

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES
MINUTES OF THE PUBLIC HEARINGS ANDE REGULAR MEETING
THURSDAY, FEBRUARY 25, 2016 7:00 pm**

The public hearing was called to order at 7:00 pm by Mayor Giovanna Giunta. The Pledge of Allegiance was led by Ken Kraft. The Clerk called the roll and verified that there was a quorum. In attendance were:

**Giovanna Giunta, Mayor
James Avena, Trustee
Rita DiLucia, Trustee
Kevin Gately, Trustee
Priscilla von Roeschlaub, Trustee
James E. Toner, Village Attorney
Leslie C. Gross, Village Clerk-Treasurer**

There were 28 +/- members of the public in attendance.

PUBLIC HEARINGS

**1. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW
AMENDING SECTION 147-10 OF VILLAGE CODE ENTITLED “SPEED
REGULATIONS” IN THE VILLAGE OF MANORHAVEN**

Mayor Giunta introduced the first public hearing and thanked Adrienne Altman for her hard work in bringing the idea of lowering the speed limit to 25 mph throughout the community to promote safety. The entire discussion is available in transcript form by the Court Reporter in Village Hall. As a frequent walker, Gary Maynard thanked Adrienne for working to reduce the speed limit. After all comments were made, Mayor Giunta made a motion to close the public hearing, offer the resolution, and move for its adoption. Trustee von Roeschlaub seconded the motion. The vote was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

2. A PUBLIC HEARING TO DIRECT THE MAYOR TO SUBMIT AN APPLICATION FOR THE 42ND YEAR NASSAU COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT

Mayor Giunta explained that the CDBG money is Federal money which is distributed by Nassau County. This grant money will be used to continue work on Morgan’s Dock. We are hoping to receive this grant to complete Phase II of the project, construction of a dock. The entire transcript is available at the Clerk’s office. Mayor Giunta offered a resolution to close the public hearing, which motion was seconded by Trustee DiLucia. The Board voted unanimously to close the hearing. Then Trustee Gately offered the resolution, seconded by Trustee DiLucia. The vote was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

REGULAR MEETING

Minutes

Trustee Di Lucia made a motion that the minutes of the January 21st Board Meeting be approved. Trustee Gately seconded the motion. The Board was polled as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

Department Reports

All Department reports were reviewed by the Board and the public. With no questions, Mayor Giunta made a motion that the Board of Trustees approve the Departmental Reports. Trustee Avena seconded the motion. The Board was polled as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

Abstract of Claims

The Abstract from January 22nd through February 25th were reviewed. The Board unanimously requested that the following checks be held pending review at the upcoming work session on Monday, February 29th: Galvin Brothers, Cashin, and all the snow plowing bills from the

blizzard. The Clerk will also look into the Sprint Bill for possible duplication. Mayor Giunta made a motion to accept the abstract dated February 25th, 2016, withholding the checks as stated. Trustee Avena seconded the motion. The Board was polled as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

RESOLUTIONS

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN RESOLUTION # 5-2016 FEBRUARY 25, 2016

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Di Lucia, which resolution was declared adopted after a poll of the members of this Board:

A RESOLUTION PERMITTING THE VILLAGE TO ENTER INTO A CONCILIATION AGREEMENT WITH THE EEOC FOR SETTLEMENT OF LOSAP AGE DISCRIMINATION CLAIM

WHEREAS, the United States Equal Opportunity Commission (EEOC) has made a finding that the Port Washington Fire Department's existing Length of Service Awards Program or LOSAP discriminates on the basis of age.

WHEREAS, the Village and other municipalities have been made apart of the EEOC claim by reason of its contracts with the Port Washington Fire Department for fire protection services and emergency medical services.

WHEREAS, the Board of Trustees recognizes the value of the LOSAP plan to our First Responders and further recognizes the importance of a LOSAP plan that does not discriminate.

WHEREAS, the Village has a desire, to correct the discriminating structure, of the LOSAP plan, by entering into a conciliation agreement with the EEOC.

WHEREAS, a copy of the conciliation agreement is attached hereto and made a part hereto

NOW, THEREFORE LET IT BE RESOLVED, The conciliation agreement is deemed to be in the best interest of the village.

LET IT BE FURTHER RESOLVED, that the village enter into the conciliation, as attached, with the EEOC.

LET IT BE FURTHER RESOLVED, that the Mayor is hereby authorized to sign the attached agreement on behalf of the village.

