

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
THURSDAY, SEPTEMBER 17, 2015 7:30 pm**

The meeting was called to order at 7:30 pm by Mayor Giovanna Giunta. The Pledge of Allegiance was led by Drew Haagenon. 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 60 +/- members of the public in attendance.

The presentation by Flushing Bank will be rescheduled for a work session. The minutes of the August 20, 2015 minutes were presented. Trustee Gately wanted to substitute the court reporter's transcript for the Clerk's minutes for the section of the meeting when Trustee von Roeschlaub read her resolution to fire Mr. Toner as Village Attorney. The Clerk explained that both will be made available, but that discussion at the meeting took up 37 pages of dialog. (p. 71-107) Mayor Giunta made a motion to accept the minutes, and a second was made by Trustee Di Lucia. Trustee Avena then stated that he didn't want to approve the Clerk's minutes because he wanted the entire transcript to stand instead of minutes.

The Board was polled as follows:

Trustee Avena	NAY
Trustee Di Lucia	ABSTAIN
Trustee Gately	NAY
Trustee von Roeschlaub	NO
Mayor Giunta	AYE

The Board did not approve the minutes.*

*NYCOM has opined that the Clerk's minutes stand as the Clerk's minutes. They do not need to be approved by the Board.

Next, the Clerk asked the Board to review the department reports. Trustee Avena asked that we waive the discussion of the Department reports, as they take too long. The Mayor asked that the reports be reviewed briefly. The Clerk-Treasurer gave her report. She thanked Shadan Marashi for helping organize the 9/11 Ceremony. Next, she stated that the Village has \$49,395 outstanding this year in tax collection. We have installed Laserfiche and have begun to scan in records. Because we have 80 cu. ft. of records, we may need professional assistance to scan in all of our records. Vault shelves are being constructed, and we need to find roads grants for re-paving. Cambridge is scheduled to be the first to be re-paved.

Mayor Giunta asked the Board to review the department reports, and made a motion to accept them. The seconded was offered by Trustee Gately. The Board voted unanimously to accept the reports. The Mayor then asked the Board to review the abstract of claims and the profit and loss reports. Trustee Di Lucia pointed out to Mr. Leventhal that Mr. Toner is under contract to The Village, and the Village owes him his monthly retainer. The Mayor agreed. Mayor Giunta made a motion to include Mr. Toner's retainer in the abstract and to hold back the check for Vision Long Island. The motion was seconded by Trustee Di Lucia. The members were polled as follows, which resolution did not pass:

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

Trustee Gately made a motion to accept the abstract minus Mr. Toner and Vision Long Island. This motion was seconded by Trustee von Roeschlaub. The members were polled as follows:

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

The Resolutions were as follows:

BOARD OF TRUSTEES – INC. VILLAGE OF MANORHAVEN
RESOLUTION #49-2015 SEPTEMBER 17, 2015

A RESOLUTION TO APPROVE A THREE-YEAR MOORING PERMIT

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:

WHEREAS, Tom’s Point residents, William Cashen and Megan Branigan have applied to the Town of North Hempstead for a three-year mooring permit; and,

WHEREAS, whereas The Village of Manorhaven recognizes the riparian rights of our residents who desire a mooring in Manorhaven waters; and,

WHEREAS, The Town of North Hempstead issues the mooring permits for The Village;

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does hereby direct The Town of North Hempstead to issue the 3-year mooring permit to these residents.

Dated: Manorhaven, New York
September 17, 2015

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

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 # 50-2015 SEPTEMBER 17, 2015

**A RESOLUTION TO APPROVE THE
LEASE OF A NEW COPY MACHINE FOR THE VILLAGE OFFICE**

Trustee Avena 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:

WHEREAS, The Village is in need of a copy machine in the main office; and,

WHEREAS, the lease for the current copier expired on July 27, 2015; and

WHEREAS, the lease for a Xerox copy machine will cost The Village less money per copy and be able to print faster, as well as bind presentations;

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does hereby direct the Mayor to enter into an agreement with Carr, a Xerox Company, for the lease of a new copy machine.

Dated: Manorhaven, New York
September 17, 2015

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

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 #51-2015 SEPTEMBER 17, 2015

**A RESOLUTION TO APPROVE THE
PURCHASE OF A PORTABLE SOUND SYSTEM**

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:

WHEREAS, The Village of Manorhaven (“The Village”) has many public events;
and,

WHEREAS, The Village is in need of a portable system which can be used indoors
or outdoors with or without electricity; and,

WHEREAS, The Board of Trustees had a trial of this system which is below the
procurement policy level for a bid process; and

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does
authorize the Village Clerk-Treasurer to purchase the Deluxe Package with two speakers.

