Minutes - Board Meeting – 07/09/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, July 9, 2014 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Village Clerk Joseph R. Scalero Deputy Village Attorney John Gibbons Deputy Village Clerk Cora T. Kelly
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	30 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:45 PM

A Public Hearing was held 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF CVS ALBANY, LLC FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 550.27 ENTITLED "OPEN STORAGE", SUBSECTION (C) TO LEGALIZE AND MAINATAIN A FREE STANDING OUTDOOR METAL STORAGE CONTAINER UPON THE PROPERTY KNOWN AS 410 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 2, LOTS 69-73, 83-86; and

[410 Jericho Turnpike – Application withdrawn at request of applicant]

APPLICATION OF CVS ALBANY, LLC FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 550.27 ENTITLED "OPEN STORAGE", SUBSECTION (C) TO LEGALIZE AND MAINATAIN A FREE STANDING OUTDOOR METAL STORAGE CONTAINER UPON THE PROPERTY KNOWN AS 17 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 342, LOTS 28, 36.

4 Speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the hearing, reserve decision with the provision to accept written comments until August 6, 2014 at 7:30 PM.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Work Session to order at 8:15 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT: Village Clerk Joseph R. Scalero
Deputy Village Attorney John Gibbons
Deputy Village Clerk Cora T. Kelly

Press Observers: *Mineola American*
Williston Times

Sunshine Observers: 3 Observers

Resolution No. 186-14

Resolved to approve bills and payroll.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 187-14

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

Ricardo Magalhaes Company #3

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 188-14

Resolved to approve a request from Senator Jack Martins for the use of Wilson Park parking lot to conduct a Child Car Seat Safety Program in conjunction with the Nassau County Traffic and Safety Board on Saturday September 20, 2014 from 10:00 AM – 1:00 PM.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 189-14

Resolved to authorize the Mayor to hire seasonal personnel to fill two vacated positions with salaries in keeping with the established seasonal pay scale previously approved by the Board of Trustees.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

John Gibbons, Esq. recommended the following resolutions:

Resolution No. 190-14

Resolution to declare an emergency situation and dispense with bidding requirements for the purchase/ installation of two (2) HVAC Units at Village Hall in accordance with General Municipal Law §103(4) and the Village Procurement Policy

Background:

The Village has been advised by Tom Rini, Superintendent of Public Works, and by the Village's HVAC Maintenance Company, Dynaire, that its two (2) HVAC Units at Village Hall are damaged, inoperable and failing; and

The operation of the Village without air conditioning until September creates an emergency situation that could result in a threat to the health, safety and welfare of its patrons and employees;

General Municipal Law, §103 entitled "Advertising for Bids and Offers; Letting of Contracts; Criminal Conspiracies", Subsection (4) provides that:

> *"Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances 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 or competitive offering, contracts for public*

work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein."

The Village's Procurement Policy provides that the necessity of competitive bidding can be dispensed with in emergency situations.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mineola Board of Trustees hereby declares an emergency situation and dispenses with bidding requirements for the purchase/ installation of two (2) HVAC Units at Village Hall in accordance with General Municipal Law §103(4) and the Village Procurement Policy.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 191-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding 22 Jericho Turnpike, LLC, Section 9, Block 662, Lot 20 is approved.

Further resolved, that the Petitioner will receive a refund of $5,000.00 for the tax years 2008/2009 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 192-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding 22 Jericho Turnpike, LLC, Section 9, Block 417, Lot 1 is approved.

Further resolved, that the Petitioner will receive a refund of $14,000.00 for the tax years 2006/2007 through 2013/2014. The refund shall be payable on July 31, 2014 following

the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 193-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding 200 Willis Avenue Corp., Section 9, Block 460, Lots 1, 93, 182 is approved.

Further resolved, that the Petitioner will receive a refund of $5,000.00 for the tax years 2005/2006 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 194-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding 210 OCR Holdings, LLC, Section 9, Block 428, Lots 102, 202, 208 is approved.