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

**BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION # 6 -2016 FEBRUARY 25, 2016**

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee Avena, which resolution was declared adopted after a poll of the members of this Board:

**A RESOLUTION TO ENTER INTO AN INTERMUNICIPAL AGREEMENT FOR THE
PURPOSE OF ESTABLISHING A JOINT MUNICIPAL SPONSORING BOARD FOR
THE
LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR VOLUNTEER
FIREFIGHTERS OF THE PORT WASHINGTON FIRE DEPARTMENT**

WHEREAS, the Board of Trustees deems it necessary and appropriate to enter into an Intermunicipal Agreement to establish a Joint Municipal Sponsoring Board; and

WHEREAS, the village, the Town of North Hempstead and other villages serviced by Port Washington Fire Department have engaged in discussions contemplating the formation of a Municipal Sponsoring Board for the purpose of administrating the existing LOSAP for the benefit of the Fire Department pursuant to the authority granted in General Municipalities Law § 216-a(3); and

WHEREAS, the below inter-municipal agreement defines the terms and conditions for establishing said Joint Municipal Sponsoring Board, and

WHEREAS, the inter-municipal agreement shall read as follows; and

**INTERMUNICIPAL AGREEMENT
LENGTH OF SERVICE AWARDS PROGRAM**

INTERMUNICIPAL AGREEMENT (hereinafter the "Agreement") between and among the Town of North Hempstead, the Incorporated Village of Sands Point, the Incorporated Village of Flower Hill, the Incorporated Village of Port Washington North, the Incorporated Village of Baxter Estates, the Incorporated Village of Manorhaven, and the Incorporated Village of Plandome Manor, all in the County of Nassau, State of New York (the

“Municipalities”) for the purpose of establishing a joint municipal sponsoring board to jointly sponsor an existing Defined Benefit Length of Service Award Program (the “LOSAP”) for volunteer firefighters (“Members”) of the Port Washington Fire Department, Town of North Hempstead, County of Nassau, State of New York (the “Fire Department”), pursuant to the provisions of General Municipal Law §216-a(3).

WHEREAS, the LOSAP is governed by an Adoption Agreement having an effective date of January 1, 1993 (the “Adoption Agreement), and the Master Plan, Amendment 1 to the Master Plan and Amendment 2 to the Master Plan, all dated May 15, 1993 (collectively, the “Master Plan”); and

WHEREAS, the service awards points under the LOSAP shall be granted in accordance with the system adopted by the Fire Department as the initial program sponsor, pursuant to the Points System, approved December 10, 2015 (the “Points System”), subject to revision as provided by law; and

WHEREAS, copies of the Adoption Agreement, Master Plan and Points System are annexed hereto and made a part hereof; and

WHEREAS, the LOSAP is being further amended (“Amendment 3”) to remove certain provisions of the LOSAP that relate to the entitlement age of sixty-five (65) that the Equal Employment Opportunity Commission (“EEOC”) found to be discriminatory under the Age Discrimination in Employment Act of 1967, based on a complaint filed by members of the Fire Department against both the Fire Department and the Municipalities; and

WHEREAS, the governing board of each and every municipality herein has approved Amendment 3 by an affirmative vote of at least sixty percent of the governing board; and

WHEREAS, the eligible voters of each and every such municipality have separately approved a proposition authorizing Amendment 3; and

WHEREAS, simultaneously with the execution of this Agreement, the Municipalities shall execute Amendment 3; and

WHEREAS, the Municipalities have engaged in discussions contemplating the formation of a Municipal Sponsoring Board for the purpose of administering the existing a LOSAP for the benefit of the Fire Department, pursuant to General Municipal Law §216-a(3); and

WHEREAS, the governing board of each and every municipality herein has approved an agreement to jointly sponsor the existing LOSAP by an affirmative vote of at least sixty percent of the governing board; and

WHEREAS, the eligible voters of each and every such municipality have separately approved a proposition authorizing their municipality to jointly sponsor the existing LOSAP, as amended.

NOW, THEREFORE, the Municipalities agree as follows:

Pursuant to the authority granted under General Municipal Law §216-a(3), there is established a Municipal Sponsoring Board for the purpose of exercising the powers and duties conferred upon the municipalities under Chapter 550 of the Laws of 1995.

The Municipal Sponsoring Board shall replace the Port Washington Fire Department, Inc., as the Sponsor of the LOSAP. Accordingly, the Adoption Agreement is hereby amended, so that Section 1 shall now state:

SPONSOR: Municipal Sponsoring Board of the Port Washington Fire Protection District

ADDRESS: _____

TELEPHONE: _____

EIN: _____

The Municipal Sponsoring Board shall consist of one (1) member from each of the Municipalities (a “Sponsoring Board Member”).

(a) Each municipality shall designate an individual to serve as a Sponsoring Board Member, from time to time, as such municipality deems appropriate.

