

# Suffolk County Village Officials Association QUARTERLY JOURNAL APRIL 2022



## MESSAGE FROM THE PRESIDENT

**Mayor Raymond Fell**  
**Village of Bellport**

It is hard for me to believe that my two-year term as president of the Suffolk County Village Officials Association is coming to an end. We started meeting in person and then due to the pandemic, went to Zoom meetings, and now we are back to in-person meetings. I know that all of our villages went through a very similar schedule and it was difficult, but we all managed to conduct village business and deal with the new normal.



The SCVOA Executive Board agreed to expand the board and we reached out to Mayor Michael Lavorata of Lindenhurst, Mayor John Valdini of Brightwaters and Mayor Jesse Warren of Southampton. We are very excited to have them join our team and we look forward to their participation. My thanks and appreciation to Paul Tonna and Debby Young for their support to our Executive Board during my time as the SCVOA president.

In my life, whenever I was the president of an organization, friends would always tell me that the most important thing when taking on a leadership role, is to be sure that you have a very strong and responsible vice president ready to assume the duties as president when your term is over. Well, I am thrilled that Jean Thatcher, Mayor of Lloyd Harbor will become the 49<sup>th</sup> President of SCVOA. She is definitely motivated, strong and dedicated to the mission of SCVOA and to improving village government. My best wishes to Mayor Thatcher. I am confident that SCVOA is in very good hands.

Best wishes,

A handwritten signature in cursive script that reads "Raymond Fell". The signature is written in black ink on a white background.

## MEET VILLAGE OF BRIGHTWATERS MAYOR JOHN VALDINI

Mayor John Valdini, his wife Colleen and two children, Patrick and Mary Kate, moved to Brightwaters 30 years ago. Within two months of moving into the village, he became involved with the Park's Committee and started attending village board meetings. After many years of volunteering as a coach, serving on committees at the Great South Bay YMCA and serving as president

of the High School Parent's Athletic Sponsors, he was elected as a village trustee and then mayor four years ago. His background in the construction and restaurant businesses, along with the many years of professional experience in organizing, scheduling, budgeting and customer service, have been the guiding factors in preparing him for his role as mayor.



From the first day as mayor, a major goal of his was to inform and communicate with the residents as much as possible about their village to maintain the upmost transparency. This has kept the office staff very busy with sending out emails, updating social media outlets and maintaining the village website, in addition to composing informational mailers. Mayor Valdini believes residents should not only know about community events but also the workings of the village. The Village of Brightwaters continues to go above and beyond by live streaming their monthly meetings on Facebook. This gives all the residents the opportunity to be involved if they can't be physically present. As the mayor of a small village, Mayor Valdini highly supports holding a wide variety of community events in an effort to bring business to the storefronts as well as getting the community together. By bringing new and longtime residents together at existing and new events such as the Village Block Party in the downtown area and the Summer Cocktail Party at the Head of the Canal, a sense of "village" is created that everyone wants while enjoying the beautiful amenities Brightwaters has to offer.

Through the mayor's experience in construction, the village has been able to run projects in-house, resulting in tremendous savings on contractor fees. During his first year as mayor, the village community cabin located in Wohseepee Park was fully restored. The cabin was originally built in 1929 by the Boy Scouts and was in desperate need of repair. Through monetary donations and material and labor donations, the village was able to complete the project at no cost to the residents. Other completed projects, to name a few, have included restoring the village's historic bridges, downtown sidewalks, 1500 feet of bulkheading and installing a veterans' walkway. Current projects include the renovation of the 75-year-old Walker Beach bathrooms and bringing them up to ADA compliant standards as well as the renovation of the iconic gazebos at the top of the canal in Ackerson Plaza.

The mayor is also very proud of the work the village board and staff have accomplished in the handling of the Covid-19 pandemic in the community and workplace. Instead of canceling everything, the village decided to adjust and create new ways that residents could enjoy their village and community during those troubling times.