Further resolved, that the Petitioner will receive a refund of $30,000.00 for the tax years 2005/2006 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 195-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding 214 Station Plaza Corp., Section 9, Block 422, Lot 211 is approved.

Further resolved, that the Petitioner will receive a refund of $3,500.00 for the tax years 2007/2008 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 196-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding 309-11 Willis Corp., Section 9, Block 321, Lots 30, 31, 34, 35 is approved.

Further resolved, that the Petitioner will receive a refund of $24,000.00 for the tax years 2005/2006 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 197-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding 214 Station Plaza Corp., Section 9, Block 452, Lots 502, 613 and 614 is approved.

Further resolved, that the Petitioner will receive a refund of $8,500.00 for the tax years 2008/2009 through 2013/2014. The refund shall be payable on July 31, 2014 following

the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 198-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Angela Franzella, Section 9, Block 13, Lots 362 & 363 is approved.

Further resolved, that the Petitioner will receive a refund of $8,000.00 for the tax years 2008/2009 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 199-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Angela Franzella, Section 9, Block 404, Lot 17; Section 9, Block 413, Lots 1, 3, 5 is approved.

Further resolved, that the Petitioner will receive a refund of $5,000.00 for the tax years 2009/2010 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 200-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Garden View LLC, Section 9, Block 409, Lots 468-469 is approved.

Further resolved, that the Petitioner will receive a refund of $9,000.00 for the tax years 2008/2009 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 201-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Hub Properties Trust, Section 9, Block 429, Lots 142, 144; Section 9, Block 474, Lots 134, 140 is approved.

Further resolved, that the Petitioner will receive a refund of $150,000.00 for the tax years 2008/2009 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 202-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Barbara Kutner, Section 9, Block 452, Lot 419 is approved.

Further resolved, that the Petitioner will receive a refund of $5,000.00 for the tax years 2005/2006 through 2013/2014. The refund shall be payable on July 31, 2014

following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 203-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Napolean at Hillside LLC, Section 9, Block 271, Lots 106-110 is approved.

Further resolved, that the Petitioner will receive a refund of $6,500.00 for the tax years 2008/2009 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 204-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding OD Realty Corp., Section 9, Block 424, Lots 35-36, 37-38, 61 is approved.

Further resolved, that the Petitioner will receive a refund of $16,000.00 for the tax years 2005/2006 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 205-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Re-Ko Enterprises, Section 9, Block 348, Lots 60-67, 972, 966-969 is approved.

Further resolved, that the Petitioner will receive a refund of $6,000.00 for the tax years 2007/2008 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 206-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Seventy-Nine Main Street, Inc., Section 9, Block 423, Lot 214 is approved.

Further resolved, that the Petitioner will receive a refund of $6,400.00 for the tax years 2003/2004 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 207-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Shorthouse Industries LLC, Section 9, Block 355, Lot 246 is approved.

Further resolved, that the Petitioner will receive a refund of $28,000.00 for the tax years 2003/2004 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 208-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Steromak Realty Corp., Section 9, Block 6, Lots 64-65, 66-68 is approved.

Further resolved, that the Petitioner will receive a refund of $5,500.00 for the tax years 2007/2008 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 209-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Walter Realty Co., Section 9, Block 301, Lots 1-9, 46 is approved.

Further resolved, that the Petitioner will receive a refund of $3,500.00 for the tax years 2007/2008 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 210-14

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough Polizzi & Truncale, LLP, regarding Zaly Realty Corp., Section 9, Block 28, Lots 39, 41 is approved.

Further resolved, that the Petitioner will receive a refund of $7,200.00 for the tax years 2008/2009 through 2013/2014. The refund shall be payable on July 31, 2014 following the submission of a voucher along with a Judgment and Stipulation.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott R. Strauss requested a motion to close the Work Session at 8:20 PM

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		