

Suffolk County Village Officials Association

QUARTERLY JOURNAL

January 2020



MESSAGE FROM THE PRESIDENT

Mayor Richard B. Smith
Village of Nissequogue



As we begin a new year, as well as a new decade, SCVOA will continue to provide villages with a forum for constructive dialogue on issues that are important to village residents. As always, we are ever mindful of our primary mission to promote village life and protect the right of "home rule" as we work to govern in the best interests of our constituents. With the support of our dedicated executive board, SCVOA has taken strong positions on issues we believe are critical to preserving all that we value about village life.

Governing on a local level comes with both challenges and opportunities, and SCVOA is committed to providing support and leadership as we face challenges and take advantage of opportunities that will help villages continue to thrive. We are here to listen to your concerns and provide a strong voice and effective platform to advocate for you and communicate your needs.

We were very pleased to see so many of you at our meetings and events over the past year. Our fall municipal training sessions covered a wide range of topics presented by an outstanding group of our associate members. The sessions included a panel discussion on downtown retail revitalization, which prompted a lively dialogue and an informative Q&A that provided valuable information for our village officials. Our holiday party, once again, was a great success, with a record number of attendees joining in the celebration. We were honored to have the new president of NYCOM, Village of Freeport Mayor Robert Kennedy, as our Keynote Speaker. Mayor Kennedy focused on the new criminal procedures legislation, which was of great interest to our attendees.

On behalf of the SCVOA Executive Board, I would like to thank all of the mayors, village officials and associate members who actively participate in SCVOA, and invite feedback and suggestions for maintaining a strong, cohesive and effective organization.

Let us know what you're thinking! We hope to see you all at the next SCVOA event.

Best wishes,

A handwritten signature in cursive script that reads "Richard B. Smith". The signature is written in dark ink and is positioned below the typed name.

OF VILLAGE PROPERTY
Rebecca Ruscito
NYCOM Counsel



Procuring goods and services in villages is subject to a rigorous and competitive process as provided by General Municipal Law (GML) §§ 103 and 104-b. But there is limited statutory guidance informing the process by which village property is sold. Moreover, in the absence of a controlling statutory provision dictating how municipal property is sold the governing body has substantial discretion on how to dispose of the property. This article will discuss the procedure through which villages may divest surplus real estate and personal property belonging to the village.

Pursuant to Village Law § 1-102(1), villages may buy and sell real and personal property as required by municipal need. However, three prerequisites for the sale of municipal property must exist: (1) the municipal corporation must possess fee ownership of the property, (2) the property must be declared surplus by the legislative board, and (3) fair and adequate consideration must be obtained.

Fee, or fee simple ownership refers to the type of possession enjoyed by a village that is free from all encumbrances and is usually associated with real estate. In order for any property to be sold, and the proceeds of the sale deposited into the municipality's general fund, ownership of the real or tangible property must be unrestricted. For example, items or land devised to a village by charitable donation may have specific requirements or reversionary provisions as conditions of the gift. Provided that the real or personal property is owned outright by the municipal corporation, the governing body may dispose of it as the board deems appropriate.

After determining that the property is owned without any impediments it must be declared surplus by the village board. A village cannot identify property as unneeded for the sole purpose of selling the possession for profit. Nor may a village declare a particular item as surplus with the intent of replacing the possession with something that is substantially similar. Instead, the property must be truly superfluous to or unusable by the municipality. A resolution adopted by the board pronouncing the property surplus is generally a sufficient declaration of the municipality's intent.

Once the property has been properly declared surplus, the village may dispose of the asset, in any manner it deems proper, provided that fair and adequate consideration is obtained for the sale. Conveying any property to private individuals for a nominal consideration or for less than the highest possible price would result in an unconstitutional gift. Fair and adequate consideration has been interpreted to mean reasonable fair market value or the best possible price. Therefore, any reasonable method to obtain fair value is appropriate provided an articulable method of valuation accompanies the sale. Reasonable methods of dispossession include: public auctions, private negotiated sales, and requests for proposals.

