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VILLAGE OF PLANDOME MANOR

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PUBLIC HEARING

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55 Manhasset Avenue  
Manhasset, New York  
June 18, 2019  
7:07 P.M.

TRANSCRIPT OF PROCEEDINGS

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COURTNEY BIONDO  
Official Court Reporter

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

MAYOR: BARBARA DONNO

TRUSTEES: PATRICIA O'NEILL, R.A.  
TONY DeSOUSA  
MATTHEW CLINTON  
JAMES BAYDAR

VILLAGE CLERK: RANDI I. MALMAN

VILLAGE COUNSEL: JOHN FARRELL, ESQ.

TREASURER: MARIE DePALO

BUILDING INSPECTOR: EDWARD P. BUTT

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2           MAYOR DONNO: We are here for a public  
3 hearing on the condition of the roads in  
4 Plandome Park.

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6           Can I have a motion to open the public  
7 hearing on the condition of the private roads  
8 in Plandome Park?

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9           TRUSTEE O'NEILL: Motion.

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10          TRUSTEE CLINTON: Second.

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11          MAYOR DONNO: All those in favor?

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12          TRUSTEE O'NEILL: Aye.

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13          TRUSTEE DeSOUSA: Aye.

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14          MAYOR DONNO: Aye.

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15          TRUSTEE CLINTON: Aye.

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16          MAYOR DONNO: John, would you just  
17 explain what the code --

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18          VILLAGE COUNSEL FARRELL: Absolutely.

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19          MAYOR DONNO: -- and what we plan on  
20 doing?

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21          VILLAGE COUNSEL FARRELL: Sure.

21

22          You know, the village has a number of  
23 private roads. What the village has been  
24 finding over the last few years is that these  
25 roads are not being maintained by the adjoining  
property owners, and that they are becoming an

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unsafe and hazardous condition.

There can be property damage, injuries, all resulting from the failure to maintain these roads by the residents that own these private roads.

Because of this, the Village adopted an ordinance back in February, which gives the Village the right to, after a public hearing -- this is that public hearing -- to go in and fix the roads, if the property owners decide not to follow through and fix it.

The costs for the repairs, including any associated costs, engineering fees, legal fees, fees for publication, fees for certified mailings, anything that would be involved with the repair of the roads, would be assessed equally to the adjoining property owners, the property owners that own lots on those private roads.

The residents still have the opportunity to do it themselves, but at the conclusion of this hearing, we are going to send out a notice saying that you have forty-five days to come up with a plan or start the work. If you don't,

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then the village is going to come in and take care of it.

We have had our road inspector out to the site. The building inspector has been out there at the site, at the roads, and they have all -- they are all in agreement that the roads are in serious need of repair. So that is what brings us here.

MAYOR DONNO: Just to add to what our attorney has said, our building inspector and the road commissioner went out and have taken a look at the roads.

They did write -- our building inspector wrote a letter of determination that the roads were in definite need of repair.

There is a New York State guideline, New York State standards guidelines that they follow.

He also went out with our traffic engineer, so it was not just Ed who went out. But he go did go out with the engineer, and they took a look at the roads and determined that these roads were in definite need of repair, and that there is a safety issue. So

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we decided to go ahead with this.

Of course, you all have the option -- Plandome Park has the option. You have got forty-five days to determine whether or not you are going to want to go ahead with it as a community, or whether the village will just come in and we will do the repairs.

Matt, did you want to say something?

TRUSTEE CLINTON: The timing of this is not totally coincidental. We have been patient with respect to the association's willingness and ability to correct the issue itself.

And with various representations, both water and gas, in terms of their disruption of the roads, there will be some obligation on their part to assist and, hopefully, we get some of the costs of the repaving. Had we not waited, that would have been disruptive to the repaving efforts that we are undertaking.

So the timing is good. We hope to -- in the event that this situation is not remedied in the next forty-five days, we hope to undertake the project sometime in the fall.

