Minutes - Board Meeting – 05/13/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 13, 2015 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee Dennis J. Walsh
ALSO PRESENT:	Village Attorney John P. Gibbons, Jr. Village Clerk Joseph R. Scalero Deputy Village Clerk Cora T. Kelly Superintendent of Buildings Daniel B. Whalen
Press Observers:	*Mineola American*
Sunshine Observers:	17 Observers

Mayor Scott P. Strauss announced that due to family obligations, Trustee George R. Durham would be joining the hearing late.

Mayor Scott P. Strauss called the Public Hearing to order at 6:35 PM

A Public Hearing was held at 6:35 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

> **NOTICE IS HEREBY GIVEN THAT ON WEDNESDAY, MAY 13, 2015, A PUBLIC HEARING, AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986 (THE "CODE"), WILL BE HELD BY THE INCORPORATED VILLAGE OF MINEOLA BOARD OF TRUSTEES WITH RESPECT TO THE PROPOSED ISSUANCE BY THE PUBLIC FINANCE AUTHORITY (THE "AUTHORITY"), A COMMISSION ORGANIZED UNDER AND PURSUANT TO THE PROVISIONS OF SECTIONS 66.0301, 66.0303 AND 66.0304 OF THE WISCONSIN STATUTES, OF ITS REVENUE BONDS, IN ONE OR MORE SERIES (THE "BONDS"), IN AN AMOUNT NOT TO EXCEED $15,000,000. THE HEARING WILL COMMENCE AT 6:30 PM, OR AS SOON THEREAFTER AS THE MATTER CAN BE HEARD, AND WILL BE HELD AT MINEOLA VILLAGE HALL, 155 WASHINGTON AVENUE, MINEOLA, NEW YORK 11501.**

No Speakers addressed the Board

Resolution No. 109-15

> **A RESOLUTION OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF MINEOLA APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF QUALIFIED 501(C)(3) BONDS FOR CHAMINADE HIGH SCHOOL**

WHEREAS, Chaminade High School, the sole sponsor of which is the Province of Meribah, Society of Mary, Inc., a New York not-for-profit corporation (the "Borrower"), has requested that the Public Finance Authority (the "Authority"), a body corporate and politic of the State of Wisconsin organized under Section 66.0304 of the Wisconsin Statutes (the "Act"), issue qualified 501(c)(3) bonds (the "Bonds") in an amount not to exceed $15,000,000 to (1) to finance and/or refinance capital improvements to or acquisitions and equipment purchases for the school facilities of the "Borrower located at 340 Jackson Avenue, Mineola, New York 11501, including construction of new academic facilities, improvements to the HVAC, electric and wireless internet systems, and improvements to the Borrower's football/track and field complex; and (2) to finance certain costs of issuing the Bonds.

WHEREAS, the financed assets will initially be owned and operated by the Borrower and located within the boundary of the Incorporated Village of Mineola (the "Village"); and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this Board of Trustees (the "Board") of the Village are the applicable elected representatives of the Village; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the Village, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Public Finance Authority must be approved by the governing body of the political jurisdiction within whose boundaries the project is to be located; and

WHEREAS, the Borrower has requested that the Village approve the financing of the Project and the issuance of the Bonds in order to satisfy the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and approval of the financing of the project required by Section 66.0304(11)(a) of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF MINEOLA AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The Board hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Board that this resolution constitute approval of the Bonds for the purposes of Section 147(f) of the Code and approval of the financing of the above-described project for purposes Section 66.0304(11)(a) of the Act.

Section 3. The officers of the Village are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. This resolution shall take effect immediately upon its passage.

ADOPTED by the Board of Trustees of the Incorporated Village of Mineola at a regular meeting of said Board held on the 13th day of May, 2015, by the following vote:

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 Dennis J. Walsh		

Mayor Scott P. Strauss closed the Public Hearing at 6:50 PM.

A Public Hearing was held at 6:52 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

> **APPLICATION OF SALVATORE FERRARA, ARCHITECT FOR THE NEW YORK COLLEGE OF TRADITIONAL CHINESE MEDICINE FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 550.14 ENTITLED "B-3 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" FOR THE PURPOSE OF OPERATING THE NEW YORK COLLEGE OF TRADITIONAL CHINESE MEDICINE ON THE FOURTH, FIFTH AND SIX FLOOR OF THE PROPERTY KNOWN AS 200 OLD COUNTRY ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 429, LOTS 142, 144.**

[Trustee George R. Durham joined the hearing at 7:03 PM]

No Speakers addressed the Board

Resolution No. 110-15

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

SALVATORE FERRARA, ARCHITECT FOR THE NEW YORK COLLEGE OF TRADITIONAL CHINESE MEDICINE

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-14.B of the Code of the Incorporated Village of Mineola, at premises known as 200 Old Country Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 429, Lots 142, 144
----------X

NAME OF APPLICANT:	Salvatore Ferrara, Architect for the New York College of Traditional Chinese Medicine
SUBJECT PROPERTY:	Section 9, Block 429, Lots 142, 144
STREET LOCATION:	200 Old Country Road Mineola, New York 11501
ZONING DISTRICT:	Business "B-3" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-14.B to operate the New York College of Traditional Chinese Medicine

PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	May 13, 2015
APPEARANCES:	Matthew White, Esq. Salvatore Ferrara, Architect James Zeppa, Senior Property Manager Dr. Yemeng Chen, School President Dr. James Bare, Dean

DECISION:

Salvatore Ferrara, Architect for the New York College of Traditional Chinese Medicine (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.14.B of the Municipal Code of the Incorporated Village of Mineola for a special use permit to operate the New York College of Traditional Chinese Medicine upon the fourth, fifth and sixth floors of the the property known as 200 Old Country Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 429, Lots 142, 144) (hereinafter, the "Property").

