

Minutes - Board Meeting 08/14/2019

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, August 14, 2019 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

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

ALSO PRESENT: Peter S. Trentacoste for Village Attorney John P. Gibbons, Jr.
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini

Press Observer: *None*

Sunshine Observers: 5 Observers

Mayor Scott P. Strauss called the Work Session to order at 7:10 PM.

Mayor Scott P. Strauss stated that Trustee Paul A. Pereira is unable to be present at the meeting.

Resolution No. 198-19

Resolved to approve bills and payroll.

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

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 199-19

Resolved to award the 2019 Roadway Improvements Contract to the lowest responsible bidder.

Vendor: Roadwork Ahead, Inc.
Engineers: D&B Engineers & Architects
Estimated Project Cost: \$1,358,480.00
Funding Source: 2019/2020 General Fund Budget and/or the General Fund
Unreserved Fund Balance

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 George R. Durham
Trustee Dennis J. Walsh

Resolution No. 200-19

Resolved to authorize the engineering services proposal received from Village Engineers, D&B Engineers & Architects to conduct an Advanced Oxidation Process pilot study for treatment improvement at Well #4

Estimated Project Cost: \$203,000.00

Funding Source: 2019/2020 Water Fund Budget and/or the Water Fund Unreserved Fund Balance

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

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution No. 201-19

Resolved to authorize the removal and disposal of the following vehicles from the Village's vehicle inventory:

1992 International Dump	1HTGBNXR7NH403561
1993 GMC 3500 Pick Up	1GTHK345KPE546462
1993 GMC 3500 w/Utility Body	1GDGC34K9PE546467
1994 GMC 3500 Pick Up	1GTHK34K4RE528988
2003 Ford Crown Victoria	2FAHP74W73X157316

Motioned by Trustee George R. Durham
Seconded by Trustee Dennis J. Walsh

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution No. 202-19

Resolved to authorize the Superintendent of Public Works and Deputy Superintendent of Public Works to attend the NYCOM Public Works Training School in Ithaca, New York October 20 – October 24, 2019.

Funding Source: 2019/2020 General Fund Budget

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 George R. Durham
Trustee Dennis J. Walsh

Resolution No. 203-19

Resolved to authorize Change Orders No. 2 to the Village Hall Handicap Accessible Entrance Improvements Project.

Description for Change Order: Furnish and install additional heat trace wiring and control system to support the existing and additional heat trace wiring installed on the entrance canopy standing seam roof.

Vendor: WEB Construction

Cost: \$7,705.00

Funding Source: 2019/2020 General Fund Budget, the General Fund Unreserved Fund Balance or Community Development Funding

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 George R. Durham
Trustee Dennis J. Walsh

Resolution No. 204-19

RESOLUTION AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS FOR THE INCORPORATED VILLAGE OF MINEOLA WITH THE AUTHORITY TO SIGN DOCUMENTATION REQUIRED BY THE NEW YORK STATE DEPARTMENT OF HEALTH ENVIRONMENTAL FACILITIES CORPORATION IN CONJUNCTION WITH THE VILLAGE'S APPLICATIONS FOR GRANTS TO FUND WATER TREATMENT FACILITY IMPROVEMENTS

WHEREAS, the Incorporated Village of Mineola has applied and will apply for various funding grants issued through the New York State Department of Health's Environmental Facilities Corporation to fund the installation of advanced oxidation process (AOP) and associated equipment for the removal of 1,4-dioxane at the Village's Well No. 4 facility; and

WHEREAS, as part of these grant applications, the Village must arrange for and designate an "Authorized Representative" to sign the grant Applications and other certain related documents; and

WHEREAS, to facilitate an efficient Grant application process, and in order to comply with the requirements to have an “Authorized Representative,” it is recommended that the Superintendent of Public Works for the Incorporated Village of Mineola be granted the authority to sign Grant applications and related documents relating to the New York State Department of Health’s Environmental Facilities Corporation Grants and Water Infrastructure Improvement Act (WIIA) Funding;

NOW, THEREFORE BE IT RESOLVED, that the Superintendent of Public Works for the Incorporated Village of Mineola be and hereby is authorized to sign all Grant application documentation relating to the New York State Department of Health’s Environmental Facilities Corporation Grants; and

BE IT FURTHER RESOLVED, that any and all such New York State Department of Health’s Environmental Facilities Corporation Grant documentation related to projects for which the Village has applied for WIIA funding, signed prior to the date of this Resolution by the Superintendent of Public Works for the Incorporated Village of Mineola are each hereby duly ratified and affirmed.

