

**INC. VILLAGE OF PLANDOME HEIGHTS  
MEETING OF THE BOARD OF TRUSTEES  
PLANDOME HEIGHTS VILLAGE HALL  
APRIL 1, 2024; 7:00 PM  
MINUTES OF MEETING**

<b>Present:</b>	Mayor	Kenneth C. Riscica
	Trustee	Daniel Cataldo
	Trustee	Mary Hauck
	Trustee	Norman Taylor
	Trustee	Kristina Lobosco
	Trustee	Eric Carlson
	Trustee	Jerry Love
	Clerk-Treasurer	Marie Brodsky
	Deputy Clerk	Susan Martinez
	Village Attorney	Christopher Prior, Esq.

<b>Also Present:</b>	Joanne Horrocks	Stenographer
	John Stark	Resident, ARB Board Member
	Maryann Grieco	Resident, ARB Board Chairperson
	Fausto Pugliese	Resident, ARB Board Alternate
	Harry Nicolaidis	Village Architectural Consultant
	Sharon Berman	Resident
	Avtar Raince	Resident
	Rosemary Mascali	Resident, Plandome Heights Civic Association
	Paul Mascali	Resident
	Sandy Camillo	Resident
	John Camillo	Resident
	P. Waters	Resident
	Vasu Krishnamurthy	Resident
	Judy Taylor	Resident
	Dana Forbes	Resident
	Irakli Machabeli	Resident
	Tina Chary	Resident
	Aida Ferman	Resident
	Matt Sherwood	Resident
	Jason Polqier	Resident
	Teresa Lazar	Resident
	Debbie Gwon	Resident
	Holly Duran	Resident

At 7:01 p.m. Mayor Riscica called the meeting to order and called for the Pledge of Allegiance.

Mayor Riscica asked Clerk-Treasurer Marie Brodsky to report the results of the March 19, 2024 Village Election as shown below:

***CERTIFICATE OF ELECTION RESULTS 2024***

THIS IS TO CERTIFY that the General Election of Officers for the Incorporated Village of Plandome Heights was held on the 19th day of March, 2024 at the Plandome Village Hall, 65 South Drive, Plandome, New York; and that the polls opened at 12:00 noon on said day and remained open continuously until 9:00 PM on said day, at which time they were closed.

**[1]**

That at said election:

The total number of paper ballots provided was: .....	150
The total number of paper ballots left – post election is: .....	40
The total number of paper ballots used was: .....	110
The total number of paper ballots spoiled or invalidated was.....	1
The total number of Absentee Ballots cast was: .....	5

**[2]**

That at said election the total number of votes cast for the Office of Village Mayor for a two (2) year term was:

BALLOTTED CANDIDATES	VOTES
KENNETH C. RISCICA	104
WRITE-IN CANDIDATES	
ROSEMARY MASCALI	2
PAUL MASCALI	1
WAYNE POWERS	1

That at said election the total number of votes cast for the Office of Trustee for a two (2) year term was:

for ERIC CARLSON .....	106
for MARY HAUCK .....	105
for KRISTINA LOBOSCO .....	97

[3]

That the following persons were duly elected for the offices and terms herein stated:

MAYOR KENNETH C. RISCICA for a two (2) year term  
TRUSTEE ERIC CARLSON for a two (2) year term  
TRUSTEE MARY HAUCK for a two (2) year term  
TRUSTEE KRISTINA LOBOSCO for a two (2) year term

As witnessed by the Election Inspectors of record on the 19<sup>th</sup> day of March 2024, indicated below:

Marie Dalton Bruno      Diane S. Harragan

Newly re-elected Mayor Kenneth C. Riscica and Trustees Mary Hauck, and Kristina Lobosco were sworn in by Village Attorney Christopher Prior.

Newly elected Trustee Eric Carlson was sworn in by Village Attorney Christopher Prior.

Additionally, Village Attorney Christopher Prior swore-in Trustee Gerard Love to fill the remaining vacant term of Trustee Gus Panopoulos who passed away on February 3, 2024.

At 7:21 p.m. Mayor Riscica opened the Public Hearing on a proposed local law to amend the Village Code provisions addressing the Village Code for Solar Panels.