While auctions adequately noticed to the public will inherently produce the market price, appraisals must accompany private sales. Appraisals may be conducted internally by requesting quotations or referencing reputable sources (e.g. Kelly Blue Book for the sale of a vehicle), or may be performed by licensed appraiser. Keep in mind that selecting an appraiser or real estate sales person to conduct a sale would be subject to the city's or village's procurement policy, even though the sale may be conducted by any proper means.

A village may impose notice requirements on the sale of the property and may adopt local laws governing the procedure through which municipal property is sold. Once the method of disposition is chosen, however, a municipality may not act arbitrarily in determining the sale. Therefore, if offers are solicited and received by the municipal corporation, it may not unreasonably disregard a proposal that conforms to the process and presents the highest price among all offers.

For more information relating to the sale of municipal property, please contact NYCOM Counsel Rebecca Ruscito at 518-463-1185 or by email at rebecca@nycom.org.

MAYOR KATHLEEN MULCAHY

Kathleen Mulcahy was elected mayor of the village of Sag Harbor in June 2019. Prior to the election she had never held political office or even been very involved with the local government. However, Mulcahy decided to run because she saw the need for collaboration and communication that she felt had been lacking the previous few years. The Village of Sag Harbor itself is only 2 square miles and is split between two townships; Southampton to the west and East Hampton to the east. Like many East End towns Sag Harbor has a relatively small year-round population which more than quadruples during the summer months. One of Mayor Mulcahy's goals is to protect the Sag Harbor of old without harming the businesses and real estate values that a new era of tourism has brought to the community. Walking that tight rope will without doubt be her biggest challenge.



Sag Harbor is often summed up as a charming historic whaling village. But that only scratches the surface of the village's history. In the 1870s Sag Harbor was the second largest port behind Nantucket on the eastern seaboard, larger than New York City. Most whaling ships, including Captain Ahab's Pequod, stopped in Sag Harbor on their way for what was often a two-year voyage to the Pacific in search of whales. After the advent of electricity negated the use of whale oil, Sag Harbor turned to industry. Factories manufacturing bricks, watches and ammunition were built in and around the village and the town continued to bustle. Sag Harbor's most recent renaissance has been fueled by cultural attractions and tourism. There are 16 restaurants within 2/10 of a mile from the center of downtown. There is a live theater that keeps busy all year and the soon-to-be reopened and beautifully renovated Sag Harbor Cinema. The village draws tourists and residents from all the East End towns during both the summer and winter.

Many of these businesses are possible because in the 1960s Sag Harbor's village government had the foresight to put in a sewage treatment plant. The sewers cover all of our main street businesses, many of our hotels and some of the recent condominiums built along the water. Expansion of the sewer district to keep nitrogen and other pathogens from our bay is of key concern to the village board and all its residents. Water quality is the foremost issue as Sag Harbor looks to the future. As with most East End towns we face rising sea levels and compromised aquifers due to the nitrogen and other poisons that we continually pump into our lawns and wells.

Development in the historic village is of key concern to most residents. The real estate values have skyrocketed in recent years in Sag Harbor and unfortunately many people who want to buy on our small, mostly quarter acre lots then want to build houses that would be much more appropriate on an acre or two. Sag Harbor, their zoning board, architectural review board and Harbor committee struggle on a weekly basis to find a balance between the developers' rights, the private citizens' right to sell for the most money, and the right build a house that the owners are happy with yet compliments the scale and character of our historic village.

Kathleen spent the majority of her career as a marketing executive In New York and Westchester, working with companies like Pepsi-Cola, Frito Lay, Verizon and American Express. A lifelong summer/weekend resident of the East End, she moved her family here full time in 2001 and continued to commute to NYC for 10+ years. When she did move out full time, she worked for Guild Hall, a Cultural Center in East Hampton, and later got her real estate license. Both of Kathleen's children thrived in the Sag Harbor school system and today live in Brooklyn and Chicago, but still come to Sag Harbor regularly.

COUNSEL'S CORNER: HAS YOUR BUILDING DEPARTMENT DISCOVERED ITS NEW DISCOVERY OBLIGATIONS?

