

INC. VILLAGE OF PLANDOME

BOARD OF TRUSTEES

Board of Trustees Work Session & Public Hearing & Special Meeting

Monday, August 15, 2022 MINUTES



Attendance:

Present:

Tom Minutillo, Bob Broderick, Jim Corcoran, Don Richardson, Barbara Peebles

Absent: Jake Kurkjian

Also present: Robert Morici, Esq.

WORK SESSION AGENDA – 6:00pm

- a) Pledge of Allegiance
- b) Executive Session
- c) Discussion Items
 - a. Village Clock
 - b. North Shore TV
 - c. LIRR Parking Lot#1 (at station)
 - d. Village Historian

PUBLIC HEARING – 7:00PM

- I) Local Law 1-2022 (Protected Streets)

Clerk/Treasurer Barbara Peebles confirmed the Public Notice met requirements in local press, website, and Village Hall bulletin Board.

Deputy Mayor Don Richardson motioned to close Public Hearing and to approve the Local Law 1-2022. Trustee Bob Broderick 2nd the motion and the Board of Trustees unanimously approved.

SPECIAL MEETING – 7:10PM

II) Administrative:

- a. Approval of Minutes (July 18, 2022) *Minutes approved with edits from Trustee Jim Corcoran.*

III) Unfinished business – Resolutions

- a. Adopt Local Law 1-2022 (Protected Streets) [R-08-2022-A]
- b. Approve North Shore TV agreement update [R-08-2022-B]
- c. Approve D&B recommendation – Watermain project 1020 Plandome Road [R-08-2022-C]

- d. Approve installation of the Village Clock utilizing Parkland funds. [R-08-2022-D]
- e. Appointment of Village Historian – *tabled, need to finalize the resolution.*
- f. Approval Special Counsel retainer, add on. [R-08-2022-F]
- g. Approval of Cow Bay bid to fill emergency potholes, to be reimbursed by CHIPS POP grant. [R-08-2022-G]

IV) New Business - Resolution

- a. Approve transfer of Kings Trust and YTD interest to Fire Dept. [R-08-2022-H]

Motion to approve Resolutions A,B,C,D,F,G,H Deputy Mayor Don Richardson, 2nd by Trustee Jim Corcoran, unanimously approved.

V) Abstract of Claims: Period 02-2022/23

The Board of Trustees reviewed the abstract report, and related invoices for the Abstract of Claims #02-2021-2022 ; General Fund \$107,200.40, Water Fund \$74,044.76, Capital Fund - \$1,620.00, Trust & Agency \$1,430 TOTAL. \$184,295.16. Motion to approve the Abstract was made by Trustee Jim Corcoran, 2nd by Trustee Bob Broderick, and unanimously approved.

There being no further business before the Board, Trustee Jim Corcoran moved to close the meeting, 2nd by Deputy Mayor Don Richardson, unanimously approved. Meeting ended 7:30pm.

Next Regular Board of Trustee Meeting: Monday, September 19, 2022 at 7:00pm.

Minutes submitted by Barbara Peebles September 19, 2022	
Approved September 19, 2022	
<i>Barbara Peebles</i>	<i>9/19/23</i>
Village Clerk/Treasurer	Date

INC. VILLAGE OF PLANDOME RESOLUTION R-08-2022-A

RESOLUTION TO APPROVE LOCAL LAW 01-2022 "Protected Streets"
DATED AUGUST 15, 2022

BE IT RESOLVED that the Board of Trustees has been approved Local Law 01-2022;

See attached.

The forgoing resolution was moved by Trustee Jim Corcoran, and seconded by Trustee Bob Broderick, and unanimously approved.

INC. VILLAGE OF PLANDOME RESOLUTION R-08-2022-B

RESOLUTION TO APPROVE NORTH SHORE TV AGREEMENT
DATED AUGUST 15, 2022

BE IT RESOLVED that the Board of Trustees has agreed to allocate an additional 1% of the franchise fee to North Shore TV (NSTV) to support their advocacy efforts on behalf of Plandome.

