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INCORPORATED VILLAGE OF PLANDOME MANOR
BOARD OF TRUSTEES

55 Manhasset Avenue
Manhasset, New York

January 21, 2020
7:02 p.m.

- Matters:
- Local Law 1 of 2020
 - Local Law 2 of 2020
 - Local Law 3 of 2020
 - Local Law 4 of 2020
 - Port Washington Fire Department

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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

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MAYOR DONNO: Good evening,
everyone. We do have a quorum of the
Board here. If you would please stand
for the Pledge of Allegiance.

(Whereupon, the Pledge of
Allegiance was recited).

MAYOR DONNO: If the Board would
please take a look at the Minutes so
we can approve them from
November 19th.

Can I have a motion to approve
the Minutes from November 19th?

MR. CLINTON: Motion.

MR. DESOUSA: Second.

MAYOR DONNO: All those in
favor?

MR. DESOUSA: Aye.

MS. O'NEILL: Aye.

MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

Tonight we have Public Hearings
-- the only thing is, Chris, is he
coming?

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MS. MALENAN: I think so. He was supposed to.

MAYOR DONNO: I'm just wondering if he got our messages, if he thought he wasn't supposed to come.

Did he confirm with you?

MS. MALENAN: Yes, I did speak to someone in the office.

MAYOR DONNO: Since my meeting with Port Washington last week?

MS. MALENAN: I don't know.

MAYOR DONNO: Okay. I'm just wondering if he thinks he didn't need to come.

MS. O'NEILL: He's usually here.

MAYOR DONNO: But there was a conversation about some of the Villages not needing him to come, especially since he does a budget meeting and some Villages told him he didn't need to come, so he may have thought he didn't need to come. We can hold this until the end.

We're talking about the Port

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2 Washington Fire District, Fire
3 Department budget. Usually there's
4 someone from the fire department that
5 attends our meeting and presents the
6 budget to us before we vote to accept
7 it. Port Washington's Fire Department
8 budget really only concerns Circle
9 Drive and the Circle Drive area, so
10 there may have been a
11 misunderstanding. I know he was
12 planning on coming. Either he's on
13 his way or he felt he didn't need to
14 because some of the other Villages
15 said that since there was an open
16 Public Hearing on the budget, it
17 wasn't necessary for someone from the
18 Port Washington Fire Department to
19 attend. We'll just wait on that and
20 see what happens.

21 We're at Local Law Number 1.
22 Can I have a motion to open the Public
23 Hearing on proposed Local Law 1,
24 establishing Chapter 165 of the Code
25 of the Incorporated Village of

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Plandome Manor to create a rental
registration for properties within the
Village of Plandome Manor?

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MS. O'NEILL: Motion.

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MAYOR DONNO: Can I have a
second?

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MR. CLINTON: Second.

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MAYOR DONNO: All those in
favor?

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MS. O'NEILL: Aye.

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MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

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MAYOR DONNO: Aye.

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John, can you explain that law,
please?

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MR. FARRELL: So we've decided,
the Board has decided to create a
rental registration law for people
that are renting their homes so that
the Board knows who's renting their
house to nonpermanent village
residents. It's only a registration.
It doesn't require an inspection, but

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2 it does allows the Village to
3 understand who is living in the homes
4 on a full-time basis versus who is
5 renting them out for a profit. It
6 helps you keep track of safety issues,
7 and just generally who's in the
8 community, whether or not you have
9 full-time residents there or you have
10 outside people. That's really it in a
11 nutshell.

12 MAYOR DONNO: This came about
13 last year because we have incident
14 where a home had been sold, was empty,
15 and we had a phone call from neighbors
16 that there were people using the pool
17 from this home, they were in the back.
18 Of course, we had a concern because we
19 knew the home was empty and had not
20 been sold. We, of course, notified
21 the police and the police went to
22 check on the home. It turns out that
23 the people who had owned the home, I
24 believe someone had just bought it,
25 and the people who bought it were

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2 renting it to someone else; so that's
3 when we thought it would be good for
4 us to know that there are people using
5 a home within the village or renting
6 the home until or for whatever reason.
7 That's why we decided to put this law
8 in place.

