

**VILLAGE OF MANORHAVEN  
BOARD OF TRUSTEES  
MINUTES OF REGULAR MEETING  
JANUARY 28, 2010**

The Board held its regular monthly meeting on January 28, 2010 at 8:00 p.m. The meeting was called to order at 8:14 p.m. by Mayor Michael T. Meehan, with the following in attendance:

Michael T. Meehan	Mayor
Patrick Brostowin	Deputy Mayor
John M. DiLeo, Jr.	Trustee
Rita DiLucia	Trustee
Brendan Fahey	Trustee
Gerard Terry, Esq.	Village Attorney
Jonathan P. Fielding	Village Clerk-Treasurer
David L. Mammina	Superintendent of Buildings

Thirty-three members of the public were present. The Mayor asked Ms. Claire DiNapoli to lead the assembly in reciting the Pledge of Allegiance.

The Mayor and the Board of Trustees reviewed the proposed minutes of the regular meeting held on December 17, 2009. Trustee Fahey made a motion to accept these minutes as presented. Trustee DiLeo seconded the motion. The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

The Mayor and the Board of Trustees reviewed and considered the abstract of claims for January 2010. Trustee DiLucia made a motion to approve the abstract of claims. Trustee Fahey seconded the motion, which passed unanimously.

The Mayor and Board of Trustees reviewed and considered the departmental reports. Deputy Mayor Brostowin made a motion to accept the departmental reports, seconded by Trustee DiLeo. The motion carried on unanimous approval.

The Mayor read a prepared statement to the public regarding the monopole tower being constructed at 41 Pequot Avenue, and then proceeded to the resolution calendar.

**RESOLUTION NO. 1 - JANUARY 28, 2010**  
**A RESOLUTION SCHEDULING A PUBLIC HEARING**

Trustee Fahey offered the following resolution and moved for its adoption. Trustee DiLucia seconded the motion.

**BE IT RESOLVED**, that the Board of Trustees of the Inc. Village of Manorhaven shall conduct a public hearing on Introductory Local Law A - 2010, "A Local Law to Amend Chapter 155 of the Code of the Inc. Village of Manorhaven - Administration", on Thursday, February 25, 2010, 7:30 pm, at the Village Hall, 33 Manorhaven Boulevard, Port Washington, NY; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 2 - JANUARY 28, 2010**  
**A RESOLUTION ADOPTING A LOCAL LAW**

Trustee DiLucia offered the following resolution, seconded by Deputy Mayor Brostowin.

**BE IT RESOLVED**, that Introductory Local Law F - 2009, "A Local Law to Amend Chapter 147 of the Code of the Inc. Village of Manorhaven - Vehicles and Traffic", be and hereby is adopted; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 3 - JANUARY 28, 2010**  
**A RESOLUTION AUTHORIZING A GRANT APPLICATION**

Trustee DiLeo offered the following resolution, seconded by Deputy Mayor Brostowin:

**BE IT RESOLVED**, that the Mayor and the Village Clerk-Treasurer be and hereby are authorized and directed to file or cause to be filed the following application for a grant:

Agency: NYS Education Department - NYS Archives  
Program: "Local Government Records Management  
Improvement Fund"  
Filing Date: February 1, 2010  
Purpose: Records Management

; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 4 - JANUARY 28, 2010**  
**A RESOLUTION AUTHORIZING A GRANT APPLICATION**

Trustee DiLucia offered the following resolution, seconded by Deputy Mayor Brostowin.

**BE IT RESOLVED**, that the Mayor and the Village Clerk-Treasurer be and hereby are authorized and directed to file or cause to be filed the following application for a grant:

Agency: NYS Energy and Research Development Authority (NYSERDA)  
Program: "Implementation Funding for Small Municipalities"  
Filing Date: February 17, 2010  
Purpose: Upgrade of Village Street Lighting

; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 5 - JANUARY 28, 2010  
A RESOLUTION ACCEPTING A RESIGNATION**

Trustee Fahey offered the resolution, seconded by Trustee DiLeo:

**BE IT RESOLVED**, that the resignation of Karen Marero from the position of Clerk to Justice (Court Clerk) be and hereby is accepted, with an effective date of January 19, 2010; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 6 - JANUARY 28, 2010  
A RESOLUTION DECLARING PROPERTY OF THE VILLAGE AS SURPLUS AND  
AUTHORIZING THE DISPOSITION THEREOF**

Trustee DiLeo offered the resolution, seconded by Trustee DiLucia:

**BE IT RESOLVED**, that the Board of Trustees finds and determines that the following property of the Inc. Village of Manorhaven is surplus in nature, lacking any use or value to the Village:

Two (2) snow plows located at Village Pump Station

and;

**BE IT FURTHER RESOLVED**, that the Village Clerk-Treasurer be and hereby is authorized to dispose of said surplus property in a manner that, in his sole discretion, is in the best interest of the Village; and

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

The Board was polled as follows:

Trustee Fahey	Abstain
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 7 - JANUARY 28, 2010**  
**A RESOLUTION MAKING AN AWARD OF CONTRACT**

Trustee Fahey offered the resolution, seconded by Trustee DiLucia:

**WHEREAS**, the Board of Trustees has previously authorized and directed the Village Clerk-Treasurer to advertise and solicit for bids in connection with the cleaning and maintenance of the sanitary sewer system of the Village, pursuant to section 103 of the General Municipal Law; and

