

**INC. VILLAGE OF PLANDOME HEIGHTS
MEETING OF THE BOARD OF TRUSTEES
PLANDOME HEIGHTS VILLAGE HALL
SEPTEMBER 12, 2022; 7:00 PM
MINUTES OF MEETING**

Present:	Mayor	Kenneth C. Riscica
	Trustee	Daniel Cataldo
	Trustee	Mary Hauck
	Trustee	Kristina Lobosco (arrived 7:37 pm)
	Trustee	Gus Panopoulos
	Trustee	Norman Taylor
	Clerk-Treasurer	Arlene Drucker (telephonically)
	Deputy Clerk	Susan Martinez
	Village Attorney	Christopher Prior, Esq.
Absent:	Trustee	Florence Musalo
Also Present:	Rosemary Mascali	Resident, President Plandome Heights Civic Association
	Chris and Lisa O'Connor	Residents

At 7:04 p.m. Mayor Riscica called the meeting to order and called for the Pledge of Allegiance. The Mayor then asked for a moment of silence to honor all the lives that were lost as well as those who still suffer and the lives that were impacted on 9/11, twenty-one years ago.

The Mayor noted that the next order of business was approval of the minutes of the Board of Trustees' August 1, 2022 Regular Meeting and the August 15, 2022 Special Meeting. The Trustees confirmed that they read the draft minutes. After discussion, upon motion by Trustee Panopoulos, seconded by Trustee Taylor, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the minutes of the August 1, 2022 Regular Meeting and the August 15, 2022 Special Board Meeting of The Board of Trustees in the form presented by the Village Clerk-Treasurer are hereby accepted and approved.

The Mayor then moved the discussion to hiring a consultant to advise on the Village's space needs. The Mayor noted that residents in general are not familiar with the space requirements to operate our Village and some do not understand how our needs have increased. Some residents have suggested that a professional space study would be helpful to their understanding. As such, and as directed in the August meeting, the Mayor met with an experienced consultant, Harry Nicolaides, AIA, to discuss preparing a space needs assessment for the Village. Mr. Nicolaides is uniquely qualified to evaluate our space needs as he is a registered architect who regularly works with the many building departments in the town and nearby villages and is a former Mayor of Munsey Park. After discussion, upon motion by Trustee Panopoulos, seconded by Trustee Hauck, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the Board of Trustees ratify the hiring of Harry Nicolaides to provide the Space Analysis Services as per the contract provided to the Trustees.

The Mayor then moved the discussion to the filing of the Annual Updated Document Financial Report (AUD). The Mayor noted that as previously discussed, due to personnel shortages, the AUD was put on a 60 day extension when it was due on July 31, 2022. The Mayor reported that the document was filed, as promised, well within the extension deadline. The Mayor presented the filing to the Trustees. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Panopoulos, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the Board of Trustees ratify and approve the filing of the Annual Updated Document Financial Report with New York State.

The Mayor then updated the Trustees on the recent Polio Outbreak in NY State and specifically on the Cow Neck peninsula. The Mayor discussed the zoom meeting he participated in and the press release from New York State Department of Health.

The Mayor then moved the discussion to his meeting with the Manhasset Mayors and the new NCPD 6th Precinct Commander Vitelli. After discussion the Mayor asked and the Trustees affirmed, they want the Commander to attend the October board meeting as planned.

The Mayor then acknowledged the residents, Mr. and Mrs. O'Connor, present and asked if they had an issue they wanted to discuss with the Board of Trustees. Mr. O'Connor noted that they recently bought 109 Summit Drive, one of the homes built resulting from the Summit subdivision in 2018. Mr. O'Connor noted that they were not involved with the subdivision and were not aware of any restrictions placed on their property from the Planning Board until he submitted plans to the Building Inspector. At that point, the Mayor advised the residents that if they wanted to make any changes to the conditions of the Decision and Order of the subdivision of their property, they would need to make an application to the Planning Board. The Mayor noted further, that the functions of the Planning Board have been assumed by the Board of Trustees. As such, it would be inappropriate for the Trustees to engage any further on this topic in the absence of an application to the Planning Board with all of the attendant public notices and availability for public participation. The Mayor suggested that the residents make an attempt to resolve the matter with the Village Building Department and if not successful, then the homeowner should submit an application to the Planning Board.

Mayor Riscica then moved the discussion to the Manhasset Women's Coalition Against Breast Cancer request for a permit for the 23rd annual 5K race through the streets of our Village. After discussion, upon motion by Trustee Hauck seconded by Trustee Lobosco, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the request of the race committee of the Manhasset Women's Coalition Against Breast Cancer is approved to permit the road race route to include portions of the Village on Sunday, October 2, 2022, between the hours of 9:30 am and 10:30 am.

The Mayor then moved the discussion to Finances. The Mayor noted that with the higher interest rates, the Village should be reviewing appropriate investment options for the Village's money to take advantage of the higher returns. The Village reviewed the certificate of deposit (CD) rates from various banks and noted that TD Bank had the highest rates. The Mayor suggested the Village open a CD and prepare the necessary paperwork to ensure that. The Mayor noted that our current balances at Flushing Bank are at our internal maximum and that our balances at First National exceed our internal maximum (partly because of the unspent ARPA funds) and so adding a third bank is appropriate at this time from both a concentration policy and a yield perspective. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Panopoulos, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the Village prepare the necessary papers and signature card in order to open a CD with TD Bank. It is further resolved that the following Village officials be and hereby are authorized co-signatories on the account, in order of their availability as follows: Mayor & Trustee Cataldo, then Mayor & Trustee Hauck, then Mayor & Trustee Musalo, then Trustee Cataldo & Trustee Hauck then either Trustee Cataldo or Trustee Hauck and Trustee Musalo.

