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INCORPORATED VILLAGE OF PLANDOME MANOR
BOARD OF TRUSTEES

55 Manhasset Avenue
Manhasset, New York

March 19, 2019
7:15 p.m.

Matters:

Local Law 2 of 2019

Local Law 3 of 2019

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

BARBARA DONNO, Mayor

TONY DESOUSA, Trustee

PATRICIA O'NEILL, R.A., Trustee

MATTHEW CLINTON, Trustee

JAMES BAYDAR, Trustee

MARIE DEPALO, Treasurer

JOHN FARRELL, ESQ., Village Counsel

EDWARD P. BUTT, Building Inspector

RANDI I. MALENAN, Village Clerk

DEBORAH A. CIRABISI

Court Reporter

1 BOARD OF TRUSTEES, 03/19/19

2 MAYOR DONNO: We will start our
3 public hearing.

4 If I could have a motion to open
5 the public hearing on the proposed
6 Local Law 2 of 2019, amended
7 Chapter 189 of the Code of the
8 Incorporated Village of Plandome
9 Manor, entitled Streets and Sidewalks,
10 to create a maintenance obligation on
11 the part of owners of private roads
12 located within the Village of Plandome
13 Manor and to authorize the Village
14 Board to take corrective action to
15 remedy violations of these provisions
16 for the protection, order, safety,
17 health, and wellbeing of village
18 residents, with costs associated for
19 such corrective action to be assessed
20 against the property or properties at
21 issue.

22 Can I have a motion on that?

23 MR. BAYDAR: Motion.

24 MAYOR DONNO: Do I have a
25 second?

1 BOARD OF TRUSTEES, 03/19/19

2 MR. CLINTON: I'll second.

3 MAYOR DONNO: All those in
4 favor?

5 ALL BOARD MEMBERS: I.

6 MAYOR DONNO: We are open as a
7 public hearing.

8 John, if you would go through,
9 for the people that are here, just
10 explain, and then we'll take any
11 questions.

12 MR. FARRELL: So, the local law
13 that's on the table right now allows
14 the Village to go in and repair roads
15 that the Village building
16 superintendant or roads commissioner
17 determine are in need of immediate
18 repair and in need of sufficient
19 repair to make them passable and not
20 detrimental to the health, safety, and
21 welfare of the residents of the
22 village.

23 After the building
24 superintendant or roads commissioner
25 makes that determination, the Board of

1 BOARD OF TRUSTEES, 03/19/19

2 Trustees will schedule a public
3 hearing on ten days notice, which will
4 be sent out by certified mail to the
5 adjoining property owners, the
6 property owners that are responsible
7 for the maintenance of the road.

8 After that, then we'll have a public
9 hearing on that. The Board will then
10 make a determination as to whether or
11 not a repair is necessary, and then
12 they'll send out a notice if they
13 determine it's necessary that they're
14 going to come in and repair the road
15 at the cost and expense of the
16 adjoining property owners.

17 The original version of the law,
18 we had it as 30 days notice. Based on
19 some of the comments from the
20 residents, we've made a few tweaks to
21 that and increased it to a 45-day
22 notice sent by certified mail. We can
23 extend that period of time if we get a
24 written request for an extension from
25 at least one-third of the affected

1 BOARD OF TRUSTEES, 03/19/19

2 property owners.

3 In my opinion, the one-third
4 number allows the people affected to
5 come together and make a decision
6 whether or not they want to further
7 investigate a repair, but it also
8 prevents one person from stalling the
9 whole process. You know, if you have
10 one person that's just not interested
11 in doing it, they can just keep making
12 repeated requests for extensions and
13 just delaying the Village's actions.

14 After that time has expired, if
15 there is no action by the affected
16 property owners, the Village will
17 start making its determinations as to
18 how it will go about getting the
19 repairs, get bids, get engineers, and
20 do all the work that's necessary to
21 determine what's involved with the
22 road repair and maintenance.

23 Once the road is completed and
24 the Village has determined the final
25 cost, it will be imposed as a special

1 BOARD OF TRUSTEES, 03/19/19
2 assessment on all of those affected
3 property owners. That gives the
4 property owners a certain amount of
5 time to pay the amount that they're
6 responsible for. I know the law is
7 designed so that everyone would share
8 in it equally, so it wouldn't be based
9 on a property value situation. It
10 would be based on one cost divided by
11 the number of homes.

12 If it's not paid within that
13 30 days, by statute, there's one and a
14 half percent interest that's imposed
15 on that special assessment until it's
16 finally paid. If it's not paid, it
17 will ultimately go onto the assessment
18 roll and paid as part of the property
19 taxes.

20 That's the law, in a nutshell.

21 MAYOR DONNO: Thank you.

22 I'm sure you're all here because
23 you have questions and concerns, so
24 we're open to answering anything, any
25 comments that you might have.

1 BOARD OF TRUSTEES, 03/19/19

2 Kevin?

3 MR. CONNELLY: Kevin Connelly
4 from Heritage Way. Is the intent --
5 my feeling is that the roads are
6 terrible -- is the intent to repave
7 the entire Plandome Park with the
8 exception of Heritage Way?

9 MAYOR DONNO: Yes.

10 MR. CONNELLY: There was a
11 question that came up. We had an
12 earlier meeting last week, and one of
13 the property owners asked, your
14 ownership is to the middle of the
15 road? One of the property owners said
16 he has two properties, and one goes
17 the entire road, and the adjacent
18 property doesn't have any of the road.

19 Is that possible?

20 MAYOR DONNO: Ed, do you know?

21 MR. BUTT: I don't think so. I
22 think the only place where you have --
23 because you're from Heritage Way,
24 there is no property on either side,
25 so you own the entire road at that

1 BOARD OF TRUSTEES, 03/19/19

2 point in time.

3 MR. CONNELLY: It's in my deed.

4 MR. BUTT: Yes, it is. It's
5 clearly on the survey too. But I
6 believe everywhere else in the
7 village, it goes to the center line of
8 the property. We'll probably look at
9 that as a case-by-case basis, but I'm
10 pretty confident of the fact that's
11 it's the center of the road.

12 MR. CONNELLY: Is there a plan
13 on how to divvy it up if the entire
14 Plandome Park is repaved, is it
15 divided by the 50 homeowners?

16 MAYOR DONNO: It's going to be
17 assessed equally amongst all the
18 homeowners.

19 MR. CONNELLY: Is Heritage Way
20 included?

21 MAYOR DONNO: I know that you
22 came in and did your own roads.
23 Actually, I would say no because you
24 paved your roads, so I would say
25 Heritage Way is not included in this

1 BOARD OF TRUSTEES, 03/19/19
2 because those roads won't be touched
3 by us.

4 MR. BUTT: Nor by the water
5 company.

6 MAYOR DONNO: Right. We do know
7 that Manhasset-Lakeville Water and Nat
8 Grid came to us a while ago and told
9 us that they were coming into Plandome
10 Park to replace your water mains and
11 gas mains. We did share with them
12 that we intended to -- either the
13 property owners or the Village were
14 going to come in and do your roads.
15 We do not want them touching these
16 roads once they're done, so they
17 agreed to come in before we touch the
18 roads.

19 This was in the fall we had the
20 meeting. They said they could do it
21 in the spring. Manhasset-Lakeville
22 and National Grid both said they would
23 do it, and they would coordinate with
24 each other.

25 We just met again with

1 BOARD OF TRUSTEES, 03/19/19
2 Manhasset-Lakeville, and they're ready
3 to start the roads, I believe, within
4 a month. They gave us the plans, they
5 told us what they intended to do.
6 They are coming down Heritage, but
7 because you paved your roads, they're
8 going on the grass. They will not dig
9 up those roads on Heritage, but, I
10 believe, one small part.

11 MR. CLINTON: Pending the
12 residents' approval.

13 MR. CONNELLY: They spray
14 painted the water line and gas line,
15 and I was concerned what they were
16 doing.

17 MAYOR DONNO: Did gas come in?

18 MR. CONNELLY: I think I saw a
19 gas line on the corner that was spray
20 painted.

21 MAYOR DONNO: They told us they
22 would not touch --

23 MR. BUTT: And they will repair
24 your aprons as they go through that
25 area. They said they would put those

1 BOARD OF TRUSTEES, 03/19/19
2 back, which would only be driveway
3 repair work, and that would be done by
4 them as well. Most of their lines
5 would go through the grass, and they
6 would replace it and seed it or sod it
7 or whatever. It's better than ripping
8 up the roads.

