

Inc. Village of Manorhaven, New York

October 16, 2008

**REGULAR MEETING**

A regular meeting of the Board of Trustees of the Incorporated Village of Manorhaven was held at Village Hall, 33 Manorhaven Boulevard, Manorhaven, NY 11050 at 8:00 p.m.

**SALUTE THE FLAG**

Mayor Meehan called the meeting to order and asked all present to rise and join in a salute to the flag of the United States of America.

**ROLL CALL**

Trustees John DiLeo, Rita DiLucia, Patrick Brostowin, Brendan Fahey; Mayor Michael T. Meehan

**Also Present:**

Gerard Terry, Village Attorney  
Jonathan Fielding, Deputy Village Attorney  
Carmela Aiello, Deputy Village Clerk

**APPROVAL OF  
MINUTES**

Moved by Trustee DiLucia that the minutes of the Regular Meeting of September 25, 2008 be approved as reviewed.

Seconded by Trustee Brostowin

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

**APPROVAL OF  
CLAIMS**

Moved by Trustee Brostowin that all claims audited by the Board of Trustees be approved as reviewed.

Seconded by Trustee Fahey

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

**DEPARTMENTAL REPORTS**

Treasurer Report  
Building Department Report  
Highway Department Report  
Nassau County Police Report

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Moved by Trustee Brostowin that Departmental Reports be accepted as reviewed.

Seconded by Trustee DiLeo

AYES: Trustees DiLeo, DiLucia, Brostowin Fahey; Mayor Meehan

NOES: None

**APPOINTMENT OF  
COMMISSIONER OF  
ROADS  
TRUSTEE JOHN DILEO, JR.**

The appointment of Trustee John M. DiLeo, Jr. as Board of Trustees Liaison for Village roads, with the additional title of "Commissioner of Roads".

**APPOINTMENT OF  
COMMISSIONER OF  
TREES  
TRUSTEE JOHN DILEO, JR.**

The appointment of Trustee John M. DiLeo, Jr. as Board of Trustees Liaison for tree removal and tree replacement, with the additional title of "Commissioner of Trees".

**RESOLUTION NO. 080 -  
OCTOBER 16, 2008  
ENGAGING A CONSULTANT/  
TRAINER  
SUSAN WILLIAMS**

BE IT RESOLVED, that upon the recommendation of the Mayor, Susan Williams be and hereby is engaged as a consultant/trainer to the Village Justice Court, at a rate of compensation of \$30/hour; and

BE IT FURTHER RESOLVED, that the provision of this Resolution shall take effect, Nunc pro tunc, September 29, 2008.

Moved by Trustee DiLucia

Seconded by Trustee Fahey

AYES: Trustees DiLeo, DiLucia, Brostowin Fahey; Mayor Meehan

NOES: None

**RESOLUTION NO. 081 -  
OCTOBER 16, 2008  
ENGAGING AN INDEPENDENT**

BE IT RESOLVED, that upon the recommendation of the Mayor, Karen Piga be and hereby is engaged as an independent contractor for the purpose of

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**CONTRACTOR  
KAREN PIGA**

providing general support in connection with Village Justice Court, at a rate of compensation of \$15/hour; and

BE IT FURTHER RESOLVED, that the provision of this Resolution shall take effect, nunc pro tunc, October 4, 2008.

Moved by Trustee Brostowin

Seconded by Trustee Fahey

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

**RESOLUTION NO. 082 -  
OCTOBER 16, 2008  
ENGAGING AN INDEPENDENT  
CONTRACTOR  
DOUGLAS SCHLAEFFER**

BE IT RESOLVED, THAT UPON THE RECOMMENDATION OF THE Mayor, Douglas Schlaeffer be and hereby is engaged as an independent contractor for the purpose of providing general support and advice in connection with the following Village responsibilities: Inter-municipal affairs, sanitary sewage system, sanitation and recycling, roads, street signs and grounds and facilities; and

BE IT FURTHER RESOLVED, that the compensation hereunder shall be \$500.00/month; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately and shall continue effective on a month-to-month basis

Moved by Trustee DiLucia

Seconded by Trustee Brostowin

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

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**PUBLIC COMMENT**

Tom Forgione – 72 Ashwood Rd.  
Job Duties of Independent Contractor?

