

**In the Matter Of:**

VILLAGE OF OLD FIELD BOARD OF TRUSTEES MONTHLY MEETING

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**VILLAGE OF PORT JEFFERSON - BOARD OF TRUSTEES**

*June 09, 2020*

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VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MONTHLY MEETING

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June 9, 2020

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7:00 P.M.

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2 A P P E A R A N C E S:

3 MAYOR MICHAEL LEVINE

4 DEPUTY MAYOR STEPHEN SHYBUNKO

5 BRUCE FELLER, Commissioner of  
Environmental Council

6

7 JEFFREY OWEN, Commissioner of Parks &  
Building

8

9 THOMAS PIRRO Commissioner of Streets &  
Roads

10

11 ANTHONY GUARDINO, ESQ., Village Attorney

12 JOSEPH ARICO, Building Inspector

13 ADRIENNE KESSEL, Village Clerk

14 ANDREA PODOLSKY, Village Treasurer

15 DEBORAH MASINO (by conference call)

16 DONNA DEEDY

17

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25

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1 BOT - 6/9/20

2 MAYOR MICHAEL LEVINE: We'll stand

3 and say the Pledge of Allegiance.

4 (WHEREUPON, the Pledge of

5 Allegiance was recited by all those

6 present.)

7 (WHEREUPON, at this time, all

8 present Trustee members stated their name

9 and title on the record.)

10 MAYOR MICHAEL LEVINE: Do we know

11 if anybody is on the line?

12 ANTHONY GUARDINO, ESQ.: Debra

13 Masino.

14 MAYOR MICHAEL LEVINE: Hi, Debbie.

15 DEBRA MASINO: Hi guys. I can

16 barely hear you.

17 MAYOR MICHAEL LEVINE: Let's start

18 out with public expression. There's no

19 public here, but does anybody on the phone

20 have any public expression?

21 (WHEREUPON, no response was heard.)

22 DEBRA MASINO: Nothing from Deb.

23 MAYOR MICHAEL LEVINE: The first

24 application is Jim and Marilyn Simons.

25 This is an application to construct

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2 a one thousand sixty-four square foot

3 greenhouse, a four hundred seventy-one

4 square foot potting shed, a eight hundred

5 six square foot workshop, a three hundred

6 sixty square foot trellis and a four

7 hundred sixty-nine square foot tool shed.

8 I guess there's a C & R involved as

9 required by ZBA?

10 ANTHONY GUARDINO, ESQ.: Yes, the

11 application went to the Zoning Board and

12 the variances that were necessary were

13 granted, subject to the signing and

14 recording of the declaration of the

15 department of some restrictions which was

16 signed and recorded and the Village Clerk

17 now has a file.

18 MAYOR MICHAEL LEVINE: Okay. This

19 has already been through the ZBA and now

20 it's back to the Board for final approval;

21 am I right, Anthony?

22 ANTHONY GUARDINO, ESQ.: That's

23 correct.

24 MAYOR MICHAEL LEVINE: Okay. Does

25 anybody need to be heard about this

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1 BOT - 6/9/20

2 application?

3 (WHEREUPON, no response was heard.)

4 MAYOR MICHAEL LEVINE: Technically,

5 we want to make a motion to approve this

6 application.

7 Trustee Shybunko is making the

8 motion.

9 Trustee Pirro second.

10 All in favor?

11 (WHEREUPON, there was a unanimous,

12 affirmative vote of the Board members.

13 MAYOR MICHAEL LEVINE: No

14 opposition?

15 (WHEREUPON, no opposition was

16 heard.)

17 MAYOR MICHAEL LEVINE: Next up is

18 Kyle and Tali Lapidus, 26 Crane Neck Road.

19 This is to construct a twelve

20 hundred seventy-four square foot finished

21 basement with an outside basement stair

22 entrance. According to the application no

23 plumbing will be part of this basement and

24 no bedrooms will be part of this finished

25 basement; right Joe?

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2 BUILDING INSPECTOR JOESPH ARICO: Yes.

3

4 MAYOR MICHAEL LEVINE: Anybody on

5 the phone with regard to this application?

6 DEBRA MASINO: Nothing from me.

7 MAYOR MICHAEL LEVINE: Any trustees

8 who want to be heard with regard to this

9 application?

10 (WHEREUPON, no response was heard.)

11 MAYOR MICHAEL LEVINE: We want to

12 make a motion to approve this application?

13 TRUSTEE THOMAS PIRRO: I'll make

14 it, Tom Pirro.

15 MAYOR MICHAEL LEVINE: Trustee

16 Pirro is making a motion.

17 Seconded by Trustee Shybunko.

18 All in favor?

19 (WHEREUPON, there was a unanimous,

20 affirmative vote of the Board members

21 present.)

22 MAYOR MICHAEL LEVINE: No

23 opposition?

24 (WHEREUPON, no opposition was

25 heard.)

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2 MAYOR MICHAEL LEVINE: Next up is

3 an application by Lee Moser, 3 Blueberry

4 Ridge Lane -- I think its 3 Blueberry

5 Road -- for a one hundred twelve square

6 foot garage expansion, a two foot by

7 thirty foot one story kitchen addition.

8 Is that correct, Joe?

9 BUILDING INSPECTOR JOESPH ARICO: Yes,

10 its small. It comes around the back.

11 MAYOR MICHAEL LEVINE: But its only

12 two feet wide?

13 BUILDING INSPECTOR JOESPH ARICO:

14 Yes.

15 MAYOR MICHAEL LEVINE: Two hundred

16 sixteen square foot front porch and a five

17 hundred seventy-five square foot rear deck

18 with air conditioning.

19 Okay. Anybody on the phone who

20 wants to make any comment or be heard

21 about this application?

22 (WHEREUPON, no response was heard.)

23 MAYOR MICHAEL LEVINE: Any trustees

24 who need to be heard?

25 DEBRA MASINO: Nothing from Deb.

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1 BOT - 6/9/20

2 MAYOR MICHAEL LEVINE: Does

3 somebody want to make a motion to approve

4 the application?

5 TRUSTEE THOMAS PIRRO: I motion it.

6 DEPUTY MAYOR STEPHEN SHYBUNKO: I

7 second it.

