

**In the Matter Of:**

VILLAGE OF OLD FIELD - BOARD OF TRUSTEES MEETING

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*May 12, 2020*

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D R A F T

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MONTHLY MEETING

May 12, 2020

7:00 P.M.

via video conference

ACCURATE COURT REPORTING SERVICE, INC.  
866-388-2277 info@accuratecorp.com 631-331-3753

<p style="text-align: right;">Page 2</p> <p>2</p> <p>3 A P P E A R A N C E S :</p> <p>4 MAYOR MICHAEL LEVINE</p> <p>5 DEPUTY MAYOR STEPHEN SHYBUNKO</p> <p>6 BRUCE FELLER, Commissioner of Environmental Council</p> <p>7 JEFFREY OWEN, Commissioner of Parks &amp; Building</p> <p>8 TOM PIRRO, Commissioner of Streets &amp; Roads</p> <p>9 ANTHONY GUARDINO, ESQ., Village Attorney</p> <p>10 JOSEPH ARICO, Building Inspector</p> <p>11 ADRIENNE KESSEL, Village Clerk</p> <p>12 ANDREA PODOLSKY, Village Treasurer</p> <p>13 DEBBIE MASINO</p> <p>14 BARBARA DRAGONE</p> <p>15 DONNA DEEDY</p> <p>16 ELYSE BLECKMAN</p> <p>17 PAMELA HURST-DELLA PIETRA</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>D R A F T 5/12/20 D R A F T</p> <p>2 MAYOR MICHAEL LEVINE: All right?</p> <p>3 DONNA DEEDY: Okay.</p> <p>4 MAYOR MICHAEL LEVINE: All right.</p> <p>5 So why don't we start in with the agenda</p> <p>6 and then we'll go on to other things</p> <p>7 during the course of the meeting.</p> <p>8 Let me start with building permits.</p> <p>9 And I see the first application is Hubert</p> <p>10 and Anita Lucks.</p> <p>11 Are they on this Zoom conference?</p> <p>12 (WHEREUPON, no response was heard.)</p> <p>13 MAYOR MICHAEL LEVINE: No? Okay.</p> <p>14 So this is an application to</p> <p>15 install two propane tanks on a cement base</p> <p>16 with underground gas line.</p> <p>17 Joe, you already reviewed this</p> <p>18 application; right?</p> <p>19 JOSEPH ARICO: (Inaudible)</p> <p>20 MAYOR MICHAEL LEVINE: Okay.</p> <p>21 Does anybody have any questions</p> <p>22 about this?</p> <p>23 (WHEREUPON, no response was heard.)</p> <p>24 MAYOR MICHAEL LEVINE: So, for the</p> <p>25 trustees, does somebody want to make a</p>
<p style="text-align: right;">Page 3</p> <p>1</p> <p>D R A F T 5/12/20 D R A F T</p> <p>2 MAYOR MICHAEL LEVINE: We don't</p> <p>3 have a flag to say the Pledge of</p> <p>4 Allegiance to so why don't we just start</p> <p>5 up the meeting and as people jump on board</p> <p>6 they can let us know that.</p> <p>7 All right, anybody have any</p> <p>8 questions to start out with?</p> <p>9 DONNA DEEDY: I was wondering if</p> <p>10 there's a way to share a screen or some</p> <p>11 slides when we are talking. Do you know</p> <p>12 how to do that?</p> <p>13 MAYOR MICHAEL LEVINE: You're</p> <p>14 talking about the technology?</p> <p>15 DONNA DEEDY: Yes.</p> <p>16 MAYOR MICHAEL LEVINE: I don't know</p> <p>17 that. There's something called share</p> <p>18 (inaudible), where what's on your phone</p> <p>19 can appear on your phone. You replace</p> <p>20 where it's on your phone. But people on</p> <p>21 the other side can't see it. So I don't</p> <p>22 know yet what the technology is. I'm</p> <p>23 certain it's something, I just don't know</p> <p>24 what that is yet.</p> <p>25 DONNA DEEDY: Okay.</p>	<p style="text-align: right;">Page 5</p> <p>1</p> <p>D R A F T 5/12/20 D R A F T</p> <p>2 motion to approve this application?</p> <p>3 MALE SPEAKER: (Inaudible)</p> <p>4 MAYOR MICHAEL LEVINE: All right.</p> <p>5 I'll second that.</p> <p>6 All in favor?</p> <p>7 (WHEREUPON, there was a unanimous,</p> <p>8 affirmative vote of the Trustees present.)</p> <p>9 MAYOR MICHAEL LEVINE: No</p> <p>10 oppositions?</p> <p>11 (WHEREUPON, no oppositions were.</p> <p>12 Heard.)</p> <p>13 MAYOR MICHAEL LEVINE: Okay. Can I</p> <p>14 ask -- so that you have a good record -- I</p> <p>15 don't know if Steve Shybunko is on this</p> <p>16 call. (Inaudible). I don't see him yet.</p> <p>17 ANDREA PODOLSKY: His computer is</p> <p>18 slow coming up.</p> <p>19 MAYOR MICHAEL LEVINE: All right.</p> <p>20 So, Lorraine, for the record, three</p> <p>21 trustees and the Mayor are all in favor of</p> <p>22 that application.</p> <p>23 * * * *</p> <p>24 MAYOR MICHAEL LEVINE: Next up is</p> <p>25 an application by Altman at 135 Old Field</p>

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1  
2 D R A F T 5/12/20 D R A F T  
3 Road.  
4 This is an application for four  
5 existing propane tanks. The gas company  
6 will not fill them without an existing  
7 inspection and a Certificate of  
8 Compliance.  
9 So, again, Joe, I don't believe  
10 there's any issues with regard to this  
11 application; right?  
12 JOSEPH ARICO: No, it's good to go.  
13 MAYOR MICHAEL LEVINE: All right.  
14 I just got a text from Steve that  
15 he's having a hard time.  
16 Adrienne, maybe you could -- you  
17 could help out Steve?  
18 ADRIENNE KESSEL: Yeah, I'm going  
19 to try.  
20 MAYOR MICHAEL LEVINE: Okay.  
21 ADRIENNE KESSEL: (Inaudible)  
22 anybody else.  
23 MAYOR MICHAEL LEVINE: Bruce, do  
24 you want to make a motion to approve this  
25 application?  
BRUCE FELLER: So moved by Bruce

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1  
2 D R A F T 5/12/20 D R A F T  
3 Feller.  
4 MAYOR MICHAEL LEVINE: All right,  
5 the Mayor seconds it.  
6 All in favor of this application?  
7 (WHEREUPON, there was unanimous,  
8 affirmative vote by the Trustees present.)  
9 MAYOR MICHAEL LEVINE: No  
10 opposition?  
11 (WHEREUPON, no opposition was  
12 heard.)  
13 MAYOR MICHAEL LEVINE: Again,  
14 Lorraine, the same people voted in favor  
15 of the application and there is no  
16 opposition.  
17 Next up is to approve the minutes  
18 from April 7th of 2020.  
19 JOSEPH ARICO: That's Steve's job.  
20 MAYOR MICHAEL LEVINE: Those  
21 minutes were not transcribed; is that  
22 correct?  
23 ADRIENNE KESSEL: Correct.  
24 MAYOR MICHAEL LEVINE: Okay,  
25 Anthony, how do we approve minutes that  
are not transcribed?

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1  
2 D R A F T 5/12/20 D R A F T  
3 ANTHONY GUARDINO: When you say not  
4 transcribed, we don't even have minutes?  
5 ADRIENNE KESSEL: Yes, we have  
6 written minutes. We weren't able to get  
7 the -- we weren't able to download the  
8 recorded meeting in order to transcribe it  
9 for us. So, we're still working on that,  
10 but meanwhile, we did do written minutes.  
11 ANTHONY GUARDINO: Well, that's  
12 fine. That's no different than any other  
13 meeting when you don't have a court  
14 reporter. Your minutes would look exactly  
15 the same as -- your written minutes would  
16 look the same as they would look, you  
17 know, a few months ago when we didn't have  
18 a court reporter.  
19 MAYOR MICHAEL LEVINE: Adrienne,  
20 did you circulate those minutes?  
21 ADRIENNE KESSEL: Yes.  
22 MAYOR MICHAEL LEVINE: You did.  
23 Did anybody look at those minutes?  
24 I didn't look at them yet.  
25 BRUCE FELLER: I did.  
MAYOR MICHAEL LEVINE: Bruce, did

