

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES MEETING
December 20, 2018 – 7 p.m. - MINUTES**

CALL TO ORDER: 7: 00 p.m.

Pledge of Allegiance: Barbara Rumenapp

Attendance:

Trustee Rita Di Lucia; Trustee Ken Kraft; Trustee John Popeleski - excused; Deputy Mayor Priscilla von Roeschlaub; Mayor Jim Avena; Village Clerk Sharon Abramski; Village Attorney Jonathan Fielding.

REPORTS:

- Justice Court
- Police Department
- Building Department

Motion to accept reports by Ken Kraft; seconded by Priscilla von Roeschlaub; motion unanimously carried.

MINUTES:

- Draft Minutes of the November 29, 2018 Meeting

Motion to accept minutes by Rita Di Lucia; seconded by Ken Kraft; motion unanimously carried.

ABSTRACT OF CLAIMS:

- The Abstract of Claims will be reviewed at the 12/27/18 meeting at 10 a.m.

MOTION:

A change in the January Meetings: Work Session – Monday, January 7 at 6 p.m. and BOT & Public Hearing – Thursday, January 31 at 7 p.m.

- Motion #48-2018 to change the January meetings to 1/7 at 6 p.m. and 1/31 at 7 p.m. by Rita Di Lucia; seconded by Priscilla von Roeschlaub; motion unanimously carried.

TOPICS FOR DISCUSSION:

- Morgan's Dock – Clerk Abramski discussed the bids and subsequent meeting with Cashin Associates to revise plans and discuss a new bid opportunity for February 2019.

- Sewer Project and Funding – Clerk Abramski discussed the current status of the sewer evaluation with Earth Repair and Cameron Engineering. The Village was not awarded a grant this month so she recommended that the Board consider moving forward with the second BAN to complete the sewer evaluation.

RESOLUTIONS:

RESOLUTION #8-2018 - TO REJECT NOVEMBER 27, 2018 BIDS ON PHASE III-B OF MORGAN'S DOCK

WHEREAS, the Board of Trustees of the Village of Manorhaven, by Resolution # 7-2018-2019, authorized the notice and acceptance of sealed bids for Phase III-B of the Rehabilitation of Historic Morgan's Dock project; and

WHEREAS, after duly publishing notice of the Village's solicitation of sealed bids for this project, the Board of Trustees received two such sealed bids and publicly opened them at Village Hall on Tuesday, November 27, 2018 at 10:00 a.m.; and

WHEREAS, the Village subsequently conferred with their retained engineers, Cashin & Associates, P.C., and reviewed the submitted sealed bids; and

WHEREAS, the Village's engineer, Cashin & Associates, P.C., have recommended that the bid specifications for the proposed project should be amended, including modifying the scope of work in Phase III-B, changing the material requirements therein, and changing the contract specifications thereof;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees of the Village of Manorhaven hereby rejects both sealed bids received and publicly opened on November 27, 2018; and

The provisions of this Resolution shall take effect immediately.

- Motion to accept the resolution by Rita Di Lucia; seconded by Jim Avena; motion unanimously carried.

RESOLUTION #9-2018 - TO AUTHORIZE NOTICE AND ACCEPTANCE OF SEALED BIDS FOR PHASE III-B OF MORGAN'S DOCK

WHEREAS, the Board of Trustees has determined that the Village of Manorhaven is ready to begin Phase III-B of the Rehabilitation of Historic Morgan's Dock project; and

BE IT RESOLVED that the Board of Trustees will receive sealed bids for Phase III-B of the project at Manorhaven Village Hall on Tuesday, February 5, 2019 at 10 a.m., at which time they will be publicly opened and read with a contract to be awarded as soon thereafter as practicable; and