And I think the total cost, after

1  
2 subsidies, is not going to be shocking to  
3 anybody. We don't have an estimate because it  
4 hasn't gone out to bid yet. We don't have an  
5 exact sense of what the -- how much is going to  
6 be picked up by the outside agencies. But I  
7 assure you, the differential is not going to be  
8 significantly different than what Plandome pays  
9 in their Village Association fees, their  
10 village fees, and what we pay on an annual  
11 basis.

12 I think everyone agrees that the end  
13 result will, in addition to remedying the  
14 safety issues, will be extremely additive to  
15 the community.

16 So that's what we are all striving for.  
17 It has been a long process and, you know, if  
18 the association decides to go another route  
19 within forty-five days, they can do it, and if  
20 not, the Village is willing to undertake the  
21 project.

22 MAYOR DONNO: Are there any --

23 Yes. State your name, please.

24 MR. TRIANTAFILLOU: Nick Triantafillou,  
25 T-R-I-A-N-T-A-F-I-L-L-O-U. Not important.

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I was at a similar meeting about a year or so that I thought we agreed upon, after the water and Con Edison were going to do whatever they were going to do on our roads, that we were going to start fixing them. Am I wrong?

MAYOR DONNO: The association or the Village?

MR. TRIANTAFILLOU: No. I was here about a year or so ago.

MAYOR DONNO: I know, but who? You felt that we were going to fix it after they came in?

MR. TRIANTAFILLOU: That's correct.

MAYOR DONNO: There had to be a law that was passed that allows the village to do this.

MR. TRIANTAFILLOU: Okay.

MAYOR DONNO: So you know, this was a process, and it is -- when we pass a local law, it has to be read for three months at least, and then it is passed. So it was written and then rewritten.

You know, there is a lot of negotiations, also. We were -- we are in or had been in negotiations with Manhasset-



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Lakeville to make sure that they were going to come in, because we don't want to do the road and have Manhasset-Lakeville Water District come in after we finish the road.

MR. TRIANTAFILLOU: That's correct.

MAYOR DONNO: We also know that National Grid is planning on coming in. So that was another issue for us.

We felt -- you know, we wanted to try and coordinate the two utilities so that one would come in, and then the other one would come in, or, hopefully, they would go in together, and that took a while.

So yes, you know, we have every intention. But Plandome Park is given that opportunity. If you want to get together and everyone in Plandome Park wants to, you know -- however you want to do it, they are your roads. They are not our roads. You own them.

So we are giving you that forty-five-day opportunity to let us know whether or not you want to go ahead and do it, and if not, then we will just go ahead and do it.

MR. TRIANTAFILLOU: But how are we going

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to do it? Go around and knock on the doors? I mean, come on.

MAYOR DONNO: Well, you have an association president.

TRUSTEE CLINTON: That's why we are here, and that's why the timing is the timing.

MEMBER OF THE PUBLIC: You live in Plandome Park?

MR. TRIANTAFILLOU: Yes.

MEMBER OF THE PUBLIC: I'm at 45 Lake Road. Where are you?

MR. TRIANTAFILLOU: 127 Bayview Road.

(Whereupon, a discussion was held off the record.)

TRUSTEE CLINTON: Regardless, obviously, it is a safety issue. The Board does not want to be perceived as stuffing this down the association's throat, so we are giving the association every opportunity to remedy it. If they don't, we are fully prepared to take care of it ourselves.

MAYOR DONNO: Is there --

MEMBER OF THE PUBLIC: In terms of timing --

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MAYOR DONNO: Give us your name.

MR. SATTLER: Oh, of course. Dean Sattler, S-A-T-T-L-E-R.

So in terms timing, we have forty-five days to determine if we are going to do this ourselves, which is not going to happen.

So forty-five days comes and goes, then is there a tax assessed then, and then you get the funding, and you do the repairs.

MAYOR DONNO: No.

MR. SATTLER: Or do you go ahead with the project, you get it done, and figure out how much the utilities paid for, and figure out how much the Village laid out, and apportion it among the homeowners?

MAYOR DONNO: Correct. We are proportioning it equally. We will assess equally.

MR. SATTLER: Not on the basis of frontage?

MAYOR DONNO: No, no.

