

**INC. VILLAGE OF PLANDOME HEIGHTS
MEETING OF THE BOARD OF TRUSTEES
PLANDOME HEIGHTS VILLAGE HALL
JULY 11, 2016
MINUTES OF MEETING AND PUBLIC HEARING**

Present: Mayor Kenneth C. Riscica
Trustee Daniel Cataldo
Trustee Silva Ferman
Trustee Gus Panopoulos
Trustee Alvin Solomon
Trustee Norman Taylor
Clerk-Treasurer Arlene Drucker
Village Attorney Christopher Prior, Esq.

Absent: Trustee Dianne Sheehan

Also Present: Chris Adams Manhasset Times

At 7:33 p.m. Mayor Riscica called the meeting to order and called for the Pledge of Allegiance.

The Mayor called for a moment of silence to honor the passing of the 5 Police Officers killed last week in Dallas, TX and the 2 Court Officers killed in Michigan today.

Mayor Riscica opened the Public Hearing at 7:37 pm to consider restricting the use of Village Parkland to Village residents and their guests.

At 7:40 pm upon motion by Trustee Panopoulos, seconded by Trustee Cataldo, a resolution to close the public hearing for Bill #1 of 2016 was unanimously approved. A stenographic transcript of the public hearing is annexed to the minutes.

A discussion ensued among the Trustees including a review of proposed signage. After discussion, upon motion by Trustee Ferman, seconded by Trustee Solomon, the following resolution was unanimously adopted by all present:

RESOLVED, that Bill #1 of 2016 is enacted as Local Law #1 of 2016 and that the Clerk is directed to take such actions to advise NCPD of this action and review the form of proposed signage with NCPD and thereafter to order and have installed signage reflecting the restrictions at the Village Preserve.

The Mayor noted that the next order of business was the approval of the minutes of the June 6, 2016 meeting. The Trustees confirmed that they had read the draft minutes and had no proposed changes. After discussion, upon motion by Trustee Taylor, seconded by Trustee Panopoulos, the following resolution was adopted by all Trustees present:

RESOLVED, that the minutes of the Regular Meeting held on June 6, 2016 are hereby accepted and approved by all members present.

The Mayor noted for the record that the MLWD water main replacement project at Summit Drive and Grandview Circle had progressed well and that the project has been done with care and few complaints. The remaining work includes road restoration. The MLWD has contracted for road restoration and the Village

desires to have additional work done by the MLWD contractor for a cost estimated to be approximately \$34,000.

The Mayor then moved the discussion to finalizing the accounting of the Fishman Matter. The fair market value of the property was determined to be \$25,000 and this amount has been restricted for use for parkland capital projects. Such projects have been being funded through a dedication of a portion of the Capital Fund pending receipt of the proceeds of the sale, which had been delayed. Since the payment of the fair market value of the property was received into the General Fund in the fiscal year ended May 31, 2016, the Village now needs to transfer \$25,000 from the General Fund to the Parkland Account in the Capital Fund. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Panopoulos, the following resolution was adopted by all Trustees present:

RESOLVED, that the board approve the transfer of \$25,000 from the General Fund to the dedicated parkland portion of the Capital Fund to reimburse the Capital Fund for parkland expenses advanced and that the July abstract be amended to reflect this payment to the Capital Fund.

The Mayor then moved the discussion to hiring a contractor to place a stone line at the border of the Fishman property and the Preserve. Presently the Village was able to secure one estimate to complete this work and will be receiving additional estimates before a decision is made. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Taylor, the following resolution was adopted by all Trustees present:

RESOLVED, that the Mayor is authorized to engage a contractor to complete the stone line at the Preserve at a cost not to exceed \$2,500 after Trustee Taylor has reviewed and approved the scope of work.

The Mayor then moved the discussion to private trees at 62 Shore Road and 112 Plandome Court. Both trees were in decline and residents were concerned with their condition. Both home owners have advised the Village that they will remove the trees without the Board needing to take action.

The Mayor stated that the next order of business was the approval of the Abstract of Claims. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Panopoulos, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the Abstract of Claims Number 2 of the Budget Year 2016 – 2017 for claim numbers 34 – 67 in the amount of \$74,586.99 is hereby accepted, as amended.

At 8:15 p.m. Mayor Riscica moved to enter into Executive Session in order to seek the advice of counsel on certain matters. This motion was seconded by Trustee Ferman. All Trustees present were in favor.

The Mayor announced that executive session ended at 9:24 p.m. with no action taken.

The Mayor then moved the discussion to concrete road repairs on Summit Drive and Grandview Circle. The Mayor noted that the Manhasset-Lakeville Water District's (MLWD) ongoing water main project which includes concrete road restoration can be expanded to include approximately \$34,000 of "Village desired" work. Further, the Mayor noted that the Village Attorney represents both MLWD and the Village and therefore for them to prepare an Inter-Municipal Agreement to reflect this work would require that all parties execute a "waiver of conflict" letter in the form proposed. MLWD is willing to execute that letter. Mayor Riscica noted that in a prior dealing with MLWD, the Village retained independent counsel and that seemed, in hindsight, excessive for a simple agreement. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Panopoulos, the following resolutions were unanimously adopted by all Trustees present:

RESOLVED, that the Village agrees to the form of the waiver of conflict letter from Ackerman, Levine, Cullen, Brickman & Limmer, LLP with respect to this project and the Mayor is authorized to execute that letter.

