

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
AUGUST 26, 2010**

The Board held a public hearing on Introductory Local Law B - 2010, "A Local Law to Adopt the 2010 Retirement Incentive Program", on Thursday, August 26, 2010, 7:30 pm, at the Village Hall, 33 Manorhaven Boulevard, Port Washington, NY. The public hearing was called to order at 7:35 p.m. by Mayor Michael T. Meehan with Trustees Patrick Gibson, Brendan Fahey, Rita DiLucia, and John M. DiLeo, Jr., and five members of the public present. Public comment was offered by Gerard Terry, Esq. and Ms. Linda Dlugolecki. At 7:52 p.m., Trustee DiLucia made a motion to close the public hearing. Trustee Fahey seconded the motion, which passed on unanimous consent. Please see the stenographic record for further details.

The Board held its regular monthly meeting on August 26, 2010 at 8:00 p.m. The meeting was called to order at 8:32 p.m. by Mayor Michael T. Meehan, with the following in attendance

Michael T. Meehan	Mayor
John M. DiLeo, Jr.	Trustee
Rita DiLucia	Trustee
Brendan Fahey	Trustee
Patrick Gibson	Trustee
Gerard Terry, Esq.	Village Attorney
Jonathan P. Fielding	Village Clerk-Treasurer
Donato Gallo	Superintendent of Highways
Carmela Aiello	Deputy Village Clerk

Eighteen members of the public were in attendance. The Mayor asked Mr. Michael DiNapoli to lead the assembly in reciting the Pledge of Allegiance.

The Mayor and Board of Trustees considered proposed minutes of the regular meeting held July 22, 2010. The Mayor and the Board of Trustees reviewed and considered these proposed minutes. Trustee DiLucia made a motion to accept the minutes as presented. Trustee Fahey seconded the motion, which passed unanimously.

The Mayor and Board of Trustees reviewed and considered the abstract of claims for August 2010. Trustee Gibson made a motion to approve the abstract of claims as amended. Trustee Fahey seconded the motion.

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Aye
Trustee DiLucia	Abstain
Trustee DiLeo	Aye
Mayor Meehan	Aye

The Mayor and Board of Trustees reviewed and considered the departmental reports. Trustee Fahey made a motion to accept the departmental reports, seconded by Trustee DiLucia.

The Mayor and Board of Trustee then considered the resolution calendar for August 26, 2010.

RESOLUTION NO. 49 - AUGUST 26, 2010
A RESOLUTION MAKING A DETERMINATION UNDER STATE ENVIRONMENTAL
QUALITY REVIEW

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

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 B - 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 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 Gibson	Aye
Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

RESOLUTION NO. 50 - AUGUST 26, 2010

A RESOLUTION ADOPTING A LOCAL LAW

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

BE IT RESOLVED, that Introductory Local Law B - 2010, "A Local Law to Adopt the 2010 Retirement Incentive Program", 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 Gibson	Nay
Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 51 - AUGUST 26, 2010
A RESOLUTION ACCEPTING A DONATION**

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

BE IT RESOLVED, that the donation of air-conditioning equipment for the meeting room of the Village Hall by Dejana Industries, Inc., be and hereby is accepted with appreciation; and

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

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

**RESOLUTION NO. 52 - AUGUST 26, 2010
A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS**

Trustee Gibson offered the following resolution and moved for its adoption. Trustee DiLeo seconded the motion.

