

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES PUBLIC HEARING
July 25, 2019 – 7 p.m. – MINUTES**

CALL TO ORDER: 7:00 p.m.

Pledge of Allegiance: Gary Maynard

Attendance: *Trustee Rita Di Lucia, Trustee Ken Kraft, Trustee John Popeleski - excused, Deputy Mayor Priscilla von Roeschlaub - excused, Mayor Jim Avena, Sharon Abramski, Village Clerk-Treasurer, Jonathan Fielding – Village Attorney.*

MAYOR COMMENTS:

Back in February and March of this year, a Planning Board applicant seeking a Subdivision request for the property located at 76 A Juniper Road came before the Board to seek permission to use Village property by knocking down a retaining wall for greater access to accommodate their subdivision plans. At that time, the Board unanimously agreed to not accept this request, but failed to make that part of the record with an official vote. I'd like to take care of that housekeeping task now.

May I have a motion to deny the request for use of changes to Village property for the sake of property located at 76A Juniper Rd. for subdivision purposes.

*- **Motion #35-2019** to deny use of Village property to 76 Juniper Rd. applicant by Rita Di Lucia; seconded by Ken Kraft; unanimously carried.*

REPORTS:

- Justice Court

- Police Department

- Building Department

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

MINUTES:

Draft Minutes of the June 27, 2019 - BOT Meeting

Draft Minutes of the July 11, 2019 – Organizational Meeting and Work Session

- Jim Avena moved to accept the minutes; seconded by Rita di Lucia; motion unanimously carried.

ABSTRACT OF CLAIMS:

Abstract of Claims – 6/27/19 through 7/24/19 – General Fund

Abstract of Claims – 6/27/19 through 7/24/19 – Capital Fund

- Rita Di Lucia moved to accept the Abstracts; seconded by Ken Kraft; motion unanimously carried.

CLERK COMMENTS:

VILLAGE BONDS AND BANS:

The Village will be taking out one BOND in the amount of \$950,000 for :

a. \$700,000 for Phase I of the Sanitary Sewer Restoration Project (which includes Manorhaven Blvd. and Inwood Rd.)

b. \$250,000 for the continuation the sewer line CCTV camera, clearing and assessments

We currently have the following BANS totaling: \$980,000

2018 – BAN at \$235,000; 2019A – BAN at \$250,000; 2019B – BAN at \$550,000

*We will roll the 3 existing BANS into one to pay them off and amortize the notes over a longer period.

We will borrow a total of **1.975 million** in October under one BOND.

MORGAN'S DOCK PARK: The Park will be closed periodically for the installation of the cable rail fencing and other items into the first week of August.

ROAD RESURFACING: Road resurfacing will be underway from Monday 8/5 through Friday 8/9 completing some of the worst portions on Cambridge Ave., all of Nesaquake Ave. and the entrance to Manhasset Isle.

BIKE THE MANSIONS: Saturday, August 17, 2019 from 8:00 a.m. - 5:00 p.m.

- ***Motion #36-2019*** - *Jim Avena moved to accept their request; seconded by Ken Kraft; unanimously carried.*

PRESERVE GRANT APPLICATION: The CFA Grant for the Preserve Pathways was submitted this week.

MAYOR COMMENTS:

Mayor Avena thanked Clair Di Napoli for assisting the Village by closing the Morgan's Dock Gate in the evenings. He also discussed an error made by Caroline Dubois regarding property she thought was on the BZA agenda. He reiterated that it is not helpful to disseminate incorrect information to the residents.

RESOLUTIONS:

A. SEWER RELATED

RESOLUTION #34 - 2019 – RESOLUTION TO AUTHORIZE NOTICE AND ACCEPTANCE OF SEALED BIDS FOR SANITARY SEWER REHABILITATION

WHEREAS, the Board of Trustees has determined that the Village of Manorhaven is ready to proceed with significant public works to repair and rehabilitate its sanitary sewer system (the "Sanitary Sewer Rehabilitation Project"); and

BE IT RESOLVED that the Village Clerk-Treasurer is hereby authorized and directed to solicit and receive sealed bids for the Sanitary Sewer Rehabilitation Project in accordance with the terms of this resolution and the requirements of General Municipal Law § 103; and

BE IT FURTHER RESOLVED that the Board of Trustees will receive sealed bids for its Sanitary Sewer Rehabilitation Project at the Village Hall, 33 Manorhaven Boulevard, Port Washington, NY 11050, until **Monday, September 23, 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 August 14 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.** the Village Clerk-Treasurer is directed to post and publish this information in Manorhaven's designated locations and local newspapers effective immediately.