(b) Quorum requirements and voting shall be weighted, based *pro rata* on each municipality's percentage share of the total budget of the Fire Department for the budget year in which any meeting of the Municipal Sponsoring Board takes place. The total number of authorized weighted votes which may be cast by the Sponsoring Board Members shall be 100. A quorum for the transaction of business shall consist of no less than 60.0% of the total number of weighted votes authorized. In order for a validly constituted quorum of the Municipal Sponsoring Board to transact

business under this Agreement, an affirmative weighted vote of no less than 60.0% of the total number of weighted votes authorized shall be required.

(c) The Municipal Sponsoring Board shall establish such additional rules of procedure as may be required for the transaction of its business, including provisions in respect to notice of meetings.

In the event a political subdivision defined in General Municipal Law §215(7-a) and not a party to this Agreement, contracts for the provision of fire protection or emergency medical services with the Fire Department, such political subdivision, acting through its governing board, shall be permitted to petition the Municipal Sponsoring Board for inclusion in this Agreement. Upon receipt of such petition, the Municipal Sponsoring Board shall consider the petition and, if acceptable, shall establish proposed terms and conditions for inclusion of said political subdivision in this Agreement and shall inform such political subdivision in writing of same.

In the event a municipality herein ceases to contract to receive fire protection and emergency medical services from the Fire Department, the municipality shall be discharged from this Agreement and its obligations hereunder terminated.

In any year, the total cost of the LOSAP for the Fire Department shall be paid by the Municipalities herein, in accordance with the terms of their respective Fire Protection Contracts with the Fire Department.

The Municipal Sponsoring Board is authorized to engage any and all professional services that it deems appropriate to assist the board in fulfilling its duties under this agreement or for the purpose of effectuating an amendment to the contracts of the Municipalities with the Fire Department for the provision of fire protection services, including, but not limited to, any and all financial, actuarial, accounting and legal services. The cost for any such services shall be paid by the Municipalities, *pro rata*, based on the weighted formula set forth in paragraph 3, above.

The Municipal Sponsoring Board is and shall be authorized to amend, on behalf of the Municipalities, any LOSAP documents which may be adopted by their respective governing boards pursuant to General Municipal Law §216-a, subject to the requirements of General Municipal Law.

The Municipal Sponsoring Board shall maintain and exercise such additional powers and duties as are consistent with Chapter 550 of the Laws of 1995.

[Signatures on following page(s)].

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the _____

CONSENTED AND AGREED TO
this day of _____, 2016

CONSENTED AND AGREED TO
this day of _____, 2016

TOWN OF NORTH HEMPSTEAD

INCORPORATED VILLAGE OF FLOWER HILL

By: _____

By: _____

WITNESS:

WITNESS:

CONSENTED AND AGREED TO
this day of _____, 2016

CONSENTED AND AGREED TO
this day of _____, 2016

INCORPORATED VILLAGE OF

INCORPORATED VILLAGE OF

BAXTER ESTATES

MANORHAVEN

By: _____

By: _____

WITNESS:

WITNESS:

CONSENTED AND AGREED TO
this day of _____, 2016

INCORPORATED VILLAGE OF
PLANDOME MANOR

By: _____

WITNESS:

CONSENTED AND AGREED TO
This day of February, 2016

INCORPORATED VILLAGE OF
SANDS POINT

By: _____
Edward A.K. Adler, Mayor

WITNESS:

CONSENTED AND AGREED TO
this day of _____, 2016

INCORPORATED VILLAGE OF
PORT WASHINGTON NORTH

By: _____

WITNESS:

WHEREAS, the village attorney and counsel for the other municipalities that are party to said Intermunicipal Agreement are still negotiating the addition of a notice provision for paragraph 5 of the Intermunicipal Agreement.

NOW, THEREFORE LET IT BE RESOLVED, that the Mayor is hereby authorized to enter into Intermunicipal Agreement as set forth above, and is further authorized to affix her signature to the same, subject to the village attorney's completion of negotiations with respect to the addition of notice provisions in paragraph 5 of the Intermunicipal Agreement.

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

RESOLUTION #7 – 2016 FEBRUARY 25, 2016

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

A RESOLUTION TO ACCEPT A COURT SETTLEMENT AGREEMENT BETWEEN PETER DEJANA / SAGAMORE PROPERTIES, LLC. AND THE VILLAGE OF MANORHAVEN

WHEREAS, Peter Dejana, residing at 37 Sagamore Hill Drive, Port Washington New York is the owner of a parcel of land located within the village located at 134 Shore Road that is alleged to have present on it, two trailers in violation of § 148-3 of the village code.

