

**VILLAGE OF MANORHAVEN  
BOARD OF TRUSTEES  
MINUTES  
PUBLIC HEARINGS & REGULAR MEETING  
APRIL 21, 2016 7:00 pm**

The meeting was called to order at 7:15 pm. The Pledge of Allegiance was led by Katie Sutherland. The Clerk called the roll and verified that there was a quorum. In attendance were:

Giovanna Giunta, Mayor  
James Avena, Trustee  
Rita DiLucia, Trustee  
Kevin Gately, Trustee  
Priscilla von Roeschlaub, Trustee  
James E. Toner, Village Attorney  
Leslie C. Gross, Village Clerk-Treasurer

There were 70 +/- members of the public in attendance.

Public Hearings

Attorney Toner read the legal notice and description of the proposed local law for the building moratorium into the record. The six month moratorium stopping all building on waterfront property was proposed by Trustee Avena. Mr. Toner added that before a moratorium could be enacted, the Nassau County Planning Board must approve it. A complete transcript of the public hearings are available at The Village office. Mayor Giunta called upon members of the public to comment as follows:

1. Guy La Motta expressed that this moratorium would hurt the waterfront community. He commented that when the LWRP was first studied, both version two and three were rejected by the state. He warned that along with accepting an LWRP come future restrictions that may be unforeseen by The Village, as happened in Port Chester. He asked The Board to consider streets and sewer problems.
2. Michael Barone of Sahn Ward Baker Coschignano spoke on behalf of his client, Richard Thypin. He asked that The Board refrain from acting on this moratorium as his client did not receive prior notice of the public hearing.
3. Anthony Piacentini said that his client at 12-20 Matinecock Avenue pay \$100,000 in taxes, and has not received permission to do anything to his property over the past ten years. He suggested that the land owners first meet with The Board. Landowners should be allowed to be compensated for their investment.
4. Tony Leon of 12 Matinecock (Haven Marina) asked the Board to pause and study the "big picture." He lives on a houseboat at Haven Marina, and is concerned about the displacement of people who live there.

5. Mark O'Halloran of 12 Matinecock has lived on a houseboat with his fiancé who has been there for 16 years. He spoke about the letter from the owner's attorney, and the signs which had been placed at Haven Marina announcing the closing of the Marina.

6. Gary Pagano of 80 Orchard Beach Blvd. spoke in favor of the moratorium in order to save the waterfront. He expressed that there has been so much building in Manorhaven that it is now the most densely populated village in the State of New York. He said that Haven Marina was purchased the way it is now. He speculated that the owners purchased it in order to develop it and now they want The Village to bail out their "bad investment." He corrected an earlier statement saying that The State did not reject the LWRP proposal, but that The Board at the time withdrew the application from The State. Ch. 1.55/Zoning was adopted at that time, which was read into the record. He urged The Board to adopt the moratorium to protect Manorhaven's shoreline.

7. Caroline Du Bois of 8 Dunes Lane read brief headlines of a letter expressing confusion about which maps The Village is using and where E-1 zones exist. She added that Albany does do coastal zone planning, and that they are coming in May to tour The Village.

8. Peter Mohan owns a houseboat at Haven Marina, and had had his houseboat at MICA for many years. He said the development on Manhasset Isle is an improvement, and expressed the opinion that Haven Marina didn't try hard enough to make it successful.

9. Lucretia Steele of 2 Kaywood Road spoke about overcrowding throughout Manorhaven. She expressed the opinion that this once beautiful seaside village has been over-built causing irreparable damage.

10. Gary Maynard spoke as a 60 year resident of The Village in support of the moratorium. He expressed hope that it would become a total building moratorium throughout the Village.

11. Bob O'Brien of 17 Pequot remarked about the Village's water, both clean and dirty. He warned that any new hook-ups should be stopped until infrastructure capacity issues are assessed. He added that former users of what is The Thypin property left dangerous material in the ground from steel fabrication, and opined that it is not safe for development.