9 MR. FARRELL: I'd also point out
10 that most Villages and Towns have some
11 kind of regulation on the rental of
12 properties, really from a health,
13 safety, and welfare perspective.

14 MR. BUTTS: I was just going to
15 bring that up. In most Towns, when
16 there is a rental and a new person,
17 usually the Building Inspector will go
18 in and make sure that life safety
19 issues are in place like smoke
20 detectors and things like that.

21 MR. FARRELL: The courts have
22 actually overturned that.

23 MR. BUTTS: They did?

24 MR. FARRELL: Yes. The courts
25 say - basically, there was a United

1
2 States Supreme Court case many, many,
3 many years ago called Camara versus
4 the City of San Francisco, and they
5 basically said that you cannot enter,
6 a government official cannot enter
7 someone's premises without their
8 permission or without a warrant; so if
9 someone gives you permission to
10 inspect, you can inspect, but if they
11 refuse permission, you are not allowed
12 to inspect, you'd have to get a
13 warrant.

14 They have trickled that down now
15 to District Court cases where you've
16 had rental inspection requirements,
17 they say you can't mandate an
18 inspection. You can't even mandate
19 that they have the house certified
20 that it's up to Code, but if someone
21 comes in for a rental registration
22 permit, we can check the Village
23 records, we can make sure that the
24 documentation that we have is proper.
25 If it's not or there's an issue with

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the house, then --

MR. BUTTS: I'm thinking purely from a Property Maintenance Code issue.

MR. FARRELL: For property maintenance, if it's in open view -- there's an unregistered vehicle on the property or there's debris on the lawn --

MR. BUTTS: Like personal life safety stuff like smoke detectors.

MR. FARRELL: Unfortunately, the courts, about a year ago, came in with a decision that said, basically, can't go in.

MR. BUTTS: Interesting.

MR. CLINTON: So what are the disclosure requirements for the rental registration application?

MR. FARRELL: Name, address, residence. I don't think we're required --

MR. CLINTON: So just basic stuff.

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MR. FARRELL: Yeah, just basic information. We're not being too intrusive. We just want to know which homes are being rented out, so if a house is being rented out and there is some kind of activity that pops up in that neighborhood, we have a way to trace it, we know what's going on, we have contact with the owner, if a person is renting the house and they're not doing the right thing and the owner lives some place else, we can contact that owner and say, hey, we have a problem with your tenant, and they can try and straighten it out.

MS. O'NEILL: There's no fee for this registration?

MAYOR DUNNO: No.

MR. FARRELL: I don't believe we have a fee in there at this point.

MAYOR DONNO: No, there's none. It's just basic name, address, phone number, email, that kind of thing.

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MR. KATTAN: Are we allowed to ask questions?

MAYOR DUNNO: Yes. Give your name and address to the court reporter.

MR. KATTAN: Eric Kattan, 21 Circle Drive.

Is there any reason, other than taking my house and renting it to ten families -- I have no intention of renting my house, but what is the basis where you would reject or can you reject a permit?

MAYOR DONNO: A rental agreement?

MR. KATTAN: Yeah. If I want to rent my house --

MR. CLINTON: It's not an application. It's just a registration.

MAYOR DONNO: It's really just exactly what our attorney has said. We just know that you're the owner, but someone else is living there, so

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it's really just for our records that someone else is living in the house.

MS. O'NEILL: And a way for us to contact the owner.

MAYOR DONNO: Yes, if there's an issue or problem. We're not denying or -- you know, you're not applying for it, it's just registering, yes, my house is being rented.

Anybody else have any questions?

(No response.)

MAYOR DONNO: Board?

(No response.)

MAYOR DONNO: Okay. Can I have motion to close the Public Hearing on Local Law Number 1?

