

**VILLAGE OF MANORHAVEN  
BOARD OF TRUSTEES  
MINUTES OF REGULAR MEETING  
DECEMBER 17, 2009**

The Board held two public hearings scheduled for 7:00 p.m. on December 17, 2009. The first hearing was held to consider a certain proposed contract with the Port Washington Fire Department to provide fire protection and emergency services to the Village, for the calendar year commencing January 1, 2010.

Deputy Mayor Brostowin called the first public hearing to order at 7:04 p.m. with Trustees DiLeo, DiLucia and Fahey in attendance. Public comment on the proposed contract was offered by Daniel Salerno, Chairman of the Port Washington Fire Department and Chief Thomas McDonough. Trustee Fahey made a motion to close the public hearing. Trustee DiLeo seconded the motion, which passed unanimously. Please see the stenographic record for further details.

Deputy Mayor Brostowin called the second public hearing to order at 7:14 p.m., to consider the enactment of introductory local law F of 2009, a local law to amend Chapter 147 of the Incorporated Village of Manorhaven (Vehicles and Traffic). Public comment on the local law was offered by Gerard Terry, Esq. Trustee DiLucia made a motion to close the public hearing. Trustee DiLeo seconded the motion, which passed unanimously.

The Board held its regular monthly meeting on December 17, 2009 at 8:00 p.m. The meeting was called to order at 8:07 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
Donato Gallo	Superintendent of Highways
Jonathan P. Fielding	Village Clerk-Treasurer
Carmela Aiello	Deputy Village Clerk
David L. Mammina	Superintendent of Buildings

Forty-three members of the public were present. The Mayor asked Mrs. Lazarovic to lead the assembly in reciting the Pledge of Allegiance.

The Mayor and Board of Trustees reviewed the proposed minutes of the special meeting held on August 7, 2009. Deputy Mayor Brostowin made a motion to accept these minutes as presented. Trustee DiLucia seconded the motion. The Board was polled as follows:

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

The Mayor and the Board of Trustees reviewed the proposed minutes of the special meeting held on September 11, 2009. Deputy Mayor Brostowin made a motion to accept these minutes as presented. Trustee Fahey seconded the motion. The Board was polled as follows:

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

The Mayor and the Board of Trustees reviewed the proposed minutes of the regular meeting held on November 19, 2009. Trustee DiLucia 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	Abstain
Mayor Meehan	Aye

The Mayor and the Board of Trustees reviewed and considered the abstract of claims for December 2009. Trustee DiLeo 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. Trustee Fahey made a motion to accept the departmental reports, seconded by Deputy Mayor Brostowin. 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. 98 - DECEMBER 17, 2009  
A RESOLUTION APPROVING A CONTRACT**

Trustee DiLucia offered the following resolution, seconded by Trustee DiLeo.

**BE IT RESOLVED**, that a certain contract by and between the Inc. Village of Manorhaven and the Port Washington Fire Department, Inc., for fire protection and emergency medical services to the Village for calendar year 2010, be and hereby is approved; and

**BE IT FURTHER RESOLVED**, that the Mayor be and hereby is authorized and directed to execute said contract on behalf of the Board of Trustees and 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	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostown	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 99 - DECEMBER 17, 2009  
A RESOLUTION MAKING A DETERMINATION UNDER STATE ENVIRONMENTAL  
QUALITY REVIEW**

Trustee DiLeo offered the following 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 Introductory Local Law F - 2009, "A Local Law to Amend Chapter 147 of the Code of the Inc. Village of Manorhaven - Vehicles and Traffic"; and

**BE IT FURTHER RESOLVED**, that having thoroughly and carefully considered the issue, the Board of Trustees finds and determines that said introductory local law is an "unlisted action" under

SEQR, the enactment 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	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 100 - DECEMBER 17, 2009**  
**A RESOLUTION REGARDING THE VILLAGE JUSTICE COURT**

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

**BE IT RESOLVED**, that in response to certain correspondence from the New York State Office of Court Administration dated August 6, 2009, an audit of the Justice Court of the Inc. Village of Manorhaven be and hereby is acknowledged and the documents pertaining thereto are deemed received into the records of the Board of Trustees; and

**BE IT FURTHER RESOLVED**, that the Village Clerk-Treasurer be and hereby is authorized to execute correspondence to said New York State Office of Court Administration memorializing same; 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. 101 - DECEMBER 17, 2009**  
**A RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT**

Trustee DiLeo offered the following resolution, seconded by Trustee DiLucia.