12. Ken Kraft of 30 Cottonwood said that he has kept his boat at Brewer's Marina for many years. His opinion is that there are too many 2-family homes. He would like to keep the waterfront accessible to all residents. He is in favor of careful planning.

13. Roy Smitheimer of 42A Greywood agreed with the moratorium as a planning tool to plan for the future.

14. Joe Gillitti of 48 Sagamore Hill Drive warned that our pump station can't handle the amount of sewage now produced and traffic in the village is awful. Parking is a problem already.

Trustee Rita Di Lucia stated that in 2007, one reason she said she ran to become a trustee was because of the proposed E-2 overlay district which was proposed for one section of Matinecock Avenue. There were 60-80 units proposed with no access to the waterfront. She didn't agree with it then, and said that we now need an overall plan. The E-2 overlay passed, but the subsequent administration reversed it. In 2013-14, another moratorium was passed for a study

regarding “Golden Age” senior housing. Trustee Di Lucia continued that she hoped Mayor Giunta would choose a good committee to study the entire future of our waterfront. Mr. Toner noted for the record that based upon the letter received that day from Mr. Thypin’s attorney, the Village may be leaving itself open to a lawsuit. Dorit Zeevi-Farrington questioned whether each individual must be notified individually about a hearing. Mr. Toner responded in the negative as the meeting was noticed properly.

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN**

**LOCAL LAW # 6 - 2016**

**April 21, 2016**

Trustee Avena offered the following Local Law and moved its adoption, seconded by Trustee Kevin Gately, which Local Law was declared adopted after a poll of the members of this Board:

**A LOCAL LAW TO ESTABLISH A TEMPORARY BUILDING MORATORIUM IN CERTAIN ZONING DISTRICTS WITHIN THE VILLAGE**

**WHEREAS**, the Board of Trustees desires to protect the Village waterfront, as a significant and special resource, that has fostered the development of a unique nautical heritage and history.

**WHEREAS**, the Board of Trustees desires a temporary restraint on development in those zoning districts of the village that are located along its waterfront pending the Village’s review, modification, enactment, and/or updates to the its comprehensive master plan, its local waterfront revitalization plan, and its zoning code.

**WHEREAS**, the Board of Trustees plans, in conjunction with this Moratorium, to engage professional planners to perform a comprehensive study of the zoning and development along this waterfront in order to recommend specific amendments, proposals or enactments to properly balance the interests of private property owners in sensible, context-appropriate development and the interests of the community in maintaining public access to the waterfront, view of Manhasset Bay, and other concerns.

**WHEREAS**, the Board of Trustees believes that a pause in development and building will maintain the status quo while the Village determines how to effectuate the proper balance of these interests through the zoning and planning processes. The Village Board of Trustees and other Village officials need the time afforded by this moratorium in order to comprehensively address the question of how to properly modify the restrictions in place on the Village’s waterfront without further development proceeding while they are doing so.

**WHEREAS**, a properly noticed public hearing has been fully conducted on said Moratorium.

**NOW THEREFORE BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF MANORHAVEN AS FOLLOWS:**

**Title: A LOCAL LAW TO ESTABLISH A TEMPORARY BUILDING MORATORIUM IN CERTAIN ZONING DISTRICTS WITHIN THE VILLAGE**

**Section 1. Purpose, intent, and findings**

The purpose of this Local Law is the enactment of a temporary restraint on development in those zoning districts of the Village of Manorhaven that are located along its waterfront pending the Village's review, modification, enactment, and/or updates to the its comprehensive master plan, its local waterfront revitalization plan, and its zoning code.

The Village's waterfront is a significant and special resource that has fostered the development of a unique nautical heritage and history. Over the course of the Village's history, the waterfront has been used for an incredible variety of purposes running the gamut from industrial uses including seaplane and steel factories, transportation uses including the first commercial chartered trans-Atlantic air travel service and the former Morgan's ferry to mainland New York State, to recreational uses including marinas and passive-use park and preserve land, to residential uses including the Tom's Point cooperative, along with many others.

