

**MEETING OF THE BOARD OF TRUSTEES
PLANDOME HEIGHTS VILLAGE HALL
MAY 6, 2024; 7:00 PM
MINUTES OF MEETING**

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

Absent: Trustee Jerry Love

Also Present:	Rosemary Mascali	Resident, Plandome Heights Civic Association
	Marijo Lantier	Village Consultant
	Donald O'Brien	

At 7:00 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 approval of the minutes of the Board of Trustees' April 1, 2024 Annual Meeting and April 22, 2024 Special Meeting. The Trustees confirmed that they read the draft minutes. After discussion, upon motion by Trustee, seconded by Trustee Taylor, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the minutes of the April 1, 2024 Annual Board of Trustees Meeting, and the minutes of the April 22, 2024 Special Meeting, in the forms presented by the Village Clerk-Treasurer are hereby accepted and approved, and the Clerk-Treasurer is hereby instructed to file the minutes in the minutes book of the Village.

The Mayor then began with discussions on Village Operations.

The Mayor thanked Trustee Hauck for reintroducing discussion on the utilization of electronic meeting documents rather than hard copies at Trustee Board Meetings in order to save on the time and expense of producing paper copies for all Board members. The Board members agreed that the matter warranted further consideration and action.

The Mayor then provided the Board with an update for Village Spring Projects, including street sweeping and catch basin cleaning including authorizing resolutions for the work. Work has commenced and scheduled throughout the month of May.

Mayor Riscica noted that the Village received the annual request by Manhasset's American Legion Post 304 for a permit for the Annual Memorial Day Parade to set-up and start on Village roads. After discussion, upon motion by Trustee Lobosco, seconded by Trustee Cataldo, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the Village hereby approves the request of Manhasset's American Legion Post 304 to use Village roads to set-up and start their annual Memorial Day Parade to be held on Monday, May 27, 2024 starting at 9:30 am, subject to the production of the necessary liability insurance from the applicant.

The Mayor then moved the discussion to property taxes for the Village 2024 – 2025 year. After discussion, upon motion by Trustee Lobosco, seconded by Trustee Cataldo, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that Mayor Riscica be authorized to sign the Tax Warrant authorizing Clerk-Treasurer Brodsky to collect the tax levy of \$381,000.00 for the 2024-2025 Village Budget, and that the Village Clerk-Treasurer shall cause the related legal notice to be published in the Village's official newspaper for two consecutive weeks, and shall deliver Village property tax bills in accordance with said Tax Warrant to Village property owners.

The Mayor then moved the discussion to a resident request from 1 Bayview Circle for a Village tree removal. Both the Mayor and Trustee Taylor examined and determined that the tree is dead and must be removed. After discussion, upon motion by Trustee Taylor, seconded by Trustee Hauck, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that the owner of 1 Bayview Circle be permitted to remove the dead tree at the owner's expense. Neither stump grinding nor tree replacement will be required by virtue of unique siting circumstances.

The Mayor then moved the discussion to potential applications of remaining ARPA funds, including but not limited to the matters related to commemorating the Village's 100th Anniversary in 2029 including updating the Village's history book.

The Mayor then addressed VPH BOT Bill 1 of 2024, Amending Village Code to Regulate Use of Solar Panels on Properties within the Village which was the subject of an April 1, 2024 public hearing. The Mayor noted that with the Village has received no further comments or input from residents since the hearing was closed. After discussion, upon motion by Trustee Hauck, seconded by Trustee Carlson, the following resolution was unanimously adopted by all Trustees present:

RESOLVED, that VPH BOT Bill 1 of 2024 Amending Village Code to Regulate Use of Solar Panels on Properties within the Village be and it hereby is enacted as Local Law 1 of 2024 of the Village.

The Mayor then addressed the petition for a referendum filed by some Village residents relating to March 4, 2024 action by the Board on the following matters related to authorization for use of Village capital reserve funds:

1. Resolution #1 - Expand the purpose for the existing capital reserve fund authorization for roadwork as to the unspent balance of the amount previously authorized to include payments for "soft costs" associated with evaluating village hall possibilities.