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1  
2 D R A F T 5/12/20 D R A F T  
3 you have any objection?  
4 BRUCE FELLER: None whatsoever.  
5 MAYOR MICHAEL LEVINE: Are you okay  
6 with approving the minutes, Bruce?  
7 BRUCE FELLER: I so move.  
8 MAYOR MICHAEL LEVINE: Okay, I'll  
9 second it.  
10 All in favor.  
11 (WHEREUPON, there was a unanimous,  
12 affirmative vote of the Trustees present.)  
13 MAYOR MICHAEL LEVINE: Again,  
14 Lorraine, the minutes from April 7th of  
15 2020, have been approved by all three  
16 trustees.  
17 \* \* \* \*  
18 MAYOR MICHAEL LEVINE: The next up  
19 is warrants and the Treasurer's report for  
20 April of 2020.  
21 Tom, do you want to talk about that  
22 at all?  
23 TOM PIRRO: No. We have the normal  
24 warrants that actual (inaudible) through  
25 May 12th. And (inaudible) to add  
(inaudible) they total about 47,000. We

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1  
2 D R A F T 5/12/20 D R A F T  
3 have copies of them. I don't know if you  
4 need to go through, you know, the  
5 (inaudible) transaction. I don't have any  
6 questions as trustee.  
7 Do you have any other trustees that  
8 have questions?  
9 MAYOR MICHAEL LEVINE: Any of the  
10 trustees have questions about the warrants  
11 and the Treasurer's report from April?  
12 BRUCE FELLER: (Inaudible)  
13 MAYOR MICHAEL LEVINE: Yes.  
14 BRUCE FELLER: Under the split  
15 column on the transaction list by  
16 (inaudible). What is the specific meaning  
17 of the word "split," as it appears. For  
18 instance, on the last entry, second to the  
19 end on the right. Just for my information  
20 in terms of format.  
21 TOM PIRRO: The split -- you mean  
22 for Verizon wireless?  
23 BRUCE FELLER: Yeah.  
24 TOM PIRRO: That should read it's  
25 the telephone (inaudible) for some reason  
didn't show that split. From an

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1  
2 D R A F T 5/12/20 D R A F T  
3 accounting standpoint, the split is the  
4 account that the expense is being  
5 attributed to.  
6 BRUCE FELLER: Okay, got it.  
7 Thanks.  
8 TOM PIRRO: This is Verizon, the  
9 telephone.  
10 BRUCE FELLER: Yes.  
11 ANDREA PODOLSKY: Some is going  
12 (inaudible) and some is going to  
13 inspector. The iPad, the telephone. When  
14 you see the actual bill and the warrants  
15 (inaudible).  
16 MAYOR MICHAEL LEVINE: Okay, Bruce,  
17 do you want to make that motion?  
18 BRUCE FELLER: Yes, I will. So  
19 moved.  
20 MAYOR MICHAEL LEVINE: Bruce has  
21 moved to approve the warrants and the  
22 Treasurer's report from April, 2020.  
23 I'll second the motion.  
24 All in favor?  
25 (WHEREUPON, there was a unanimous,  
affirmative vote of the Trustees present.)

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1  
2 D R A F T 5/12/20 D R A F T  
3 MAYOR MICHAEL LEVINE: Okay, no  
4 opposition.  
5 Again, Lorraine, for the record, we  
6 had both Trustees and the Mayor approve of  
7 that motion.  
8 All right, next up is -- Andrea,  
9 CHIPS, do you we need to discuss CHIPS?  
10 ANDREA PODOLSKY: Well, I was  
11 finally able to get analyze -- and you I  
12 gave you guys a copy of the email -- I was  
13 able to get (inaudible) so I'm going to  
14 submit -- it's last year's money so we  
15 should be good in collecting that 43,000  
16 -- 20,000 that I want to put to the EWI  
17 (inaudible). I couldn't get at today's --  
18 I need to send another email. They're all  
19 separate (inaudible) so their IT  
20 department has to fix that. I'll send  
21 that in. And I don't know what we're  
22 going to get (inaudible) you'll get your  
23 rollover plus an additional. Until we get  
24 it, and they see what is in the 2020  
25 budget, I really don't know what we're  
going to be getting.

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1  
2 D R A F T 5/12/20 D R A F T  
3 MAYOR MICHAEL LEVINE: Just so  
4 everybody is clear, Andrea (inaudible)  
5 \$23,000 was the aggregate cost of the  
6 catch basins on Old Field Road at  
7 Brambletye Lane.  
8 ANDREA PODOLSKY: Correct.  
9 Nineteen thousand five hundred.  
10 MAYOR MICHAEL LEVINE: Okay. Just  
11 so everybody understands that, that's the  
12 cost of the installation of those catch  
13 basins and that money is being -- recently  
14 paid it, but it's being reimbursed by the  
15 State. Now, we don't have, unfortunately,  
16 out of pocket expense (inaudible) the  
17 installation of that catch basin.  
18 Okay. All right, I don't have a  
19 Code report in front of me, so I don't  
20 really know what the Code report says.  
21 But I did get a call from a resident,  
22 Adrienne, Jake Shonkoff (phonetic).  
23 Apparently -- I think he spoke to you or  
24 the constables talked to you.  
25 Jake is one of the residents of the  
Village. He's 18 years old and he's

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1  
2 DRAFT 5/12/20 DRAFT  
3 organized a driveby this weekend involving  
4 a fire truck from the fire district which  
5 will be going throughout the village with  
6 ranks and signs, and residents who want to  
7 join in, are advised to follow the fire  
8 truck in their cars to comply with social  
9 distancing regulations, and that's being  
10 done at 6:45 p.m., on Saturday.  
11 Jeff, do we need to alert the  
12 Constable in case they want to participate  
13 in that driveby?  
14 JEFF OWEN: Yeah, I'll let him  
15 know.  
16 MAYOR MICHAEL LEVINE: Okay, 6:45,  
17 Jeff.  
18 JEFF OWEN: What day?  
19 MAYOR MICHAEL LEVINE: Saturday at  
20 6:45.  
21 JEFF OWEN: Okay.  
22 BRUCE FELLER: Mike?  
23 MAYOR MICHAEL LEVINE: Yeah.  
24 BRUCE FELLER: Before we move too  
25 far from CHIPS, I was just wondering if  
Jeff has any idea where we are with the

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1  
2 DRAFT 5/12/20 DRAFT  
3 guardrail solution, relative to the fact  
4 that we now understand that it's  
5 conceivably a reimbursable expense via  
6 CHIPS. Do we have anything to look at?  
7 JEFF OWEN: I never got a call back  
8 from Chris Robinson (phonetic). So today  
9 I reached out to Jeff Butler from Butler  
10 Engineering, who I use for different  
11 projects, and he went and looked at the  
12 area today and he's going to send us a  
13 quote to design a new guardrail and  
14 signage and whatnot. He's a good friend  
15 and I should have a quote in a couple of  
16 days.  
17 BRUCE FELLER: Well, the good  
18 friend doesn't matter, we're looking for  
19 the quote.  
20 Good, thank you, Jeff.  
21 JEFF OWEN: Well, I just mean he'll  
22 be responsive.  
23 ANDREA PODOLSKY: Jeff, can you  
24 just cc me on that? Because, again,  
25 anything they do (inaudible) we're at  
about 40,000 -- seems plenty and, again, I

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1  
2 DRAFT 5/12/20 DRAFT  
3 don't know what we're going to get. So if  
4 you could just send that so then we  
5 (inaudible)  
6 JEFF OWEN: As soon as I get it,  
7 I'll clear it with everybody, the quote  
8 from him.  
9 ANDREA PODOLSKY: Thank you.  
10 JEFF OWEN: And try to approve it  
11 and maybe even sort of --  
12 ANDREA PODOLSKY: Thank you, Jeff.  
13 TOM PIRRO: Andrea, the reduction  
14 of CHIPS, is that 40,000?  
15 ANDREA PODOLSKY: It shouldn't  
16 because that was our money from last year.  
17 I'm looking towards the money that they  
18 would have given us this year. Because we  
19 get more money. But, again, nothing was  
20 in the budget. What we're going to get is  
21 what we're going to have. So everything  
22 is fluid. Everything moves -- everyday  
23 you get different -- from one to another  
24 and it's just a fluid situation and you  
25 know, hopefully, we will get some more  
money.

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1  
2 DRAFT 5/12/20 DRAFT  
3 MAYOR MICHAEL LEVINE: Yeah, from  
4 your mouth to God's ears. Time will tell.  
5 All right, let's go on to public  
6 expression.  
7 Donna Deedy, do you want to be  
8 heard about your letter?  
9 DONNA DEEDY: Yes. Can you hear  
10 me?  
11 MAYOR MICHAEL LEVINE: Yes.  
12 DONNA DEEDY: Okay, good.  
13 Yeah, so I have some pictures that  
14 I can share with you. But, basically,  
15 Mike, our street association has been  
16 dealing with a flooding problem,  
17 basically, the last -- I'd say -- decade.  
18 We understand that there is, you know,  
19 laws in place to prevent this type of  
20 thing from happening. Stormwater  
21 management has become a primary focus, you  
22 know, in municipalities and so we have  
23 been -- when you see the pictures -- if I  
24 can figure out how to share them -- I  
25 think you'll understand -- I'm bringing  
this topic up to you for multiple reasons.

