

Minutes - Board Meeting – 04/06/2011

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, April 6, 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 Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer: Rich Forestano, *Mineola American*
Geoffrey Walter, *Patch .com*

Sunshine Observers: 23 Observers

Mineola Chamber of Commerce President Ray Sorkosky and members Steve Ford and Tony Lubrano provided a presentation on the Chamber of Commerce proposal to move the Mineola Fair to September 25, 2011 and to move the event from Memorial Park to the downtown business area.

Mayor Scott P. Strauss called the Work Session to order at 6:40 PM.

Resolution No. 57-11

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
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		

Resolution No. 58-11

Resolved to approve the minutes from the meetings of the Board of Trustees of February 2, 2011, February 9, 2011, February 16, 2011, March 2, 2011, March 9, 2011 and March 16, 2011.

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. 59-11

Resolved to approve the recommendation of the Mineola Volunteer Fire Department of the following new members:

Andrew Carvalho	Co. 3
Alex Goncalves	Co. 1

Motioned by Trustee Paul S. Cusato
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		

Resolution No. 60-11

Resolved to approve a request by the Evening Star Quilters for use of the Community Center auditorium for monthly meetings on the first Thursday of the month from 7:00 PM – 9:00 PM on the following dates:

June 2, 2011	October 6, 2011	February 2, 2012
July 7, 2011	November 3, 2011	March 1, 2012
August 4, 2011	December 1, 2011	April 5, 2012
September 1, 2011	January 5, 2012	May 3, 2012

Motioned by Trustee Paul A. Pereira
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		

Resolution No. 61-11

Resolved to approve a request by the Evening Star Quilters for the use of a Community Center general purpose room for monthly board meetings on the third Thursday of the month from 7:00 PM – 9:00 PM on the following dates:

June 16, 2011	October 20, 2011	February 16, 2012
July 21, 2011	November 17, 2011	March 15, 2012
August 18, 2011	December 15, 2011	April 19, 2012
September 15, 2011	January 19, 2012	May 17, 2012

Motioned by Trustee Lawrence A. Werther
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. 62-11

Resolved to approve a request by the Evening Star Quilters for use of the Village Hall Community Center auditorium and two (2) general purpose rooms for Friday, November 4, 2011 from 9:00 AM – 7:00 PM, Saturday, November 5, 2011 from 9:00 AM – 5:00 PM and Sunday, November 6, 2011 from 9:00 AM – 5:00 PM for its annual quilt show.

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. 63-11

Resolved to approve a request from The Birchwood Court Owners, Inc. for use of the Village Hall Community Center auditorium for its annual shareholder meeting Tuesday, June 7, 2011 from 7:00 – 9:00 PM.

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. 64-11

Resolved to approve a request by the Mineola Portuguese Center, Inc. for use of Wilson Field Friday June 10, 2011 through Sunday June 12, 2011 and one soccer field Saturday June 11, 2011 through Sunday June 12, 2011 for its annual Carnival.

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 65-11

Resolved to approve the request by the Jackson Avenue PTA for the use of Wilson Park for their 4th grade picnic on Wednesday June 15, 2011 (Raindate: Wednesday, June 22, 2011) from 8:00 AM – 2:00 PM.

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 66-11

Resolved to approve the request by the Jackson Avenue PTA for the use of Wilson Park for their 5th grade picnic on Monday June 6, 2011 (Raindate: Tuesday, June 21, 2011) from 8:00 AM – 2:00 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 67-11

Resolved to approve a request by the Mineola School District for the use of Wilson Park to conduct the Willis Avenue School's annual kindergarten class picnic, Friday, June 17, 2011, from 10:00 am – 2:00 pm.

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 68-11

Resolved to approve a request by the Mineola Athletic Association for the use of a Community Center general purpose room on Tuesday April 12, 2011 from 6:30 PM – 9:30 PM and Saturday April 16, 2011 from 10:00 AM – 1:00 PM for AED/CPR Training sessions.

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 69-11

Resolved to approve a request by the Mineola Portuguese Soccer Club to co- host an event “Soccer in the Community” on Monday April 18, 2011 through Thursday April 21, 2011 (Raindate: Friday April 22, 2011), time; to be determined.

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		

Resolution No 70-11

Resolved to approve a clarification of Resolution No. 64-11 expanding the scope of the request by the Mineola Portuguese Center to include the use of the Wilson Field parking lots.