8 MAYOR MICHAEL LEVINE: Trustee

9 Pirro makes a motion.

10 Seconded by Trustee Shybunko.

11 All favor of the motion?

12 (WHEREUPON, there was a unanimous,

13 affirmative vote of the Board members

14 present.)

15 MAYOR MICHAEL LEVINE: No

16 opposition?

17 (WHEREUPON, no opposition was

18 heard.)

19 TRUSTEE JEFFREY OWEN: Are you

20 going to fix the permit number to 0014?

21 VILLAGE CLERK ADRIENNE KESSEL:

22 Thank you, I didn't see that.

23 MAYOR MICHAEL LEVINE: Next we have

24 the minutes from May 12, 2020.

25 DEPUTY MAYOR STEPHEN SHYBUNKO:

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2 Are they transcribed up there?

3 VILLAGE CLERK ADRIENNE KESSEL: Yes.

4 DEPUTY MAYOR STEPHEN SHYBUNKO: I

5 have not read the transcript. I have a

6 question. Will a transcript become

7 minutes? Normally we just summarize a

8 transcript.

9 ANTHONY GUARDINO, ESQ.: The

10 transcript will become the minutes.

11 MAYOR MICHAEL LEVINE: We will put

12 that over for next month when we revisit

13 the May minutes in July.

14 Next up is the Treasurer Report.

15 Does anybody need to be heard about

16 the Treasurer's Report and the warrants?

17 Tom, how are we doing?

18 TRUSTEE THOMAS PIRRO: Doing well.

19 We caught up on the warrants. There's a

20 lot of approval on the work session on

21 Thursday.

22 MAYOR MICHAEL LEVINE: Andrea, how

23 are we doing with outstanding tax

24 payments?

25 TREASURER ANDREA PODOLSKY: They

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1 BOT - 6/9/20  
 2 are coming in dribs and drabs. We have  
 3 thirty-five thousand that's left.  
 4 MAYOR MICHAEL LEVINE: That's  
 5 thirty-five thousand total?  
 6 TREASURER ANDREA PODOLSKY: Yes.  
 7 MAYOR MICHAEL LEVINE: How many  
 8 residents?  
 9 TREASURER ANDREA PODOLSKY: I am  
 10 charging a late fee. A lot of them is  
 11 sending them in without the late fees. I  
 12 am taking the checks and sending the fee  
 13 and marking it where it says after April  
 14 1, you know, you need to send in the late  
 15 fee.  
 16 MAYOR MICHAEL LEVINE: What are we  
 17 doing about the twenty residents who are  
 18 delinquent?  
 19 TREASURER ANDREA PODOLSKY: I keep  
 20 redoing the tax bills and sending it to  
 21 them.  
 22 MAYOR MICHAEL LEVINE: That's a  
 23 fair number of residents, twenty. We need  
 24 to be proactive, maybe even making  
 25 personal phone calls, that way you can

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1 BOT - 6/9/20  
 2 hear what their explanation is.  
 3 TREASURER ANDREA PODOLSKY: Okay.  
 4 MAYOR MICHAEL LEVINE: Maybe with a  
 5 personal phone call you will get a  
 6 commitment from some of these residents as  
 7 to when they will make their payments.  
 8 TRUSTEE BRUCE FELLER: I don't  
 9 think we should put our treasurer in the  
 10 position of a collection agency.  
 11 TRUSTEE THOMAS PIRRO: Can we do  
 12 that legally, Anthony?  
 13 ANTHONY GUARDINO, ESQ.: Sure.  
 14 DEPUTY MAYOR STEPHEN SHYBUNKO: Doe  
 15 s it go out registered mail?  
 16 TREASURER ANDREA PODOLSKY: No, it  
 17 just goes out regular mail.  
 18 One lady said, she couldn't go out  
 19 and she couldn't get stamps. I told her,  
 20 just get stamps dot com.  
 21 DEPUTY MAYOR STEPHEN SHYBUNKO: I  
 22 want to make sure it's reaching them.  
 23 TREASURER ANDREA PODOLSKY: I will  
 24 -- after I see -- once I send out some  
 25 more and see what comes in. To register

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1 BOT - 6/9/20  
 2 tends to add up in the money. A couple of  
 3 them we had the wrong address and I sent  
 4 it to them and I got no payment back.  
 5 DEPUTY MAYOR STEPHEN SHYBUNKO: Can  
 6 the village sell tax liens?  
 7 ANTHONY GUARDINO, ESQ.: Sure, when  
 8 it's delinquent. When it hits a certain  
 9 point you can sell them. We just haven't  
 10 been doing that.  
 11 MAYOR MICHAEL LEVINE: What is that  
 12 certain point?  
 13 ANTHONY GUARDINO, ESQ.: I don't  
 14 know exactly when that is. After its  
 15 delinquent and then comes a time, I think  
 16 it's a year after. It doesn't become a  
 17 lien. You have to make it a lien. Then  
 18 you can sell the lien. Sometimes you make  
 19 a lien and you don't sell it. Sometimes  
 20 villages choose to sell the liens and have  
 21 not done that.  
 22 TRUSTEE THOMAS PIRRO: How long do  
 23 you have to wait to make them a lien?  
 24 ANTHONY GUARDINO, ESQ.: I don't  
 25 know.

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1 BOT - 6/9/20  
 2 MAYOR MICHAEL LEVINE: You're  
 3 saying you have a different suggestion as  
 4 to how we can go about collecting  
 5 delinquency payments?  
 6 TRUSTEE BRUCE FELLER: What's the  
 7 advantage of a person making a personal  
 8 phone call to a resident to chase taxes?  
 9 Again, just one man's opinion.  
 10 MAYOR MICHAEL LEVINE: Again,  
 11 what's the basis of your opinion?  
 12 TRUSTEE BRUCE FELLER: I think it's  
 13 an intangible position to put a Village  
 14 employee in that role. She's not a  
 15 collection agency. We can give the  
 16 business to a collection agency and get a  
 17 percentage.  
 18 MAYOR MICHAEL LEVINE: I don't  
 19 think collection agencies take a  
 20 percentage.  
 21 ANTHONY GUARDINO, ESQ.: You will  
 22 lose a third.  
 23 TRUSTEE BRUCE FELLER: Either they  
 24 do or they don't, Anthony.  
 25 MAYOR MICHAEL LEVINE: A collection

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2 agency gets paid on a contingency basis.