The mayor is fiscally responsible and focuses on the little details as he feels they make all the difference in the quality of village life. Fixing simple things like dirty signs and unkempt areas, and providing new flags in the village square and flowers in the flower boxes are always on Mayor Valdini's radar for improvement. The mayor sees himself as a "working mayor" who still volunteers at events and is frequently the first to arrive and one of the last few to leave.

## **COUNSEL'S CORNER: WHEN DOES A PRIVATE ROADWAY BECOME A PUBLIC ROADWAY?**

**Hon. Peter A. Bee, Esq.**

**Rhoda Andors, Esq.**

**Bee Ready Fishbein Hatter & Donovan**

A village may not maintain private streets, but, where they "appear" open to the public, may be sued when poor maintenance causes accidents. The village may acquire private streets through dedication or eminent domain and, once acquired, expend public resources to maintain the streets. A village may also require that privately owned streets be maintained by their owners in accordance with established standards.



With that said, the dangerous nature of a private roadway (e.g., failure to maintain, potholes, drainage, topography, etc.) that is available for public use may justify a village fixing the dangerous condition and charging the cost back to the owner.

Some village codes provide for notice to the owner of a dangerous private road condition, and expressly allow repair by the village after some stated period of time within which the owner could repair. Such code provisions routinely provide for the expense to be charged back to the owner.

Under certain conditions, a village might claim it has a “prescriptive easement” for use of an otherwise private roadway, but one of the elements is “hostile use” (i.e., use without the permission of the owner, similar to “adverse possession”). Another option might be an express maintenance agreement under which the owner “licenses” the roadway to the village in exchange for transferring responsibility for maintenance to the village. Also, NYS village law has a provision (similar to one in the state highway law) for a private roadway in a village to “become public” after 10 years of public use and 10 years of dominion and control and continuous maintenance by a village.

In short, a village in which a privately owned roadway is made available to the public by the owner but is poorly maintained, may become such a hazard that it is in the interests of the village to repair it. However, because public funds can’t be used to the benefit of a private owner, the village may be compelled to seek creative methods to repair the roadway “in the interest of the public,” and easements, condemnation, license agreements and/or “10 years of control” may be options worth exploring.

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**FOCUS ON:  
SCVOA ASSOCIATE MEMBER  
AMATO LAW GROUP**



Amato Law Group, PLLC was founded in 1995 by Alfred L. Amato and maintains offices in Garden City, Manhattan and northern New Jersey. Our firm has spent its entire 25+ year history focusing on a real estate-based practice offering full-service support to its clients facing a variety of property-based legal issues, including but not limited to, land use, zoning, real estate development, acquisitions/dispositions, environmental law, leasing, landlord and tenant law, construction law, wireless telecommunication law, renewable energy, regulatory compliance, lending and commercial litigation. Our work extends across the villages and towns of Nassau and Suffolk Counties, as well as the five boroughs of New York City, and Westchester County. We work with Fortune 100 companies, local private developers as well as public agencies to assist them with all of their development needs.

In its long-standing relationship with the wireless telecommunications industry, which dates back to both the firm’s and the modern industry’s inception, our firm has been working with member municipalities, along with its neighboring localities across Long Island, to aid in the deployment of and continuing improvements to Long Island’s communications infrastructure. We have facilitated numerous installations on behalf of municipalities on publicly-owned parcels to generate revenue for public purposes. Further, our firm also aided in the construction of several communications facilities for first responder organizations to allow for reliable lines of communication in case of emergency. In connection with our work with alternative energy innovators, we are assisting with the deployment of the next generation of clean energy sources for Long Island, including fuel cell technology, as well as offshore wind energy which will power numerous Long Island homes. We also assist other development sectors in creating new jobs through construction and the opening of new business concerns, including but not limited to, hospital and outpatient facilities, convenience stores, wholesale clubs, fast-food restaurants and retail chain stores, which help to support the local tax base and to return previously underused and/or vacant properties to productive use. Finally, in our connections with residential developers, we aid in the production of new housing units to attract and retain young residents and workers on Long Island, in addition to aiding the aging population in need of assisted-living facilities.

