

**Minutes - Board Meeting – 08/11/10**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, August 11, 2010 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

**PRESENT:** Mayor Jack M. Martins  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**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 Building Daniel B. Whalen

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

**Sunshine Observers:** 46 Observers

**Mayor Jack M. Martins called the Public Hearing to order at 6:45 PM**

*A Public Hearing was held at 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**APPLICATION OF WEI JI LIN 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 INTERIOR ALTERATIONS TO ESTABLISH A TAKE-OUT RESTAURANT UPON THE PROPERTY KNOW AS 48 EAST OLD COUNTRY ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 210, LOT 2.**

*10 speakers addressed the Board*

**Resolution No. 231-10**

Resolved to declare the application of Wei Ji Lin for a Special Use Permit at 48 East Old Country Road as an unlisted action with a negative declaration under the State Environmental Quality Review Act.

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

<b>Vote:</b>			
<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>	
Mayor Jack M. Martins			
Trustee Paul S. Cusato			
Trustee Thomas F. Kennedy			
Trustee Paul A. Pereira			

**Mayor Jack M. Martins requested a motion to reserve decision while awaiting response from the Nassau County Planning Commission.**

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

**Yes**

Mayor Jack M. Martins  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**No**

**Abstain**

*A Public Hearing was held at 8:20 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**APPLICATION OF DAVID L. MAMMINA 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 RE-ESTABLISHMENT OF A MOTOR VEHICLE REPAIR STATION UPON THE PROPERTY KNOW AS 99 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 268, LOT 1.**

*No speakers addressed the Board*

**Resolution No. 232-10**

Resolved to approve the application of David L. Mammina for a Special Use Permit for the re-establishment of a Motor Vehicle Repair Station at 99 East Jericho Turnpike, Mineola.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Thomas F. Kennedy

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**No**

**Abstain**

**Mayor Jack M. Martins requested a motion to close the Public Hearing at 8:35 PM.**

Motioned by Trustee Thomas F. Kennedy  
Seconded by Trustee Paul A. Pereira

**Vote:**

**Yes**

Mayor Jack M. Martins  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**No**

**Abstain**

*A Public Hearing was held at 9:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**PROPOSED LOCAL LAW AMENDING THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, CHAPTER 30 ENTITLED "ZONING", SECTION 30.5 ENTITLED "APPLICATION OF REGULATIONS", TO EXPAND THE DEVELOPMENT INCENTIVE BONUS OVERLAY DISTRICT.**

*2 speakers addressed the Board*

*Village Attorney John M. Spellman presented a brief overview of the Development Incentive*

*Bonus Overlay District outlining the boundaries and recommended a resolution to amend the Development Incentive Bonus Overlay District as follows:*

- d. “Development Incentive Bonus Overlay District” shall mean the entire B-3 Special Office District and that portion of the downtown area beginning at the intersection of the north side of the Long Island Rail Road tracks and the west side of Third Avenue, running north to the north side of First Street, running west to the east side of Horton Highway, running north to the rear property line of those lots which front on the north side of Harrison Avenue, running east to [the rear property line of the lots fronting on the north side of Second Street, running east to the west side of Roslyn Road,] **the east side of Willis Avenue, running north to the south side of Jackson Avenue, running east to the west side of the Long Island Rail Road Oyster Bay Line right of way, running south to the north side of Second Street, running east to the east side of the Long Island Rail Road Oyster Bay Line right of way, running north to Clinton Avenue, running east to the west side of Roosevelt Avenue, running south to the rear property line of those properties fronting on Second Street, running east to the west side of Roslyn Road,** running south to the north side of the Long Island Rail Road tracks and running west to the point of beginning.

Eliminate [bracketed] language. Add **highlighted** language.