9 MAYOR DONNO: There was one
10 section, I believe, on Heritage Way --

11 MR. BUTT: At the end of the
12 cul-de-sac, there's one spot where
13 they have to go across.

14 MAYOR DONNO: I think that's
15 their connection, so they have to open
16 up the street, but it's small.

17 MR. BUTT: It's one, small
18 patch, so it's not bad for the whole
19 road.

20 MAYOR DONNO: I do have to say
21 that Manhasset-Lakeville is very
22 concerned about the residents and
23 knowing and understanding what we need
24 to do in the roads, so they have been
25 willing to -- we actually reached out

1 BOARD OF TRUSTEES, 03/19/19
2 to them and asked them because they
3 did not have us on their list, so they
4 changed things around, so they could
5 get the roads done.

6 MR. CONNELLY: There's some
7 remuneration coming from
8 Manhasset-Lakeville and the gas
9 company to offset some of the costs?

10 MR. BUTT: We don't know that
11 yet.

12 MAYOR DONNO: Manhasset
13 -Lakeville, probably; Nat Grid, from
14 what we understand, because now
15 they're saying they're doing the
16 schedule at our request, so they're
17 saying no. Ed just spoke to them
18 tonight, and I asked him to set up a
19 meeting with them. They kind of said
20 to us, if you want us to come in now,
21 you're not on our schedule, you're
22 going to have to accept what we give
23 you, but we're going to see what we
24 can do.

25 MR. CONNELLY: Thank you.

1 BOARD OF TRUSTEES, 03/19/19

2 MR. CLINTON: The answer is,
3 most likely, but not definitely.

4 MAYOR DONNO: At least
5 Manhasset-Lakeville will work with us.
6 Nat Grid, I'm not so sure.

7 MS. KORIAN: I'm Denise Korian
8 (phonetic). I'm here on behalf of my
9 sister, Deborah Benjamin. First, I
10 just want to tell you, I thought the
11 news that they were going to be doing
12 anything with the roads in Plandome
13 Park was fabulous. My sister, as a
14 supporter of the fund of Plandome Park
15 Association, which I'm sure had great
16 intentions when it started, all it
17 became was a funnel for us to spend a
18 lot of money, and we were still left
19 with the holes in front of our homes
20 to take care of, so I appreciate all
21 of the Village's efforts to try and
22 fix all of the roads. I think all of
23 the residents of Plandome Park will
24 benefit by that.

25 That said, what I'm less clear

1 BOARD OF TRUSTEES, 03/19/19

2 on is, I read the statute, and I
3 really only gave it a cursory review,
4 it appeared to me you are going to
5 identify certain potholes as being
6 what the engineer and the Village
7 inspector call dangerous and fixing
8 those holes and giving the owners an
9 opportunity.

10 If there is something planned as
11 a more comprehensive plan, which I
12 also support, notwithstanding the
13 fact that I think it will probably be
14 a little more expensively done by you
15 because I'm assuming it's prevailing
16 wage, it will still be done better
17 than by any other association that
18 went with the best of intentions, try
19 and find a responsible contractor to
20 do it.

21 Everything the Board is trying
22 to do is great. I'm just not real
23 clear on exactly what the
24 comprehensive plan would be to try to
25 do all the roads.

1 BOARD OF TRUSTEES, 03/19/19

2 Is there a plan that you'd be
3 doing sections during certain times,
4 and you've got bids that are going out
5 and coming in?

6 MAYOR DONNO: Well, first of
7 all, the job has to be -- do you want
8 to answer?

9 MR. BUTT: Yes. We would treat
10 this like we treat any other road
11 project. The project will be
12 engineered to include the entire
13 Plandome Park area. That would be
14 engineered and sent out to bid to an
15 open bid process like we would do with
16 any other road. The lowest,
17 responsible bidder would be the one
18 that be awarded, and we would be
19 giving that bid to them, the cost of
20 which would be what our attorney said,
21 how it would be divided up. It would
22 be treated like any other public road
23 project in the village, and it would
24 be involving every road in Plandome
25 Park.

1 BOARD OF TRUSTEES, 03/19/19

2 MS. KORIAN: Would it include
3 the drainage that's needed on certain
4 roads where there's puddling, would
5 you be putting in dry wells for that?

6 MS. GUIDUCCI: Sandra Guiducci,
7 G-U-I-D-U-C-C-I, 127 Lake Road.

8 If I may, to what standard are
9 the roads going to be?

10 MR. BUTT: They would be up to
11 public road standards, as far as depth
12 of grinding and filling. It would be
13 the same topcoat that we do on every
14 other road in the village, so it is, I
15 believe, a finer course of six inches
16 and a fine course of about two and a
17 half inches. That would be monitored
18 by our engineer during the
19 construction process, so there would
20 be construction observation and
21 reports taken as far as all the work
22 being done and the performance and
23 standard levels that we treat every
24 other roadway.

25 MS. GUIDUCCI: So pitch and

1 BOARD OF TRUSTEES, 03/19/19

2 drainage?

3 MR. BUTT: Yes. As far as the
4 drainage is concerned, it's a good
5 question, we have not addressed that
6 at this point in time. I'm not sure
7 we want to go into infrastructure
8 because then you open up a whole other
9 can of worms, and I don't know if
10 that's where this Village wants to
11 take it.

12 MR. CLINTON: Well, as a matter
13 of course, the pitch would be
14 addressed.

15 MR. BUTT: Yes.

16 MS. KORIAN: Honestly, anything
17 you do is going to be better than what
18 people are living with now, so I don't
19 know how you're going to -- and as far
20 as the apportionment and all the rest
21 of it, it's equally?

22 MAYOR DONNO: Equally.

23 MR. CLINTON: Not to the intent
24 of this Board, but where I think we
25 can add value in administrating this

1 BOARD OF TRUSTEES, 03/19/19

2 process is on a couple of fronts.

3 One, we have a historical relationship
4 in dealing with Manhasset-Lakeville
5 and National Grid, and we can leverage
6 that in terms of them mitigating some
7 of the costs, so whether we're
8 successful or not remains to be seen,
9 but I think we'll have some success,
10 at any rate. We do have the resources
11 to put up the capital to get the
12 project going, which has been a bit of
13 an obstacle in terms of coordinating
14 the Plandome Park Association's effort
15 in terms of getting the capital to get
16 the project rolling. That's certainly
17 a plus.

18 Then, we have the expertise on
19 the Board that can help, and Ed can
20 supervise the project and work with
21 the consultants. That would be very
22 difficult for the Association to do on
23 their own. It's one thing to do it on
24 a small scale at Heritage, but to take
25 on the whole Association -- and I

1 BOARD OF TRUSTEES, 03/19/19

2 applaud the effort by the way -- but
3 it's a different story to take on the
4 whole Village where the roads are in
5 such a state of disrepair.

6 I don't think there's anybody in
7 the room that doesn't recognize the
8 need. The roads are more dangerous
9 than ever, particularly now on
10 Bayview; the potholes force you into
11 oncoming traffic, in the blind corners
12 in some instances, which is going to
13 create huge liabilities for the
14 Association and for the Village; so
15 between the work being done by
16 Manhasset-Lakeville and National Grid
17 and the state of disrepair of the
18 roads now, I think that the time is
19 now.

20 This isn't something that has
21 come up in the last month or so. It's
22 something that's been in the works
23 since last summer, and it's been on
24 the agenda every month since last
25 September. I know the Association

1 BOARD OF TRUSTEES, 03/19/19
2 addressed it last week. The more
3 transparency, the better. We
4 certainly applaud that, and we're
5 trying to be transparent on this. We
6 have to figure out a way to get this
7 done, and I think this is a good way
8 to do it, and the timing couldn't be
9 better.

10 MR. CONNELLY: I was remiss not
11 thanking the Board because we have
12 tried to do it as an Association.
13 When I moved in 25 years ago, we had
14 almost an 80% donation rate, and I
15 understand that last year, it was down
16 closer to 50%, so we cannot do this on
17 our own. This is needed, and I
18 appreciate all the work the trustees
19 and the mayor have done on this
20 because it is so sorely needed. I
21 just wanted to say, publicly, thank
22 you all.

23 (Applause).

24 MS. KORIAN: Can I ask one
25 followup?

1 BOARD OF TRUSTEES, 03/19/19

2 MAYOR DONNO: Sure.

3 MS. KORIAN: And I agree with
4 everything this gentleman said, I
5 couldn't agree more, but the question
6 going forward, after the roads are all
7 repaved, have you thought through how
8 you're going to, if there's a pothole
9 in the road --

10 MR. CLINTON: It's still private.

11 MAYOR DONNO: It's a private
12 road.

13 MS. KORIAN: So we're back to
14 where we are now?

15 MAYOR DONNO: Right.

16 MR. CONNELLY: But according to
17 the local law, if there's a giant
18 pothole at someone's house, it's
19 identified and 45-day noticed, the
20 Village has the power to come in and
21 fix it and bill the neighbors.