RESOLVED, that the Mayor is authorized to enter into the proposed IMA agreement with the MLWD for approximately \$34,000 worth of concrete restoration work (subject to actual final quantities) on Summit Drive and Grandview Circle subject to such non-material changes as are deemed appropriate by the Mayor and the Village Attorney.

The Mayor then moved the discussion to the capital project planned for The Waterway/The Neck and Cove Drive under the Village's Capital Plan. The Village has been awaiting word on the progress of the \$100,000 road grant from NY State before moving forward with an advertisement for bids. The Village has now learned that the \$100,000 grant will not be finalized before 2017. Because of: (a) the significant improvement in competitive conditions in 2016 vs. 2015, (b) the continuing deterioration of the road at The Waterway/The Neck where an existing NY State road grant is approved, (c) the expectations of the residents for action on this portion of the project and (d) the continued delay in receiving the grant associated with the Cove Drive project, the Mayor recommends that the Village go to the bid phase for these projects. The Mayor reminded the Trustees that in February 2016 the Trustees approved the effort to update the bid and in March 2016 the Trustees approved the increase from \$100,000 to \$300,000 of the authority to spend Capital Funds on these projects (subject to permissive referendum). A discussion ensued. After discussion, upon motion by Trustee Taylor, seconded by Trustee Panopoulos, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, the Village shall prepare and publish an advertisement for bids for the road work contemplated for The Waterway/The Neck and Cove Drive as well as to facilitate the addition of other miscellaneous requirements the Village may have. Such bid shall also consider utilizing the "piggy back" provisions of GML Section 103(16).

The Mayor then moved the discussion to a personnel issue. The Mayor indicated that our Village staff who do not live in the Village will not, on most evening meetings, have an opportunity to go home for dinner. Further, it is customary in such situations to offer employees a "dinner allowance" intended to offset some of the additional cost of a meal outside the home. As such, earlier in 2016, the Mayor has offered our employees who attend Village meetings in the evening and worked in the Village that day, a non-accountable dinner allowance of \$15.00 (the Mayor noted that the IRS allowed amount is higher). As such, the Mayor recommends that the Village Personnel Policy be amended to include a dinner allowance. After discussion, upon motion by Trustee Solomon, seconded by Trustee Ferman, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, the Village ratifies the actions of the Mayor to institute a non-accountable dinner allowance of \$15.00 beginning in 2016 and that such be added to the Village Personnel Operating Policies & Procedures for any employee who does not live in the Village or within 6 miles of the Village, working an evening meeting after working the day.

The Mayor then referred the Members to the financial report as of the fiscal year ended May 31, 2016 included in their materials for this meeting. Mayor Riscica noted that those materials included the Balance Sheet of the Village and the Operations Statement and Balance Sheet of the Capital Fund, which are generally provided on an annual basis to the Board. Mayor Riscica informed the Board that the Annual Financial Audit of those financial statements would begin on July 15 and should be completed in time for a timely filing to NY State later in July. The Mayor indicated that a substantial surplus, as expected, was generated in the fiscal year ended May 31, 2016. The Mayor then reviewed the reasons for the surplus which are contained in a financial report included in the materials for this meeting. The Mayor pointed out that it was appropriate to examine whether a surplus of this magnitude warranted any adjustment in the thinking on our tax levy. The Mayor expressed his view that the tax levy remains appropriate for the following reasons: (a) most of the reasons for the surplus are "non-recurring" items (litigation settlement and related, unexpected FEMA reimbursement, unusually mild winter), (b) the building fee increase reflects a "wave" of activity that is much higher than normal and will return to normal and (c) we need to build reserves for our Capital Plan. A discussion ensued. After discussion and upon motion by Trustee Cataldo, seconded by Trustee Panopoulos, the following resolution was unanimously adopted by all present:

RESOLVED, that the Board of Trustees approves the 2015-2016 Fiscal Year's Financial Report which will be incorporated into the financial report to be filed with N.Y. State by the end of July and that the Mayor and Clerk-Treasurer are directed and authorized to execute such financial filing with the State including such non-material adjustments or changes as determined to be appropriate by the Mayor and Clerk-Treasurer in consultation the independent auditors and,

IT IS FURTHER RESOLVED, that \$100,000 of surplus funds be appropriated to the General Fund that is assigned for long term capital projects under the Village Capital Plan and

IT IS FURTHER RESOLVED, that the Village make such remaining budget transfers, in addition to the budget transfers made during the fiscal year, to conform our adjusted budget to any over-expended categories of expenditure.

The Mayor then moved the discussion to the snow plow contract. Our last contract was for 7 years and has just expired. The Village has secured a one-year contract from our current vendor at the same cost as the seventh year in the previous contract. A one-year contract is below the cost threshold of requiring the Village to take the proposal out to bid. The Trustees then discussed the advisability of the Village going out to bid in order to lock in a multi-year snow plow contract. A discussion ensued. After discussion and upon motion by Trustee Taylor, seconded by Trustee Panopoulos, the following resolution was unanimously adopted by all present:

RESOLVED, that the Village is authorized to go out to bid for a multi-year snow plow contract covering 10 years in individual options (at the option of the Village) in substantially the form submitted with such further non-material changes as agreed by Trustee Taylor, the Mayor and the Village Attorney.

There being no further business to discuss, Trustee Solomon motioned to adjourn the meeting and such motion was seconded by Trustee Ferman. All Trustees present were in favor.

The meeting was adjourned at 10:01 p.m.

Respectfully submitted,

Arlene Drucker, Clerk-Treasurer

Attachment