

Minutes - Board Meeting 09/15/2021

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 15, 2021 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini

Press Observer: None

Sunshine Observers: None

Deputy Mayor Paul A. Pereira called the Work Session to order at 5:00 PM.

Resolution No. 239-21

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		

Resolution No. 240-21

Resolved to ratify Mayor Strauss' September 10, 2021, authorization to award the contract for the 2021 Road Improvements project to the lowest responsible bidder, Macedo Contracting Services, Inc., based upon their low bid submission of \$1,027,575.00.

Engineers: D&B Engineers & Architects, P.C.
Funding Source: 2021/2022 General Fund Budget and/or the General Fund
Unreserved Fund Balance

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		

Resolution No. 241-21

Resolved to authorize Change Order No. 17 to the New Administration Building Project for the required color-coded painting of the piping for the fire suppression sprinkler system.

Contractor: Irwin Contracting, Inc.
Total Cost of Change Order No. 17: \$6,895.00 which is covered by the project allowance resulting in no change in contract price results in no change in the total contract amount.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		

Resolution No. 242-21

Resolved to authorize Change Order No. 18 to the New Administration Building Project, Contract No. 1 – General Construction for a 180-day contract time extension.

Contractor: Irwin Contracting, Inc.
Total Cost of Change Order No. 18: No cost, results in no change in the total contract amount.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		

Resolution No. 243-21

Resolved to authorize Change Order No. 19 to the New Administration Building Project, Contract No. 1 – General Construction for the installation of a fire suppression sprinkler system.

Contractor: Irwin Contracting, Inc.
Total Cost of Change Order No. 19: \$124,080.00
Funding Source(s): \$73,972.00 is funded with the funds remaining Contract No. 1 Allowance.
The remaining balance of \$50,108.00 to be funded by the project Serial Bonds, and/or the 2021/2022 General Fund and/or the General Fund Unreserved Fund Balance

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Dennis J. Walsh

Resolution No. 244-21

Resolved to authorize Change Order No. 20 to the New Administration Building Project Contract No.1 - General Construction for the installation of the 6 inch water tap and water main for the fire suppression system and the 2 inch domestic water service.

Contractor: Irwin Contracting, Inc.

Total Cost of Change Order No. 20: \$37,950.00

Funding Source(s): Project Serial Bonds, and/or the 2021/2022 General Fund and/or the General Fund Unreserved Fund Balance

Motioned by Trustee Dennis J. Walsh

Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Dennis J. Walsh

Resolution No. 245-21

Resolved to authorize the installation of an on-street “Handicap Reserved” parking space in front of 170 Roselle Street, Mineola

Motioned by Trustee Paul S. Cusato

Seconded by Trustee Dennis J. Walsh

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Dennis J. Walsh

Resolution No. 246-21

Resolved to authorize the purchase of 2, Merlin Industries, Inc., custom size pool covers for the main pool and wading pool at the John S. DaVanzo Community Pool.

Vendor: Filter Room Solutions. Inc.

Total Cost: \$31,895.86

Funding Source(s): 2021/2022 Pool Fund Budget and/or the Unreserved Pool Fund Balance

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:
Yes No Abstain
Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Dennis J. Walsh

Resolution No. 247-21

Resolved to authorize the hiring of William Herring as a Water Servicer Trainee in the Water and Sewer Division at the starting salary rate in accordance with the Collective Bargaining Agreement.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:
Yes No Abstain
Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Dennis J. Walsh

Village Attorney John P. Gibbons, Jr. presented the following resolution:

Resolution No. 248-21

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
-----X

In the Matter of the Application of

LOST FARMER BREWERY COMPANY

DECISION

To amend the Special Use Permit Decision, dated September 16, 2020 and filed in the Village Clerk’s Office on November 24, 2020 pursuant to Chapter 550, Section 550-12(B) and Section 550-16 of the Code of the Incorporated Village of Mineola, at premises known as 63A East Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 437, Lots 454, 471.
-----X