The Village is engaging professional planners to perform a comprehensive study of the zoning and development along this waterfront in order to recommend specific amendments, proposals or enactments to properly balance the interests of private property owners in sensible, context-appropriate development and the interests of the community in maintaining public access to the waterfront, view of Manhasset Bay, and other concerns.

This pause in development and building will maintain the status quo while the Village determines how to effectuate the proper balance of these interests through the zoning and planning processes. The Village Board of Trustees and other Village officials need the time afforded by this moratorium in order to comprehensively address the question of how to properly modify the restrictions in place on the Village's waterfront without further development proceeding while they are doing so.

**Section 2. Authority**

The Board of Trustees of the Village of Manorhaven is authorized to adopt this local law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general police power vested with the Village of Manorhaven to promote the health, safety, and welfare of all of the residents and property owners in the Village.

**Section 3. Definitions.**

For the purpose of this local law, unless specified below, all terms shall be as defined in the Zoning Code of the Village of Manorhaven, New York (Chapter 155 of the Village Code).

**Section 4. Affected Zoning Districts.** This local law is applicable to the following zoning districts

only: C-1 Commercial Marine District E-1 Enterprise District R-3 Residential District R-4 Residential District MP-1 Marine Preservation District MR Marine Recreational District

#### Section 5. MORATORIUM.

The provisions of this local law shall be in effect for a period of six (6) months from the effective date hereof unless earlier repealed, modified, extended, or supplemented by further local law of the Village of Manorhaven. The following regulations shall apply to all new development or construction within the Waterfront area of the Affected Zoning Districts as provided in section 4 above:

1. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing, or make any decision upon any application for a subdivision whether that subdivision application was submitted prior to or after the effective date of this law. This law applies to subdivisions as defined in Chapter 133 of the Village of Manorhaven Code. The state statutory and locally-enacted time periods for processing and making decisions and all aspects of subdivision approval (including, but not limited to, pre-preliminary, preliminary, and final subdivision plats) are suspended and stayed while this local law is in effect.
2. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for site plan approval or special permit approval involving the demolition, creation, or replacement of any building within the affected zones whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for site plan approval and special permits as indicated are suspended and stayed while this local law is in effect.
3. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for approval of a demolition permit for the demolition of all or any part of a structure, except in connection with an interior renovation in contemplation of continued use of the structure for residential purposes, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications involving such demolition are suspended and stayed while this local law is in effect.
4. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for a variance from any state or local land use law that involves the demolition, creation, or replacement of a structure, whether said application was submitted prior to or after the effective date of

this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for a variance(s) from any state or local land use law as indicated are suspended and stayed while this local law is in effect.

5. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for a building permit to construct any building, structure, dwelling, or addition thereto upon any property located within the affected districts except as outlined in Section 7 (Exceptions) below.

Section 6. Exceptions. This local law shall not apply to:

1. Applications for residential subdivision, residential special permit, and/or residential site plan approval pending before any Village board provided such applications either have received preliminary subdivision approval and/or a negative declaration and/or a findings statement pursuant to the State Environmental Quality Review Act (SEQRA) and the regulations thereunder on or before the effective date of this local law.
2. The continued development of any residential, commercial or industrial use for which a building permit has been issued by the Village of Manorhaven prior to the effective date of this Act or for which a site plan has been approved by the Village of Manorhaven Planning Board or Board of Trustees prior to the effective date of this act.
3. Lot line adjustments where no new lots are being created and no additional dwelling unit(s) are being constructed.
4. An existing valid building permit and substantial construction having commenced in reliance thereon.
4. The issuance of a building permit for structural repairs to existing structures, making existing structures or facilities handicap accessible, and interior renovations or alterations which do not result in new commercial or industrial uses not in existence on the date of enactment of this local law.
5. The issuance of a certificate of occupancy in connection with the completion of a project that obtained prior site plan approval or subdivision approval and for which building permits were issued and substantial construction commenced.