MS. O'NEILL: Motion.

MAYOR DONNO: Do I have a second?

MR. CLINTON: Second.

MAYOR DONNO: All those in favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

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MAYOR DONNO: Aye.

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Can I have motion to determine
proposed Local Law 1 will not have any
significant adverse impact on the
environment?

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MR. CLINTON: Motion.

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MAYOR DONNO: Can I have a

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second?

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MS. O'NEILL: Second.

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MAYOR DONNO: All those in

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favor?

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MS. O'NEILL: Aye.

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MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

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MAYOR DONNO: Aye.

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Can I have a motion -- why are
we reserving judgment?

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MS. MALENAN: I'm sorry. That's

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when it was going to the Zoning Code.

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I changed it, so you can continue.

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MAYOR DONNO: Okay. There was a

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part of the law at the end where there was a fine if we found that was not registered. That fine has to go into a different part. We have to change our violation laws, so it just has to be added to it, so we needed to pull it out of the law and put it into a separate category in our Code book. So that's not supposed to be in here?

MS. MALENAN: No, you can approve it.

MAYOR DONNO: Okay. That the Board of Trustees approve Local Law Number 1 of 2020, establishing Chapter 165 of the Code of the Incorporated Village of Plandome Manor to create a rental registration for properties within the Village of Plandome Manor.

Can I have that motion?

MR. CLINTON: Motion.

MAYOR DONNO: Can I have a second?

MS. O'NEILL: Second.

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MAYOR DONNO: All those in favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

We are at Local Law Number 2, which is a law amending Chapter 84 of the Code of the Incorporated Village of Plandome Manor to require permits for commercial photography within the Village of Plandome Manor.

Can I have a motion to open the Public Hearing on that proposed Local Law Number 2?

MR. CLINTON: Motion.

MAYOR DONNO: Can I have a second?

MR. BAYDAR: Second.

MAYOR DONNO: All those in favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye. John?

MR. FARRELL: This really is an amendment to our Filming Ordinance. The Filming Ordinance requires permits if you're doing commercial filming for commercials, TV shows, movies, that type of thing.

As many of you know, sometimes these photographic shoots can get almost as elaborate and create almost as much of an impediment as the video shooting, so really all we've done is we're amending the ordinance to add commercial photography or still photography to our Film Ordinance.

MAYOR DONNO: So it's just a minor change, adding, as John said, rather than doing a whole video commercial, this is just adding the still photography where people are just doing commercial shoots, which may appear in magazines or television

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or the internet. We're just adding something to our Code.

Does anyone have any questions?

MR. KATTAN: Sorry.

MAYOR DONNO: That's okay. That's what we're here for.

MR. KATTAN: Does this apply to services like Google Maps?

MR. FARRELL: We didn't really consider Google Maps because Google Maps is not really what we're looking to prevent. Google Maps is a car that just drives around and films.

We're talking about people that are -- the concern is people that are bringing in big trucks and setting up all day photo shoots and blocking traffic and parking in the street -- to take a group of photos on Leeds Pond or wherever it might be -- so that they'll be subject to the same regulations as the people that are filming a movie or TV show that are creating just as much of a public

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impediment.

MR. KATTAN: So it's more about the creation of a disturbance?

MR. FARRELL: Correct.

MAYOR DONNO: Yes.

MR. CLINTON: So some things that came up during our discussion were using a commercial photographer for the purposes of the sale of a home, for real estate pictures or any celebration like a wedding or First Communion or whatever, that was sort of deemed not really part of this.

MR. KATTAN: So not personal users.

MAYOR DONNO: Right. It's more about a commercial being shot at your home, a still commercial being shot at a home or -- you know, there have been some homes that have been approached to where they would like a still commercial shot, and they bring tons of cars, big trucks, and it's an all day affair that can disturb the

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neighbors, so we just wanted to make sure we had some regulation.

MR. CLINTON: We're not precluding it. It's just a process to make neighbors aware and make sure they approve.