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 You know, one, you know, there's the issue  
 4 of why did this happen. You know, was  
 5 there a design or implementation issues --  
 6 you know, what the codes says and all the  
 7 site plans are designed to prevent this  
 8 from happening. They still have this, you  
 9 know, problem with standing water on our  
 10 street, pretty much most days. And from  
 11 what we read on the Village website, the  
 12 situation, you know, presents an  
 13 opportunity for the Village to refine its  
 14 policies and find out what went wrong and  
 15 I think that, you know -- helpful to us  
 16 and to (inaudible) in the village, you  
 17 know, depend on us having effective  
 18 policies but, you know, we also -- I  
 19 mentioned earlier, there's a couple of  
 20 storm drains and catch basins installed on  
 21 Old Field Drive.  
 22 I know that we are a -- considered  
 23 a private street and -- and responsible  
 24 for the maintenance of our road, but, you  
 25 know, we feel that this sort of situation  
 should have been prevented and that maybe

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 there is a way to tap into some of the  
 4 resources that the village has. You know,  
 5 if there's grants available through Clean  
 6 Water Act or through, you know, our Clean  
 7 Water Act or through the state.  
 8 We know that -- that when the  
 9 Simons property did their restoration  
 10 project, that the road, Old Field Road,  
 11 flooded so badly afterwards and the  
 12 Village used their insurance to cover the  
 13 cost of remedying that situation. So, you  
 14 know -- but that was something that we'd  
 15 like to know from the Village if you can  
 16 consider that.  
 17 But, basically, one policy that we  
 18 thought would be most helpful to us is  
 19 this Stormwater Management Program. I  
 20 know everybody has been quarantined and  
 21 working from home, and it's been  
 22 challenging. But from what we've read on  
 23 the annual report, it invites the public  
 24 to request a public meeting. And it seems  
 25 that the umbrella of that government  
 program might offer us, you know, the

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 guidance we need so that we do the right  
 4 thing with this street.  
 5 The -- we've contacted multiple  
 6 people to look at our street and we had a  
 7 range of ideas on how to fix it. But the  
 8 variety of solutions is pretty incredible.  
 9 Just really like I said, a few experts and  
 10 expertise on, you know, what to do. And,  
 11 again, if there's something that each of  
 12 us, individually, can do on our properties  
 13 to stop this, that would be important to  
 14 know. But also collectively, which,  
 15 again, would be the storm drain. But, you  
 16 know, that's basically (inaudible).  
 17 And I should mention, too, that,  
 18 one of the things that I noticed -- I  
 19 don't know how to read site plans -- I  
 20 don't have any expertise in this, but we  
 21 did notice that when 7 Old Field Place was  
 22 renovated in 2006, the site plan indicated  
 23 that there had been a french drain and  
 24 drywell and, you know, it never was  
 25 installed. Or it doesn't seem to have  
 been. I don't know if this is a factor or

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 not, but, you know, our project was  
 4 renovated a second time, and I'm sure that  
 5 different calculations were made. But we  
 6 just really feel like this -- you should  
 7 look at the pictures. I'm trying to  
 8 figure out how to share this with you so  
 9 you can see them.  
 10 But, you know, the area where it's  
 11 flooding everywhere, there's a water main,  
 12 too. Like right under the roadway there.  
 13 I mean, I don't know if it would corrode  
 14 or not or -- but it certainly, you know,  
 15 damaging our roadway. So, you know -- and  
 16 I guess I'm interested in hearing what  
 17 your thoughts are on all of that.  
 18 I understand that you don't have a  
 19 picture in front of you to see what's  
 20 causing the problem is.  
 21 MAYOR MICHAEL LEVINE: Can we put a  
 22 Village engineer on the site to figure out  
 23 what's causing the problem?  
 24 ANTHONY GUARDINO: Yes, absolutely,  
 25 because if it's -- if part of it -- the  
 contributing factor is the fact that maybe

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 that the homeowner did not actually  
 4 fulfill his obligation to install  
 5 drainage, and that's causing part of the  
 6 problem, we need to know that. And if  
 7 we're going to need our own person to go  
 8 out there and kind of witness what's  
 9 happening, see what's going on.  
 10 DONNA DEEDY: I don't think that --  
 11 I think that there's a -- individually --  
 12 but also collectively. You know what I  
 13 mean? I think that there are three major  
 14 projects on our street.  
 15 There's seven houses on our little  
 16 street and we're all undersized lots and,  
 17 you know, there was a lot of paving done.  
 18 You know, a lot of major expansions and  
 19 they also brought in boulders and -- and I  
 20 think the village engineer would be  
 21 helpful. But I know that my husband and I  
 22 took a ride around the Village of Old  
 23 Field and looking at the storm drains, and  
 24 the Village really did a great job in  
 25 solving the flooding problem in the  
 Village. You know, there was a problem --

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 like I said in front of the Simons. There  
 4 was a problem in front of Jewel Johnson's  
 5 house and that's no longer a case.  
 6 So whoever is the person who's  
 7 prescribing the solutions for these  
 8 situations -- it would be really great if  
 9 we could tap into that knowledge.  
 10 MAYOR MICHAEL LEVINE: Yes, that's  
 11 our engineer.  
 12 DONNA DEEDY: Okay, great.  
 13 MAYOR MICHAEL LEVINE: Anthony,  
 14 what do we have to do -- do we have to  
 15 vote on --  
 16 ANTHONY GUARDINO: No. He's your  
 17 Village engineer. You can just ask him to  
 18 go out and take a look onsite. I presume  
 19 he needs to go out there with a  
 20 draining --  
 21 MAYOR MICHAEL LEVINE: Yeah. Okay.  
 22 All right, Donna Deedy?  
 23 DONNA DEEDY: Yeah, but I think  
 24 there's other people here on the street  
 25 that might want to say something. But  
 thank you very much.

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 MAYOR MICHAEL LEVINE: Yup.  
 4 (Inaudible speaker)  
 5 MAYOR MICHAEL LEVINE: I'm having a  
 6 hard time hearing you. I don't know --  
 7 ELYSE BLECKMAN: You can't hear me?  
 8 MAYOR MICHAEL LEVINE: That's  
 9 better.  
 10 ELYSE BLECKMAN: I'm a resident at  
 11 7 Old Field Place. And we had multiple  
 12 storm drains put in our property when we  
 13 did the construction back in 2016. So I  
 14 really don't believe that's the issue  
 15 because the road -- even before we started  
 16 construction, the road was a mess. It was  
 17 deteriorating. (inaudible) We tried  
 18 patching it. And there's something more  
 19 going on there. And I had called the  
 20 (inaudible) Village about it, he told me  
 21 it wasn't his jurisdiction because it's a  
 22 private road. So, you know, as Donna  
 23 Deedy said, we called in multiple  
 24 contractors to try and figure out the best  
 25 route to take and we thought -- I don't  
 know, I'll just say four or five different

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 estimates -- and that ranged from, you  
 4 know, tens of thousands of dollars  
 5 (inaudible). But before we throw good  
 6 money after bad, we are looking to do the  
 7 right thing here. We would just like to  
 8 get a professional opinion.  
 9 MAYOR MICHAEL LEVINE: Okay.  
 10 ELYSE BLECKMAN: And we had, you  
 11 know -- let that person tell us the best  
 12 way to handle it.  
 13 MAYOR MICHAEL LEVINE: We use Steve  
 14 Hayduk. He does our village engineering  
 15 and he'll let us know. But I think if you  
 16 have something in writing from the other  
 17 contractors, you should give them to  
 18 Adrienne, so that she can pass them along  
 19 to Steve Hayduk, then we can see what  
 20 they're recommending.  
 21 ANTHONY GUARDINO: But, Mike, I  
 22 just want to clarify. Steve can go out  
 23 there at the Village's expense, if he has  
 24 reason to believe that there might be a  
 25 violation in site plan conditions. But he  
 can't go out there to engineer a solution



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 3 on a private road, if the cause of the  
 4 problem is not a violation.  
 5 MAYOR MICHAEL LEVINE: Correct.  
 6 ANTHONY GUARDINO: So we have to be  
 7 careful -- that we can send our engineer  
 8 to do their work on their road is not the  
 9 case.  
 10 MAYOR MICHAEL LEVINE: No, but just  
 11 to find out what's causing the problem on  
 12 the road.  
 13 ANTHONY GUARDINO: That's fine, and  
 14 that's sufficient. But once he finds out  
 15 what problem is, I think what I heard is  
 16 they're looking for some of kind effective  
 17 solution, and that's not something that  
 18 Steve can do on the Village's --  
 19 BARBARA DRAGONE: Can you hear me?  
 20 MAYOR MICHAEL LEVINE: I think we  
 21 need to first start by figuring out what  
 22 the problem is.  
 23 ANTHONY GUARDINO: Exactly. I  
 24 agree.  
 25 BARBARA DRAGONE: Do you hear me?  
 MAYOR MICHAEL LEVINE: Yes.

