

## Minutes - Board Meeting – 12/16/09

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 16, 2009 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  
Village Treasurer Giacomo A. Ciccone  
Superintendent of Public Works Thomas J. Rini  
Water Department Supervisor Frederick Booher

**Sunshine Observers:** 4 Observers

Mayor Jack M. Martins invited Steve Grosskopf, Scoutmaster, Boy Scouts of America Troop 45, to the podium to introduce two new Eagle Scouts, Eric Getler and Matthew Ormand.

**Mayor Jack M. Martins called the Work Session to order at 6:35 PM.**

### Resolution No. 319-09

Resolved to approve bills and payroll.

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

#### **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. 320-09

Resolved to approve the following list of 2010 Tow Car applicants:

## **Incorporated Village of Mineola 2010 Tow Car License List**

A1 Grand Auto Body Inc. 105 Herricks Road Garden City Park, NY 11040 294-4200	Nuzzi Brothers Auto Collision Inc. 77 Jericho Turnpike New Hyde Park, NY 11040 354-1100
Albert Zolezzi Auto Body, Inc 432 Willis Avenue Williston Park, NY 11596 248-8716	Regal Body Works, Inc. 353 Sagamore Avenue Mineola, NY 11501 248-5070
Always Towing Inc. 353 Sagamore Avenue Mineola, NY 11501 334-5598	Sunset Towing Service 103 Harbor Road Port Washington, NY 11050 625-8106 (Heavy Duty Tow)

C&N Collision 96 Jericho Turnpike Floral Park, NY 11001 775-0343	T&D Towing Corporation 162 Sea Cliff Avenue Glen Cove, NY 11542 671-8810
Global Auto Recycling 534 Main Street Westbury, NY 11590 997-2842	Tip Top Auto Body, Inc. 150 Denton Avenue Garden City Park, NY 11040 746-6663 (Heavy Duty Tow)
Jason Towing Incorporated 651 Pine Street Uniondale, NY 11553 247-0031	Cross Island Wrecker Service, Inc. 635 Commercial Avenue Garden City, NY 11530 227-1207 (Heavy Duty Tow)
July Auto Wrecking Inc. 20 First Avenue Garden City Park, NY 11040 746-0297	
Nationwide Towing 2044 Jericho Turnpike New Hyde Park, NY 11040 437-7070	
No Limit Auto Body 10 Jerusalem Avenue Hempstead, NY 11550 486-9157 (Heavy & Medium Duty Tows)	

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. 321-09**

Resolved to approve the following request to “carry over” additional unused vacation time to be utilized by March 31, 2010, pursuant to the Collective Bargaining Agreement.

John C. Lodigkeit 7 Days

Motioned by Trustee Paul A. Pereira  
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. 322-09**

Resolved to approve a request by American Legion – Mineola Memorial Post No. 349, for use a Village Hall Community Center general purpose room on the first Monday of each month, January 2010 - December 2010 from 8:00 PM – 10:00 PM and third Thursday of each month,

as needed, for Executive Committee meetings, subject to Community Center availability.

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

**Resolution No. 323-09**

Resolved to approve a request by the Mineola Fire Department for a budget transfer in the amount of \$3,000.00 from the Medical line to the Hose and Equipment line.

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. 324-09**

Resolved to approve July Auto Wrecking as the authorized tow car agent for the Village of Mineola for abandoned vehicles.

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

Superintendent of Public Works Thomas J. Rini presented a report on recent departmental activities and status reports for various projects.

Water Department Supervisor Frederick Booher presented a monthly report of water and sewer activities.

**Mayor Jack M. Martins requested a motion to go into Executive Session at 7:00 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

**Mayor Jack M. Martins requested a motion to come out of Executive Session at 7:40 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

***Mayor Jack M. Martins adjourned the Work Session to begin the Public Meeting, with the stated intent to return to the Work Session immediately following the Public Meeting.***

**Mayor Jack M. Martins called the Public Meeting to order at 7:40 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  
Village Treasurer Giacomo A. Ciccone  
Superintendent of Public Works Thomas J. Rini  
Water Department Supervisor Frederick Booher

**Sunshine Observers:** 15 Observers

Mayor Jack M. Martins extended Seasons Greetings, thanked all who participated at the Village of Mineola's Annual Tree Lighting, particularly the Mineola Fire Department for insuring the arrival of Santa Claus.

Trustee Lawrence A. Werther reported on the Nassau Pops and the Mineola Choral Society concert stating that it was a spectacular event. Trustee Werther announced that the Chamber of Commerce honored two 50 year members, Jerry Melhman and Lou Sanders, and further congratulated them and thanked them for their service to Mineola. Trustee Werther also announced that the Mineola Fire Department will make every effort to bring Santa to your home, if requested, as part of "Operation Santa".

Trustee Paul S. Cusato thanked everyone for their contributions to the "Toys for Tots" program, the Mineola Fire Department for "Operation Santa", and also thanked the Mineola High School Key Club for their participation in "Toys for Tots".

Trustee Thomas F. Kennedy thanked everyone involved in "Operation Santa" and extended holiday wishes to all.

Trustee Paul A. Pereira thanked Mr. Gene Solosky and the Mineola Leisure Club for inviting him to their Holiday Banquet.

*8 speakers addressed the Board*

**Mayor Jack M. Martins requested a motion to close the Public Meeting at 8:50 PM.**

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 re-convened the Work Session at 9:03 PM. Mayor Martins stated that the Executive Session concerned litigation involving the Mineola Fire Department and its Length of Service Award Program (LOSAP). Mayor Martins noted that Trustee Paul S. Cusato recused himself from the Executive Session and the deliberations regarding the proposed settlement of the Equal Employment Opportunity Commission (EEOC) litigation, as he is a member of the Mineola Fire Department and a LOSAP beneficiary.**

*Village Attorney John M. Spellman provided an explanation of the proposed settlement for the Equal Employment Opportunity Commission (EEOC) lawsuit.*

**Resolution No. 325-09**

Resolved to approve a settlement of a lawsuit entitled Equal Employment Opportunity Commission v. Village of Mineola and the Mineola Fire Department (United States District Court, Eastern District of New York; Civil Action Number 08-CV (JSF) (AST)) by entering into a Consent Decree.

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Abstain**

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

**Resolution No. 326-09**

Resolved to authorize the Mayor to execute the EEOC lawsuit settlement consent decree.

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Abstain**

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

*Village Attorney John M. Spellman presented a summary of the amended LOSAP Plan.*

**Resolution No. 327-09**

Resolved to approve the amended Length of Service Award Program (LOSAP) covering members of the Mineola Volunteer Fire Department effective January 1, 2010.

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Abstain**

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

**Resolution No. 328-09**

Resolved to approve the amended LOSAP Trust Document effective January 1, 2010.

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

**Resolution No. 329-09**

Resolved to approve the LOSAP Investment Policy effective January 1, 2010.

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Abstain**

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

**Resolution No. 330-09**

Resolved to approve the LOSAP Point System effective January 1, 2010.

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Abstain**

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

**Resolution No. 331-09**

Resolved to declare that the amended LOSAP Plan as adopted on December 16, 2009 supersedes any preceding LOSAP Plan(s) previously adopted.

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 Thomas F. Kennedy  
Trustee Paul A. Pereira

*[Trustee Paul S. Cusato rejoined the Board]*

**Mayor Jack M. Martins requested a motion to close the Work Session at 9.50 PM.**

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

Respectfully submitted,

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Joseph R. Scalero  
Village Clerk