**RESOLUTION NO. 083 -  
OCTOBER 16, 2008  
AWARDING AN  
EMERGENCY CONTRACT  
DEJANA INDUSTRIES, INC.**

WHEREAS, the prior contractual agreement for maintenance, cleaning and emergency response in connection with the Village sanitary sewer system has expired; and

WHEREAS, Section 103 of the General Municipal Law requires that the Village engage in a an orderly and competitive process in order to award a new contractual agreement for such purpose; and

WHEERAS, in order to protect the health and safety of the Village, including its residents and business, it is necessary for temporary measures to be put into place in order to ensure the safe and efficient operation of the Village sanitary sewer system: and

WHEREAS, section 103(4) of the General Municipal LA provides that an emergency award or procurement may be made as follows:

“... in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, materials or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein.”

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees finds and determines that circumstances exist with respect to the Village sanitary sewer system that require action pursuant to the authority granted to the Village under Section 103(4) of the General Municipal Law; and

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BE IT FURTHER RESOLVED, that an emergency award be and hereby is made to Dejana Industries, Inc. having an office at 30 Sagamore Hill Drive, Port Washington,

NY, for EMERGENCY RESPONSIVE/EVALUATION, in connection with the Village sanitary sewer system, consistent with a written proposal from said Dejana Industries, Inc. dated September 25, 2008; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately.

Moved by Trustee Brostowin

Seconded by Trustee Fahey

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

**RESOLUTION NO. 084 -  
OCTOBER 16, 2008  
AWARDING AN  
EMERGENCY CONTRACT  
DEJANA INDUSTRIES, INC.**

WHEREAS, the prior contractual agreement for maintenance, cleaning and emergency response in connection with the Village sanitary sewer system has expired; and

WHEREAS, Section 103 of the General Municipal Law requires that the Village engage in an orderly and competitive process in order to award a new contractual agreement for such purpose; and

WHEREAS, in order to protect the health and safety of the Village, including its residents and business operators, it is necessary for temporary measures to be put into place in order to ensure the safe and efficient operations of the Village sanitary sewer system; and

WHEREAS, Section 103(4) of the General Municipal Law provides that an emergency award or procurement may be made as follows:

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“... in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political

subdivision or district therein, require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, materials or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein.”

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees finds and determines that circumstances exist with respect to the Village sanitary sewer system that require action pursuant to the authority granted to the Village under Section 103(4) of the General Municipal Law; and

BE IT FURTHER RESOLVED, that an emergency award be and hereby is made to Dejana Industries, Inc. having an office at 30 Sagamore Hill Drive, Port Washington, NY, for ANNUAL CLEANING, in connection with the Village sanitary sewer system, consistent with a written proposal from said Dejana Industries, Inc. dated September 25, 2008; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately.

Moved by Trustee DiLucia

Seconded by Trustee DiLeo

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

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**RESOLUTION NO. 085 -  
OCTOBER 16, 2008  
AUTHORIZING THE VILLAGE  
CLERK TO SEEK  
COMPETITIVE BIDS  
SANITARY SEWER  
SYSTEM**

WHEREAS, the prior contractual agreement of maintenance, cleaning and emergency response in connection with the Village sanitary sewer system has expired; and

WHEREAS, section 103 of the General Municipal Law requires that the Village engage in an orderly and competitive process in order to award a new contractual agreement for such purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees authorizes and directs the Village Clerk to advertise for bids from qualified contractors for maintenance, cleaning and emergency response in connection with the Village sanitary sewer system; and

BE IT FURTHER RESOLVED. That the Village Clerk shall inform the Board of Trustees, from time to time, of her efforts regarding same; and

BE IT FURTHER RESOLVED that the provisions of this Resolution shall take effect immediately.

Moved by Trustee Brostowin

Seconded by Trustee DiLeo

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

**RESOLUTION NO. 086 -  
OCTOBER 16, 2008  
ADOPTING A LOCAL LAW  
REPEAL THE ENTERPRISE  
WATERSIDE ZONE DISTRICT (E-2)**

BE IT RESOLVED, that Introductory Local Law E – 2008, “A Local Law to Repeal the Enterprise Waterside Zone District (E-2)” be and hereby is adopted; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately.

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Moved by Trustee DiLeo

Seconded by Trustee DiLucia

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

**INTRODUCTORY LOCAL LAW E – 2008**

**Title: “A Local Law to Repeal the Enterprise Waterside Zone District (E-2)”**

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF  
MANORHAVEN AS FOLLOWS;**

**FIRST: Repeal of Sections**

Chapter 155 of the Code of the Inc. Village of Manorhaven (the “Code”) is amended by repealing the following sections of said Code: 155-21, 155-21.1, 155-21.2, 155-21.3.

**SECOND: Separability.**

If any section, sub-section, sentence, clause or phrase of this local law is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this local law.