The firm’s attorneys participate in numerous local organizations. The firm has been an associate member of SCVOA for six years and looks forward to its continued relationship



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## "HOME RULE": THE CORNERSTONE OF VILLAGE LIFE

One of SCVOA's most important missions is to advocate for local government. The critical importance of local control, or "home rule," for villages and all local municipalities cannot be overstated. Local governance is the cornerstone of village life, enabling elected officials to respond to policy demands in a way that upholds the high quality of life village residents expect. Control over local zoning is really the only reason for incorporation and is one of the main reasons that people move to a given village/town/municipality.

As is too often the case, "home rule" was once again challenged by New York State with Governor Hochul's proposal in the 2022-23 budget that mandated multi-family housing across the state. Although this proposal is not in the budget any longer, the desire to diminish home rule is an ongoing issue that will not go away. If it had been passed, this proposal would have ended suburbia as we know it and would have had an extremely negative impact on virtually all village services including utilities, emergency services, sanitation, traffic, parking, schools, and so on. The attempt to "mandate" in this case, multi-family housing (ADU's), is an outrageous assault on local control and home rule, and hinders the right of a local municipality to govern itself.

Local control provides village officials with the indispensable right to shape policy that responds to the particular needs of a community and prevents the "one size fits all" approach that fails to recognize fundamental distinctions among villages, towns, and cities in New York State, and the environmental implications and adverse impacts upon utilities, emergency services, traffic, parking, sanitation, sewer systems and more.

Whether responding to the 2% tax cap, legalization of cannabis, or the multi-family housing mandate, local governments need the breadth of legal authority necessary to govern appropriately for their individual municipalities. Local control is the heartbeat of town and village governments. Nobody knows the needs of their communities better than local governments, and nobody is better able to respond to the needs and wishes of local residents.

Additionally, local government elevates citizen participation and strives to keep residents informed and engaged in the democratic process. As elected officials closest to their constituents, village mayors empower their residents by giving them a genuine voice on matters that affect their day-to-day lives.

**SCVOA has created two mailers that state our strong position on this critical matter. The flyers have been designed so that you can personalize them and send them from your village to your residents, should you decide to do so.**

[CLICK HERE FOR MAILER #1](#)

[CLICK HERE FOR MAILER #2](#)

You will also be receiving these pieces via email.

As always, please feel free to contact us with questions and comments.

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*With great appreciation to our*

**ASSOCIATE MEMBERS**

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Certified public accounting firm.

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Communications and media company.

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Law firm focusing on land use, zoning, real estate, lending, environment, telecommunications, commercial litigation.

**American Red Cross LI.** Contact: Neela Lockel, neela-lockel@redcross.org.  
Serves more than 2.8 million people on LI, responding to emergencies and disasters across the region.

**Arthur J. Gallagher Risk Management Services.** Contact: Philip C. Westerman, phil\_westerman@ajg.com  
Provides highly specialized public sector risk management and insurance solutions.

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International telecommunications company.

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Real estate investment trust focused on developing apartment communities in high barrier-to-entry markets.

**Axis Construction.** Contact: Ralph Lambert, rlambert@theaxisgroup.com  
Construction management, contracting and modular construction services including pre-design consultation, on-site project management, and post-construction follow-up

**Town of Babylon IDA.** Contact: Matthew McDonough, mmdonough@babylonida.org  
Town of Babylon's central vehicle for economic development.

**BEB Capital.** Contact: Lee Brodsky, lbrodsky@bebcapital.com  
Real estate investment firm featuring established and emerging markets throughout the East Coast.

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Law firm focused on representing local government entities.

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Insurance, human resource and financial services.

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Law firm focusing on all phases of commercial real estate and municipal law.

**Cameron Engineering.** Contact: John Cameron, jcameron@cameronengineering.com  
A full service consulting engineering and planning firm founded in 1985.

**Community Development Corp of LI.** Contact: Gwen O'Shea, goshea@cdcli.org.  
Regional non-profit organization formed to help create affordable housing opportunities.

