

**Minutes - Board Meeting 7/6/2016**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday July 6, 2016 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

**PRESENT:** Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**ALSO PRESENT:** Village Attorney John P. Gibbons, Jr.  
Village Clerk Joseph R. Scalero  
Village Treasurer Giacomo Ciccone  
Superintendent of Public Works Thomas J. Rini

**Press Observer:** *Mineola American*  
*Williston Times*

**Sunshine Observers:** 7 Observers

**Mayor Scott P. Strauss called the Work Session to order at 6:45 PM.**

**Resolution No. 149-16**

Resolved to approve bills and payroll.

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

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 150-16**

Resolved to approve the minutes of the meetings of the Board of Trustees of January 6, 13, and 20, February 3, 10, and 17, and March 2, 2016, as amended.

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

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 151-16**

Resolved to authorize a permit to operate an ice cream truck on public streets in the Village of Mineola from July 7, 2016 through October 31, 2016 from 12:00 PM until 8:30 PM or dusk (whichever is earlier), to Nicholas and George Melidosian duly licensed franchisees of Mr. Softee Ice Cream, Inc. a conditional upon receipt of proof of valid vehicle registration, insurance, and any applicable Nassau County Department of Health permit(s).

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

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 152-16**

Resolved to approve the purchase and installation of new office floor coverings at Village Hall to the lowest-quoted professional services vendor, Carpets, Etc. in the amount of \$35,445.25 to be paid from the FY 2016/17 budget.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee George R. Durham

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 153-16**

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

|                |       |
|----------------|-------|
| Andre Dias     | Co. 1 |
| Nunzio Vetrano | Co. 1 |

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

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 154-16**

Resolved to approve a request by Mineola Bicycle and the Kiwanis Club of County Seat to close the commercial section of Beebe Road south of Jericho Turnpike on Sunday September 18, 2016 from 10:00 AM to 4:00 PM for their 8<sup>th</sup> Annual Bicycle Safety Day, contingent upon the hosts notifying Beebe Road residents in advance of road closure.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 155-16**

Resolved to approve a request by the Mineola Chamber of Commerce to conduct the Mineola Street Fair on Sunday October 2, 2016 from 11:00 AM to 6:00 PM (Raindate: Sunday October 9, 2016) on Jericho Turnpike from the east side of Mineola Boulevard to Nassau Boulevard, and Willis Avenue between Washington Avenue and Linden Road.

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

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 156-16**

Resolved to approve a request by the Mineola Chamber of Commerce to host a “Movie Night in the Park” Friday evening July 22, 2016, time to be determined (Raindate: Saturday July 30, 2016)

Motioned by Trustee George R. Durham  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

*Village Clerk Joseph R. Scalero presented a Justice Court monthly report for June 2016 submitted by Village Justice John P. O’Shea and announced upcoming concerts that had been scheduled for the Village of Mineola summer Concerts in the Parks series.*

**Resolution No. 157-16**

Resolved to approve the following payments in the amount of \$ 10,464.70 from the Development Incentive Bonus Funds in FY 2015-2016:

| VENDOR                  | AMOUNT       | PROJECT               |
|-------------------------|--------------|-----------------------|
| ONM Consulting          | \$ 3,031.00  | Fire Department       |
| ONM Consulting          | \$ 3,030.23  | Fire Department       |
| Millennium Class Carpet | \$ 730.00    | Fire Department       |
| Island Fence Co.        | \$ 790.00    | Memorial Park Project |
| Dvirka & Bartilucci     | \$ 2,883.47  | Well #1               |
| TOTAL                   | \$ 10,464.70 |                       |

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

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 158-16**

Resolved to approve the following payments in the amount of \$ 9,346.00 from the Development Incentive Bonus Funds in FY 2016-2017:

| VENDOR                  | AMOUNT      | PROJECT         |
|-------------------------|-------------|-----------------|
| Bina Office Furniture   | \$ 2,839.00 | Fire Department |
| Millennium Class Carpet | \$ 6,507.00 | Fire Department |
| TOTAL                   | \$ 9,346.00 |                 |

Motioned by Trustee Dennis J. Walsh  
Seconded by Trustee George R. Durham

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 159-16**

Resolved to approve a request from the Mineola Union Free School District for the installation of a new, 27-foot wide curb cut on Garfield Avenue, and the expansion of the existing curb cut on Emory Road to 27 feet to accommodate the installation of a “Bus Loop” on district property at the Mineola Middle School.

