

Minutes - Board Meeting 05/02/2012

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 2, 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 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: 22 Observers

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

Resolution No. 121-12

Resolved to approve bills and payroll.

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

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 122-12

Resolved to approve the minutes from the meetings of the Board of Trustees of April 2, 2012, April 3, 2012, April 4, 2012, April 11, 2012, April 12, 2012 and April 18, 2012.

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

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 123-12

Resolved to approve a request of Mineola Youth and Family Services for the use of Wilson Park for its summer program from 1:30 PM – 4:00 PM on Mondays from July 9, 2012– August 17, 2012 and from 12:30 PM – 4:00 PM on Tuesdays through Fridays, and for the use of the Community Center during inclement weather.

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. 124-12

Resolved to approve the request by Mineola Lodge No. 985 of the Free and Accepted Masons for the use of the Wilson Park picnic area for their annual family picnic on Sunday, September 16, 2012 (Raindate: Sunday 9/23/2012) from 10:00 AM – 6:00 PM.

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. 125-12

Resolved to approve a request by the Mineola Alheirense Cultural Center to close the one-way entrance to Field #2 on Willis Avenue and to close parking spaces #46-52 on Sunday May 27, 2012 from 8:00 AM – 9:00 PM for their annual picnic.

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. 126-12

Resolved to approve a request of Corpus Christi Church to use village streets for a Devotional Procession on Sunday May 13, 2012 from approximately 9:15 PM – 10:00 PM utilizing the following route:

Garfield East to Willis Avenue
South to Second Street
Turn around (U-Turn) (will not block Second Street)
North on Willis to Garfield West to
Starting place at the Church

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 127-12

Resolved to award the contract for the 2012 John S. DaVanzo Community Pool Shuttle Service to the lowest bidder All Island Transportation, for \$6,912.00.

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 128-12

Resolved to approve a request by the Mineola Fire Department for budget transfers in the amount of \$2,000.00 from the following lines:

From:	(Hose and Equipment)	\$ 700.00
From:	(Stationery and Printing)	\$ 500.00
From:	(Tools)	\$ 500.00
From:	(OSHA Medicals)	\$ 300.00
To :	(Equipment)	\$ 200.00
To :	(Repairs – Buildings)	\$ 300.00
To :	(Repairs – Equipment)	\$1,500.00

Motioned by Trustee Paul S. Cusato
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 129-12

Resolved to approve the list of 2012 proposed seasonal employees and salaries for the pool and recreation programs.

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

Superintendent of Public Works Thomas J. Rini gave a report on the pre-construction meeting for the Station Plaza project and announced that it will begin Monday May 7, 2012 in Parking Field #1. Superintendent Rini also presented an updated status report on the Bruce Terrace Flood Mitigation project.

Resolution No 130-12

Resolved to approve a request for 90-day extensions of Permit #2339 and Permit #2410 issued for 475 Argyle Road.

Motioned by Trustee Paul S. Cusato
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 131-12

Resolved to approve a request for a 90-day extension of permit #2356 issued for 295 Garfield Avenue.

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

Superintendent of Buildings Daniel B. Whalen presented a monthly financial report for April 2012.

Village Attorney John M. Spellman recommended the following resolutions:

Resolution No 132-12

Resolved to authorize the Mayor to enter into an Interim Permit Agreement with the New York State Department of Transportation relative to the parking lot on the south side of Second Street between Main Street and Willis Avenue relative to Long Island Rail Road Roslyn Road Grade Crossing Elimination Project.

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 133-12

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X
In the Matter of the Application of

**THIRD AMENDED
DECISION**

POLIMENI INTERNATIONAL, LLC

For a Special Permit pursuant to Chapter 30, Section 30.5 of the Code of the Incorporated Village of Mineola, upon the property located at the northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419.

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NAME OF APPLICANT: Polimeni International, LLC

SUBJECT PROPERTY: Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419 (with respect to The Winston) and Section 9, Block 417, Lots 53, 54 and 55 (with respect to The Churchill)

STREET LOCATION: Northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola, New York 11501 (The Winston) and North side of Front Street west of Roslyn Road (The Churchill)

ZONING DISTRICT: Business "B-3" District

RELIEF REQUESTED: Application For a Special Permit pursuant to Chapter 30, Section 30.5

This Board has received a joint written application from Polimeni International, LLC (“Polimeni”) and Mill Creek Residential Trust, LLC (“Mill Creek”) seeking to amend a special permit issued by the Incorporated Village of Mineola pursuant to its Development Incentive Bonus Law for the construction of a rental apartment building of 275 units and a 36 unit senior affordable rental apartment building. The main rental apartment building, known as The Winston, is located at the northwest corner of the intersection of Old Country Road and Willis Avenue. The senior affordable rental apartment building, known as The Churchill, is located on Front Street just west of Roslyn Road.