Dated: Manorhaven, New York
September 17, 2015

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 #52-2015 SEPTEMBER 17, 2015

RESOLUTION AUTHORIZING TREE REMOVAL

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:

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>
Frank Parziale	28 Marwood North	1 Cherry Tree-Backyard

; 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
September 17, 2015

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 #53-2015 SEPTEMBER 17, 2015

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>
Ressa Family LLC	45 Sintsink Dr. W.	1 Wild Black Cherry Tree adjacent to shed

; 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
September 17, 2015

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 # 54-2015 SEPTEMBER 17, 2015

RESOLUTION AUTHORIZING TREE REMOVAL

Trustee di Lucia 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>
Contino Family	81 Firwood Road	1 Cherry Tree-Backyard

; 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
September 17, 2015

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 # 55-2015 SEPTEMBER 17, 2015

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>
Anthony Ressa	42A Dunwood Rd.	1 Mulberry in Rear

; 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
September 17, 2015

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 #56-2015 SEPTEMBER 17, 2015

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>
Daniella Wilson	46 Dunes Lane	1 Elm Tree

; 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
September 17, 2015

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 #57-2015 SEPTEMBER 17, 2015

RESOLUTION AUTHORIZING TREE REMOVAL

Trustee Gately 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>
Anthony Ressa	Bet. #66-68 Hickory	1 Locust Tree

; 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
September 17, 2015

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 # 58-2015 SEPTEMBER 17, 2015

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

A RESOLUTION AUTHORIZING YEAR-END AUDIT OF THE FINANCES OF THE VILLAGE

WHEREAS, The Village of Manorhaven (“The Village”) has completed fiscal year 2014-2015; and,

WHEREAS, The Village of Manorhaven is directed to do an annual audit by outside auditor; Satty Levine,

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does authorize the Village Clerk-Treasurer to make the needed arrangements with the offices of Satty Levine to audit the Village finances for fiscal year 2015-2015.

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

Dated: Manorhaven, New York
September 17, 2015

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 # 59 -2015 SEPTEMBER 17, 2015

**A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT,
ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR
TERMINATION OF EMPLOYEES OF THE VILLAGE**

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

WHEREAS, the approval of The Board of Trustees has been requested for the employment, appointment, adjustment correction or change in grade in salary and/or termination of certain individuals, employees of The Village; and

NOW, THEREFORE, BE IT RESOLVED, that the following employments, appointments, adjustments, corrections, changes in grade or salary, and/or terminations are hereby adopted and approved pending completion of paperwork and Civil Service approval.

Termination due to resignation: Mr. Michael Abramski, Building Superintendent**

Termination due to resignation: Intern Alec Ferrara**

Dated: September 17, 2015
Manorhaven, New York

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

*The Board decided to discuss the renewal of the contract for Mr. Ron Kaslow (which expires on October 31, 2015) during the month, and to place it on the October agenda.

**These two employees left in July, 2015.

BOARD OF TRUSTEES – INC. VILLAGE OF MANORHAVEN
RESOLUTION #60-2015 SEPTEMBER 17, 2015

A RESOLUTION TO APPROVE MOORING PERMIT

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:

WHEREAS, Mr. Guy La Motta has applied to the Town of North Hempstead for mooring permits within the Manorhaven Perimeter; and,

WHEREAS, whereas The Village of Manorhaven has agree to allow Manhasset Bay Marina to use 20 moorings in the Manorhaven Marina; and,

WHEREAS, The Town of North Hempstead issues the mooring permits for The Village with a revenue-sharing agreement;

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does hereby direct The Town of North Hempstead to issue Manhasset Bay Marina the twenty mooring permits which have been requested.

Dated: Manorhaven, New York
September 17, 2015

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 #61-2015 SEPTEMBER 17, 2015

A RESOLUTION TO APPROVE A PERIMETER AND MOORING PERMITS

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:

WHEREAS, Mr. Victor Geryk has applied to the Town of North Hempstead for a perimeter and mooring permits within Manorhaven waters for North Shore Yacht Club; and,

WHEREAS, whereas The Village of Manorhaven is pleased to have North Shore Marina be active in Manorhaven for the boating community; and,

WHEREAS, The Town of North Hempstead issues the mooring permits for The Village with a revenue-sharing agreement;

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does hereby direct The Town of North Hempstead to issue North Shore Yacht Club the perimeter and mooring permits within which have been requested.

Dated: Manorhaven, New York
September 17, 2015

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 #62-2015 SEPTEMBER 17, 2015

A RESOLUTION TO APPROVE MOORING PERMITS

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:

WHEREAS, Mr. Matthew Meyran has applied to the Town of North Hempstead for a perimeter and mooring permits for the Manhasset Isle Civic Association; and,

WHEREAS, whereas The Village of Manorhaven has agreed to this perimeter and up to fifty (50) mooring permits; and

WHEREAS, The Town of North Hempstead issues the mooring permits for The Village with a revenue-sharing agreement with The Village; and,

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does hereby direct The Town of North Hempstead to issue Manhasset Isle Civic Association the mooring permits (up to fifty) that are requested.

Dated: Manorhaven, New York
September 17, 2015

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 #63-2015 SEPTEMBER 17, 2015

**A RESOLUTION TO AMEND RESOLUTION #20-2015
AUTHORIZING THE BUILDING DEPARTMENT TO WAIVE
PERMIT FEES TO CONSTRUCT OR REPAIR SIDEWALKS AND/OR CURBS**

Mayor Giunta 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:

WHEREAS, Village Code §132.8 requires residents to fix sidewalks and curbs adjacent to their property; and,

WHEREAS, The Board of Trustees passed a resolution on April 13, 2015 to waive the permit fees for the repair of curbs and/or sidewalks to encourage the residents to do such; and,

WHEREAS, there has been no one to review such applications for several weeks;

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does hereby extend the waiver of the permit fees, but not waive the necessity to obtain a permit, until October 31st, 2015.

