'll just be a chance to relay things
8 that happened which happened to every village and really
9 every municipality, at least in Nassau County.

10 So that being said, we'll go to the one agenda
11 item on the public agenda, and that has to do with
12 newspapers. As you know, we've had for at least a year,
13 maybe two, North Shore Leader. And I asked for the
14 switch from the Oyster Bay Guardian. I thought the
15 Leader is a better paper, better editorial content. The
16 paper itself is actually a very high quality printed
17 paper. But we've had many problems with our legal
18 notices being published in a timely fashion.

19 I think -- Liz, correct me if I'm wrong --
20 back in the spring we had to cancel meetings because of
21 the failure to publish. And what was more aggravating
22 than anything, the failure of their person in charge of
23 this to respond in any manner whatsoever. At one point
24 when I threatened that we were leaving the paper, the
25 publisher which is --

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1 THE CLERK: Lally.

2 MAYOR DeVITA: Yes, Grant Lally, was getting
3 on the phone. And there were all issues. The person
4 said they were -- the daughter was a nurse, they were
5 working in a hospital. This was during the height of
6 the pandemic. So, okay, we let it go. But we've had
7 problems again recently. So what I'd like to do, and I
8 spoke with Liz, the Guardian was always, despite the
9 quality of the paper, was always on time and responsive
10 with respect to publishing our legal notices, although
11 Liz and I were just talking earlier today --

12 THE CLERK: This was such an unusual --

13 MAYOR DeVITA: -- but the Leader and the
14 Guardian screwed up our recent notices, there was no ill
15 effect in terms of hearings that are going to be held,
16 but the point is I would like to ask us to have two
17 official papers. There's nothing against that, and it
18 actually gives us more options.

19 So, in addition to North Shore Leader, we'll
20 have the option of having the Oyster Bay Guardian as a
21 second official paper where we can publish our legal
22 notices. I don't think we plan on publishing and have
23 double expenses in both papers. We'll probably go more
24 towards the Guardian.

25 THE CLERK: Until such time as the Leader has

1 new management. But I would like to amend so that it's
2 retro as if this was intended at 7/15.

3 MAYOR DeVITA: Yes. We want it, as Howard and
4 Joe and I understand the nunc pro tunc, it would be
5 effective as of July 15 going back.

6 I think we need a resolution approving the
7 Oyster Bay Guardian as an official paper that can
8 publish our legal notices effective July 15, 2020. So
9 I'll move.

10 Do we have a second? Trustee Nicklas is
11 second. I will now poll.

12 Trustee Jusko?

13 TRUSTEE JUSKO: Aye.

14 MAYOR DeVITA: Trustee Novick?

15 TRUSTEE NOVICK: Aye.

16 MAYOR DeVITA: Deputy Mayor Nemshin?

17 DEPUTY MAYOR NEMSHIN: Aye.

18 MAYOR DeVITA: And Trustee Tsafos?

19 TRUSTEE TSAFOS: Aye.

20 MAYOR DeVITA: And Trustee Miritello was
21 excused, is absent at this point.

22 Does that sound good, Howard?

23 MR. AVRUTINE: Yes.

24 MAYOR DeVITA: Okay. By the way, with respect
25 to the storm, just so you know -- I'll get to Kevin --

1 Rich has been providing information and Kevin and Nick
2 are going to do an inventory tomorrow of essentially
3 dangerous trees in the right of way or branches that
4 look about to come down on wires and that kind of thing.
5 And it looks like we may have to go to an outside
6 contractor. We'll do requests for proposals, that kind
7 of thing, because we've got to get these things taken
8 down because some of them a good stiff wind is going to
9 get us into trouble again. To the extent we can, if
10 they're near wires, I'll contact our liaison, Kim
11 Kaiman, who despite everything that happened she is a
12 straight shooter, she's always helped this village and
13 she's communicated that she was as frustrated as anyone
14 and is willing to help us. So maybe we can turn some of
15 that into PSE&G's action on some of these trees.