3 ANTHONY GUARDINO, ESQ.: With a

4 lien, unless the village really needs the

5 money, you will get more than one hundred

6 percent if you sell the lien or you just

7 hold it for awhile. Eventually somebody

8 will pay the taxes with the interest.

9 TRUSTEE BRUCE FELLER: Does that

10 involve our treasurer making a call to the

11 tax payer who is in delinquency?

12 ANTHONY GUARDINO, ESQ.: I wasn't

13 suggesting that at all. It's really no

14 different, the treasurer sending a letter

15 which is typical or you can pick up the

16 phone. You shouldn't be like a collection

17 person. I don't think there is anything

18 wrong with just contacting them and

19 saying, this is just a reminder.

20 Eventually, at some point, you may want to

21 send it certified.

22 TRUSTEE BRUCE FELLER: Maybe the

23 mayor should make that call.

24 MAYOR MICHAEL LEVINE: Anyone in

25 the Village can make that call.

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2 TRUSTEE THOMAS PIRRO: Are there

3 restrictions as to how much you can hound

4 them?

5 ANTHONY GUARDINO, ESQ.: No. The

6 taxes are overdue. If it's growing, with

7 the statutory interest, its pretty high.

8 If they can pay, but they may not be able

9 to. That's the thing. Right now there's

10 probably some people who just can't pay.

11 They say, "Look, I know I am going to pay

12 the interest. Just back off. I'll pay

13 you. I just don't have it right now."

14 MAYOR MICHAEL LEVINE: Is anybody

15 saying he never got a tax bill?

16 TREASURER ANDREA PODOLSKY: No.

17 MAYOR MICHAEL LEVINE: You're not

18 hearing that excuse?

19 TREASURER ANDREA PODOLSKY: Everybo

20 dy gets a tax bill. Our new residents may

21 not necessarily know our bills come out

22 March 1 and they are due. You know, in

23 the time frame we are talking about,

24 usually within about six months I have

25 maybe two people who haven't paid.

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2 ANTHONY GUARDINO, ESQ.: Look at

3 what is going on. This is not unusual as

4 to what other villages are going through.

5 TREASURER ANDREA PODOLSKY: At this

6 time we would have five to ten. There

7 have been some people who said, I couldn't

8 get out. I couldn't mail it. At this

9 point I say, I understand. You still have

10 to pay me the penalty and the interest.

11 If not, I will send it out again with

12 more.

13 TRUSTEE THOMAS PIRRO: Do you keep

14 notes on them as you call them?

15 TREASURER ANDREA PODOLSKY: Yes, I

16 do. Most of them are pretty good.

17 Some of them may have gotten stuck.

18 One resident said when COVID hit she was in

19 Florida, and when she came back, I sent her

20 a very nice note saying I'm sorry, but

21 April was the date, so she sent me the late

22 payment.

23 TRUSTEE THOMAS PIRRO: How many

24 residents do we have in total?

25 TREASURER ANDREA PODOLSKY: I know

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2 we have four hundred households, but

3 that's not exactly how many we have. We

4 count four hundred. Some of them are tax

5 exempt. I'd say probably three fifty to

6 three seventy-five, off the top of my

7 head, when we send out the bills.

8 MAYOR MICHAEL LEVINE: Okay. Any

9 other questions before we move on?

10 (WHEREUPON, no response was heard.)

11 MAYOR MICHAEL LEVINE: All right.

12 We need to make a motion to approve the

13 warrants and the treasurer report for

14 May 12, 2020.

15 TRUSTEE THOMAS PIRRO: I'll make

16 the motion.

17 DEPUTY MAYOR STEPHEN SHYBUNKO:

18 Second.

19 MAYOR MICHAEL LEVINE: Trustee

20 Pirro is making the motion.

21 Trustee Shybunko seconds it.

22 All in favor of the motion?

23 (WHEREUPON, there was a unanimous,

24 affirmative vote of the Board members

25 present.)

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2 MAYOR MICHAEL LEVINE: Okay.

3 CHIPS, did we talk about CHIPS?

4 TREASURER ANDREA PODOLSKY: Yes.

5 We went on the New York State website,

6 they weren't updating it to the 2020 date.

7 I never got an April letter. April

8 letters, which I found out later on from

9 our contact at the local DOT in Hauppauge,

10 they never sent out the April letters. I

11 made sure we were under the gun for

12 May 23. I made sure I sent it in. I

13 spoke with him. Right now he said May

14 is --

15 MAYOR MICHAEL LEVINE: Who is he?

16 TREASURER ANDREA PODOLSKY: Our

17 contact guy, his name is Brian.

18 MAYOR MICHAEL LEVINE: He has what?

19 TREASURER ANDREA PODOLSKY: He has

20 our paperwork.

21 DEPUTY MAYOR STEPHEN SHYBUNKO:

22 This was to get reimbursed for what was

23 already done?

24 TREASURER ANDREA PODOLSKY: He said

25 the main service of the Office of the

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2 Department of Transportation is not

3 releasing any funds. They are not sending

4 out any letters yet. I said to him, do

5 you want to send me back the paperwork or

6 do you want to keep it? Obviously, I have

7 copies. I'll keep it. As soon as they

8 get the go ahead from the state, he'll

9 move. We'll be able to collect our

10 twenty-six thousand dollars and change.

11 However, I do have some other good

12 news. We got our state mortgage tax today,

13 which was for January, February, March,

14 which is for twenty thousand dollars and

15 change. Which, normally, we're like

16 between twelve and fifteen. I think

17 January, February and probably pay in

18 March. I know Adrienne got a phone call

19 requesting for sales certified service and

20 I got a phone call to refi or they were

21 selling. I think they e-mailed the

22 financial institution and we got the twenty

23 grand.

24 MAYOR MICHAEL LEVINE: This is a

25 little better than what we anticipated.