WHEREBY, NSTV has engaged Cohen Law Group to represent its members in support of the New York State Senate Bill 9254 – Community Media Reinvestment Act,

FURTHER, this legislation would enhance the governmental and educational access to local media and establish a “community reinvestment fund”;

THEREFORE, NOW BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Plandome, hereby approves the increase of 1% of the franchise fee to be retained by NSTV.

The forgoing resolution was moved by Trustee Jim Corcoran, and seconded by Trustee Bob Broderick, and unanimously approved.

Note – estimated amount is less than \$300.00 annually.

INC. VILLAGE OF PLANDOME RESOLUTION R-08-2022-C

RESOLUTION TO AWARD WATERMAIN PROJECT TO BANKER
DATED AUGUST 15, 2022

BE IT RESOLVED that the Board of Trustees approved D&B Engineers recommendation to award the 1020 Plandome Road watermain project to Bancker Construction Corp. of Islip, NY.

WHEREBY, the Village of Plandome engaged D&B to manage the bid process and determined Bancker to be the lowest responsible bidder according to the Village of Plandome procurement policy,

FURTHER, the 1020 Plandome Road property owner, Greenhill Development will reimburse the Village of Plandome in full.

THEREFORE, NOW BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Plandome directs D&B to award the project to Bancker Construction Corp in the amount of \$111,118.60.

The forgoing resolution was moved by Trustee Jim Corcoran, and seconded by Trustee Bob Broderick, and unanimously approved.

INC. VILLAGE OF PLANDOME RESOLUTION R-08-2022-D

RESOLUTION TO APPROVE INSTALLATION OF VILLAGE CLOCK
DATED AUGUST 15, 2022

BE IT RESOLVED that the Board of Trustees authorizes the Village Clerk/Treasurer Barbara Peebles to proceed with the installation of the vintage Village Clock.

WHEREBY, the expense of the installation will be funded by the Parkland fund not to exceed \$5000.00 to include landscaping, Belgian blocks, and a September 11th memorial plaque.

THEREFORE, NOW BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Plandome, hereby approves the completion of the Village Clock project.

The forgoing resolution was moved by Trustee Jim Corcoran, and seconded by Trustee Bob Broderick, and unanimously approved.

INC. VILLAGE OF PLANDOME RESOLUTION R-08-2022-F

RESOLUTION TO EXTEND RETAINER WITH ROSENBERG, CALICO, BIRNEY
DATED AUGUST 15, 2022

BE IT RESOLVED that the Board of Trustees accepts and approves of the letter of engagement dated August 9, 2022 submitted by Mr. Ef Ross of Rosenberg, Calica, and Birney LLP (RCB).

WHEREBY, the village seeks the advice of special counsel as relates to the application submitted by ExteNet in connection with an additional 11th wireless node, referred to as Node #41.

FURTHER, Mr. Ed Ross will coordinate with the Village Attorneys of Morici & Morici LLP to minimize legal expenses where possible;

THEREFORE, NOW BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Plandome, hereby approves the engagement with RCB law firm.

The forgoing resolution was moved by Trustee Jim Corcoran, and seconded by Trustee Bob Broderick, and unanimously approved.

INC. VILLAGE OF PLANDOME RESOLUTION R-08-2022-G

RESOLUTION TO AWARD COW BAY POTHOLE PROJECT
DATED AUGUST 15, 2022

BE IT RESOLVED that the Board of Trustees accept and approve the proposal submitted by Cow Bay contracting of Port Washington, NY in the amount of \$9000.00.

WHEREBY, Cow Bay would repair the various priority potholes identified by the village DPW staff requiring immediate attention due to safety concerns,

FURTHER, the Village Clerk Barbara Peebles has secured a NY State CHIPS POP grant that will reimburse the village fully in connection with the priority pothole repairs;

THEREFORE, NOW BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Plandome, hereby approve the Cow Bay Construction proposal.

The forgoing resolution was moved by Trustee Jim Corcoran, and seconded by Trustee Bob Broderick, and unanimously approved.

INC. VILLAGE OF PLANDOME RESOLUTION R-08-2022-H

RESOLUTION TO APPROVE RELEASE OF KINGS TRUST TO FIRE DEPT.
DATED AUGUST 15, 2022

BE IT RESOLVED that the Board of Trustees has approved the release of all funds held by the village as relates to the Fire Department "Kings Trust".