BE IT FURTHER RESOLVED that: a. all bids shall be in accordance with the specifications, drawings, and terms of the proposed contracts; and

b. no bids shall be received unless in writing on forms furnished by the Village and unless accompanied by a certified check or bid bond made payable to the Village of Manorhaven in an amount not less than five percent (5%) of the base bid; and

c. the Board of Trustees reserves the right to reject any or all bids and to waive any informality therein; and

d. the Village will not accept bids from, or award contracts to, anyone who cannot prove to the complete satisfaction of the Board of Trustees that he/she has sufficient experience in this type of work and is financially able and organized to successfully carry out the work required in the specific time period; and

e. plans and specifications will be available and may be obtained at the Village Hall, 33 Manorhaven Blvd, Port Washington, NY, starting January 2, 2019 and thereafter, during normal Village business hours; and f. a non-refundable fee of \$100.00 is required for each CD of the contract documents; and g. this information shall be posted and noticed in Manorhaven's designated locations and local newspapers effective immediately.

- Motion to accept the resolution by Rita Di Lucia; seconded by Jim Avena; motion unanimously carried.

RESOLUTION # 10-2018 - A BOND RESOLUTION AUTHORIZING THE PREPARATION OF PRELIMINARY PLANS AND SPECIFICATIONS IN CONNECTION WITH THE PROPOSED IMPROVEMENTS TO THE VILLAGE SEWER SYSTEM, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$250,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$250,000 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF MANORHAVEN, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Manorhaven, in the County of Nassau, New York (herein called the "Village"), is hereby authorized to prepare preliminary plans and specifications connection with the proposed improvements to the Village sewer system. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$250,000 bonds of the Village to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) the period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

(b) the proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) the proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing

the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "Port Washington News" a newspaper having general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

- Motion to accept the resolution by Priscilla von Roeschlaub; seconded by Ken Kraft; motion unanimously carried.

UPCOMING LOCAL LAWS:

- Request to reverse Local Law 2-2014 to remove the handicap parking sign located at 10 Dunes Lane,
- Change to Village Code §147-22.3 (Parking Spaces for Motorcycles and Subcompact Cars), and Village Code §147-55 (Motorcycle-only and Subcompact Car Parking) adding a motorcycle parking only sign between 59 and 61 Linwood Rd. North driveways.

PUBLIC COMMENT:

- Caroline Dubois read a letter to the Board threatening with an Article 78 against the Board as well as the Zoning Board if the Zoning Board votes in favor of the BZA Application known as 22 Sagamore Hill Drive. (This Letter was marked as Exhibit 1 by the Village Clerk.) Mayor Avena noted again at this meeting the residents' request for a meeting regarding overcrowding would take place in the spring.
- Barbara Rumenapp asked what the Board thinks of large development applications like 22 Sagamore Hill Drive or projects for the Thypin Steele property. She recommended that the BOT have a meeting with the BZA to discuss the Village's vision. Mayor Avena noted that the Village collects IMPACT fees on each new structure. Rita Di Lucia shared that the BOT was the Planning Board prior to 2012, but the Board decided that it was best to return to a separate Planning Board. Ken Kraft stated that if a parcel is above 10 acres it would have to come to the Board of Trustees as well as the Village Zoning Board.
- Jenns Rumenapp wanted to clarify a point made by Barbara Rumenapp regarding 22 Sagamore Hill Drive.
- Nick Marra feels that Dejana is following the laws for an application to the Zoning Board. He commented on Caroline Dubois' threat of an Article 78 and asked for clarification about why she felt the building application would pose as a threat or "harm people." He asked if Ms. Dubois had anything in writing from the people she claimed were saying the new structure would be dangerous. He demanded to know, "Who is MAC" and "When was their last meeting?"
- Gary Maynard was disappointed in the last two BZA meetings and felt the BZA should be asking the applicant more questions.

UPCOMING MEETINGS/EVENTS:

- 1/7/19 – Work Session at 6:00 p.m.
- 1/21/19 – Village Offices Closed – Martin Luther King Day
- 1/31/19 – Public Hearing and BOT Meeting at 7 p.m.

ADJOURNMENT:

- Motion to adjourn at 7:41 p.m. by Priscilla von Roeschlaub; seconded by Ken Kraft; motion unanimously carried.

Manorhaven, NY
Sharon Natalie Abramski, RMC, CMC
Village Clerk-Treasurer
December 20, 2018