**Comp Alliance.** Contact: John Triessl, jtriessl@wrightinsurance.com  
Provides comprehensive workers' compensation coverage and services to New York's municipalities and schools.

**Corporate Synergies Group.** Contact: Bryan McManaway, Bryan.McManaway@corpsyn.com  
A national employee benefits brokerage and health & welfare consultancy.

**Cullen & Danowski, LLP.** Contact: Christopher Reino, CPA, CITP@cdllp.net  
Full-service accounting firm specializing in accounting and auditing services for local and government entities.

**Law Offices of Mark Cuthbertson.** Contact: Mark Cuthbertson, Esq, mcuthbertson@cuthbertsonlaw.com  
Represents municipalities, community development agencies, and zoning applicants in all phases of land use development.

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Damianos Realty Group is a commercial real estate company.

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Municipal law firm focusing on zoning, real estate, and land use.

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NYS bank providing wide range of banking and investment services.

**Fundamental Business Service, Inc.** Contact: Dennis Farrell, dfarrell@fbsnet.com  
Provides data management and business solutions for local municipalities.

**GEI Consultants, Inc., PC.**  
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Provides geotechnical, environmental, coastal resources, and ecological consulting and engineering services.

**H2M Architects & Engineers.** Contact: Joyce Cuggino, jcuggino@H2M.com  
Architectural, engineering, and environmental consulting firm.

**Haugland Group.** Contact: Billy Haugland, billyh@hauglandllc.com  
Construction firm with affiliates and subsidiaries that provide civil infrastructure, energy, and storm restoration services.

**Hawkins Delafield & Wood, LLP.** Contact: Robert P. Smith, rsmith@hawkins.com  
Law firm focusing on public finance and public projects.

**Heatherwood Communities.** Contact: Chris Capece, ccpaace@heatherwood.com  
Rental developer offering luxury apartments in Nassau, Suffolk, Long Island City and Brooklyn.

**Humes & Wagner, LLP.** Contact: Chris Wagner, [chriswagner@humeswagner.com](mailto:chriswagner@humeswagner.com)  
Law firm representing individuals, not-for-profit organizations, businesses, and numerous villages on Long Island, both as general and special counsel.

**Hunter EMS.** Contact: Joseph Cutrone, [joseph.cutrone@gmr.net](mailto:joseph.cutrone@gmr.net)  
Provides a full range of medical transportation services from the most advanced high-risk critical care emergency transports to non-emergency services.

**Island Pump & Tank.** Contact: Joe Diandrea, [JoeD@islandpumpanktank.com](mailto:JoeD@islandpumpanktank.com)  
Provides comprehensive environmental and petroleum services to a variety of industries.

**Heatherwood Communities.** Contact: Terese Cirone, [tcirone@heatherwood.com](mailto:tcirone@heatherwood.com)  
Developer of upscale residential rental communities, commercial property and luxury urban spaces.

**Hotel Indigo East End.** Contact: Rob Salvatico, [rsalvatico@jaralproperties.com](mailto:rsalvatico@jaralproperties.com)  
Family-owned and operated hotel, restaurant and lounge.

**J. R. Holzmacher PE, LLC.** Contact: J. Robert Holzmacher, [bob@holzmacher.com](mailto:bob@holzmacher.com)  
Engineering firm servicing industry, government, municipalities, law firms, and other consulting firms.

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Full range of systems and solutions to make buildings more sustainable.

**Lamb & Barnosky, LLP.** Contact: Eugene Barnosky, [erb@lambbarnosky.com](mailto:erb@lambbarnosky.com)  
Full-service law firm.

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Civil land use consulting firm servicing national chain developers.

**Local 342 LI Public Service Employees.** Contact: William Hennessey, [local342@optonline.net](mailto:local342@optonline.net)  
Organization that works to improve contracts, wages, working conditions and overall quality of life for every member of LIPSE.

**Long Island Builders Institute.** Contact: Mitch Pally, [mitch@libi.org](mailto:mitch@libi.org)  
Building industry trade association of Nassau-Suffolk builders, developers, and remodelers.

