Minutes - Board Meeting 06/20/2012

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 20, 2012 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Mayor Scott P. Strauss Trustee Lawrence A. Werther Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham
ALSO PRESENT:	Village Attorney John M. Spellman Village Clerk Joseph R. Scalero Deputy Village Clerk Cora T. Kelly Village Treasurer Giacomo A. Ciccone
Press Observer:	Rich Forestano, *Mineola American* Rich Tedesco, *Williston Times* Geoffrey Walter, *Patch .com*
Sunshine Observers:	17 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:45 PM

Resolution No. 165--12

Resolved to approve bills and payroll.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Mayor Scott P. Strauss introduced Kevin Willis of the US Environmental Protection Agency, who gave a brief presentation regarding environmental testing to be done in Mineola as a precautionary measure related to an EPA site in a neighboring community.

Resolution No. 166-12

Resolved to approve sample ground testing throughout the village as a precautionary effort to see if any areas contain contamination primarily Trichloroethylene (TCE).

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 167-12

Resolved to approve a request by the Mineola Golden Age Club for the use of the Community Center auditorium on Thursdays from September 6, 2012 – June 20, 2013 from 10:00 AM – 3:00 PM, a general purpose room for line dancing instruction and an exercise program on Mondays from 11:00 AM – 2:30 PM, and a general purpose room for Arts and Crafts on Mondays from 10:00 AM – 1:00 PM.

Motioned by Trustee George R. Durham
Seconded by Trustee Lawrence A. Werther

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 168-12

Resolved to approve a date change request by the Mineola Chamber of Commerce to conduct the Mineola Street Fair on Sunday September 30, 2012 (Raindate: Sunday October 14, 2012).

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 169-12

Resolved to approve a request by Mineola Youth and Family Services for the use of the Community Center auditorium and a general purpose room for its after school program on Mondays and Fridays beginning September 10, 2012 through June 21, 2013 from 3:00 PM – 6:00 PM.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 170-12

Resolved to approve the membership of the following candidates as recommended by the Mineola Fire Department:

Thomas R. Behan	Company #2
Kevyn Bustamonte	Company #3
Christopher DeStefano	Company #2

Michael J. Fernandes	Company #1
Michael McCabe	Company #2
Justin Sandler	Company #2

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No 171-12

Resolved to approve a request by the Mineola Chamber of Commerce to use the Community Center auditorium for Street Fair performance auditions on Thursday, July 12, 2012 and Friday, July 13, 2012 from 6:00 PM – 10:00 PM.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul A. Pereira

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 172-12

Resolved to approve a request for a $1.00 per hour stipend for Certified Pool Operators, Michael Palumbo and Sean McCrave, effective June 1, 2012 through September 15, 2012.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham
Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 173-12

Resolved to approve the hiring of additional seven seasonal employees, off of the previously approved waiting list, to fill vacancies in summer camp, pool, and water department staffing.

Motioned by Trustee George R. Durham
Seconded by Trustee Paul A. Pereira

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 174-12

Resolved to authorize the Mayor to any execute necessary contracts with regard to a temporary mobile kitchen for use as a concession stand at Wilson Park.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee George R. Durham

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 175-12

Resolved to authorize the extension of last year's Wilson Park Refreshment Concession Stand contract to DJ Refreshments, Inc. on an emergency basis.

Motioned by Trustee George R. Durham
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 176-12

Resolved to authorize the Village Clerk to attend the Cornell Municipal Clerks Institute at Cornell University in Ithaca, New York July 8-12.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 177-12

Resolved to approve a transfer of funds in fiscal year 2011/2012 from Capital Projects Fund to General Fund in the amount of $6,008.31 in reference to Bond Anticipation Notes 2007 Series C.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 178-12

Resolved to approve a transfer of funds in fiscal year 2011/2012 from Capital Projects Fund to Water Fund in the amount of $2,702.63 in reference to Bond Anticipation Notes 2007 Series C.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 179-12

Resolved to adopt, effective immediately, the following Purchasing and Procurement Policy:

INTRODUCTION
AND OVERVIEW
OF THE PURCHASING
AND
PROCUREMENT POLICY
IN
THE INCORPORATED VILLAGE OF MINEOLA

Section 104-b of the General Municipal Law, effective January 1, 1992, requires all municipalities and districts therein to adopt procurement policies for goods and services which are not required by law to be publicly bid. The procurement policy must be adopted by a resolution of the governing body, in this case the Village Board of Trustees. The Board of Trustees shall solicit comments from the officers of the Village from time to time. Other than the $20,000 and $35,000 bid limits, the monetary amounts contained in the policy are policy decisions and are not mandated amounts contained in state law.