TRUSTEE CLINTON: It is in this year's budget for the Village to expense it. We are pretty much front loading the expenses.

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MR. SATTLER: Okay.

TRUSTEE CLINTON: And expect reimbursement in the next tax roll, which will be more likely 2020, than '19. So that's the timing.

MAYOR DONNO: Yes.

MR. SATTLER: Got it. And it is just -- what about Heritage? Does it pick up Heritage? Because they just paved Heritage.

MAYOR DONNO: No. Heritage is not going to be done because they did it.

MR. SATTLER: Okay.

MAYOR DONNO: I do understand that the utilities -- I believe, last night, Manhasset-Lakeville opened their bids, so they are probably going to hopefully start within thirty days or so.

I mean, that is not in our control, but we understand they would like to go ahead and do it.

National Grid will follow soon afterwards, at least from what we have been told.

We can't promise you that because we

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have no control over it, but we do know that they opened their bids last night. Not National Grid. Manhasset-Lakeville Water District. So they will come in shortly, we hope.

Once they are done and National Grid is done, then, well, if you decide not to go ahead with it, we will go ahead and have our engineering done and, you know, come in with the project.

MR. SATTLER: Okay. Then in terms of Andover, which is a public right of way --

MAYOR DONNO: Yes.

MR. SATTLER: -- are the utilities going to be doing work on Andover, as well?

MAYOR DONNO: Yes.

MR. SATTLER: Will the Village be repairing --

MAYOR DONNO: Well, Andover is a Village road.

MR. SATTLER: So at the same time, are you going to --

MAYOR DONNO: They are all going to be done. We will pay for Andover because that is

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a Village road.

MR. SATTLER: Right.

MAYOR DONNO: So it is our responsibility. But the roads that are private, those are the roads that will be, you know, assessed.

TRUSTEE CLINTON: We have also made it clear that anybody that is on Andover or Heritage, if they want to contribute to the repair voluntarily, they are certainly welcome to do so to mitigate the overall costs. And there have been some residents that have expressed interest in that.

MR. SATTLER: Right. Okay. Thank you.

MAYOR DONNO: Dan?

MR. BROWN: Daniel Brown, B-R-O-W-N, 45 Lake Road.

You know, I understand that Heritage and Andover -- or Heritage particularly. Is there any contribution on the part of them at all just because they go over the public -- all of the other roads, you know, or is it just too difficult to kind of --

MAYOR DONNO: They have already done

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their road, so they will not be asked to contribute, because their road will not be touched.

MR. BROWN: Okay.

MAYOR DONNO: So it is the roads that will be worked on.

MR. BROWN: Understood. Okay.

TRUSTEE CLINTON: I would be surprised if you didn't get some participation.

MR. BROWN: I'm sure.

MAYOR DONNO: Don't forget, we will get some -- as Matt suggested, we -- National Grid, I can't promise because we are sort of asking them to come in way before they wanted to. So they are pushing back a little bit on reimbursing us for the roads. But Manhasset-Lakeville is definitely going to come in and give us at least something.

MR. BROWN: Okay.

MAYOR DONNO: Our you know, it will go towards the road.

MR. BROWN: Thank you. I mean, that was for clarification. I am fully -- I am grateful for the action of the Village. So I mean, I

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think it is fabulous that you are helping us along.

MR. SATTLER: Second that.

So with National Grid, the resistance from them, if they came in and we weren't doing that, they would have to repair the roads where they would have to tear them up?

MAYOR DONNO: They would patch them.

MR. SATTLER: Right. Like Plandome Road, like large patches, and they are saying this is a different thing and --

MAYOR DONNO: Well, they are doing it much earlier than they wanted to do it. We are not on there radar for a few years.

(Whereupon, Trustee Baydar entered the hearing chamber.)

MAYOR DONNO: We have really kind of begged them to come in. You know, we have sort of asked them to push it up a couple of years so that they could coordinate with Manhasset-Lakeville and get this stuff done and so we can get the roads so we don't have to open them up again.

So with negotiations between



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Manhasset-Lakeville and National Grid and us, they have agreed to do it.