22 Right, Mr. Farrell?

23 MR. FARRELL: Yes, that would be
24 the intent. If it's something that
25 the building superintendant determined

1 BOARD OF TRUSTEES, 03/19/19
2 needed to be repaired right away, yes,
3 it would done and assessed in that
4 manner, correct.

5 MS. GUIDUCCI: I'm almost
6 positive this has probably been
7 addressed ad nauseam, but is there no
8 possibility of dedicating the roads?
9 I understand the ten foot issue, but
10 what is the impediment?

11 MAYOR DONNO: As you know, when
12 there was a lawsuit in 2006, '07 I
13 believe, Plandome Park versus the
14 Village, that went to court. At that
15 point, it was offered to the
16 Association to dedicate the roads to
17 the Village. We had gone to court,
18 the judge asked, and it has to be
19 everyone, it has to be unanimous, and
20 it was not at the time.

21 Actually, what had happened at
22 that time, the judge said, it goes
23 back to a private road situation.
24 Since we had been plowing and sanding
25 and sweeping for so many years, he

1 BOARD OF TRUSTEES, 03/19/19

2 said that the Village can go back to
3 doing this as a compromise in the
4 settlement, which we agreed to do, but
5 no maintenance. We were not
6 maintaining the storm drains or doing
7 any of the maintenance on the roads
8 other than providing those services.

9 This happened many years ago.

10 Actually, because of that, the
11 attorney at that time, Rachel, and I
12 addressed the judge, we asked that all
13 the private roads be included in this,
14 so that we did not have that issue; so
15 that is why we are probably the only
16 village on Long Island that does
17 maintain, provide services on private
18 roads, and that was a court order.

19 MR. CLINTON: One of the reasons
20 it would be so difficult to get
21 unanimous consent is not only are you
22 giving up your ownership to the middle
23 of the road, but you're giving up your
24 right-of-way to your property to the
25 Village. That changes your blueprint

1 BOARD OF TRUSTEES, 03/19/19
2 a little bit to the extent that
3 matters.

4 The other thing, obviously, we
5 were part of the suit that resulted in
6 a very good compromise with the
7 private associations that we would be
8 able to continue to provide plowing
9 and road cleaning and basic
10 maintenance away from the storm drain
11 issue, so I think that was a
12 successful result at the time.

13 MR. MIRRIONE: Sal Mirrione,
14 M-I-R-R-I-O-N-E, 55 Lake Road.

15 Is there any sense,
16 realistically, when the project might
17 kick off, and when it will be
18 completed?

19 MAYOR DONNO: We have met with
20 Manhasset-Lakeville. They have told
21 us that that they are ready to get
22 started, I would say within a month.
23 National Grid, we have now reached out
24 to them. Ed just spoke to them.
25 We're hoping they come in as soon as

1 BOARD OF TRUSTEES, 03/19/19

2 Manhasset-Lakeville is finished, and
3 do it. I'm thinking, they're probably
4 not going to get to it during the
5 summer. By the time
6 Manhasset-Lakeville comes in and does
7 their mains and hookups, and then
8 National Grid comes in, we'll probably
9 be July/August, and then we can have
10 the roads assessed to go out for bid,
11 and maybe start it, hopefully, early
12 September.

13 MR. BUTT: We could probably
14 have a contractor in place and ready
15 to go. We can go through the bidding
16 process and the engineering now, so
17 when it's complete, we could probably
18 make this a fall project. I don't see
19 this being more than a month-long
20 operation.

21 MR. MIRRIONE: To do the entire
22 project?

23 MR. BUTT: Yes.

24 MR. MIRRIONE: If you get too
25 close to winter, then you skip it and

1 BOARD OF TRUSTEES, 03/19/19

2 do it in the spring?

3 MR. BUTT: If it's not feasible
4 or not according to specification and
5 the plans close, if we get that tight
6 into the schedule, yes, it would be a
7 spring project; but it's our opinion
8 and understanding, if we have all the
9 engineering in place and the bidding
10 in place and schedule it for say
11 September/October, you can get this
12 done pretty quick.

13 MR. CLINTON: For what it's
14 worth, we are budgeting this outlay
15 for this fiscal year.

16 I think we are on break in
17 August, so it's important to get the
18 bids out in July, so we're ready to
19 go.

20 MAYOR DONNO: We understand the
21 necessity of getting these roads done
22 as soon as possible.

23 Manhasset-Lakeville seems to
24 understand that, and they're willing
25 to work with us. We just have Nat

1 BOARD OF TRUSTEES, 03/19/19
2 Grid as our hurdle, and from the
3 different conversations we've had with
4 them this past week, it seems they
5 understand this, and they are willing
6 to work with us.

7 MR. MIRRIONE: One last
8 question.

9 On the Belgian block issue, do
10 we fix that or is that going to be a
11 part of the assessment in the
12 engineering process?

13 MR. BUTT: I believe the Belgian
14 block replacement would be part of
15 this engineering process.

16 MR. CLINTON: On the existing
17 homes that have Belgian block, yes.

18 MR. BUTT: Where there are none,
19 there will still be none; where there
20 is Belgian block, it will be replaced.

21 MR. CLINTON: Is there a
22 potential for homes that don't have it
23 to have an option to have it?

24 MR. BUTT: That's up to the
25 Board.

1 BOARD OF TRUSTEES, 03/19/19

2 MR. CLINTON: That would be
3 fantastic if we have a uniform look
4 in the village. That would be up to
5 the individual resident, I suppose.

6 MR. MIRRIONE: And does that
7 assessment include the swale for
8 drainage?

9 MR. BUTT: It'll be pitched to
10 wherever the catch basins are.

11 MR. MIRRIONE: So no concrete,
12 smooth swale like you see on Plandome
13 Road?

14 MR. BUTT: No.

15 MS. GUIDUCCI: Ed, what if there
16 are no catch basins?

17 MR. BUTT: It will be designed
18 to pitch towards all catch basins.
19 It's not going to be designed to pitch
20 into someone's front yard and create a
21 puddle. That's something that's going
22 to need to be engineered. We're going
23 to have surveys done. There's going
24 to be a lot to do to get this
25 engineered correctly. It's not

1 BOARD OF TRUSTEES, 03/19/19
2 something we're just going to replace
3 blacktop with blacktop.

4 MR. CLINTON: And then the onus
5 is on Plandome Park to maintain the
6 catch basins.

7 MAYOR DONNO: Please understand
8 that we're just not going to do this
9 without letting you know and also
10 giving you the opportunity -- I mean,
11 I'm hearing you don't actually want
12 the opportunity to do this on your
13 own. Once the project is ready to go,
14 we will have a public hearing again.
15 We will have a meeting with you to let
16 you know what's going on, what the
17 engineers have said. I think the
18 engineers coming in and assessing the
19 road and letting us know, if we're
20 going to do it, I don't see it being
21 just a job of putting down new roads.
22 I think it needs to be done correctly, so
23 the engineers will let us know how
24 it's going to be done; but this all,
25 as you know, since it's a private

1 BOARD OF TRUSTEES, 03/19/19

2 road, this is going to be assessed to
3 the homeowners. We're coming in as
4 that flow-through. We're helping you
5 get it done, and we are assessing all
6 of you for the roads and letting you
7 know what the cost will be and what
8 we're doing, so if you have any
9 reaction to it or any responses,
10 questions, we're certainly open to any
11 suggestions or any responses.

12 MR. MIRRIONE: On the
13 assessment, does that have to be paid
14 in a one-shot deal or could that be
15 over time, over a couple of years?

16 MR. FARRELL: It's preferable to
17 have it done as a one-shot deal. It
18 could be done in installments, but
19 it's a much more complicated process,
20 and it would require the county to
21 approve it. I don't know if the
22 county would do that with their
23 assessment rolls. It adds a very
24 complicated wrinkle to the process if
25 we do it in installments.