2. Resolution #2 – Increase, by \$30,000, the previously authorized amount of the capital reserve fund expenditure for work related to digitizing Village records, a project for which grant funds are available.

Such proposed capital reserve fund expenditures are subject to permissive referendum and are described in greater detail in an April 4, 2024 letter from the Mayor to all residents, a copy of which is annexed to these minutes as Exhibit #1.

The Mayor noted that the April 4, 2024 letter addresses the substantial confusion and discord among Village residents created about these proposals since they were adopted in March. Opponents of the proposals sponsored petitions seeking a resident vote on the proposals, filed with the Village, as described in Exhibit #1. Petition proponents pursued signers for the petition on the mistaken premise that a vote would determine whether the Village would acquire a new Village Hall.

The Mayor noted that the actual petition filed is not about a Village Hall, it is a vote on whether the Village Capital Reserve Fund or the General Fund would be the book-keeping structure for expenditures that will be made in any event for: (1) “soft costs” of evaluating village hall possibilities; and (2) Village record digitization costs, a project ultimately funded with grants. The Mayor noted that the Board has previously adopted and implemented a substantially identical resolution to account for prior grant-funded digitization costs through capital reserve. Capital Reserve Fund expenditures are subject to the permissive referendum process, while General Fund expenditures are not. The bookkeeping the Board proposed follows the State Comptroller’s Best Practices that local governments exclude non-recurring expenses like the two proposed expenditures from the General Fund, because accounting for same in the General Fund, which we use to calculate the Village property tax levy, can distort that process by mixing non-recurring capital expenses with regular recurring expenses.

The Mayor observed that spending Village Board and staff time and Village taxpayer funds on a confusing and divisive debate about the complexities of bookkeeping for expenditures that have been or will be made in any event is not in the interests of the Village or its residents. For that reason, and the reason stated as follows: Resolution #1 on soft costs is overbroad and so it should be withdrawn and replaced with a new resolution on soft costs that is more specific and much more limited. Resolution #2 was adopted on March 5th with respect to bills coming due in April and May, which had to be, and were, timely paid, and so, as the passage of time has made that resolution pointless, it should be withdrawn. After discussion, upon motion by Trustee Cataldo, seconded by Trustee Hauck, the following resolutions were unanimously adopted by all Trustees present:

RESOLVED, that Resolution #1 from the March 5, 2024 Board of Trustees meeting to permit the use of an existing authorization of the capital reserve fund for “soft costs” of investigating a new Village Hall is hereby withdrawn.

RESOLVED, that Resolution #2 from the March 5, 2024 Board of Trustees meeting to increase the existing authorization of the capital reserve fund for “digital costs” from \$60,000 to \$90,000 is hereby withdrawn.

With the two matters that were the subject of the petition seeking a referendum withdrawn, there will be no referendum conducted to address those subjects.

RESOLVED, that the Village appropriate the sum not to exceed \$20,000, from the Village’s Capital Reserve Fund, to be applied to professional services and related costs associated with evaluating possible real property lease or purchase transactions, which resolution is subject to permissive referendum pursuant to the provisions of the General Municipal Law.

To summarize these and related matters for residents, the Mayor's letters dated May 6, 2024, and May 20, 2024, were sent to all residents to discuss the petition and related matters of Space Planning and Legal Analysis, and are annexed to these minutes as Exhibits #2 and #3 respectively.

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

RESOLVED, that the May Abstract of Claims Number 12 of the Budget Year 2023 – 2024 for claim numbers 374-405 in the amount of \$40,630.22, has been reviewed and approved by the Trustees, and is hereby accepted.