On motion by Trustee Taylor, seconded by Trustee Lobosco, the Board unanimously RESOLVED to close the Public Hearing at 8:09 pm.

A verbatim transcript of the Public Hearing was made by a stenographer; a copy of said transcript is deemed incorporated into these minutes at this point.

Mayor Riscica then made a presentation with respect to the tentative budget for the 2024/25 Village fiscal year.

At 7:37 p.m. Mayor Riscica opened the Public Hearing on the Village budget.

On motion by Trustee Hauck, seconded by Trustee Cataldo, the Board unanimously RESOLVED to close the Public Hearing at 8:11 pm. A special meeting will be held to approve the posted budget.

A verbatim transcript of the Public Hearing was made by a stenographer; a copy of said transcript is deemed incorporated into these minutes at this point.

Mayor Riscica then moved the discussion to Occupancy and Village Hall.

Village Attorney, Christopher Prior, provided an overview of the governance process concerning the purchasing of the village hall. See Memo in Exhibit 1 summarizing Mr. Prior’s presentation. Mr. Prior addressed queries and concerns raised by attendees, providing clarifications where necessary.

The Village Architectural and Space Consultant, Harry Nicolaidis, followed with a presentation of his Space Analysis Report, detailing his findings to aid the village in identifying the necessary physical requirements to effectively serve its residents. Mr. Nicolaidis addressed queries and concerns raised by attendees, providing clarifications where necessary. Mr. Nicolaidis Space Analysis Report is enclosed at Exhibit # 2.

Lastly, Mayor Riscica provided an overview of our occupancy situation including the pending expiration of our existing lease in July 2025, the more realistic rent renewal proposal from the landlord, the opportunities considered and lack of an “actionable transaction” at this time as well as the financial resources available and the parameters/feasibility of a purchase or lease transaction. . Discussions ensued with many residents expressing their point of view and their questions. Mayor Riscica addressed queries and concerns raised by attendees, providing clarifications where necessary.

Mayor Riscica noted that the next order of business was the review of the minutes of the Board of Trustees’ March 4, 2024 Regular Meeting. The Trustees confirmed that they had read the draft minutes. Trustees Carlson and Love exercised their option to recuse themselves from voting on this resolution since they were not Trustees at the time. After discussion, upon motion by Trustee Hauck, seconded by Trustee Lobosco, the following resolution was unanimously adopted by all Trustees not recusing themselves and present:

**RESOLVED**, that the minutes of the March 4, 2024 Regular Meeting of the Board of Trustees in the form presented by the Village Clerk-Treasurer are hereby accepted and approved and the Clerk-Treasurer is directed to file them in the minutes books of the Village.

Mayor Riscica then asked the Village Clerk to present the list of proposed appointments for various Village offices and positions, as follows:

A.	Zoning and Appeals Board Chair	Eugene O’Connor*	1 Years
B.	Zoning and Appeals Board Alt. Member -1	Valerie J. Lauriello	1 Year
C.	Zoning and Appeals Board Alt. Member -2	Vacant	1 Year
D.	Architectural Review Board member	Maryann Grieco*	5 Year
E.	Architectural Review Board Member	Donald Parker	1 Years
F.	Architectural Review Board Alt. Member-1	Erkan Aydag	1 Year

G.	Architectural Review Board Alt. Member-2	Fausto Pugliese	1 Year
H.	Budget Officer	Kenneth Riscica	1 Year
I.	Clerk-Treasurer	Marie Brodsky	1 Year
J.	Records Access Officer	Marie Brodsky	1 Year
K.	Tax Collector	Marie Brodsky	1 Year
L.	Election Officer	Marie Brodsky	1 Year
M.	Emergency Management Coordinator	David Lisner	1 Year
N.	Emergency Management Medical Liaison	Dr. Sanjivan Patel	1 Year
O.	Flagmaster	Vacant	1 Year

\*Chair Positions are held for a term of one year.

Upon motion by Trustee Hauck, seconded by Trustee Cataldo, the following resolution was unanimously passed by all Trustees present.

**RESOLVED** that the proposed appointments listed above are hereby accepted and approved.

Newly appointed Architectural Review Board Alternate Member Fausto Pugliese was sworn in by Village Attorney Christopher Prior.