MAYOR DONNO: So we know that it's happening. According to our Code, we allow three commercial shoots in a home per year because some of them are for quite a while, and they can disturb your neighbors. They bring in tons of stuff.

Anyway, we're just amending the Code to include commercial/still photography.

Anybody else?

(No response.)

MAYOR DONNO: No? Okay. Board, any other questions?

(No response.)

MAYOR DONNO: Can I have a motion to close the Public Hearing on proposed Local Law of 2020?

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MR. BAYDAR: Motion.

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MAYOR DONNO: Can I have a

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second?

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MR. CLINTON: Second.

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MAYOR DONNO: All those in

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favor?

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MS. O'NEILL: Aye.

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MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

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MAYOR DONNO: Aye.

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Can I have a motion to determine

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the proposed Local Law Number 2 of

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2020 will not have any significant

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adverse impact on the environment?

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MR. CLINTON: Motion.

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MAYOR DONNO: Do I have a

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second?

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MR. BAYDAR: Second.

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MAYOR DONNO: All those in

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favor?

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MS. O'NEILL: Aye.

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MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

Can I have a motion to approve the Judgment on Local Law 2 of 2020, amending Chapter 84 of the Code of the Incorporated Village of Plandome Manor to require permits for commercial photography within the Village of Plandome Manor?

MR. CLINTON: Motion.

MAYOR DONNO: Can I have a second?

MR. BAYDAR: Second.

MAYOR DONNO: All those in favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

Local Law 3. Local Law 3 is amending Chapter 147 to include decibel levels in the Noise Code.

Can I have a motion to open the

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Public Hearing on proposed Local Law
Number 3?

MR. BAYDAR: Motion.

MAYOR DONNO: Do I have a
second?

MR. CLINTON: Second.

MAYOR DONNO: All those in
favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye. John?

MR. FARRELL: This Local Law is
being amended or being proposed to
amend the Noise Code. The way it's
written now, the Noise Code really
deals with the reasonableness of
noise level. From a prosecution
standpoint or enforcement standpoint,
the subjectiveness of the standard
makes it difficult to prosecute a
violation. What's reasonable to one
person may not be reasonable to

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another.

What we did is, we went through and looked at some other Municipalities to see what they were doing to determine what appropriate levels of noise are acceptable on a general basis, and we found that they were pretty consistent with what we've put in the Code now. It sets a decibel level that you have to be above for a certain period of time before the noise can constitute a nuisance.

The Code Enforcement Officer can go out with a decibel meter, he can record the noise, see how loud it is, see how long it persists, and if ends up being a violation, we can write a summons. That will make it much more easy to prosecute from a violation perspective.

It was recommended by our prior prosecutor. Looking at it, it seems like a reasonable idea, so we put it

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to the Board, and that's what we have before you tonight.

MAYOR DONNO: Are there any questions?

MR. KATTAN: Again, I'm a little new here, so I just read what was sent. I mentioned to Randi today the concept of -- I don't know, I'm not a voice person, so level -- I don't know. I have a generator at my home. I don't know how many decibels it produces, and it runs for more than 22 minutes. I don't want to be in a position this can be used against me in any way. I'm sure this will apply to many more people.

MR. FARRELL: We've taken that into account, and really the noise levels are at the property line. Most generators, depending on how far they are from the property line, are going to be below the levels we set forth in the Code. It's also a time thing. Look, if the power goes out, most

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people are going their have generators on in Plandome Manor anyway.

MR. KATTAN: We don't have some --

MR. BUTTS: They test every one.

MR. FARRELL: But it's not going to be on for a period long enough to violate the Code.

MAYOR DONNO: They only test for ten to 20 minutes.

MR. KATTAN: Mine tests for 22 minutes. It's a brand new one because it's a brand new house. My wife and I built a house here, and we followed the rules here to the T. We moved trees from the front to the property line. I don't want to be in any position -- I'm sure many of the residents here also -- or somebody who, whatever, woke up on the wrong side of the bed and decides that I can't run my generator to test. There's no mention of generators or decibel levels. I don't know if it's

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worth doing if the decibel levels are appropriate.