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 2 D R A F T 5/12/20 D R A F T  
 3 BARBARA DRAGONE: So is it our  
 4 understanding that on a private road,  
 5 we're just left to our own devices, that  
 6 we can do whatever we want to solve this  
 7 problem?  
 8 (Inaudible) we're concerned about  
 9 also disease. You know Zika and West Nile  
 10 and all that stuff.  
 11 But the road is really  
 12 deteriorating. But it's pretty near a  
 13 couple of hundred yards away from the  
 14 (inaudible). If we were to get through  
 15 (inaudible) go down to the beach side and  
 16 down to a vetment\*\*\*, that's none of your  
 17 concern either?  
 18 JEFF OWEN: We can't do that.  
 19 ANTHONY GUARDINO: We can't do  
 20 that.  
 21 BARBARA DRAGONE: (Inaudible)  
 22 private area. On one hand I'm hearing  
 23 that you can't get involved, but on the  
 24 other hand, how are we supposed to know?  
 25 JEFF OWEN: Can I make a  
 suggestion?

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 2 D R A F T 5/12/20 D R A F T  
 3 BARBARA DRAGONE: Yeah.  
 4 JEFF OWEN: Get a proper plan done.  
 5 A drainage plan that addresses all the  
 6 problems. I think the only way the  
 7 Village can be a problem, if somehow you  
 8 think the water is coming from Old Field  
 9 Road.  
 10 DONNA DEEDY: I think it actually  
 11 -- you know, there's a site plan issue,  
 12 too. Like we were supposed to prevent  
 13 this from happening and -- so that's, you  
 14 know -- as a Village.  
 15 JEFF OWEN: (Inaudible) attributed  
 16 to (inaudible)  
 17 DONNA DEEDY: Oh, I think they all  
 18 are.  
 19 JEFF OWEN: The most recent  
 20 projects that we approve usually all have  
 21 some kind of drainage for the driveways  
 22 that abut off of Old Field Road. That's  
 23 been kind of like standard practice since  
 24 I'm here.  
 25 DONNA DEEDY: Yeah, but these --  
 the problem is, I think, just migrated and

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 2 D R A F T 5/12/20 D R A F T  
 3 plus there was a lot more, you know,  
 4 impervious surfaces and -- and I think,  
 5 like I said before, I think that there was  
 6 either the site plan itself or the  
 7 implementation of the site plan was flawed  
 8 in some way. Because of the Village has  
 9 this mission to applying its policies for  
 10 their stormwater problems, it seems  
 11 prudent to -- for the stakeholders to  
 12 think what has (inaudible) the site is a  
 13 problem.  
 14 JEFF OWEN: I think if there's a  
 15 problem with any of the sites, I think Joe  
 16 Arico has to go out and look.  
 17 ELYSE BLECKMAN: Joe told me it  
 18 wasn't in his jurisdiction.  
 19 DONNA DEEDY: I thought he looked  
 20 already.  
 21 MAYOR MICHAEL LEVINE: Hold on one  
 22 second. Let's just figure out what's  
 23 causing the problem first; all right?  
 24 With all these hypotheses and solutions,  
 25 but (inaudible) process. The first step  
 is we need to find out what's causing the

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1  
2 DRAFT 5/12/20 DRAFT  
3 problem, and then we can go on to the next  
4 step.  
5 DONNA DEEDY: Okay, I just wanted  
6 to say, too, that from looking at the  
7 documents that the DEC provided, they have  
8 like design plans where they're advancing  
9 this technology and the practices for  
10 managing stormwater every day and so they,  
11 you know, at some point in time, after the  
12 extensive work, you know, I looked -- I  
13 think it would be a good idea to allow us  
14 to have some sort of a meeting so all of  
15 the homeowners feel like they have a stake  
16 in this and everyone is on board with  
17 trying to be responsible for what they can  
18 do to address the problem. You know what  
19 I mean?  
20 MAYOR MICHAEL LEVINE: I have no  
21 problem with that, but, again, let's start  
22 with the first step. The first step is  
23 get our engineer out there and they can  
24 tell us what the problem is.  
25 DONNA DEEDY: Okay.  
MAYOR MICHAEL LEVINE: And then

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1  
2 DRAFT 5/12/20 DRAFT  
3 we'll have you this dialogue after.  
4 DONNA DEEDY: Thanks again.  
5 MAYOR MICHAEL LEVINE: We'll ask --  
6 there are reports that you have from other  
7 vendors, please give them to our Village  
8 Clerk so that she can give them to our  
9 engineer.  
10 ELYSE BLECKMAN: I'll make a copy.  
11 DONNA DEEDY: Thank you. And just  
12 out of curiosity, couldn't you get the  
13 State to pay for the storm drains on Old  
14 Field Road?  
15 ANDREA PODOLSKY: It's a village  
16 road. It's the Department of  
17 Transportation and it's (inaudible) public  
18 roads and villages and towns and so on,  
19 and you apply for it. And they either  
20 accept it or not. And they accepted it,  
21 so they will pay for it for us.  
22 MAYOR MICHAEL LEVINE: That grant  
23 came from Wildlife Foundation and it was a  
24 grant that took us probably about two  
25 years to get. Only concerned Old Field  
Road, it did not for privately owned roads

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2 DRAFT 5/12/20 DRAFT  
3 in the Village.  
4 DONNA DEEDY: I just wonder, and  
5 this is just kind of a broad -- a broad  
6 statement -- but I was wondering if --  
7 what's the benefit of having private  
8 roads? You know, I mean, have we come to  
9 the point where it's not advantageous for  
10 anybody to keep and maintain them?  
11 MAYOR MICHAEL LEVINE: You have no  
12 choice. The Village did not buy private  
13 roads. We could have this Socratic  
14 conversation for many hours, but the  
15 Village is not taking on more expenses at  
16 one time.  
17 JEFF OWEN: There is (inaudible) to  
18 take over private roads, Mike, but they  
19 have to be brought up (inaudible) which  
20 costs thousands of dollars.  
21 ELYSE BLECKMAN: May I ask what  
22 type of time frame we're looking at to  
23 hear from the Village engineer?  
24 MAYOR MICHAEL LEVINE: I think he's  
25 probably pretty responsive; maybe 30 to 60  
days, at the most. We'll contact the

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1  
2 DRAFT 5/12/20 DRAFT  
3 engineer tomorrow and have him -- he's got  
4 to come up here during a major rainstorm  
5 to look at -- but he'll be up there.  
6 BARBARA DRAGONE: You don't need a  
7 rain storm. It's always there, the water;  
8 always there.  
9 DONNA DEEDY: Thank you so much.  
10 MAYOR MICHAEL LEVINE: You're  
11 welcome.  
12 Let's go on with regard to  
13 sanitation. I did speak to (inaudible)  
14 yesterday and she told me that she got  
15 back into the village and pick up recycles  
16 on Wednesdays if she had commitments from  
17 a hundred residents. It used to be that  
18 -- I think she said 50 residents that she  
19 picked up recyclables from before she  
20 stopped picking up recyclables, and to get  
21 her to the point to break even, she's got  
22 to have a commitment of about a hundred  
23 residents from a hundred different homes  
24 in the Village for her to return to pick  
25 up our recyclables.  
So my suggestion would be to have

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2 D R A F T 5/12/20 D R A F T  
3 everybody just -- to have Adrienne send a  
4 Constant Contact notification to have  
5 recyclables picked up at their curb on  
6 Wednesdays, going forward, for an  
7 additional cost of ten dollars per month,  
8 per resident. So the residents who want  
9 recyclables to be picked up on Wednesdays  
10 would incur an additional cost of ten  
11 dollars per month.  
12 ELYSE BLECKMAN: Would that be both  
13 for paper and glass?  
14 MAYOR MICHAEL LEVINE: Yes.  
15 ELYSE BLECKMAN: Same day?  
16 MAYOR MICHAEL LEVINE: Yup.  
17 ADRIENNE KESSEL: Also, Mike, the  
18 Village should put in there that the  
19 homeowner can contact Jean Cooley  
20 (phonetic) directly.  
21 MAYOR MICHAEL LEVINE: Yeah.  
22 ADRIENNE KESSEL: To get their  
23 service.  
24 MAYOR MICHAEL LEVINE: Yeah, give  
25 Tony Goni -- that's Tony G-O-N-I -- and  
give the residents the number and tell the

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3 residents we'd appreciate them to respond  
4 in the next 14 days or whatever, so that  
5 we can get a head count. They're not going  
6 to come back to the Village if only ten  
7 residents are committing to recycle.  
8 PAMELA HURST-DELLA PIETRA: Mike,  
9 is this still a public participation part  
10 of the meeting?  
11 MAYOR MICHAEL LEVINE: Yes,  
12 everything is always public participation.  
13 PAMELA HURST-DELLA PIETRA: Okay,  
14 because I had something that I want to  
15 talk to you about when you're finished  
16 with this presentation.  
17 MAYOR MICHAEL LEVINE: Okay, let me  
18 just go through the agenda and then I'll  
19 give you an opportunity to be heard, Pam.  
20 PAMELA HURST-DELLA PIETRA: Okay,  
21 thank you.  
22 MAYOR MICHAEL LEVINE: The Board  
23 talked about this the other night. Until  
24 the restrictions on COVID-19 are lifted,  
25 we wanted to keep the lighthouse park  
closed because it was becoming a focal