Motioned by Trustee George R. Durham

Seconded by Trustee Paul S. Cusato

Vote:

Yes

Mayor Scott P. Strauss

Trustee Paul S. Cusato

Trustee George R. Durham

Trustee Dennis J. Walsh

No

Abstain

Resolution No. 205-19

BOND RESOLUTION OF THE INCORPORATED VILLAGE OF MINEOLA, NEW YORK, ADOPTED AUGUST 14, 2019 AUTHORIZING THE CONSTRUCTION AND INSTALLATION OF ADVANCED OXIDATION PROCESS (AOP) AND ASSOCIATED EQUIPMENT FOR THE REMOVAL OF 1,4-DIOXANE AT THE VILLAGE’S WELL NO. 4 FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$8,300,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,300,000 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF MINEOLA, IN THE COUNTY OF NASSAU, NEW YORK HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Incorporated Village of Mineola in the County of Nassau, New York (herein called “Village”) is hereby authorized to install an advanced oxidation process (AOP) and associated equipment for the removal of 1,4-dioxane at the Village’s Well No. 4 facility. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$8,300,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal of not to exceed \$8,300,000 to finance said appropriation, and the collection of water rates to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is anticipated that grant funds made available through New York State Water Infrastructure Improvement Act (WIIA) and/or other sources may be available to pay all or a part of the cost of the project. Any such grant funds are hereby authorized

to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Village in the principal amount of not to exceed \$8,300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probably usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitation of Section 11.00 a. 1 of the Law, is forty (40) years.
- (b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village and, unless paid from other sources, including water rates, said bonds or notes shall be payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Board of Trustees relative to the authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

- (b) The provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published in full, in a newspaper having general circulation in the Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

Section 8. The Village Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary or in full, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

Motioned by Trustee Dennis J. Walsh
 Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Deputy Village Attorney Peter Trentacoste introduced the following resolutions for the Board's consideration:

Resolution No. 206-19

BOARD OF TRUSTEES
 INCORPORATED VILLAGE OF MINEOLA
 -----X

In the Matter of the Application of

NOAH SIEGEL

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-12.B of the Code of the Incorporated Village of Mineola, at premises known as 228 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 378, Lot 26.
 -----X

NAME OF APPLICANTS:	Noah Siegel
SUBJECT PROPERTY:	Section 9, Block 378, Lot 26

STREET LOCATION: 228 East Jericho Turnpike
Mineola, New York 11501

ZONING DISTRICT: Business "B-1" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to amend the Decision of the Board of Trustees, dated October 8, 2014 to enlarge the existing fitness training facility.

PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations.

DATE OF HEARING: August 14, 2019

APPEARANCE: Noah Siegel

DECISION:

Noah Siegel (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.12.B of the Municipal Code of the Incorporated Village of Mineola to amend the Decision of the Board of Trustees, dated October 8, 2014 in order to enlarge the existing fitness training facility upon the property known as 228 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 378, Lot 26) (hereinafter, the "Property").

By Notice of Disapproval, dated June 10, 2019, 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 to amend the Decision of the Board of Trustees, dated October 8, 2014 in order to enlarge the existing fitness training facility upon the Property.

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 to amend the Decision of the Board of Trustees, dated October 8, 2014, in order to enlarge the existing fitness training facility upon the property known as 228 East Jericho Turnpike, Mineola, New York;
- 2) Applicant is proposing to construct a locker room area with showers and an in-door turf area;
- 3) The Applicant will be selling prepackaged health snacks and drinks. The Applicant will not be preparing or cooking food upon the Property; and
- 4) 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-1” 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 relocate all weight equipment from the rear of the building towards the front of the building away from the residential neighbors;
- 2) Applicant shall install and maintain ballistic reinforced rubber padding to mitigate noise and vibrations in all areas where weight-lifting equipment is located;
- 3) The operation of the facility shall be self-contained within the interior of the building;
- 4) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 5) Applicant shall continue to encourage its clients to utilize municipal parking;
- 6) 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 its successors to enforcement pursuant to the Village’s Municipal Code, including possible revocation of this special permit;
- 7) 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 decision. Said representations are deemed to be part of the conditions of this special permit; and
- 8) 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
August 14, 2019

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

Deputy Village Clerk Linda Pardo polled the Board:

Vote:

Yes

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

No

Abstain

Resolution No. 207-19

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

NYU WINTHROP HOSPITAL

DECISION

For an Amendment of the Special Use Permit pursuant to Chapter 550, Section 550.12 of the Code of the Incorporated Village of Mineola, at premises known as 259 First Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 673, Lot 10.