1 BOARD OF TRUSTEES, 03/19/19

2 MAYOR DONNO: Any other
3 questions?

4 Let me just say that this is for
5 us, something that we have no other
6 Villages to fall back on to ask how it
7 has happened with them, what they've
8 done with it, or how they've handled
9 this. We know we can do this, by law,
10 and we feel this is the best way to
11 handle this issue; of course, giving
12 you all the opportunity to come in on
13 your own and do it. Honestly, with
14 our bidding process and your ability
15 to negotiate with the contractors,
16 sometimes I think it would be to your
17 benefit to do it, but we're learning.
18 When you ask these questions, these
19 are questions that we need to go back
20 and consult with our attorney and find
21 the answers. Please bear with us on
22 some of these questions because we
23 don't have all the answers. We do
24 know that these roads have to be done,
25 and we have every intention of making

1 BOARD OF TRUSTEES, 03/19/19

2 sure they're done, so everybody is
3 safe going through them.

4 MR. CLINTON: We'll commit to
5 transparency in the process.

6 MS. GUIDUCCI: Going back to the
7 dedication of the roads, I know you
8 believe it's a dead issue, but going
9 back to the lawsuit, unless I'm
10 mistaken, the lead litigant in the
11 lawsuit was the homeowner's
12 association, which I do not believe is
13 representative of the community,
14 especially at the given time, and its
15 inability to go forward with doing
16 this on behalf of the homeowners, and
17 maybe the individual owners at this
18 time might want to rethink their
19 ceding five feet on each side and
20 giving up their interests to the
21 middle of the road in view of this big
22 road replacement project that the
23 Village is going to undertake and bill
24 the individual homeowners for. I'm
25 thinking there might be some

1 BOARD OF TRUSTEES, 03/19/19
2 homeowners who might be rethinking the
3 dedication issue, and perhaps it's not
4 as dead as you have proposed it to be
5 at this particular point in time.

6 MR. FARRELL: I would have to do
7 more research on this, but I'm not
8 sure that the roads are of sufficient
9 width for the Village to even accept
10 them as public roads, to accept a
11 dedication.

12 MS. GUIDUCCI: We know as they
13 are now, no, so we're talking about
14 increasing them by ten feet, which
15 would be five feet --

16 MR. FARRELL: Which would
17 require the individual homeowners to
18 dedicate additional land to the
19 Village, so that the Village could
20 widen it to the proper width.

21 MS. GUIDUCCI: Yes.

22 MR. FARRELL: You would have to
23 give up approximately, in some cases,
24 50 feet of your property to the
25 Village.

1 BOARD OF TRUSTEES, 03/19/19

2 MS. GUIDUCCI: From the middle
3 of the road.

4 MR. FARRELL: From whatever
5 portion of the road is in your deed,
6 you have to give that up plus an
7 additional footage equal to --

8 MS. GUIDUCCI: So that you
9 could get your 50 feet.

10 MR. FARRELL: Roughly, yes.

11 MS. GUIDUCCI: But my point is,
12 going forward, if the roads were
13 dedicated, it's no longer a burden on
14 the community because the roads would
15 be dedicated, then there's no more
16 issues with maintenance, snow removal,
17 et cetera, et cetera, et cetera. I
18 mean, that was resolved.

19 MAYOR DONNO: That's already
20 been litigated, Sandra.

21 MS. GUIDUCCI: No, no. I'm
22 talking about the ongoing maintenance
23 and also --

24 MAYOR DONNO: The ongoing
25 maintenance, that's done. We do that,

1 BOARD OF TRUSTEES, 03/19/19

2 that's a court order.

3 MS. GUIDUCCI: I'm talking about
4 the maintenance of the roads.

5 MAYOR DONNO: You're talking
6 about the potholes and repairs?

7 MS. GUIDUCCI: If the roads were
8 dedicated, it would be --

9 MAYOR DONNO: It becomes a
10 village road.

11 MS. GUIDUCCI: Absolutely. So
12 maybe the homeowners --

13 MAYOR DONNO: That does affect
14 your property values also, and I think
15 there's --

16 MS. GUIDUCCI: Because we're in
17 such a great spot now?

18 MS. O'NEILL: Wouldn't all the
19 properties have to be resurveyed and
20 remapped? Because all of a sudden,
21 their property lines, they no longer
22 own to the center of the road, so
23 you'll have less lot area.

24 MR. BUTT: Which affects the
25 floor area ratio, which means you

1 BOARD OF TRUSTEES, 03/19/19
2 would be required to build a smaller
3 floor area because you're going to
4 lose lot area.

5 MS. O'NEILL: It affects your
6 setbacks --

7 (Simultaneous speaking.)

8 MS. O'NEILL: It's a real
9 game-changer.

10 MS. GUIDUCCI: Just throwing it
11 out there.

12 MR. FARRELL: And there would be
13 a long process because Nassau County
14 would probably require -- there's a
15 mechanism in the law that allows
16 dedication, but the Nassau County
17 Assessor pretends it doesn't exist,
18 so you would have to go for
19 subdivision approval and provide
20 subdivision approval on every lot, and
21 then you would have to record a new
22 deed for every lot plus a deed of
23 dedication. It would be quite a
24 process.

25 MR. CLINTON: And then the

1 BOARD OF TRUSTEES, 03/19/19
2 maintenance doesn't go away, it's
3 assumed by the Village, so you still
4 bear responsibility that would be
5 included in your taxes. It wouldn't
6 be 100% deferred, it would be
7 partially deferred.

8 MAYOR DONNO: I think right now
9 what we need to think about is getting
10 those roads fixed, get
11 Manhasset-Lakeville and Nat Grid in
12 there, which I believe, just for those
13 of you on Lake Road, in our meeting
14 with Manhasset-Lakeville, they
15 indicated they were not going to
16 replace the mains on Lake Road. We
17 asked them to go back and check, and
18 they thought they were of sufficient
19 size. We haven't heard back from
20 them, so I assume they decided not to
21 come in.

22 MR. BUTT: They're still
23 surveying around there. They said
24 they would get back to us.

25 MR. CLINTON: One last question.

1 BOARD OF TRUSTEES, 03/19/19

2 Would it be open to people that
3 are not obligated, that don't live on
4 a private road, say live on Andover or
5 Heritage, but do share the public road
6 and access to the main roads, to
7 contribute?

8 MR. FARRELL: They're not the
9 owners.

10 MR. CLINTON: What if they
11 voluntarily contributed?

12 MR. FARRELL: That would be
13 great. I don't know that we could
14 legally compel them to make a payment.

15 MR. CLINTON: No. It's no
16 different than being part of the
17 Plandome Park Association dues. I'm
18 just throwing it out there. There
19 might be people on Andover that feel
20 that they might want to chip in.

21 MR. CONNELLY: There is. There
22 was a gentleman willing to chip in.
23 It's a good idea.

24 MAYOR DONNO: That's fine. We
25 can't assess them. They certainly can

1 BOARD OF TRUSTEES, 03/19/19

2 contribute, that would be fine.

3 Any other questions or comments,
4 anything else that we can help you
5 understand?

6 Okay. Thank you.

7 Anything from the Board?

8 Can I have motion to close the
9 public hearing on proposed Local Law 2
10 of 2019?

11 MR. DESOUSA: Motion.

12 MAYOR DONNO: Can I have a
13 second?

14 MS. O'NEILL: Second.

15 MAYOR DONNO: All those in
16 favor?

17 ALL BOARD MEMBERS: I.

18 MAYOR DONNO: Can I have a
19 motion that the Board of Trustees
20 determined that Local Law 2 of 2019
21 will not have a significant adverse
22 impact on the environment?

23 MR. DESOUSA: Motion.

24 MAYOR DONNO: Do I have a
25 second?

1 BOARD OF TRUSTEES, 03/19/19

2 MR. CLINTON: Second.

3 MAYOR DONNO: All those in
4 favor?

5 ALL BOARD MEMBERS: I.

6 MAYOR DONNO: Can I also have a
7 motion that the Board of Trustees
8 approve Local Law 2 of 2019 amending
9 Chapter 189 of the Code of the
10 Incorporated Village of Plandome
11 Manor, entitled Streets and Sidewalks,
12 to create a maintenance obligation on
13 the part of the owners of private
14 roads located within the Incorporated
15 Village of Plandome Manor and to
16 authorize the Village Board to take
17 corrective action to remedy violations
18 of these provisions for the
19 protection, order, safety, health, and
20 wellbeing of village residents, with
21 costs associated for such corrective
22 action to be assessed against the
23 property or properties at issue?

24 MR. BAYDAR: Motion.

25 MAYOR DONNO: Jim made a motion.

1 BOARD OF TRUSTEES, 03/19/19

2 Can I have a second?

3 MR. DESOUSA: Second.

4 MAYOR DONNO: All those in
5 favor?

6 ALL BOARD MEMBERS: I.

7 MAYOR DONNO: Thank you.

8 (Applause.)