MR. CLINTON: I think the general intent of this is for pretty egregious abuses. I can't -- in my 20-plus year tenure, have really had any, but if there are real abuses like loud music at 11:00 where there's a complaint, you'd have to get the Code Enforcement Officer to show up -- and that's another 20 minutes -- and set a decibel meter to listen to that, and it has to be a sustained abuse over a certain number for an extended period of time; and this is, obviously, after several warnings.

It's really to give the Village a little teeth to issue a summons in extreme cases, and I don't envision this being applied to normal, day-to-day things like a generator.

MR. KATTAN: The question is more -- again, what we went through with the house, there were people

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complaining we had to change how our house looks from the front.

Can someone wake up in the morning and come here and say, hey, the Kattan family's generator goes off at 12:01 and watch the decibel for 20 minutes? That's, I guess --

MR. FARRELL: The intent -- look, with every ordinance the Village enacts, there is discretion on the part of the Code Enforcement Officer, and the Code Enforcement Officer is going to be able to determine whether or not there's abuse of the Noise Ordinance.

This is put into effect for very extreme cases. We've had several cases where neighbors have been fighting with other neighbors and just playing loud music and pointing it at their house to annoy them. We can say that noise is unreasonable, but when you go before a judge to prove what's unreasonable, it's very difficult. If

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2 we have something concrete, it
3 protects us. The intent of the
4 ordinance is not to get everybody with
5 a generator that's being tested a
6 violation; so from that perspective, I
7 don't think you have anything to worry
8 about, but we have to have a standard.
9 It's not -- nothing can be tailored to
10 fit everybody. We looked at what
11 other Municipalities have done, we
12 factored in things -- there are things
13 that are factored in.

14 50 decibels is roughly the sound
15 of my voice to you right now. As it
16 goes further out and further away, it
17 dissipates over time, so it's really
18 the noise level that's generated at
19 the property line. If it's 100
20 decibels and it's a half an hour --
21 you know, you really have to be on top
22 of it. I don't know where your
23 generator is in relation to your
24 property line.

25 MR. KATTAN: It's not about me.

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I'm not coming here to say about me.
Families have generators here, and if
we put a law here --

MR. FARRELL: There are setback
requirements as well.

MR. KATTAN: -- that may impact
-- it's not about me. My generator
is brand new. I'm assuming it's as
quite as it can be. It's about a law
here that can potentially cause one
person to put another person in -- and
I understand the need of the law. I'm
not saying there's no need for the
law. I'm not saying there's no need
for the law, especially for parties
and music and whatevernot [sic]; but
this is a piece that makes sound for
more than 22 minutes, and I just want
to make sure -- as I am one that has a
generator, but I'm not the only one --
that no one tomorrow can -- one of my
neighbors be upset with me and say,
there we go.

MR. CLINTON: I think that's

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fair. This is not a law intended for neighbors to bust each other's chops if they have a grievance.

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MS. O'NEILL: Would it be fair to include something in the Local Law excluding Village approved generators and mechanical equipment?

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MAYOR DONNO: Just thinking about what you just said, then you can start adding a lot of other things. I think you have to be -- there's discretion where this is concerned. There's so many generators in Plandome Manor, and I totally understand what you're saying or what you're concerned with, but this law isn't to punish people who have a generator that goes off once a week for ten to 20 minutes. As Matt said, it's really for the parties where there may be a speaker and loud music past 11:00.

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MS. O'NEILL: Right. The catering truck running in the --

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MAYOR DONNO: Past 11:00. It's

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not about someone who has a loud car and backs out of their driveway. It's not about you running your generator once a week.

MR. CLINTON: The law is on the books. It just a matter of attempting to quantify so you can issue a ticket and take the subjectivity away from it.

MAYOR DONNO: Part of what we were concerned about in reading the law -- and you can go back and look through the old noise law that has been there for quite a while -- it says reasonable; and as John said, what is reasonable to me might not be reasonable to you. We needed something so our prosecutor could take a summons for a violation against someone who had been complained about -- music at 12:00 at night, didn't shut it off, it was very loud -- and be able to use that decibel reading to say this was how loud this noise was

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2 at this time. You also have a judge
3 that has discretion. It's not meant
4 to hurt our homeowners and our
5 residents. It really was to give at
6 least a little bit of teeth so our
7 prosecutor would be able to say to
8 someone, hey, you were told to shut
9 that off at 11:00, we have complaint,
10 it went on, it's up to the judge to
11 say, okay, you should have been at
12 this decibel level and it wasn't.

13 MR. KATTAN: Right. The only
14 thing I said is I understand the law
15 and I understand the need for it, but
16 I don't want to be in a position where
17 one of the neighbors or whomever puts
18 this law -- again, as I've experienced
19 on my own where I had to change the
20 visual of my house because our
21 neighbors didn't like it, which is
22 fine. The house is built.

23 It's just, if we put laws in,
24 talking about enforceability and
25 ability, if you say the judge has

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discretion, this would never be an
issue. It's on the record on the
Hearing, that's fine; but if it does
put myself or dozens of others that
have generators, then I think it needs
to be reviewed. But if you say it's
not the case, then it's not the case.

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MAYOR DONNO: I can't see it
being a case. I don't think this
Board would allow it to be the case.
In this village, there are -- Ed, how
many people do we have with
generators?

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MR. BUTTS: It's easier to say
who doesn't have one, and I've never
gotten a complaint about a generator,
ever. I understand.

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MR. KATTAN: Again, it took one
neighbor to make me change how my
house looked from the front. It's not
about me. All I'm saying is that I
wouldn't that to be in anyone's power.
Even myself, tomorrow morning, walking
over to my neighbor -- I don't know --

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and say, hey, your generator is too loud. There's a law, it runs for 23 minutes, it's about 108 decibels, that's what the law says. Things happen. I've seen it happen. I've seen it happen. That's all I'm saying.

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MAYOR DONNO: I understand. You have to understand too that you start getting that specific, you cause problems also; so you know what, we don't have any intention of having a generator as part of that. I know what you're saying.

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MR. CLINTON: Or a leaf blower or snowblower.

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MAYOR DONNO: Lawn mower. I think we're all pretty reasonable. If they're going to start complaining about your generator, we are going to have to tell everybody else that -- we'll have to do something about everybody else's. We have no intention of doing that. If it

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happens, we'll revisit.

MR. KATTAN: Okay.

MAYOR DONNO: Does anybody else have any questions?

(No response.)

MAYOR DONNO: Can I have a motion to close the Public Hearing on proposed Local Law 3?

MR. DESOUSA: Motion.

MAYOR DONNO: Do I have a second?

MR. CLINTON: Second.

MAYOR DONNO: All those in favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

Can I have a motion that proposed Local Law Number 3 has no significant adverse impact on the environment?

MR. DESOUSA: Motion.

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MAYOR DONNO: Do I have a
second?

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MR. CLINTON: Second.

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MAYOR DONNO: All those in
favor?

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MS. O'NEILL: Aye.

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MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

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MAYOR DONNO: Aye.

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Can I have a motion to approve
the Judgment on Local Law 3 of 2020,
amending Chapter 147 of the Code of
the Incorporate Village of Plandome
Manor to include decibel levels in the
Noise Code?

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MR. DESOUSA: Motion.

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MAYOR DONNO: Do I have a
second?

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MR. CLINTON: Second.

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MAYOR DONNO: All those in
favor?

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MS. O'NEILL: Aye.

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MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

And the last one is -- have you gotten in touch with him?

MS. MALENAN: No. I called and emailed.

MAYOR DONNO: Okay. Local Law 4, amending Chapter 155 of the Code of the Incorporated Village of Plandome Manor to create a permit process for any vendor soliciting in the Village of Plandome Manor.

Can I have a motion to open that Public Hearing for Local Law 4?

MR. BAYDAR: Motion.

MAYOR DONNO: Can I have a second?

MS. O'NEILL: Second.

MAYOR DONNO: All those in favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

MAYOR DONNO: Aye. John?

MR. FARRELL: So recently, as recently as last summer, a lot of Villages were put on notice that their Solicitation Ordinances were in violation of the United States Constitution. There was a Supreme Court case that said you cannot have an outright ban on solicitation.

Plandome Manor was not one of the Villages that received this notice from this pest control company that was actively seeking to go around and knock on peoples' doors and ask them to purchase their services, but it did cause us to review our Solicitation Ordinance, and our Solicitation Ordinance has an outright ban. It's really one sentence buried in the Code that says you can't solicit; so what we've created is an ordinance that requires companies that are going to do this solicitation in the village to

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2 file for a permit to do the
3 solicitation, to provide the names of
4 the people that would be doing the
5 solicitation, setting out rules and
6 regulations for how they're supposed
7 to be dressed, what type of ID they're
8 supposed to carry, so that the Village
9 is on notice of these people that
10 really are strangers coming into the
11 village and going door-to-door and
12 knocking.

13 What the ordinance also does is
14 it has an opt out for the residents;
15 so if a resident chooses to, they can
16 opt out of solicitation. The Village
17 will keep an active list of all the
18 residents that opt out and don't want
19 solicitations, and we will provide
20 that list to each vendor coming in
21 seeking a Solicitation Permit, and
22 they won't be allowed to go to those
23 houses where the homeowner has opted
24 out. If they do, then there are fines
25 and penalties and possible revocation

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of their solicitation license.

That's basically it in a nutshell.

MAYOR DONNO: Are there any questions?

MS. MACK: Patricia Mack, 18 Bayside Drive.

This list given to vendors, is that going to include the resident's name or just the address?

MAYOR DONNO: We originally thought about name and address. We can really do it any way. We could just give the address, which is probably the only thing they need, that you're not to go to this home.

MS. MACK: Yes, that would be preferable to me.

MAYOR DONNO: Sure. That's fine. What we want in that opt out is for the homeowner to allow us to give them your address to opt out of the solicitation.

MS. MACK: What about Girl Scout

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cookies and things like that, is that included?

MAYOR DONNO: I hope not.

MR. FARRELL: This is another one of those, it's an enforcement issue. I mean, the Girl Scouts really don't sell door-to-door anymore because, unfortunately, it's not safe, but to the extent that the Girl Scouts are knocking on doors, if we do have some heartless neighbor or resident that decides to call and complain about the Girl Scouts, we'd leave it up to the Code Enforcement Officer to go out and arrest them.

(Laughter.)

MAYOR DONNO: We're more concerned with outside solicitation.

MR. CLINTON: It has gotten more aggressive in recent years, and I'm sure the police and the fire department will do the right thing and register.

MR. FARRELL: Yeah, absolutely.

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Volunteer firemen -- well, we can't even get them to come down for a meeting.

(Laughter.)

MAYOR DONNO: Are there any other questions about the solicitation law?

(No response.)

MAYOR DONNO: Great. I think what we'll do too, I think, is post it on our website. You need to just supply us with the information and just let us know you're opting out.

MR. CLINTON: Is this commonplace, solicitors having to get an application or apply or register?

MR. FARRELL: So this is what everyone has done in response to the Supreme Court Decision. It's basically saying, you can solicit, but if the neighbors don't want you, then you can't enter onto their private property, then it's a trespass.

MAYOR DONNO: Most of the

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Villages that I've spoken to are doing this.

Can I have a motion to close the Public Hearing on proposed Local Law 4 of 2020, amending Chapter 155?

MR. CLINTON: Motion.

MAYOR DONNO: Do I have a second?

MR. BAYDAR: Second.

MAYOR DONNO: All those in favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

Can I have a motion to determine that proposed Local Law 4 of 2020 will not have any significant adverse impact on the environment?

MR. BAYDAR: Motion.

MAYOR DONNO: Do I have a second?

MR. CLINTON: Second.

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MAYOR DONNO: All those in

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favor?

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MS. O'NEILL: Aye.

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MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

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MAYOR DONNO: Aye.

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Can I have a motion to approve

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Local Law 4 of 2020, amending

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Chapter 155 of the Code of the

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Incorporated Village of Plandome Manor

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to create a permit process for any

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vendor soliciting in the Village of

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Plandome Manor?

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MR. BAYDAR: Motion.

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MAYOR DONNO: Do I have a

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second?

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MS. O'NEILL: Second.

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MAYOR DONNO: All those in

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favor?

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MS. O'NEILL: Aye.

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MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

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MR. BAYDAR: Aye.

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MAYOR DONNO: Aye.

We can go back to the Port
Washington Fire Department budget --
their contract.

Randi, do we have a copy of the
contract?

MS. MALENAN: Yes. It's in your
binder. I emailed it to all of you as
well. It's significantly less than
last year.

MR. CLINTON: Which tab is it?

MS. MALENAN: The gray tab.

MR. CLINTON: I don't think we
need their presence here.

MAYOR DONNO: I agree. They
have in the past two or three years,
they do invite all the Villages that
participate to a budget hearing. It's
extensive. They go through the budget
line by line, explain all of their
finances, take questions, and they did
do that this year. I believe that
when we sitting at the meeting,
everyone said, don't bother to come.

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I think he assumed -- because this is not like Chris Boleman. I think he assumed that Plandome Manor was part of it. I did ask Randi about it, and she said, since it had been Noticed, that he should be here. I think it was just a misunderstanding.

I have no problem approving the contract.

MS. MALENAN: It's \$14,576 less than last year's contract.

MAYOR DONNO: I guess I have to open up a Public Hearing for it.

Can I have a motion to open the Public Hearing regarding the 2020 Port Washington Fire Department contract?

MS. O'NEILL: Motion.

MAYOR DONNO: Can I have a second?

MR. CLINTON: Second.

MAYOR DONNO: All those in favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

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MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

Does anyone have any questions about it? Do you just want to take a quick look?

MR. CLINTON: It's used to closer to 40, now it's 23, so it's a significant decrease, 14 thousand doesn't necessarily justify -- it's almost a 40% decrease, which is nice. Is there any reason for that? Is it the number of calls or --

MAYOR DONNO: It had something to do with the reassessment, and our assessment went down. It went down almost half, right Marie?

MS. DEPALO: I didn't get the new number.

MAYOR DONNO: Didn't I give you the new number? It was \$4,000, and it went down to -- I thought I gave it to you. That's okay. We're such a small -- we only do Circle Drive.

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MR. CLINTON: It's a sliver of the overall village.

MAYOR DONNO: So we are the least of anyone, and the Port Washington Fire Department really is extremely responsive, and they do work with all the Villages.

Does anyone have any questions about it?

(No response.)

MAYOR DONNO: Can I have a motion to close the Public Hearing regarding the 2020 Port Washington Fire Department contract?

MR. CLINTON: Motion.

MAYOR DONNO: Do I have a second?

MR. DESOUSA: Second.

MAYOR DONNO: Can I have a motion to approve the Decision on the 2020 Port Washington Fire Department contract?

MR. BAYDAR: Motion.

MAYOR DONNO: Can I have a

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second?

MR. DESOUSA: Second.

MAYOR DONNO: All those in
favor?

MS. O'NEILL: Aye.

MR. DESOUSA: Aye.

MR. CLINTON: Aye.

MR. BAYDAR: Aye.

MAYOR DONNO: Aye.

I think we're done with the
Public Hearings.

(Time noted: 7:45 p.m.)

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