Motioned by Trustee Dennis J. Walsh  
Seconded by Trustee George R. Durham

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
  
Trustee George R. Durham  
Trustee Dennis J. Walsh  
  
Trustee Paul A. Pereira

**Resolution No. 160-16**

Resolved to authorize an expansion of the existing curb cut at 511 Argyle Road to 16 feet.

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

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 161-16**

Resolved to authorize a public bid for the Accessibility Improvements to the Entrance for the Village Hall and Community Center project.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 162-16**

Resolved to hire additional Seasonal Employees (lifeguards).

Motioned by Trustee George R. Durham  
Seconded by Trustee Paul A. Pereira

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

*Village Attorney John P. Gibbons, Jr. presented the following proposed resolutions:*

**Resolution No. 163-16**

Address: 26 Windsor Avenue  
Petitioner: Mineola Realty Associates  
Petitioner's Attorney: Forchelli

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Mineola Realty Associates, Section 9, Block 349, Lots 39-42, 43-46 is approved.

Further resolved, that the Petitioner will receive a refund of \$15,000.00 for the tax years 2008/2009 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 164-16**

Address: 100 Lincoln Avenue

Petitioner: 100 Lincoln Avenue Owners Corp.

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding 100 Lincoln Avenue Owners Corp., Section 9, Block 460, Lot 194 and Section 9, Block 462, Lots 223, 225, 226, 228 and 229 is approved.

Further resolved, that the Petitioner will receive a refund of \$8,000.00 for the tax years 2009/2010 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 165-16**

Address: 472 Jericho Turnpike

Petitioner: 472 Jericho Turnpike Corp.

Petitioner's Attorney: Forchelli

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding 472 Jericho Turnpike Corp., Section 9, Block 6 Lots 59-63 is approved.

Further resolved, that the Petitioner will receive a refund of \$5,500.00 for the tax years 2010/2011 through 2014/2015. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 166-16**

Address: 261 East Second Street

Petitioner: Allenair

Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Allenair, Section 9, Block 663, Lot 33 is approved.

Further resolved, that the Petitioner will receive a refund of \$2,500.00 for the tax years 2012/2013 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 167-16**

Address: 175 East Jericho Turnpike

Petitioner: JP Morgan Chase

Petitioner's Attorney: Koepfel

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding JP Morgan Chase, Section 9, Block 267, Lots 26-31, 101, 112-114 is approved.

Further resolved, that the Petitioner will receive a refund of \$5,000.00 for the tax years 2007/2008 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 168-16**

Address: 31 & 36 East Second Street

Petitioner: Courier Corp.

Petitioner's Attorney: Murphy & Lynch

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Courier Corp., Section 9, Block 303, Lot 38 and Section 9, Block 437, Lot 452 is approved.

Further resolved, that the Petitioner will receive a refund of \$2,200.00 for the tax years 2009/2010 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 169-16**

Address: 263 Jericho Turnpike

Petitioner: Cumberland Farms

Petitioner's Attorney: Schroeder

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Cumberland Farms, Section 9, Block 259, Lots 1-12 is approved.

Further resolved, that the Petitioner will receive a refund of \$11,000.00 for the tax years 2005/2006 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh



**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 170-16**

Address: 128 Front Street

Petitioner: Flid Realty

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Flid Realty, Section 9, Block 417, Lot 48 is approved.