**Hon. Peter A. Bee, Esq.
Bee Ready Fishbein Hatter & Donovan**

Many village building departments are still unaware that on

January 1, 2020, new state laws became effective that affect how building code violations must be prosecuted. Specifically, the new laws have altered the manner in which appearance tickets are to be prosecuted and “discovery” (the obligation to give prosecutorial material to the defense) is to be conducted.



Since a violation of a zoning ordinance is considered an “offense” under law, and is deemed to be a misdemeanor for various procedural purposes, the prosecution henceforth has only up to 15 days to complete its initial discovery obligations (although a 30-day extension can be allowed if the discoverable materials are exceptionally voluminous or for other limited reasons). There is a list of specific items that a prosecution must now disclose to the defense (photos, statements, evidence to be used at trial, etc.) within strict time limits, or potentially risk the outcome of the case. It is anticipated that the new laws have created procedural pitfalls, and will encourage defendants to use technical mistakes by building departments and prosecuting attorneys to avoid or delay zoning prosecutions.

Check with your village attorneys and/or SCVOA counsel for particulars.

FOCUS ON: SCVOA ASSOCIATE MEMBER PERMA

Founded in 1982, Public Employer Risk Management Association (PERMA) is the largest and most successful self-insurance workers’ compensation pool for municipalities in New York State, and one of the largest in the country. A not-for-profit association, PERMA is governed by a board of directors comprised of government officials across the pool’s 550 plus members.



PERMA’s focus is not just on providing workers’ compensation coverage, but on the importance of risk management and the opportunity to build strong safety cultures across their membership. PERMA’s robust risk management program includes risk analysis through data analytics, police, fire, school, and public works focused training, regulatory compliance guidance and a wealth of online seminars – all included with membership.

In addition to in-house risk management, PERMA’s entire claims team operates from their office in Latham New York. PERMA understands the value of personalized claims management and therefore strives to make sure each claims adjuster carries a much lower than average caseload. This way, a claimant can rest assured that they speak to the same person every time they call throughout the life of their claim. In order to make sure the claims department is functioning to the highest of standards, PERMA employs an outside company to conduct an audit every 3 years. The past 3 audits resulted in superior ranking as compared to similar services across the state.

There is a reason PERMA’s motto is “Committed to your Community.” PERMA understands the needs of New York state municipalities and works every day to provide the most comprehensive service possible. Right now, PERMA covers 42 individual public entities in Suffolk County, 12 of which are villages, and more than half of which have been members for over 20 years.

PERMA has been an associate member of SCVOA for 3 years and PERMA’s sales team, Leah Demo and Tony Cassaro, actively participate in year-round SCVOA events. The partnership between PERMA and SCVOA has been a great opportunity to better support all the villages of Suffolk County through sponsorships, donations and shared services.

Photo: PERMA sales team Leah Demo and Tony Cassaro.

CONGRATULATIONS!
SOUTHAMPTON MAYOR
JESSE WARREN
IS A
LI BUSINESS NEWS
"40 UNDER 40"
AWARD RECIPIENT

Best Wishes from SCVOA!



SCVOA'S HOLIDAY CELEBRATION
was a great success!

Many thanks to all of our attendees.

A special thank you to Keynote Speaker Hon. Robert Kennedy.

Wishing you and your families a wonderful 2020!



Keynote Speaker Robert Kennedy (far left), Mayor of the Village of Freeport and the new NYCOM President, with SCVOA President and Village of Nissequogue Mayor Richard Smith (center) and SCVOA Executive Director Paul J. Tonna (far right).



Pictured from left to right are Village of Lake Grove attendees Mayor Robert Scottaline, Deputy Treasurer Kara Haufler, Village Clerk Carmela Constant and Treasurer/Receiver of Taxes James Loeffler.



Smiling for the camera are from left to right: Patchogue Mayor Paul Pontieri, Associate Member Joe Sawicki from AVZ, and Lindenhurst Mayor Michael Lavorata.