Section 7. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Village Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Village Law and such local ordinances, laws or regulations, including but not limited to: the receipt, consideration of, and action on variance applications (§§ 7-712-a and 7-712-b of the Village Law, Article IX of

Chapter 155 of the Code of the Village of Manorhaven), site plan applications (§ 7-725-a of the Village Law, Chapter 155 of the Code of the Village of Manorhaven), special use permit applications (§ 7-725-b of the Village Law, Chapter 155 of the Code of the Village of Manorhaven), subdivision applications (§§ 7-728, 7-730, 7-732, 7-738 of the Village Law, Chapter 133 of the Code of the Village of Manorhaven), and Building Department permit applications (New York State Uniform Fire Prevention and Building Code and Chapter 38 of the Code of the Village of Manorhaven), pursuant to the Village's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes.

#### Section 8. Validity and Severability

If any section, subsection, clause, phrase or other portion of this Local Law shall be adjudged invalid or unconstitutional, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

#### Section 9. Variances and Appeals.

Any appeal for a hardship variance related to a prohibition of this local law or a decision by the Building Inspector pursuant to this law may be made to the Zoning Board of Appeals in conformity section § 155-60 *et seq.* of the Code of the Village of Manorhaven. Should a hardship variance be granted by the Zoning Board of Appeals, the exempted development project shall be subject to all applicable provisions of the Manorhaven Village Code and laws, including the issuance of a special permit or site plan review and approval of the Village of Manorhaven Planning Board where applicable.

#### Section 10. Penalties

Any person, firm, corporation, or other entity, which shall construct, erect or install any building, improvement, or structure, or subdivide, or use land in violation of the provisions of this Local Law, shall be subject to a civil penalty in the amount of One Thousand Dollars (\$1,000.00) for each day that such violation shall exist. Nothing herein shall be construed so as to limit the authority of the Board of Trustees to seek and obtain injunctive relief for any such violation or violations.

#### Section 11. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State. As provided by law and shall remain in full force and effect for a period of six (6) months from the effective date. If however, the board of Trustees determines that it is in the best interest of the Village to

extend effective date period beyond six (6) months, for the reasons of accomplishing the purposes and intent stated herein, it shall do so for a reasonable time period, as deemed appropriate.

Dated: April 21, 2016  
Port Washington, New York 11050

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GIOVANNA GIUNTA, Mayor  
Incorporated Village of Manorhaven

The vote was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

**2. A PUBLIC HEARING TO CONDIDER THE ADOPTION OF A LOCAL LAW ENTITLED ANTI-PROTECTIONIST ACT.**

Mr. Toner explained that the proposed Local Law would eliminate past practices in The Village of intermittent use of geographic limits to restrict the ability to grant the most valuable contracts, those of garbage and sewer maintenance contracts to anyone outside of a four-mile radius of The Village. This law will prevent the requirement of a vendor to be within four miles of The Village, and allow for more competition. With competition, prices should come down. Several members of the public spoke in support of adopting this local law which reads as follows:

**VILLAGE OF MANORHAVEN  
BOARD OF TRUSTEES  
LOCAL LAW #7-2016  
April 21, 2016**

**VILLAGE OF MANORHAVEN ANTI-PROTECTIONIST ACT: A LOCAL LAW PROHIBITING GEOGRAPHIC AND OTHER UNREASONABLE RESTRICTIONS ON BIDDERS FOR VILLAGE GOODS AND SERVICES**

Mayor Giunta offered the following Local Law and moved its adoption, seconded by Trustee Kevin Gately, which Local Law was declared adopted after a poll of the members of this Board:

**WHEREAS**, the Board desires to protect village taxpayers by encouraging competition, in order to ensure that a municipality obtains the highest quality goods and services at the lowest possible cost and to protect the public against favoritism, extravagance, fraud and corruption.

**WHEREAS**, the Board recognizes that the past geographic restriction requiring that “the contractor shall maintain and staff an office and vehicle storage, repair and maintenance facility within four (4) miles of the Village and within the geographic limits of the Town of North Hempstead” restricted competition and resulted in significantly higher costs for the Garbage Removal and Sewer maintenance contracts.

**WHEREAS**, the Board further recognizes that geographic restrictions and other unreasonable restrictions on the bidders are not in the public best interest and contrary to public policy.