Further resolved, that the Petitioner will receive a refund of \$5,000.00 for the tax years 2009/2010 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 171-16**

Address: 44 Jericho Turnpike

Petitioner: Forty-Four Warrior

Petitioner's Attorney: Schroeder

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Forty-Four Warrior, Section 9, Block 662, Lots 18 is approved.

Further resolved, that the Petitioner will receive a refund of \$31,500.00 for the tax years 1993/1994 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 172-16**

Address: 147 East Second Street  
Petitioner: Great Neck Saws  
Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Great Neck Saws, Section 9, Block 417, Lot 512 is approved.

Further resolved, that the Petitioner will receive a refund of \$10,000.00 for the tax years 20010/2011 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

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|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 173-16**

Address: 105-111 Jericho Turnpike  
Petitioner: Hickman Realty  
Petitioner's Attorney: Meyer Suozzi

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Hickman Realty, Section 9, Block 450, Lots 236-239, 261, 262, 240-241 is approved.

Further resolved, that the Petitioner will receive a refund of \$30,000.00 for the tax years 2009/2010 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 174-16**

Address: 194 Old Country Road  
Petitioner: Mineola Realty Associates  
Petitioner's Attorney: Forchelli

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Mineola Realty Associates, Section 9, Block 429, Lots 3, 134 is approved.

Further resolved, that the Petitioner will receive a refund of \$2,800.00 for the tax years 2008/2009 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 175-16**

Address: 170 Old Country Road  
Petitioner: Old Country Road Realty  
Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Old Country Road Realty, Section 9, Block 430, Lots 52-54, 56, 58, 60, 62, 64, 111, 166, 266 and 311 is approved.

Further resolved, that the Petitioner will receive a refund of \$55,000.00 for the tax years 2010/2011 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 176-16**

Address: 335 Sagamore Avenue

Petitioner: Persico

Petitioner's Attorney: Jaspan

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Persico, Section 9, Block 338 Lot 709 is approved.

Further resolved, that the Petitioner will receive a refund of \$10,500.00 for the tax years 2003/2004 through 2014/2015. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 177-16**

Address: 157-161 Jericho Turnpike

Petitioner: Piccola Bussola

Petitioner's Attorney: Meyer Suozzi

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Piccola Bussola, Section 9, Block 405, Lot 158 is approved.

Further resolved, that the Petitioner will receive a refund of \$15,000.00 for the tax years 2005/2006 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 178-16**

Address: 330 Old Country Road  
Petitioner: TC Century  
Petitioner's Attorney: Cronin Cronin Harris & O'Brien

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding TC Century, Section 9, Block 436, Lots 139A, 139B is approved.

Further resolved, that the Petitioner will receive a refund of \$15,000.00 for the tax years 2009/2010 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 179-16**

Address: 290 Willis Avenue  
Petitioner: Tulley  
Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Tulley, Section 9, Block 332, Lots 30-31, 32-34, 692 is approved.

Further resolved, that the Petitioner will receive a refund of \$15,500.00 for the tax years 2006/2007 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 180-16**

Address: 146-150 Harrison Avenue  
Petitioner: Zito  
Petitioner's Attorney: Forchelli

Resolved, that the certiorari settlement recommended by Spellman Rice Gibbons Polizzi & Truncale, LLP, regarding Zito, Section 9, Block 412, Lots 769-774 is approved.

Further resolved, that the Petitioner will receive a refund of \$15,500.00 for the tax years 2008/2009 through 2015/2016. The refund shall be payable on July 31, 2016 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>Vote:</b>             |                  |                       |
| <b><u>Yes</u></b>        | <b><u>No</u></b> | <b><u>Abstain</u></b> |
| Mayor Scott P. Strauss   |                  |                       |
| Trustee Paul S. Cusato   |                  |                       |
| Trustee Paul A. Pereira  |                  |                       |
| Trustee George R. Durham |                  |                       |
| Trustee Dennis J. Walsh  |                  |                       |

**Resolution No. 181-16**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA  
-----X  
In the Matter of the Application of  
  
MARK DEVELOPMENT, INC.

