

**INC. VILLAGE OF PLANDOME HEIGHTS  
MEETING OF THE BOARD OF TRUSTEES  
PLANDOME HEIGHTS VILLAGE HALL  
JUNE 3, 2019  
MINUTES OF MEETING**

<b>Present:</b>	Mayor	Kenneth C. Riscica
	Trustee	Daniel Cataldo
	Trustee	Silva Ferman (arrived at 8:05)
	Trustee	Gus Panopoulos
	Trustee	Dianne Sheehan
	Trustee	Alvin Solomon
	Trustee	Norman Taylor
	Clerk-Treasurer	Arlene Drucker
	Village Attorney	Christopher Prior, Esq.

At 7:31 p.m. Mayor Riscica called the meeting to order and called for the Pledge of Allegiance.

The Mayor noted that the first order of business was the approval of the minutes. The Trustees confirmed that they had read the draft minutes of the May 6, 2019 Regular Board of Trustees Meeting. After discussion, upon motion by Trustee Taylor, seconded by Trustee Sheehan, the following resolution was unanimously adopted by all Trustees present:

**RESOLVED**, that the minutes of the Regular Meeting, held on May 6, 2019, are hereby accepted and approve.

The Mayor indicated that the next order of business was budget transfers. The Mayor noted that every month the board reviews the financials to ensure that all expenditures are in line with the overall budget. The Mayor also noted that some accounts require budget transfers to accommodate unbudgeted expenditures. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Sheehan, the following resolution was unanimously adopted by all Trustees present:

**RESOLVED**, that the Village make the necessary transfers after the financial books are closed to ensure that all expenditures are within the budget amounts and the Clerk-Treasurer shall present all transfers to the board at the August meeting.

The Mayor then moved the discussion to review a Village tree at 9 the Beachway, the residence of Mr. and Mrs. Caccese. This is a Bradford Pear tree which is not numbered. Based on input provided by Village personnel, the Board determined that the tree should be removed. 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**, that the Village authorizes Mr. and Mrs. Caccese, at their cost and expense, to remove the Bradford Pear Tree on the village right-of-way, including stump grinding, with no need to replace the tree.

At 8:00 p.m. Mayor Riscica moved to enter into Executive Session in order to seek the advice of counsel to discuss legal matters. This motion was seconded by Trustee Sheehan. All Trustees present were in favor.

At 8:09 p.m., the Mayor announced that executive session ended with no action taken.

Mayor Riscica advised the Board with respect to a resident request to remove a dead tree in the right-of-way abutting 760 Plandome Road. He noted the Village Code requirement that abutting property owners remove trees in the Village right-of-way. He also noted that Plandome Road is the only County road within the Village. The Mayor explained that the resident, Mrs. E. Hunt, advised that the tree was planted without notice to or consent from her, as the abutting property owner, by the Town of North Hempstead, many years ago when the Town performed maintenance of Plandome Road under an agreement with the County. As such, Mrs. Hunt has challenged applicability of that Village Code provision to the right-of-way for Plandome Road, a County road, particularly where the tree was not planted at the abutting homeowner's request. The Village Attorney acknowledged that a question exists as to whether the Village Tree Code could apply under such circumstances.

The Board members noted the unique circumstances, including the planting of the tree by a separate unit of local government without input from the resident, and the fact that Plandome Road is a County Road. The Board also noted that the Village would incur legal fees to resolve the Code issue that might exceed the cost to remove the dead tree, while also observing that a dead tree in the public right of way creates imminent health and safety issues. While such a legal expense might be warranted if the issue were to recur, to the knowledge of the current Board members, the Village has never previously confronted this unique fact pattern, and so has a reasonable basis to conclude that it may not appear in the foreseeable future. Furthermore, the Board finds the need to act promptly in light of safety and liability concerns.

Based upon the foregoing, upon motion by Trustee Taylor, seconded by Trustee Cataldo, the following resolution was unanimously adopted by all Trustees present:

**RESOLVED**, to remove the tree located in the right-of-way for Plandome Road abutting the premises at 760 Plandome Rd., at the cost and expense of the Village, in an amount not to exceed \$ 1,000.

At 8:20 p.m. Mayor Riscica moved to enter into Executive Session in order to seek the advice of counsel to discuss personnel matters. This motion was seconded by Trustee Sheehan. All Trustees present were in favor.

At 8:39 p.m., the Mayor announced that executive session ended with no action taken.

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 Sheehan, the following resolution was unanimously adopted by all Trustees present:

**RESOLVED**, that the May Abstract of Claims Number 1 of the Budget Year 2019 – 2020 for claim numbers 1 – 29 in the amount of \$31,326.35 have been reviewed and approved by the Trustees and is hereby accepted.

There being no further business to discuss, upon motion by Trustee Solomon seconded by Trustee Sheehan, resolution adjourning the meeting was unanimously adopted by all Trustees present.

The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

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Arlene Drucker, Clerk-Treasurer