Motioned by Trustee Lawrence A. Werther
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		

Village Clerk Joseph R. Scalero stated that some residents are receiving packages on their front doors asking them to sample their water and submit it for analysis. Village Clerk Scalero stated that this is not part of the Village of Mineola water department and is a solicitation to sell water filtration devices. Village Clerk Scalero stated that there are no problems with village water.

Resolution No 71-11

Resolved to authorize a death benefit payment from the Fire Service Award Fund to the beneficiaries of deceased volunteer firefighter Albert Maiolica, Jr. pursuant to the Length of Service Award Program (LOSAP).

Motioned by Trustee Paul S. Cusato
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		

Resolution No 72-11

Resolved to approve a request by the Mineola Fire Department for a budget transfer in the amount of \$3,000.00 from the following lines:

From:	(EQUIPMENT - HOSE)	\$ 250.00
	(GASOLINE)	\$ 250.00
To :	(RENTAL EQUIPMENT)	\$ 500.00
From:	(DUES & CONFERENCES)	\$1,500.00
TO :	(REPAIRS & EQUIPMENT)	\$1,500.00
FROM:	(FOAM)	\$ 500.00
TO :	(SUPPLIES MISC.)	\$ 500.00
FROM :	(FOAM)	\$ 500.00
TO :	(MEDICALS)	\$ 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 73-11

Resolved to authorize Change Order No. 1 and No. 2 for the Rehabilitation of Well #5 Project resulting to a net credit of \$46,700.00.

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 74-11

Resolved to request closing a water account at the Jackson Steel Super Fund Site at 435 First Street, Mineola and to write off the account balance which was charged to the EPA although the service was disconnected and had no usage.

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 75-11

Request to authorize the installation of a “Handicap Reserved” parking space in front of 342 Wellington Road.

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

Superintendent of Public Works Thomas J. Rini stated that the all paperwork submitted with regard to the Village of Mineola expenses for the 2010 blizzard was approved and signed off by both FEMA and New York State, and the amount of the reimbursement will be approximately \$34,800.00. Superintendent Rini further stated that he received \$6,050.00 from LIPA for the 2008 & 2009 tree planting program and stated that he will be submitting in the paperwork for 2010 program shortly. Superintendent Rini presented an update on the water department and announced that a holiday collection schedule will be in effect on Friday April 22, 2011 due to the observance of Good Friday and that Village Hall will be closed that day. Superintendent Rini reminded everyone that the Little League Opening Day Parade is Saturday April 9, 2011 and that the fields are ready for play.

Mayor Scott P. Strauss requested a motion to go into Executive Session at 7:20 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 requested a motion to come out of Executive 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 stated that no action was taken on personnel item discussed in Executive Session.

Village Attorney John M. Spellman informed the Board of Trustees that the continuation of the Boards' Public Hearing regarding the expansion of the Tudor Time Day Care Center, originally scheduled for April 13, 2011 had been postponed until May 11, 2011. Village Attorney Spellman also recommended the following resolution on the Application of the Church of Jesus Christ of the Latter Day Saints.

Resolution No. 76-11

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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

CORPORATION OF THE PRESIDING BISHOP
OF THE CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS

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 111
Willis Avenue, Mineola, New York, known and
designated on the Nassau County Land and Tax
Map as Section 9, Block 420, Lots 111, 315 and
316.

-----X

NAME OF APPLICANTS:	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints
SUBJECT PROPERTY:	Section 9, Block 420, Lots 111, 315 and 316
STREET LOCATION:	111 Willis Avenue Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) to establish a church upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 9, 2011
APPEARANCES:	Michael Sahn, Esq.
IN SUPPORT	Richard Hedberg, Real Estate Project Manager Matthew Smith, Standard Valuation Services Theresa Elkowitz, VHB Engineering Fernando Fernandez, Architect

DECISION:

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints (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 to establish a church upon the property known as 111 Willis Avenue, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 420, Lots 111, 315 and 316) (hereinafter, the “Property”).

By Notice of Disapproval, dated December 6, 2010, 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 establishment of a church 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.