9 MAYOR DONNO: We have another
10 public hearing on site review.

11 Can I have a motion that the
12 Board of Trustees open the public
13 hearing on proposed Local Law 3 of
14 2019 amending Chapter 225 of the Code
15 of the Incorporated Village of
16 Plandome Manor entitled, Zoning, to
17 require that uses permitted by special
18 exception by the Village of Plandome
19 Manor Board of Trustees also undergo
20 sit plan review for the proposed
21 special exception, site plan review
22 process for proposed special exception
23 uses shall be conducted by the Village
24 of Plandome Manor Planning Board?

25 MR. CLINTON: Motion.

1 BOARD OF TRUSTEES, 03/19/19

2 MR. DESOUSA: Second.

3 MAYOR DONNO: All those in
4 favor?

5 ALL BOARD MEMBERS: I.

6 MAYOR DONNO: Do we have any
7 questions?

8 Actually, John, could you
9 explain that one too?

10 (Whereupon, Mr. Butt left the
11 meeting at this time.)

12 MR. FARRELL: Local Law 3 is
13 really a mechanism to clean up the
14 Code a little bit. There are some
15 uses that are permitted in residential
16 districts that are more commercial in
17 nature such as museums, schools,
18 churches, synagogues, those types of
19 things that really lend themselves to
20 a site plan review process, so that
21 the Board can study traffic impacts,
22 make sure there's adequate parking and
23 adequate drainage, and to make sure
24 that these uses won't have a
25 significant impact or that the impact

1 BOARD OF TRUSTEES, 03/19/19
2 is limited to the maximum extent
3 practical through a site plan review
4 process.

5 MAYOR DONNO: Thank you.

6 Are there any questions about
7 this Local Law?

8 Does the Board have any
9 questions, changes, concerns?

10 Can I have a motion that the
11 Board of Trustees close the public
12 hearing on proposed Local Law 3 of
13 2019 amending Chapter 225 of the Code?

14 MR. BAYDAR: Motion.

15 MAYOR DONNO: Do I have a
16 second?

17 MR. CLINTON: Second.

18 MAYOR DONNO: All those in
19 favor?

20 ALL BOARD MEMBERS: I.

21 MAYOR DONNO: Can I have a
22 motion that the Board of Trustees
23 determined proposed Local Law 3 of
24 2019 will not have any significant
25 adverse impact on the environment?

1 BOARD OF TRUSTEES, 03/19/19

2 MR. CLINTON: Motion.

3 MAYOR DONNO: Do I have a
4 second?

5 MR. BAYDAR: Second.

6 MAYOR DONNO: All those in
7 favor?

8 ALL BOARD MEMBERS: I.

9 MAYOR DONNO: Can I have a
10 motion that the Board of Trustees
11 approve Local Law 3 of 2019 amending
12 Chapter 225 of the Code of the
13 Incorporated Village of Plandome
14 Manor, entitled, Zoning, to require
15 that uses permitted by special
16 exception by the Village of Plandome
17 Manor Board of Trustees also undergo
18 site plan review for the proposed
19 special exception, site plan review
20 process for proposed special exception
21 uses shall be conducted by the Village
22 of Plandome Manor Planning Board?

23 MR. BAYDAR: Motion.

24 MAYOR DONNO: Can I have a
25 second?

1 BOARD OF TRUSTEES, 03/19/19

2 MR. CLINTON: Second.

3 MAYOR DONNO: All those in
4 favor?

5 ALL BOARD MEMBERS: I.

6 MAYOR DONNO: Thank you,
7 everyone.

8 Is there any public comment
9 about anything?

10 (Whereupon the public hearing
11 ended. Time noted: 8:00 p.m.)

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0	4	agenda 20:24	assessment 7:2,15
03/19/19 3:1 4:1	45 5:21 22:19	ago 10:8 21:13	7:17 28:11 29:7
5:1 6:1 7:1 8:1 9:1	5	24:9	31:13,23
10:1 11:1 12:1	50 9:15 21:16	agree 22:3,5	assessor 37:17
13:1 14:1 15:1	34:24 35:9	agreed 10:17 24:4	associated 3:18
16:1 17:1 18:1	55 1:5 25:14	allows 4:13 6:4	41:21
19:1 20:1 21:1	7	37:15	association 14:15
22:1 23:1 24:1	7:15 1:7	amended 3:6	15:17 19:22,25
25:1 26:1 27:1	8	amending 41:8	20:14,25 21:12
28:1 29:1 30:1	80 21:14	42:14 44:13 45:11	23:16 33:12 39:17
31:1 32:1 33:1	8:00 46:11	amount 7:4,5	association's
34:1 35:1 36:1	a	andover 39:4,19	19:14
37:1 38:1 39:1	ability 32:14	answer 14:2 16:8	associations 25:7
40:1 41:1 42:1	able 25:8	answering 7:24	assume 38:20
43:1 44:1 45:1	absolutely 36:11	answers 32:21,23	assumed 38:3
46:1	accept 13:22 34:9	anybody 20:6	assuming 15:15
07 23:12	34:10	appeared 15:4	attorney 16:20
1	access 39:6	applaud 20:2 21:4	24:11 32:20
100 38:6	accessed 41:22	applause 21:23	august 26:9 27:17
127 17:7	action 3:14,19	42:8	authorize 3:13
17498 47:21	6:15 41:17,22	apportionment	41:16
189 3:7 41:9	47:16	18:20	avenue 1:5
19 1:6	actions 6:13	appreciate 14:20	awarded 16:18
2	ad 23:7	21:18	b
2 1:14 3:6 40:9,20	add 18:25	approval 11:12	back 12:2 22:13
41:8	additional 34:18	37:19,20	23:23 24:2 32:6
2006 23:12	35:7	approve 31:21	32:19 33:6,9
2019 1:6,14,15 3:6	addressed 18:5,14	41:8 45:11	38:17,19,24
40:10,20 41:8	21:2 23:7 24:12	approximately	bad 12:18
42:14 44:13,24	adds 31:23	34:23	barbara 2:4
45:11	adequate 43:22,23	aprons 11:24	based 5:18 7:8,10
225 42:14 44:13	adjacent 8:17	area 11:25 16:13	basic 25:9
45:12	adjoining 5:5,16	36:23,25 37:3,4	basins 29:10,16,18
25 21:13	administrating	asked 8:13 13:2,18	30:6
3	18:25	23:18 24:12 38:17	basis 9:9
3 1:15 42:13 43:12	adverse 40:21	assess 39:25	baydar 2:8 3:23
44:12,23 45:11	44:25	assessed 3:19 9:17	41:24 44:14 45:5
30 5:18 7:13	affect 36:13	23:3 26:10 31:2	45:23
		assessing 30:18	bayview 20:10
		31:5	bear 32:21 38:4

<p>behalf 14:8 33:16 belgian 28:9,13,17 28:20 believe 9:6 11:3,10 12:10 17:15 23:13 28:13 33:8,12 38:12 benefit 14:24 32:17 benjamin 14:9 best 15:18 32:10 better 12:7 15:16 18:17 21:3,9 bid 16:14,15,19 26:10 bidder 16:17 bidding 26:15 27:9 32:14 bids 6:19 16:4 27:18 big 33:21 bill 22:21 33:23 bit 19:12 25:2 43:14 blacktop 30:3,3 blind 20:11 block 28:9,14,17 28:20 blood 47:16 blueprint 24:25 board 1:3 3:1,14 4:1,5,25 5:1,9 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1,21 16:1 17:1 18:1,24 19:1 19:19 20:1 21:1 21:11 22:1 23:1 24:1 25:1 26:1 27:1 28:1,25 29:1 30:1 31:1 32:1</p>	<p>33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1,7,17,19 41:1,5,7,16 42:1,6 42:12,19,24 43:1,5 43:21 44:1,8,11,20 44:22 45:1,8,10,17 45:22 46:1,5 break 27:16 budgeting 27:14 build 37:2 building 2:12 4:15 4:23 22:25 burden 35:13 butt 2:12 8:21 9:4 10:4 11:23 12:11 12:17 13:10 16:9 17:10 18:3,15 26:13,23 27:3 28:13,18,24 29:9 29:14,17 36:24 38:22 43:10</p> <hr/> <p style="text-align: center;">c</p> <hr/> <p>c 2:2 17:7,7 call 15:7 capital 19:11,15 care 14:20 case 9:9,9 cases 34:23 catch 29:10,16,18 30:6 ceding 33:19 center 9:7,11 36:22 certain 7:4 15:5 16:3 17:3 certainly 19:16 21:4 31:10 39:25 certificate 47:2 certified 5:4,22</p>	<p>certify 47:11,14 cetera 35:17,17,17 changed 13:4 changer 37:9 changes 24:25 44:9 chapter 3:7 41:9 42:14 44:13 45:12 check 38:17 chip 39:20,22 churches 43:18 cirabisi 2:20 47:8 47:23 clean 43:13 cleaning 25:9 clear 14:25 15:23 clearly 9:5 clerk 2:13 clinton 2:7 4:2 11:11 14:2 18:12 18:23 22:10 24:19 27:13 28:16,21 29:2 30:4 33:4 37:25 38:25 39:10 39:15 41:2 42:25 44:17 45:2 46:2 close 26:25 27:5 40:8 44:11 closer 21:16 code 3:7 41:9 42:14 43:14 44:13 45:12 come 5:14 6:5 10:14,17 11:17 13:20 20:21 22:20 25:25 32:12 38:21 comes 26:6,8 coming 10:9 11:6 13:7 16:5 30:18 31:3</p>	<p>comment 46:8 comments 5:19 7:25 40:3 commercial 43:16 commissioner 4:16,24 commit 33:4 community 33:13 35:14 company 10:5 13:9 compel 39:14 complete 26:17 completed 6:23 25:18 complicated 31:19 31:24 comprehensive 15:11,24 compromise 24:3 25:6 concerned 11:15 12:22 18:4 concerns 7:23 44:9 concrete 29:11 conducted 42:23 45:21 confident 9:10 connection 12:15 connelly 8:3,3,10 9:3,12,19 11:13,18 13:6,25 21:10 22:16 39:21 consent 24:21 construction 17:19,20 consult 32:20 consultants 19:21 continue 25:8</p>
---	---	---	--

