

**Minutes - Board Meeting – 05/12/10**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 12, 2010 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

**PRESENT:** Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
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  
Superintendent of Public Works Thomas J. Rini

**Press Observer:** Rich Forestano, *Mineola American*

**Sunshine Observers:** 7 Observers

**Mayor Jack M. Martins called the Work Session to order at 6:50 PM.**

**Resolution No. 119-10**

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato  
Seconded by Trust Lawrence A. Werther

**Vote:**

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

**Resolution No. 120-10**

Resolved to authorize the installation of a “Handicap Reserved” parking space at 434 Garfield Avenue on Beebe Road and at 366 Latham Road.

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

**Vote:**

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

**Resolution No. 121-10**

Resolved to authorize the Superintendent of Public Works to post for the position of Laborer in the Highway Department.

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

**Vote:**

**Yes**

**No**

**Abstain**

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

**Resolution No. 122-10**

Resolved to accept the resignation and approve a lump-sum separation payout of \$38,699.86 to Laborer William Klein for unused accumulated time in accordance with the Collective Bargaining Agreement.

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

**Vote:**

**Yes**

**No**

**Abstain**

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

Superintendent of Public Works Thomas J. Rini reported on various damage caused to several trees within the village and especially to the water department facility by the high winds. Superintendent Rini reminded everyone that the Mineola Fair will be held on Saturday May 15, 2010 from 10:00 AM- 6:00 PM at Memorial Park.

**Resolution No. 123-10**

Resolved to approved a request by the Mineola Volunteer Ambulance Corps for use of Wilson Field for their annual picnic on Saturday July 31, 2010 from 12:00 PM - 6:00 PM (Raindate: Saturday August 7, 2010).

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

**Vote:**

**Yes**

**No**

**Abstain**

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

**Resolution No. 124-10**

Resolved to approve a request of the Department of Veterans Affairs for use of a Community Center general purpose room on Tuesday August 10, 2010 from 11:00 AM – 2:00 PM to hold an outreach event for veterans.

Motioned by Trustee Thomas F. Kennedy  
Seconded by Trustee Lawrence A. Werther

**Vote:**

**Yes**

**No**

**Abstain**

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

**Resolution No. 125-10**

Resolved to approve a request by the Mineola Middle School for use of the Mineola Memorial Park gazebo and surrounding area on Wednesday June 2, 2010 from 8:00 AM – 2:41 PM to conduct their annual “Shakespeare in the Park” performance.

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

**Vote:**

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

**Resolution No. 126-10**

Resolved to approve a request by the Evening Star Quilters for use of a Community Center general purpose room for monthly meetings on the first Thursday of the month for the following dates from 7:00 PM – 9:15 PM:

June 3, 2010	October 7, 2010	February 3, 2011
July 1, 2010	November 4, 2010	March 3, 2011
August 5, 2010	December 2, 2010	April 7, 2011
September 2, 2010	January 6, 2011	May 5, 2011

and for the use of a Community Center general purpose room for monthly board meetings on the third Thursday of the month for the following dates from 7:00 PM – 8:30 PM:

June 17, 2010	October 21, 2010	February 17, 2011
July 15, 2010	November 18, 2010	March 17, 2011
August 19, 2010	December 16, 2010	April 21, 2011
September 16, 2010	January 20, 2011	May 19, 2011

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

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

**Resolution No. 127-10**

Resolved to approve the request by Cub Scout Pack 246 for the use of Wilson Park for their annual picnic on Saturday, August 28, 2010 (Raindate: Sunday August 29, 2010) from 11:30 AM to 3:30 PM.

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

**Vote:**

**Yes**

**No**

**Abstain**

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

*Village Clerk Joseph R. Scalero commented that he received an anonymous call from a resident reporting their neighbor putting out garbage on the weekends and stated that he was not able to return their call because he didn't have a name and phone number. Village Clerk Scalero also reported that the issue would be addressed by village personnel.*

**Resolution No. 128-10**

Resolved to approve the following budget transfers:

**General Fund**

<b><u>Account</u></b> <b><u>Name</u></b>	<b><u>Account</u></b> <b><u>Number</u></b>	<b><u>Increase</u></b>	<b><u>Decrease</u></b>
Dues & Conferences	10 1010 480 00	\$1,485.00	
Supplies – Miscellaneous	10 1110 406 18	271.30	
DMV Scofflaw	10 1110 413 00	1,269.50	
Postage	10 1110 471 00	593.57	
Dues & Conferences	10 1110 480 00	510.00	
Dues & Conferences	10 1210 480 00	377.61	
Supplies – Miscellaneous	10 1325 406 18	729.28	
Supplies – Miscellaneous	10 1410 406 18	415.44	
Rental – Equipment	10 1410 420 02	151.35	
Contractual Personal Services	10 1450 400 00	3,800.00	
Supplies – Cleaning	10 1620 406 05	3,644.77	
Repairs – Autos	10 1620 455 02	747.77	
Municipal Association Due	10 1920 480 00	65.00	
Certs - Valuation Services	10 1964 400 00	7,606.75	
Communication & Phone - Lease	10 1970 419 00	182.50	
Repairs - Vehicles - Enforcement	10 3310 455 02	517.35	
Equipment	10 3320 200 00	309.78	
Repairs – Autos	10 3320 455 02	103.54	
Repairs – Autos	10 3410 455 02	3,427.45	
Postage	10 3410 471 00	3,444.83	
Svce Award Prog Admin Exp	10 3410 828 31	1,506.00	
Supplies – Miscellaneous	10 3620 406 18	72.68	
Equipment – Radios	10 3640 200 02	1,340.50	
Supplies – Cleaning	10 3640 406 05	20.20	
Rental – Equipment	10 5010 420 02	744.45	
Tree Program	10 5110 442 02	3,590.00	
Supplies Salt – Snow	10 5142 406 27	853.60	
Repairs – Equipment	10 5142 455 13	718.95	
Repairs – Equipment	10 7140 455 13	1,819.86	
Repairs – Fences	10 7140 455 14	1,452.00	
Repairs – Trucks	10 7140 455 47	129.48	
Supplies – Miscellaneous	10 7180 406 18	570.83	
Contractual Personal Services	10 8020 400 00	2,150.00	
Supplies – Miscellaneous	10 8120 406 18	707.65	
Repairs – Building	10 8120 455 07	846.15	

Life Insurance	10 9045 831 00	2,317.61	
Unemployment Insurance	10 9050 832 00	397.36	
Dental Insurance	10 9089 840 00	4,313.44	
Eyeglass – Union	10 9089 845 00	652.99	
Serial Bond Interest	10 9710 780 00	0.04	
Contingency	10 1990 465 00		53,856.58
<b>TOTALS:</b>		<b>\$53,856.58</b>	<b>\$53,856.58</b>

Motioned by Trustee Lawrence A. Werther  
 Seconded by Trustee Thomas F. Kennedy

**Vote:**  
**Yes** **No** **Abstain**  
 Mayor Jack M. Martins  
 Trustee Lawrence A. Werther  
 Trustee Paul S. Cusato  
 Trustee Thomas F. Kennedy  
 Trustee Paul A. Pereira

**Resolution No. 129-10**

Resolved to approve the following budget transfers:

<u><b>Library Fund</b></u>			
<u><b>Account Name</b></u>	<u><b>Account Number</b></u>	<u><b>Increase</b></u>	<u><b>Decrease</b></u>
Payment MTA Payroll Tax	30741019804	2,818.58	
Audio & Video Recording	30741020006	5,288.54	
Periodicals	30741020008	230.59	
Reference Books	30741020010	204.65	
Supplies Miscellaneous	30741040618	4,915.96	
Dues & Conferences	30741048000	853.81	
Social Security	30741083300	1,776.90	
Workers Compensation	30741083000		10,000.00
Health & Medical Insurance	30741083600		6,089.03
	<b>TOTALS</b>	<b>16,089.03</b>	<b>16,089.03</b>

Motioned by Trustee Thomas F. Kennedy  
 Seconded by Trustee Lawrence A. Werther

**Vote:**  
**Yes** **No** **Abstain**  
 Mayor Jack M. Martins  
 Trustee Lawrence A. Werther  
 Trustee Paul S. Cusato  
 Trustee Thomas F. Kennedy  
 Trustee Paul A. Pereira

**Resolution No. 130-10**

Resolved to approve the following budget transfers:

**Pool Fund**

<b><u>Account Name</u></b>	<b><u>Account Number</u></b>	<b><u>Increase</u></b>	<b><u>Decrease</u></b>
Payment - MTA Payroll			
Tax	40718019804	1,073.16	
Security - Pool Facility	40718040300	352.66	
Stationary & Printing	40718040400	1,473.17	
Supplies - Miscellaneous	40718040618	600.00	
Entertainment	40718041500	250.00	
Serial Bonds Interest	40718078000	0.09	
Contingency	40718046500		749.08
Workers Comp Insurance	40718083000		3,000.00
	<b>TOTALS</b>	<b>\$3,749.08</b>	<b>\$3,749.08</b>