-----X

NAME OF APPLICANT:	NYU Winthrop Hospital
SUBJECT PROPERTY:	Section 9, Block 673, Lot 10
STREET LOCATION:	259 First Street Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application to Amend the Decision of the Board of Trustees, dated March 24, 1994.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 12, 2019
APPEARANCES:	Thomas McKeivitt, Esq., Counsel for NYU Winthrop Justin Burke, Director of External Affairs, NYU Winthrop

DECISION:

NYU Winthrop Hospital (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 of the Municipal Code of the Incorporated Village of Mineola, to amend the previously granted Board of Trustees’ Decision, dated March 24, 1994, (copy attached and made part of this Decision) regarding the property known as 259 First Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 673, Lot 10) (hereinafter, the “Property”). The Board of Trustees’ Decision, dated March 24, 1994, was for the creation of an off-street surface parking lot. The Board of Trustees approved the application subject to several reasonable conditions. Here, Applicant is seeking relief to amend Condition No. 8 of the March 24, 1994 Decision that provides, in pertinent part, the following:

“[n]o further construction of the Hospital buildings shall take place west of the westerly wall of the current Hospital building.”

Applicant proposes to construct a three (3) story addition [two (2) stories of habitable space and one (1) story for mechanicals] to an existing two (2) story building. The application proposes construction “west of the westerly wall” of the current hospital building. Specifically, Applicant is seeking to building 20’ 1” west of the current hospital building.

By letter, dated January 14, 2019, 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 amendment of a previously granted special use permit requires relief before the Board of Trustees.

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 to amend the Board of Trustees’ Decision, dated March 24, 1994, to amend Condition No. 8 to allow for the following:

The construction of a three (3) story addition [two (2) stories of habitable space and one (1) story for mechanicals] to an existing two (2) story building 20’ 1” west of the current hospital building.
- 2) All prior terms and conditions of the Board of Trustees’ Decision, dated March 24, 1994, remain in full force and effect; and
- 3) By Decisoin, dated April 11, 2019, the Incorporated Village of Mineola Zoning Board of Appeals granted the required variances to construct the three (3) story addition [two (2) stories of habitable space and one (1) story for mechanicals] to an existing two (2) story building.

Based upon the above findings, it is hereby determined that the proposed amendment to the previously granted Board of Trustees’ Decision, subject to the conditions stated below, is harmonious to the “B-1” District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of the neighborhood will be secured by the granting of the requested Special Use Permit.

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

- 1) This Decision shall not amend, modify or cancel any other Decision or Condition of Approval rendered by the Board of Trustees with respect to Applicant, its successors or assigns. All terms and conditions of the Board of Trustees’ Decision, dated March 24, 1994, shall remain in full force and effect and are hereby incorporated by reference to this Decision;
- 2) Applicant consents that no further construction shall take place west of the proposed westerly wall. This condition shall be memorialized with the Village of Mineola as a covenant and restriction that runs with the land and shall be recorded in the Office of the Nassau County Clerk and shall run to the benefit of the Incorporated Village of Mineola.

- 3) All existing structures owned by Applicant which are located on either the east or west side of Fleet Place or the north or side south of Demott Street shall be maintained and not be demolished. This condition shall be memorialized with the Village of Mineola as a covenant and restriction that runs with the land and shall be recorded in the Office of the Nassau County Clerk and shall run to the benefit of the Incorporated Village of Mineola.
- 4) Applicant shall not construct hospital buildings west of the current Hospital building (currently known as the Hoag Pavilion) except for the proposed expansion of the New Life Pavilion as indicated on the Site Plan titled New Life Center Expansion and Renovations Page Z-001 last revised August 28, 2018. This condition shall be memorialized with the Village of Mineola as a covenant and restriction that runs with the land and shall be recorded in the Office of the Nassau County Clerk and shall run to the benefit of the Incorporated Village of Mineola.
- 5) The above covenants and restrictions constitute covenants running with the land and shall be binding upon Applicant and all subsequent owners and other successors in interest. This condition shall be memorialized with the Village of Mineola as a covenant and restriction that runs with the land and shall be recorded in the Office of the Nassau County Clerk and shall run to the benefit of the Incorporated Village of Mineola.
- 6) The within covenants and restrictions may be amended, annulled, altered, or repealed at any time upon the consent of the then owner of the Premises and the Village of Mineola. The Village of Mineola may call a public hearing to consider same, on such notice terms as the Board of Trustees may deem advisable.
- 7) The within Covenants and Restrictions shall be enforceable by Applicant, their successors in interest, and by the Village of Mineola by any remedy.
- 8) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this agreement shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 9) 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 decision. Applicant's representations are deemed to be part of the conditions of this special use permit;
- 10) 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; and
- 11) Compliance with the conditions set forth herein shall be a predicate to the issuance of a Certificate of Occupancy to the extent that such conditions require fulfillment prior to the completion of the building.

This constitutes the Decision of the Board of Trustees. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein.

Dated: Mineola, New York
August 14, 2019

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

Deputy Village Clerk Linda Pardo polled the Board:

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:20 PM.

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

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		