

**Minutes - Board Meeting – 01/16/2019**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 16, 2019 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  
Deputy Village Clerk Linda Pardo  
Superintendent of Public Works Thomas J. Rini

**Press Observers:** *Mineola American*  
*Newsday*  
*Williston Times*  
*Fios 1*

**Sunshine Observers:** 13 Observers

**Mayor Scott P. Strauss called the Public Hearing to order at 6:40 PM**

*A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**PROPOSED LOCAL LAW AMENDING SECTION 550-16 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “M DISTRICTS (LIGHT MANUFACTURING AND INDUSTRIAL)”, TO REGULATE MEDICAL MARIJUANA DISPENSARIES AND MARIJUANA RETAIL STORES (IN THE EVENT THAT THE NEW YORK STATE LEGISLATURE LEGALIZES THE RECREATIONAL USE OF MARIJUANA).**

**PROPOSED LOCAL LAW AMENDING SECTION 550-3 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “WORD USAGE; DEFINITIONS”, TO DEFINE “MARIJUANA”, “MARIJUANA PRODUCT”, AND “MEDICAL MARIJUANA”.**

*4 speakers addressed the Board*

**Resolution No. 08-19**

**PROPOSED LOCAL LAW AMENDING SECTION 550-16 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “M-DISTRICT (LIGHT MANUFACTURING AND INDUSTRIAL)”, TO REGULATE MARIJUANA RETAIL STORES (IN THE EVENT THAT THE NEW YORK STATE LEGISLATURE LEGALIZES THE RECREATIONAL USE OF MARIJUANA)**

**§550-16. M Districts (Light Manufacturing and Industrial).**

- E. In addition to the uses set forth in subsections A, B, C and D of this §550-16, the following uses shall be allowable in an M District:
- (1) Purposes and considerations. The Village Board recognizes that several states have permitted the distribution of marijuana for recreational purposes. The Village Board recognizes that the legalization of marijuana in New York is a subject of current discussion and community forums organized by the State, and that both the New York State Governor and the New York State Commissioner of Health have recommended that the recreational use of marijuana be considered for legalization in New York. The Village Board is generally concerned that, despite any potential state regulation, marijuana may fall into the hands of those for whom it was not intended, such as children. For these reasons, the Board finds that it is important and prudent to assure that marijuana related businesses are sufficiently distant from schools, parks, day care centers, houses of worship and residential zones. This §550-16E shall not be applicable to medical marijuana as defined in New York Public Health Law §3360 made available to patients through a medical marijuana dispensary authorized by the New York State Department of Health to dispense or distribute medical marijuana in accordance with Article 33 of the Public Health Law and Part 1004 of Title 10 of the New York Codes, Rules and Regulations. This §550-16E only pertains to marijuana for recreational purposes.
  - (2) Definitions. As used in this Subsection E, the following term shall have the meaning indicated:  
MARIJUANA RETAIL STORE – A building, structure or premises engaged in the sale, use or distribution of Marijuana and/or Marijuana Products for non-medical use. A building, structure or premises shall be considered a Marijuana Retail Store regardless of whether products in addition to Marijuana Products are offered for sale, use or distribution at the building, structure or premises and regardless of the amount of Marijuana or Marijuana Products available for sale, use or distribution at the building, structure or premises in comparison to other products offered for sale, use or distribution at the building, structure or premises.
  - (3) The use as defined in Subsection E(2) above is to be restricted as to location in the following manner in addition to any other requirements of this Code:
    - (a) The above use shall not be located within a two-hundred-foot radius of any area zoned for residential use.
    - (b) The above use shall not be located within a one-half-mile radius of another such use.
    - (c) The above use shall not be located within a five-hundred-foot radius of any school, church or other place of religious worship, park, playground or playing field.
  - (4) The restriction enumerated in Subsection E(3)(b) above may be waived by the Board of Trustees of the Village if the applicant shows and the Board finds that the following conditions have been met:

- (a) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit or intent of this Subsection E will be observed.
  - (b) That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential.
- (5) No more than one of the uses as defined above shall be located on any lot.

**PROPOSED LOCAL LAW AMENDING SECTION 550-3 OF THE  
MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA,  
ENTITLED “WORD USAGE; DEFINITIONS”, TO DEFINE “MARIJUANA”  
AND “MARIJUANA PRODUCT”**

**§550-3. Word usage; definitions.**

- A. Word usage. Words in this chapter are defined for the purpose thereof, as follows: words in the present tense include the future; the singular number includes the plural and vice versa; the word "lot" includes "plot"; the word "building" includes the word "structure"; "structure" shall be construed as though followed by the words "or part thereof"; and the word "shall" is always mandatory.
- B. Terms defined. As used in this chapter, unless the context or subject matter otherwise requires, the following words shall have the following meanings:

MARIJUANA – The term “Marijuana” shall have the same definition ascribed to “Marihuana” in §3302 of the New York Public Health Law.