WHEREBY, the village has met the terms of their custodial responsibility and timeline which allows for the release of all funds to the Fire Department Bank of America, overseen by the Fire Department Finance Committee, with the Public Safety Officer and Board of Trustee Bob Broderick serving as member.

FURTHER, the Clerk Treasurer Barbara Peebles close the Flushing Kings Trust (Account ending in #513) and will calculate all interest earned year-to-date and process a separate, final interest check to the Fire Department;

THEREFORE, NOW BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Plandome, hereby approves the transfer of all Kings Trust funds to the Plandome Fire Department.

The forgoing resolution was moved by Trustee Jim Corcoran, and seconded by Trustee Bob Broderick, and unanimously approved.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
99 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of
Village Incorporated Village of Plandome

Local Law # of the Year 2022.

(Insert Title)

A local law designating "Protected Streets" and governing the requirements for excavations to be performed thereof.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City
Town of
Village Incorporated Village of Plandome

Section 1: Section 139-9.1 of the Village Code of the Incorporated Village of Plandome is hereby created and incorporated into the Village Code and will read as follows:

§ 139-9.1: PROTECTED STREETS:

A. DEFINITIONS:

1. A "Protected Street" shall mean any road, street or highway in the Incorporated Village of Plandome that has been resurfaced, repaved or reconstructed, in whole or in part, within five (5) years prior to the date of application for an opening permit.

applicant performing emergency work need not contact the Building Department prior but shall do so as soon as practicable.

D. APPLICATION.

1. Applicants shall include on the Opening Permit Application the reason necessary and the justification for any street opening activities on any Protected Streets.

2. The applicant shall attach the 'Protected Street Opening Permit Application' attachment to the Street Opening Permit Application prior to obtaining the permit.

E. RESTORATION.

1. The applicant shall provide a Restoration Plan for any excavation of a Protected Street and such plan must be approved by the Village Engineer, prior to the commencement of any excavation.

2. No backfill of any opening or excavation on a Protected Street shall be performed unless the applicant notifies the Village Clerk and the Village Engineer at least twenty-four (24) hours prior to the scheduled start time for the backfill or except as otherwise authorized by the Village Engineer or other individual designated by the Village Engineer. In no case shall the applicant commence the backfill prior to the scheduled start time. For base and wearing courses, the applicant shall hand deliver or transmit by facsimile or other electronic means approved by the Village Engineer, its daily paving schedule to the Village Engineer or any other individual designated by the Village Engineer, at least twenty-four (24) hours prior to commencing work. In addition, during the backfilling and compaction phase of the work, applicants must provide, on site, a compaction tester from an approved laboratory or a licensed certified tester to test that the compaction of the backfill is in accordance with the Village's rules and specifications.

2. Applicants shall be responsible for the proper repair of a Protected Street opening or excavation for a period of five (5) years from the date of completion.

3. All restorations shall conform with the latest version of Nassau County Standard Specifications and the Village's rules and regulations and said compliance must be certified by the Village Engineer.

4. Where the opening of a Protected Street cannot be confined to within six (6) feet of the curb-line, including the required cutback, full curb-to-curb restoration shall be required where Protected Street status has been in effect for twenty-four (24) months or less, unless otherwise directed by the Village.

5. In the event a permanent restoration pavement installed in violation of the provisions above or otherwise settles more than two (2) inches below the surrounding existing surface during the life of the backfill compaction, the applicant shall promptly remove all of the backfill, down to the subsurface facility, and install new, properly compacted backfill and shall resurface the applicable Protected Street in accordance with the requirements of the Village Engineer.

Section 2: Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstances is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

append to
R-08-2022-B

Cohen Law Group

Summary of New York Senate Bill 9254: Community Media Reinvestment Act

Senate Bill 2954, entitled the "Community Media Reinvestment Act" (the "Bill"), was introduced by Sen. Kevin Parker (District 21-Brooklyn) on May 12, 2022. One of the purposes of the Bill is "to support local community media organizations that manage public, educational or governmental access facilities through the establishment of a Community Media Reinvestment Fund." The Bill was referred to the Investigations and Government Operations Committee.