Dated: Manorhaven, New York
September 17, 2015

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 #64-2015 SEPTEMBER 17, 2015

A RESOLUTION AUTHORIZING THE FILING OF A GRANT
APPLICATION

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

BE IT RESOLVED, that authorization be and hereby is given for the filing of a grant application with the New York State Office of Court Administration (Justice Court Assistance Program); and

BE IT FURTHER RESOLVED, that the Mayor and the Village Justice be and hereby are authorized to execute said grant application on behalf of the Village; and

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

Dated: Manorhaven, New York
September 17, 2015

GIOVANNA GIUNTA, Mayor

The Board was polled as follows:

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

An hour into the meeting, when the prepared resolutions were completed, Trustee von Roeschlaub introduced a new resolution which had not been seen nor distributed before the meeting. This resolution, (a copy of which has not been given to this clerk in order to prepare the minutes) demanded that Mr. James E. Toner, Esq. turn over any Village “books and papers, money and property.....” that he holds by September 30th, or Mr. Leventhal and his firm would begin legal proceedings against Mr. Toner. The Mayor then commented that once again Trustee von Roeschlaub had “blind-sided the Board introducing a resolution that no one has seen before.” Mr. Toner then said that he does not have any of The Village’s money. Secondly, he stated that the issue of who is the Village Attorney will soon go to court. The legal issue, Mr. Toner stated, is that the resolution proposed by Trustee von Roeschlaub according to Law Section 4-400 states that The Mayor has the right to appoint the Village Attorney, unless she has delegated that responsibility to another individual, which she has not. Mr. Toner continued that The Mayor feels that she and The Board appointed Mr. Toner legally in 2014 for a two year term. Therefore, Mr. Toner continued, he feels the resolution is illegal. When Mr. Toner finished saying this, Trustee von Roeschlaub said she wanted to vote on it anyway. Mr. Avena said that he seconded the motion and attempted to call roll by saying “all in favor.” He was reminded that the Mayor runs the meeting. The Mayor said “you blind-sided the Board again” and then asked if copies had been provided to the Board, which had not been done. The Mayor continued by addressing Mr. Avena saying that “giving this to me at 8:30pm is not acceptable.”

Mr. Toner asked Mr. Leventhal, as a gentleman, to have this motion tabled and to allow the court to decide. Mr. Leventhal responded instead that the vehicle for taking this to court is this resolution, and that is why this resolution has been proposed. He said that “the Board of Trustees is carrying out its duty.”

Mr. Toner then said his understanding of the proposal is that “if he doesn’t turn over property that *he believes* he rightfully holds, then based on... this resolution, the board is authorizing The Village to pay Mr. Leventhal to sue Mr. Toner and to get legal fees. Mr. Leventhal’s response was “The resolution speaks for itself.” Once again, Mr. Toner asked for clarification of what was being asked, and Mr. Leventhal said “The motion speaks for itself.” Then, continuing, Mr. Leventhal said “If the Village requests that I perform legal services, and those legal services involve litigation, I will bill The Village.” Mr. Leventhal continued that he has no intention of suing The Village or The Mayor. Mr. Toner then asked if those present understood that this resolution was authorizing Mr. Leventhal to bill The Village to sue Mr. Toner for not turning over a legal file. Trustee Di Lucia then added that she was angry because she thought we were all going to wait to go to court to decide who the attorney is. She didn’t want to vote on this resolution and didn’t want to entertain what she called ‘the back and forth.’ The Mayor added that trustees shouldn’t blind-side the Board at every meeting. The next moment, Trustee Priscilla

said “I move the question, and proceeded herself to attempt to poll the Board at which point the Mayor said she was out of order. The Mayor continued that she was not calling anything at this moment. Trustee Di Lucia said that she was totally embarrassed by what was going on, and that she has never seen behavior like this before in all her years as a trustee. Trustee von Roeschlaub started to say that she would abide by the judge’s decision, and the Mayor questioned why, if she was willing to have a judge decide, she was pushing to pass the resolution. Trustee Priscilla did not answer the Mayor, but again asked for the resolution. Mr. Toner advised the Mayor not to accept the resolution. He then asked Mr. Leventhal if he was the Mayor’s attorney. He answered that he is the Village Attorney. Asked again if that included The Mayor, Mr. Leventhal answered “not personally.” The back and forth between the attorneys continued for some time, with Mr. Leventhal saying that people in the audience were reacting to Mr. Toner’s “demagoguery,” and answering a question by saying “I am shocked that you would ask that question,” and telling Mr. Toner “he was going around in circles.” He said that if Mr. Toner’s claim is the only one being filed, then this resolution need not be passed. Trustee Di Lucia asked Mr. Leventhal for clarification of why he wanted the resolution to pass when she asked “If we pass this resolution, we pay for you (Mr. Leventhal) to go to court?” Mr. Leventhal answered in the affirmative. He maintained that as The Village attorney, he should get paid to go to court, but Mr. Toner is an individual, and as such should not have court costs paid. He continued by asserting that The Board terminated Mr. Toner, and appointed him as a trustee (his words). He said Mr. Toner was “holding himself out as Village Attorney.” Mr. Toner responded to those in attendance that Mr. Leventhal is asking the Board to pass a resolution to pay him additional legal fees for something he did illegally in the first place. Mr. Leventhal denied that and asked no one in particular “do you want to call the question?” Trustee Avena attempted to poll The Board immediately asking for a show of hands. The Mayor started to say something but was only able to get the words “I’m refusing...” when she was cut off by Mr. Leventhal who asked to have the record reflect the hands raised. *

Mr. Toner asked if Mr. Leventhal was acting as the Mayor’s attorney at that moment, and Mr. Leventhal answered that he was The Village Attorney.