WHEREAS, Peter Dejana is the principal owner of Sagamore Hill Properties, LLC. residing at 37 Sagamore Hill Drive, Port Washington, New York which owns a parcel of land in the village located at 30 Sagamore Hill Drive that is alleged to have present on it, a trailer in violation of § 148-.3 of the village code.

WHEREAS, the village has obtained a court judgment against Peter Dejana in the sum of \$34,500 which has been filed in the office of the Nassau County clerk under docket number CJ3-2014.

WHEREAS, the village has obtained a court judgment against Sagamore Properties, LLC. in the sum of \$34,500 which has been filed in the office of the Nassau County clerk under docket number CJ2-2014.

WHEREAS, Peter Dejana has numerous violations under the following village docket numbers: 1411034.01, 1411034.02, 15080031.01 and 15080031.02.

WHEREAS, Sagamore Hill Properties, LLC. has numerous violations under the following village docket numbers: 14110035.01 and 15080032.01.

WHEREAS, Peter Dejana has some miscellaneous tickets pending before the village court as of January 26, 2016.

WHEREAS, the parties desire to resolve all the judgments and docketed court matters against Peter Dejana and Sagamore Properties LLC. and have agreed to the following Plea and settlement agreement.

1. Peter Dejana shall pay the sum of \$75,000 to the village in satisfaction of the above stated judgments, docketed court cases and miscellaneous tickets pending before the village court as of January 26, 2016.
2. The Village shall give Peter Dejana and/or his counsel sixty days to provide written legal arguments and proof, as to whether the trailer(s) located at 134 Shore Road are exempt from enforcement under § 148-.3 of the village code. No tickets shall be issued, by the village during this period of time. Said sixty days shall commence on the date of the adoption of this resolution. In the event that Peter Dejana and or his counsel fail to provide sufficient proof during the specified period, the village will resume ticketing the trailers.
3. The village shall give Sagamore Properties, LLC. six months to apply for a building permit and/or remove the subject trailer from the property located at 30 Sagamore Hill Drive. In the event a building permit has been granted, Sagamore Properties, LLC. shall be afforded an additional six months to construct in accordance with the building permit. In the event, Sagamore Properties, LLC. fails to comply with this agreement, the village shall resume ticketing in this matter.
4. The village shall permit Sagamore Properties, LLC. to plea guilty to two counts of § 148-.3 in full satisfaction of all docketed matters and judgments against Peter Dejana and Sagamore Properties LLC.
5. The village shall, within twenty days of payment of the above sum, provide satisfactions to Peter Dejana and Sagamore Properties LLC., for the above judgments .

NOW, THEREFORE LET IT BE RESOLVED,

The village attorney is hereby authorized to enter into the agreement, as set forth above.

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION # 8-2016 FEBRUARY 25, 2016

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Gately, which resolution was declared adopted after a poll of the members of this Board:

**A RESOLUTION AUTHORIZING AN UPGRADE TO THE CURRENT VILLAGE
PAYROLL SYSTEM**

WHEREAS, the Mayor and the Board of Trustees have been informed that The Village must comply with the reporting requirements of the Affordable Care Act; and,

WHEREAS, the requirements can be met by the installation of the newest Human Capital Management system used by Accu Data payroll at a one-time implementation fee to The Village of one thousand six hundred and fifty dollars (\$1,650) plus one dollar per employee per payroll for 2015 to comply with NYS tax laws for completion of the 1095B form;

NOW THEREFORE BE IT RESOLVED, that the Clerk is directed to have Accu Data Payroll install the update to the Village payroll program; and,

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

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION #9 -2016 FEBRUARY 25, 2016

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee Avena, which resolution was declared adopted after a poll of the members of this Board:

**A RESOLUTION AUTHORIZING THE CLERK TO SOLICIT PROPOSALS FOR
SNOW REMOVAL FOR THE 2016-17 WINTER SEASON**

WHEREAS, The Village of Manorhaven strives to perform necessary snow removal during winter storms; and,

WHEREAS, The Village of Manorhaven has experienced tremendous blizzards over the past two winter seasons; and,

WHEREAS, The Board of Trustees is in the process of compiling the budget for the 2016-17 fiscal year and is desirous of comparing costs for potentially outsourcing snow removal;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby directs the Village Clerk to solicit proposals for the removal of snow for the 2016-17 winter season.

