

**MINUTES OF THE SPECIAL MEETING  
BOARD OF TRUSTEES  
HELD VIA ZOOM VIDEOCONFERENCE  
(due to COVID-19 public assembly restrictions)  
STENOGRAPHICALLY RECORDED  
TUES., AUGUST 18, 2020  
6:00 PM**

**PRESENT:**

Mayor Daniel F. DeVita  
Trustee Kevin Jusko  
Trustee Jeffrey Miritello

Trustee Jeffrey Nemshin  
Trustee Richard Nicklas  
Trustee Martin Novick  
Trustee Nicholas Tsafos

Howard D. Avrutine, Village Attorney  
Elizabeth Kaye, Clerk/Treasurer  
Michael F. McNerney, Supt. of Building  
Dept.  
Nancy Popper, Deputy Clerk/Court Clerk

For Executive Session:  
Jeffrey Blinkoff, Esq., Chief Prosecutor  
Jim Antonelli, Village Engineer  
Joseph Macy, Esq.

**EXCUSED:**

Mayor DeVita called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

**UPDATES ON SEAWALL GRANT AND TROPICAL STORM IASIAS**

Mayor DeVita updated the Board on the status of the NYS Seawall Grant, which requires clarification with regard to certain conditions in the agreement. Mayor DeVita updated the Board on the aftermath of Tropical Storm Isaias and thanked Board members for their assistance during the storm. He particularly thanked Deputy Mayor Nemshin for his continued efforts in helping residents with restoration of their cable and internet service with Optimum (Altice).

**APPOINTMENT OF OYSTER BAY GUARDIAN AS OFFICIAL PAPER FOR LEGAL NOTICES**

Mayor DeVita moved to amend the minutes of July 15, 2020 to appoint the Oyster Bay Guardian as an official paper for publication of the Village's legal notices, seconded by Trustee Nicklas, and approved upon the following poll of the Board:

Mayor DeVita	Aye
Deputy Mayor Nemshin	Aye
Trustee Jusko	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Miritello	Excused (arr. At 6:17 pm)
Trustee Tsafos	Aye

**EXECUTIVE SESSION**

Mayor DeVita moved to adjourn to Executive Session at 6:16 pm to discuss litigation matters, seconded by Trustee Novick, and approved upon the following poll of the Board:

Mayor DeVita	Aye
Deputy Mayor Nemshin	Aye
Trustee Jusko	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Miritello	Excused (arr. At 6:17 pm)
Trustee Tsafos	Aye

### **RESOLUTION AUTHORIZING COMMENCEMENT OF LEGAL PROCEEDINGS AND THE HIRING OF COUNSEL**

The following resolution was proposed by Mayor Daniel F. DeVita, who moved its adoption, seconded by Deputy Mayor Nemshin:

WHEREAS, the Board of Trustees has been advised that certain construction and renovation work is being conducted without a permit at the property located at 1680 Route 25A, Syosset, New York 11791, Village of Laurel Hollow and also identified as Section 14, Block A, Lot 24 on the Nassau County Land and Tax Map (“Real Property”);

WHEREAS, the Real Property is owned by My Four Realty LLC, located at 1048 Old Country Road, Westbury, New York, 11590;

WHEREAS, the Village Building Inspector has issued multiple violations to My Four Realty LLC and its principal Roy Tuccillo under Village Ordinance Chapters 22 and 23 for, among other things, proceeding with the renovation of the Real Property without the necessary permit(s) and for violating previously issued stop work orders;

WHEREAS, the Board of Trustees has learned that workers are continuing to renovate the Real Property without the necessary building permits;

WHEREAS, the Village’s building inspector/code enforcement officer and other representatives have not been provided with access to the Real Property and have thus, been prevented from inspecting and evaluating the unpermitted work that is continuing to be performed;

WHEREAS, the Village Attorney has been in contact with Joseph E. Macy, Esq. of Berkman, Henoch, Peterson, Peddy & Fenchel, P.C. (“BHPP”), whose practice has a focus on land use regulation and municipal litigation, to discuss BHPP’s representation of the Village in an action seeking, among other things, an injunction to stop all work at the Real Property;

WHEREAS, BHPP’s hourly fees are as follows: \$250.00 for partners, \$175.00 for associates and \$90.00 for paralegals;

WHEREAS, the recommendation of the Village Attorney is to retain BHPP in connection with the commencement of an action against My Four Realty LLC and Roy Tuccillo and;

WHEREAS, the Board of Trustees has previously engaged BHPP in connection with litigation commenced against the Village;

WHEREAS, Mr. Macy, on behalf of BHPP, has agreed to represent the Village of Laurel Hollow in an action against My Four Realty LLC and Roy Tuccillo pursuant to the Retainer Agreement annexed hereto; and

WHEREAS, BHPP will provide a detailed billing statement to the Board of Trustees each month with respect to its representation.

**NOW, THEREFORE, BE IT RESOLVED** that legal proceedings be commenced on behalf of the Incorporated Village of Laurel Hollow against My Four Realty LLC and Roy Tuccillo seeking, among other things, injunctive relief with respect to the unpermitted work being performed at the Real Property.

**BE IT FURTHER RESOLVED** that BHPP be and is hereby retained to represent the Incorporated Village of Laurel Hollow with respect to all legal proceedings against My Four Realty LLC and Roy Tuccillo seeking to stop all work and construction at the Real Property.

**BE IT FURTHER RESOLVED** that Mayor DeVita is hereby authorized to enter into the Retainer Agreement with BHPP.

The Mayor polled the Board as follows:

<b>Board Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Mayor Daniel F. DeVita	X		
Kevin Jusko	X		
Jeffrey C. Miritello	X		
Jeffrey Nemshin	X		
Richard M. Nicklas	X		
Nicholas Tsafos	X		
Martin Novick	X		

Mayor DeVita moved to settle the case with American Paving for a sum of \$40,000, to be paid by the Village to American Paving and that appropriate settlement documents be executed, seconded by Trustee Jusko, and approved upon the following poll of the Board:

Mayor DeVita	Aye
Deputy Mayor Nemshin	Aye
Trustee Jusko	Aye
Trustee Nicklas	Excused (excused at 7:15 pm)
Trustee Novick	Aye
Trustee Miritello	Aye
Trustee Tsafos	Aye

The Board returned to public session at 7:24 pm.

There being no further business to come before the Board, Mayor DeVita moved to adjourn the meeting at 7:30 PM, seconded by Trustee Jusko, and approved by all present.

*Elizabeth Kaye*

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Elizabeth Kaye  
Clerk/Treasurer

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT  
7:00 PM ON WEDNESDAY, SEPTEMBER 16, 2020.