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2 Okay. Code: I think we'll come

3 back to code in executive session.

4 New business: Waive property tax

5 late fees and penalties. That has not been

6 approved, of yet, by the state. Has a

7 request been made?

8 TREASURER ANDREA PODOLSKY: No.

9 MAYOR MICHAEL LEVINE: A request

10 has not been made.

11 ANTHONY GUARDINO, ESQ.: You have

12 to make a request and it has to be

13 approved. It's an application by

14 application basis.

15 DEPUTY MAYOR STEPHEN SHYBUNKO:

16 What are your thoughts about making the

17 application?

18 ANTHONY GUARDINO, ESQ.: I don't

19 know if the Governor will approve it at

20 this point. I don't think there's any

21 harm in making it. It's the right thing

22 to do by the residents.

23 MAYOR MICHAEL LEVINE: I'll do

24 that.

25 Can you remind me, Adrienne, on

Page 21

1 BOT - 6/9/20

2 Monday to do that?

3 VILLAGE CLERK ADRIENNE KESSEL: Yes.

4 MAYOR MICHAEL LEVINE: I guess I

5 have to send it to Valerie Banco

6 (phonetic).

7 ANTHONY GUARDINO, ESQ.: Just that

8 e-mail.

9 MAYOR MICHAEL LEVINE: Also we have

10 an estimate from Soundview Heat & AC for a

11 new air conditioner blower motor at the

12 Lighthouse. Are we not getting AC at all?

13 TREASURER ANDREA PODOLSKY: No, its

14 not working at all. I called if any of

15 the part is covered. I am still working

16 to try to find that out. We did order the

17 part and it hasn't gotten in yet.

18 MAYOR MICHAEL LEVINE: We have to

19 approve the proposal of eleven hundred

20 fifty dollars; correct?

21 TREASURER ANDREA PODOLSKY: Yes.

22 MAYOR MICHAEL LEVINE: Motion for

23 estimate that was provided by Soundview

24 for a new air conditioner and blower of

25 eleven hundred fifty dollars.

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2 TRUSTEE JEFFREY OWEN: I'll make

3 the motion.

4 MAYOR MICHAEL LEVINE: Second to

5 Mr. Shybunko.

6 All in favor?

7 (WHEREUPON, there was a unanimous,

8 affirmative vote of the Board members

9 present.)

10 MAYOR MICHAEL LEVINE: Motion

11 approved.

12 Next we have Bianculli. I spoke to

13 Toni Bianculli yesterday. She kind of

14 changed her tune a little and says there

15 was a lack of communication. She would

16 come back to the village and do the

17 recycling for the village. She wants to

18 bill every resident whether they take

19 advantage of the recycling or not. She

20 wants to basically add a ten-dollar cost

21 per month to every resident regardless of

22 whether the resident takes advantage of

23 this recycling or not. So that was added

24 to the bill on a bi-monthly basis. So

25 you're talking about an additional twenty

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2 dollars per month, every two months to get

3 Bianculli back into the village to start

4 picking up recyclable products on

5 Wednesdays, Adrienne?

6 VILLAGE CLERK ADRIENNE KESSEL:

7 That's ten dollars per month?

8 MAYOR MICHAEL LEVINE: Correct.

9 TRUSTEE JEFFREY OWEN: I think

10 that's reasonable.

11 MAYOR MICHAEL LEVINE: They haven't

12 changed their fees in twenty years.

13 TRUSTEE JEFFREY OWEN: I think

14 they're good.

15 MAYOR MICHAEL LEVINE: The question

16 again is: Do we have the ability to

17 impose a bill on a resident whether they

18 take recycling or not?

19 ANTHONY GUARDINO, ESQ.: I don't

20 believe you do, because of the way this

21 reads. Technically, if it was structured

22 through the Village, you could. You would

23 have to put it out to the lowest

24 responsible bidder, then you could assess

25 that across the board.

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2 But my understanding is that each

3 resident contracts individually for their

4 carters. If they have the ability to

5 contact individuals directly to pick up

6 individually, how can we force them to

7 contract with Bianculli for a service that

8 they don't necessarily directly want. So I

9 see that as -- I mean, you can't.

10 TRUSTEE JEFFREY OWEN: How are we

11 even -- you can't just. I couldn't just

12 call up another garbage company and say,

13 pick up my garbage.

14 TRUSTEE BRUCE FELLER: Absolutely

15 could.

16 TRUSTEE JEFFREY OWEN: For one

17 resident?

18 TRUSTEE BRUCE FELLER: Absolutely.

19 TRUSTEE JEFFREY OWEN: For one

20 resident?

21 TRUSTEE BRUCE FELLER: Or several.

22 TRUSTEE JEFFREY OWEN: I'm trying

23 to talk. They're not going to come in for

24 three or four --

25 MAYOR MICHAEL LEVINE: You think

Page 25

1 BOT - 6/9/20

2 they will come in for three or four

3 residents?

4 TRUSTEE JEFFREY OWEN: I think we

5 have to speak on behalf of everyone.

6 MAYOR MICHAEL LEVINE: I do, too.

7 Right now we're not getting any recycling

8 at all. Everybody is taking what should

9 be recycled and putting it in with their

10 regular garbage and who knows, what is

11 actually recycling material is actually

12 being put separate from the regular

13 garbage.

14 DEPUTY MAYOR STEPHEN SHYBUNKO: How

15 do you think that will play out?

16 TRUSTEE THOMAS PIRRO: I think

17 Bianculli blew it when they said, we're

18 not going to do it. That's what the

19 letter said, we're not going to do it.