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3 point for non-residents, and we got a  
4 little concerned about the non-residents  
5 coming up to the lighthouse and using our  
6 park for socializing. And I think the  
7 Board was of -- the consensus was we'd  
8 keep the park closed until the  
9 restrictions are lifted down here on Long  
10 Island and then I'm going to reopen the  
11 park to a time when we'll schedule.  
12 Am I correct about that, guys?  
13 STEPHEN SHYBUNKO: Mike, I think it  
14 was less that where the residents were  
15 from, it was just overcrowding, and we're  
16 not able to get any kind of order, and  
17 they were not leaving when the park hours  
18 closed.  
19 MAYOR MICHAEL LEVINE: Right.  
20 ANTHONY GUARDINO: Okay, my  
21 suggestion there is with respect to that,  
22 I think it's perfectly appropriate for the  
23 Village to do that, if it's a health and  
24 safety concern. But given the fact that  
25 -- you know, we have all of these  
conditions that were attached to the grant

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3 by the -- by the Federal Government that  
4 the park be open just for recreation, and  
5 we should just have something in the  
6 official record that states why we are  
7 closing.  
8 MAYOR MICHAEL LEVINE: Okay, we  
9 don't need to have a vote on this. We  
10 just need that the park is being closed  
11 until the COVID-19 restrictions are lifted  
12 by the Governor or the County Executive of  
13 Suffolk County?  
14 ANTHONY GUARDINO: As a result of  
15 vast overcrowding and concerns to people's  
16 safety.  
17 MAYOR MICHAEL LEVINE: Okay.  
18 Adrienne, put that in the minutes?  
19 (WHEREUPON, no response was heard.)  
20 MAYOR MICHAEL LEVINE: Do you have  
21 that in the minutes, Lorraine?  
22 COURT REPORTER: Yes.  
23 ADRIENNE KESSEL: Do you want a  
24 motion on that?  
25 ANTHONY GUARDINO: We don't need a  
motion. No, it's fine.

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 2 D R A F T 5/12/20 D R A F T  
 3 BRUCE FELLER: What are we moving  
 4 on, Anthony -- to be clear -- reopening or  
 5 not reopening the park?  
 6 ANTHONY GUARDINO: I think it's a  
 7 justification for closing.  
 8 BRUCE FELLER: Well, no, wait a  
 9 minute. There needs to be documentation  
 10 establishing the reasons we closed the  
 11 park.  
 12 Anthony, that is your advice to the  
 13 Board? I heartily support it.  
 14 The second issue is, when do we  
 15 reopen the park -- that's for discussion  
 16 -- and it seems to me that that would  
 17 require Board action.  
 18 ANTHONY GUARDINO: It does. Oh, it  
 19 would, but I don't think we're there yet.  
 20 Listen, there's two things. You  
 21 can just make it -- tie it to the date  
 22 that the Governor lifts the restrictions.  
 23 But he doesn't put restrictions on public  
 24 recreational spaces right now. I mean not  
 25 all parks are closed. It's not a  
 Governor's order. So I think at the

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 2 D R A F T 5/12/20 D R A F T  
 3 appropriate time, when the Village feels  
 4 like -- and it may be in a month or so  
 5 when people have other options to  
 6 recreation. Right now, the marinas are  
 7 still closed, it's too cold to be on your  
 8 boat. You know, and once things start to  
 9 get relaxed, there may not be the same  
 10 pressure on the lighthouse grounds, and  
 11 the village may decide that it wants to  
 12 reopen.  
 13 BRUCE FELLER: I think so.  
 14 I call for a vote on it now. Let's  
 15 see how the trustees line up. If we  
 16 decide not to open, so be it. That needs  
 17 to be documented. But I suggest Board  
 18 action.  
 19 STEPHEN SHYBUNKO: A vote on what?  
 20 ANTHONY GUARDINO: You mean on  
 21 something that hasn't happened yet? I'm  
 22 confused by that.  
 23 BRUCE FELLER: On not reopening the  
 24 park. It's a federal park. We're not  
 25 waiting for Governor Cuomo.  
 MAYOR MICHAEL LEVINE: So it's not

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 3 a federal park.  
 4 BRUCE FELLER: It is a federal  
 5 park.  
 6 ANTHONY GUARDINO: No, it's not.  
 7 No, it's a Village park.  
 8 BRUCE FELLER: Village park on  
 9 federal property.  
 10 ANTHONY GUARDINO: No, it's not.  
 11 It's a Village park on Village property.  
 12 MAYOR MICHAEL LEVINE: It's not a  
 13 federal park.  
 14 ANTHONY GUARDINO: Right, it's a  
 15 Village park.  
 16 The reason why I suggest that we  
 17 have the statement as to why we were  
 18 closing it, is because one of the  
 19 conditions of the grant by the Federal  
 20 government to the village is that it was  
 21 given to the Village with the  
 22 understanding that it would be kept open,  
 23 at all reasonable times, to the public,  
 24 for recreational purposes. But now that  
 25 we're closing it, that's somewhat, you  
 know -- it contradicts the purpose of the

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 2 D R A F T 5/12/20 D R A F T  
 3 grant, but of course, it's understandable  
 4 why we're doing it. I just want to make  
 5 sure there's something in the record that  
 6 explains why we took this action.  
 7 BRUCE FELLER: I agree  
 8 wholeheartedly, Anthony.  
 9 TOM PIRRO: Retroactive to the  
 10 April 13th closing of the park. Is that  
 11 what you're saying?  
 12 BRUCE FELLER: Yes.  
 13 TOM PIRRO: In order to say, we're  
 14 closing the park for the following  
 15 reasons...  
 16 ANTHONY GUARDINO: Are you asking  
 17 me, Tom?  
 18 TOM PIRRO: Yes, please.  
 19 ANTHONY GUARDINO: Yes, that's  
 20 exactly what we should do. We should say  
 21 that on such and such weekend it was  
 22 observed that there was a substantial  
 23 number of people in a small area, tight  
 24 area, could not maintain social  
 25 distancing, so the Village thought that it  
 was in the best interest of everyone to

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close the park until further notice.  
3 TOM PIRRO: So are we documenting  
4 that in this meeting? Or should it be  
5 documented separately, dating back to the  
6 April 13th date?  
7 ANTHONY GUARDINO: I think you  
8 could just put a statement on the record  
9 now, which I thought that we just did.  
10 TOM PIRRO: That's what I was  
11 looking for; How do we document what  
12 happened?  
13 ANTHONY GUARDINO: I think,  
14 Bruce -- Bruce, correct me if I'm wrong.  
15 I thinking you're looking forward to  
16 opening it; is that correct?  
17 BRUCE FELLER: That is correct,  
18 Anthony. Absolutely.  
19 ANTHONY GUARDINO: Bruce, that's  
20 what I thought.  
21 BRUCE FELLER: But I thought we had  
22 resolved this issue once to the extent  
23 that documentation needs to be established  
24 for the actions taken the 13th or 14th of  
25 April. I think that's a done deal.

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1  
2 D R A F T 5/12/20 D R A F T  
3 ANTHONY GUARDINO: Right.  
4 BRUCE FELLER: On the question of  
5 reopening the park, my only suggestion was  
6 I would be curious as to hear the other  
7 trustees in attendance at tonight's  
8 meeting -- most of Suffolk County Parks  
9 have been reopened and we were the first  
10 to close and we're going to be the last to  
11 open. So be it, if that is the prevailing  
12 thought. But the idea of having five --  
13 as trustees -- is to bring judgment  
14 consideration into a consensus opinion.  
15 I'm simply asking the question about  
16 reopening the park. Reserve it, if you  
17 like, for public expression, but I think  
18 it deserves a little more attention than  
19 that.  
20 ANTHONY GUARDINO: I misunderstood,  
21 Bruce. I understand your point now.  
22 You're saying -- I thought that there was  
23 a consensus for that statement. So I  
24 think what you're saying is you want to  
25 hear only from the trustees.  
BRUCE FELLER: Right. And if I

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1  
2 D R A F T 5/12/20 D R A F T  
3 missed something, and if everybody feels  
4 that at this point the park should not yet  
5 be reopened, then so be it, but I was  
6 asking for feedback on the subject from  
7 the attendees tonight.  
8 ANTHONY GUARDINO: I understand.  
9 BRUCE FELLER: That's all.  
10 ANTHONY GUARDINO: That's  
11 appropriate.  
12 STEPHEN SHYBUNKO: Well, I, for  
13 one, will tell you I don't think it should  
14 be opened yet. But why don't we just  
15 agree to it until further notice. I am on  
16 a wait and see mode right now.  
17 TOM PIRRO: I agree with Steve. I  
18 think there's far too much traffic on the  
19 weekends and I think it would be a problem  
20 for our Code Enforcement guys, as it was a  
21 few weeks ago. I don't see much of a  
22 change in traffic on the weekends. I  
23 think, for now, it should remain closed.  
24 STEPHEN SHYBUNKO: So do we have to  
25 keep it closed until some other authority  
says it should be opened?