Mayor Riscica reviewed the proposed appointment of the following persons or firms to be retained on a contract basis for the Village Official Year now commencing and a discussion ensued regarding the proposals from the professionals:

Village Attorney	McLaughlin & Stern, LLP
Auditor	Skinnon and Faber
ARB Architect Consultant	Craig Westergard
Engineering Firm	West Side Engineering

Upon motion by Trustee Lobosco, seconded by Trustee Love, the following resolution was unanimously adopted.

**RESOLVED** that the proposed persons or firms listed above are hereby retained in the indicated capacities, in accordance with their respective written proposals submitted to the Board.

MAYOR asks the Advisory appointments not requiring Board action to be:

Technology Advisory Board    Trey Harragan\* 1 Year

The Mayor asks the Board to review the annual resolutions as follows:

1)     **WHEREAS**, the Village Law defines the “Official Year” as the year beginning at noon on the first Monday of the month following the date of the General Village Election; and,

2)     **RESOLVED** that the first Monday of each month at the offices of Plandome Heights, 37 Orchard Street, Manhasset, New York at 7:00 pm is designated as the time and place for the regular meeting of the Board of Trustees. All other special meetings called will be noticed as required by law. Therefore, the regular meetings for the year 2024 – 25 will be:

- May 6, 2024
- June 3, 2024
- July 1, 2024
- August 5, 2024
- September 9, 2024
- October 7, 2024
- November 4, 2024
- December 2, 2024
- January 6, 2025
- February 3, 2025
- March 3, 2025
- April 7, 2025 (Annual Meeting)

3)     **RESOLVED** that the Official Newspaper of the Village be the Manhasset Press.

4)     **RESOLVED** that the Village Clerk-Treasurer, Mayor and the members of the Board of Trustees are hereby authorized to attend meetings, conferences and schools of the NYS Conference of Mayors, the New York State Government Finance Officers Association, the Long Island Village Clerks & Treasurers Association and the Manhasset area Clerks & Treasurers, subject to: (a) prior approval of the projected cost of attendance (including tuition, fees, travel/lodging and sundries) by the Board of Trustees, and (b) in the case of Village employees, subject to the approval of the Mayor, as attendance may be of benefit to the Village.

5)     **RESOLVED** that the Investment Policy of the Village of Plandome Heights as originally adopted on April 3, 2013 and updated effective April 1, 2024 is hereby adopted and the Village Treasurer, Budget Officer or Mayor is authorized to invest and reinvest monies received by the Village in various General/Unassigned/Assigned, Capital/Assigned/Committed and which are not appropriated to any particular purpose or are not immediately required to be expended for the purpose for which they were appropriated, in Certificates of Deposit, Day-of-Deposit Day-of-Withdrawal savings or other appropriate formats, and in accordance with applicable laws, rules and regulations of the State of New York and the United States, and the Investment Policy of the Village of Plandome Heights,

6)     **RESOLVED** that the Board of Trustees appoints North Hempstead Town Clerk Ragini Srivastava as Registrar of Vital Records and North Hempstead Town Deputy Clerk Margaret Malito as Deputy Registrar of Vital Records.

7)     **RESOLVED** that the Village adopts the 2023 Emergency Response Plan originally prepared in April 2009, updated as of April 3, 2023 and remains the same as of April 1, 2024

8) **RESOLVED** that the Village adopts the 2023 Personnel Operating Policies & Procedures originally adopted on January 2019, updated as of April 3, 2023, and remains the same as of April 1, 2024

9) **RESOLVED** that the Village adopts the 2023 VPH Sexual Harassment Prevention Policy originally adopted on November 5, 2018, updated as of April 3, 2023, and remains the same as of April 1, 2024

10) **RESOLVED** that the Final NYS Public Employer Public Health Emergency Plan originally adopted on March 1, 2021, updated as of April 3, 2023, and remains the same as of April 1, 2024

11) **RESOLVED** that the Village adopts the 2023 Beautification of the Village Policy originally adopted on December 3, 2018, updated as of April 3, 2023, and remains the same as of April 1, 2024

The Mayor then moved to discuss Village Operations.

