

Minutes - Board Meeting – 7/15/09

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, July 15, 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

Sunshine Observers: 14 Observers

Mayor Jack M. Martins called the Work Session to order at 6:45 PM.

Resolution No. 190-09

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

Resolution No. 191-09

Resolved to approve a request by Robert Hinck, Community Development Coordinator, to authorize the following line transfers to complete various pending Residential Rehabilitation applications:

From: 34 th Year Commercial Rehab Facades-SPN	\$30,000.00
TO : 34 th Year Residential Rehabilitation	\$30,000.00

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. 192-09

Resolved to approve the membership of the following candidates as recommended by the Mineola Fire Department:

Joseph Attard	Company 1
Alexander Lopes	Company 2
Matthew Morris	Company 2

Daniel Natale	Company 2
Bryan Strauss	Company 2
Tyler Wolf	Company 2

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

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. 193-09

Resolved to authorize the Village Clerk to submit a grant application for Justice Court renovations under the 2009 New York State Justice Court Assistance Program (JCAP) Grant.

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

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		

Village Clerk Joseph R. Scalero presented the June 2009 Justice Court monthly report.

Resolution No. 194-09

Resolved to authorize a public bid for the 2009 Road Resurfacing Requirements Contract.

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. 195-09

Resolved to authorize a public bid for the resurfacing and mandated filtration upgrades at the John S. DaVanzo Community Pool.

Motioned by Trustee Paul A. Pereira
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

Mayor Jack M. Martins requested a motion to go into Executive Session at 7:08 PM

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

Mayor Jack M. Martins requested a motion to come out of Executive Session at 7:55 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

Village Attorney John M. Spellman reported on the 2009 Tax Certiorari cases which were settled during the 2008/2009 Tax Year with the total settlement amount falling with in 2009/2010 Annual Budget appropriation.

Resolution No. 196-09

Address: 483-485 Jericho Turnpike
Petitioner: 485 Jericho Turnpike Realty Corp.
Petitioner's Attorney: Murphy & Lynch

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding 485 Jericho Turnpike Realty Corp., Section 9, Block 33, Lot 81 is approved.

Further resolved, that the Petitioner will receive a refund of \$3,000.00 for the tax years 2005/2006 through 2008/2009. The refund shall be payable in a lump sum payment of \$3,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 197-09

Address: 2 Jericho Turnpike
Petitioner: ASU Gas
Petitioner's Attorney: David Koch

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding ASU Gas, Section 9, Block 662, Lot 22 is approved.

Further resolved, that the Petitioner will receive a refund of \$12,500.00 for the tax years 2004/2005 through 2008/2009. The refund shall be payable in a lump sum payment of \$12,500.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 198-09

Address: 20 East Second Street
Petitioner: Courier Corporation
Petitioner's Attorney: Murphy & Lynch

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Courier Corporation, Section 9, Block 303, Lots 42-47 is approved.

Further resolved, that the Petitioner will receive a refund of \$3,300.00 for the tax years 2005/2006 through 2008/2009. The refund shall be payable in a lump sum payment of \$3,300.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 199-09

Address: 171 Second Street

Petitioner: Cunha

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Cunha, Section 9, Block 426, Lots 1 is approved.

Further resolved, that the Petitioner will receive a refund of \$12,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in a lump sum payment of \$12,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 200-09

Address: 207-209 Willis Avenue

Petitioner: Cunha

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Cunha, Section 9, Block 409, Lots 411-412 is approved.

Further resolved, that the Petitioner will receive a refund of \$17,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in a lump sum payment of \$17,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 201-09

Address: 190 East Jericho Turnpike

Petitioner: DeSousa

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding DeSousa, Section 9, Block 371, Lots 18-24, 36, 39-40 is approved.

Further resolved, that the Petitioner will receive a refund of \$8,500.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in a lump sum payment of \$8,500.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 202-09

Address: 387-393 Sagamore Avenue

Petitioner: Esquenet

Petitioner's Attorney: Herman Katz

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Esquenet, Section 9, Block 338, Lots 673-685 is approved.