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

**Vote:**

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

**Resolution No. 130A-10**

Resolved to approve the following budget transfers:

**Water Fund**

<b><u>Account Name</u></b>	<b><u>Account Number</u></b>	<b><u>Increase</u></b>	<b><u>Decrease</u></b>
Payment MTA Payroll Tax	20831019804	2,133.09	
Water Testing	20831043500	5,625.52	
Repairs – Building	20831045507	558.76	
Repairs - Generator Maintenance	20831045519	294.44	
Repairs - Service Materials	20831045539	2,432.06	
Repairs – Trucks	20831045547	209.73	
Repairs - Well # 4	20831045552	407.68	
Worker Compensation Insurance	20831083000		11,661.28
	<b>TOTALS</b>	<b>\$11,661.28</b>	<b>\$11,661.28</b>

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

**Vote:**

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

*Mayor Jack M. Martins commented on various flooding issues occurring at Station Plaza North and on Main Street stating that these issues are problems which should be addressed by the MTA/LIRR and that he is continuing discussions with MTA/LIRR to resolve this at their expense before spending village taxpayer funds. Mayor Martins announced that the Village of Mineola has secured grant funding from Nassau County to allow the completion of Station Plaza North by the*

*middle of June. Mayor Martins provided an update on the Garden City Verizon facility at 13<sup>th</sup> Avenue and the ongoing discussions with Verizon and the Village of Garden City, and requested a resolution of the Board to retain an acoustical consultant to assist in the evaluation of the noise issues.*

**Resolution No. 131-10**

Resolved to approve retaining the services of Lally Acoustical Consultants to evaluate and advise with regard to noise abatement at the Garden City Verizon facility site bordering 13<sup>th</sup> Avenue.

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

**Resolution No. 132-10**

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

GARIMA 7 ENTERPRIZES, INC.

**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 90-08 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 336, Lots 418-432.  
-----X

NAME OF APPLICANTS:	Garima 7 Enterprizes, Inc.
SUBJECT PROPERTY:	Section 9, Block 336, Lots 418-432
STREET LOCATION:	90-08 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 interior alterations of a commercial space for the preparation and sale of food upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 14, 2010
APPEARANCES:	Neil Singh, Developer for Subway Sandwiches

## **DECISION:**

Garima 7 Enterprizes, Inc. (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 interior alterations to covert a commercial space for the preparation and sale of food upon the property known as 90-08 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 336, Lots 418-432) (hereinafter, the “Property”).

By Notice of Disapproval, dated January 14, 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 interior alterations to convert a commercial space for the preparation and 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.

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 covert a commercial space for the establishment of a Subway Sandwich Shop upon the property known as 90-08 Jericho Turnpike;
- 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.

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

1. Seating at the premises shall be limited to twelve (12) seats.
2. Oven use at the premises shall be limited to the baking of bread.
3. All putrescible waste shall be refrigerated until picked up.
4. No waste shall be placed outside the building overnight. No dumpster or waste shall be placed in the rear of the building.



5. All signage at the property shall be in conformity with the Village's regulations. Any signage not attached to the building shall be placed on the existing pylon sign only.

6. The hours of operation at the site shall be 7:00 a.m. through 9:00 p.m. Monday through Friday; 8:00 a.m. through 9:00 p.m. on Saturday; and 9:00 a.m. through 9:00 p.m. on Sunday.

7. All deliveries to the premises shall be made through the front door and trucks shall park in the front parking lot. No deliveries shall be made through the rear of the premises. Deliveries shall be made during business hours.

8. Employees of the business shall park in the municipal lot to the west of the premises.

9. The rear door of the premises shall remain closed at all times.

10. The premises, both indoor and outdoor, shall be maintained in a clean, litter-free and vermin-free condition at all times.

11. 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;

12. 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

13. 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.

Dated: Mineola, New York  
May 13, 2010

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

**Yes**

**No**

**Abstain**

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

**Mayor Jack M. Martins requested a motion to close the Work Session at 7:23 PM.**

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul S. Cusato

**Vote:**

**Yes**

**No**

**Abstain**

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