NYCOM President and Village of Freeport Mayor Robert Kennedy addressing the group



Taking in the festivities from the Village of Islandia are (from left to right): Trustee Patricia Peters, Gerald Peters, and Mayor Allan Dorman



Enjoying the evening with friends and colleagues are Village of Amityville officials (from left to right): Mayor Dennis Siry, Clerk/Treasurer Catherine Murdock, Trustee Tom Whalen, Deputy Mayor Kevin Smith, Trustee Mike O'Neill and Deputy Treasurer Tiffany Ladd.



From the Village of Lloyd Harbor (pictured left to right): Chief Thomas Krumpter, Secretary Gabrielle Bove, Village Clerk Jill Cervini, and Deputy Clerk Patricia Angelone.



Village of Babylon attendees Trustee Mary Adams, Trustee Anthony Davida, Mayor Ralph Scordino, Deputy Mayor Kevin Muldowney, and Trustee Robyn Silvestri.



Celebrating with friends and colleagues are, from left to right, Village of Ocean Beach Clerk/Treasurer Steve Brautigam; Village of Ocean Beach Mayor James Mallott; Associate Member Phil Westerman, Arthur J. Gallagher Risk Management; Associate Member John Triessl, NYS Municipal Workers Compensation Alliance (The Comp Alliance).

DON'T MISS THESE SCVOA EVENTS!

Legislative Dinner
April 9, 2020
Hotel Indigo East End
1830 West Main Street
Riverhead, NY 11901
6PM - 9PM

SCVOA EXECUTIVE BOARD

President
Hon. Richard B. Smith
Mayor, Village of Nissequogue

1st Vice President
Hon. Raymond Fell
Mayor, Village of Bellport

Municipal Training, Spring

May 14, 2020

Atlantis Banquets/ Hyatt Place
431 East Main Street
Riverhead, NY 11901
5:30 PM - 9:30 PM

Maidstone Golf Outing

May 21, 2020

Maidstone Golf Club
29 Maidstone Lane
East Hampton, NY 11937

Summer Get-Together & Golf Outing

August 2020 (Date TBD)

Bellport County Club
40 South Country Road
Bellport, NY 11713

Municipal Training, Fall

October 15, 2020

Hilton LI Huntington
598 Broadhollow Road
Melville, NY 11747
5:30 PM - 9:30 PM

2nd Vice President

Hon. Jean M. Thatcher
Mayor, Lloyd Harbor

3rd Vice President

Hon. Robert J. Scottaline
Mayor, Village of Lake Grove

Treasurer

Hon. Dennis Siry
Mayor, Village of Amityville

Secretary

Hon. Kathleen Mulcahy
Mayor, Village of Sag Harbor

Immediate Past President

Hon. Allan M. Dorman
Mayor, Village of Islandia

Past President

Hon. Ralph A. Scordino
Mayor, Village of Babylon

Past President

Hon. Paul V. Pontieri
Mayor, Village of Patchogue

Executive Director

Hon. Paul J. Tonna
Former Suffolk County Presiding Officer

Counsel

Peter A. Bee, Esq.
Bee Ready Fishbein Hatter & Donovan
Former Mayor, Village of Garden City

With great appreciation to our

SCVOA ASSOCIATE MEMBERS

7-Eleven. Contact: Sean O'Neill, Sean.o'neill@7-11.com
Convenience store business.

R.S. Abrams & Co. Contact: Marianne Van Duyne, mvanduyne@rsabrams.com
Accounting and consulting firm primarily serving school districts, not-for-profit groups, and state & local governments.

Albrecht, Viggiano, Zureck & Company (AVZ). Contact: Jeff Davoli, jdavoli@avz.com
Certified public accounting firm.

Altice USA. Contact: Frank Alleva, Francis.alleva@alticeusa.com
Communications and media company.

Amato Law Group. Contact: Andrea Rothamel, arothamel@amatofirm.com
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.

AT&T. Contact: Brandon V. Ray, brandon.ray.1@att.com
International telecommunications company.

AvalonBay Communities Inc. Contact: Michael Adamo, michael_adamo@avalonbay.com
Real estate investment trust focused on developing apartment communities in high barrier-to-entry markets.