MR. SATTLER: That's what I didn't understand. So they will work with our timing.

TRUSTEE CLINTON: There is some work done behind the scenes primarily by Barbara to line this timing up.

MAYOR DONNO: They are willing to come in and do it and, as a matter of fact, I believe Randi has been on the phone with them, and they actually felt -- they are ready now, I think.

But Manhasset-Lakeville would like to go in first, and since their bid was open, hopefully, they will. But we will get them done and get in there.

I have heard horror stories about roads being done and then Manhasset-Lakeville and National Grid come in and tear everything up. So we don't want that to happen.

So are there any other questions? No?

Okay. It is all well and good, I am assuming.

So Ed, do you want to say anything? I

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2 know we explained what we were doing.

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4 BUILDING INSPECTOR BUTT: No. As far as  
5 the construction is concerned and everything, I  
6 mean, we have been out there. It is obvious it  
7 is in desperate need of repair and, you know,  
8 this opportunity that we have right now with  
9 the fact that they are going to be doing a lot  
of digging and everything --

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11 The under side of these roads is  
12 terrible, and we have still yet to find out how  
13 terrible they are, but they are going to do  
14 some core samples and do some test samples to  
15 find out what everything is, so when this road  
16 is done, it is going to have a very nice life  
17 span to them, you know, which is -- that's now  
the factor here, too.

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19 So the maintenance on these roads for a  
20 while will be something very limited or  
21 nonexistent, for that matter, so that should  
help matters over there, too.

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23 TRUSTEE CLINTON: I appreciate the  
24 short-term fix on the pothole repair because it  
25 was really becoming a safety issue,  
particularly -- there was some blind corners

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where the potholes would push you into oncoming traffic and that was bound to end in tears.

So that was welcome. That just happened in the last two weeks. I'm not sure who was responsible for that, but thank you.

MAYOR DONNO: Also, National Grid and Manhasset-Lakeville are not going to do all of the roads in Plandome Park. There are some roads they believe not necessary.

So I believe it is Heritage, National Grid is not going to do, but Manhasset-Lakeville will, but they are doing -- they are going through the grass, so it shouldn't affect the roads.

Lake is not going to be touched by either. They felt -- when we asked them specifically, they felt that the water mains and the pipes were fine.

And I think it is the beginning of Bayview that there is a section -- is it Bayview, Ed?

BUILDING INSPECTOR BUTT: I believe it is Bayview, yes, for National Grid.

MAYOR DONNO: National Grid is not going

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2 to come in and do that.

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3 So it is not everything, but please be  
4 aware, it is going to be a mess. I mean, these  
5 roads will be torn up, and your roads are  
6 narrow to begin with, so you are just going to  
7 have to endure that.

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8 BUILDING INSPECTOR BUTT: It will be  
9 just like it is now.

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10 MAYOR DONNO: We will have workmen in  
11 there, you know.

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12 TRUSTEE CLINTON: We will get there.

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13 MAYOR DONNO: And then hopefully, in a  
14 year, it will be -- or less, it will be great.

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15 So anymore questions? No?

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16 Great. Terrific. Thank you.

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17 Can I have a motion that the Board of  
18 Trustees close the public hearing on the  
19 condition of the private roads in Plandome  
20 Park?

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21 TRUSTEE O'NEILL: Motion.

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22 MAYOR DONNO: Can I have a second.

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23 TRUSTEE CLINTON: Second.

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24 MAYOR DONNO: All those in favor?

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25 TRUSTEE O'NEILL: Aye.

1 TRUSTEE DeSOUSA: Aye.

2 MAYOR DONNO: Aye.

3 TRUSTEE CLINTON: Aye.

4 TRUSTEE BAYDAR: Aye.

5 MAYOR DONNO: Thank you. We will wait  
6 to hear back from Plandome Park in forty-five  
7 days.

8 (TIME NOTED: 7:25 P.M.)

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CERTIFICATION

I, COURTNEY BIONDO, a Notary Public in and for the State of New York, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of June, 2019.



COURTNEY BIONDO

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