**BE IT RESOLVED**, that a certain inter-municipal agreement between and among the Inc. Village of Manorhaven, the County of Nassau, the Town of North Hempstead, and 12 other incorporated villages within said Town of North Hempstead, entitled "Manhasset Bay Protection Committee", be and hereby is approved; and

**BE IT FURTHER RESOLVED**, that the Mayor be and hereby is authorized to execute said inter-municipal agreement on behalf 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	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Deputy Mayor Brostowin	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 102 - DECEMBER 17, 2009**  
**A RESOLUTION MODIFYING A PROFESSIONAL SERVICES AGREEMENT**

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

**WHEREAS**, the engineering firm of Dvirka and Bartilucci, having an address at 330 Crossways Park Drive, Woodbury, NY 11797, has been previously engaged to make recommendations to the Board of Trustees in connection with upgrades to the sanitary sewer pump station of the Village;

**NOW, THEREFORE, BE IT RESOLVED**, that said firm of Dvirka and Bartilucci be and hereby is further engaged to provide "construction phase" professional services to the Village in connection with said upgrades, at a cost to the Village not to exceed \$14,250; and

**BE IT FURTHER RESOLVED**, that the existing agreement for professional services between said firm and the Village be and hereby is modified to the extent set forth above; and

**BE IT FURTHER RESOLVED**, that the Mayor or his designee be and hereby is authorized to execute such documents on behalf of the Village that may be reasonable and necessary to effectuate the terms of this Resolution; 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. 103 - DECEMBER 17, 2009**

**A RESOLUTION AUTHORIZING AN EMERGENCY PROCUREMENT OF SERVICES**

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

**WHEREAS**, the Board of Trustees has been informed regarding the condition of the Village's sanitary sewage pump station and has undertaken a course of action to upgrade said facility; and

**WHEREAS**, in order to maintain the pump station in proper working order for the health and safety of the Village and its residents, as well as to provide the necessary redundancy/"back up" in connection with its operations, it has been necessary for the Village to take immediate action in regard to certain electrical repairs at the facility; and

**WHEREAS**, the Board of Trustees maintains the general and specific authority, pursuant to Article 4 of the Village Law and Article 5-A of the General Municipal Law, to take such actions as may be required to protect the health and safety of the Village and its residents;

**NOW, THEREFORE, BE IT RESOLVED**, that upon the recommendation of the Village Clerk-Treasurer, the firm of Excalibur Electric, Inc., having an address at 926 Lincoln Avenue, Suite A, Holbrook, NY 11741, be and hereby is engaged, on an emergency basis, to perform repairs to the electrical system at the sanitary sewage pump station of the Village; and

**BE IT FURTHER RESOLVED**, that the Village Clerk-Treasurer be and hereby is authorized to take such actions as may be necessary and appropriate to effectuate the terms of this Resolution, including the execution of any purchase order or agreement that may be required; 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. 104 - DECEMBER 17, 2009**

**A RESOLUTION IN CONNECTION WITH FEES FOR SANITARY WASTE DISPOSAL**

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

**BE IT RESOLVED**, that in response to certain correspondence dated October 13, 2009 from Doron Keren, D.D.S. and Bruce A. Sims, D.D.S., the amounts due to the Village for sanitary sewer disposal in connection with property at Two Cow Neck Road, Port Washington, NY, located outside the municipal boundaries of the Inc. Village of Manorhaven, be and hereby are adjusted to the following:

2006	\$339.88
2007	\$ 92.34
2008	\$332.11

;and

**BE IT FURTHER RESOLVED**, that the amount due to the Village for 2009 and 2010 shall be calculated based upon the formula set forth in said correspondence; 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

Trustee DiLeo made a motion to table the resolution regarding tree removal permits. Trustee Fahey seconded the motion which passed unanimously.

The Mayor opened the Floor to public comment. Comments were offered by Ms. Claire DiNapoli, Mr. Guy LaMotta, Ms. Rae Spickov, Ms. Jan Rosen, Ms. Maria Bloomfield, Ms. Linda Ladislau, Mr. Peter Dejana, Mr. Don Alexander, Mr. Thomas McDonough, Ms. Fran Mienik, Mr. Mark Lazarovic, Mr. Debarry, and Ames Ressa, Esq.

At 9:20 p.m., Deputy Mayor Brostowin made a motion to close the floor for public comments and commence a work session to discuss outstanding tree removal permit applications. Trustee Fahey seconded the motion.

The Board was polled as follows:

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

The Board held a work session at which they discussed pending tree removal permit applications for 12 Mohegan Avenue, 33 Marwood Road North, 32 Dunwood Road, 13 Linwood Road South, and 87 Edgewood Road.

At 9:35 p.m., the Mayor called the regular meeting back to order. Trustee Fahey made a motion to approve the five pending tree removal permit applications. Trustee DiLeo seconded the motion which passed on unanimous assent.



At 9:38 p.m., Deputy Mayor Brostowin made a motion to adjourn the meeting. Trustee Fahey seconded the motion, which passed unananimously.

Dated: Manorhaven, New York  
January 26, 2010

Respectfully submitted,

Jonathan P. Fielding  
Village Clerk-Treasurer