By Notice of Disapproval, dated February 9, 2015, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations. Applicant was thus required to seek relief before the Board of Trustees for a special use permit to operate the New York College of Traditional Chinese Medicine upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

1) Applicant is seeking a special use permit operate the New York College of Traditional Chinese Medicine upon the property known as 200 Old Country Road, Mineola, New York;

2) Applicant is currently located at 155 First Street, Mineola, New York with an enrollment of approximately 150 students;

3) Applicant is proposing classroom space with lecture halls on the fourth floor, offices and treatment rooms on the fifth floor and lounge space for faculty and students on the sixth floor;

4) The hours of operation will be 9 a.m. to 10:00 p.m.;

5) The building is serviced by a parking garage and Applicant has been assigned 100 parking spaces;

6) Applicant will not be selling, preparing or cooking food upon the Property; and

7) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the "B-3" District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

1) Applicant shall maintain all necessary licenses and certifications from New York State and any other agency having jurisdiction;

2) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;

3) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special permit; and

4) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
May 13, 2015

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

Mayor Scott P. Strauss requested a motion to close the hearing at 7:05 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		

A Public Hearing was held at 7:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

PROPOSED LOCAL LAW AMENDING THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, TO CREATE CHAPTER 400, ENTITLED "INVASIVE PLANT SPECIES" AND.

PROPOSED LOCAL LAW AMENDING SECTION 1-6 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "PENALTIES FOR OFFENSES" TO MAKE SECTION 1-6 APPLICABLE TO VIOLATIONS OF CHAPTER 400 OF THE CODE.

3 Speakers addressed the Board

Resolution No. 111-15

Resolved to adopt Local Law amending the Municipal Code of the Incorporated Village of Mineola to create Chapter 400 entitled "Invasive Plant Species" and Local Law amending section 1-6 of the Municipal Code of the Incorporated Village of Mineola, entitled "Penalties for Offenses" to make section 1-6 applicable to violations of Chapter 400 of the Code.

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

Mayor Scott P. Strauss requested a motion to close the hearing at 7:25 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		

A Public Hearing was held at 7:25 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

A PROPOSED LOCAL LAW AMENDING CHAPTER 510 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED "TRAFFIC AND VEHICLES", SECTION 510-8 ENTITLED "PENALTIES FOR OFFENSES".

No Speakers addressed the Board

Resolution No. 112-15

Resolved to adopt Local Law amending Chapter 510 of the Municipal Code of the Incorporated Village of Mineola entitled "Traffic and Vehicles", Section 510-8 entitled "Penalties for Offenses".

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

Mayor Scott P. Strauss requested a motion to close the hearing at 7:30 PM.

Motioned by Trustee Dennis J. Walsh
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		

Mayor Scott P. Strauss called the Work Session to order at 7:35 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 Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Superintendent of Buildings Daniel B. Whalen

Press Observers: *Mineola American*

Sunshine Observers: 6 Observers

Resolution No. 113-15

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. 114-15

Resolved to approve a request of Corpus Christi Church to use village streets for a devotional procession on Sunday June 7, 2015 at approximately 12:00 PM utilizing the following route:

Garfield East to Willis Avenue
South to Cleveland Avenue
West to Mineola Boulevard
North to Garfield Avenue
East on Garfield Avenue
To Starting Place at Corpus Christi Church

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		

Resolution No. 115-15

Resolved to approve a request by the Mineola Golden Age Club for the use of the Community Center auditorium on Thursdays from September 17, 2015 – June 9, 2016 from 10:00 AM – 3:00 PM, a general purpose room for painting classes 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 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. 116-15

Resolved to approve a request from the Mineola Golden Age Club for the use of the West general purpose room for a board meeting on Thursday July 9, 2015 from 10:30 AM – 1:00 PM and for the use of the general purpose for registration of new members on Thursday July 16, 2014 from 10:30 AM – 12:30 PM.

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. 117-15

Resolved to declare the Purchase of an Emergency Generator for the Village of Mineola Village Hall as a Type 2 Action under the New York State Environment Quality Act (SEQRA).

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		

Village Clerk Joseph R. Scalero reported that there were funds remaining from Nassau County Legislator Richard Nicolello's grant for the Bruce Terrace project and announced that Legislator Nicolello has enabled those funds to be re-purposed to offset taxpayers' village costs for a generator at Village Hall. Village Clerk Scalero presented a Justice Court report for April 2015 and announced that the MTA Long Island Rail Road will be shut down between Mineola and Hicksville this weekend May 16 – 17 as part of the Ellison Avenue Bridge Replacement Project. Village Clerk Scalero also reported that the Gross Utility Tax Audit resulted in a refund to the Village of Mineola of $44,000 this year, with additional revenues to follow annually.

Resolution No. 118-15

Resolved to accept the retirement resignation of Grace Jurek and approve a lump-sum separation payout for unused accumulated time in accordance with the Collective Bargaining Agreement, effective May 30, 2015.

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 7:50 PM

Motioned by Trustee George R. Durham
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		