At 7:46 p.m., the Mayor announced that executive session ended with no action taken.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Marie Brodsky
Clerk-Treasurer

INDEX OF EXHIBITS

**THE BOARD OF TRUSTEES
PLANDOME HEIGHTS VILLAGE HALL
May 6, 2024
MINUTES OF MEETING**

Exhibit 1. April 4, 2024 – Letter to Residents - Report on Petition to the Village

Exhibit 2. May 6, 2024 – Letter to Residents - Engage and Inform – petition

Exhibit 3. May 20, 2024 – Letter to Residents - Engage and Inform – Occupancy



INCORPORATED VILLAGE OF
Plandome Heights

37 Orchard Street, Manhasset, New York 11030
Tel: (516) 627-1136 Fax: (516) 627 1393
www.plandomeheights-ny.gov

April 4, 2024

Kenneth C. Riscica
Mayor

Eric Carlson
Daniel Cataldo
Mary Hauck
Jerry Love
Kristina Lobosco
Norman Taylor
Trustees

Marie Brodsky
Clerk - Treasurer

Susan Martinez
Deputy Clerk

Katherine Hannon
Court Clerk

Cye E. Ross, Esq.
Village Justice

Mary Breen Corrigan
Village Prosecutor

Edward P. Bull, AIA
Village Building
Inspector Stormwater
Mgmt. Officer

David Usner
Emergency Mgmt.
Coordinator

Maryann Grieco
Architectural Review
Board, Chair

Eugene O'Connor
Zoning and Appeals
Board, Chair

Trey Harragan
Technology Advisory
Board, Chair

Mary Gabriel
Historian

Dear Residents – **RE: Engage and Inform**

The Village has received two petitions to hold votes on resolutions of the Board of Trustees approved in March. First, let me welcome such engagement, thank you. Second, I assure you that the vote will be held according to the law.

Some have been told that the petition was "...to preserve our rights as residents to vote on the acquisition of property for a Village Hall." As you will see below, that is not the case. And no Village Hall transaction was requested for a vote; so there is none. **So, this assertion, and the premise of the petition, is not consistent with the facts or the vote we will conduct.**

So, I write to ensure that you are fully informed about the content, purpose and intent of those resolutions, which are on the reverse side of this letter and I refer to them below as "Resolution #1 – Soft Costs" and "Resolution #2 – Digital Records."

Resolution #1 – Soft Costs – The Board has begun incurring, and will continue to incur, "soft costs" associated with our search for a possible new Village Hall by lease or purchase. Such costs permit the Village to prepare materials for due diligence for presentation to residents, such as site plans, layouts & renderings related such space.

We believe that the NY State Comptroller prefers that these non-recurring costs be separated out of the General Fund so that the operations used to generate your tax levy are not "distorted" by non-recurring expenditures, risking unsound tax levies. Including such costs as expenditures in the capital reserve fund as "Best Practices" also subjects them to permissive referendum. Spending these costs from the General Fund is not subject to referendum.

The Village recommends that you vote FOR the proposal to use Best Practices for soft costs.

Resolution #2 – Digital Records – In October 2023, the Village was awarded a grant from NY State for approximately \$25,000 to fund the next phase of our digital records project.

We believe that the NY State Comptroller prefers that these non-recurring costs be separated out of the General Fund so that the operations used to generate your tax levy are not "distorted" by non-recurring expenditures, risking unsound tax levies. Including such costs as expenditures in the capital reserve fund as "Best Practices" also subjects them to permissive referendum. Spending these costs from the General Fund is not subject to referendum.

The first phase of the project, approximately \$55,000, was done as proposed by the Village.

The Village recommends that you vote FOR the proposal to use Best Practices for digital.