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

Bee Ready Fishbein Hatter & Donovan. Contact: Peter Bee, Esq, pbee@beereadylaw.com
Law firm focused on representing local government entities.

Brown & Altman, LLP. Contact: Keith P. Brown, Esq, brown@brownaltman.com
Law firm focusing on all phases of real estate and development.

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 Triessel, jtriessel@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.

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.

Damianos Realty Group, LLC. Contact: Cristofer Damianos, cdamianos@drgrealty.com
Damianos Realty Group is a commercial real estate company.

Delaware North. Contact: Chuck Kilroy, ckilroy@delawarenorth.com
Privately-held hospitality and food service company.

Discovery Land Company. Contact: Mark Hissey, mail@discoverylandco.com
Private resort community development company.

Empire BlueCross BlueShield. Contact: Dominick Pellegrino, dominick.pellegrino@empireblue.com
Largest health insurer in New York State.

Empire National Bank. Contact: Michael Locorriere, mlocorriere@empirenb.com
Long Island-based independent bank.

Farrell Fritz. Contact: Anthony Guardino, Esq, aguardino@farrellfritz.com
Municipal law firm focusing on zoning, real estate, and land use.

Flushing Bank. Contact: Isabella Miller, imiller@flushingbank.com
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.
Contacts: Errol S. Kitt, ekitt@geiconsultants.com & Gary A. Rozmus, grozmus@geiconsultants.com
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.

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

Riccardo Iaccarino, Esq. Contact: Riccardo Iaccarino, riaccarino@bislawfirm
Law firm focusing on a broad range of practice areas.

Island Pump & Tank. Contact: Joe Diandrea, JoeD@islandpumpandtank.com
Provides comprehensive environmental and petroleum services to a variety of industries.

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

Hotel Indigo East End. Contact: Rob Salvatico, rsalvatico@jaralproperties.com

Family-owned and operated hotel, restaurant and lounge.

Kaufman Dolowich & Voluck LLP . Contact: Erik Ortmann, eotmann@kdvlaw.com.
Law firm known for numerous practice areas and commitment to community service.

Lamb & Barnosky, LLP. Contact: Eugene Barnosky, erb@lambbarnosky.com
Full-service law firm.

The Lauro Group. Contact: Robert A. Lauro, rlauro@thelaurogroup.com
Civil land use consulting firm servicing national chain developers.

Long Island Contractors' Association (LICA). Contact: Marc Herbst, 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
Provides housing for low-income residents.

Marcum LLP. Contact: Jeffrey M. Weiner, Jeffrey.Weiner@marcumllp.com
Accounting and financial advisory firm.

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

New York Cooperative Liquid Assets Securities System (NYCLASS)
Contact: Shawn Cullinane, shawn.cullinane@newyorkclass.org
Short-term, highly liquid investment fund designed specifically for the public sector.

Joseph W. Prokop, PLLC. Contact: Joseph W. Prokop, Esq, jwprokopesq@aol.com.
Specializes in village law and represents villages as village attorney and counsel.

PSEG Long Island

Contacts: Karyn Kemp-Smith, Karyn.kemp-smith@pseg.com & Vincent Frigeria, Vincent.frigeria@pseg.com
Industry-leading electric company providing service on LI and The Rockaways.

Public Employer Risk Management Association (PERMA). Contact: Leah Demo, 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
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
Provides school bus and public transportation services.

Total Technology Solutions. Contact: Lisa Guerin, lguerin@total.us.com
Full-service IT solutions provider.

Tritec Building Company. Contact: Robert Loscalzo, 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
Encourages and facilitates sustainable building practices on Long Island.

VHB. Contact: Kevin Walsh, kevinwalsh@vhb.com
Provides planning, transportation, land development and environmental services along the east coast.

Vision Risk Management Services. Contact: Al Levy, alevy@vrmanagement services.com
Provides innovative solutions to claims management.

Weblines Designs. Contact: Neil Levin, neil@weblinedesigns.com
Full-service web design and online marketing agency.

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.*