Further resolved, that the Petitioner will receive a refund of \$12,000.00 for the tax years 2003/2004 through 2008/2009. The refund shall be payable in a lump sum payment of \$12,000.00 on July 31, 2010 following the submission of a voucher along with a Judgment.

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. 203-09

Address: 449 Jericho Turnpike

Petitioner: Getty

Petitioner's Attorney: Koepfel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Getty, Section 9, Block 27, Lot 76 is approved.

Further resolved, that the Petitioner will receive a refund of \$40,000.00 for the tax years 1986/1987 through 2008/2009. The refund shall be payable in two (2) equal installments of \$20,000.00 on July 31, 2009 and July 31, 2010 following the submission of a voucher along with a Judgment.

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. 204-09

Address: Herricks Road & Wilson Boulevard

Petitioner: Getty Petroleum Marketing Inc.

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Getty Petroleum Marketing Inc., Section 9, Block 8, Lot 67 is approved.

Further resolved, that the Petitioner will receive a refund of \$3,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in a lump sum payment of \$3,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 205-09

Address: 147 East Second Street

Petitioner: Great Neck Saws

Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Great Neck Saws, Section 9, Block 437, Lots 459 and 460 is approved.

Further resolved, that the Petitioner will receive a refund of \$7,000.00 for the tax years 2006/2007 through 2008/2009. The refund shall be payable in a lump sum payment of \$7,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 206-09

Address: 142 Main Street

Petitioner: Harrison House Condominium

Petitioner's Attorney: David Koch

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Harrison House Condominium, Section 9, Block 416, Lot 839 is approved.

Further resolved, that the Petitioner will receive a refund of \$30,000.00 for the tax years 2004/2005 through 2008/2009. The refund shall be payable in a lump sum payment of \$30,000.00 on July 31, 2010 following the submission of a voucher along with a Judgment.

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. 207-09

Address: 285 Jericho Turnpike

Petitioner: Hatami

Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Hatami, Section 9, Block 391, Lots 111 and 115 is approved.

Further resolved, that the Petitioner will receive a refund of \$2,000.00 for the tax years 2006/2007 through 2008/2009. The refund shall be payable in a lump sum payment of \$2,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 208-09

Address: 295-297 Willis Avenue

Petitioner: Irish American Society

Petitioner's Attorney: Jaspan

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Irish American Society, Section 9, Block 321, Lots 132 and 133 is approved.

Further resolved, that the Petitioner will receive a refund of \$9,500.00 for the tax years 2005/2006 through 2008/2009. The refund shall be payable in a lump sum payment of \$9,500.00 on July 31, 2010 following the submission of a voucher along with a Judgment.

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. 209-09

Address: 230 Jericho Turnpike

Petitioner: J&B Restaurant

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding J&B Restaurant, Section 9, Block 313, Lots 1365 - 1370 is approved.

Further resolved, that the Petitioner will receive a refund of \$1,000.00 for the tax years 2003/2004 through 2008/2009. The refund shall be payable in a lump sum payment of \$1,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 210-09

Address: 332 Willis Avenue

Petitioner: Jenks

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Jenks, Section 9, Block 331, Lots 701-702 is approved.

Further resolved, that the Petitioner will receive a refund of \$7,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in a lump sum payment of \$7,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 211-09

Address: 92 Willis Avenue

Petitioner: J. G. Pieper

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding J. G. Pieper, Section 9, Block 452, Lots 630-631 is approved.

Further resolved, that the Petitioner will receive a refund of \$9,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in a lump sum payment of \$9,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 212-09

Address: 250 Jericho Turnpike

Petitioner: Jupiter Marketing

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Jupiter Marketing, Section 9, Block 394, Lots 22, 26, 123, 223 and 227 is approved.

Further resolved, that the Petitioner will receive a refund of \$30,000.00 for the tax years 1999/2000 through 2008/2009. The refund shall be payable in two (2) equal installments of \$15,000.00 on July 31, 2009 and July 31, 2010 following the submission of a voucher along with a Judgment.

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. 213-09

Address: 140-144 Jericho Turnpike, 283-285 Willis Avenue

Petitioner: Koscal

Petitioner's Attorney: Podell

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Koscal, Section 9, Block 322, Lots 212 and 213 is approved.

