

Minutes - Board Meeting – 12/14/2011

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 14, 2011 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
Superintendent of Buildings Daniel B. Whalen
- Press Observer:**

Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Gary Simeone, *Patch .com*
- Sunshine Observers:**

22 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:50 PM.

A Public Hearing was held at 6:55 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF JEAN YANG FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.31 ENTITLED "B-1 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" FOR THE ESTABLISHMENT OF A SEMI-PRIVATE PERSONAL TRAINING FACILITY UPON THE PROPERTY KNOWN AS 153A JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 405, LOTS 105 & 106.

3 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the hearing and reserve decision at 7:15 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

A Public Hearing was held at 7:15 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 THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

7 Speakers addressed the Board

Resolution No. 276-11

Resolved to approve the proposed Local Law amending the Municipal Code of the Incorporated Village of Mineola Authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-C.

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 A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Mayor Scott P. Strauss

[Mayor Scott P. Strauss called for a recess at 8:20 PM]

A Public Hearing was held at 8:35 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 THE MUNICIPAL CODE OF
THE INCORPORATED VILLAGE OF MINEOLA, TO CREATE CHAPTER 30-B
TO BE ENTITLED "PLANNING BOARD".**

4 Speakers addressed the Board

Resolution No. 277-11

Resolved to approve the proposed Local Law amending the Municipal Code of the Incorporated Village of Mineola to create Chapter 30-B to be entitled "Planning Board".

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 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 Public Hearing at 8:50 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 Work Session to order at 8.50 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 A. Ciccone
Superintendent of Buildings Daniel B. Whalen

Press Observer: Rich Forestano, *Mineola American*
Gary Simeone, *Patch .com*
Rich Tedesco, *Williston Times*

Sunshine Observers: 6 Observers

Resolution No. 278-11

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. 279-11

Resolved to approve a request by the Mineola Athletic Association (MAA) for the use of a Community Center general purpose room on Tuesday January 24, 2012 from 7:00 PM – 10:00 PM and Saturday January 28, 2012 from 10:00 AM – 1:00 PM for AED/CPR Training sessions.

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 Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Village Clerk Joseph R. Scalero presented a November 2011 Justice Court report and reminded residents of the upcoming Holiday Sanitation Schedule in observance of Christmas Eve, Christmas Day, New Year's Eve and New Year Day. Village Clerk Scalero presented a brief presentation (including a photographic slide-show) to the Board of Trustees regarding Lincoln Avenue and certain misrepresentations made by a resident of Lincoln Avenue at the December 7, 2011 Board of Trustees' meeting, in order to clarify the facts as to the current situation.

Superintendent of Buildings Daniel B. Whalen also presented a brief slide-show on his findings with regard to building code questions presented to the Board of Trustees' meeting on December 7, 2011 regarding the properties located at Willis Avenue and Lincoln Avenue.

Resolution No. 280-11

Resolved to authorize the following 2011/2012 budget transfers:

**GENERAL
FUND**

Account Name	Account Number	Amount	
		<u>Increase</u>	<u>Decrease</u>
Alarm Service	10162042003	\$1,000.00	
Repairs - Building	10162045507	\$1,000.00	
Village Website	10168041201	\$1,000.00	
Rental - Equipment	10364042002	\$159.00	
Supplies -			
Miscellaneous	10511040618	\$1,000.00	
Tree Maintenance	10511044203	\$206.03	
Repairs - Curbs	10511045510	\$9,067.31	
Ground Maint-			
Topsoil/Clay	10714044104	\$1,054.00	
Uniforms	10731040900	\$1,016.00	
Serial Bond Principal	10971068000	\$0.11	
Contingency	10199046500		\$15,502.45
		<u>\$15,502.45</u>	<u>\$15,502.45</u>

WATER FUND

Account Name	Account Number	Amount Increase	Decrease
Stationery & Printing	20831040400	877.71	
Repairs - Street Openings	20831045544	15,269.09	
Repairs - Well # 4	20831045552	2,250.00	
Repairs - Well # 6	20831045554	409.78	
Serial Bond Principal	20831068000	0.30	
Contingency	20831046500		18,644.52
Workers' Comp Insurance	20831083000		162.36
	Totals	<u>18,806.88</u>	<u>18,806.88</u>

POOL FUND

Account Name	Account Number	Increase	Decrease
CPR Training	40718040602	848.00	
Entertainment	40718041500	700.00	
Repairs - Filter			
Maintenance	40718045516	1,005.00	
Contingency	40718046500		2,553.00
	TOTALS	<u>\$2,553.00</u>	<u>\$2,553.00</u>

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. 281-11

Resolved to award a contract for actuarial valuation services for fiscal years 5/31/12, 5/31/13 & 5/31/14 pertaining to Other Post Employment Benefits (“OPEB”) (GASB Statement No. 45) to USI Consulting Group in the amount of \$5,300.00.

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

Mayor Scott P. Strauss requested a motion to go into Executive Session at 9:20 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 requested a motion to come out of Executive Session at 9:35 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

Resolution No. 282-11

Resolved to approve the hiring of Kathleen Furka for the position of Account Clerk in the Treasurer’s Office, with the starting salary in accordance with the Collective Bargaining Agreement.

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

Village Attorney John M. Spellman proposed that the Board of Trustees render the following decision regarding the application for a Special Use Permit as follows:

Resolution No. 283-11

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

42 EAST 2ND STREET CORP.

DECISION

For a Special Use Permit pursuant to Chapter 30, Sections 30.31(B) and 30.51 of the Code of the Incorporated Village of Mineola, at premises known as 42 East 2nd Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 303, Lots 31-35.
-----X

NAME OF APPLICANTS:	42 East 2 nd Street Corp.
SUBJECT PROPERTY:	Section 9, Block 303 Lots 31-35
STREET LOCATION:	42 East 2 nd Street Mineola, New York 11501
ZONING DISTRICT:	Business "M" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Sections 30.31(B) and 30.51 for the conversion of a warehouse to a retail store for the sale of food upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	November 9, 2011
APPEARANCES:	Marco Silva, Esq.

DECISION:

42 East 2nd Street Corp. (hereinafter, “Applicant”) is before this Board pursuant to Chapter 30, Sections 30.31 and 30.51 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the sale of food upon the property known as 42 East 2nd Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 303, Lots 31-35) (hereinafter, the “Property”).

By Notice of Disapproval, dated August 5, 2011, 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 sale of food 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.

A referral of the application was made to the Nassau County Planning Commission on November 10, 2011. 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 to sell food upon the property known as 42 East 2nd Street, Mineola, New York;
- 2) 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 "M" 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) The Applicant will not prepare or cook food upon the property;
- 2) Applicant shall utilize a private sanitation service for garbage removal;
- 3) All putrescible waste shall be refrigerated indoors until pick-up;
- 4) 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;
- 5) 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
- 6) 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.

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

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		

Mayor Scott P. Strauss requested a motion to close the Work Session at 9:40 PM.

Motioned by Trustee Lawrence A. Werther
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		