The policy addresses the procedure for purchasing goods and services which do not exceed the bid limits of $20,000 for purchase contracts and $35,000 for public works contracts. This policy will also apply to any exceptions to competitive bidding whether under statutory or common law.

PURCHASING AND PROCUREMENT POLICY
OF
THE INCORPORATED VILLAGE OF MINEOLA

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid; and

WHEREAS, comments have been solicited from all officers in the Incorporated Village of Mineola involved in the procurement process; and

WHEREAS, the Board of Trustees of the Incorporated Village of Mineola wishes to establish and update its procurement policy;

Now therefore, be it **RESOLVED**, that the Incorporated Village of Mineola does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under $20,000 and public works contracts under $35,000; emergency purchases; goods purchased from agencies for the blind and severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotations from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over $20,000 and public works contracts over $35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract	Method
$3,000 - $9,000	2 verbal quotations
$9,001 - $15,000	3 verbal quotations
$15,001 - $20,000	3 written / fax quotations or written request for proposals

Estimated Amount of Public Works Contract	Method
$5,000 - $20,000	2 verbal quotations
$20,001 - $25,000	3 verbal quotations
$25,001 - $35,000	3 written / fax quotations or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required for each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror is not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Incorporated Village of Mineola to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines: (a) whether the services require State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; technical services of an engineer or architect engaged to prepare plans, maps, estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant and other accountants; investment management services; printing services involving extensive writing, editing or art work; management of municipality owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law, due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This Section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at actions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare price of used goods and a lower price may indicate an older product.

d. Goods or services under $3,000 for purchases and $5,000 for public works contracts. The time and documentation required to purchase through this policy may be more costly then the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Inherent in this purchasing and procurement policy, confirming purchase orders should be rare and limited to emergencies.

GUIDELINES AND PROCEDURES FOR IMPLEMENTING THE INCORPORATED VILLAGE OF MINEOLA PURCHASING POLICY AND PROCUREMENT POLICY

SECTION I - AUTHORITY AND SCOPE OF PURCHASING FUNCTION

A. GENERAL

The Village Treasurer pursuant to rules and regulations established herein, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office or department of the Village government. The Village Treasurer shall also have authority and shall be responsible for:

1. The distribution and enforcement of specifications with respect to supplies, materials and equipment required by the Village.

2. General store rooms and warehouses as may be established.

3. The transfer to or between offices or departments of supplies, materials and equipment, and subject to the approval of the Board, the sale of surplus, obsolete or unused supplies, excepting minor items of scrap metal or junk.

B. PURCHASES WITHOUT COMPETITIVE BIDS

1. The Village Treasurer shall place orders without competitive bids for:

   a) Emergency purchases as hereinafter defined.

   b) Routine operating supplies and/or services in normal amounts for all departments.

   c) Items from manufacturers or others in possession of special patterns for materials previously used, where standardization is essential or where it may be considered as a proprietary or sole source item, after determination by the Board of Trustees.

   d) Through State or County Contract.

2. Where formal bidding procedures are not required by law, quotations shall be solicited, written or oral and a tabulation of dates, bids, name of company and name of person contacted shall be attached to purchase order or kept on file in the Operating Department.

The following Table indicates the method and threshold of competition for non-bid procurements as approved at the 6/20/12 meeting and is in accordance with Section 104-b of the Municipal Law.

Purchase Contracts Below 20,000	Method
Under 3,000	0 verbal quotations
3,000 - 9,000	2 verbal quotations
9,001 - 15,000	3 verbal quotations
15,001 - 20,000	3 written / fax quotations or request for proposals

Contracts for Public Work Below 35,000	Method
Under 5,000	0 verbal quotations
5,000 - 20,001	2 verbal quotations
20,001 - 25,000	3 verbal quotations
25,001 - 35,000	3 written / fax quotations or request for proposals

It should be noted that reference to catalogs or price lists can substitute for obtaining verbal or written quotes.

Utilization of prices available under State or County contracts can serve as benchmarks so that if a quoted price is below the State or County contract bid price no further quotes are required.

C. COMPETITIVE BIDS - WHEN REQUIRED

1. All contracts for public work involving an expenditure in excess of the limits set in Section 103 of the General Municipal Law ($20,000 for material, $35,000 for Public Works contracts) shall be entered into only after advertisement for sealed bids, pursuant to the requirement of the aforesaid statute.