I hope this is helpful; facts, not drama. I welcome your continued engagement

Sincerely,
INCORPORATED VILLAGE OF PLANDOME HEIGHTS

Kenneth C. Riscica
Mayor@PlandomeHeights-NY.Gov

LEGAL NOTICE
Incorporated Village of Plandome Heights

PLEASE TAKE NOTICE THAT the Board of Trustees of the Inc. Village of Plandome Heights at a regular meeting of the Board held on March 4, 2024, duly adopted a resolution amending a previously approved appropriation not to exceed \$600,000 from the Village's Capital Reserve Fund for capital projects relating to existing Village roadways, street signs, street lights, parklands and leasehold interests; under the March 4, 2024 resolution, [a portion of] the unused balance [currently approximately \$151,000] of the previously authorized appropriation may now be applied to fees and expenses for professional services, including without limitation engineering, surveying, design, appraisal, financing, and legal services, and other 'soft costs' relating to the possible acquisition of a leasehold or fee ownership interest in real property and improvements for Village governmental purposes; said resolution is subject to permissive referendum pursuant to the General Municipal Law.

BY ORDER OF THE BOARD OF TRUSTEES
Marie Brodsky Village Clerk/Treasurer
March 06, 2024

LEGAL NOTICE
Incorporated Village of Plandome Heights

PLEASE TAKE NOTICE THAT the Board of Trustees of the Inc. Village of Plandome Heights at a regular meeting of the Board held on March 4, 2024, duly adopted a resolution appropriating the sum not to exceed \$90,000, from the Village's Capital Reserve Fund, to be applied to certain capital improvement projects relating to the digitization of Village records, which resolution supersedes and replaces a prior resolution appropriating the sum not to exceed \$60,000 for such capital projects, in order to increase the authorized expenditure by \$30,000, and which resolution is subject to permissive referendum pursuant to the provisions of the General Municipal Law.

BY ORDER OF THE BOARD OF TRUSTEES
Marie Brodsky Village Clerk/Treasurer
March 06, 2024



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Maryann Grieco
Architectural Review
Board, Chair

Eugene O'Connor
Zoning and Appeals
Board, Chair

Trey Harragan
Technology Advisory
Board, Chair

Mary Gabriel
Historian

May 6, 2024

RE: Engage and Inform – Resident Petition

Dear Residents and Friends –

This is an update to my attached April 4, 2024 letter about the petition for a vote on two March 5, 2024 Board actions. Petition proponents told residents the following, in writing, and then urgently sought their signatures:

- The vote is "...to preserve our rights as residents to vote on the acquisition of property for a Village Hall."
- "Because the Village is considering purchasing a property without a bond, this petition will preserve our right to vote on this matter"
- "...the Trustees passed a resolution to transfer restricted capital reserve funds to the general account."
- "...stopping this current resolution to transfer capital funds may be our last opportunity to preserve our right to vote on this matter."

None of this is correct. These assertions, and the premise of the petition, are not consistent with the facts or the vote requested. Further, there is no actionable Village Hall proposal.

The actual petition filed is not about a Village Hall, it is a vote on bookkeeping, in the Capital Fund rather than in the General Fund, for expenditures that will be made in any event for: (1) "soft costs" of evaluating village hall possibilities and (2) our digital project (as we did before) that is funded from grants not capital reserve. Capital Fund expenditures require permissive referendum, General Fund expenditures do not. Further, there are no transfers from the Capital Fund to General Fund. The bookkeeping we proposed follows the State Comptroller's Best Practices that we exclude these non-recurring expenses from the General Fund that we use to calculate your tax levy (see reverse side).

The Village has decided that spending your time and money on a confusing and divisive debate about the complexities of bookkeeping is not in the interest of the Village or its residents. Therefore, and in the spirit of reconciliation and harmony as well as for the reasons below, the Village has withdrawn both March 5, 2024 resolutions and so no vote is required.

Reasons for the change. Resolution #1 on soft costs is overbroad and so it is withdrawn and replaced with a new resolution on soft costs that is more specific and much more limited. Resolution #2 was done on March 5th to accommodate bills coming due in April and May. The passage of time has made that resolution pointless, so it is withdrawn.