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2 D R A F T 5/12/20 D R A F T  
3 MAYOR MICHAEL LEVINE: No.  
4 STEPHEN SHYBUNKO: So we're  
5 independent in thought. We can open it  
6 when we feel it's --  
7 ANTHONY GUARDINO: Correct.  
8 STEPHEN SHYBUNKO: What are we  
9 doing about all that parking up around  
10 that circle now? Because I know there's  
11 constant issues flowing there -- if  
12 they're not in the park but they're on the  
13 street.  
14 MAYOR MICHAEL LEVINE: It's a Code  
15 Enforcement issue. Code Enforcement has  
16 to make sure people don't park at the end  
17 of the road. It's a violation of Village  
18 Code.  
19 Make sure the constables are  
20 vigilant, know about that, please.  
21 TOM PIRRO: Yeah, I'll call Frank  
22 tomorrow and I'll talk to him about it.  
23 MAYOR MICHAEL LEVINE: Okay.  
24 STEPHEN SHYBUNKO: I know Frank is  
25 because he's making more trips to the end  
of our street where we had the same

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 problem. People were actually parking,  
 4 walking across one of the properties.  
 5 BRUCE FELLER: Yeah.  
 6 MAYOR MICHAEL LEVINE: Just so that  
 7 we are clear on this, everybody. I know  
 8 maybe about a month ago I actually  
 9 forwarded the deed to all the trustees.  
 10 You should take a look at the deed. This  
 11 is a village owned property, it's not  
 12 federal land. It's owned by the Village.  
 13 The only requirement that the federal  
 14 government placed upon us, when they  
 15 deeded the grounds to us, is that it  
 16 remains (inaudible) The property itself  
 17 is owned by deed.  
 18 TOM PIRRO: Anthony mentioned the  
 19 revert clauses. What are those and how do  
 20 they affect how we operate the lighthouse?  
 21 ANTHONY GUARDINO: What was the  
 22 last word you said? How do they affect...  
 23 TOM PIRRO: How do they affect how  
 24 we operate the lighthouse.  
 25 ANTHONY GUARDINO: There were three  
 deeds that were granted. It was a parcel

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 granted in 1929 which had no -- no word  
 4 revert that was tied to any public  
 5 purpose, and then the largest part of the  
 6 grounds was granted in 1935 -- a little  
 7 more than seven and a quarter acres, and  
 8 the -- basically, it was granted it says  
 9 so long as said lands are used as a public  
 10 part or some other wholly public use. .  
 11 And then there was another grant in  
 12 1971 for another one point one acres,  
 13 which says that the property has --  
 14 continued use and maintenance of the  
 15 property for a public park and public  
 16 recreational purposes, and it has to be  
 17 used in accordance with a program of  
 18 utilization plan, which was something that  
 19 we had looked at a couple of years ago  
 20 when we came up with the wording for the  
 21 sign at the entrance because the  
 22 utilization plan basically said what we  
 23 can do and can't do.  
 24 Essentially, it has to be park and  
 25 the federal government -- we did confirm  
 with them that the park doesn't have to be

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 open 24/7 for public purposes, but it is  
 4 subject to reasonable regulations. That's  
 5 how we came up with the appropriate  
 6 language. We got the language to put the  
 7 sign up, approved by the federal  
 8 government. So we know it doesn't violate  
 9 those restrictions. It does not violate  
 10 the revert clause.  
 11 TOM PIRRO: All right. Thank you.  
 12 MAYOR MICHAEL LEVINE: All right,  
 13 are we ready to move on, everybody?  
 14 Okay, next up is -- I don't think  
 15 we need to do anything about this with  
 16 regard to the building permits that are  
 17 issued during the moratorium. We talked  
 18 about this; right?  
 19 ADRIENNE KESSEL: Yeah, Mike, the  
 20 only thing I really need is what does the  
 21 Board want to do -- do you want to -- we  
 22 can approve them as we go along but we  
 23 won't issue them until there's (inaudible)  
 24 the building moratorium. Several people  
 25 have called and emails.  
 MAYOR MICHAEL LEVINE: Can't do

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 2 D R A F T 5/12/20 D R A F T  
 3 construction work right now -- preserve  
 4 property and so forth; right?  
 5 JEFF OWEN: I think that just  
 6 changed. I think they're allowing  
 7 construction starting the 15th.  
 8 ANTHONY GUARDINO: On Friday.  
 9 Yeah, they're going to start on Friday. .  
 10 And I don't think -- I stated in  
 11 one of my earlier emails -- is that  
 12 there's no -- well, there's a prohibition  
 13 today on non-essential construction.  
 14 There's no prohibition on the issuance of  
 15 a building permit. So if a building  
 16 permit is ready to be issued, we don't  
 17 have the authority to withhold that permit  
 18 just because someone that can't do work.  
 19 We have to issue it, and then they have to  
 20 not do the work. But some people may want  
 21 to have the building permit in hand so  
 22 that as soon as the regulations -- the  
 23 order is lifted, they'll get their  
 24 contractor there the next morning. If you  
 25 don't issue the permit, they're going to  
 have to come looking for us, and then

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2 DRAFT 5/12/20 DRAFT  
3 Village Hall's closed, and they can't get  
4 the permit, that's a problem for them.  
5 But that should be their choice because  
6 the clock is ticking on the duration of  
7 the permit. But if they want to have it  
8 issued even though they can't work, that's  
9 their decision not ours.  
10 MAYOR MICHAEL LEVINE: Anthony are  
11 we correct that the restriction on  
12 non-essential construction is being lifted  
13 this Friday?  
14 ANTHONY GUARDINO: That's what  
15 they're saying. And that's going to be  
16 state-wide.  
17 MAYOR MICHAEL LEVINE: All right,  
18 so we're not concerned about it then.  
19 All right, let's move on.  
20 Tree work -- Jeff, I know you're  
21 taking care of tree work; right?  
22 JEFF OWEN: Yeah, I've got the  
23 contractors --  
24 MAYOR MICHAEL LEVINE: Okay.  
25 JEFF OWEN: I got a call in to them  
and I just have to plant the trees.

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1  
2 DRAFT 5/12/20 DRAFT  
3 BRUCE FELLER: Don't we need  
4 competitive bids? Wasn't that decided at  
5 the work session?  
6 MAYOR MICHAEL LEVINE: I don't  
7 think it was decided at the work session.  
8 BRUCE FELLER: What's the amount  
9 that we owe?  
10 ANTHONY GUARDINO: What's the  
11 amount?  
12 TOM PIRRO: Wasn't it 30,000?  
13 ANTHONY GUARDINO: That's under the  
14 threshold. But it is subject to the  
15 procurement policy.  
16 ADRIENNE KESSEL: Three proposals,  
17 Anthony?  
18 ANTHONY GUARDINO: Yes.  
19 MAYOR MICHAEL LEVINE: Explain  
20 that, Anthony, please.  
21 ANTHONY GUARDINO: Yeah, the  
22 threshold for public bidding is \$35,000.  
23 But if you're under the requirement for  
24 public bidding we still have to abide by  
25 the Village's procurement policy which is  
basically that the village has to solicit

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1  
2 DRAFT 5/12/20 DRAFT  
3 bids for -- from at least -- not bids, but  
4 they have to at least reach out to at  
5 least three different contractors to ask  
6 them to see if they want to bid on the  
7 work.  
8 JEFF OWEN: Anthony, the way I've  
9 been doing this, since I've been in charge  
10 of this, is we have a guy that charges the  
11 same daily rate -- and it's almost like  
12 piecemeal work. It's not really a job.  
13 It's like half a dozen trees and stumps in  
14 the ground and he tells me it's roughly  
15 going to be three days or four days plus  
16 dumping. Almost like -- you know, if I  
17 have to, if I have to make it a real job  
18 then I have to go, you know -- you've got  
19 specs, take every tree and do it that way.  
20 If that's the way you want me to do it,  
21 I'll do it, but that's the way I've been  
22 doing it for the past ten years.  
23 ANTHONY GUARDINO: But you can't  
24 just deal with one person. On the  
25 procurement policy we're supposed to reach  
out to three. But you don't need to go

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1  
2 DRAFT 5/12/20 DRAFT  
3 out and formally mark the trees because  
4 nobody is actually bidding on it. It's  
5 not like there's a bid package. You're  
6 just calling up someone and saying I have  
7 four trees on Old Field Road to take down.  
8 They're approximately 18 inches in  
9 diameter. What's your cost, what's your  
10 estimate?  
11 JEFF OWEN: I've done that in the  
12 past. I've gotten daily rates on  
13 equipment, on "X" amount of men, two per  
14 truck, and the equipment, and at the time  
15 I got the best rate, it was \$2500 a day.  
16 That company is gone. They sold their  
17 business. I hired another company. They  
18 agreed at the same rate.  
19 ANTHONY GUARDINO: You have to give  
20 others a chance to bid on that as well.  
21 You do. You have to reach out to two or  
22 three because otherwise you're not  
23 complying with the policy.  
24 JEFF OWEN: So I have to give them  
25 -- ask for a daily rate and I'll spec out  
the equipment.