Mr. Toner then asked if that included The Mayor. Mr. Leventhal’s answer was “Not personally.” Conversation went back and forth, with Mr. Leventhal calling Mr. Toner’s behavior “demagoguery.” (The entire transcript will be made available on line.) Mr. Leventhal finally answered that he was, indeed, representing Mayor Giovanna Giunta in her official capacity as Mayor.

Mr. Toner next explained The Mayor believes that the resolution presented at the August 20th meeting firing him as Village Attorney was illegal. He continued that he didn’t believe that Mayor Giunta would be the one who would need to hire independent counsel, which belief was based on Village Law. He continued that The Board would need independent counsel if they decided they needed it.

Mr. Leventhal then clarified (p.86 transcript) that if the only claim that is made is made by Mr. Toner, then the resolution is not necessary. But if there is a claim going the other way, that Mr. Leventhal makes a claim against Mr. Toner, then the Board needs to approve the resolution so that Mr. Leventhal will be able to get paid.

When asked for clarification , Mr. Leventhal said he thought it was “crystal clear to everyone.” Trustee Di Lucia asked for clarification anyway. She asked if the Board passed this resolution, then The Board pays for Mr. Leventhal to go to court. He said “That is correct.” She then asked “If we don’t pass it, then we pay for Mr. Toner to go to court?”

Mr. Leventhal continued to maintain that he is the rightful Village Attorney, and that Mr. Toner refuses to accept the “will of The Board.” He alleged that Mr. Toner was causing confusion. He maintained his position as Village Attorney and as such he should get paid for litigation. He said if they go to court, Mr. Toner is going as a private individual asserting a claim and should not get paid.

Mr. Avena attempted to call the question with a show of hands, which show of hands was recognized by Mr. Leventhal*

*This was procedurally improper per NYCOM. This clerk was not asked by The Mayor to call the roll. No vote was recorded. As of October 20, 2015, this clerk has still not received a copy of the resolution referred to here.

Mr. Avena made a resolution from the floor asking for a work session to be held on October 6th at 7:30 pm. (note: This resolution was not handed to The Clerk.) This was seconded by Trustee von Roeschlaub. Trustee Di Lucia then noted that Planning Board was scheduled to meet on that evening. Again, The Mayor asked why this could not have been presented in advance.

Trustee von Roeschlaub said she had been begging to have a work session, and that she had asked to have a work session on 9/11 after the ceremony. She said she didn’t agree with those who wrote back that felt that would be disrespectful. She then asked everyone to take out their calendars to set a work session at that moment.

Mayor Giunta asked the trustee not to talk over her, and reminded her that she boycotted the meeting which was set for August 12th, and felt that they “hijacked” the August 20th and now tonight’s meeting.

After much discussion, the date of October 8th at 7:00 pm was decided upon. The Clerk said she would notice the work session and asked that items that they wanted to discuss be presented in advance in order to make an agenda.

Mr. Gately then presented a resolution from the floor at 8:55 pm. Trustee Di Lucia asked Mr. Leventhal why we would automatically assume that there was going to be a conflict of interest, which assumption she said bothers her. She said she assumed it had something to do with North Hempstead, where she believed he has a position. Mr. Leventhal said no, that she was incorrect. Even without a position at The Town, she stated that this resolution anticipating a conflict bothers her. Mr. Toner and Mr. Leventhal continued discussion about the conflict The Mayor has with Mr. Leventhal being counsel in The Village when Gerard Terry is a representation of Mr. Leventhal’s firm. He cited the North Cassel website, and that Mr. Terry has been on Mr. Leventhal’s letterhead. Mr. Toner said that Mr. Terry is

representing Mr. Dejana in cases against the Village, and this is, he said, a conflict. Trustee Gately handed this clerk a copy. While attempting to mark the paper just handed to me in order to call the roll, Mr. Leventhal remarked to this clerk "It seems it takes an awful long time to call the roll when Trustee von Roeschlaub makes a motion." Once marked with the names of the trustees, roll was called and the vote recorded.

RESOLUTION #65-2015

Trustee Gately 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:

WHEREAS, in the responsible exercise of its responsibility to govern the business affairs of the Village, the Board of Trustees wishes to anticipate potential conflicts of interest that, while not currently present, may nevertheless arise from time to time,

WHEREAS, the Board of Trustees wishes to provide for the engagement of special "conflicts" counsel in the event a conflict of interest arises that would prevent the Village Attorney from representing the Village or from representing a Village Officer or employee in his or her official capacity.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The budget for the 2014/15 fiscal year shall be, and hereby is amended to reallocate and transfer the sum of \$10,000 from Planning Board Counsel to Conflicts Counsel.
2. Application and expenditure of the funds allocated to Conflicts Counsel shall be made only upon the approval of the Board of Trustees

Dated: September 17, 2015
Manorhaven, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The Board was polled as follows:

Trustee Avena	AYE
Trustee Di Lucia	ABSTAIN
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	NO

Public Comment:

Pat DeBari: Asked for beautification of Manorhaven Blvd. especially the Rain Garden and about Food Truck Fridays

Nick Marra: Asked if he could see the backup to some of the invoices. He was told he could.