20 Now they're turning around and telling us,

21 we're going to do it. You are going to

22 force the residents to do something that

23 they have the ability to take care of on

24 their own is a much different task,

25 specifically months ago. We're like



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 2 correcting their mistake.  
 3 MAYOR MICHAEL LEVINE: I don't  
 4 disagree. I'm kind of looking for a  
 5 solution at this point in time. What's  
 6 the solution? If we go with another  
 7 contractor, I know from speaking to Winter  
 8 Brothers, they will charge a lot more than  
 9 sixty dollars on a bi-monthly basis to  
 10 pick up our trash. Right now we're  
 11 getting a good price.  
 12 TRUSTEE THOMAS PIRRO: I get that.  
 13 They changed their mind last month to this  
 14 month. As a business man, I would say,  
 15 you have to get your act together before I  
 16 am going to even attempt to impose this on  
 17 our residents, because it looks foolish.  
 18 How can I justify supporting  
 19 something with a vendor who can't get their  
 20 act together? That's my opinion.  
 21 TRUSTEE JEFFREY OWEN: I disagree.  
 22 I think they have been doing a good job.  
 23 I think its so reasonable to get  
 24 recyclable back in the village. I would  
 25 think if you ask any one of the villagers,

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1 BOT - 6/9/20  
 2 there's one or two people that give you a  
 3 hard time about that.  
 4 TRUSTEE THOMAS PIRRO: We did do  
 5 that. Do we know what the results were?  
 6 MAYOR MICHAEL LEVINE: They got  
 7 over fifty people who wanted this  
 8 recycling resumed.  
 9 TRUSTEE JEFFREY OWEN: I would  
 10 assume that most people want recycling  
 11 back.  
 12 MAYOR MICHAEL LEVINE: I think we  
 13 do.  
 14 TRUSTEE THOMAS PIRRO: I think  
 15 Bianculli should go directly to the  
 16 residents since they went to them, I guess  
 17 in December and made a mess of this. Say,  
 18 is this what you want to do? Do you want  
 19 to sign on? Then go with it, because they  
 20 created this.  
 21 MAYOR MICHAEL LEVINE: You're not  
 22 getting an argument from me. I think if  
 23 we leave the responsibility to Bianculli,  
 24 they are going to drop the ball  
 25 continuously and then our objective here

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1 BOT - 6/9/20  
 2 is to be good stewards of the environment  
 3 and recycling in the village.  
 4 TRUSTEE THOMAS PIRRO: We don't  
 5 have the authority to do that.  
 6 DEPUTY MAYOR STEPHEN SHYBUNKO: How  
 7 would it play out if every resident got a  
 8 bill for some -- an extra twenty dollars  
 9 -- they are going to call and say: What  
 10 are you doing? I didn't ask for that.  
 11 ANTHONY GUARDINO, ESQ.: You're  
 12 kind of forcing a contract on everybody.  
 13 MAYOR MICHAEL LEVINE: Let's figure  
 14 out what a solution will be.  
 15 TRUSTEE JEFFREY OWEN: Aren't we  
 16 kind of negotiating on the entire village?  
 17 MAYOR MICHAEL LEVINE: Indirectly.  
 18 TRUSTEE JEFFREY OWEN: Indirectly  
 19 we are. So it's not feasible for everyone  
 20 in the village to make a different deal  
 21 with a different garbage company.  
 22 MAYOR MICHAEL LEVINE: Anthony, can  
 23 you tell me what the other villages do.  
 24 ANTHONY GUARDINO, ESQ.: I know in  
 25 Huntington Bay they have the ability to go

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 2 to separate carters, but they all use the  
 3 same person. In the same situation, they  
 4 do not send that bill out. It's a private  
 5 contract.  
 6 MAYOR MICHAEL LEVINE: In other  
 7 villages do they contract directly with  
 8 the vendors?  
 9 ANTHONY GUARDINO, ESQ.: They do.  
 10 I can tell you in the town, we have a  
 11 private -- my situation is in Smithtown  
 12 and its not any different than the  
 13 Village. We have a private carter. The  
 14 Town selects the carter who is going to  
 15 deliver and the Village is actually paying  
 16 the payment to the Town on the tax bill.  
 17 I don't have a choice. I don't have any  
 18 negotiation. I have nothing.  
 19 MAYOR MICHAEL LEVINE: How is that  
 20 done legally?  
 21 ANTHONY GUARDINO, ESQ.: Its an  
 22 assessment on the tax bill. It's a  
 23 service that the Village provides.  
 24 MAYOR MICHAEL LEVINE: What does it  
 25 require of the village?

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2 ANTHONY GUARDINO, ESQ.: I would

3 have to look and see how you do it. I

4 don't think it's a referendum, maybe a

5 hearing that's required and what residents

6 will weigh in.

7 MAYOR MICHAEL LEVINE: Can you find

8 out what would be the process here as an

9 alternative?

10 TRUSTEE JEFFREY OWEN: How about

11 this, what if Bianculli sends a letter

12 telling everyone, maybe not this: We are

13 starting up recycling again for an

14 additional ten dollars a month. Say

15 that's it or this is the new deal?

16 TRUSTEE THOMAS PIRRO: I don't

17 think you can do it legally.

18 MAYOR MICHAEL LEVINE: Its not the

19 Village that's doing it. Its vendors that

20 would be doing that.

21 TRUSTEE JEFFREY OWEN: They send

22 out the letter --

23 ANTHONY GUARDINO, ESQ.: Bianculli,

24 and the Village has nothing to do with it?

25 TRUSTEE JEFFREY OWEN: Right.

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2 TRUSTEE THOMAS PIRRO: Yes.

3 MAYOR MICHAEL LEVINE: Yes.

4 ANTHONY GUARDINO, ESQ.: Why don't

5 they say, from now on we are doing trash

6 and recycling and the fee is ten dollars?

7 TRUSTEE JEFFREY OWEN: This is the

8 figure.

9 ANTHONY GUARDINO, ESQ.: Now you

10 want the vendor to keep people recycling.

11 TRUSTEE THOMAS PIRRO: That's why I

12 brought up the point that they made a mess

13 of this in December. They continue to

14 make a mess of it.

15 MAYOR MICHAEL LEVINE: I got that,

16 Tom, but again I think you're right. I am

17 also sympathetic. They have not increased

18 our charges for carting for the last

19 twenty years.

20 TRUSTEE THOMAS PIRRO: You know as

21 well as I do it only takes a handful of

22 unhappy people to take an issue and say

23 this was forced upon me. That's what I'm

24 concerned about.

25 MAYOR MICHAEL LEVINE: I guess the

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2 alternative would be, say to Bianculli, I

3 don't want you taking the trash from my

4 house. I'll take care of it myself,

5 basically opt out.