In the January Trustees meeting, the Trustees authorized the Mayor to retain an architectural firm known to the Village for not-to-exceed \$5,000. The Mayor noted the need to increase the previously approved amount to N2 Design + Architecture PC by \$6,000.00 for site plans and other costs in the funding process for Occupancy. After discussion, upon motion by Trustee Lobosco, seconded by Trustee Carlson, the following resolution was unanimously approved by all present:

**RESOLVED**, that the Village is hereby authorize to increase expenditures with N2 Design + Architecture PC by \$6,000.00.

The Mayor further discussed the Village's balance of funds received from the State and Local Fiscal Recovery Funds Program which includes the American Rescue Plan (ARPA) Act. After consideration of items that qualify for use of the ARPA funds, the Mayor proposed a current expenditure of ARPA funds for the architecture expenditures from N2 Design because such space planning can lead us to be more touchless in the future; such as having the facility and space for appropriate equipment, further allowing for access to records in a touchless fashion.

After discussion, upon motion by Trustee Lobosco, seconded by Trustee Love, the following resolution was unanimously adopted by all Trustees present:

**RESOLVED**, that the Village appropriate expenditures of ARPA funds to reimburse the General Fund for architectural expenses incurred from N2 Design space planning.

In the matter of the landscaping proposal from U. Arias Corp, the Board questioned if there was an increase in the proposal. The Board tabled this matter until further inspection.

The Mayor then addressed the necessity to complete various "Spring Projects" for the upkeep of the Village.

The Mayor began with the need to repaint the Stop Lines. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Hauck, the following resolution was unanimously approved by all present:

**RESOLVED**, The Village Clerk shall undertake the task of researching and engaging a company to repaint all stop sign lines within the village, with a budget not exceeding \$2,500.00.

The Mayor continued with the need for several asphalt patches along Bay Driveway. After discussion, upon motion by Trustee Hauck, seconded by Trustee Carlson, the following resolution was unanimously approved by all present:

**RESOLVED**, The Village Clerk shall undertake the task of researching and engaging a company to add several asphalt patches along Bay Driveway located on the southside curb, with a budget not exceeding \$10,000.00.

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

**RESOLVED**, that the Abstract of Claims Number 11 of the Budget Year 2023 – 2024 for claim numbers 341 – 373 in the amount of \$33,293.53 have been reviewed and approved by the Trustees and is hereby accepted.

The Mayor brought forth the need to schedule a Special Meeting in April to approve the Tentative Budget and other Business matters not discussed at this meeting.

The meeting was adjourned at 9:52 p.m.

Respectfully submitted,

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Marie Brodsky  
Clerk-Treasurer



# INDEX OF EXHIBITS

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**THE BOARD OF TRUSTEES  
PLANDOME HEIGHTS VILLAGE HALL  
April 1, 2024  
MINUTES OF MEETING**

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Exhibit 1. Memorandum from Village Council

Exhibit 2. Harry Nicolaides, AIA – VPH Space Study & Assessment

McLAUGHLIN & STERN, LLP

MEMORANDUM

TO: Mayor and Board of Trustees, Village of Plandome Heights  
FROM: Christopher J. Prior, Esq.  
DATE: April 1, 2024  
RE: Village of Plandome Heights: Lease or Purchase of Real Property

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The Board of Trustees (the "Board"), of the Village of Plandome Heights (the "Village"), has requested that I confirm my advice regarding the legal processes under which the Village may acquire by lease or purchase real property to be used as a Village Hall.

Introduction. Under our representative democracy, qualified voters elect representatives to act on their behalf. Our system recognizes that the average citizen is primarily engaged in private matters and so delegates government decision-making to fellow residents who, by standing for election demonstrate their engagement in governance, and while serving, develop an understanding of the varied issues that confront their constituents and how to balance them. This engagement and experience, and the deliberative process of a board that acts by majority vote, make elected officials uniquely suited to make decisions for all constituents.

In the Village, the voters elect the Mayor and the six trustees to determine whether to undertake actions that a village is empowered to take. A village has only the enumerated powers delegated to it by the New York State Legislature, which are found in the NYS Village Law. A village is authorized to purchase or lease real property pursuant to NYS Village Law §1-102. Under NYS Village Law §4-412, the Board exercises that power.