NAME OF APPLICANT:	Lost Farmer Brewery Company
SUBJECT PROPERTY:	Section 9, Block 437, Lots 454, 471
STREET LOCATION:	63A East Second Street Mineola, New York 11501
ZONING DISTRICT:	M District

RELIEF REQUESTED: Application to Amend the Special Use Permit Decision, dated September 16, 2020 and filed in the Village Clerk’s Office on November 24, 2020 pursuant to Chapter 550, Section 550-12(B) and Section 550-16 to establish a micro-brewery with a tasting room upon Property

PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations.

DATE OF HEARING: July 14, 2021

APPEARANCE: Jack Martins, Esq. Attorney for Applicant

DECISION:

Lost Farmer Brewery Company (hereinafter, “Applicant”) is before this Board to amend the Special Use Permit Decision, dated September 16, 2020 and filed in the Village Clerk’s Office on November 24, 2020 pursuant to Chapter 550, Section 550-12 and Section 550-16 of the Municipal Code of the Incorporated Village of Mineola for the property known as 63A East Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 437, Lots 454, 471) (hereinafter, the “Property”).

Applicant represented to the Board through its counsel that its business has grown and the initial representations made at the Board’s September 16, 2020 public hearing, while accurate at the time, have become excessively restrictive to the on-going business. For this reason, Applicant has applied to this Board seeking to modify certain conditions set forth in the Board’s prior Decision. Applicant is seeking and has offered the following:

- 1) Applicant has offered to limit the hours of operation at the Property from 12:00 pm to 12:00 am, 7 days per week;
- 2) Applicant has offered to limit the number of employees at the Property to a total of six (6) employees;
- 3) Applicant seeks to increase the occupancy at the Property;
- 4) Applicant has offered to limit the Property to a warming kitchen and will not cook/have any open flames upon the Property;
- 5) Applicant seeks to have acoustic music and has offered to prohibit any amplified music at the Property; and
- 6) Applicant has offered to be bound by all prior terms and conditions of the September 16, 2020 Special Use Permit Decision, except as are modified herein. As such, all terms and conditions will remain in full force and effect.

Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant's offer to operate the business at the Property between the hours of 12:00 pm to 12:00 am, 7 days per week is **ACCEPTED**;
- 2) Applicant's offer to have a total of six (6) employees at the Property is **ACCEPTED**;
- 3) Applicant's offer to not cook/have any open flames upon the Property and be limited to a warming kitchen only is **ACCEPTED**;
- 4) Applicant's offer to not have any amplified music upon the Property is **ACCEPTED**; and
- 5) All prior terms and conditions of the September 16, 2020 Special Use Permit Decision, except as are modified herein, shall remain in full force and effect and are incorporated by reference in this Decision

IT IS THEREFORE RESOLVED, that the amendment to the Special Use Permit Decision is **GRANTED** subject to the following conditions:

- 1) The hours of operation of Applicant's business shall be 12:00 pm to 12:00 am, 7 days per week;
- 2) Applicant shall have a total of six (6) employees at the Property;
- 3) The occupancy at the business premises shall be in compliance with the New York State Fire Prevention and Building Code, the Regulations of the Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;
- 4) Applicant shall be limited to a warming kitchen and shall not cook/have any open flames upon the Property;
- 5) Applicant shall not have any amplified music upon the Property;
- 6) All prior terms and conditions of the September 16, 2020 Special Use Permit Decision, except as are modified herein, shall remain in full force and effect and are incorporated by reference in this Decision;
- 7) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Special Use Permit shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 8) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decision. Applicant's representations are deemed to be part of the conditions of this Special Use Permit; and
- 9) Violation of a condition set forth in this Special Use Permit shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
September 15, 2021

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		

Deputy Mayor Paul A. Pereira requested a motion to close the Work Session at 5:15 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		

Respectfully submitted,

Joseph R. Scalero
Village Clerk