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1  
 2 D R A F T 5/12/20 D R A F T  
 ANTHONY GUARDINO: That's fine.  
 3 How ever you offered the other guy.  
 4 JEFF OWEN: Yeah. I'm going to  
 5 have a hard time getting people to respond  
 6 because I've had a hard time in the past.  
 7 ANTHONY GUARDINO: It doesn't  
 8 matter if they don't respond. You need to  
 9 reach out. They don't have to actually  
 10 respond. If you reach out to three people  
 11 and only one person responds, that's the  
 12 person you deal with. But now you've  
 13 complied with the policy.  
 14 MAYOR MICHAEL LEVINE: You kind of  
 15 need to document the --  
 16 JEFF OWEN: How do I do this,  
 17 Anthony? Do I have to have the office --  
 18 the Village Clerk send out like a  
 19 formal --  
 20 ANTHONY GUARDINO: No.  
 21 JEFF OWEN: How do we keep track?  
 22 ANTHONY GUARDINO: You're the  
 23 person that's in charge of this. So I  
 24 suggest that you advise the clerk that you  
 25 have reached out to ABC Company, DEF

Page 55

1  
 2 D R A F T 5/12/20 D R A F T  
 Company, and XYZ Company and only XYZ  
 3 Company responded and they're going to do  
 4 the work.  
 5 JEFF OWEN: I'll just ask them for  
 6 an estimate on a daily rate and I'll just  
 7 tell them the equipment that's needed.  
 8 ANTHONY GUARDINO: Yeah, that's  
 9 fine.  
 10 JEFF OWEN: I'll forward those to  
 11 the Clerk.  
 12 ANTHONY GUARDINO: It doesn't have  
 13 to be complicated.  
 14 JEFF OWEN: Okay.  
 15 MAYOR MICHAEL LEVINE: All right,  
 16 Jeff?  
 17 JEFF OWEN: Sure.  
 18 MAYOR MICHAEL LEVINE: Tom: Dejana,  
 19 do you need to be heard on that, Tom?  
 20 TOM PIRRO: No, I believe we  
 21 discussed this in our April meeting, and  
 22 on April 23rd, I sent him the signed  
 23 contracts for both the basin cleaning and  
 24 the road sweeping. He's held the rates  
 25 for the last few years. So we should be

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1  
 2 D R A F T 5/12/20 D R A F T  
 good to go on that. We're just trying to  
 3 figure out what type of schedule he's  
 4 going to run. And I believe Flax Pond and  
 5 Crane Neck also want to have their stuff  
 6 done, but they're going to work separately  
 7 with the (inaudible)  
 8 MAYOR MICHAEL LEVINE: Okay.  
 9 TOM PIRRO: Basically, they  
 10 schedule together but each entity is  
 11 entitled to their own cost.  
 12 MAYOR MICHAEL LEVINE: Do we need  
 13 to make a motion, Anthony, to approve  
 14 Dejana for road sweeping?  
 15 ANTHONY GUARDINO: Yes, you're  
 16 contracting with them.  
 17 MAYOR MICHAEL LEVINE: Tom, am I  
 18 correct that the rate if \$125 per hour,  
 19 with an eight hour minimum?  
 20 TOM PIRRO: Yes. That's on the  
 21 road sweeping.  
 22 MAYOR MICHAEL LEVINE: Not to  
 23 exceed three days.  
 24 TOM PIRRO: Correct.  
 25 MAYOR MICHAEL LEVINE: That's on

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1  
 2 D R A F T 5/12/20 D R A F T  
 the road sweeping, and then on the basin  
 3 cleaning it's \$1365 per day, not to exceed  
 4 three days, also with an eight hour  
 5 minimum per day.  
 6 TOM PIRRO: Correct.  
 7 MAYOR MICHAEL LEVINE: Okay. On  
 8 top of the basin cleaning there's a \$63  
 9 per cubic yard dump fee?  
 10 TOM PIRRO: Correct.  
 11 MAYOR MICHAEL LEVINE: So the  
 12 motion would be to approve Dejana for both  
 13 basin cleaning and the road sweeping at  
 14 the prices that I just quoted.  
 15 TOM PIRRO: I'll make that motion.  
 16 STEPHEN SHYBUNKO: Second.  
 17 MAYOR MICHAEL LEVINE: All in  
 18 favor?  
 19 (WHEREUPON, there was a unanimous,  
 20 affirmative vote of the Trustees present.)  
 21 MAYOR MICHAEL LEVINE: No  
 22 opposition?  
 23 (WHEREUPON, no opposition was  
 24 heard.  
 25 MAYOR MICHAEL LEVINE: And then



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1  
 2 D R A F T 5/12/20 D R A F T  
 3 with regard to insurance. Tom, I know you  
 4 were handling this as well. Salerno gave  
 5 us a quote at which is like a thousand  
 6 dollars higher than it was for the last  
 7 fiscal year.  
 8 TOM PIRRO: Correct.  
 9 MAYOR MICHAEL LEVINE: It is what  
 10 it is.  
 11 TOM PIRRO: It is what it is.  
 12 I just wanted Andrea to break down  
 13 the cost associated with the liability  
 14 coverage.  
 15 To me, we're good to go.  
 16 MAYOR MICHAEL LEVINE: Okay. I  
 17 looked at the quote, too, and the only  
 18 difference I think was like a \$700  
 19 increase for owner to directors liability  
 20 \*\*\* that's where the major cost increase  
 21 was.  
 22 TOM PIRRO: It was public officials  
 23 liability and 300 on the professional  
 24 liability.  
 25 MAYOR MICHAEL LEVINE: So, Tom, do  
 you want to make the motion to approve

Page 59

1  
 2 D R A F T 5/12/20 D R A F T  
 3 Salerno Insurance renewal for April 1,  
 4 2020, to March 31, 2021.  
 5 TOM PIRRO: I make that motion.  
 6 MAYOR MICHAEL LEVINE: At a cost of  
 7 \$30,197.00.  
 8 Tom is making that motion.  
 9 Lorraine, I'll second the motion.  
 10 All in favor.  
 11 (WHEREUPON, there was a unanimous,  
 12 affirmative vote of the Trustees present.)  
 13 MAYOR MICHAEL LEVINE: Bruce, are  
 14 you out there?  
 15 BRUCE FELLER: Yes, sir.  
 16 MAYOR MICHAEL LEVINE: Are you  
 17 voting -- can you hear me, Bruce?  
 18 BRUCE FELLER: Yes, all good.  
 19 MAYOR MICHAEL LEVINE: I'm sorry,  
 20 did you vote in favor of the motion or  
 21 not?  
 22 BRUCE FELLER: I did.  
 23 MAYOR MICHAEL LEVINE: Okay,  
 24 Lorraine, you got that; all in favor.  
 25 COURT REPORTER: Yes.  
 MAYOR MICHAEL LEVINE: No

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 opposition.  
 4 BRUCE FELLER: We have technical  
 5 problems.  
 6 MAYOR MICHAEL LEVINE: No, problem,  
 7 Bruce.  
 8 Pam, we're going to wind up this  
 9 meeting. Is there anything else you want  
 10 to add?  
 11 PAMELA HURST-DELLA PIETRA: Yes,  
 12 I've been waiting.  
 13 Let me go through, quickly, and let  
 14 you know the issues. Well, you know about  
 15 it.  
 16 So, in March of this year, an  
 17 elderly neighbor of ours, Joan Dobbs,  
 18 brought to our attention that one of our  
 19 trees at 23 Road \*\*\*, bordering the  
 20 edge of her property, her fence and ours,  
 21 was suddenly leaning against another tree  
 22 that was on her property. And according  
 23 to her, a branch had fallen off and was  
 24 tangled in vines. At that time, I  
 25 immediately asked several people to look  
 at the problem, including our property