The right of eligible Village residents to vote is limited to the following: (i) to elect representatives; (ii) upon matters expressly made subject to mandatory referendum by the NYS Legislature (e.g., school district budgets, certain types of local laws); and (iii) upon matters expressly made subject to permissive referendum by the NYS Legislature if a petition to have the matter made subject to a referendum is duly filed.

A village may not permit a referendum on a matter that the NYS Legislature has not expressly made subject to a referendum.

Lease of Real Property. New York law does not permit Village residents to vote on whether to lease real property for a Village Hall. Obviously, the financial obligation of a village under a real property lease for a term can be a significant portion of the budget of a small municipality like the Village. Nevertheless, the NYS Legislature makes the decision to commit

{N0702554.3}

Memo to Mayor and Board of Trustees, Village of Plandome Heights

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to that obligation the Board's responsibility, which is executed through the adoption by majority vote of a Board resolution at a public meeting.

Similarly, it is the exclusive authority of the Board to commit to other long-term and significant financial commitments. For example, the Village has enjoyed the benefits of long-term sanitation and snow removal contracts awarded by the Board to third party vendors. The financial obligation of the Village under the sanitation contract was approximately \$1.4 million over the contract's 10-year term. It would have been unlawful for the Board to have delegated such decision-making to voters.

Purchase of Real Property. New York law does not permit Village residents to vote on whether to purchase real property for a Village Hall. The NYS Legislature makes any decision to commit to such an obligation the Board's responsibility, which is executed through the adoption by majority vote of a Board resolution at a public meeting.

Financing Purchase of Real Property. Certain means of financing the purchase of real property are subject to permissive referendum.

If the Board determines to purchase real property for a Village Hall, and to finance all or a portion of the purchase price with (i) proceeds of a bond financing for a term greater than five years, or (ii) Village capital reserve funds, then the residents would be permitted to vote on such a bond issuance or capital reserve fund expenditure if a petition seeking a referendum is duly filed. But the vote is on the long-term bond issuance, or capital reserve fund expenditure, or both, as applicable, not on the underlying purchase transaction.

However, if the Board of Trustees determines to acquire real property for a Village Hall, and, for all or a portion of the purchase price, to use (i) money available in a Village fund other than a capital reserve fund, and/or (ii) proceeds of a bond issuance for a term not greater than five years, then the Board may not allow the residents to vote on the matter. Note that the NYS Comptroller has concluded that the law permits a village to use money available in a village general fund to purchase or improve real property. Other villages in Nassau County have done so in recent years.

It is worth noting that, if a Village Board resolution to finance a real property purchase with a long-term bond or capital reserve fund expenditure is defeated in a permissive referendum, but the Village Board nevertheless determines that the best interests of the Village and its residents are served by that purchase, then the Board is empowered to finance that purchase through means that are not subject to referendum, as described above.

{N0702554.3}

## The Incorporated Village of Plandome Heights Space Analysis

Prepared by Harry Nicolaides AIA,  
Architectural Consultant

Harry Nicolaides, AIA (architect) has been retained to investigate The Incorporated Village of Plandome Heights (VHP) space needs, in order to assist them in determining the physical needs that will adequately serve its residents.

In order to properly assess the village's space needs, various steps were taken to better understand the how the village functions. They include the following:

- Walk through the existing village hall office and the storage area in the cellar.
- Interview the Mayor, Ken Riscica and the Building Inspector, Edward Butt.
- Phone interview with Village Clerk, Arlene Drucker.
- Phone interview with Village Attorney, Christopher Prior, Esq.
- Phone interview with Architectural Review Board Chair, Mariann Greico.
- Phone interview with Board of Zoning Appeals Chair, Gene O'Connor.
- Phone interview with Village Prosecutor, Mary Corrigan, Esq.
- Review of a grant application prepared in requesting LGRMIF funding to digitize the village's property files.

Review of the following:

- Staff compliment, departments, responsibilities and hours at the village hall
- Boards and committees, including the BZA and ARB

- Public meetings and attendance
- Parking requirements, as a result of all of the above.
- Storage requirements.
- Privacy requirements, both visually and acoustical.
- ADA accessibility requirements.
- Various meeting schedules and possible overlaps.
- Attendance for each Board meetings , including various applicants.

consultants and queuing up to be heard.