Mr. Galati: Commented that he has lived in The Village for 53 years and was disgusted with the hijacking of the meeting this evening.

Michelle Seller: She and her sister own 156-160 Shore Road. She is concerned about the narrow drive through in front of her property. She requested that The Village make it a one-way driveway exiting near the beer distributor.

Public comment was then closed by a unanimous vote of The Board. The Board then went back to the matter of the LOSAP resolution.

BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #66-2015 SEPTEMBER 17, 2015

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

A RESOLUTION AMENDING RESOLUTION OF JUNE 25, 2015 AUTHORIZING AMENDMENTS TO THE DEFINED BENEFIT FIRE SERVICE AWARD PROGRAM FOR THE PORT WASHINGTON FIRE DEPARTMENT AND CALLING FOR A CHANGE IN THE DATE OF THE REFERENDUM TO BE TUESDAY, OCTOBER 13, 2015, AND DIRECTING PUBLICATION OF NOTICES IN CONNECTION THEREWITH.

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:

WHEREAS, Article 11-A of the General Municipal Law was enacted to aid in the recruitment and retention of volunteer firefighters by permitting the establishment of a Service Award Program upon approval by the governing boards of the political subdivisions which contract with the volunteer fire department and by the eligible voters in the fire protection district after public referendum; and,

WHEREAS, at special elections heretofore held, qualified voters of Incorporated Village of Manorhaven ("Village"), pursuant to General Municipal Law §216, approved the establishment of a Defined Benefit Length of Service Award Program (the "LOSAP") for volunteer firefighters ("Members") of the Port Washington Fire Department (the "Fire Department") as described in Section 219 of the General Municipal Law; and,

WHEREAS, the Village contracts with the Fire Department for the provision of services; and

WHEREAS, following a review of the LOSAP by the Equal Employment Opportunity Commission (the "EEOC"), the EEOC determined that a provision in the LOSAP related to entitlement age was discriminatory under the Age Discrimination in Employment Act of 1967; and,

WHEREAS, although the Village disagrees with the EEOC's determination, in order to avoid the costs and uncertainty of litigation, the Village has concluded that an amendment to the LOSAP is in the best interests of the Village and its residents; and,

WHEREAS, the EEOC requires that retroactive benefits be paid to members of the Fire Department who were not awarded benefits as a result of the cap on entitlement age, but who otherwise would have been awarded such credit (the "Retroactive Payment"); and,

WHEREAS, in furtherance of a comprehensive settlement, the Fire Department has agreed to pay the Retroactive Payment; and,

WHEREAS, the Village Board of Trustees ("Board") wishes to authorize amendments to the LOSAP for the benefit of members of the Fire Department, and to authorize a public referendum with respect thereto; and,

WHEREAS, the Board proposes to amend the LOSAP, effective January 1, 2016, to allow any eligible member of the Fire Department who reaches the age of sixty five (65) to earn credit toward the forty (40) year service maximum (the "Amendment"); and,

WHEREAS, pursuant to the applicable provisions of law, such amendment requires the approval of the governing bodies of the other political subdivisions which contract with the Fire Department for fire protection services, and approval from the qualified electors of the Village and such subdivisions at a referendum before such amendment may take effect; and,

WHEREAS, members of the Board, acting as the Board of Commissioners of the District, believe it to be in the best interest and safety of the Village residents to authorize adoption of the Amendment, and wish to approve the Amendment, subject to approval by qualified voters of the District pursuant to a mandatory referendum pursuant to General Municipal Law §216(3)(d).

NOW, THEREFORE, BE IT

RESOLVED, that this Board hereby approves the Amendment to the LOSAP as set forth herein for the Fire Department; and be it further

RESOLVED, that a referendum of the eligible voters in the Village shall be held at the Village Hall, 33 Manorhaven Blvd., Port Washington, New York on Tuesday, October 13, 2015 between the hours of 12:00 PM and 9:00 PM. The vote upon the proposition to be submitted to the qualified voters shall be by voting machine or ballot box and the Village Administrator is hereby authorized and directed to have the necessary equipment prepared for use; and be it further

RESOLVED, that the Mayor shall designate not less than two nor more than four qualified persons to serve as election inspectors and ballot clerks, each of whom shall be a qualified elector and shall serve with compensation of \$125.00 as approved by the Board, and shall notify the Village Administrator of such designation; and be it further

RESOLVED, that notice of said Referendum shall be given by causing a notice in substantially the form prescribed by the General Municipal Law to be published as required by law; and be it further

RESOLVED, that the Village shall pay for the costs of the election as it relates to the referendum held; and shall furnish the Inspectors of Election, at its own expense, with all the necessary registration books, papers, equipment and supplies.

