

Minutes - Board Meeting 12/17/08

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 17, 2008 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

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

ALSO PRESENT: Village Attorney John Spellman
Village Clerk Joseph R. Scalero
Water Department Supervisor Frederick Booher

Sunshine Observers: Approximately 15 Observers

A Public Hearing was held on December 17, 2008 at 7:00 PM at the Village Hall, 155 Washington Avenue, Mineola, NY 11501, in order to receive public comment upon the following:

A PROPOSED LOCAL LAW AMENDING CHAPTER 82 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "VETERANS EXEMPTION" CREATING §82.4 ENTITLED "COLD WAR VETERANS EXEMPTION" IN ORDER TO PROVIDE FOR AN EXEMPTION TO VETERANS WHO SERVED IN THE MILITARY DURING THE COLD WAR.

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

Vote:

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

Mayor Martins requested a motion to close the public hearing at 7:15 PM.

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

Vote:

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

Mayor Martins opened the Public Meeting at 8:40 PM.

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

ALSO PRESENT: Village Attorney John Spellman
Village Clerk Joseph R. Scalero
Water Department Supervisor Frederick Booher

Sunshine Observers: Approximately 12 Observers

Mayor Martins explained that, because of the hour, the Board had adjourned its Executive Session and would resume after the Public Meeting.

Mayor Martins provided an update on the Town of North Hempstead’s efforts to re-implement Flow Control, reporting that villages’ concerns would be addressed in an Inter-Municipal Agreement with the town. However, Mayor Martins expressed his concern that the IMA was not put in place prior to the Town’s adoption of the Flow Control provision in Town Code.

Mayor Martins announced that the Village of Mineola would be offering the new Cold War Veterans Exemption and spoke about the success of the annual Tree Lighting Ceremony. Mayor Martins also commented on New York State’s budget deficit and noted that Governor Patterson’s response to the deficit was to increase taxes *and* spending, which hurts local municipalities and residents, but limits budget cuts.

Trustee Lawrence Werther urged residents to support Chamber of Commerce businesses when holiday shopping, commented on the success of the Nassau Pops concert December 14, read, in its entirety, “Yes, Virginia, there is a Santa Claus” originally published in *The New York Sun*, and wished all residents Happy Holidays.

Trustee Thomas Kennedy shared his reactions to taking part in his first Village Tree Lighting ceremony as a member of the Board of Trustees and expressed best wishes to all for a happy and safe holiday season.

Trustee Paul Pereira reported on his attendance at the Police Athletic League (PAL) dinner and on the petition being circulated requesting that the County install a traffic light on Herricks Road where students often cross. Trustee Pereira also reminded residents that there would be an Ecumenical Service at the Community Center on December 21, 2008.

Five speakers addressed the Board

Mayor Martins requested a motion to close the Public Meeting at 9:48 PM.

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

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

Mayor Martins called the Work Session to order at 9:48 PM.

Resolution No. 277-08

Resolved to approve bills and payroll.

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

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

Resolution No. 278-08

Resolved to approve the minutes of the Board of Trustees meeting of December 10, 2008.

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

Vote:

Yes

No

Abstain

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

Resolution No. 279-08

Resolved to accept the recommendation of the Community Development Coordinator to award a contract in the amount of \$14, 800 to low bidder Modern Building & Contractors, Inc. for improvements to 92 Main Street.

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

Vote:

Yes

No

Abstain

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

Resolution No. 280-08

Resolved to award a contract in the amount of \$449,301.00 to low bidder KME Fire Apparatus for the purchase of one (1) new Fire Pumper Apparatus for use by the Mineola Fire Department.

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

Vote:

Yes

No

Abstain

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

Resolution No. 281-08

Resolved to designate July Auto Wrecking, Inc. as the authorized village Tow Car Agent for abandoned vehicles.

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

Vote:

Yes

No

Abstain

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

Resolution No. 282-08

Resolved to authorize the "carry-over" of unused vacation days, to be used by March 31, 2009, pursuant to Collective Bargaining Agreements in effect for the following employees:

Joyce Gorycki 2.5 days

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

Vote:

Yes

No

Abstain

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

Resolution No. 283-08

Resolved to authorize the use of the Village Hall Community Center by the County Seat Kiwanis on Sunday February 1, 2009 from 7:00 am -- 12:00 pm for the purpose of conducting its Annual Superbowl Sunday Breakfast.

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

Vote:

Yes

No

Abstain

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

Resolution No. 284-08

Resolved to award a contract to low bidder Eagle Controls Corp. in the amount of \$59,800 for the purchase of four (4) new pH Monitoring Chlorine Residual Analyzer Systems.

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

Vote:

Yes

No

Abstain

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

Mayor Martins requested a motion to go into Executive Session at 10:10 PM.

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

Vote:

Yes

No

Abstain

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

Mayor Martins requested a motion to come out of Executive Session at 10:35 PM.

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

Vote:

Yes

No

Abstain

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

Resolution No. 285-08

Resolved to award a 3.5 % salary increase commensurate with the recently ratified employee Collective Bargaining Agreement increase retroactive to June 1, 2008, to the following Confidential Employees:

Giacomo Ciccone
Joseph Scalero
Daniel Whalen
Thomas Rini
Leonard Palumbo
Frederick Booher
Marta DeSousa
Anna Athans
Keith Gessner
John Chilcott
Charles Sleafte

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

Vote:

Yes

No

Abstain

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

Resolution No. 286-08

Resolved to reaffirm that John M. Spellman has served as an employee of the Incorporated Village of Mineola in the capacity as Village Attorney since 1985 without interruption of service.

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

Vote:

Yes

No

Abstain

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

Resolution No.287-08

Resolved to clarify a resolution adopted by the Board of Trustees on June 18, 2008 confirming that the Village Attorney, John M. Spellman, is a public official in the Village of Mineola and has served as such since 1985 without interruption of service.

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

Vote:

Yes

No

Abstain

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

Resolution No. 288-08

Resolved to affirm that John M. Spellman is recognized as a member of the New York State pension system by the Village of Mineola, as is evidenced by the village's pension contributions on his behalf during his continuous service.

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

Vote:

Yes

No

Abstain

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

Resolution No. 289-08

Resolved to declare that New York State Comptroller has acted illegally and in bad faith in attempting to interfere with the Incorporated Village of Mineola's right to exercise its Home Rule authority by declaring who is a Village of Mineola public official and employee of the village, and to issue a public censure of the State Comptroller by holding him in contempt for his unethical conduct.

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

Vote:

Yes

No

Abstain

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

Mayor Jack M. Martins requested a motion to close the Work Session at 11:10 PM.

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

Vote:

Yes

No

Abstain

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

Respectfully submitted,

Joseph R. Scalero
Village Clerk