Minutes - Board Meeting - 09/07/2011

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 7, 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

Superintendent of Public Works Thomas J. Rini Superintendent of Buildings Daniel B. Whalen

Press Observer: Rich Forestano, *Mineola American*

Geoffrey Walter, *Patch .com* Timothy Meyer, *Williston Times*

Sunshine Observers: 32 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:35PM.

Resolution No. 205-11

Resolved to approve bills and payroll.

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

Village Clerk Joseph R. Scalero reported that during the roof repair project, organizations scheduled to use the Community Center auditorium for their events will be notified 24 hours in advance as to any cancellations due to inclement weather. This is being done to allow continued use of the Community Center during construction rather than closing the Center entirely.

Resolution No. 206-11

Resolved to approve the minutes from the meetings of the Board of Trustees of August 3, 2011 and August 10, 2011.

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 207-11

Resolved to approve a request by the Evening Star Quilters for use of a general purpose room for a workshop session on Friday, October 7, 2011 from 9:00 AM - 4:00 PM, subject to construction related availability.

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. 208-11

Resolved to approve an annual request by the Mineola Senior Basketball group for use of the Community Center auditorium basketball courts on Monday's and Friday's from 1:00 PM to 3:00 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

Resolution No. 209-11

Resolved to approve a request by Mineola Youth and Family Services for the use of the Community Center auditorium for their after school program on Monday's and Friday's beginning September 9, 2011 through June 2, 2012 from 3:00 PM – 6:00 PM.

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

Resolution No. 210-11

Resolved to authorize Library Director Charles Sleefe, Head of Reference Librarian Cathy Sagevick, and Librarian Meredith Minkof to attend the Public Library Association (PLA) National Conference from March 13, 2012 through March 17, 2012, as recommended by the Mineola Library Board.

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

Resolution No.211-11

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

Matthew W. O'Grady Company #1

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

Village Clerk Joseph R. Scalero presented the July 2011 Justice Court report and stated that the first draft of the re-codification of our Village Municipal Code will be completed and delivered by the end of September.

Mayor Scott P. Strauss requested a motion to go into Executive Session at 6:55 PM

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 come out of Executive Session at 7:00 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

Resolution No. 212-11

Resolved to approve a lump-sum separation payout of \$6,682.14 to Building Inspector Keith Gessner for unused accumulated time in accordance with the Collective Bargaining Agreement.

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. 213-11

Resolved to approve a request to post for a full time Building Inspector position within the Building Department with a starting salary in accordance with the current Collective Bargaining Agreement.

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. 214-11

Resolved to deny the request for an additional curb cut and driveway at 152 Jackson Avenue.

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. 215-11

Resolved to approve the one (1) year contract extension option for the 2010 Tree Planting Program with all contract pricing, provisions, and stipulations remaining in effect during the extension period.

Contractor: Louis Barbato Landscaping

2010 Contract Pricing:

Item #2: 51 – 100 Acer Campestre "Queen Elizabeth" Hedge Maple Trees at \$ 173.00 ea.

 $\underline{\text{Item #3}}$: 1 – 50 Maackia Amurensis "Amur Maackia" Trees at \$199.00 ea.

<u>Item #5</u>: 1 − 50 Pyrus Calleryana "Chanticleer" Pear Trees at \$133.00 ea.

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. 216-11

Resolved to authorize the Superintendent of Public Works and the Deputy Superintendent of Public Works to attend the annual NYCOM Public Works Training School in Saratoga Springs, New York, October 23 –October 27, 2011.

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. 217-11

Resolved to award the annual Heating, Ventilation and Air Conditioning (HVAC) Service Contract for all village buildings including the library to Dynaire Service Corp at the lowest price quote of \$16,705.00.

| | <u>Village Buildings</u> | <u>Library</u> |
|----------------------|--------------------------|----------------|
| Dynaire Corporation: | \$ 13,545.00 | \$ 3,160.00 |
| Lane Associates: | \$ 15,599.00 | \$ 3,350.00 |
| Center County: | \$ 16,938.00 | \$ 3,385.00 |

Motioned by Trustee Lawrence A. Werther 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

Superintendent of Public Works Thomas J. Rini presented a report discussing the preparations and activities relating to Hurricane Irene.

Superintendent of Buildings Daniel B. Whalen presented a monthly financial report for July and August 2011 and also presented a departmental annual report from June 1, 2010 – May 31, 2011.

Resolution No. 218-11

Resolved to approve the application of JSS Performance, Inc. for a special use permit located at 43 Roselle Street, Mineola NY.

BOARD OF TRUSTEES INCORPORATED VILLAGE OF MINEOLA

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In the Matter of the Application of

JSS PERFORMANCE, INC.