NOTICE OF REFERENDUM FOR PORT WASHINGTON FIRE PROTECTION DISTRICT

NOTICE IS HEREBY GIVEN that a Referendum of the qualified voters in the Incorporated Village of Manorhaven in the service area of the Port Washington Fire Protection District, shall be held at the Village Hall, 33 Manorhaven Blvd, Port Washington, New York on October 13, 2015 between the hours of 12:00 P.M. and 9:00 P.M. for the purpose of voting upon the amendment of a previously established Service Award Program under Article 11A of the General Municipal Law.

The propositions shall be substantially in the following form:

PROPOSITION I

SHALL the resolution of the Board of Trustees of the Incorporated Village of Manorhaven, adopted September 17, 2015, pursuant to Article 11-A of the General Municipal Law of the State of New York, to jointly sponsor an existing defined benefit Length of Service Award Program for participating members of the Port Washington Fire Department, effective January 1, 2016, be approved?

THE JOINT SPONSORING BOARD WILL ADMINISTER THE EXISTING LENGTH OF SERVICE AWARD PROGRAM, WHICH PROVIDES THAT ELIGIBLE PROGRAM PARTICIPANTS SHALL BE PAID, GENERALLY BEGINNING AT AGE SIXTY FIVE (65) MONTHLY SERVICE AWARD PAYMENTS OF \$20 FOR EACH YEAR OF CREDITED PORT WASHINGTON FIRE DEPARTMENT VOLUNTEER FIREFIGHTER SERVICE, NOT TO EXCEED FORTY (40) YEARS; AND THAT THE MAXIMUM MONTHLY SERVICE AWARD PAYMENT IS \$800. IMPLEMENTATION OF THE JOINT SPONSORING BOARD WILL NOT CHANGE PROGRAM COSTS.

PROPOSITION II

SHALL the Length of Service Award Program for the Port Washington Fire Department be amended, effective January 1, 2016?

AMENDMENT OF THE DEFINED BENEFIT LENGTH OF SERVICE AWARD PROGRAM FOR THE PORT WASHINGTON FIRE DEPARTMENT WILL ALLOW ELIGIBLE PROGRAM PARTICIPANTS WHO CONTINUE IN ACTIVE SERVICE AFTER REACHING THE ENTITLEMENT AGE OF SIXTY FIVE (65) TO ACCRUE PROGRAM POINTS AND RECEIVE A PROGRAM CONTRIBUTION FOR A PERIOD NOT TO EXCEED FORTY (40) YEARS; SAID AMENDMENT SHALL INCREASE THE ESTIMATED ANNUAL COST BY APPROXIMATELY \$66,000 PER YEAR, AND THEREBY INCREASE THE ANNUAL PRO RATA SHARE PAID BY THE VILLAGE OF MANORHAVEN BY APPROXIMATELY \$6,860 FROM THE CURRENT APPROXIMATE COST OF \$48,762; SUCH TOTAL ANNUAL COST TO BE APPROXIMATELY \$1,273.00 PER ELIGIBLE PARTICIPANT; THE MONTHLY SERVICE AWARD PAYMENT WILL BE MAINTAINED AT \$20 FOR EACH YEAR OF CREDITED PORT WASHINGTON FIRE DEPARTMENT VOLUNTEER FIREFIGHTER SERVICE; AND

THE MAXIMUM MONTHLY AWARD PER ELIGIBLE PARTICIPANTS SHALL BE MAINTAINED AT \$800 PER MONTH. A PARTICIPANT MUST SERVE AT LEAST FIVE (5) YEARS WITH THE DEPARTMENT TO VEST.

RESOLVED, that the Village Clerk-Treasurer is authorized to take such other steps as may be reasonable and necessary to conduct the referendum; and be it further

RESOLVED that the Treasurer be and hereby is authorized and directed to pay the costs associated with holding the referendum.

Dated: September 17, 2015
Manorhaven, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The Board was polled as follows:

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

The Mayor then made a motion to close the meeting, which was seconded by Trustee Avena.

The vote was unanimous, and the meeting was closed at 9:25 pm.

Respectfully Submitted,

Leslie C. Gross, RMC, MMC

Trustee Di Lucia 1:28:25-1:29:05

Trustee di Lucia asked Mr. Leventhal why he asked the Board to pass a resolution for the contingency “if a conflict of interest arose” that the Board would have a budget to hire another attorney. She continued by asking Mr. Leventhal if he had a position with The Town. His answer was “No.” She asked if one of his partners had a position with the Town. He again answered “No.”

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

Trustee Di Lucia AYE
Trustee von Roeschlaub AYE
Deputy Mayor Steele AYE
Mayor Giunta AYE

BOARD OF TRUSTEES – INC. VILLAGE OF MANORHAVEN
RESOLUTION #42-2015 June 25, 2015

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

A RESOLUTION FOR THE APPOINTMENT OF A SUMMER INTERN

WHEREAS, The Village of Manorhaven hires summer interns from time to time; and,

WHEREAS, the former Manorhaven Commissioner of Environmental Affairs who is also a professor at Hofstra has recommended a student to assist in the development of the Manorhaven Preserve;

NOW, THEREFORE, BE IT RESOLVED, that the Village and our residents will benefit from hiring Alec Ferrara, as a summer intern; and

BE IT FURTHER RESOLVED that Alec Ferrara will work approximately 19 ³/₄ hours per week for The Village; and

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

Dated: June 25, 2015
Manorhaven, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

Trustee Di Lucia AYE
Trustee von Roeschlaub AYE

Deputy Mayor Steele AYE
Mayor Giunta AYE

A resolution to enter into an agreement with Open.gov was tabled to the organizational meeting on July 8th, 2015. All members of the public who wished to speak were given the opportunity.

