

Minutes - Board Meeting 09/17/08

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 17, 2008 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 Spellman
Village Clerk Joseph R. Scalero
Water Department Supervisor Frederick Booher

Sunshine Observers: Approximately 37 Observers

Mayor Martins opened the Work Session at 6:55 PM.

Resolution No. 228-08

Resolved to approve bills and payroll.

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

Vote:

Yes

No

Abstain

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

Honorary Chief Bill Gresalfi, reported on the Mineola Junior Fire Department's trip to Germany.

Resolution No. 229-08

Resolved to approve the annual request made by Mineola Youth and Family Services for the use of the Village Hall Community Center auditorium and West Room to conduct its after school program on Mondays and Fridays from 3:00 pm – 6:00 pm, September 8, 2008 through June 30, 2009.

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
Trustee Paul S. Cusato
Mayor Jack M. Martins

Resolution No. 230-08

Resolved to accept the recommendation of the Mineola Fire Department approving Michael Montavano into membership in Company No. 3.

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

Vote:

Yes

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

No

Abstain

Resolution No. 231-08

Resolution adopting the following local law:

**LOCAL LAW AMENDING CHAPTER 30 OF THE MUNICIPAL
CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED
“ZONING”, SECTION 30.61 ENTITLED “FENCE AND BUFFERS”,
SUBDIVISION (B) ENTITLED “RESIDENTIAL DISTRICTS” TO REDUCE
SETBACK REQUIREMENTS FOR FENCES WITHIN THE INCORPORATED
VILLAGE OF MINEOLA**

§30.61 Fences and buffers

B. Residential districts.

1. In residential districts, a fence, not exceeding six (6) feet in height, shall be permitted on the rear lot line and along those linear portions of the side lot lines enclosing rear yard provided, however, that the six (6) foot fencing and its relationship to the street fronting upon the premises shall not exceed a greater distance frontward to the street than the rear building line of adjacent dwellings on either side. For purposes of interpretation, a rear building line shall refer only to the principal structure on a lot and shall not include patios, porches or other extensions thereto. Fencing for all other lot lines shall not exceed four (4) feet in height and shall in no case extend nearer to the street than the front line of the dwelling. On corner lots, a fence of up to six (6') feet in height may enclose that portion of the property extending from the rear building line to the rear property line provided that the side of the fence facing the street shall be governed by the following rules: if the street-side building line is set back thirteen (13) feet or more, the fence shall be set back a minimum of four (4') feet from the street-side property line; if the street-side building line is set back between ten(10') feet and thirteen (13')feet, the fence shall be set back a minimum of forty-two (42") inches from the street-side property line; if the street-side building line is set back less than ten (10') feet, the fence shall be set back a minimum of thirty (30") inches from the street-side property line. In each of the instances where a rear yard six (6') foot fence shall be located closer to the street than the street-side building line, natural shrubbery screening shall be placed between the property line and the street-side fence. Additionally, on corner lots, a fence of up to four (4') feet in height may be located along the side yards of the property between the rear line of the building and the front line of the building provided that the side of the fence facing the street may not be located closer than the minimum setbacks established above. Permitted fence designs and materials shall be listed in a catalog of fencing pre-approved by the Board of Trustees and maintained by the Building Department. The installation of any fence designs or materials not listed in the fence catalog shall require a variance from the Zoning Board of Appeals.

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

Vote:

Yes

No

Abstain

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 7:45 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
Trustee Paul S. Cusato
Mayor Jack M. Martins

Mayor Martins requested a motion to go into Executive Session at 7:45 PM.

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

Vote:

Yes

No

Abstain

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 come out of Executive Session at 8:10 PM.

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

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. 232-08

Resolution to settle a property damage claim on the advice of legal counsel for \$5,500.

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
Trustee Paul S. Cusato
Mayor Jack M. Martins

Mayor Martins requested a motion to open the Public Meeting at 8:15 PM.

Mayor Jack M. Martins opened the Public Meeting by thanking all who participated in the annual 9-11 ceremony.

Trustee Lawrence Werther spoke about the 9-11 ceremony, the Chamber of Commerce Street Fair scheduled for September 28, Mayor Martins' State of the Village Address on September 16, and announced that former Chamber of Commerce President Carmela Bernacchio is a major contributor to a new book on childhood attention disorders.

Trustee Paul Cusato thanked all who took part in the annual 9-11 ceremony.

Trustee Thomas Kennedy addressed the impact on tax rates in other levels of government, such as the county and state, and the resulting shortfalls that may occur in their budgets due to uncertainties in the international financial markets.

Trustee Paul Pereira spoke about the annual 9-11 ceremony and welcomed the Mineola Junior Fire Department on their return from a trip to Germany.

6 speakers addressed the Board.

Mayor Martins requested a motion to close the Public Meeting at 9:45 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
Trustee Paul S. Cusato
Mayor Jack M. Martins

Mayor Martins announced that the board would be going back into Executive Session to finish deliberations.

Mayor Martins requested a motion to come out of Executive Session.

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

Vote:

Yes

No

Abstain

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

Respectfully submitted,

Joseph R. Scalero
Village Clerk