- Village Court - village court, village justice and prosecutor requirements.
- Reception area and security concerns.
- Department of Buildings- Building inspector's desk, meeting with residents

and access to property files.

- Copy, printing, mailing and shipping needs
- Files and resident access for viewing records.
- Fire resistant and secure storage for critical on site documents.
- Technology needs, including digital presentation and video steaming needs.
- Bathrooms and pantry area.
- Message board and display area for current and historical events and

memorabilia.

- Community outreach functions.

Additionally, various nearby village halls were reviewed as well. The sq. ft. are believed to be what is represented. They include :

- The Incorporated Village of Munsey Park, which Harry Nicolaides was mayor for 17years with app. 2,700 residents. The village hall was purposed built as a village hall, with a lower level for maintenance crew and equipment garage, the 1st floor has a meeting room for 20-30 people, private office for multiple

functions, a clerical area for up to 4 people and a secure/ fire proof file room. While these functions are similar to Plandome Heights needs, a more compressed space can work, particularly due to the fact that VPH has no maintenance staff or equipment.

- The Incorporated Village of Baxter Estates, which Harry Nicolaides architectural practice has been a tenant in for over 10 years with app. 1,050 residents and a 1,650 sq. ft. village hall that was adapted from a residence.
- The Incorporated Village of Plandome Manor, which Edward Butt is also the Building Inspector for with app. 900 residents and a 1,400 sq. ft. village hall.
- The Incorporated Village of Roslyn Estates with app. 1,300 residents and a 2,000 sq. ft. village hall.
- The Incorporated Village of Roslyn Harbor with app. 1,100 residents and a 1,400 sq. ft. village hall with 900 sq. ft. of storage.
- The Incorporated Village of Saddle Rock with app. 970 residents and a 3,000 sq. ft. village hall.

While the architect is very familiar with multiple other villages, no consideration was given for much larger village's, village halls.

The best practice recommendations that are derived from the analysis performed are that the current quarters are woefully inadequate for even the smallest municipality. Much consideration was given to the nature of this village's relatively small population of approximately 326 homes and 1,000 residents. The space that currently functions as the village hall is 717 sq. ft.

There are minimum space requirements, independent of the village population, that allow a municipality to function properly. They include but are not limited to:



- A secure entrance/ reception area ( with video access to outside) for 4-6 people to sit, waiting to be seen or granted access, adjacent to the staff area.
- A staff area for the clerk, deputy clerk with an additional work station for occasional support, accountants, auditors, part time filing clerks, interns etc.
- A Dept. of Buildings area for the building inspector to have a desk and area for active files, layout drawings and access to property files.
- A copy/printing and shipping area.
- Accessible bathrooms and kitchenette area.
- A meeting room for 15-20 people and a table/dais for a minimum of 7-9 people to face the audience that will be used for monthly and all special Board of Trustees meetings, BZA hearings, ARB meetings and Village Court.
- A private room for executive sessions, Mayor's office, Judge's chambers and private conversations the Building inspector, or clerks may need to have with a resident, applicant or vendor or staff as well as interviews with potential hires and performance reviews. This should be a single room to be shared by all of these functions.
- A fire resistant secure storage file room.
- An IT closet.
- A storage closet.
- Proper circulation throughout the facility and accessible code compliant entrances and egress and access to parking
- Parking on site for 6-8 cars and either on site or readily available for up to 10-20 more cars.

This analysis recognizes that there will be occasions that a larger meeting venue may be required, and off-site arrangements should be available for those occasions. Good practice dictates that the space requirements should satisfy the needs that exist 90% of the time. There will always be exceptions. It is not

practical to have most meeting off-site as it will inhibit the efficient function of the staff and access to information and material available at the primary offices.

In conclusion, I feel that a space between 1,400 - 1,800 usable square feet should be adequate for the village's needs. The layout, clear spans between columns and walls, as well as existing partitions, rooms, entrances and exists, and existing plumbing locations, etc. will affect the efficiency of the sq. ft.

Respectfully submitted,  
Harry Nicolaides, AIA