Carmine DeMeo and Adrian Altman addressed the Board asking that the speed limit in The Village be reduced. Their puppy was struck and killed on June 17th. The Mayor and Board agreed to reach out to the Nassau County Police Department to set up a meeting date to discuss traffic issues in The Village. Among the topics they wished the police to address were; speeding, drag racing, having more than one car on patrol, and assisting with the homeless situation in The Preserve.

The next Board meeting will be held on July 23rd at 7:30.

The meeting was closed at 8:53 pm.

Respectfully Submitted,

Leslie C. Gross
Village Clerk-Treasurer

Trustee Di Lucia pointed out to Mr. Leventhal that Mr. Toner is under contract, and the Village owes him his monthly retainer. The Mayor agreed.

Mayor Giunta made a motion to include Mr. Toner's retainer in the abstract and to hold back the check for Vision Long Island. This motion was seconded by Trustee Di Lucia. The members were polled as follows:

Trustee Avena: NAY
Trustee Di Lucia: AYE
Trustee Gately: NAY
Trustee von Roeschlaub: NAY

Mayor Giunta: AYE

Trustee Gately made a motion to accept the abstract minus Mr. Toner and Vision Long Island. This motion was seconded by Trustee von Roeschlaub.

The members were polled as follows:

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

The following resolutions were presented and voted on as follows:

1. Residential Mooring for Tom's Point

Motion By: Rita
Second By: Kevin

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

2. Copier

Motion By: Avena
Second By: Kevin

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

3. Sound System

Motion By: Mayor Giunta
Second By: Trustee von Roeschlaub

Trustee Avena: AYE

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

Trustee von Roeschlaub wanted a motion to accept all the trees to be approved as a group. The Mayor objected and said they would be considered individually. Then Trustee Avena made a motion to consider all the trees at once, and he was reminded by the Mayor that she was running the meeting. Mr. Avena apologized.

4. Tree: 28 Marwood North

Motion By: Mayor Giunta
Second By: Trustee Gately

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

5. 45 Sintsink Drive West

Motion By: Mayor Giunta
Second By: Trustee von Roeschlaub

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

6. 81 Firwood

Motion By: Trustee Di Lucia
Second By: Trustee von Roeschlaub

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

7. 42A Dunwood

Motion By: Mayor Giunta
Second By: Trustee von Roeschlaub

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

8. Dunes

Motion By: Mayor Giunta
Second By: Trustee von Roeschlaub

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

9. 66-68 Hickory

Motion By: Trustee Gately
Second By: Trustee von Roeschlaub

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

10. Yearly Audit

Trustee von Roeschlaub asked to amend the resolution to have the Clerk –Treasurer make an appointment for the Board to meet the auditor to arrange for the audit because, she said, we have never really met with the auditor. Mr. Toner said that would be a separate resolution.

Motion By: Mayor Giunta
Second By: Trustee Di Lucia

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

Conversation turned to the upcoming LOSAP referendum. Discussion was held that we have until the 30th of October to have the vote. The vote was tabled until the end of the meeting. Next, the Board members discussed Mr. Ron Kaslow's two-year contract which would begin on November 1st.

The employment resolution was amended to remove Mr. Kaslow's contract until the October 22nd meeting. The following resolution was presented:

11. Employment reso-minus Kaslow

Motion By: Trustee Gately
Second By: Trustee von Roeschlaub

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

12. Guy LaMotta Mooring Permit

Motion By: Mayor Giunta
Second By: Trustee von Roeschlaub

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

13. North shore Yacht

Motion By: Mayor Giunta
Second By: Trustee von Roeschlaub

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

14. Mooring

Motion By: Mayor Giunta
Second By: Trustee Gately

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

15. extend waiver of fees

Motion By: Mayor Giunta
Second By: Trustee Avena

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

16. JCAP Grant

Motion By: Mayor Giunta
Second By: Trustee Di Lucia

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

Next, Trustee von Roeschlaub read a resolution not distributed to anyone in advance of the meeting. Note; At the time of this writing, this resolution was not given to the clerk in order to write the minutes.

The resolution said, in effect, that Mr. Toner was to turn over Village paperwork etc. to Mr. Leventhal by September 30th, 2015 or Mr. Leventhal and his firm would then pursue legal proceedings against Mr. Toner. Mayor Giunta then noted that once again, Trustee von Roeschlaub 'blind sided the Board with a resolution which she had not distributed to the Board. Mr. Avena then interjected that he seconded the motion. Mr. Toner added that he had none of the village's money in his office as Trustee von Roeschlaub mentioned in her

resolution, that Village money should be returned. He stated that these issues were going to a court of law, and said that the resolution that she was asking for was illegal.

Mr. Toner continued that Village Law Section 4-400 states that The Mayor has the right to appoint the Village attorney, unless she delegated that authority to someone else, which she hadn't; or if there is a local law to the contrary, which there isn't.