- *Rita Di Lucia moved to accept this resolution; seconded by Ken Kraft; motion unanimously carried.*

RESOLUTION #35 - 2019 - SEQRA - Type II - DETERMINATION FOR PHASE I OF THE SANITARY SEWER REHABILITATION PROJECT

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQRA) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED that the Incorporated Village of Manorhaven hereby determines that the proposed sanitary sewer rehabilitation project is a Type II action in accordance with 6 NYCRR Section 617.5 as it involves the rehabilitation of existing sewer infrastructure. The scope of the sanitary sewer rehabilitation project will include approximately 4,400 LF of pipe lining on Manorhaven Boulevard and Inwood Road and rehabilitation of two manholes on Manorhaven Boulevard. The installation of pipe lining and associated manhole rehabilitation will not require road openings or physically disturb any land.

BE IT FURTHER RESOLVED THAT this action has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

- *Rita Di Lucia moved to accept this resolution; seconded by Ken Kraft; motion unanimously carried.*

B. BOND RELATED

RESOLUTION #36 - 2019 - BOND RESOLUTION OF THE VILLAGE OF MANORHAVEN, NEW YORK, ADOPTED JULY 25, 2019, 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.

INC. VILLAGE OF MANORHAVEN - LEGAL NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 25th day of July, 2019, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Manorhaven, in the County of Nassau, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Sharon Natalie Abramski, RMC, CMC

Village Clerk – Treasurer

BOND RESOLUTION OF THE VILLAGE OF MANORHAVEN, NEW YORK, ADOPTED JULY 25, 2019, 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 object or purpose for which the bonds are authorized is the preparation of preliminary plans and specifications connection with the proposed improvements to the Village sewer system, at the estimated maximum cost of \$250,000.

The period of probable usefulness is five (5) years.

The amount of obligations to be issued is \$250,000.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, at the Village Hall, 33 Manorhaven Boulevard, Port Washington, New York.

- Rita Di Lucia moved to accept this resolution; seconded by Ken Kraft; motion unanimously carried.

RESOLUTION # 37 - 2019 – BOND RESOLUTION OF THE VILLAGE OF MANORHAVEN, NEW YORK, ADOPTED JULY 25, 2019, AUTHORIZING THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE SEWER LINES ON MANORHAVEN BOULEVARD AND INWOOD ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$700,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$700,000 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 construct and install improvements to the sewer lines on Manorhaven Boulevard and Inwood Road, including sewer lining installations, repairs to the existing sewer lines and other related improvements, including construction, planning and engineering costs. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$700,000 to finance said appropriation and the levy and collection of taxes upon 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 \$700,000 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. 4 of the Law, is forty (40) 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 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 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 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 is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the “*Port Washington News*,” a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

INC. VILLAGE OF MANORHAVEN, NEW YORK - LEGAL NOTICE

PLEASE TAKE NOTICE that on July 25, 2019, the Board of Trustees of the Village of Manorhaven, in the County of Nassau, New

York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Manorhaven, New York, adopted July 25, 2019, authorizing the construction and installation of improvements to the Sewer Lines on Manorhaven Boulevard and Inwood Road, stating the estimated maximum cost thereof is \$700,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$700,000 to finance said appropriation “an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Manorhaven to construct and install improvements to the sewer lines on Manorhaven Boulevard and Inwood Road, including sewer lining installations, repairs to the existing sewer lines and other related improvements, including construction, planning and engineering costs; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$700,000 to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$700,000 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is forty (40) 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; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 26, 2019

SHARON NATALIE ABRAMSKI, RMC, CMC

Village Clerk-Treasurer

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

- Rita Di Lucia moved to accept this resolution; seconded by Ken Kraft; motion unanimously carried.

MOTIONS:

- Motion # 37 - 2019 - TO ACCEPT PROPOSAL FOR CAMERON ENGINEERING’S QUOTE FOR THE SEWER PUMP STATION IN THE AMOUNT OF \$15,880 - SCOPE OF SERVICE: Pump Station Assessment, Pump Station Capacity, Engineering Report with Improvement Recommendations.

- Rita Di Lucia moved to accept this resolution; seconded by Ken Kraft; motion unanimously carried.

- Motion #38 – 2019 – TO ACCEPT A SOFTWARE AGREEMENT WITH MUNICIPALITY FOR THE BUILDING DEPARTMENT AT \$12,895 FOR YEAR ONE AND \$4,895 FOR EACH SUBSEQUENT YEAR.

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

PUBLIC COMMENTS:

- Gary Maynard wanted to thank everyone for Morgan’s dock. He said it is beautiful. He also asked about the Village property on Sintsink Drive West. Mayor Avena said the Village has decided to not sell the property right now.

UPCOMING MEETINGS/EVENTS:

- August 15 – Work Session at 6 p.m.

- August 24 – Manorhaven Street Festival – 11:30 a.m. to 4:30 p.m.

- August 29 – BOT Meeting at 7 p.m.

ADJOURNMENT:

- Rita Di Lucia moved to close the General Meeting at 7:31 p.m.; seconded by Jim Avena; unanimously carried.

Manorhaven, NY

Sharon Natalie Abramski, RMC, CMC

Village Clerk-Treasurer

July 25, 2019