A special permit was originally issued to Polimeni relative to The Winston on July 2, 2008 for a residential condominium building and an affordable senior housing condominium. That decision was modified by means of an Amended and Superseding Decision dated December 12, 2010. According to the Amended and Superseding Decision, Polimeni was permitted to construct a 275 unit rental building in lieu of the condominium. By a Second Amended Decision, dated October 12, 2011, Polimeni was granted permission to construct a 36 unit affordable senior rental building in lieu of a condominium.

Polimeni has entered into an agreement with Mill Creek according to which Mill Creek, through a subsidiary known as Mineola 150 LLC, will take an assignment of Polimeni's development rights concerning the overall project. Both enterprises now seek further modifications of the special permit.

By letter dated April 19, 2012, the following modifications are requested:

1. Eliminate the requirement that a parking garage be built on the north side of Third Street;
2. Approve the relocation of 40 parking spaces which were to be provided in the parking garage on Third Street to be constructed by Polimeni at the site of a former restaurant at the northeast corner of Third Street and Willis Avenue, which will be constructed upon issuance of the building permit for The Winston to Village specifications and ownership to be conveyed by deed to the Village;
3. Approve a 2-year lease of the parking lot with developer's designee from commencement of construction at a monthly rental of \$5,000.00, for the placement of an office trailer and the use of the remainder of the parking lot for developer's designee's contractors and employees. At the option of the developer's designee, the lease may continue on a month-to-month basis at the same monthly rental until the issuance of the final certificates of occupancy for The Winston and The Churchill. The parking lot will be returned to the Village at the end of the lease and restored to original condition;
4. Approve a declaration of restrictive covenants running to the benefit of Nassau County whereby the Village agrees in perpetuity to eliminate on-street parking on the north side of Old Country Road in front of The Winston; and
5. Approve a PILOT agreement with the Nassau County Industrial Development Agency with respect to The Winston and The Churchill.

By that same letter, the following offers are made to the Village:

1. Enter into a Host Community Benefits Agreement with respect to The Winston.
2. Accelerate the Development Incentive payments as follows:
 - a. One Million (\$1,000,000.00) Dollars upon the issuance of a building permit for The Winston;
 - b. One Million (\$1,000,000.00) Dollars six months after the issuance of building permit for The Winston; and
 - c. One Million (\$1,000,000.00) Dollars upon issuance of the certificate of occupancy for The Winston.
3. Construct The Winston and The Churchill concurrently.

This Board has reviewed the request and makes the following determinations based upon the best interests of the Village and in order to promote the health, safety and welfare of the community:

1. The request to eliminate the requirement that a parking garage be built on the north side of Third Street is GRANTED;
2. The request to relocate 40 parking spaces designated for Village use to a fully-constructed parking lot (in accordance with Village specifications) at the site of a former restaurant at the northeast corner of Third Street and Willis Avenue is GRANTED and the offer to deliver a deed upon issuance of the building permit for The Winston to the parking lot property to the Village is ACCEPTED;

3. The application to enter into a two-year lease with the Village for the said parking lot according to which the developer will pay to the Village a monthly rental of \$5,000.00 is GRANTED. The developer’s request to receive an option to continue in possession of the parking lot after the expiration of the lease and until the issuance of final certificates of occupancy for The Winston and The Churchill is GRANTED. The parking lot will be returned to the Village restored to original condition;
4. The application that the Village approve a declaration of restrictive covenants running to the benefit of Nassau County whereby the Village agrees in perpetuity to eliminate on-street parking on the north side of Old Country Road in front of The Winston is GRANTED; and
5. The request that the Village approve a PILOT agreement with the Nassau County Industrial Development Agency with respect to The Winston and The Churchill in accordance with the following schedule is GRANTED:

Tax Year	The Winston PILOT	The Churchill PILOT
2015	\$ 68,621.38	\$12,471.76
2016	\$ 70,680.02	\$12,845.91
2017	\$ 72,800.42	\$13,231.29
2018	\$ 74,984.43	\$13,628.23
2019	\$ 77,233.97	\$14,037.07
2020	\$ 79,550.99	\$14,458.19
2021	\$ 81,937.51	\$14,891.93
2022	\$ 84,395.64	\$15,338.69
2023	\$ 86,927.51	\$15,798.85
2024	\$ 89,535.33	\$16,272.82
2025	\$ 92,221.39	\$16,761.00
2026	\$ 94,988.04	\$17,263.83
2027	\$ 97,837.68	\$17,781.75
2028	\$100,772.81	\$18,315.20
2029	\$103,795.99	\$18,864.65
2030	\$106,909.87	\$19,430.59
2031	\$110,117.17	\$20,013.51
2032	\$113,420.68	\$20,613.92
2033	\$116,823.30	\$21,232.33
2034	\$120,328.00	\$21,869.30

With respect to the offers made by Applicant(s), the Board determines the following:

1. The Host Community Benefits Agreement between the Applicant(s) and the Village with respect to The Winston which will be executed upon issuance of a building permit for The Winston and upon the start of construction of The Winston is APPROVED as follows:

Tax Year	Host Community Benefit Payments
2015	\$196,500.00
2016	\$202,395.00
2017	\$208,466.85
2018	\$214,720.86
2019	\$221,162.48
2020	\$227,797.36
2021	\$234,631.28

2022	\$241,670.21
2023	\$248,920.32
2024	\$256,387.93
2025	\$264,079.57
2026	\$272,001.96
2027	\$280,162.01
2028	\$288,566.87
2029	\$297,223.88
2030	\$306,140.60
2031	\$315,324.82
2032	\$324,784.56
2033	\$334,528.10
2034	\$344,563.94

2. The offer to accelerate the Development Incentive payments to the Village such that One Million (\$1,000,000.00) Dollars will be delivered upon the issuance of a building permit, One Million (\$1,000,000.00) Dollars will be delivered six months after the issuance of a building permit and One Million (\$1,000,000.00) Dollars will be delivered upon issuance of the Certificate of Occupancy for The Winston is APPROVED.
3. The offer by the applicant to construct The Winston and The Churchill concurrently is APPROVED.

Accordingly, the prior decisions of this Board are amended to include the above grants and approvals. All terms, conditions and covenants contained in the prior decisions of this Board in this matter not inconsistent with this Third Amended Decision are hereby declared to and shall remain in full force and effect.

This constitutes the decision of the Board of Trustees.

Dated: Mineola, New York
May 2, 2012

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

Trustee Lawrence A. Werther

Trustee Paul A. Pereira
Trustee Paul S. Cusato

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 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

Mayor Scott P. Strauss called the Public Meeting to order at 8:09 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: 20 Observers

Mayor Scott P. Strauss congratulated the Mineola Fire Department’s newly elected officers, and congratulated Ex-Chief Rob Connolly on being awarded the Bronze Medal of Valor by the Nassau County Fire Commission. Mayor Strauss updated residents on the Bruce Terrace Flood Mitigation project, cautioned residents about a recent water telephone call scam, reminded residents of the May 3 “Night on the Town” event; stated that during the Work Session there was final approval given on the Winston project and announced that there would be no Board meeting on May 9 but that there would be a Public Meeting on May 16 and a Public Hearing on May 23. Mayor Strauss extended his best wishes to all mothers for Mother’s Day.

Trustee Lawrence A. Werther also extended his congratulations to Ex-Chief Rob Connolly on receiving the Bronze Medal of Valor; encouraged residents to come out and support the “Night on the Town” event to raise monies for the Leukemia & Lymphoma Association, and wished a happy Mother’s Day to all mothers.

Trustee Paul S. Cusato commented that he attended the award ceremony where Ex-Chief Rob Connolly received the Bronze Medal of Valor award from the Nassau County Fire Commission and congratulated him; reminded residents of the school board and school budget elections on May 15, and wished a happy Mother’s Day to all.

Trustee Paul A. Pereira stated that he represented the Village of Mineola at the LIPA storm response meeting and noted that on April 27, 2012 he, Mayor Strauss, and Trustee Cusato attended a tree planting ceremony at Mineola Memorial Library in observance of Arbor Day,

Trustee George R. Durham stated that he attended the Bruce Terrace Flood Mitigation meeting; commented on the Boy Scouts of America Troop 45 trip to West Point; wished all mothers a happy Mother’s Day, and reminded residents of the Boy Scouts Pancake Breakfast on Father’s Day.

4 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:45 PM.

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