**WHEREAS**, the Board desires to comply with the spirit and letter of General Municipalities Law § 103 by eliminating unfair practices in the bidding process.

**WHEREAS**, after conducting a duly and proper noticed public hearing on this local law,

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

**VILLAGE OF MANORHAVEN ANTI-PROTECTIONIST ACT**

**SECTION I. PURPOSE AND INTENT**

It is the purpose and intent of this local law to forbid the practice of imposing geographical and other unreasonable restrictions on bidders providing goods and services to the village.

**SECTION II. AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided for in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

**SECTION III. NEW LAW**

Chapter 11.

**FAIR BID PRACTICES**

§11-1 The village shall not require a bidder of village goods or services to have an office, maintenance facility or business address within any geographic distance of the village or of the Town of North Hempstead.

§11-2 The village shall not institute unreasonable restrictions on bidders for villages goods or services.

**SECTION IV SUPERSEDING EFFECT**

All Local Laws, resolutions, rules, regulations and other enactments of the Village of Manorhaven in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

**SECTION V VALIDITY**

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

**SECTION VI EFFECTIVE DATE**

This Local Law shall be effective as of the date of filing with the New York Secretary of State, except that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

**NOWHEREFORE BE IT**

**RESOLVED that** a public hearing that a public hearing be held by this Board on the    day of , 2016, at 7:00 pm in the Village Board Room, Village Hall, 33 Manorhaven Blvd., Port Washington, New York, for the purpose of considering the adoption of Local law prohibiting geographic and other unreasonable restrictions on bidders of village goods and services.

**RESOLVED that** the Village Clerk be and hereby is authorized and directed to publish a notice of said hearing, as required by law:

Dated: April 21, 2016  
Port Washington, New York

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**GIOVANNA GIUNTA, Mayor**  
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

The Regular Business of the Board of Trustees continued as the Public Hearings concluded. Mayor Giunta introduced Eagle Scout Candidate, Kyle Di Leo who has proposed adding a bluestone base and plaque to our 9/11 Memorial in memory of fallen Officer Joseph Rodriguez who perished on that day. He plans to begin work on this in late spring. The Board and audience applauded Mr. Di Leo for his commitment to The Village and his work as a scout.

Approval of Minutes

Mayor Giunta made a motion to approve the minutes of the March 24<sup>th</sup> Board meeting, seconded by Trustee von Roeschlaub.

The Board was polled as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

The department reports were reviewed by the Board and public. Having no questions, Mayor Giunta made a motion to approve the Departmental Reports, seconded by Trustee von Roeschlaub. The Board was polled as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

The Abstract of Claims was then reviewed. The Board wanted more time to review the Abstract and due to the late hour, voted unanimously to wait until the work session on May 9<sup>th</sup> for the approval.

**A. RESOLUTIONS**

**1. A RESOLUTION APPOINTING ELECTION INSPECTORS FOR THE JUNE 21<sup>ST</sup> VILLAGE ELECTION.**

This resolution was tabled as the members of the board wanted to review and weigh in on who should be election inspectors. Tabled to the Work Session-May 9, 2016.

**2. A RESOLUTION DIRECTING THE REPAIR OF A LASER SPEED GUN.**

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN  
RESOLUTION #29-2016 APRIL 21, 2016**

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Gately, which resolution was declared adopted after a poll of the members of this Board:

**A RESOLUTION TO AUTHORIZE THE REPAIR OF SPEED DETECTION DEVICE  
FOR THE NASSAU COUNTY POLICE DEPARTMENT**

**WHEREAS**, the Board of Trustees desires to make the streets of the village safer by assisting the Nassau County Police Department with stepping up enforcement against speeding vehicles; and,

**WHEREAS**, the village has donated a speed detection device to the Police Department in the past and; and,

**WHEREAS**, the aforementioned speed detection device needs to be serviced and calibrated so that it is admissible as village evidence in court against speed violators; and,

**WHEREAS**, the cost of servicing and calibrating said device is approximately five hundred dollars (\$500) compared to the price of replacing the device at a cost of \$2,500; and,

**WHEREAS**, the board finds it in the best interest of the village to repair said device; and,

**NOW LET IT BE RESOLVED**, that the village clerk is hereby authorized to have the existing speed detection device repaired and calibrated at an approximate cost of five hundred dollars, (\$500.)