BE IT RESOLVED, that the Village Clerk-Treasurer be and hereby is authorized and directed to identify suitable and qualified professional engineering firms, by issuing a "Request for Proposals", in connection with the following: "Sanitary Sewer Overflow Abatement Plan"; and

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

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

RESOLUTION NO. 53 - AUGUST 26, 2010
A RESOLUTION AUTHORIZING AN EMERGENCY PROCUREMENT

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

WHEREAS, the Board of Trustees has been informed regarding the condition of the Village's sanitary sewage pump station ("pump station"); and

WHEREAS, said information indicates that one cutter cartridge ("muffin monster grinder") and one 10-horsepower explosion proof motor ("equipment") are in need of immediate replacement at the pump station; and

WHEREAS, in order to maintain the pump station in proper working order for the health and safety of the Village and its residents, it is necessary for immediate action to be taken in this regard so that said equipment may be procured; 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 and the Superintendent of Highways, the purchase of one replacement cutter cartridge ("muffin

monster grinder") and one replacement 10-horsepower explosion-proof motor, be and hereby is authorized and directed; and

BE IT FURTHER RESOLVED, that said equipment shall be acquired from G.P. Jager & Associates, Inc., having an address at 10 Bradley Lane, Montvale, NJ 07645, consistent with certain written proposals to the Village from said company dated June 2, 2010 and July 27, 2010; and

BE IT FURTHER RESOLVED, that the total amount of expenditure authorized under this Resolution shall not exceed \$28,266.27; and

BE IT FURTHER RESOLVED, that the Village Clerk be and hereby is authorized to take immediate action to effectuate the procurement set forth herein, including the execution of any purchase orders or agreements 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 Gibson	Aye
Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

RESOLUTION NO. 54 - AUGUST 26, 2010

A RESOLUTION IN CONNECTION WITH THE NASSAU COUNTY CIVIL SERVICE COMMISSION

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

BE IT RESOLVED, that the Village Clerk-Treasurer be and hereby is authorized to file with the Nassau County Civil Service Commission such application as may be necessary and appropriate to provide for the position of "Code Enforcement Officer - Part Time"; and

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

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

RESOLUTION NO. 55 - AUGUST 26, 2010
A RESOLUTION ESTABLISHING STIPENDS FOR CERTAIN VILLAGE
COMMISSIONERS

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

BE IT RESOLVED, that stipends for certain Village Commissioners be and hereby are established, as follows:

Commissioner of Special Projects	\$500/month
Commissioner of Community Relations	\$500/month

; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect as of July 7, 2010, *nunc pro tunc*.

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Aye
Trustee DiLucia	Nay
Trustee DiLeo	Abstain
Mayor Meehan	Aye

RESOLUTION NO. 56 - AUGUST 26, 2010
A RESOLUTION AUTHORIZING TREE REMOVAL

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

BE IT RESOLVED, that upon the recommendation of the Commissioner of Trees, Trustee John M. DiLeo, Jr., 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, as noted:

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Alicia McCarville	53 Edgewood Rd.	3
Edward Zarabi	11 Mohegan Ave.	1

; and

BE IT FURTHER RESOLVED, that the permit fees to be charged to the property owner, as set forth in section 143-6 of the Code, be and hereby are waived; and

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

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Aye
Trustee DiLucia	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

RESOLUTION NO. 57 - AUGUST 26, 2010

A RESOLUTION DISAPPROVING A TREE REMOVAL PERMIT APPLICATION

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

BE IT RESOLVED, that upon the recommendation of the Commissioner of Trees, Trustee John M. DiLeo, Jr., 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 denied to the following for removal of a tree: Ilana Levy, 2 Dunes Lane; and

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

The Board was polled as follows:

Trustee Gibson	Nay
Trustee Fahey	Aye
Trustee DiLucia	Nay
Trustee DiLeo	Aye
Mayor Meehan	Aye

RESOLUTION NO. 57A - AUGUST 26, 2010

A RESOLUTION DISAPPROVING A TREE REMOVAL PERMIT APPLICATION

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

BE IT RESOLVED, that upon the recommendation of the Commissioner of Trees, Trustee John M. DiLeo, Jr., 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 denied to the following for removal of a tree: Mary Louise Bechtold, 26 Kaywood Road; and

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

The Board was polled as follows:

Trustee Gibson	Nay
Trustee Fahey	Aye
Trustee DiLucia	Nay
Trustee DiLeo	Aye
Mayor Meehan	Nay

The motion having failed passage, Trustee DiLucia offered the following resolution and moved for its adoption. Trustee Gibson seconded the motion.