<p>contractor 15:19 26:14 contractors 32:15 contribute 39:7 40:2 contributed 39:11 conversations 28:3 coordinate 10:23 coordinating 19:13 corner 11:19 corners 20:11 correct 23:4 corrective 3:14,19 41:17,21 correctly 29:25 30:22 cost 5:15 6:25 7:10 16:19 31:7 costs 3:18 13:9 19:7 41:21 counsel 2:11 county 31:20,22 37:13,16 47:6 couple 19:2 31:15 course 17:15,16 18:13 32:11 court 2:20 23:14 23:17 24:18 36:2 create 3:10 20:13 29:20 41:12 cul 12:12 cursory 15:3</p>	<p>de 12:12 dead 33:8 34:4 deal 31:14,17 dealing 19:4 deborah 2:20 14:9 47:8,23 decided 38:20 decision 6:5 dedicate 23:16 34:18 dedicated 35:13 35:15 36:8 dedicating 23:8 dedication 33:7 34:3,11 37:16,23 deed 9:3 35:5 37:22,22 deferred 38:6,7 definitely 14:3 delaying 6:13 denise 14:7 depalo 2:10 depth 17:11 designed 7:7 29:17 29:19 desousa 2:5 40:11 40:23 42:3 43:2 determination 4:25 5:10 determinations 6:17 determine 4:17 5:13 6:21 determined 6:24 22:25 40:20 44:23 detrimental 4:20 different 20:3 28:3 39:16 difficult 19:22 24:20</p>	<p>dig 11:8 disrepair 20:5,17 districts 43:16 divided 7:10 9:15 16:21 divvy 9:13 doing 6:11 11:16 13:15 14:11 16:3 24:3,6 31:8 33:15 donation 21:14 donno 2:4 3:2,24 4:3,6 7:21 8:9,20 9:16,21 10:6 11:17,21 12:9,14 12:20 13:12 14:4 16:6 18:22 22:2 22:11,15 23:11 25:19 27:20 30:7 32:2 35:19,24 36:5,9,13 38:8 39:24 40:12,15,18 40:24 41:3,6,25 42:4,7,9 43:3,6 44:5,15,18,21 45:3 45:6,9,24 46:3,6 drain 25:10 drainage 17:3 18:2,4 29:8 43:23 drains 24:6 driveway 12:2 dry 17:5 dues 39:17</p>	<p>efforts 14:21 either 8:24 10:12 ended 46:11 engineer 15:6 17:18 engineered 16:12 16:14 29:22,25 engineering 26:16 27:9 28:12,15 engineers 6:19 30:17,18,23 entire 8:7,17,25 9:13 16:12 26:21 entitled 3:9 41:11 42:16 45:14 environment 40:22 44:25 equal 35:7 equally 7:8 9:17 18:21,22 especially 33:14 esq 2:11 et 35:17,17,17 everybody 33:2 exactly 15:23 exception 8:8 42:18,21,22 45:16 45:19,20 exist 37:17 existing 28:16 expense 5:15 expensively 15:14 expertise 19:18 expired 6:14 explain 4:10 43:9 extend 5:23 extension 5:24 extensions 6:12 extent 25:2 44:2</p>
<p>d</p>	<p>d 17:7 dangerous 15:7 20:8 day 5:21 22:19 days 5:3,18 7:13</p>	<p>e e 2:2,2 25:14 earlier 8:12 early 26:11 ed 8:20 13:17 19:19 25:24 29:15 edward 2:12 effort 19:14 20:2</p>	

<p>f</p> <p>fabulous 14:13 fact 9:10 15:13 fall 10:19 26:18 32:6 fantastic 29:3 far 17:11,21 18:3 18:19 farrell 2:11 4:12 22:22,23 31:16 34:6,16,22 35:4,10 37:12 39:8,12 43:12 favor 4:4 40:16 41:4 42:5 43:4 44:19 45:7 46:4 feasible 27:3 feel 32:10 39:19 feeling 8:5 feet 33:19 34:14 34:15,24 35:9 figure 21:6 filling 17:12 final 6:24 finally 7:16 find 15:19 32:20 fine 17:16 39:24 40:2 finer 17:15 finished 26:2 first 14:9 16:6 fiscal 27:15 five 33:19 34:15 fix 14:22 22:21 28:10 fixed 38:10 fixing 15:7 floor 36:25 37:3 flow 31:4 followup 21:25</p>	<p>foot 23:9 footage 35:7 force 20:10 foregoing 47:12 forward 22:6 33:15 35:12 front 14:19 29:20 fronts 19:2 fund 14:14 funnel 14:17 further 6:6 47:14</p>	<p>22:6,8 26:4 28:10 29:19,21,22,23 30:2,8,16,20,24 31:2 33:3,6,8,23 35:12 37:3 38:15 good 18:4 21:7 25:6 39:23 grass 11:8 12:5 great 14:15 15:22 36:17 39:13 grid 10:8,22 13:13 14:6 19:5 20:16 25:23 26:8 28:2 38:11 grinding 17:12 guiducci 17:6,6,25 23:5 29:15 33:6 34:12,21 35:2,8,11 35:21 36:3,7,11,16 37:10</p>	<p>homeowner's 33:11 homeowners 9:15 9:18 31:3 33:16 33:24 34:2,17 36:12 homes 7:11 14:19 28:17,22 honestly 18:16 32:13 hookups 26:7 hopefully 26:11 hoping 25:25 house 22:18 huge 20:13 hurdle 28:2</p>
<p>g</p> <p>g 17:7 game 37:9 gas 10:11 11:14,17 11:19 13:8 gentleman 22:4 39:22 getting 6:18 19:15 27:21 38:9 giant 22:17 give 13:22 34:23 35:6 given 33:14 gives 7:3 giving 15:8 16:19 24:22,23 30:10 32:11 33:20 go 4:8,14 6:18 7:17 11:24 12:5 12:13 18:7 24:2 26:10,15,15 27:19 30:13 32:19 33:15 37:18 38:2,17 goes 8:16 9:7 23:22 going 5:14 9:16 10:14 11:8 13:22 13:23 14:11 15:4 16:4 17:9 18:17 18:19 19:12 20:12</p>	<p>h</p> <p>half 7:14 17:17 handle 32:11 handled 32:8 happened 23:21 24:9 32:7 health 3:17 4:20 41:19 heard 38:19 hearing 3:3,5 4:7 5:3,9 30:11,14 40:9 42:10,13 44:12 46:10 help 19:19 40:4 helping 31:4 heritage 8:4,8,23 9:19,25 11:6,9 12:10 19:24 39:5 historical 19:3 holes 14:19 15:8</p>	<p>i</p> <p>idea 39:23 identified 22:19 identify 15:5 immediate 4:17 impact 40:22 43:25,25 44:25 impacts 43:21 impediment 23:10 important 27:17 imposed 6:25 7:14 inability 33:15 inches 17:15,17 include 16:12 17:2 29:7 included 9:20,25 24:13 38:5 incorporated 1:2 3:8 41:10,14 42:15 45:13 increased 5:21 increasing 34:14 indicated 38:15 individual 29:5 33:17,24 34:17</p>	