2. Competitive bids shall be solicited in all other instances when in the judgment of the Village Clerk and Village Treasurer such bidding would result in an economy to the Village.

D. PURCHASES REQUIRING APPROVAL OF BOARD

The approval of the Board of Trustees shall be obtained before placing orders for the following:

1. Any contractual or license agreement involving personal services or professional consultants.

2. Fixed assets such as trucks, machinery, major equipment, etc.

3. Items not provided for in the budget or which would exceed budgetary appropriations.

4. Items involving a trade-in or abandonment of existing assets where the gross cost of purchased items shall exceed the competitive bid ceiling, as cited in General Municipal Law Section 103.

5. Any materials, supplies and/or services the cost of which exceeds the limits set in General Municipal Law Section 103.

6. Items which would exceed a quantity limit previously imposed by actions of the Board.

SECTION II - PROCEDURAL REGULATIONS

A. REQUISITION FOR MATERIALS, SUPPLIES AND EQUIPMENT

1. Purchase -

The purchase order form informs the Village Treasurer of the needs of the department, it enables him to group purchases of materials, services and commodities in common use by the several departments, and it provides an opportunity for budgetary review to ascertain if funds are available for the item to be purchased. Requisitions should be submitted far enough in advance to avoid creating an "emergency", thus allowing the Purchasing office to secure competitive prices and the best material in time to meet the anticipated need.

2. How to Requisition -

Requisitions are prepared by the Requisitioning Department on a one part Purchase Requisition Form. All purchases are submitted to the Accounting Department. Once approved by the Accounting Department, the purchase of any item or items totaling more than $3,000.00 shall be submitted by the Village Treasurer for his approval prior to processing. The requisition is entered electronically into the A/S 400 system and the Purchase Order's are printed (see Section IV a & b for further elaboration of the "Purchase Order Process"). The white form goes to the vendor, the yellow copy goes to the Requisitioning Department and the pink copy of filed alphabetically in accounting. The requisition shall contain the following:

a) Name and address of department to which articles are to be shipped.

b) Date of requisition.

c) Name of suggested vendor and a confirming statement of comparative prices.

d) Budgetary Account Number.

e) Number and quantity of items needed.

f) Estimated price.

g) Complete description of items to be purchased. Common use items should be described by brand name, supplemented by stock item number, size, style, or other identifying date, plus quantity.

h) Signature and title of department head.

3. Processing Purchase Orders -

Upon receipt of purchase order, the Accounting Department will do the following which is now produced electronically:

a) Ascertain if the account is properly charged.

b) Ascertain if there is sufficient funds in the account. In the event the account lacks sufficient funds, the Department Head will be notified and may:

1. Withdraw the request.

2. File a written request for transfer in budgeted accounts from the Department Head to the Village Treasurer for approval and have transfer approval ratified by the Board of Trustees.

c) Secure best available price, and responsibility for shipping.

d) Prepare Purchase Orders and distribute.

SECTION III - DIRECT PURCHASING BY DEPARTMENTS - CONFIRMING ORDERS

Direct purchasing by departments is not permitted except as outlined under Section III, subdivision B or C.

A. PETTY CASH

The petty cash fund is available for the purchase of postage, payment of delivery charges, for emergency use when cash payment is required and for the purchase of minor items which would normally cost less then $25.00 or an item which cannot be purchased from an authorized open purchase vendor. The petty cash account must be reconciled monthly with receipts.

B. EMERGENCY PURCHASES

Notwithstanding the provisions of Section IC, an emergency purchase may be made by a department to meet a bonafide emergency resulting from the breakdown of plant services, supplies, materials or equipment, which if not obtained might cause substantial harm or result in irreparable damage. For purchases where formal bidding is required by Section 103 of the General Municipal Law, the following definition shall apply "IN THE CASE OF A PUBLIC EMERGENCY ARISING OUT OF AN ACCIDENT OR OTHER UNFORESEEN OCCURRENCE OR CONDITION WHEREBY CIRCUSTMANCES AFFECTING PUBLIC BUILDINGS, PUBLIC PROPERTY, OR THE LIFE, HEALTH, SAFETY OR PROPERTY OF THE INHABITANTS OF A POLITICAL SUBDIVISION OR DISTRICT THEREIN REQUIRE IMMEDIATE ACTION WHICH CANNOT AWAIT COMPETITIVE BIDDING". Department Heads may make emergency purchases when materials or labor must be acquired at night or on Saturdays, Sundays or holidays, in which case a confirming purchase order shall be submitted on the following work day. In other emergencies, the Village Clerk or Village Treasurer shall be contacted and will make the purchase or, depending on the nature of the emergency, allow the department to do the buying.