Trustee von Roeschlaub then wanted the vote to be taken and Mr. Avena attempted to call the roll himself. The Mayor interjected, reminding The Board that she runs the meeting. She continued by admonishing Trustee von Roeschlaub for blind-siding The Board with a resolution without distributing copies until that moment. Mr. Toner added that it is an illegal resolution, and asked that the Board allow the Court to rule.

Mr. Leventhal continued and said that this resolution was the vehicle to go to court. Mr. Toner continued by asking if this resolution gave him (Mr. Leventhal) the authority to obtain legal fees as a result of this resolution. Mr. Toner asked so that the public would understand what it was. Mr. Leventhal only responded "The Resolution speaks for itself." He continued that if The Village asked him to perform legal services which included litigation, he plans to bill the Village for the litigation, which would be in addition to the \$6,400 per month he would receive if he is deemed the Village Attorney. Mr. Leventhal continued that he has no intention of suing the Village or The Mayor. Mr. Toner continued that the resolution which was put before the Board was one sided, authorizing only Mr. Leventhal to obtain legal fees to sue Mr. Toner for not turning over legal files.

Trustee Di Lucia said she didn't know why the Board needed to consider this resolution because they all had agreed to wait until the court decided who is the Village Attorney. The Mayor added, once again, that this type of blind-siding the Board was unacceptable. Trustee von Roeschlaub ignored these comments and said she "moved the question" and then attempted to call the roll herself which was stopped by Mayor Giunta saying she wasn't calling anything right now, and gave the floor to Trustee Di Lucia. She said she was embarrassed by the behavior of the Board members, and that she had never seen anything like this in her many years on the Board. She called it 'disgusting.' Trustee von Roeschlaub added that she would listen to what the judge said, followed by the Mayor questioning why she is forcing the resolution if she is willing to listen to a judge. Again, Trustee von Roeschlaub said "I move the question."

Mr. Leventhal asked Mr. Toner if he had a conflict of interest in advising the Board. Mr. Toner said no, that he was advising the Mayor. Mr. Toner asked Mr. Leventhal if he was acting as the Mayor's attorney at this moment. His answer was "I am the Village Attorney." Mr. Toner then asked if that included The Mayor. Mr. Leventhal's answer was "Not personally." Conversation went back and forth, with Mr. Leventhal calling Mr. Toner's behavior "demagoguery." (The entire transcript will be made available on line.) Mr. Leventhal finally answered that he was representing Mayor Giovanna Giunta in her official capacity as Mayor.

Mr. Toner next explained The Mayor believes that the resolution presented at the August 20th meeting firing Mr. Toner was illegal. He continued that he didn't believe that Mayor Giunta would be the one who would need to hire independent counsel, which belief was based on Village Law. He continued that The Board would need independent counsel if they decided they needed it.

Mr. Leventhal then clarified (p.86 transcript) that if the only claim that is made is made by Mr. Toner, then the resolution is not necessary. But if there is a claim going the other way, that Mr. Leventhal makes a claim against Mr. Toner, then the Board needs to approve the resolution so that Mr. Leventhal will be able to get paid.

When asked for an explanation, Mr. Leventhal said he thought it was "crystal clear to everyone." Trustee Di Lucia asked for clarification anyway. She asked if the Board passed this resolution, then The Board pays for Mr. Leventhal to go to court. He said "That is correct." She then asked "If we don't pass it, then we pay for Mr. Toner to go to court?"

Mr. Leventhal continued to maintain that he is the rightful Village Attorney, and that Mr. Toner refuses to accept the will of The Board. He alleged that Mr. Toner was causing confusion. He maintained his position as Village Attorney and as such he should get paid for litigation. He said if they go to court, Mr. Toner is going as a private individual asserting a claim.

Again, out of order, Mr. Avena attempted to call the question with a show of hands and was recognized by Mr. Leventhal, though was procedurally incorrect as The Mayor had not called for a vote in the middle of the arguments. Though Mr. Avena articulated that they already voted on this, it was not recorded as a proper vote.*

*All moot as this clerk, as of October 20, 2015 has still not received a copy of the resolution even after asking for it in a meeting with Trustees Avena and von Roeschlaub on October 18th.

Mr. Leventhal handed Mr. Toner a copy of the resolution, which was not accepted by Mr. Toner. Mr. Leventhal did not hand a copy to the clerk.

Mr. Avena made a resolution from the floor asking for a work session to be held on October 6th at 7:30 pm. (note: This resolution was not handed to The Clerk.) This was seconded by Trustee von Roeschlaub. Trustee Di Lucia then noted that Planning Board was scheduled to meet on that evening. Again, The Mayor asked why this could not have been presented in advance.

Trustee von Roeschlaub said she had been begging to have a work session, and that she had asked to have a work session on 9/11 after the ceremony. She said she didn't agree with those who wrote back that felt that would be disrespectful. She then asked everyone to take out their calendars to set a work session at that moment.

Mayor Giunta asked the trustee not to talk over here, and reminded her that she boycotted the meeting which was set for August 12th, and felt that they “hijacked” the August 20th and now tonight’s meeting.

After much discussion, the date of October 8th at 7:00 pm was decided upon. The Clerk said she would notice the work session and asked that items that they wanted to discuss be presented in advance in order to make an agenda.