**THIRD: Effective Date**

This act shall take effect immediately upon filing with the Secretary of State as provided by law

**RESOLUTION NO. 087 -  
OCTOBER 16, 2008  
AUTHORIZING  
TREE REMOVAL  
49B ASHWOOD ROAD**

WHEREAS, Chapter 143 of the Code of the Inc. Village of Manorhaven (the “Code”) regulates the removal of trees within the Village; and

WHEREAS, an application has been received from Carolyn Weber, owner of residential premises

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located at 49B Ashwood Road within the Village,  
for removal of a tree at said premises; and

WHEREAS, the Highway Supervisor has inspected  
and examined the subject tree, concurs in said  
request, and has recommended removal of the  
subject tree;

NOW, THEREFORE, BE IT RESOLVED, that the  
Board of Trustees, having reviewed the application  
and the standards set forth in Section 143-4(4) of  
the Code, authorizes the removal of the subject tree;  
and

BE IT FURTHER RESOLVED, that the fees set  
forth in Section 143-6 of the Code be and hereby  
are waived:

BE IT FURTHER RESOLVED, the provisions of  
this Resolution shall take effect immediately.

Moved by Trustee DiLeo

Seconded by Trustee DiLucia

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

**RESOLUTION NO. 088 -  
OCTOBER 16, 2008  
AUTHORIZING TREE  
REMOVAL  
22 MARWOOD ROAD**

WHEREAS, Chapter 143 of the Code of the Inc.  
Village of Manorhaven (the "Code")  
regulates the removal of trees within the Village;  
and

WHEREAS, an application has been received from  
Joseph Yauillo owner of residential premises  
located at 22 Marwood Road South within the  
Village, for removal of a tree at said premises; and

WHEREAS, the Highway Supervisor has inspected  
and examined the subject tree, concurs in said

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request, and has recommended removal of the subject tree;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees, having reviewed the application and the standards set forth in section 143-4(4) of the Code, authorizes the removal of the subject tree; and

BE IT FURTHER RESOLVED, that the fees set forth in section 143-6 of the Code be and hereby are waived:

BE IT FURTHER RESOLVED, the provisions of this Resolution shall take effect immediately

Moved by Trustee DiLeo

Seconded by Trustee DiLucia

AYES: Trustees DiLeo, DiLucia, Brostowin Fahey; Mayor Meehan

NOES: None

**RESOLUTION NO. 089 -  
OCTOBER 16, 2008  
ENGAGING A CONSULTING  
ENGINEER  
DVIRKA & BARTILUCCI**

WHEREAS, the Highway Supervisor has reported to the Board of Trustees in connection with the condition of the Village pump station; and

WHEREAS, such report indicated the "pump no 3" is experiencing serious operating difficulties, due to age, and is in a state of deterioration; and

WHEREAS, the Mayor and Trustee DiLucia have investigated and researched appropriated options with respect to addressing this situation; and

WHEREAS, in connection with this undertaking, they have identified a suitable and qualified consulting engineer to guide the Village in addressing this issue;

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of Trustee DiLucia, the

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firm of Dvirka and Bartilucci, having an office at 330 Crossways Park Drive, Woodbury, NY, be and hereby is engaged as consulting engineers to the Village for this purpose, consistent with a proposal from and firm dated October 10, 2008; and

BE IT FURTHER RESOLVED, that said engagement shall have a maximum stated value of \$28,000; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately.

Moved by Trustee DiLucia

Seconded by Trustee Brostowin

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None

**PUBLIC COMMENT**

Mildred DeVano -- Question regarding pump station

Danny Gallo -- Village employee addresses her concerns

**PUBLIC COMMENT**

Resident complaints regarding Ressa Development  
-- Ashwood Rd.:

Michelle Forgione -- 72 Ashwood Rd.

Olga Krushler -- 68 Ashwood Rd.

Tom Forgione -- 72 Ashwood Rd.

Mary Downy -- 58 Ashwood Rd.

Mildred DeVano -- 48 Orchard Beach Blvd.  
& Marwood Rd. South is a flood area & needs to be drained

Steven Ressa - Ressa Development (Ashwood Rd.)  
in response to complaints

Monica DeSantis -- 21 Marwood Road North.  
Neighbor complaint & zoning issue

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Guy Lamata – 10 Matinecock Ave.  
Redevelopment of Waterfront

**MEETING  
ADJOURNED**

There being no other business to come before the Board, Trustee Fahey moved to adjourn the meeting.

Seconded by Trustee Brostowin

AYES: Trustees DiLeo, DiLucia, Brostowin  
Fahey; Mayor Meehan

NOES: None



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Tanya L. Ford, CMC  
Village Clerk