A Board of Trustees Resolution should be adopted prior to the issuance of a Purchase (General Municipal Law 103).

C. AUTHORIZED OPEN ORDER PURCHASE

Department Heads may purchase from vendors with whom the Village has a prior month-to-month open order purchase agreement or where the Village has price agreement type of contract. In either instance, however, invoices or sales slips shall be submitted to the Accounting Department with the proper account number and signature approval by the Department Head, to the Accounting Department in order that the monthly invoices and claim forms can be reconciled.

SECTION IV - THE PURCHASE ORDER PROCESS

A. VENDOR'S AUTHORITY

The purchase order is produced in the Accounting Department and approved by the Treasurer, Deputy Treasurer or other Village officer such as Village Clerk and Deputy Village Clerk, etc. It is the vendor's authority to deliver and charge for the goods or services specified in the order. It is the buyer's commitment for the value of the good ordered. It is essentially a legal document. When the purchase order is written as an acceptance of a quotation or an offer, a contractual relation is established upon its issuance. When there is no proposal from the Vendor or he has made an offer under different conditions, the order itself is an offer of contractual relation, which is accepted by an acknowledgement by the vendor.

B. PROCESSING THE PURCHASE ORDER

The purchase order is an individually computer generated numbered, three part packet which is prepared and distributed by the Accounting Department. The distribution and function of each page is as follows:

1. White copy to vendor with claim form.

2. Pink copy is filed alphabetically in the Accounting Department. When the bill and claim form are received, they are attached to the pink purchase order copy and processed for payment. After payment, these are filed in the paid bill file.

3. Yellow copy goes to the Accounting Department.

It is important to note that some vendors offer a discount for prompt payment of invoices. The discount period is computed from the date of receipt of the claim form. In order that the Village may make the maximum savings from cash discounts, it is imperative that the Receiving Department sign, date and send the receiving copy promptly to the Accounting Department.

The following information is included in each purchase order issued by the Accounting Department:

1. Address (location) to which items are to be shipped, and the name of ordering department.

2. Vendor's name and address (if known).

3. Date of the order.

4. Appropriation Account Number.

5. Quantity, unit, description, unit price and the amount of each item ordered.

6. Total amount of the order.

7. Signature of the Treasurer, Deputy Treasurer, Auditor or Village Clerk.

In the event that a purchase order is spoiled in preparation, it is marked "VOID" on the yellow copy and sent to the Accounting Department for Cancellation.

C. PROCESSING THE CLAIM FORM

1. When processing claim forms with Purchase Order, once the completed claim form is received in the Accounting Department from the vendor, it is processed as follows:

   a) The claim form is then checked against invoices, receiving slips and the pink copy of the purchase order for conformity as to quantity, materials ordered, unit prices, extension prices, total amount and signature of the Vendor.

   b) The claim is next submitted to the Treasurer, Deputy Treasurer and Auditor for their review and approval.

   c) The claim form, if over $1,000.00, is then sent to the Board of Trustees for approval.

   d) The claim is returned to the Accounting Department for processing for payment and filing.

2. When materials are purchased or services secured, the Accounting Department will supply the vendor with claim forms for its certification following the delivery of the commodity or services. The Department Head indicates approval on the claim form and forwards it to the Accounting Department for processing. An invoice, when appropriate, will accompany the claim form. After receiving the completed claim form from the Department Head, the Accounting Department checks the invoice(s) against the claim form for conformity as to quantity, materials ordered, prices, extension prices, total amount and vendor's signature.

SECTION V - PURCHASING UNDER COUNTY OR STATE CONTRACTS

In accordance with Section 103 of the General Municipal Law, the Village is permitted to use the prices established under contracts between the State of New York and/or the County of Nassau and various vendors. The specific vendor(s) terms and prices were awarded via formal bid and contract by the State or County for a period of one year. The Village is not bound to utilize these vendors but prior experience has revealed instances where a considerable amount of expense and time can be saved through utilization of these contracts. Purchase under said contracts will be made in accord with the requisitioning procedure heretofore outlined.

SECTION VI - COMPETITIVE BIDDING

A. PROCEDURE

1. The Department Head requests a commodity or service from the Village Clerk or Village Treasurer via the purchase requisition form.

2. The Village Treasurer and/or Village Clerk collaborates with the Department Head in determining just what material or service is needed and detailed specifications are prepared by the Requisitioning Department.