16 Kevin.

17 TRUSTEE JUSKO: Coming back to the seawall, is
18 there a distinction between the beach being open to the
19 public versus the parking lot?

20 MAYOR DeVITA: A couple things.

21 So, we've operated for many years under the
22 assumption that the beach itself belongs to Town of
23 Oyster Bay. Before Karen left, we did a really pretty
24 exhaustive analysis into the history. And in my
25 opinion, and we never went the final step and I'll

1 explain why, I think the auxiliary lot and the beach
2 area in front of that, that was the original Tiffany
3 Beach. The beach in front of the rest of the wall
4 belonged to the house that the village purchased in
5 let's just say 1961 or '62, whatever it was. So I think
6 we have an argument that in the end that's our private,
7 you know, that's Laurel Hollow Beach. But I never went
8 any further with that because thanks to Oyster Bay, all
9 they've been doing -- and we're out of lease, it's kind
10 of, I guess, because it's a landlord/tenant thing it
11 would be a month-to-month, we're really like a
12 year-to-year -- but all they've been doing is sending us
13 a bill every year for \$10 for the maintenance of the
14 beach. So who wants to get into a legal wrangle at this
15 point.

16 But even that being said, even assuming it was
17 our beach, the question becomes does this now open it up
18 to, you know, converting it to a public resource.
19 Normally, this is what -- for those of you who followed,
20 Asharoken had this problem since Sandy. A good part of
21 the beach was destroyed and they've been trying to get
22 it restored. And the federal government said, you know,
23 we'll give you the money, but it's got to become a
24 public beach, not a private beach, and Asharoken
25 resisted. So it's a concern. Can we fly in under the

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1 radar? Sure. But you know what, I'm nervous given the
2 state and the political leanings of this state
3 government. And there's other stuff. I can tell you
4 about stuff they've sent the police, and I'll send it
5 around to everyone. Just unbelievable the things
6 they're saying that they want to do. I'd be nervous
7 that, you know, maybe it'll fly under the radar for a
8 little while, but who knows what can happen in a year or
9 two or some loose cannon up in Albany finds this and
10 we're in a heap of trouble. So I don't know. We'll
11 take it one step at a time.

12 I don't know if that answers your question.

13 TRUSTEE JUSKO: Yes.

14 MAYOR DEVITA: Anybody else?

15 TRUSTEE NOVICK: What about access to the
16 beach where you have to have the sticker?

17 MAYOR DEVITA: Well, you know that's
18 interesting, Marty, because that's how we control access
19 to the beach. And in the DASNY wording it talks about
20 having transportation open to the public. So they don't
21 miss out on anything. So does that mean then our
22 parking lot becomes a public non-Laurel Hollow entity?
23 I don't know. It's a concern. And like I said,
24 everyone who has looked at it says this language is
25 concerning. So, we'll try this first step and then come

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1 back and see where we're at --

2 TRUSTEE NOVICK: Okay.

3 MAYOR DeVITA: -- if they reject it. So, if
4 there's anything else from anyone?

5 I'll make a motion to adjourn to executive
6 session to discuss litigation issues.

7 I need a second.

8 TRUSTEE NOVICK: Second.

9 MAYOR DeVITA: That's Trustee Novick. I'll
10 poll.

11 Trustee Jusko?

12 TRUSTEE JUSKO: Aye.

13 MAYOR DeVITA: Trustee Nicklas?

14 TRUSTEE NICKLAS: Aye.

15 MAYOR DeVITA: Trustee Tsafos?

16 TRUSTEE TSAFOS: Aye.

17 MAYOR DeVITA: Deputy Mayor Nemshin?

18 DEPUTY MAYOR NEMSHIN: Aye.

19 (Whereupon, the Board adjourned to executive
20 session.)

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

25 Ronald Koenig
RONALD H. KOENIG
Senior Court Reporter