infrastructure 18:7 inspector 2:12 15:7 installments 31:18 31:25 instances 20:12 intended 10:12 11:5 intent 8:4,6 18:23 22:24 intention 32:25 intentions 14:16 15:18 interest 7:14 interested 6:10 47:17 interests 33:20 investigate 6:7 involved 6:21 involving 16:24 island 24:16 issue 3:21 23:9 24:14 25:11 28:9 32:11 33:8 34:3 41:23 issues 35:16 it'll 29:9	kick 25:17 kind 13:19 know 6:9 7:6 8:20 9:21 10:6 13:10 18:9,19 20:25 23:11 30:9,16,19 30:23,25 31:7,21 32:9,24 33:7 34:12 39:13 knowing 12:23 korian 14:7,7 17:2 18:16 21:24 22:3 22:13	liabilities 20:13 limited 44:2 line 9:7 11:14,14 11:19 lines 12:4 36:21 list 13:3 litigant 33:10 litigated 35:20 little 15:14 25:2 43:14 live 39:3,4 living 18:18 local 1:14,15 3:6 4:12 22:17 40:9 40:20 41:8 42:13 43:12 44:7,12,23 45:11 located 3:12 41:14 long 24:16 26:19 37:13 longer 35:13 36:21 look 9:8 29:3 lose 37:4 lot 14:18 29:24 36:23 37:4,20,22 lowest 16:16	malenan 2:13 manhasset 1:5,5 10:7,21 11:2 12:21 13:8,12 14:5 19:4 20:16 25:20 26:2,6 27:23 38:11,14 manner 23:4 manor 1:2 3:9,13 41:11,15 42:16,19 42:24 45:14,17,22 march 1:6 marie 2:10 marriage 47:16 matter 18:12 47:18 matters 1:13 25:3 matthew 2:7 maximum 44:2 mayor 2:4 3:2,24 4:3,6 7:21 8:9,20 9:16,21 10:6 11:17,21 12:9,14 12:20 13:12 14:4 16:6 18:22 21:19 22:2,11,15 23:11 25:19 27:20 30:7 32:2 35:19,24 36:5,9,13 38:8 39:24 40:12,15,18 40:24 41:3,6,25 42:4,7,9 43:3,6 44:5,15,18,21 45:3 45:6,9,24 46:3,6 mean 30:10 35:18 means 36:25 mechanism 37:15 43:13 meeting 8:12 10:20 13:19 30:15 38:13 43:11
j	lake 17:7 25:14 38:13,16 lakeville 10:7,21 11:2 12:21 13:8 13:13 14:5 19:4 20:16 25:20 26:2 26:6 27:23 38:11 38:14 land 34:18 law 1:14,15 3:6 4:12 5:17 7:6,20 22:17 32:9 37:15 40:9,20 41:8 42:13 43:12 44:7 44:12,23 45:11 lawsuit 23:12 33:9 33:11 lead 33:10 learning 32:17 left 14:18 43:10 legally 39:14 lend 43:19 letting 30:9,19 31:6 levels 17:23 leverage 19:5	m	m 25:14 mail 5:4,22 main 39:6 mains 10:10,11 26:7 38:16 maintain 24:17 30:5 maintaining 24:6 maintenance 3:10 5:7 6:22 24:5,7 25:10 35:16,22,25 36:4 38:2 41:12 making 6:11,17 32:25
k	keep 6:11 kevin 8:2,3		

members 4:5 40:17 41:5 42:6 43:5 44:20 45:8 46:5 met 10:25 25:19 middle 8:14 24:22 33:21 35:2 mirrione 25:13,13 26:21,24 28:7 29:6,11 31:12 mistaken 33:10 mitigating 19:6 money 14:18 monitored 17:17 month 11:4 20:21 20:24 25:22 26:19 motion 3:4,22,23 40:8,11,19,23 41:7 41:24,25 42:11,25 44:10,14,22 45:2 45:10,23 moved 21:13 museums 43:17	needs 30:22 negotiate 32:15 neighbors 22:21 new 1:5 30:21 37:21 47:4,10 news 14:11 notary 47:9 noted 46:11 notice 5:3,12,18 5:22 noticed 22:19 number 6:4 7:11 nutshell 7:20	order 3:16 24:18 36:2 41:19 original 5:17 outcome 47:17 outlay 27:14 owners 3:11 5:5,6 5:16 6:2,16 7:3,4 8:13,15 10:13 15:8 33:17 39:9 41:13 ownership 8:14 24:22	performance 17:22 period 5:23 permitted 42:17 43:15 45:15 person 6:8,10 phonetic 14:8 pitch 17:25 18:13 29:18,19 pitched 29:9 place 8:22 26:14 27:9,10 plan 9:12 15:11,24 16:2 42:20,21 43:20 44:3 45:18 45:19 plandome 1:2 3:8 3:12 8:7 9:14 10:9 14:12,14,23 16:13 16:24 19:14 23:13 29:12 30:5 39:17 41:10,15 42:16,18 42:24 45:13,16,22 planned 15:10 planning 42:24 45:22 plans 11:4 27:5 please 30:7 32:21 plowing 23:24 25:8 plus 19:17 35:6 37:22 point 9:2 18:6 23:15 34:5 35:11 portion 35:5 positive 23:6 possibility 23:8 possible 8:19 27:22 potential 28:22
n	o	p	
n 2:2 25:14 nassau 37:13,16 nat 10:7 13:13 14:6 27:25 38:11 national 10:22 19:5 20:16 25:23 26:8 nature 43:17 nauseam 23:7 necessary 5:11,13 6:20 necessity 27:21 need 4:17,18 12:23 20:8 29:22 32:19 38:9 needed 17:3 21:17 21:20 23:2	o 25:14 o'neill 2:6 36:18 37:5,8 40:14 obligated 39:3 obligation 3:10 41:12 observation 17:20 obstacle 19:13 obviously 25:4 october 27:11 offered 23:15 offset 13:9 okay 40:6 once 6:23 10:16 30:13 oncoming 20:11 ongoing 35:22,24 onus 30:4 open 3:4 4:6 7:24 12:15 16:15 18:8 31:10 39:2 42:12 operation 26:20 opinion 6:3 27:7 opportunity 15:9 30:10,12 32:12 option 28:23	p 2:2,2,12 p.m. 1:7 46:11 paid 7:12,16,16,18 31:13 painted 11:14,20 park 8:7 9:14 10:10 14:13,14,23 16:13,25 19:14 23:13 30:5 39:17 parking 43:22 part 3:11 7:18 11:10 25:5 28:11 28:14 39:16 41:13 partially 38:7 particular 34:5 particularly 20:9 parties 47:15 passable 4:19 patch 12:18 patricia 2:6 paved 9:24 11:7 pay 7:5 payment 39:14 pending 11:11 people 4:9 6:4 18:18 39:2,19 percent 7:14	