3. Legal notice is completed and submitted to the official newspaper of the Village of Mineola and/or other newspapers to obtain broader quotations requesting that a Notice to Bidders be published in the next edition of the paper. Said notice must appear at least five days exclusive of the advertisement day and the date of opening to comply with Section 103 of the General Municipal Law. This notice includes a general description of the commodities or services to be purchased, where contract bids and specifications may be secured, and specifies the time and place for the opening of bids.

4. The Village Clerk or Village Treasurer solicits bids from prospective reliable vendors from his bidder list by sending them a copy of the advertised Notice to Bidders, a copy of the bid form with specifications and a bid envelope. Additional potential bidders may be solicited from a list supplied by the department or any other potential source. Village Clerk or Village Treasurer shall send a copy of the notice to bidders to any appropriate trade organization.

5. All bids are submitted to the Village Clerk or Village Treasurer on the official bid form and in a sealed bid envelope, which indicates the commodities being purchased, the date of the bid opening and the time of the bid opening.

6. At the predesignated hour, receipt of bids is terminated and the received bids are opened and read aloud in the Board Room by the Village Clerk or Village Treasurer.

7. The Village Clerk or Village Treasurer tabulates all of the opened bids and reviews them in an effort to determine the lowest responsible bidder. The Village Clerk or Village Treasurer, after consultation with the Department Head, takes into consideration the quality offered and its conformity with the specifications, the delivery and discount terms and conditions of the bid, the overall price and reputation of the bidder.

8. After determining the lowest responsible bidder, the Village Clerk or Village Treasurer prepares a memorandum, which is submitted to the Board of Trustees.

9. Upon Board of Trustees approval, a purchase order is prepared and sent to the vendor.

10. The successful and unsuccessful bids in connection with purchases of materials, supplies and services not in connection with capital construction are filed as permanent records for a period of six years. Those bids in connection with the purchase of materials used in capital construction must be retained for ten years. (This storage is in compliance with the New York State Division of Archives and History.)

SECTION VII - ETHICS

A. CONFLICT OF INTEREST

No person connected with the Incorporated Village of Mineola shall participate in any way in the soliciting, placing, receiving or recording of any purchase of goods or services made by the Village if such person shall have an interest direct or indirect in the vendor. An interest shall be defined as the receipt of an economic benefit, or the expectation of such receipt, on the part of the person connection with the Incorporated Village of Mineola or on the part of a member of his or her family (as same as defined in Chapter 61 of the Code of the Incorporated Village of Mineola) as a result of such purchase.

B. DISCLOSURE

Any person who, in the ordinary course of his and her duties performed on behalf of the Village, shall possess a conflict of interest as stated in subsection A above, shall immediately disclose his or her interest in the purchase in writing to the Village Clerk, who will inform the Board of Trustees of the conflict.)

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Lawrence A. Werther

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 180-12

Resolved to adopt, effective immediately, the following Compensation and Benefit Policy for Elected and Appointed Officers:

INCORPORATED VILLAGE OF MINEOLA

COMPENSATION AND BENEFIT POLICY FOR ELECTED AND APPOINTED OFFICERS

Introduction

The purpose of this Policy is to set forth the relationship between the Village and its elected and appointed officers with respect to compensation and benefits.

Elected Officers

1. The Elected Officers of the Village, for purposes of this Resolution, are the Mayor, Trustees and Village Justice.

2. Elected officers of the Village shall be entitled to the salary set by the Board of Trustees for such offices and also to the following benefits: medical insurance (including health insurance, optical insurance and dental insurance), life insurance, the reporting of service time to the New York State Employees and Local Retirement System ("NYSELRS"), and the vesting of medical benefits in retirement in accordance with the rules and regulations of the New York State Health Insurance Plan ("NYSHIP") provided that ten (10) years of Village service credit shall have been recognized by NYSELRS. Elected officers, and any person deriving benefits through him or her, shall be required to contribute to the Village ten (10%) percent of the cost to the Village of medical insurance for such time as coverage shall continue. Failure to make such contributions shall result in the cancellation of the benefit.

3. Any person currently entitled to a benefit and who is currently waiving such benefit shall not be prevented from electing a prospective benefit reinstatement in accordance with the rules and regulations of NYSELRS and NYSHIP provided that officership status is maintained at the date of election.

Appointed Part-Time Officers

1. The Appointed Part-Time Officers of the Village, for purposes of this Resolution, are the Acting Village Justice, Village Attorney, Deputy Village Attorney and the Village Assessors. Members of any Board or Commission in the Village are not included in this Resolution.

