

**Minutes - Board Meeting – 04/14/10**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, April 14, 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 Paul A. Pereira

**ALSO PRESENT:** Village Attorney John M. Spellman  
Village Clerk Joseph R. Scalero  
Deputy Village Clerk Cora T. Kelly  
Superintendent of Building Daniel B. Whalen

**Sunshine Observers:** 46 Observers

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

*Mayor Jack M. Martins announced that the T-Mobile hearing scheduled for this evening will be adjourned to May 12, 2010 at the request of the applicant.*

*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 GARIMA 7 ENTERPRIZES INC 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 OF 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.**

*[Trustee Thomas F. Kennedy joined the meeting at 6:55 PM]*

*4 speakers addressed the Board*

**Resolution No. 97-10**

Resolved to declare the application of Garima 7 Enterprizes Inc for a Special Use Permit at 90-08 Jericho Turnpike as an unlisted action with a negative declaration under the State Environmental Quality Review Act.

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

**Vote:**

**Yes**

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

**No**

**Abstain**

**Mayor Jack M. Martins requested a motion to reserve decision and close the Public Hearing at 7:40 PM.**

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

**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 called the Work Session to order at 8:05 PM.**

**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 Buildings Daniel B. Whalen

**Sunshine Observers:** 19 Observers

**Resolution No. 98-10**

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato  
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. 99-10**

Resolved to approve the minutes from the meeting of the Board of Trustees of March 31, 2010 as amended.

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. 100-10**

Resolved to approve a request by the Mineola Fire Department for a budget transfer in the amount of \$500.00 from the following lines:

From: \$500.00 (INSTALLATION DINNER)

To : \$500.00 (MISCELLANEOUS SUPPLIES)

Motioned by Trustee Paul S. Cusato  
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

**Tabled**

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

**Tabled**

Resolved to approve a request by Cablevision to conduct door-to-door sales within the Village of Mineola to new and existing customers from September 1, 2010 through September 31, 2010.

**Resolution No. 100A-10**

Resolved to approve a request by the Kiwanis Club of County Seat to close Beebe Road from Jackson Avenue to Jericho Turnpike Sunday, May 16, 2010 (Rain Date: Sunday May 23, 2010) from 12:00 PM to 3:00 PM for their 2<sup>nd</sup> Annual Bicycle Safety Day subject to the following conditions: the closure is to be limited to the commercial area south of Jericho Turnpike to the adjacent village parking lot which will be closed and made available for the event, and that advance notice be given by the host committee to adjoining residents of Beebe Road.

Motioned by Trustee Paul S. Cusato  
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

**Resolution No. 101-10**

Resolved to approve a request for a 90-day extension of the building permit issued for 201 Sheridan Blvd.

Motioned by Trustee Thomas F. Kennedy  
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 Buildings Daniel B. Whalen presented a monthly department financial report for March 2010.

**Resolution No. 102-10**

Resolved to approve an application for a utility easement at 85 Washington Avenue, to install and maintain a 1” water service from the premise to the water main on Maple Place subject to the covenant filed with the Nassau County Clerk on April 28, 2010.

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

**Resolution No. 103-10**

Resolved that the Board of Trustees consents to the settlement of its MTBE products liability lawsuit (*Incorporated Village of Mineola v. AGIP Inc., et al.*, No. 03-CV-10051 (S.D.N.Y.)) with respect to the following defendant gasoline companies:

- Amerada Hess Corporation
- Atlantic Richfield Company
- BP Products North America (Amoco)
- Chevron U.S.A.
- Citgo Petroleum Corporation and Citgo Refining and Chemical Company
- Coastal
- Conoco Phillips
- El Paso Merchant Energy-Petroleum Company
- Equilon Enterprises
- Equistar Chemicals
- Exxon Mobil Corporation
- Huntsman Petrochemical Corporation
- Lyondell Chemical Company
- Lyondell-Citgo Corporation
- Motiva Enterprises
- The Premcor Refining Group
- PDV Midwest Refining
- Sabic America
- Shell Oil Company, Shell Oil Products Company, Shell Oil Products Company, LLC, Shell Petroleum, Inc., Shell Trading (US) Company
- Sunoco, Inc., Sunoco, Inc. (R&M)
- Texaco, Inc.
- Texas Petrochemical
- TMR Company
- Tosco Corporation
- Total Petrochemicals USA, Inc.
- Valero Energy Corporation, Valero Marketing and Supply Company, Valero Refining -- Texas, Valero Refining and Marketing
- Gulf Oil Limited Partnership
- Lukoil America

The amount of settlement is \$794,288.15 net of legal fees (\$264,762.72) and costs (\$96,929.41).

The Board certifies that, under law, it possesses the authority to enter into this settlement and the Mayor is hereby authorized to execute all documents in order to effectuate it.

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

Village Clerk Joseph R. Scalero polled the Board:

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

**Mayor Martins requested a motion to close the Work Session at 8:35PM.**

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

|                             |                  |                       |
|-----------------------------|------------------|-----------------------|
| <b>Vote:</b>                |                  |                       |
| <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     |                  |                       |