**WHEREAS**, the final date and time for submission of bids was January 7, 2010, 11:00 am; and

**WHEREAS**, the Village received two bids in response to said solicitation; and

**WHEREAS**, at the foregoing date and time, said bids were publicly opened and read aloud by the Village Clerk-Treasurer;

**NOW, THEREFORE, BE IT RESOLVED**, that an award of contract be made to Dejana Industries, Inc., having an address at 30 Sagamore Hill Drive, Port Washington, New York 11050, said Dejana Industries, Inc., being the lowest responsible bidder for all years; and

**BE IT FURTHER RESOLVED**, that the period of said contract shall be from June 1, 2010 to May 31, 2015; and

**BE IT FURTHER RESOLVED**, that the Mayor be and hereby is authorized and directed to execute said contract on behalf of the Village; and

**BE IT FURTHER RESOLVED**, that the Village Clerk-Treasurer be and hereby is authorized and directed to take immediate action to effectuate the award of contract set forth herein, including notification to said Dejana Industries, Inc.; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Abstain
Mayor Meehan	Aye

**RESOLUTION NO. 8 - JANUARY 28, 2010**  
**A RESOLUTION MODIFYING A PRIOR RESOLUTION**

Deputy Mayor Brostowin offered the resolution, seconded by Trustee DiLucia:

**WHEREAS**, upon the application of Ressa Family LLC, by Resolution No. 3 of September 26, 2007, the Board of Trustees previously approved a subdivision and lot line adjustment in connection with real property known and identified on the Nassau County Land and Tax Map as Section 4, Block 75, Lots 108-120, otherwise described as "west side of Sands Point Road" within the Village; and

**WHEREAS**, said determination had the effect of approving a six (6) lot residential subdivision with respect to that part of the application pertinent to Sands Point Road; and

**WHEREAS**, the Board of Zoning Appeals of the Village subsequently granted said applicant Ressa Family LLC relief in respect to such real property to permit a five (5) lot residential subdivision or, in the alternative, a six (6) lot residential subdivision; and

**WHEREAS**, said proposed five (5) lot residential subdivision is contained and set forth in a certain Plot Plan identified as "Option A", as prepared by Paul Russo, A.I.A. Architect, P.C.,

114 Birch Hill Road, Locust Valley, NY 11560, dated "5/2009", which Plot Plan the Board of Zoning Appeals of the Village relied upon in making its determinations in this matter; and

**WHEREAS**, in the interest of creating a less dense and more aesthetically pleasing residential development, the Board of Trustees desires to conform its prior determination with that of the Board of Zoning Appeals of the Village; and

**WHEREAS**, by correspondence dated December 29, 2009, the legal representative of Ressa Family LLC has requested that the Board of Trustees consider the action contemplated herein;

**NOW, THEREFORE, BE IT RESOLVED**, that Board of Trustees Resolution No. 3 of September 26, 2007 be and hereby is modified and amended in accordance with the foregoing, to provide for a five (5) lot subdivision and lot line adjustment with respect to that part of the application pertinent to Sands Point Road; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Nay
Trustee DiLeo	Nay
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 9 - JANUARY 28, 2010**

**A RESOLUTION MAKING A DETERMINATION UNDER STATE ENVIRONMENTAL QUALITY REVIEW**

Trustee DiLeo offered the resolution, seconded by Trustee Fahey:

**BE IT RESOLVED**, that pursuant to State Environmental Quality Review ("SEQR"), the Board of Trustees declares itself "lead agency" in connection with the action known and identified as "A Resolution Amending a Prior Resolution", dated January 28, 2010; and

**BE IT FURTHER RESOLVED**, that having thoroughly and carefully considered the issue, the Board of Trustees finds and determines that said matter constitutes an "unlisted action" under SEQR, the approval of which will not have a significant impact on the environment; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Abstain
Trustee DiLeo	Nay
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 10 - JANUARY 28, 2010**  
**A RESOLUTION ENGAGING A TESTING LABORATORY ON BEHALF OF THE**  
**BUILDING DEPARTMENT**

Trustee Fahey offered the resolution, seconded by Trustee DiLeo:

**BE IT RESOLVED**, that at the request of the Superintendent of Buildings, Municipal Testing Laboratory, Inc., having an office at 102 New South Road, Hicksville, NY, be and hereby is engaged for the purpose of performing "concrete coring" tests in respect to the foundation of the tower situate at 41 Pequot Avenue within the Village, pursuant to a written proposal dated January 27, 2010; and

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

The Board was polled as follows:

Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

At 8:55 p.m., Trustee Fahey left the meeting. The Mayor opened the Floor to public comment. Comments were offered by Ms. Victoria Spielman, Mr. Mark Lazarovic, Mr. Arthur Lampus, Ms. Angela Militana, Ms. Linda Dlugolecki, Ms. Alice Vigliotti, Ms. Jan Rosen, Mr. Jeffrey Zeh, and Ms. Tricia Jester.

At 9:56 p.m., Trustee DiLucia made a motion to adjourn the meeting. Deputy Mayor Brostowin seconded the motion. The Board was polled as follows:

Trustee DiLucia           Aye  
Trustee DiLeo            Aye  
Deputy Mayor Brostowin   Aye  
Mayor Meehan            Aye

Dated:     Manorhaven, New York  
          February 4, 2010

Respectfully submitted,

Jonathan P. Fielding  
Village Clerk-Treasurer