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

Dated: April 21, 2016  
Port Washington, New York

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**GIOVANNA GIUNTA**, Mayor  
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN  
RESOLUTION #30-2016 APRIL 21, 2016**

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee Gately, which resolution was declared adopted after a poll of the members of this Board

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE  
PROPOSAL OF D & B ENGINEERS AND ARCHITECT'S FOR ENGINEERING  
SERVICES TO REPLACE FIRWOOD ROAD RETAINING WALL**

**WHEREAS**, the Board of Trustees has received numerous complaints from residents that the retaining wall located on Firwood Road is need of repair; and,

**WHEREAS**, members of the Board of Trustees have personally visited the site and confirmed these complaints as valid; and,

**WHEREAS**, it has been determined that the retaining wall is in danger of completely failing thereby posing a danger to the health and safety of residents; and,

**WHEREAS**, the Board believes that any construction of the a new wall will require a proper study conducted by qualified structural engineers before commencement; and,

**WHEREAS**, the Board has received a proposal from D & B Engineers and Architects for a preconstruction engineering study to be conducted on Firwood Road; and,

**WHEREAS**, the cost of said study is in excess of \$21,300.00; and,

**WHEREAS**, the Board recognizes that certain adjoining property owners will be required to participate in these costs; and,

**WHEREAS**, the Board believes that said property owners should have proper notice and opportunity to be heard on expenditures that they will have to share; and

**WHEREAS**, the Board further believes that the community at large should have an opportunity to be heard on the aforesaid Dvirka & Bartilucci proposal; and,

**NOW LET IT BE RESOLVED**, that the Inc. Village of Manorhaven shall conduct a public hearing on whether to accept the proposal of D & B Engineers and on Thursday, May 26TH, 2009 7:30 pm, at the Village Hall, 33 Manorhaven Boulevard, Port Washington, NY; and

**LET IT BE FURTHER RESOLVED THAT**, that in addition to the normal notices required by law for said meeting, that the village clerk is directed to send a notice of said hearing by both regular and certified mail to owner of the adjacent properties, who may be expected to participate in the cost of said engineering study.

Dated: April 21, 2016  
Port Washington, New York

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**GIOVANNA GIUNTA**, Mayor  
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN  
RESOLUTION #31-2016 APRIL 21, 2016**

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee Gately, which resolution was declared adopted after a poll of the members of this Board:

**RESOLUTION TO ENTER INTO THE MASTER SUBSCRIPTION AGREEMENT OF  
GOVPILOT TO PROVIDE DATA MANAGEMENT SERVICES TO THE VILLAGE OF  
MANORHAVEN**

**WHEREAS**, Trustee Rita DiLucia has diligently studied the activities of the village Code Enforcement Department and has researched methods of improving efficiency of the department with the aid of technology; and,

**WHEREAS**, at the invitation of Trustee DiLucia, James Delmonico, a representative of GovPilot, had given a presentation on his company's services to the board with a focus on improving the efficiency of the Code Enforcement Department.; and,

**WHEREAS**, GovPilot's presentation has impressed the Board on it's ability to manage data in the Code Enforcement Department would indeed improve the efficiency of the code enforcement department by freeing up the Village Code Enforcement Officer to spend more time enforcing the code; and,

**WHEREAS**, the offered "Bronze package" at an annual fee of \$2,500; and,

**WHEREAS**, said annual fee covers three individual code functions such as printing out tickets and supporting documents for code violations and orders to remedy; and,

**WHEREAS**, the village attorney has reviewed the GovPilot "Master Subscription Agreement" and has approved the same for signature; and,

**WHEREAS**, GovPilot's services are deemed useful and in the best interest of the village; and,

**NOW LET IT BE RESOLVED**, that The Mayor is hereby authorized to sign the Master Subscription Agreement and the clerk is authorized to pay \$2,500 for the first year of services; and