6 TRUSTEE THOMAS PIRRO: Why doesn't

7 Bianculli come back to us with a plan that

8 they're going to adhere to and not

9 flip-flop?

10 MAYOR MICHAEL LEVINE: Their plan

11 would be bi-monthly.

12 TRUSTEE THOMAS PIRRO: Let them

13 send out the notification. We're not in

14 the middle.

15 ANTHONY GUARDINO, ESQ.: Not that

16 the Village is enforcing the trash pick up

17 and recycling law on the residents. Say

18 look, Bianculli will do it for the trash

19 and recycling, and by the way, for that

20 extra service it's ten dollars a month or

21 more.

22 TRUSTEE BRUCE FELLER: May I weigh

23 in on this?

24 Essentially, we had two trash

25 pick-ups and one recycling pick-up per

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2 week, for sixty dollars every two months.

3 MAYOR MICHAEL LEVINE: That is with

4 the tax.

5 TRUSTEE BRUCE FELLER: Essentially,

6 if they reinstitute the recycling pick-up

7 on Wednesday, all that is happening is a

8 twenty-dollar increase for the cost of

9 services that were provided to us a year

10 ago, which -- and I agree with Mike --

11 Bianculli, thirty years, a good job.

12 I agree with Tom to the terms of

13 the extent of managing their business, but

14 maybe that's not their strong suit.

15 MALE SPEAKER: That's certainly not

16 their strong suit.

17 TRUSTEE BRUCE FELLER: I don't

18 think our residents would have had to

19 examine the negative reactions if

20 Bianculli had said a year ago, we're

21 compelled to raise our weeks (sic), one

22 recycling and two trash.

23 ANTHONY GUARDINO, ESQ.: It's their

24 mess.

25 MAYOR MICHAEL LEVINE: I am going

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2 to call Bianculli and say, go ahead and

3 throw it in your bill. We'll send it to

4 the residents. If the resident wants to

5 opt out, they are opting out.

6 TRUSTEE THOMAS PIRRO: It's legal.

7 MAYOR MICHAEL LEVINE: All right.

8 I'll make that call.

9 We have no public meeting on the

10 Elite cell tower; correct?

11 TRUSTEE THOMAS PIRRO: Correct.

12 Do we have an update?

13 TRUSTEE BRUCE FELLER: Question on

14 that. Did they even respond on cell

15 phone?

16 VILLAGE CLERK ADRIENNE KESSEL: I

17 did not call, maybe I misunderstood. I

18 thought Steve was going to reach out. If

19 you would like me to do that, I will.

20 TRUSTEE BRUCE FELLER: It's time we

21 hear from these guys.

22 DEPUTY MAYOR STEPHEN SHYBUNKO: I

23 did indicate I was going to call and I did

24 not.

25 Can you call, Adrienne, and see

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2 if they can make a presentation at the

3 July meeting?

4 VILLAGE CLERK ADRIENNE KESSEL:

5 Sure.

6 MAYOR MICHAEL LEVINE: Anybody on

7 Old Field Place?

8 ANTHONY GUARDINO, ESQ.: I agreed

9 to send a response from Old Field Place.

10 Is anybody on the call for Old

11 Field Place?

12 DEBRA MASINO: Only Deb.

13 DEPUTY MAYOR STEPHEN SHYBUNKO: I'm

14 surprised that no one from Old Field Place

15 has come forward.

16 So I prepared a file. So let me go

17 through it so it's on the record, and if

18 something I say is not accurate, I will

19 get comments from the trustees.

20 Old Field Place is a private road

21 and the residents of this private road have

22 asked the Village to investigate to

23 determine if the chronic flooding is a

24 result of any action or inaction of the

25 village.

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2 For the record, the Village cannot

3 spend public funds on private property,

4 which includes private roads, nor can the

5 Village design or make an engineering

6 recommendation for private roads.

7 The street flooding on Old Field

8 Place has been discussed at multiple public

9 works sessions and public meetings. The

10 Village records have been FOIL'd by the

11 Village residents. The Village has

12 received numerous e-mails, photos, videos

13 and copies of contractor quotes and testing

14 that was done by the residents. That's the

15 background.

16 The action that the Village took:

17 Number one, we observed the road

18 conditions. Two trustees met on the road.

19 For the record, no more than two trustees

20 can meet without running afoul on open

21 meeting laws.

22 MAYOR MICHAEL LEVINE: The Mayor

23 went on his own.

24 DEPUTY MAYOR STEPHEN SHYBUNKO: The

25 Mayor went separately and I went

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2 separately. The Village engineer paid a

3 visit to make observations and the Village

4 inspector made observations and spoke to

5 residents on more than one occasion.

6 The site plans for three homes have

7 been reviewed. Those three homes relate to

8 homes that have had major renovations or

9 new construction over the last five to ten

10 years, and all other village records were

11 reviewed relating to building permits,

12 zoning applications and zoning approvals

13 applicable to those homes. The conclusions

14 of the Village board are as follows:

15 MAYOR MICHAEL LEVINE: Just stand

16 right there. We're talking about your

17 street right now.

18 DONNA DEEDY: You are.

19 DEPUTY MAYOR STEPHEN SHYBUNKO: The

20 conclusion: The three homes had approved

21 set plans and had approved building

22 permits, and according to all the records,

23 observations and the comments of the

24 engineer, building inspector, everything

25 was built to those plans. The C/O was

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 2 issued correctly and appropriately,  
 3 according to the plans.  
 4 The Village officials observed a  
 5 single storm drain which is located on the  
 6 far east end of the street, that being the  
 7 only storm drain. The Village engineer  
 8 concluded that the homes and properties  
 9 were not contributing to the road flooding.  
 10 The storm drainage which is partially  
 11 owned, allegedly has four rings or leeching  
 12 fields and the location of those leeching  
 13 fields are unknown and there are no Village  
 14 records indicating where prior residents  
 15 may have put those leeching fields. The  
 16 storm drain was observed not to be  
 17 functioning. I believe on two times when  
 18 the Village officials did observe, water  
 19 was sitting on the drain that was not  
 20 functioning.  
 21 A report was shared with the  
 22 Village from the street association  
 23 indicating that they had an inspection of  
 24 the storm drain done and it was observed  
 25 that it was not functioning and needed to