2. Appointed officers of the Village holding the positions of Acting Village Justice, Village Attorney and Deputy Village Attorney shall be entitled to the salary set by the Board of Trustees for such offices and also to the following benefits: medical insurance (including health insurance, optical insurance and dental insurance), life insurance, the reporting of service time to NYSELRS, and the vesting of medical benefits in retirement in accordance with the rules and regulations of NYSHIP provided that ten (10) years of Village service credit shall have been recognized by NYSELRS. Appointed officers of the Village holding the positions of Village Assessor shall be entitled to the salary set by the Board of

Trustees for such offices and also to the reporting of service time to NYSELRS but shall not be eligible for medical insurance, life insurance nor to the vesting of medical insurance in retirement benefits. Appointed officers, and any person deriving benefits through him or her, shall be required to contribute to the Village three (3%) percent of the cost to the Village of medical insurance in fiscal year 2012-2013, six (6%) percent of such cost in fiscal year 2013-2014 and ten (10%) percent of such cost thereafter for such time as coverage shall continue. Failure to make such contributions shall result in the cancellation of the benefit.

3. Any person currently entitled to a benefit and who is currently waiving such benefit shall not be prevented from electing a prospective benefit reinstatement in accordance with the rules and regulations of NYSELRS and NYSHIP, if applicable, provided that officership status is maintained at the date of election.

Appointed Full-Time Officers

1. The Appointed Full-Time Officers of the Village, for purposes of this Resolution, are the Village Clerk, Deputy Village Clerk, Village Treasurer, Deputy Village Treasurer, Superintendent of Public Works, Deputy Superintendent of Public Works, Court Clerk and Superintendent of the Building Department.

2. Appointed Full-Time Officers of the Village shall be entitled to the salary set by the Board of Trustees for such offices and also to the following benefits: medical insurance (including health insurance, optical insurance and dental insurance), life insurance, the reporting of service time to NYSELRS, and the vesting of medical benefits in retirement in accordance with the rules and regulations of NYSHIP provided that ten (10) years of Village service credit shall have been recognized by NYSELRS. Any Appointed Officer who commences initial service on or after June 1, 2012, and any person deriving benefits through him or her, shall be required to contribute to the Village ten (10%) percent of such cost for such time as coverage shall continue. Failure to make such contributions shall result in the cancellation of the benefit.

3. Any person currently entitled to a benefit and who is currently waiving such benefit shall not be prevented from electing a prospective benefit reinstatement in accordance with the rules and regulations of NYSELRS and NYSHIP, if applicable, provided that incumbency status is maintained at the date of election.

4. Any person entitled to receive medical insurance, whether fully or partially paid by the Village, may elect to forego or terminate such coverage in full and in lieu thereof to receive an annual cash payment (payable monthly) equivalent to forty (40%) percent of the premium cost payable by the Village for such coverage.

5. The Full-Time Officers of the Village shall be entitled to the following time and leave but shall not, due to the fact that they are confidential and managerial personnel, be entitled to overtime or to compensatory time:

Unless an additional benefit shall be conferred by resolution of the Board of Trustees either in recognition of a long-standing practice or for good cause, vacation, sick time, personal time, holidays, bereavement time and compensation for accumulated time and leave shall be in accordance with the collective bargaining agreement affecting union employees of the Village.

Appointed Confidential Personnel

1. Appointed Confidential Personnel, for purposes of this Resolution, are those persons appointed annually to the positions of Building Inspector, Secretary to the Zoning Board of Appeals, Secretary to the Planning Board, Recreation Coordinator and Assistant Recreation Coordinator.

2. Appointed Confidential Personnel shall be entitled to benefits equivalent to those afforded the unionized employees of the Village as same shall be set forth from time to time in the

collective bargaining agreement negotiated between the Village and the union. Notwithstanding this provision, Appointed Confidential Personnel who have commenced service prior to June 1, 2012 shall not be obligated to contribute to the Village ten (10%) of the cost to the Village of medical insurance.

General

The requirement to contribute to the cost to the Village of medical insurance shall not be applicable to any person who shall have vested medical benefits in retirement pursuant to the policies or practices of the Village as of the effective date of this Policy.

The benefit of medical insurance in retirement shall be the equivalent of the benefit afforded to a person as of the date of his or her retirement. If a person on such date shall be required to contribute to the cost to the Village of medical insurance, such requirement shall continue in retirement. If a person on such date shall not be required to contribute to the cost to the Village of medical insurance, no contribution will be required in retirement.