(GOHEALTH URGENT CARE)

**DECISION**

For a Special Use Permit pursuant to Chapter 550, Section 550-12.B of the Code of the Incorporated Village of Mineola, at premises known as 12 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lots 1-15, 70-75 and 92.  
-----X

|                     |   |
|---------------------|---|
| NAME OF APPLICANTS: | Mark Development, Inc. (GoHealth Urgent Care)   |
| SUBJECT PROPERTY:   | Section 9, Block 366, Lots 1-15, 70-75 and 92   |
| STREET LOCATION:    | 12 East Jericho Turnpike<br>Mineola, New York 11501   |
| ZONING DISTRICT:    | Business "B-1" District   |
| RELIEF REQUESTED:   | Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to establish an urgent care facility upon the property |

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

DATE OF HEARING: May 11, 2016

APPEARANCES: Peter Mineo, Esq.  
Marc Steinberg, Mark Development, Inc.  
Sara Arora, GoHealth  
Kristin DeLuca, Bohler Engineering  
John Harter, Atlantic Traffic Design  
Anthony Sirizzotti, Bannett Group

## **DECISION:**

Mark Development, Inc. (GoHealth Urgent Care) (hereinafter, “Applicant”) is before this Board pursuant to Chapter 550, Section 550.12.B of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish an urgent care facility upon property known as 12 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lots 1-15, 70-75 and 92) (hereinafter, the “Property”).

By Notice of Disapproval, dated April 7, 2016, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that the establishment of an urgent care facility upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

A referral of the application was made to the Nassau County Planning Commission on May 3, 2016. By Resolution No. 10088-16, adopted May 26, 2016, the Nassau County Planning Commission requested additional information from the Applicant with respect to “traffic analysis” at the Property. Applicant provided additional information to the Nassau County Planning Commission and by Resolution No. 10094-16, adopted June 16, 2016, the Nassau County Planning Commission recommended that this Board take whatever action it deems appropriate. 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 is seeking a special use permit to establish an urgent care facility upon the property known as 12 East Jericho Turnpike, Mineola, New York;
- 2) The hours of operation will be 8:00 A.M. to 8:00 P.M. Monday-Friday and 9:00 A.M. to 5:00 P.M. Saturday-Sunday;
- 3) Applicant anticipates approximately 48-56 patients per day;
- 4) Applicant currently operates 21 facilities throughout the area;

- 5) The facility will have four (4) exam rooms;
- 6) Refuse will be carted by a private company at the expense of the Applicant;
- 7) Medical waste is disposed of on a daily basis via a licensed contractor;
- 8) All lighting, fencing, landscaping and curb cuts will be in accordance with the previously approved plans incorporated in the Board of Trustees Special Use Decision for Mussina Mineola, LLC (Walgreen's), dated July 2, 2014 and filed in the Office of the Village Clerk on July 3, 2014;
- 9) Applicant (GoHealth Urgent Care) is responsible for retaining a maintenance company to care for the Property. This care includes landscaping, rubbish and snow removal;
- 10) The subject Property will provide adequate parking (78 spaces) to accommodate patrons of the proposed facility; and
- 11) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the "B-1" District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