RESOLUTION NO. 58 - AUGUST 26, 2010
A RESOLUTION AUTHORIZING TREE REMOVAL

BE IT RESOLVED, that 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: Mary Louise Bechtold, 26 Kaywood Road; and

BE IT FURTHER RESOLVED, that the permit fees to be charged to the property owner, as set forth in section 143-6 of the Code, be and hereby are waived; and

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

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Nay
Trustee DiLucia	Aye
Trustee DiLeo	Nay
Mayor Meehan	Aye

RESOLUTION NO. 58A - AUGUST 26, 2010
A RESOLUTION REPUDIATING A SETTLEMENT AGREEMENT

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

BE IT RESOLVED, that a certain Settlement Agreement between and among the Inc. Village of Manorhaven, Gabriella Enterprises, Inc., and Anthony Soldano, dated April 21, 2010, and never ratified by the Board of Trustees, be and hereby is repudiated; and

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

The Board was polled as follows:

Trustee Gibson	Abstain
Trustee Fahey	Aye
Trustee DiLucia	Nay
Trustee DiLeo	Abstain
Mayor Meehan	Aye

The motion having failed passage, Trustee DiLucia offered the following resolution and moved for its adoption. Trustee Gibson seconded the motion.

RESOLUTION NO. 59 - AUGUST 26, 2010
A RESOLUTION REQUESTING AN OVERSIGHT MEETING

BE IT RESOLVED, that the Inc. Village of Manorhaven Board of Trustees requests to conduct an oversight meeting before the next monthly Board of Trustees meeting. The purpose of this meeting is to develop consensus regarding the current position of hold-over village attorney. Matters to be discussed will include the following considerations: 1) expense controls; 2) definition of services and criteria for additional billing; 3) criteria and procedures for hiring outside counsel; 4) how legal matters are managed and reported to the Board of Trustees; and

BE IT FURTHER RESOLVED, that the Mayor will now administrate to provide and itemize all legal fees beyond retainer for consideration to the Board of Trustees for approval and to issue payment. Payment of such will not be paid in advance and eliminated from the BOLDED items on the abstract.

The Board was polled as follows:

Trustee Gibson	Aye
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Trustee Fahey	Abstain
Trustee DiLucia	Aye
Trustee DiLeo	Aye

Mayor Meehan opened the floor to public comment. Comments were offered by Ms. Elise Ledda, Ms. Jan Rosen, and Mr. Jeffrey Zeh.

At 10:20 p.m., Trustee Fahey made a motion to enter executive session to discuss potential litigation involving the Village. Trustee DiLeo seconded the motion, which passed unanimously.

At 10:29 p.m, Trustee Fahey made a motion to return from executive session. Trustee DiLeo seconded the motion, which passed unanimously.

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

RESOLUTION NO. 60 - AUGUST 26, 2010
A RESOLUTION REPUDIATING A SETTLEMENT AGREEMENT

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

BE IT RESOLVED, that a certain Settlement Agreement between and among the Inc. Village of Manorhaven, Gabriella Enterprises, Inc., and Anthony Soldano, dated April 21, 2010, and never ratified by the Board of Trustees, be and hereby is repudiated; and

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

The Board was polled as follows:

Trustee Gibson	Abstain
Trustee Fahey	Aye
Trustee DiLucia	Recused
Trustee DiLeo	Aye
Mayor Meehan	Aye

At 10:32 p.m., Trustee Fahey made a motion to adjourn the meeting. Trustee DiLucia seconded the motion, which passed unanimously.

Dated Manorhaven, New York
 September 20, 2010

Respectfully submitted,

Jonathan P. Fielding
Village Clerk-Treasurer