<p>pothole 22:8,18 potholes 15:5 20:10 36:6 power 22:20 practical 44:3 preferable 31:16 pretends 37:17 pretty 9:10 27:12 prevailing 15:15 prevents 6:8 private 3:11 22:10 22:11 23:23 24:13 24:17 25:7 30:25 39:4 41:13 probably 9:8 13:13 15:13 23:6 24:15 26:3,8,13,17 37:14 proceedings 47:13 process 6:9 16:15 17:19 19:2 26:16 28:12,15 31:19,24 32:14 33:5 37:13 37:24 42:22 43:20 44:4 45:20 project 16:11,11 16:23 19:12,16,20 25:16 26:18,22 27:7 30:13 33:22 proper 34:20 properties 3:20 8:16 36:19 41:23 property 3:20 5:5 5:6,16 6:2,16 7:3 7:4,9,18 8:13,15 8:18,24 9:8 10:13 24:24 34:24 36:14 36:21 41:23 proposed 3:5 34:4 40:9 42:13,20,22 44:12,23 45:18,20</p>	<p>protection 3:16 41:19 provide 24:17 25:8 37:19 providing 24:8 provisions 3:15 41:18 public 3:3,5 4:7 5:2,8 16:22 17:11 30:14 34:10 39:5 40:9 42:10,12 44:11 46:8,10 47:9 publicly 21:21 puddle 29:21 puddling 17:4 put 11:25 19:11 putting 17:5 30:21</p> <p style="text-align: center;">q</p> <p>question 8:11 18:5 22:5 28:8 38:25 questions 4:11 7:23 31:10 32:3 32:18,19,22 40:3 43:7 44:6,9 quick 27:12 quite 37:23</p> <p style="text-align: center;">r</p> <p>r 2:2 25:14,14 r.a. 2:6 rachel 24:11 randi 2:13 rate 19:10 21:14 ratio 36:25 reached 12:25 25:23 reaction 31:9 read 15:2 ready 11:2 25:21 26:14 27:18 30:13</p>	<p>real 15:22 37:8 realistically 25:16 really 15:3 43:13 43:19 reasons 24:19 recognize 20:7 record 37:21 47:13 related 47:15 relationship 19:3 remains 19:8 remapped 36:20 remedy 3:15 41:17 remiss 21:10 removal 35:16 remuneration 13:7 repair 4:14,18,19 5:11,14 6:7,22 11:23 12:3 repaired 23:2 repairs 6:19 36:6 repave 8:6 repaved 9:14 22:7 repeated 6:12 replace 10:10 12:6 30:2 38:16 replaced 28:20 replacement 28:14 33:22 reporter 2:20 47:9 reports 17:21 representative 33:13 request 5:24 13:16 requests 6:12 require 31:20 34:17 37:14 42:17 45:14 required 37:2</p>	<p>research 34:7 resident 29:5 residential 43:15 residents 3:18 4:21 5:20 11:12 12:22 14:23 41:20 resolved 35:18 resources 19:10 responses 31:9,11 responsibility 38:4 responsible 5:6 7:6 15:19 16:17 rest 18:20 result 25:12 resulted 25:5 resurveyed 36:19 rethink 33:18 rethinking 34:2 review 15:3 42:10 42:20,21 43:20 44:3 45:18,19 right 4:13 10:6 22:15,22 23:2 24:24 38:8 ripping 12:7 road 5:7,14 6:22 6:23 8:15,17,18,25 9:11 12:19 16:10 16:16,22,24 17:7 17:11,14 22:9,12 23:23 24:23 25:9 25:14 29:13 30:19 31:2 33:21,22 35:3,5 36:10,22 38:13,16 39:4,5 roads 3:11 4:14,16 4:24 8:5 9:22,24 10:2,14,16,18 11:3 11:7,9 12:8,24 13:5 14:12,22</p>
--	--	---	--

<p>15:25 17:4,9 20:4 20:8,18 22:6 23:8 23:16 24:7,13,18 26:10 27:21 30:21 31:6 32:24 33:7 34:8,10 35:12,14 36:4,7 38:10 39:6 41:14 roadway 17:24 roll 7:18 rolling 19:16 rolls 31:23 room 20:7 roughly 35:10</p>	<p>send 5:12 sense 25:15 sent 5:4,22 16:14 september 20:25 26:12 27:11 services 24:8,17 set 13:18 setbacks 37:6 settlement 24:4 share 7:7 10:11 39:5 shorthand 47:9 shot 31:14,17 side 8:24 33:19 sidewalks 3:9 41:11 signature 47:21 significant 40:21 43:25 44:24 simultaneous 37:7 sister 14:9,13 sit 42:20 site 42:10,21 43:20 44:3 45:18,19 situation 7:9 23:23 six 17:15 size 38:19 skip 26:25 small 11:10 12:16 12:17 19:24 smaller 37:2 smooth 29:12 snow 35:16 sod 12:6 someone's 22:18 29:20 soon 25:25 27:22 sorely 21:20 speaking 37:7 special 6:25 7:15 42:17,21,22 45:15</p>	<p>45:19,20 specification 27:4 spend 14:17 spoke 13:17 25:24 spot 12:12 36:17 spray 11:13,19 spring 10:21 27:2 27:7 ss 47:5 stalling 6:8 standard 17:8,23 standards 17:11 start 3:2 6:17 11:3 26:11 started 14:16 25:22 state 20:5,17 47:4 47:10 statute 7:13 15:2 storm 24:6 25:10 story 20:3 street 12:16 streets 3:9 41:11 study 43:21 subdivision 37:19 37:20 success 19:9 successful 19:8 25:12 sudden 36:20 sufficient 4:18 34:8 38:18 suffolk 47:6 suggestions 31:11 suit 25:5 summer 20:23 26:5 superintendent 4:16,24 22:25 supervise 19:20</p>	<p>support 15:12 supporter 14:14 suppose 29:5 sure 7:22 14:6,15 18:6 22:2 33:2 34:8 43:22,23 survey 9:5 surveying 38:23 surveys 29:23 swale 29:7,12 sweeping 23:25 synagogues 43:18</p>
<p>s</p>			<p>t</p>
<p>s 2:2 sac 12:12 safe 33:3 safety 3:16 4:20 41:19 sal 25:13 sanding 23:24 sandra 17:6 35:20 saw 11:18 saying 13:15,17 scale 19:24 schedule 5:2 13:16 13:21 27:6,10 schools 43:17 second 3:25 4:2 40:13,14,25 41:2 42:2,3 43:2 44:16 44:17 45:4,5,25 46:2 section 12:10 sections 16:3 see 13:23 26:18 29:12 30:20 seed 12:6 seen 19:8</p>			<p>table 4:13 take 3:14 4:10 14:20 18:11 19:24 20:3 41:16 taken 17:21 talking 34:13 35:22 36:3,5 taxes 7:19 38:5 tell 14:10 ten 5:3 23:9 34:14 terms 19:6,13,15 terrible 8:6 thank 7:21 13:25 21:21 40:6 42:7 44:5 46:6 thanking 21:11 thing 19:23 25:4 things 13:4 43:19 think 8:21,22 11:18 12:14 14:22 15:13 18:24 19:9 20:6,18 21:7 25:11 27:16 30:17 30:22 32:16 36:14 38:8,9 thinking 26:3 33:25</p>

<p>third 5:25 6:3 thought 14:10 22:7 38:18 throwing 37:10 39:18 tight 27:5 time 5:23 6:14 7:5 9:2 18:6 20:18 23:20,22 24:11 25:12 26:5 31:15 33:14,18 34:5 43:11 46:11 times 16:3 timing 21:8 told 10:8 11:5,21 25:20 tonight 13:18 tony 2:5 topcoat 17:13 touch 10:17 11:22 touched 10:2 touching 10:15 traffic 20:11 43:21 transcript 47:12 transparency 21:3 33:5 transparent 21:5 treasurer 2:10 treat 16:9,10 17:23 treated 16:22 tried 21:12 true 47:13 trustee 2:5,6,7,8 trustees 1:3 3:1 4:1 5:1,2 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1,18 22:1 23:1</p>	<p>24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1,19 41:1 41:7 42:1,12,19 43:1 44:1,11,22 45:1,10,17 46:1 try 14:21 15:18,24 trying 15:21 21:5 tweaks 5:20 two 8:16 17:16 types 43:18</p>	<p>9:7 10:13 15:6 16:23 17:14 18:10 20:4,14 22:20 23:14,17 24:2,16 24:25 29:4 33:23 34:9,19,19,25 36:10 38:3 41:10 41:15,16,20 42:15 42:18,23 45:13,16 45:21 village's 6:13 14:21 villages 32:6 violations 3:15 41:17 voluntarily 39:11</p>	<p>willing 12:25 27:24 28:5 39:22 winter 26:25 withstanding 15:12 work 6:20 12:3 14:5 17:21 19:20 20:15 21:18 27:25 28:6 works 20:22 worms 18:9 worth 27:14 wrinkle 31:24 written 5:24</p>
	<p style="text-align: center;">u</p>		
	<p>u 17:7,7 ultimately 7:17 unanimous 23:19 24:21 undergo 42:19 45:17 understand 13:14 21:15 23:9 27:20 27:24 28:5 30:7 40:5 understanding 12:23 27:8 undertake 33:23 uniform 29:3 uses 42:17,23 43:15,24 45:15,21</p>	<p style="text-align: center;">w</p>	
		<p>wage 15:16 want 6:6 10:15 13:20 14:10 16:7 18:7 30:11 33:18 39:20 wanted 21:21 wants 18:10 water 10:4,7,10 11:14 way 8:4,8,23 9:19 9:25 12:10 20:2 21:6,7 24:24 32:10 47:17 we've 5:20 28:3 week 8:12 21:2 28:4 welfare 4:21 wellbeing 3:17 41:20 wells 17:5 went 15:18 23:14 widen 34:20 width 34:9,20</p>	<p style="text-align: center;">y</p>
			<p>yard 29:20 year 21:15 27:15 years 21:13 23:25 24:9 31:15 york 1:5 47:4,10</p>
			<p style="text-align: center;">z</p>
			<p>zoning 42:16 45:14</p>