DECISION

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) and Section 30.51(A) of the Code of the Incorporated Village of Mineola, at premises known as 43 Roselle Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 349, Lot 8.

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NAME OF APPLICANTS: JSS Performance, Inc.

SUBJECT PROPERTY: Section 9, Block 349 Lot 8

STREET LOCATION: 43 Roselle Street

Mineola, New York 11501

ZONING DISTRICT: Business "M" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter

30, Section 30.31(B) and Section 30.51(A) for the operation of an automobile repair shop upon the property

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

regulations.

DATE OF HEARING: June 8, 2011

APPEARANCES: Marco D. Silva, Esq.

DECISION:

JSS Performance, Inc. (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 and 30.51 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for that the operation of an automobile repair shop upon the property known as 43 Roselle Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 349, Lot 8) (hereinafter, the "Property").

By Notice of Disapproval, dated May 20, 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 operation of an automobile repair shop 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 June 9, 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 operate an automobile repair shop upon the property known as 43 Roselle Street, Mineola, New York;
- 2) By Decision of the Board of Trustees, dated November 21, 2006, Applicant received a special use permit to operate an automotive repair shop upon the property located at 10 Roselle Street;
- 3) Applicant is seeking to relocate the current automotive repair shop to 43 Roselle Street;
- 4) Applicant affirms the prior findings of fact from the November 21, 2006 Board of Trustees Decision and consents to the conditions of approval;
- 5) Applicant will continue to specialize on luxury and exotic cars;
- 6) Applicant does not anticipate a high volume of traffic;
- 7) Work to be performed by Applicant is done by appointment;
- 8) Applicant will accommodate the traffic generated by the proposed business on-site;
- 9) Applicant's proposed hours of operation are Monday through Friday, 8:00 a.m. to 7:00 p.m. Applicant intends to utilize Saturdays for the purposes of cleaning the shop and organizing the business. Applicant represented that mechanical work will not be performed on weekends;
- 10) Applicant has professional recycling companies for the disposal of automotive fluids;
- 11) Applicant has professional recycling company for the disposal of old tires;
- 12) In addition to Owner, there is only one additional employee upon the Property;
- 13) Applicant represented that, at any given time, there is an average of five cars upon the Property to be worked upon;
- 14) Applicant strictly performs mechanical work as opposed to auto body repairs;
- 15) There will be no storage of flammable gases upon the Property; and
- 16) Applicant does not perform towing services.
- 17) 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) Applicant will discontinue the operation of its automotive repair shop at 10 Roselle Street;
- 2) Applicant agrees to be bound by the prior conditions of approval from the Decision of the Board of Trustees, dated November 21, 2006;
- 3) 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;
- 4) 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
- 5) 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 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. 219-11

Resolved to approve the application of 99 Cents Paradise for a special use permit location at 328 East Jericho Turnpike, Mineola New York.

MINEOLA'S 99 CENTS PARADISE

DECISION

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 328 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 381, Lot 44.

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NAME OF APPLICANTS: Mineola's 99 Cents Paradise

SUBJECT PROPERTY: Section 9, Block 381 Lot 44

STREET LOCATION: 328 East Jericho Turnpike

Mineola, New York 11501

ZONING DISTRICT: Business "B-1" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter

30, Section 30.31(B) for the sale of food upon the property

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

regulations.

DATE OF HEARING: June 8, 2011

APPEARANCES: Saleem Usman, Owner

DECISION:

Mineola's 99 Cents Paradise (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 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 328 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 381, Lot 44) (hereinafter, the "Property").

By Notice of Disapproval, dated March 30, 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 June 9, 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 328 East Jericho Realty, 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 "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.

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IT IS THEREFORE RESOLVED, that the Special Use Permit is GRANTED subject

to the following conditions:

- 6) The Applicant will not prepare or cook food upon the property;
- 7) Applicant shall utilize a private sanitation service for garbage removal;
- 8) All putrescible waste shall be refrigerated indoors until pick-up;
- 9) Hours of operation will be 9:30am to 8pm, Monday to Saturday and 10am to 7pm Sunday;
- 10) 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;
- 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
- 12) 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 Lawrence A. Werther Seconded by Trustee Paul A. Pereira

Vote:

Yes No Abstain
Mayor Scott P. Strauss

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 7:30 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 Public Meeting to order at 7:45 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

Superintendent of Public Works Thomas J. Rini Superintendent of Buildings Daniel B. Whalen