The Mayor then moved the discussion to trees. Mr. and Mrs. Garseen Wong, residents at 131 Bournedale Road North, requested permission to remove a tree in the Village ROW. Trustee Taylor reported that he had inspected the tree, and found that it was dead or dying and that it should be removed. After discussion and upon motion by Trustee Taylor, seconded by Trustee Lobosco, the following resolution was unanimously adopted by all present:

RESOLVED, that the Village authorizes Mr. and Mrs. Wong, at their cost and expense, to remove Village Tree #631 on the Village right-of-way, including stump grinding, with no need to replace the tree.

The Mayor then addressed Trustee Taylor's concern with a dead tree on the Village ROW at the residence of Mr. and Mrs. Solomita of 8 The Waterway. Trustee Taylor recommended that the tree be removed and the resident be notified. After discussion and upon motion by Trustee Taylor, seconded by Trustee Lobosco, the following resolution was unanimously adopted by all present:

RESOLVED, that the Village notifies Mr. and Mrs. Solomita, at their cost and expense, to remove Tree #548 on the village right-of-way, including stump grinding, with no need to replace the tree.

The Mayor then addressed the concern of a tree at 718 Plandome Road. After discussion, the Mayor and Trustee Taylor committed to reviewing the tree again and reporting back to the board next month.

At 8:46 p.m. Trustee Panopoulos motioned to enter into Executive Session in order to discuss a litigation matter. This motion was seconded by Trustee Cataldo. All Trustees present were in favor. At 9:01 executive session was ended without any action taken.

The Mayor then moved the discussion to the lease dispute. The Mayor reminded the Board of the Village action in January 2022 exercising its option to extend the Lease under which the Village occupies Village Hall, and the ensuing issues that arose between the Village and the landlord. Such matters included claims by the landlord for payments for additional rent going back 13 years which had never before been billed or asserted and which the Village disputed. The Mayor noted that he engaged directly for several weeks with a principal of the landlord to resolve the conflicts and confirm the lease extension. Those efforts by the Mayor involved meetings, phone calls and email exchanges, all of which were communicated to the Board through periodic updates by the Mayor. Trustee Gus Panopoulos, an attorney with experience in real estate matters, joined the Mayor's efforts at negotiated resolution. Eventually, with no clear resolution in sight, the Board determined to involve the Village Attorney's office to attempt to move matters to closure.

The Mayor noted that, after a total of eight months, a negotiated tentative settlement has been reached, in an amount significantly less than the claimed amount, which the landlord has executed and that such settlement amount is likely less than the costs of continued dispute.

The Mayor noted that, while significant time, energy and Village funds have been expended to reach this stage, the proposed settlement ends such expenditures, enables the Village to resolve the conflict and uncertainty that has impacted Village administration and staff operations for most of the current year, eliminates this as a distraction from important Village business, and provides assurance that the current

Village Office is available to the Village during the approximately 3 years remaining under the lease extension.

The Mayor noted that this experience has been instructive for the Village, in understanding current market rates for office space in the Manhasset area, as well as the landlord's perspective on those rates and the likely impact on subsequent lease extension. This experience makes it clear that the Village must be prepared for a future in which its occupancy needs will be satisfied at market rates significantly higher than what the Village now enjoys.

The process also has been beneficial to the Village in understanding the viability of the current space into the future. The Board recognized that its assumptions as to the inadequacy of the current space for Village needs were not universally shared or understood by the community. To that end, the Board determined to invest in a space analysis by a qualified independent third party, an architect highly regarded in the community not only for his professional reputation but also for his distinguished career of public service to local governments, including his lengthy tenure as Mayor in a neighboring Village.

While we await the opportunity to review and understand the consultant's report, the proposed settlement, which confirms the Village right to occupy the current Village Hall space through July 2025, is the matter now requiring Board action. The Mayor, Trustee Panopoulos and the Village Attorney recommend to the Board that the negotiated settlement, in the form prepared by the Village Attorney's office and provided to the Board members, be approved by the Board.

After discussion and upon motion by Trustee Panopoulos, seconded by Trustee Cataldo, the following resolution was unanimously adopted by all present:

BE IT RESOLVED, that the settlement agreement between the Village and 39 Orchard Street Development Company, relating to the Lease Agreement for the premises at 37 Orchard Street, Manhasset, New York, in the form prepared by the Village Attorney, provided to the Board and executed by the Landlord, be and it hereby is, approved by the Board, and the Mayor is hereby authorized to execute and deliver same, in the name and on behalf of the Village, and the Village is authorized to perform its obligations thereunder.

The Mayor stated that the next order of business was the approval of the Abstract of Claims. The Mayor noted that the inclusion of the settlement payment to the Landlord on the abstract is conditioned upon the landlord fully and unconditionally executing the settlement and release agreement. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Panopoulos, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the August Abstract of Claims Number 4 of the Budget Year 2022 – 2023 for claim numbers 93 – 122 in the amount of \$33,135.42 inclusive of the Landlord settlement check, has been reviewed and approved by the Trustees, and is hereby accepted subject to the condition noted in the prior paragraph.

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Arlene Drucker, Clerk-Treasurer