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 2 be maintained, cleaned and identified where  
 3 these other leeching fields are.  
 4 The Village makes no representation  
 5 as to how that test was done or whether  
 6 there was any other maintenance done.  
 7 The road of which it is observed  
 8 does not pitch or feed on a single storm  
 9 drain. Based on that, the Village does not  
 10 consider it to be a cause of the problem.  
 11 As I said earlier, we are not  
 12 permitted to offer engineering solutions  
 13 or engineering guidance to private  
 14 residents or private property.  
 15 The Village's responsibility ends  
 16 with this report, based on the evaluation  
 17 of the Village Trustee, the Village  
 18 engineer and the Village inspection.  
 19 That concludes my summary of the  
 20 work done in response to the request by  
 21 Old Field Place to try and identify the  
 22 source of the flooding.  
 23 DONNA DEEDY: May I?  
 24 DEPUTY MAYOR STEPHEN SHYBUNKO:  
 25 State your name and address for the

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 2 record.  
 3 DONNA DEEDY: Donna Deedy 3 Old  
 4 Field Place.  
 5 I missed the discussion because I  
 6 was unable to call in. The number didn't  
 7 work.  
 8 Again, I had sent to the trustees,  
 9 then the Village clerk and again separately  
 10 because it wasn't forwarded, a copy of a  
 11 site plan that indicates there was a front  
 12 drain that was supposed to be installed on  
 13 a home of 7 Old Field Place and it was not  
 14 installed back in 2007, and that was the  
 15 first of three renovations. After that,  
 16 the street began to flood and progressively  
 17 got worse.  
 18 The storm drain that you  
 19 referenced, is not our street  
 20 association's storm drain. It is on the  
 21 private property of one of the residents.  
 22 And considering the fact that the  
 23 Village should be involved when the site  
 24 plans were not followed, indicates some  
 25 sort of responsibility on the part of the

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 2 Village. I think last month you kind of  
 3 said that, and that's one point.  
 4 DEPUTY MAYOR STEPHEN SHYBUNKO: We  
 5 had an engineer look at the situation and  
 6 the engineer feels a missing French drain  
 7 has nothing to do with the problem on your  
 8 street. And, in fact, every one of the  
 9 trustees that is here today, including  
 10 myself, has been on your street during a  
 11 rain event and can verify that a lack of  
 12 the French drain has nothing to do with  
 13 the ponding problem on the street.  
 14 Our opinion, Donna, it is not a  
 15 Village problem. It wasn't created by the  
 16 Village. It wasn't exacerbated by the  
 17 Village. It's a street problem. We can't  
 18 do anything with regards to the street.  
 19 We're telling you, so there's no  
 20 miscommunication here, the Village is not  
 21 taking any further action with regard to  
 22 this street. It is not, Donna.  
 23 DONNA DEEDY: The fact that the  
 24 Village signs site plans that were not  
 25 followed is okay with the trustees?

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2 DEPUTY MAYOR STEPHEN SHYBUNKO: The

3 fact is that if a missing storm drain was

4 causing or contributing to the problem,

5 perhaps that might resonate with that.

6 That is not the cause of the problem. It

7 has nothing to do with the problem. In

8 fact, those are curviest driveways. The

9 water from those driveways is not flooding

10 or cascading or dripping down into your

11 street.

12 The problem with your street, it's

13 improperly pitched. Everybody knows that.

14 You drive down your street even on a day

15 like today, you can see your street is

16 improperly pitched. As a result, water is

17 always going to seek its lowest point.

18 That's what's happening on your street.

19 DONNA DEEDY: The lowest point was

20 before the construction. The site plan

21 was on Bob Perrra's (phonetic) property.

22 DEPUTY MAYOR STEPHEN SHYBUNKO:

23 That's before my time.

24 ANTHONY GUARDINO, ESQ.: The

25 resident is not required to take the

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2 runoff from the street.

3 DONNA DEEDY: Why should a street

4 take the run off of the home?

5 DEPUTY MAYOR STEPHEN SHYBUNKO:

6 They are not required to do that,

7 according to the engineer and the building

8 inspector -- the Village is not.

9 TRUSTEE JEFFREY OWEN: You're

10 talking about not going into the driveway.

11 MALE SPEAKER: The water is not

12 going into the street and back on the

13 Simon's property. The Simon's property was

14 taking water for decades. When we changed

15 the grid, we stopped the street water which

16 was okay. As long as we weren't adding to

17 the street water at that time, we had to

18 put extensive draining on our road to cover

19 that property.

20 If you're telling me it's the same

21 thing, if that property is not taking

22 water, then it's up to the street associate

23 to take care of its own water.

24 Do you know what I'm saying?

25 DONNA DEEDY: I disagree completely

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2 with your assessment. I did send a video

3 of the storm water coming out of the

4 different locations of the street showing

5 the three properties and one of the three

6 properties is paved and impervious.

7 TRUSTEE THOMAS PIRRO: He does have

8 an extensive draining, the system on the

9 property.

10 TRUSTEE JEFFREY OWEN: Joe has

11 reviewed it.

12 DEPUTY MAYOR STEPHEN SHYBUNKO:

13 Perhaps. He has been there numerous

14 times. Everybody here has been there to

15 look at the problem. I went there during

16 a rain event and I think other people did

17 as well.

18 DONNA DEEDY: We have had a very

19 dry month, but you did get the pictures

20 and the video that I sent?

21 MAYOR MICHAEL LEVINE: Yes.

22 TRUSTEE JEFFREY OWEN: The

23 situation is that the road has to be

24 rebuilt with drainage and curbs.

25 DEPUTY MAYOR STEPHEN SHYBUNKO: I

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2 don't think our opinion will change. I

3 really believe if you want to correct the

4 problem, you have to get someone in here

5 and you have to take care of the issue.

6 The Village is not going to do

7 anything because they would be spending

8 money on a problem which it is legally not

9 allowed to do.