Dispute Resolution

Any question or issue involving the interpretation or application of this Policy shall be submitted to the Board of Trustees for adjudication and the decision of the Board shall be final and binding. In the event that a member of the Board of Trustees shall be a party to any dispute, such member of the Board shall not participate in the Board's decision.

Effective Date

This policy shall be effective as of June 20, 2012.

Motioned by Trustee George R. Durham
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Village Attorney recommended the following resolutions:

Resolution No. 181-12

Resolved to adjourn the Public Hearing of 250 Old Country Road application to August 8, 2012, to allow the applicant additional time to submit new plans and specifications to the Board of Trustees.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 182-12

Resolved to approve a Boundary Line Agreement and Temporary Access Easement Agreement between the Incorporated Village of Mineola and Leemilt's Petroleum, Inc. with respect to the property at 449 Jericho Turnpike (former Getty service station) and to authorize the Mayor to execute any documents necessary in order to effectuate the Agreement.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 183-12

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
----------X
In the Matter of the Application of

ARTHUR SMYLES

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 80 Herricks Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 672, Lot 20.
----------X

DECISION

NAME OF APPLICANTS:	Arthur Smyles
SUBJECT PROPERTY:	Section 9, Block 672, Lot 20
STREET LOCATION:	80 Herricks Road Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) for the renovation/expansion of existing day care facility into the adjoining property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	February 9, 2011 May 11, 2011
APPEARANCES:	Alan Stein, Esq.
IN SUPPORT:	Arthur Smyles, Owner Anthony DiProperzio, Architect Rebecca Goldberg, Cameron Engineering Madhu Kumar, Director

Arthur Smyles (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the renovation/expansion of an existing day care facility into the adjoining property known as 80 Herricks Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 672, Lot 20) (hereinafter, the "Property").

By Notice of Disapproval, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that the renovation/expansion of an existing day care facility upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

Public hearings on the application were held before the Board of Trustees on February 9, 2011 and May 11, 2011. At the February 9, 2011 Public Hearing, Applicant, after himself making a presentation, requested an adjournment in order to return to the Board with supplemental information including, but not limited to a traffic and parking study to include traffic and parking counts at the Property. At the continued Hearing, Applicant was represented by Counsel.

Based upon the evidence adduced at the public hearings, the documentation submitted to the Board with reference to the application and the personal familiarity with the Property and its surroundings of the Board Members, the Board makes the following findings of fact:

1) Applicant is seeking a special use permit for the renovation/expansion of an existing child care facility upon the property known as 80 Herricks Road, Mineola, New York;

2) Current hours of operations are 6:30 a.m. to 7:00 p.m.;

3) Applicant currently has the maximum capacity for 207 children;

4) Applicant currently has 199 children registered;

5) Applicant's proposed expansion would increase maximum capacity to 327 children;

6) Applicant currently has a total of 40 teachers (part-time and full-time) at the facility. The proposed expanded use would require an additional 20 teachers;

7) Applicant's proposed expanded use would require 86 parking spaces. Applicant currently provides only 26 on-site parking spaces and no additional spaces are proposed. The Property will thus be short 60 spaces. There is no long-term (more than 90 minutes) parking in the vicinity of the Property;

8) The Property is located along Herricks Road, a major heavily-traveled north-south thoroughfare at the western border of the Village;

9) The Property is grade-separated, such that the southern portion of the property is significantly above the street pavement level of Herricks Road;

10) Northbound traffic on Herricks road must come around a turn from Old Country

Road, pass under the Long Island Rail Road trestle and travel along a retaining wall prior to entering the Property;

11) Entrance to and exit from the Property is via a curb cut on Herricks Road. The curb cut is located at the top of a hill and is not readily visible to northbound traffic;

12) While there is a center turning lane for southbound vehicles on Herricks Road seeking to enter the Property, these vehicles must traverse two northbound lanes of traffic on which vehicles have limited visibility due to change of road grade and road curvature. If congestion exists at the entrance/exit curb cut, vehicles entering the Property from a south to east direction may be delayed in entering and will be dangerously exposed to oncoming northbound traffic.

13) There are no circular or free-flowing vehicular movements at the Property. All parking at the site requires a pulling-in and backing-out movement (or a parallel parking movement) which will cause congestion in the traffic aisles.

14) Vehicles backing out of the parking spaces located on the northwest corner of the Property will obstruct both incoming and exiting traffic at the curb cut and will create a dangerous condition for vehicles attempting to enter the site.

15) Congestion around the entrance/exit will present a serious challenge to any emergency vehicle (fire or ambulance) attempting to enter the property. Any vehicle out of parking space will block full access by emergency vehicles.