MARIJUANA PRODUCT – Marijuana and/or any material, substance or other thing derived (in any manner) from Marijuana or which contains Marijuana as a component part in any amount or concentration.

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

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 hearing at 7:10 PM.**

Motioned by Trustee Dennis J. Walsh  
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

**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  
Deputy Village Clerk Linda D. Pardo  
Superintendent of Public Works Thomas J. Rini

**Press Observer:**

*Newsday*

**Sunshine Observers:**

10 Observers

Mayor Scott P. Strauss stated that he attended a ribbon cutting ceremony for WowMoms World; reminded residents to adhere to snow regulations, and discussed Governor Cuomo's proposed budget cuts which will result in a 2% tax increase to Mineola residents, in addition to a 2% tax cap.

Trustee Paul A. Pereira discussed his dismay by Governor Cuomo's Aid and Incentives for Municipalities (AIM) reductions, and hopes that newly elected state officials will represent us in fighting this; thanked the community for its unbelievable support for the family of Christian Melendez, stating that funds raised are going towards a new scholarship fund, and reminded residents that Friday January 18 is Reggie Carter Night at Mineola High School.

Trustee Paul S. Cusato thanked the members of the Mineola Fire Department for Operation Santa; reminded residents to attend the Kiwanis Super Bowl pancake breakfast fundraiser on February 3; reminded residents to clear snow from fire hydrants, and urged residents to check the batteries in their smoke and carbon monoxide detectors.

Trustee George R. Durham stated that the loss of AIM funding affects everybody, noting especially that, if we need to pierce the 2% tax cap, residents will lose their annual rebate checks.

Trustee Dennis J. Walsh stated that the Governor's proposed cuts are unconscionable and will force us to pierce the tax cap, but other villages who are already piercing the tax cap are being rewarded; discussed congestion pricing, and tips on how to survive a heart attack when alone.

2 speakers addressed the Board

**Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:00 PM.**

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

**Vote:**  

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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 Work Session to order at 7:15 PM.**

<b>PRESENT:</b>	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh
<b>ALSO PRESENT:</b>	Village Attorney John P. Gibbons, Jr. Village Clerk Joseph R. Scalero Deputy Village Clerk Linda Pardo Superintendent of Public Works Thomas J. Rini
<b>Press Observers:</b>	<i>Newsday</i>
<b>Sunshine Observers:</b>	4 Observers

*Presentation by Adam Mann for the possible development of the former Jackson Steel site at 435 First Street, Mineola, New York.*

**Resolution No. 09-19**

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee George R. Durham

**Vote:**  

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

**Resolution No. 10-19**

Resolved to approve a request by NYU Winthrop University Hospital for the use of the Village Hall Community Center auditorium to conduct its “Health Update for Seniors” seminars from 1:00 PM – 3:00 PM Wednesdays March 13, April 10, May 8, June 12, September 18, October 9, November 13, and December 11, 2019.

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. 11-19**

Resolved to approve a request from the Birchwood Court Owners, Inc. for the use of the Village Hall Community Center auditorium to hold an Informational Meeting Tuesday April 16, 2019 from 7:00 PM to 9:00 PM, and for their Annual Shareholder Meeting Tuesday May 14, 2019 from 7:00 PM to 9:00 PM.

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

**Resolution No. 12-19**

Resolved to approve a request by Nassau County Legislator Richard Nicolello for the use of the Village Hall Community Center auditorium to hold a Town Hall Meeting from 6:00 PM – 10:00 PM Tuesday February 26, 2019.

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. 13-19**

Resolved to approve Regal Body Works, 353 Sagamore Avenue, Mineola, NY 11501, as an additional 2019 tow car licensee.

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. 14-19**

Resolved to accept the retirement resignation of Building Maintenance Laborer employee Jose Does effective January 31, 2019 and approve a lump-sum payout of \$27,450.10 for unused accumulated time in accordance with the Collective Bargaining Agreement.

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. 15-19**

Resolved to accept the retirement resignation of Typist Clerk Theresa Alacqua of the Village Clerk's department effective January 31, 2019 and approve a lump-sum payout of \$8,449.87 for unused accumulated time in accordance with the Collective Bargaining Agreement.

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. 16-19**

Resolved to authorize the Superintendent of Public Works and the Supervisor of Water Plant Operations to attend the American Water Works Association - New York Section Water Conference in Saratoga Springs, New York, April 15<sup>th</sup> through April 18<sup>th</sup>, 2019.

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		

**Mayor Scott P. Strauss requested a motion to close the Work Session at 9:25 PM.**

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		