Further resolved, that the Petitioner will receive a refund of \$26,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in two (2) equal installments of \$13,000.00 on July 31, 2009 and July 31, 2010 following the submission of a voucher along with a Judgment.

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. 214-09

Address: 234 Jericho Turnpike

Petitioner: Leone Holding

Petitioner's Attorney: Schroder & Strom

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Leone Holding, Section 9, Block 312, Lot 1361 is approved.

Further resolved, that the Petitioner will receive a refund of \$9,000.00 for the tax years 2004/2005 through 2008/2009. The refund shall be payable in a lump sum payment of \$9,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 215-09

Address: 52 East Second Street

Petitioner: Lumar Associates

Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Lumar Associates, Section 9, Block 303, Lots 23-30 is approved.

Further resolved, that the Petitioner will receive a refund of \$8,250.00 for the tax years 2005/2006 through 2008/2009. The refund shall be payable in a lump sum payment of \$8,250.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 216-09

Address: 319 Willis Avenue

Petitioner: Mattero Patisso

Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Mattero Patisso, Section 9, Block 320, Lot 153 is approved.

Further resolved, that the Petitioner will receive a refund of \$1,000.00 for the tax years 2006/2007 through 2008/2009. The refund shall be payable in a lump sum payment of \$1,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 217-09

Address: 83 Westbury Avenue

Petitioner: Oliveira

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Oliveira, Section 9, Block 43, Lots 638-639, 640-641 is approved.

Further resolved, that the Petitioner will receive a refund of \$3,200.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in a lump sum payment of \$3,200.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 218-09

Address: 85 Jericho Turnpike

Petitioner: Police Benevolent

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Police Benevolent, Section 9, Block 269, Lots 6, 7-10 is approved.

Further resolved, that the Petitioner will receive a refund of \$41,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in two (2) equal installments of \$20,500.00 on July 31, 2009 and July 31, 2010 following the submission of a voucher along with a Judgment.

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. 219-09

Address: First Street
Petitioner: Richlee Court
Petitioner's Attorney: Koepfel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Richlee, Section 9, Block 672, Lots 5 and 6 is approved.

Further resolved, that the Petitioner will receive a refund of \$170,000.00 for the tax years 2000/2001 through 2008/2009. The refund shall be payable in three (3) equal installments of \$56,667.00 on July 31, 2009, July 31, 2010 and July 31, 2011 following the submission of a voucher along with a Judgment.

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. 220-09

Address: 213 & 215 Mineola Boulevard
Petitioner: Rosenthal
Petitioner's Attorney: Schroder & Strom

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Rosenthal, Section 9, Block 401, Lot 140 is approved.

Further resolved, that the Petitioner will receive a refund of \$26,000.00 for the tax years 1998/1999 through 2008/2009. The refund shall be payable in a lump sum payment of \$26,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 221-09

Address: 235 East Jericho Turnpike

Petitioner: Sidney Bowne

Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Sidney Bowne, Section 9, Block 263, Lots 16-31 is approved.

Further resolved, that the Petitioner will receive a refund of \$13,000.00 for the tax years 2006/2007 through 2008/2009. The refund shall be payable in a lump sum payment of \$13,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment

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. 222-09

Address: 207 Elm Place

Petitioner: Sinn

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Sinn, Section 9, Block 462, Lots 216 and 602 is approved.

Further resolved, that the Petitioner will receive a refund of \$14,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in a lump sum payment of \$14,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment.

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. 223-09

Address: 60 Main Street, 63 Willis Avenue, 75 Second Street

Petitioner: Verizon

Petitioner's Attorney: Murphy & Lynch

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Verizon, Section 9, Block 129, Lots 217, 220-221, 233; Section 9, Block 129, Lot 472; Section 9, Block 700, Lots 40, 120; Section 9, Block PU, Lots 106, 265, 301 are approved.