**Resolution No. 233-10**

Resolved to amend the proposed expansion of the Development Incentive Bonus Overlay District to exclude the portion east of the Long Island Railroad Oyster Bay line, as part of the expansion of the Development Incentive Bonus Overlay District.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Thomas F. Kennedy

Village Clerk Joseph R. Scalero polled the Board:

<b>Vote:</b>		
<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

**Mayor Jack M. Martins requested a motion to reserve decision while awaiting response from the Nassau County Planning Commission and to close the Public Hearing at 9:50 PM.**

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Thomas F. Kennedy

<b>Vote:</b>		
<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>
Mayor Jack M. Martins		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

*A Public Hearing was held at 9:50 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**PROPOSED LOCAL LAW ELECTING RETIREMENT INCENTIVE PROGRAM  
– PART A AS AUTHORIZED BY CHAPTER 105, LAWS OF 2010 FOR THE  
ELIGIBLE EMPLOYEES OF THE INCORPORATED VILLAGE OF MINEOLA.**

**PROPOSED LOCAL LAW ELECTING RETIREMENT INCENTIVE PROGRAM  
– PART B AS AUTHORIZED BY CHAPTER 105, LAWS OF 2010 FOR THE  
ELIGIBLE EMPLOYEES OF THE INCORPORATED VILLAGE OF MINEOLA.**

*2 speakers addressed the Board*

*Village Attorney John M. Spellman presented an overview of both Plan A and Plan B of the retirement incentive program as authorized by Chapter 105, Laws of 2010 of the State of New York.*

*Mayor Jack M. Martins presented an overview on the financial aspects of the retirement incentives and the savings it will provide the village.*

**Resolution No. 234-10**

Resolved to approve the proposed Local Law electing the Retirement Incentive Program – Part A as authorized by Chapter 105, Laws of 2010 for the Eligible Employees of the Incorporated Village of Mineola.

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

**Resolution No. 235-10**

Resolved to approve the proposed Local Law electing the Retirement Incentive Program – Part B as authorized by Chapter 105, Laws of 2010 for the Eligible Employees of the Incorporated Village of Mineola.

Motioned by Trustee Thomas F. Kennedy  
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

**Resolution No. 236-10**

Resolved to pay out any additional costs resulting from the retirement incentive plans in five annual installments, as permitted by New York State.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Thomas F. Kennedy

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 237-10**

Resolved that any payments for accumulated time to retiring employees under these retirement incentive plans be paid from the unreserved fund balance.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Thomas F. Kennedy

Village Clerk Joseph R. Scalero polled the Board:

<b>Vote:</b>		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

**Mayor Jack M. Martins requested a motion to close the Public Hearing at 10:15 PM**

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Thomas F. Kennedy

<b>Vote:</b>		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

**Mayor Jack M. Martins called the Work Session to order at 10:30 PM.**

<b>PRESENT:</b>	Mayor Jack M. Martins Trustee Paul S. Cusato Trustee Thomas F. Kennedy Trustee Paul A. Pereira
<b>ALSO PRESENT:</b>	Village Attorney John M. Spellman Village Clerk Joseph R. Scalero Deputy Village Clerk Cora T. Kelly
<b>Sunshine Observers:</b>	No Observers

**Resolution No. 238-10**

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Thomas F. Kennedy

<b>Vote:</b>		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

**Resolution No. 239-10**

Resolved to approve the minutes from the meeting of the Board of Trustees of July 7, 2010 and July 14, 2010.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Paul A. Pereira  
**Vote:**  
**Yes**  
Mayor Jack M. Martins  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**No**

**Abstain**

**Resolution No. 240-10**

Resolved to award the 2010 Roadway Improvements Program to the lowest responsible bidder, Pratt Brothers, Inc., based upon their low bid of \$321,062.70.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Thomas F. Kennedy

**Vote:**  
**Yes**  
Mayor Jack M. Martins  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**No**

**Abstain**

**Resolution No. 241-10**

Resolved to approve the request by Library Clerk Linda Guggino, to “buy back” 35 hours of accumulated sick time at 75 cents on the dollar in accordance with the Collective Bargaining Agreement.

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

**Vote:**  
**Yes**  
Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**No**

**Abstain**

**Resolution No. 242-10**

Resolved that the Board of Trustees accepts and certifies the report of activities submitted by Trustee Paul Cusato and Trustee Paul Pereira.

Motioned by Mayor Jack M. Martins  
Seconded by Trustee Thomas F. Kennedy

**Vote:**  
**Yes**  
Mayor Jack M. Martins  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**No**

**Abstain**

**Mayor Jack M. Martins requested a motion to close the Work Session at 10:40 PM.**

Motioned by Trustee Thomas F. Kennedy  
Seconded by Trustee Paul S. Cusato

**Vote:**

**Yes**

Mayor Jack M. Martins

Trustee Paul S. Cusato

Trustee Thomas F. Kennedy

Trustee Paul A. Pereira

**No**

**Abstain**