**Long Island Contractors' Association (LICA).** Contact: Marc Herbst, [info@licanys.org](mailto:info@licanys.org)  
LICA represents LI's heavy construction contractors, subcontractors, suppliers and industry supporters.

**Long Island Housing Partnership, Inc.** Contact: Peter J. Elkowitz, Jr., [pelkowitz@lih.org](mailto:pelkowitz@lih.org)  
Provides housing for low-income residents.

**Marcum LLP.** Contact: Jeffrey M. Weiner, [Jeffrey.Weiner@marcumllp.com](mailto:Jeffrey.Weiner@marcumllp.com)  
Accounting and financial advisory firm.

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Serves as financial advisor to local governments, school districts, and other tax-exempt organizations specializing in debt management and securities offerings.

**Nassau County Village Officials Association (NCVOA).** Contact: Ralph J. Kreitzman, [exec@ncvoa.org](mailto:exec@ncvoa.org)  
Not-for-profit organization representing all of Nassau County's 64 villages.

**Nelson & Pope.** Contact: Eric J. McFerran, [emcferran@nelsonpope.com](mailto:emcferran@nelsonpope.com)  
Full-service engineering, architecture and surveying firm.

**Pacaso.** Contact: Sarah Filosa, [sfilosa@pacaso.com](mailto:sfilosa@pacaso.com)  
Pacaso is the modern way to buy and own a luxury second home. Its fully managed LLC co-ownership model gives buyers the flexibility to purchase the amount of ownership that meets their needs — for a fraction of the cost of a whole home.

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Specializes in village law and represents villages as village attorney and counsel.

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Industry-leading electric company providing service on LI and The Rockaways.

**Public Employer Risk Management Association (PERMA).** Contact: Leah Demo, [ldemo@neami.com](mailto:ldemo@neami.com)  
Largest self-insurance pool for public entities in New York State.

**Strategic Planning Systems Inc.** Contact: Michael Dawidziak, [miked@strategic-planning.com](mailto:miked@strategic-planning.com)  
Specializes in all aspects of direct voter contact and public opinion services.

**Suffolk County Industrial Development Agency (IDA).** Contact: Kelly Morris  
Promotes economic development within Suffolk County.

**Suffolk Transportation Service, Inc.** Contact: Tom McAteer, [tmcateer@suffolkbus.com](mailto:tmcateer@suffolkbus.com)  
Provides school bus and public transportation services.

**Tate Grossman Kelly & Iaccarino, LLP.** Contact: Riccardo Iaccarino, [riaccarino@bislawfirm.com](mailto:riaccarino@bislawfirm.com)  
Law firm focusing on a broad range of practice areas.

**Total Technology Solutions.** Contact: Lisa Guerin, [lguerin@total.us.com](mailto:lguerin@total.us.com)  
Full-service IT and cyber security solutions provider.

**Tritec Building Company.** Contact: Robert Loscalzo, [robl@tritecre.com](mailto:robl@tritecre.com).

Provides construction services as general contractor, construction manager, or design builder.

**U.S. Green Building Council-LI Chapter (USGBC-LI).** Contact: Daniel Busi, [dbusi@usgbc-li.org](mailto:dbusi@usgbc-li.org)  
Encourages and facilitates sustainable building practices on Long Island.

**VHB.** Contact: Kevin Walsh, [kevinwalsh@vhb.com](mailto:kevinwalsh@vhb.com)  
Provides planning, transportation, land development and environmental services along the east coast.

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## **SCVOA EXECUTIVE BOARD**

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Bee Ready Fishbein Hatter & Donovan  
Former Mayor, Village of Garden City

***SCVOA's mission is to inform, support, and advocate on behalf of the 32 villages of Suffolk County. The Executive Board of SCVOA works tirelessly in its commitment to create a strong, effective, cohesive organization that promotes an exchange of ideas and strategies that enable village government to faithfully serve the more than 125,000 Suffolk County village residents.***

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