10 DONNA DEEDY: There's another

11 issue, too. I think if the people that we

12 pay as a Village look over these plans and

13 sign off on them and say what this

14 property accurately represents is more

15 than fair, also what is there is their

16 problem and it is not that cause. One

17 thing, as far as your responsibility as a

18 board --

19 DEPUTY MAYOR STEPHEN SHYBUNKO: Can

20 you be more specific because that is quite

21 an accusation?

22 DONNA DEEDY: Is it an accusation?

23 DEPUTY MAYOR STEPHEN SHYBUNKO:

24 What specifically?

25 DONNA DEEDY: Specifically the

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2 French drain and the driveway at 7 Old

3 Field Place.

4 TRUSTEE THOMAS PIRRO: I think Joe

5 should be better at this because this is

6 what he does. But he told me there were

7 mitigating factors that made that French

8 drain necessary, in his eyes, and when our

9 engineers came in after the fact. Even

10 without a French drain it would be

11 inconsequential.

12 DONNA DEEDY: Then as a course of

13 action should have been to have the plans

14 modified and signed off on to accurately

15 represent what is there right now. They

16 don't represent what is there.

17 ANTHONY GUARDINO, ESQ.: Not

18 necessarily, there are field changes that

19 are immediate.

20 TRUSTEE JEFFREY OWEN: As-built is

21 probably what represents what is there.

22 DEPUTY MAYOR STEPHEN SHYBUNKO: The

23 bottom line, Donna, just to get to the

24 bottom line, as a Village we cannot

25 accommodate your problem on the street.

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2 DONNA DEEDY: Originally, when I

3 approached the Board, the Village website

4 has a posting of possible storm water

5 management. It's to better understand

6 what is happening, and they seek people

7 that are impacted by decision that

8 government makes. Originally, that's why

9 I approached this board. I wanted to tap

10 into some of those resources to help us

11 because I think you were provided with

12 three or four, five different resources.

13 MAYOR MICHAEL LEVINE: What sort of

14 resources are you talking about that I

15 don't know about?

16 DONNA DEEDY: If you look at the

17 Village website, it talks about, you can

18 request a meeting, you can appoint a

19 committee to look at some water management

20 issues.

21 DEPUTY MAYOR STEPHEN SHYBUNKO:

22 That's on the Village roads and Village

23 properties.

24 DONNA DEEDY: You know what, Steve,

25 we have to pay taxes in this Village, too.

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2 This is a state government program.

3 DEPUTY MAYOR STEPHEN SHYBUNKO: You

4 can approach the state, but you're

5 misinterpreting what the Village website

6 says.

7 DONNA DEEDY: It talks about storm

8 water, Steve.

9 DEPUTY MAYOR STEPHEN SHYBUNKO:

10 We're kind of going around in circles.

11 DONNA DEEDY: This is what I'm

12 saying. I'm not going around in circles.

13 If the Village website publicizes this

14 opportunity to address that storm water

15 management, to at least hold a meeting,

16 that we have a right to request a meeting,

17 for instance, the DEC to sit down with

18 people and give us different options, what

19 we can do to address this.

20 DEPUTY MAYOR STEPHEN SHYBUNKO: You

21 had that conversation with us numerous

22 times and the DEC told, specifically --

23 you specifically -- they don't have

24 jurisdiction. They are not going to get

25 involved. If you want to get the DEC

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2 involved, try it. If they are willing to

3 listen to you, and come and look at the

4 problem.

5 DONNA DEEDY: That's what they said

6 they would do.

7 DEPUTY MAYOR STEPHEN SHYBUNKO: No,

8 they said they would not do that. No,

9 they said they don't have jurisdiction.

10 DONNA DEEDY: At this point, can

11 you please put it on the record we would

12 like to request a meeting on forming a

13 committee for some water management so we

14 can address this at all the resources that

15 are available to us.

16 DEPUTY MAYOR STEPHEN SHYBUNKO:

17 Okay. It's on the record.

18 DONNA DEEDY: Will you make a

19 decision about this?

20 DEPUTY MAYOR STEPHEN SHYBUNKO: A

21 decision about what?

22 DONNA DEEDY: Forming a committee.

23 DEPUTY MAYOR STEPHEN SHYBUNKO: For

24 ming a storm water management committee?

25 DONNA DEEDY: Yes.

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2 According to the documents that

3 were posted on the Village website, we can

4 request a meeting where a committee is

5 appointed and the sessions can be held.

6 DEPUTY MAYOR STEPHEN SHYBUNKO:

7 We'll take a look at what it says and if

8 we can -- if you're right -- and we have

9 that responsibility, we'll look into that

10 responsibility.

11 DONNA DEEDY: If you want, I can

12 send it to you where I found it.

13 DEPUTY MAYOR STEPHEN SHYBUNKO:

14 That's fine. Go ahead and send me the

15 e-mail and I will take a look at it.

16 MAYOR MICHAEL LEVINE: Okay.

17 Anything else? Any public expression?

18 (WHEREUPON, no response was heard.)

19 MAYOR MICHAEL LEVINE: Do I have a

20 motion to conclude the meeting?

21 TRUSTEE THOMAS PIRRO: Make the

22 motion to go into executive session.

23 DEPUTY MAYOR STEPHEN SHYBUNKO: I

24 second.

25 MAYOR MICHAEL LEVINE: All in favor

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2 of going into executive session?

3 ALL RESPOND: Aye.

4 (WHEREUPON, there was a unanimous,

5 affirmative vote of the Trustees present).

6 MAYOR MICHAEL LEVINE: Any

7 opposition?

8 (WHEREUPON, no opposition was

9 heard.)

10 (WHEREUPON, this part of the

11 meeting was concluded and the Board went

12 into executive session)

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

3 I, Colleen Track, certify the

4 foregoing transcript of the proceedings

5 held on June 9, 2020, in the matter of THE

6 VILLAGE OF OLD FIELD BOARD OF TRUSTEES

7 MONTHLY MEETING is a true and correct

8 transcript of the proceedings in this

9 matter.

10

11 Dated: June 17, 2020

12 *Colleen Track*

13 Colleen Track

14 Court Reporter

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