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 establish a church upon the property known as 111 Willis Avenue, Mineola, New York;
- 2) Applicant will use the building solely for religious study and religious practice;
- 3) There will be no catering functions upon the Property;
- 4) There will be no day-care facilities upon the Property;
- 5) Applicant will provide adequate on-site parking to meet the needs of the church;
- 6) 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. The Application and supporting documents were referred to the Nassau County Planning Commission. The Nassau County Planning Commission recommended that this Board take whatever action it deemed appropriate.

The Board of Trustees has appellate jurisdiction with respect to architectural matters. The Board of Trustees grants the Applicant's request to waive architectural review with respect to the minor exterior changes proposed which include enclosing the existing vestibule, installing an ADA compliant entrance, re-grading the parking lot and re-landscaping the property.

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

- 1) Applicant shall be the exclusive occupant on the Property;

- 2) The Applicant will not rent the Property to outside groups for any non-church service or non-church related activities;
- 3) Applicant shall instruct all congregants to utilize the on-site parking lot;
- 4) The Applicant will not prepare or cook food upon the Property;
- 5) 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;
- 6) 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
- 7) 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

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 7:35 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 7:50 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

Superintendent of Public Works Thomas J. Rini

Superintendent of Building Daniel B. Whalen

Press Observer: Rich Forestano, *Mineola American*
Geoffrey Walter, *Patch .com*
Timothy Meyer, *Williston Times*

Sunshine Observers: 31 Observers

Mayor Scott P. Strauss welcomed Trustee George R. Durham to the Board of Trustees; stating that he looks forward to working with him; thanked all those who were involved in helping to make Organization Night a memorable evening, especially Boy Scout Troop 45, the Mineola Fire Department, Junior Fire Department and the Mineola High School A Cappella singers. Mayor Strauss stated that the Mineola Athletic Association (MAA) Opening Day Little League Parade will begin at 10:00 AM on Saturday April 9, 2011 and requested that everyone try to attend. Mayor Strauss announced that there would be a Budget Work Session at 6:00 PM on April 11, 2011 and at 6:30 PM on Wednesday April 13, 2011 a Budget Hearing.

Trustee Lawrence A. Werther thanked former Trustee Thomas R. Kennedy for his years spent on the Board of Trustees serving the community and welcomed Trustee George R. Durham. Trustee Werther commented that Organization Night was a spectacular event and thanked all those who were involved, stating that Megan Messina and the Mineola High School A Cappella singers presented a stunning rendition of the National Anthem. Trustee Werther reminded everyone to come and support the Chamber of Commerce by shopping at the local businesses and further stated that he attended a meeting with Acting Commissioner of Police, Thomas C. Krumpter, at the Nassau County Village Officials Association (NCVOA). Commissioner Krumpter confirmed a rumor that one of Nassau County's police precincts would be closing and stated that it has not yet been determined which one would close.

Trustee Paul S. Cusato congratulated Mayor Scott P. Strauss, Trustee George R. Durham and Trustee Lawrence A. Werther and thanked former Trustee Thomas R. Kennedy for his years of service to the community. Trustee Cusato stated that the Mineola Junior Fire Department Pasta Night was a huge success and thanked all those involved as well as all of the businesses and residents that have supported this event. Trustee Cusato announced that on March 31, 2011 the Mineola Fire Department concluded their firematic year and reported that during the past year the Mineola Fire Department reported to 586 alarms.

Trustee Paul A. Pereira congratulated Mayor Strauss, Trustee Durham and Trustee Werther and welcomed them. Trustee Pereira thanked all those that came out on Organization Night as well as all of the participating organizations especially Marta DeSousa and Anna Athan for putting together such a great night. Trustee Pereira stated that he attended the closing of the Sousa Mendes Exhibit at the Mineola Memorial Library and reported that there was a visa recipient as the keynote speaker, as well as the daughter of a visa recipient, and stated that it was a very moving event. Trustee Pereira reported that in addition to the rumor regarding the closing of a Nassau County Police Precinct he also heard that there were talks about cutting the Problem Oriented Policing (POP) officer and hopes this is not true.

Trustee George R. Durham thanked those that voted for him, thanked all those that come out to support the candidates on Organization Night, especially Boy Scout Troop 45, Mineola Fire Department and Junior Fire Department, and businesses. Trustee Durham stated that the Mineola Athletic Association (MAA) Opening Day Parade kicks off at 10:00 AM on Saturday April 9, 2011.

9 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:50 PM.

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		
Mayor Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		