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

- 1) The Property shall be maintained in a clean and broom-swept condition at all times. All landscaping shall be properly maintained. Snow shall be removed promptly from all sidewalks surrounding the Property;
- 2) The landscaping shall be appropriately irrigated and maintained at all times;
- 3) The Property will be in conformity with the previously approved site plan and landscape plan submitted to the Building Department as part of the Board of Trustees Special Use Decision for Mussina Mineola, LLC (Walgreen's), dated July 2, 2014 and filed in the Office of the Village Clerk on July 3, 2014. Such plans include the streetscape for employing the paver, lighting and street furniture design pallet for Roslyn Road and Jericho Turnpike, as well as the perimeter fencing around the Property which shall be of closed construction and shall be six (6') feet in height along Arlington Road and the eastern boundary line. The design of the fencing shall be subject to approval by the Building Department. Fencing shall be graffiti-proof and any graffiti placed on the fence or building shall be removed immediately;
- 4) No sign shall have scrolling capabilities to advertise any promotions;
- 5) There shall be no entrance/exit from or onto Arlington Road, including during the construction phase of the project;



- 6) All employees shall be required to park upon the Property;
- 7) All lighting shall be designed such that it shall shine upon the Property only and shall not be directed towards any neighboring residences;
- 8) No telecommunications towers shall be located at the site;
- 9) The site shall be served by a private sanitation carter at the expense of the applicant. Garbage pick-up shall be during non-peak traffic hours and shall not be earlier than 7:00a.m. or later than 8:00p.m.;
- 10) The Village shall maintain jurisdiction over the site, particularly with respect to the safety and convenience of entrance into and exit from the Property. In the event that such entrance/exit shall require modification, the Applicant shall make further application before the Board of Trustees for a amendment of this approval or the Board of Trustees shall direct such modification;
- 11) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;
- 12) 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 decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 13) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the Property to all penalties set forth in the Zoning Law.

Motioned by Trustee Paul A. Pereira

Seconded by Trustee George R. Durham

*Village Clerk Joseph R. Scalero polled the Board:*

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss

Trustee Paul S. Cusato

Trustee Paul A. Pereira

Trustee George R. Durham

Trustee Dennis J. Walsh

**Mayor Scott P. Strauss requested a motion to close the Work Session at 7:15 PM.**

Motioned by Trustee Paul A. Pereira

Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss

Trustee Paul S. Cusato

Trustee Paul A. Pereira

Trustee George R. Durham

Trustee Dennis J. Walsh

**Mayor Scott P. Strauss called the Public Meeting to order at 7:35 PM.**

**PRESENT:** Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**ALSO PRESENT:** Village Attorney John P. Gibbons, Jr.  
Village Clerk Joseph R. Scalero

**Press Observer:** *Mineola American*  
*Williston Times*

**Sunshine Observers:** 11 Observers

Mayor Scott P. Strauss commented on July 4 Independence Day activities in Mineola, reported on the Chamber of Commerce’s Classic Car Show, reminded residents that schools are out for the summer and to be careful and safe, announced the upcoming concert and fireworks show and Movie Night in the Park. Mayor Strauss commented on the tremendous savings the Village has seen in its tax certiorari cases stating this was due to long term planning and commitment to addressing the problem by the Village Board over the last ten years

Trustee Paul A. Pereira commented on the tax certiorari savings, noting that refund payments were down to approximately \$250,000 this year compared to an all-time high of \$1.2M when he was first elected to the Village Board. Trustee Pereira noted the Memorial Park Amphitheater was completed and ready for the concert and fireworks show.

Trustee Paul S. Cusato reported on his attendance at the monthly Chamber of Commerce meeting, noting that Gabe Parajos has been sworn in as a new board member; announced the Chamber’s scholarships, and reminded residents to come out for the fireworks show and concert.

Trustee George R. Durham stated that he was looking forward to the next concert and offered all residents best wishes for an enjoyable and safe summer season. Trustee Durham also reminded residents to look in on neighbors during periods of extreme heat, especially elderly neighbors.

Trustee Dennis Walsh stated that the tax certiorari success is due to long term planning and commitment; commented on a plan by Nassau County to privatize sewage treatment plants stating that it would impact all residents because a private operator will charge for effluents in addition to a sewer tax.

*2 Speakers addressed the Board*

**Mayor Scott P. Strauss requested a motion to close the Public Meeting at 7:55 PM.**

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Dennis J. Walsh

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh