Minutes - Board Meeting 08/12/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, August 12, 2015 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 Cora T. Kelly
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini

Press Observer: *Mineola American*
Williston Times

Sunshine Observers: 10 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:40 PM.

Resolution No. 220-15

Resolved to approve bills and payroll.

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. 221-15

Resolved to approve the following payments in the amount of $221,505.26 from the Development Incentive Bonus Fund in FY 2015-2016:

Vendor	Amount	Project
Poligon (Porter Corp)	$ 32,450.00	Memorial Park Project
Pratt Brothers, Inc.	$ 55,656.70	Memorial Park Project
Mueser Rutledge Consulting Engineers	$ 12,448.56	Wilson Park Fields
Factory Direct Bus Sales	$120,950.00	Fire Department - Commercial Bus
Total	$221,505.26	

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. 222-15

Resolved to approve the fiscal year 2014/2015 budget transfers within the following funds:

Library Fund:

Account Name	Account Number	Increase	Decrease
Personal Services	30741010000	$12,239.30	
Personal Services - Professional	30741010002	$23,968.04	
Payment - MTA Payroll Tax	30741019804	$ 326.39	
Equipment	30741020001	$12,848.32	
Books - Children	30741020004	$ 3,528.38	
Periodicals	30741020008	$ 1,247.60	
Supplies - Miscellaneous	30741040618	$ 1,879.80	
Telephone	30741041800	$ 114.59	
Legal Costs - Library	30741043200	$ 1,150.00	
Programs	30741043400	$ 1,840.00	
Programs - Children	30741043401	$ 1,745.98	
Service Contract	30741045501	$ 18.95	
Social Security	30741083300	$ 7,434.76	
Books - Adults	30741020003		$ 8,211.13
Audio & Video Recording	30741020006		$ 1,173.28
Reference Books	30741020010		$ 1,717.85
Library Computer Services	30741020011		$ 1,068.75
Stationery & Printing	30741040400		$ 5,027.32
ALIS - Borrowing Charge	30741040700		$ 4,029.55
Utilities - Electricity	30741041600		$ 3,643.76
Utilities - Gas	30741041601		$ 80.15
Rental Equipment	30741042002		$ 7.72
Inspections - Elevators	30741045503		$ 0.06
Repairs - Buildings	30741045507		$ 3,714.56
Contingency	30741046500		$18,946.63
NYS Retirement	30741082800		$11,616.74
Life Insurance	30741083100		$ 144.00
Health & Medical Insurance	30741083600		$ 7,170.21
Disability Insurance	30741083700		$ 291.86
Legal Fees	30741083900		$ 22.00
Dental Insurance	30741084000		$ 885.96
Eye Glass Union	30741084500		$ 190.58
	TOTALS	**$68,342.11**	**$68,342.11**

General Fund:

Account Name	Account Number	Increase	Decrease
Repairs - Flags & Poles	10162045518	$ 7,626.10	
Rep - Baseball Fields/Playground	10714045559	$50,040.94	
Road Maintenance	10511040800		$39,920.21
Concrete Requirements Contract	10511040802		$17,746.83
		$57,667.04	$57,667.04

Motioned by Trustee George R. Durham
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. 223-15

Resolved to approve an adjustment to the Library Budget, in fiscal year 2014/2015, for increased expenditures in the following accounts:

From:	(Library Appropriated Fund Balance)	$44,195.90
To	(Library - Personal Services)	$ 8,288.17
To:	(Library - Personal Services, Professional)	$33,979.88
To:	(Library - Social Security)	$ 1,927.85
	Total Amount	$44,195.90

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. 224-15

Resolved to adjust the General Fund Budget, in fiscal year 2014/2015, due to a change in accounting for retainage (GASB Interpretation #6):

From:	(Repairs - Flags & Poles)	$ 7,626.10
From:	(Rep - Baseball Flds/Playgrnd)	$50,040.94
From:	(Repairs - Wilson/Memorial)	$32,645.29
	Total Amount	$90,312.33
To:	(General Appropriated Fund Balance)	$90,312.33

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		

Resolution No. 225-15

Resolved to award the public bid for the 2015 Roadway and Drainage Improvements Program to the lowest responsible bidder:

Vendor: Valente Contracting Corp.
Cost: $ 1,289,329.10

Funding Source: 2015/2016 General Fund Budget and/or Unreserved Fund Balance

Engineers: D&B Engineers & Architects, P.C.

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 226-15

Resolved to accept the resignation letter from Laborer Rocco Redmond in the Sanitation Division and approve a lump-sum separation payout of $2,262.87 for unused accumulated time, in accordance with the Collective Bargaining Agreement, effective as of July 8 2015.

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 227-15

Resolved to accept the retirement resignation of Laborer Giovanni Cavezza in the Parks Division and approve a lump-sum separation payout for unused accumulated time and accordance with the Collective Bargaining Agreement, effective as of August 29, 2015.

Motioned by Trustee George R. Durham
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 228-15

Resolved to authorize the posting of Laborers positions in the Sanitation and Parks Divisions of the Department of Public Works.

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 229-15

Resolved to ratify the Mineola Memorial Library Collective Bargaining Agreement between the Mineola Memorial Library Board and Library Employees Unit of United Public Service Employees Union. The Village of Mineola Board of Trustees authorizes Mayor Scott Strauss to sign the Agreement.

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

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

Resolution No 230-15

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
----------X
In the Matter of the Application of

JOSE LAZO

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 283 Willis Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lots 212-213
----------X

DECISION

NAME OF APPLICANTS:	Jose Lazo
SUBJECT PROPERTY:	Section 9, Block 322, Lots 212-213
STREET LOCATION:	283 Willis Avenue 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 a convenience store with dry groceries, beverages, cold food, frozen food, beer, cigarettes, lotto, money transfer, long distance calling and international shipping services upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 10, 2015
APPEARANCES:	Dean Koutzoumbis, Expediter Jose Lazo, Owner Victor Vialejo, Owner

DECISION:

Jose Lazo (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 a convenience store with dry groceries, beverages, cold food, frozen food, beer, cigarettes, lotto, money transfer, long distance calling and international shipping services upon the property known as 283 Willis Avenue Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lots 212-213) (hereinafter, the "Property").

By Notice of Disapproval, dated May 11, 2015, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations. Applicant was required to seek relief before the Board of Trustees for a special use permit to establish a convenience store with dry groceries, beverages, cold food, frozen food, beer, cigarettes, lotto, money transfer, long distance calling and international shipping services upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission has 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 a convenience store with dry groceries, beverages, cold food, frozen food, beer, cigarettes, lotto, money transfer, long distance calling and international shipping services upon the property known as 283 Willis Avenue, Mineola, New York;

2) The hours of operation will be 8:00 a.m. to 11:00 p.m., seven days a week;

3) Applicant will share 31 parking spaces with three (3) additional building tenants;

4) Applicant proposes to have the store laid out with a cashier in the front along with a deli counter for cold sandwiches;

5) Applicant proposes to dispose of the garbage by regular weekday pickup. Applicant had not made arrangements for garbage generated during the weekend. Further, Applicant had not made arrangements for the storage of all putrescible waste indoors in refrigerators until pick-up;

6) Applicant proposes to convert the rear of the store into three (3) separate phone rooms for long distance calling;

7) Applicant will have no seating at the Property;

8) Applicant will offer lotto at the Property;

9) Applicant will be conducting money transfers at the Property; and

10) Applicant will be offering international shipping services at the Property twice per week.

Based upon the entire record, the Board finds the approval of this application for a convenience store with dry groceries, beverages, cold food, frozen food, beer, cigarettes, lotto, money transfer, long distance calling and international shipping services at the Property would not be in the best interest of the health, safety and welfare of the community. The Board finds that the Application will be hazardous, conflicting and incongruous to the immediate neighborhood. Further, the Board finds several significant inconsistencies in the application. The Board finds that the Applicant was deceptive in his responses to questions by the Board and that he gave several contradictory statements.

The Board finds that the application should be denied for the following reasons:

1) The application will generate excessive traffic at an already busy intersection (Jericho Turnpike and Willis Avenue). Applicant intends to share 31 parking spaces with three (3) additional building tenants. Applicant was uncertain as to the basis for allocating parking spaces among the other tenants and the actual number of parking spaces it would be entitled to utilize. Additionally, Applicant indicated that the shared parking lot will be used to service all scheduled deliveries at the Property. Applicant was uncertain about the plan for deliveries and even stated that he would be personally buying, delivering and stocking entire inventory at the Property with his own vehicle. These issues will further aggravate the parking in the area and will lead to parking spillage into the surrounding residential neighborhoods;

2) Applicant proposes to prepare and sell food at the Property. Such a use will generate

additional refuse not contemplated by Applicant. Applicant has not made arrangements for garbage generated during the weekend. Further, Applicant has not made arrangements for the storage of all putrescible waste indoors in refrigerators until pick-up;

3) Applicant proposes to utilize a deli counter at the Property. However, Applicant was unclear as to the food that would be prepared at the Property and whether a deli counter would be utilized, if at all;

4) The combination of services associated with the application will be incongruous with the neighborhood. Applicant proposes to convert a former clothing store with changing rooms into a convenience with three (3) telephone calling rooms. Applicant indicated that patrons will patronize the Property in order to make food purchases, lotto, money transfer, long distance calls and drop packages for international shipping. The proposed uses will naturally lead to people congregating at the Property;

5) Applicant indicated having one (1) employee (a cashier) at the Property. The proposed uses/services offered at the Property would demonstrate a need for additional employees to be present in order to assist and monitor patrons and equipment. Applicant has made no provision for the additional employees; and

6) The proposed use represents an over-intensification of land use, a mixture of incompatible uses and a recipe for conflict with the traffic circulation of the area. The Board concludes that the Applicant has failed to meet its burden with regard to the proposed application.

IT IS THEREFORE RESOLVED, that the special use permit is **DENIED**.

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

Mayor Scott R. Strauss requested a motion to close the Work Session at 6:50 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 6:50 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 Cora T. Kelly
Village Treasurer Giacomo Ciccone

Press Observer: *Mineola American*
Williston Times

Sunshine Observers: 10 Observers

Mayor Scott P. Strauss recognized the 70th Anniversary of the end of WWII, and thanked veterans past and present for their service to our country. Mayor Strauss extended condolences to the Parker family, the Mikowski family, and to the family of Mineola Fire Department Company 3, Lt. Robert Escaravage on their recent losses. Mayor Strauss announced that the 9/11 Remembrance Ceremony will be at Mineola Memorial Park at 7:00 PM on Friday September 11.

Trustee Paul A. Pereira announced that the Chamber of Commerce Street Fair is on Sunday September 13, reminded residents of the 9/11 Remembrance Ceremony, and encouraged residents to visit Memorial Park to see recent improvements. Trustee Pereira also expressed his condolences to the families suffering losses this week.

Trustee Paul S. Cusato extended his condolences to the three families that suffered losses this week.

Trustee George R. Durham also extended his condolences to those families that suffered losses.

Trustee Dennis Walsh extended his condolences as well.

2 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 7:00 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		