Specifically, the Bill imposes an "excise tax" on the provision of direct broadcast satellite services ("DBS") or video streaming services in the amount of five percent (5%) of the providers' gross receipts derived from the provision of such services. The definition of "gross receipts" in the Bill is broad, but not comprehensive. The providers of DBS and video streaming services must file a return and pay the tax to the Commissioner of Taxation and Finance ("Commissioner") by April 15 of each year. The Bill includes penalties for providers that fail to pay the tax on time.

The Bill establishes a special fund, known as the Community Media Reinvestment Fund ("Fund"). All monies received from the tax must be deposited in the Fund. Note that the Commissioner may retain up to ten percent (10%) of the funds for operational purposes. The Commissioner must distribute all monies in the Fund annually according to the following formula:

- One-fifth of the funds, minus the amount retained by the Commissioner for operational expenses, goes to the state general fund;
- Two-fifths of the funds goes directly to municipalities in the state based on population; and
- Two-fifths of the funds are to be "distributed directly to identified community media organizations in the state or, if no community media organization has been identified in a given municipality, to the organization or organizations serving that municipality identified by the New York State Council on the Arts to receive distributions from the fund, and further allocated proportionally based on the population of the municipality or municipalities served by each such identified organization." (Section 3.3 (b)(iii))

The Commissioner is authorized to promulgate regulations within a certain period of time after enactment of the Bill.



NORTH SHORE TV

Your Community. Your Voice.

_____ Date _____

RE: Support for S9254: The New York Community Media Reinvestment Act

Dear _____:

The Great Neck North Shore Cable Commission (“GNNS”) represents fifteen (15) Villages in Nassau County with respect to cable and community media matters. The Villages are the following: Flower Hill, Great Neck, Great Neck Estates, Great Neck Plaza, Kensington, Kings Point, Lake Success, Munsey Park, North Hills, Plandome, Plandome Heights, Plandome Manor, Russell Gardens, Saddle Rock, and Thomaston. We write to you to ask you for your support for Senate Bill 9254, entitled the Community Media Reinvestment Act.

GNNS manages several public, educational and governmental (“PEG”) channels, collectively known as North Shore TV or NSTV. NSTV has a long and rich history of providing compelling and relevant local programming to the citizens of its constituent Villages. Whether the programming involves Village-sponsored initiatives, Teen TV, Veterans Projects or Women in Technology, just to name a few, NSTV:

- Provides a training ground for video and other media production;
- Offers hyper-local programming that fosters a sense of community;
- Helps promote civic engagement;
- Offers a supportive environment that empowers content producers;
- Encourages individuals and organizations to reach out to the community;
- Airs programming that reflects the diversity of the GNNS community;
- Strives to promote social awareness in the Great Neck-North Shore area; and
- Provide high quality facilities that are easily accessible.

During the height of the COVID-19 pandemic in 2020-21, NSTV took a very active role in informing the public regarding the new disease. In conjunction with Northwell Health, NSTV also provided critical health information to residents on how best to protect themselves from infection, the availability of nearby medical services, and related issues.

Unfortunately, over the past several years, there has been a transformation in video technology that has resulted in NSTV and other New York community media organizations losing the financial resources they need to continue to provide these public services. With the emergence of video streaming services, a large percentage of cable subscribers have “cut the cord” and now utilize only these services for their video entertainment.

This technological transformation has led to a rapid decrease in subscribers to traditional cable operators. With a reduced number of subscribers and greater video competition, cable operators have in turn has decreased PEG funding to community media centers such as NSTV. At the same time, the costs to both equip and operate community media centers have risen dramatically.

It is for this reason that we strongly support the S9254, because it would create a Community Media Reinvestment Fund that would, in part, provide a new funding source to community media centers such as NSTV. The source of this funding would be an excise tax that is would be similar to, and in the same amount as, the cable franchise fee that has been assessed on cable operators for nearly 40 years. Like cable operators, video streaming services, such as Netflix, Hulu, etc., utilize the public rights-of-way and should in fairness provide a public benefit in the same manner as is required of cable operators.