16) Although a "no-left turn" sign is contemplated at the curb cut for exiting vehicles, visitors to the site have been seen to have routinely made left turns across two northbound lanes of dangerous traffic which often approaches at great speed and which is challenged as to visibility due to grade separation and road curvature. A "no-left turn" sign currently exists. It is often disregarded.

Based upon the entire record, the Board is particularly concerned about the proposed expanded use with respect to parking and traffic safety. Sufficient parking is not provided at the Property and appropriate on-street parking is not available in the vicinity of the site. The ingress and egress point on Herricks Road will not safely accommodate vehicular movements.

The proposed expansion will have a significant negative impact upon the health, safety and welfare of the community.

Applicant's proposed expansion will increase the maximum capacity of registered children from 207 to 327. Based upon certain mandated teacher-to-child ratios, an increase in enrollment of this size will require an additional 20 teachers. The increase of registered children and teachers at the Property will consequentially increase the number of vehicles entering and parking upon the Property. The Property is already significantly non-conforming as to off-street parking requirements. Granting this application will only serve to increase that non-conformity.

Based upon the entire record, the Board is unable to see how an increase in the number of children and teachers can be properly managed at an already congested site. The Board is further concerned about emergency vehicle access to the Property under the proposed parking plan.

Furthermore, the Board is doubtful as to how the Applicant can prevent its employees and patrons from illegally turning left out of its parking lot with signage alone.

The approval of this application would not be in the best interest of the health, safety and welfare of the community. Such a grant would result in a dangerous traffic situation, an over-intensification of land use with respect to available parking resources and a hazard with respect to the provision of emergency services. The Board concludes that the Applicant has failed to meet its burden with regard to parking and traffic safety.

IT IS THEREFORE RESOLVED, that the special use permit is **DENIED**.

Dated: Mineola, New York
October 11, 2012

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes	No	Abstain
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Mayor Scott P. Strauss		

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:50 PM.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Mayor Scott P. Strauss called the Public Meeting to order at 8:00 PM.

PRESENT:
Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

ALSO PRESENT:
Village Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer: Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Geoffrey Walter, *Patch.com*

Sunshine Observers: 15 Observers

Mayor Scott P. Strauss announced that the Community Center at Village Hall will be open as a cooling center from Monday – Friday, 9 AM – 9:30 PM during the current heat wave, reminding residents to stay hydrated and to check on elderly neighbors. Mayor Strauss had the honor of swearing in Mike Coniglio as President of the Leisure Club; stated that the John S. DaVanzo Community Pool is open for the season, noting that due to the fire at the concession stand last summer, arrangements are being made to provide temporary refreshment concessions at the pool for this season. Mayor Strauss announced that the Nassau Pops concerts will be held on July 6 (fireworks at this show) and July 27 at Mineola Memorial Park starting at 8:00 PM and invited all residents to attend. Mayor Strauss stated that there will be only one Board meeting held in July, on July 11th and two meetings in August and wished all residents a safe, happy July Fourth holiday.

Trustee Lawrence A. Werther stated that he attended Bill Green's first meeting as President of the Mineola Chamber of Commerce and encouraged all businesses to participate in the Chamber of Commerce Street Fair in September. Trustee Werther encouraged all residents to utilize the pool this season.

Trustee Paul S. Cusato stated that he attended the Mineola Portuguese American Feast and the Mineola Portuguese Day Festival, noting how successful they both were; thanked the Department of Public Works and the Pool Board for their efforts in getting the pool ready for opening day; congratulated Mineola Fire Department Ex-Chief Rob Connolly on receiving the Firefighter of the Year award; and thanked all those that worked to make Boy Scouts Troop 45 Pancake Breakfast a success. Trustee Cusato stated that he and Trustee Pereira attended a retirement dinner for Mark Barth, Principal of the Mineola Middle School, congratulating him as well as all classes of 2012.

Trustee Paul A. Pereira wished Mark Barth well in retirement after 34 years and congratulated all classes of 2012. Trustee Pereira commented that the Boy Scouts of America Troop 45 Father's Day Pancake Breakfast was a big success and congratulated Mineola Fire Department Ex-Chief Rob Connolly on receiving the Firefighter of the Year award along with various other awards that he received.

Trustee George R. Durham stated that he attended both the Mineola Portuguese Day Festival and the Mineola Portuguese American Feast adding that they were both well attended and congratulated Mr. Barth and the class of 2012. Trustee Durham thanked all of the businesses that supported Troop 45 with placemat advertisements.

2 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:20 PM.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		