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1  
 2 D R A F T 5/12/20 D R A F T  
 3 manager, a handyman and a contractor. And  
 4 they all reported back to me that they  
 5 felt that the problem was an old one and  
 6 that it didn't represent any imminent  
 7 danger, and it was evident to them that  
 8 the branch had been tangled in vines for  
 9 years and wasn't in immediate danger from  
 10 falling.  
 11 So I thought this was a case of an  
 12 old lady being hyper vigilant or at worst,  
 13 paranoid, but still I wanted to look for  
 14 myself. And, unfortunately, it was just  
 15 really at a very busy time for me,  
 16 professionally, and then the stay at home  
 17 orders came into effect and making things  
 18 a little bit more challenging.  
 19 So Joan eventually called me four  
 20 to six times in the course of a weekend, I  
 21 think, or two, and made demands by phone  
 22 and mail -- here are letters that my  
 23 daughter Ava is -- so this is the tree and  
 24 as you can see it. That's the mess of  
 25 vines -- and that I should remove the  
 branches and trees at my expense. And she

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1  
2 DRAFT 5/12/20 DRAFT  
3 told me, as well, that one of my -- yeah,  
4 she told one of my contractors that she  
5 felt the branch -- not the tree itself --  
6 but the branch would fall and damage her  
7 fence and possibly fall on her dogs or her  
8 if they were out.  
9 This is at the very edge of her  
10 property but she was super worried about  
11 this.  
12 The first letter was dated  
13 April 30th, even though it was actually  
14 sent to me by certified mail on April 4th.  
15 And so you can see those; you can see the  
16 two letters.  
17 And during one of our  
18 conversations, I let her know what my  
19 professionals had said. And I added that  
20 I didn't really feel comfortable in just  
21 cutting down trees if I didn't have to and  
22 I would need to look at it, and I hadn't  
23 looked at it, and I was apologetic. And  
24 at that time, I let her know that --  
25 that -- that she could get an estimate for  
cutting down the tree -- you know that

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1  
2 DRAFT 5/12/20 DRAFT  
3 whole -- there's a big mess there --  
4 but I was very clear that she shouldn't do  
5 anything about cutting down because I  
6 hadn't been able to view the situation  
7 myself.  
8 At some point I did get to look at  
9 the situation. And it appears that there  
10 was a large nest, which I didn't want to  
11 disturb. And here's a photo.  
12 I immediately called Mike Levine  
13 and asked his advice and I -- I told him  
14 that I wasn't feeling comfortable in  
15 taking down a tree because I didn't know  
16 whether or not the nest was active, but I  
17 didn't want to really take the chance.  
18 I'm a huge bird lover. Everybody  
19 knows this about me and I go across my  
20 bridge everyday that I can get out,  
21 because I work so hard -- but when I do go  
22 out, I look and I spend really a lot of  
23 time looking at the birds and  
24 photographing the birds.  
25 I hadn't noticed that nest before,  
but that day I noticed the nest. It was a

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1  
2 DRAFT 5/12/20 DRAFT  
3 big nest. So I asked him, what's the  
4 laws. And he said that I didn't have to,  
5 by law -- you know, whether I wanted to or  
6 not -- but legally I didn't have to do  
7 that.  
8 Anyway, then on Monday, April 13th,  
9 we had a very heavy rainstorm all day with  
10 winds up to 75 miles an hour -- and the  
11 weather report is right here -- and  
12 despite Ms. Dobb's worries, the tree  
13 branch did not fall. And then two days  
14 later, after this high winds and storms,  
15 on Wednesday, April 15th, unbeknownst to  
16 me, Joan Dobbs hired a tree company to cut  
17 down the tree and the branch on my  
18 property, without my knowledge or  
19 authorization for anybody to be on my  
20 property.  
21 And so I should have been  
22 contacted, I think, to give my approval  
23 and to obtain insurance from a tree  
24 company in case anyone was hurt.  
25 And last week I received another  
letter from Joan, with a copy of the

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1  
2 DRAFT 5/12/20 DRAFT  
3 invoice, stating that I'm responsible to  
4 reimburse her \$760 -- the letter  
5 attached -- it's a little bit of what I  
6 would call hutzpah. In the letter Dobbs  
7 stated that the estimate was satisfactory.  
8 But who is it satisfactory to? I never  
9 knew that she had even contacted the tree  
10 company. And, additionally, the tree  
11 company left everything that they cut down  
12 on my property and didn't think anything  
13 of it.  
14 So I would like to know -- and Mike  
15 recommended and suggested -- thank you --  
16 that I reach out to the Board.  
17 What are my legal rights as a  
18 property owner in this Village where  
19 somebody comes onto my land and cuts down  
20 a tree with -- you know, it's not  
21 necessarily these trees -- -- but it's  
22 really -- I mean trees are lovely but the  
23 bird's nest was -- really meant something  
24 to me. Not that the trees didn't. How  
25 would you suggest I handle the situation?  
And, also, you know, for the next

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1  
2 DRAFT 5/12/20 DRAFT  
3 situation that happens because, you know,  
4 as you could see by the way things went, I  
5 was not thinking -- I was a little  
6 concerned about the way this all went down  
7 and concerned for the future.  
8 MAYOR MICHAEL LEVINE: Anthony, do  
9 you want to give us your opinion?  
10 ANTHONY GUARDINO: I can just tell  
11 you what the law provides -- but you  
12 should get your own attorney to give you  
13 advice because this is not really for the  
14 Village to advise you because this is a  
15 private matter between two property  
16 owners. But generally speaking, you have  
17 no obligation to remove a tree.  
18 Notwithstanding the fact that the tree  
19 branches might be hanging over a  
20 neighbor's property. And you also don't  
21 have an obligation or any liability if the  
22 branch should fall off during a storm.  
23 However -- and this is really important --  
24 if you have reason to believe that the  
25 tree is dead or dying, then, of course,  
you do have an obligation to do that. But

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1  
2 DRAFT 5/12/20 DRAFT  
3 if you think it's a perfectly healthy tree  
4 and then there was some hurricane that  
5 came ripping through the area, and the  
6 branch fell down, and it even crushed her  
7 fence, you have no responsibility to her  
8 for the branch. You don't even have to  
9 take the branch off of her property, nor  
10 do you have to fix her fence. But,  
11 remember, if there's reason to believe  
12 that the tree is dead or dying -- because  
13 maybe it dropped branches before or  
14 there's something visible that you could  
15 see that the tree doesn't look healthy,  
16 then, of course, you would have an  
17 obligation -- or I should say, you have  
18 liability in the event that the tree came  
19 down.  
20 MAYOR MICHAEL LEVINE: Am I  
21 correct, Anthony, that the Village has no  
22 jurisdiction over this?  
23 ANTHONY GUARDINO: The Village has  
24 nothing to do with this. Absolutely no  
25 involvement. That's why I'm giving you  
what I know, but you should speak to your

Page 68

1  
2 DRAFT 5/12/20 DRAFT  
3 own counsel.  
4 PAMELA HURST-DELLA PIETRA: Okay,  
5 thanks very much.  
6 MAYOR MICHAEL LEVINE: All right,  
7 Pam?  
8 PAMELA HURST-DELLA PIETRA: Yes,  
9 thank you.  
10 MAYOR MICHAEL LEVINE: All right,  
11 thank you, Pam.  
12 Any trustee reports before we call  
13 it a night?  
14 (WHEREUPON, no response was heard)  
15 MAYOR MICHAEL LEVINE: Anybody?  
16 (WHEREUPON, no response was heard.)  
17 MAYOR MICHAEL LEVINE: Anything  
18 else that needs to be discussed?  
19 BRUCE FELLER: I think we might go  
20 into executive session, Mike.  
21 MAYOR MICHAEL LEVINE: Yes, Bruce,  
22 you want to go into executive session?  
23 BRUCE FELLER: Yes, sir. I make  
24 that move -- that motion, I should say.  
25 MAYOR MICHAEL LEVINE: We have to  
make a motion to go into executive session

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1  
2 DRAFT 5/12/20 DRAFT  
3 and then anybody who is not a member of  
4 the Board needs to move on.  
5 Bruce, you want to make a motion to  
6 go into executive session?  
7 BRUCE FELLER: Yes.  
8 MAYOR MICHAEL LEVINE: So moved.  
9 I'll second that.  
10 All in favor going into executive  
11 session.  
12 (WHEREUPON, there was a unanimous,  
13 affirmative vote of the Trustees present.)  
14 MAYOR MICHAEL LEVINE: Any  
15 opposition?  
16 (WHEREUPON, no response was heard.)  
17 (WHEREUPON, this part of the  
18 meeting was concluded and the Board went  
19 into executive session.)  
20 \* \* \* \* \*  
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D R A F T 5/12/20 D R A F T

C E R T I F I C A T I O N

I, LORRAINE D. BERARDI, certify the foregoing transcript of the proceedings held on May 12, 2020, in the matter of the VILLAGE OF OLD FIELD BOARD OF TRUSTEES MONTHLY MEETING was commenced via video conference, and was prepared using the required electronic equipment, and is a true and accurate record of the proceedings.

Signature *Lorraine D. Berardi*

Dated: May 26, 2020

Agency: Accurate Court Reporting Service, Inc.  
info@accuratecorp.com

<hr/> <b>\$</b> <hr/>	<hr/> <b>3</b> <hr/>	<b>absolutely</b> 21:23 42:18 67:23
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