Press Observer: Rich Forestano, *Mineola American*

Geoffrey Walter, *Patch .com* Timothy Meyer, *Williston Times*

Sunshine Observers: 39 Observers

Mayor Scott P. Strauss announced that the Village of Mineola's bond rating has been increased from A1 to AA3 and stated that this is a boost for the village as it will allow for the refinancing of existing bonds, providing significant saving to taxpayers. Mayor Strauss reported on the Mineola Junior Fire Department trip to Hamburg Germany and what a great cultural and firefighting experience if was for the members of both the Mineola Junior Fire Department and the Hamburg Fire Department. Mayor Strauss thanked advisors Bill Gresalfi, Gary Mazur and Jack Fernandez for all their efforts in putting this trip together. Mayor Strauss congratulated Mineola resident, Jean Woods Ludwig for being selected "Women of Distinction of 2011" by New York Assemblyman Tom McKevitt for her work at North Shore University Hospital; announced that the village will be receiving additional Community Development block grants and commented that some of the money will go toward improving the drainage by the Long Island Railroad at Parking Fields 1 & 7. Mayor Strauss stated he, Trustee Durham, Trustee Werther had attended a ribbon cutting ceremony for the Becker Dance Center and commented how nice it was to see a new business opening in Mineola. Mayor Strauss requested that residents join him on Saturday September 10, 2011 at a solemn 911 Remembrance Ceremony at Mineola Memorial Park at 7:00 pm and to fly their flags at half staff. Mayor Strauss announced that the Winston Hearing regarding the proposal change from senior condos to senior rentals will be held on September 14, 2011 and requested that all seniors make an effort to come to the hearing and express their concerns. Mayor Strauss reminded all residents that on Saturday September 24, 2011 Senator Jack M. Martins will be having a Child Car Seat Safety check at Wilson Field from 8:00 am – 5:00 pm. Mayor Strauss commented on hurricane preparations and the operations during the storm and its aftermath. Mayor Strauss particularly mentioned the dedication to duty of the village professional staff, the volunteers of the Mineola Fire Department, the Mineola Volunteer Ambulance Corp and the Mineola Auxiliary Police who left their homes and families during an emergency to insure the safety and security of the residents of the Village of Mineola. Mayor Strauss stated that everyone worked together in pre-planning and in the execution of plans which worked flawlessly, and offered thanks to everyone.

Trustee Lawrence A. Werther commented that Mineola was by far the cleanest village in the aftermath of Hurricane Irene and commended Superintendent Thomas R. Rini, his staff, and those that helped by manning the phones for their efforts to ensure the safety of residents. Trustee Werther reminded all residents that the Mineola Street Fair would be held on September 25, 2011, urged them to attend, and announced auditions would be held by the Chamber of Commerce at the Village Hall Community Center on September 8th and 9th from 6:00 pm to 10:00 pm if residents wanted to participate in the entertainment of the fair. Trustee Werther invited all residents to attend the 10th Anniversary of the 911 Memorial Service on Saturday September 10, 2011 at 7:00 pm at Mineola Memorial Park.

Trustee Paul S. Cusato reiterated the sentiments of Mayor Strauss and Trustee Werther in thanking Superintendent Thomas R. Rini, his staff, the office personnel who manned the phones, as well as all the emergency service personnel for their efforts during Hurricane Irene. Trustee Cusato commented in detail on the Mineola Fire Department operations, thanking them for an efficient and safe operation assisting residents during a dangerous situation. Trustee Cusato congratulated the Mineola Athletic Association (MAA) girls' under-15 travel soccer team, who were victorious in their Labor Day tournament and went undefeated. Trustee Cusato thanked North Hempstead Councilman Angelo Ferrara for his assistance in proposing a variance to resolve a Town zoning issue which allowed a local business, Dominick's Deli, to remain in business. Trustee Cusato urged all residents to attend the 911 Memorial Service on September 10, 2011 at Memorial Park.

Trustee Paul A. Pereira also thanked the village staff, the volunteer emergency service groups and in particular Mayor Strauss for his leadership in directing the operations of the Village during Hurricane Irene. Trustee Pereira commented on the pre-hurricane planning sessions, phone conferences, operations during the storm and the clean up, and again thanked all those who worked so diligently to ensure the safety of the residents. Trustee Pereira discussed the recent improvement in the Village's bond rating and the effects on the village in the long term. Trustee Pereira reminded everyone that on September 24, 2011 Senator Jack M. Martins' office is sponsoring a Child Car Seat Safety check program to be sure their child's car seat is properly installed and reminded residents about the Mineola Street Fair and urged them to attend.

Trustee George R. Durham extended his thanks to the staff and emergency personnel for their efforts, also commending the mayor for his efforts and leadership in pre-planning the deployment of personnel and equipment, and the smooth and efficient operation in the aftermath in getting things back in order. Trustee Durham thanked the pool staff for a job well done in the operation of the pool this summer and urged the residents and businesses alike to participate in the Chamber of Commerce's Mineola Street Fair.

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:40 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 George R. Durham