Further resolved, that the Petitioner will receive a refund of \$110,500.00 for the tax years 2003/2004 through 2008/2009; 1999/2000 through 2008/2009 and 2006/2007 through 2008/2009. The refund shall be payable in two (2) equal installments of \$55,250.00 on July 31, 2009 and July 31, 2010 following the submission of a voucher along with a Judgment.

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. 224-09

Address: One Jericho Turnpike

Petitioner: Walgreens

Petitioner's Attorney: Forchelli

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Walgreens, Section 9, Block 453, Lots 444-446, 527-528 is approved.

Further resolved, that the Petitioner will receive a refund of \$65,000.00 for the tax years 2002/2003 through 2008/2009. The refund shall be payable in two (2) equal installments of \$32,500.00 on July 31, 2009 and July 31, 2010 following the submission of a voucher along with a Judgment.

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. 225-09

Address: 342 Pennsylvania Avenue

Petitioner: Weilert

Petitioner's Attorney: Jaspan

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Weilert, Section 9, Block 338, Lot 651 is approved.

Further resolved, that the Petitioner will receive a refund of \$13,350.00 for the tax years 1994/1995 through 2008/2009. The refund shall be payable in a lump sum payment of \$13,350.00 on July 31, 2010 following the submission of a voucher along with a Judgment.

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. 226-09

RESOLVED to grant the application of Gurpreet Singh for a modification of the special permit for the service of food and beverages in effect at 106 Old Country Road so as to permit baking upon the premises provided that all other prior conditions of the special permit shall continue in full force and effect, that the baking permitted on the premises shall be limited to the fabrication of bread relative to the operation of a Subway sandwich store (in the manner documented to the Village's Building Department), that the site shall be serviced by a private sanitation carter at the expense of the applicant, that all putrescible waste shall be refrigerated indoors until pick-up and that all signage at the premises, including the installation of an awning or canopy shall require the further consent of the Board of Trustees.

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
Trustee Paul S. Cusato
Mayor Jack M. Martins

Resolution No. 227-09

RESOLVED to approve the application of David Mammina, on behalf of 210 OCR Holdings LLC, for a special permit for a development incentive bonus to construct a mixed-use building at 210 Old Country Road and at property adjacent to the north upon condition that the following public amenities shall be provided:

A. Applicant shall create a gateway to the Village by means of a consistent architectural vocabulary tied to the existing office building on Old Country Road and carried northward to Third Street on all sides of the buildings.

B. Applicant shall contribute the sum of \$125,000.00 to be deposited in the Village's trust fund to be used by the Village to make improvements to public amenities and improvements in other areas of the Village where those amenities are needed, to be paid in the following manner: one-third upon issuance of construction permits and the balance upon issuance of a Certificate of Occupancy.

Motioned by Trustee Paul S. Cusato
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
Trustee Paul S. Cusato
Mayor Jack M. Martins

Resolution No. 228-09

RESOLVED to adopt and issue a Negative Declaration with Findings pursuant to SEQRA with respect to the application of 250 Old Country Road, LLC for a special permit for a development incentive bonus to construct a 257-unit residential condominium building at 250 Old Country Road.

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
Trustee Paul S. Cusato
Mayor Jack M. Martins

Resolution No. 229-09

RESOLVED to conduct a village wide public referendum on Thursday, September 10, 2009 at the Mineola Community Center, to determine whether the Length of Service Award Program (LOSAP) for the Mineola Volunteer Fire Department shall be amended so as to permit volunteer firefighters to earn service credits subsequent to reaching entitlement age under the plan and/or subsequent to an election of benefits under the plan.

[Note: In the event that this proposition shall not achieve a majority of votes cast by the electorate, the Length of Service Program (LOSAP) shall be terminated and only vested benefits achieved by eligible firefighters as of the date of the referendum vote shall remain in effect. No new service credit shall be earned.]

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

Trustee Paul S. Cusato

Mayor Jack M. Martins

Resolution No. 230-09

RESOLVED to approve the retainer agreement of Spellman Rice Schure Gibbons McDonough and Polizzi, LLP dated April 6, 2009 for services as Special Village Counsel and to authorize the Mayor to sign the retainer.

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 close the Work Session at 8:25 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

Respectfully submitted,

Joseph R. Scalero
Village Clerk