As set forth in the S9254, this public benefit would be the excise tax assessed on video streaming providers (and direct broadcast satellite providers) that would be directed to PEG channels and community media centers to help them survive in these challenging times. We ask that you lend your public support for S9254 and would be happy to meet with you and/or answer any questions you may have.

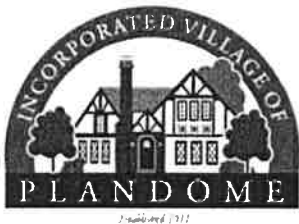
Sincerely yours,

Barbara Peebles

From: Barbara Peebles
Sent: Thursday, August 11, 2022 1:27 PM
To: Barbara Peebles
Subject: Agenda - NSTV - resolution Meeting Aug 15th

Jake would like motion to approve. If negotiation for increase works, then Plandome giving up 1% (~\$200).
Stand with other member villages.

- > Great Neck Estates: YES/ Randy Chaplin
- > Great Plaza: YES/ Ted Rosen
- > Kensington: YES/ Robert Melnick
- > Lake Success: YES/ Marian Lee
- > Russell Gardens: YES/ Ken Levine
- > Plandome Manor: YES Mayor Barbara Donno
- > Munsey Park: YES Regina Im
- > North Hills: YES / Shirley Bruno



Barbara A. Peebles
Village Clerk / Treasurer
Inc. Village of Plandome
65 South Dr. Plandome NY 11030
(516) 627-1748 T (516) 627-8419 F
www.villageofplandome.org

RCB | ROSENBERG CALICA & BIRNEY LLP

100 Garden City Plaza, Suite 408, Garden City, New York 11530 TELEPHONE 516-747-7400

Edward M. Ross

Partner

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MOBILE: (516) 652-2278

Fax: (516) 747-7480

August 9, 2022

VIA EMAIL

Village of Plandome
65 South Drive
Plandome, New York 11030
Attn: Hon. Thomas S. Minutillo, Mayor

Re: Village of Plandome – Letter of Engagement

Dear Mayor Minutillo:

This letter memorializes that the Village of Plandome, by its Board of Trustees (the “Village” or “Client”), has agreed to retain my law firm to represent the Village as Special Counsel in connection with ExteNet’s new application to install a small cell wireless facility node (Proposed Node #41) within the Village and any anticipated litigation relating thereto (the “Engagement”).

The Engagement will be governed by the same terms and conditions set forth in our previous retainer-letter dated November 20, 2019, a copy of which is annexed hereto and incorporated herein by reference, including my firm’s substantially discounted hourly rates of \$350 per hour for Partners (myself and Judah Serfaty, who is now a partner), and \$275 per hour for Associates who may assist from time-to-time.

As discussed, we will endeavor to limit and minimize the amount of attorneys’ fees for this Engagement to the extent practicable and legally advisable. To this end, we anticipate working with the Village Attorney, Bob Morici, and Village staff and officials, to attempt to minimize fees and expenses. In addition, to the extent it becomes advisable to do so, we may assist the Village in connection with the potential engagement of CityScape or another outside wireless consultant.

If the foregoing is acceptable to you and the Village, it is respectfully requested that you (or such other official or representative of the Village who may be required to do so) indicate the Village’s agreement by signing and returning a copy of this letter. In addition, to the extent that a formal Board resolution is required to retain my law firm for purposes of this Engagement, then

please let me know so that can be accomplished expeditiously. I am also copying Village Attorney Bob Morici and Village Clerk/Treasurer Barbara Peebles.

I look forward to continue working with you, the Village and the Village Attorney.

Very truly yours,

ROSENBERG CALICA & BIRNEY LLP



Edward M. Ross

EMR:ds

cc: Robert Morici, Esq. (via email)
Barbara Peebles, Village Clerk/Treasurer (via email)
Judah Serfaty, Esq. (via email)

AGREED TO AND ACKNOWLEDGED
this __ day of August, 2022

VILLAGE OF PLANDOME

By: 
Thomas S. Minutillo, Mayor

Resolution
R08-2022-F