Sincerely,
INCORPORATED VILLAGE OF PLANDOME HEIGHTS
**BY: TRUSTEES: NORMAN TAYLOR, DANIEL CATALDO, MARY HAUCK,
KRISTINA LOBOSCO, ERIC CARLSON AND JERRY LOVE** and

Kenneth C. Riscica
Mayor@PlandomeHeights-NY.Gov



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Architectural Review
Board, Chair

Eugene O'Connor
Zoning and Appeals
Board, Chair

Trey Harragan
Technology Advisory
Board, Chair

Mary Gabriel
Historian

May 20, 2024

RE: Engage and Inform – May 9th Meeting

Dear Residents and Friends –

I write to report on our May 9th meeting with the community regarding our occupancy needs.

It was my pleasure to report the facts. As in our April 1, 2024 Annual Meeting, I again brought Village Attorney, Chris Prior and our Space Consultant, Harry Nicolaides, AIA. I wanted you to hear from experts on: (a) the laws governing acquiring an interest in real estate and (b) a professional analysis of our space needs. I am just a messenger, you deserve clear, unequivocal facts, which is what was presented. Spirited discussion ensued, which is terrific.

I also came to the meeting to present “Three Things” for your consideration:

- ✓ The 86% who didn't sign the petition - The Village runs on volunteers. That is a main reason why your taxes are low. It is very important that you know that 86% of our working volunteers did not vote for the petition: ...86%! Those are the people “pulling the wagon” and keeping your taxes low; what would we do without them?
- ✓ Moderating my “call to action” - The issues resulting in my “call to action” two years ago in June have moderated significantly. As a result, we are working collaboratively to extend the 2025 deadline if necessary and are exploring other creative options at our current location. We are not going to rush.
- ✓ Fiscal surplus during a period of having the lowest taxes in the County, despite high inflation, is extraordinary! - Our fiscal surplus results largely from recent extraordinary events (like doing the roads for free) and other non-recurring items. We follow Best Practices in managing our surplus, with a “steady hand.” Further, we have a complete and transparent “Reserve Fund Policy and Analysis” on our website. The fact is we are extraordinarily fortunate to be in the position we are in.

At the meeting, we distributed an Exhibit Volume, a copy of which is enclosed, containing:

- ✓ The Legal Analysis by Chris Prior of process to acquire an interest in real estate and,
- ✓ The Space Analysis performed by Harry Nicolaides AIA and former Mayor,
- ✓ Various recent correspondence on the occupancy matter including some high-level financial modeling of projected costs and projected effect on property taxes as well as material showing misinformation that was put forth to residents.

We swore an oath to uphold the law, and we will. With the facts and the law now on the table for all to see, we can move forward with common understanding. This is an extraordinary time as we celebrate 95 years in June. What a privilege it is to serve.

Sincerely,

INCORPORATED VILLAGE OF PLANDOME HEIGHTS

Kenneth C. Riscica
Mayor@PlandomeHeights-NY.Gov



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Mary Gabriel
Historian

INDEX OF EXHIBITS

Information and Materials Available to Residents May 9, 2024

Exhibit 1. Memorandum from Village Counsel, Christopher Prior, Esq. –
Village of Plandome Heights: Lease or Purchase of Real Property

Exhibit 2. Report from Village Architect, Harry Nicolaides, AIA –
Village of Plandome Heights Space Study & Assessment

Exhibit 3. Mayor Riscica's Update on Occupancy – December 4, 2023

Exhibit 4. Annual Meeting Report – April 2, 2024

Exhibit 5. North Shore Alert regarding Petition for a Referendum Vote – April 4, 2024

Exhibit 6. Report on Petition to the Village – April 4, 2024

Exhibit 7. Engage and Inform – Resident Questions – April 10, 2024

Exhibit 8. Engage and Inform – Update on Petition for Vote – May 6, 2024

Submitted by: Trustees Norman Taylor, Daniel Cataldo, Mary Hauck, Kristina
Lobosco, Eric Carlson, Jerry Love, and Mayor Kenneth C. Riscica