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

Dated: April 21, 2016  
Port Washington, New York

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**GIOVANNA GIUNTA, Mayor**

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

**A RESOLUTION APPOINTING A COMMITTEE TO STUDY THE LWRP  
AND THE SIX MONTH MORATORIUM**

This resolution was offered by Mayor Giunta in conjunction with Trustee Avena’s resolution for a six-month building moratorium which resolution was not passed by The Board as follows:

Trustee Avena	NAY
Trustee Di Lucia	AYE
Trustee Gately	NAY
Trustee von Roeschlaub	NAY
Mayor Giunta	AYE

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN  
RESOLUTION #32-2016 APRIL 21, 2016**

**RESOLUTION AUTHORIZING TREE REMOVAL**

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

**BE IT RESOLVED**, that upon the recommendation of the Board of Trustees, and consistent with the standards set forth in section 143-4 (C) of the Code of the Inc. Village of Manorhaven, permission be and hereby is granted to the following for removal of a tree or trees,

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Jacqueline Becker	45 Edgewood	Left side toward rear of house

; and

**BE IT FURTHER RESOLVED**, that the permit fees to be charged to the property owner, shall be as set forth in section 143-6 of the Code; and

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

Dated: Manorhaven, New York

April 21, 2016

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GIOVANNA GIUNTA, Mayor  
Incorporated Village of Manorhaven

The Board was polled as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN**

**RESOLUTION #33-2016 APRIL 21, 2016**

**RESOLUTION AUTHORIZING TREE REMOVAL**

Trustee Gately offered the following resolution and moved its adoption, seconded by Trustee Avena, which resolution was declared adopted after a poll of the members of this Board:

**BE IT RESOLVED**, that upon the recommendation of the Board of Trustees, and consistent with the standards set forth in section 143-4 (C) of the Code of the Inc. Village of Manorhaven, permission be and hereby is granted to the following for removal of a tree or trees,

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Mr. & Mrs. Clark Perry	27 South Linwood Road	Dead Norway Maple in Front of residence

; and

**BE IT FURTHER RESOLVED**, that the permit fees to be charged to the property owner, shall be as set forth in section 143-6 of the Code; and

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

Dated: Manorhaven, New York  
April 21, 2016

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GIOVANNA GIUNTA, Mayor  
Incorporated Village of Manorhaven

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Trustee Di Lucia	AYE
Trustee Gately	AYE

Trustee von Roeschlaub  
Mayor Giunta

AYE  
AYE

**A RESOLUTION TO AWARD OFFICE RENOVATION TO  
A PARTICULAR CONTRACTOR**

This resolution was tabled unanimously by The Board to the May 26, 2016 meeting as the hour was getting late.

**B. PUBLIC COMMENT**

Nick Marra commented that Caroline Du Bois' integrity is beyond reproach then added that she has a vested interest in the upcoming election so she should not serve as an election inspector.

Mr. Toner responded by asking Mr. Marra if she has 100% integrity, why would he care if she serves as an election inspector. At that moment, Ms. Du Bois took her name off the list so there would be no controversy.

Barbara Mallon reported that Charles Keen of EMF Services LLC came from Florida to measure the emissions from the Cell Tower. She said he reported that there are 3 new carriers on the Tower, and that the Tower is now full. She reported that there are 2 Verizon and 4 T-Mobil carriers on the tower. She said the levels are higher than ever. As an example, the Mayor's home was at 50 microwatts, and now reads 131.7 microwatts.

**C. NEW BUSINESS**

- a. Next Board Meeting: May 26, 2016 7:00 pm Public Hearing followed by the Regular Meeting.
- b. Next work session: May 9, 7:00 pm

ADJOURNMENT: Motion to adjourn by: Trustee Gately Second by: Trustee Avena  
The meeting was adjourned at 10:05 pm.

Respectfully Submitted,



Leslie C. Gross, RMC, MMC  
Village Clerk-Treasurer