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION #10-2016 FEBRUARY 25, 2016

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

A RESOLUTION AUTHORIZING THE CLERK TO SOLICIT PROPOSALS FOR STREET SWEEPING FOR THE VILLAGE

WHEREAS, The Village of Manorhaven strives to perform necessary and reliable street sweeping in the village; and,

WHEREAS, The Village of Manorhaven has experienced difficulties maintaining its street sweeping equipment due to its age and useful life; and,

WHEREAS, the Board recognizes that said difficulties has resulted in unreliable street sweeping and resident complaints regarding the cleanliness of village streets, and

WHEREAS, the Board recognizes the importance of clean streets for the health and safety of the residents as well as the esthetic value that streets, free of debris and sand, lend to the community; and,

WHEREAS, The Board of Trustees is in the process of compiling the budget for the 2016-17 fiscal year and is desirous of comparing costs for potentially outsourcing street sweeping;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby directs the Village Clerk to solicit proposals for street sweeping for the village for the fiscal year ending 2016-17 fiscal year.

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

**BOARD OF TRUSTEES – INC. VILLAGE OF MANORHAVEN
RESOLUTION #11 - 2016 FEBRUARY 25, 2016**

Trustee Gately offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

**A RESOLUTION DIRECTING THE CLERK TO SOLICIT BIDS FOR THE REPAIR OF
THE RETAINING WALL AT FIRWOOD ROAD**

WHEREAS, the Board of Trustees has received numerous complaints regarding the state of disrepair of the retaining wall located at the dead end of Firwood Road; and,

WHEREAS, the Board of Trustees recognizes that only a portion of the wall is the responsibility of the village; and,

WHEREAS, the Board of Trustees believes the state of disrepair of the retaining wall may pose a risk to the health, safety and wellbeing of the residents.

WHEREAS, the Board of Trustees desires to identify the cost of repairing the retaining wall so as to distribute that cost to the owners of said property proportionately; and,

WHEREAS, the Board of Trustees desires to plan and budget for the repair of said retaining wall;

NOW, THEREFORE, BE IT RESOLVED, that the clerk is hereby authorized to obtain written bids for a licensed architect to assist in the preparation of the specs for the bid package to repair the retaining wall; and,

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

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #12 – FEBRUARY 25, 2016**

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

**A RESOLUTION TO ENTER INTO AN AGREEMENT
TO PREPARE THE ANNUAL MS4 STORM WATER REPORT**

WHEREAS, pursuant to the New York State Department of Environmental Conservation, the Village of Manorhaven is required to comply with the General Permit for Storm Water Discharges from MS4s; and,

WHEREAS, the Village of Manorhaven is required to meet the obligations of the MS4 General Permit through the preparation of the Village Storm Water Management Program (SWMP) Annual Report; and,

WHEREAS, the engineering firm of Dvirka and Bartilucci Engineers and Architects, P.C. is uniquely qualified to prepare and complete the aforementioned report;

THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Manorhaven instructs The Mayor to enter into an agreement with Dvirka and Bartilucci Engineers and Architects, P.C. to prepare the 2016 MS4 Report for the Village of Manorhaven.

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

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN

RESOLUTION # 13– 2016 FEBRUARY 25, 2016

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Gately, which resolution was declared adopted after a poll of the members of this Board:

A RESOLUTION TO HIRE A CONFLICT ARCHITECT

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Gately, which resolution was declared adopted after a poll of the members of this Board:

WHEREAS, The Village of Manorhaven has in its employ a part time building superintendent; and,

WHEREAS, this part time building superintendent has two projects within The Village which began before he started work for The Village; and,

WHEREAS, it would be a conflict of interest to have an individual review his own plans;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby directs the hiring of Mr. Kerry Collins, a building inspector who has no projects in The Village of Manorhaven, and who has over 30 years of experience as a building inspector for a local municipality; and

WHEREAS, Mr. Kerry G. Collins of 255-41 74th Avenuer, unit #1, Floral Park NY 11004, has agreed to step in from time to time when required to review these projects for our part time building superintendent at a cost not to exceed \$35.00/hour; and,

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

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION #14-2016 FEBRUARY 25, 2016

Trustee di Lucia offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

**A RESOLUTION ESTABLISHING RESIDENCY REQUIREMENTS FOR HIRING
ELECTION INSPECTORS VILLAGE ELECTIONS**

WHEREAS, Public Officers Law Section 3 requires that all public officers be a resident of the municipality that they serve; and,

WHEREAS, election inspectors are considered public officers for the purpose of overseeing village elections; and,

WHEREAS, Village Law Section 3-300(2)(a) authorizes a village board of trustees to allow appointed village officers to reside within a county in which the village is wholly or partially situated; and,

WHEREAS, the village election inspectors must reside within the village unless the board adopts provision expanding the residency requirements to encompass the county the village is located within; and,

NOW THEREFORE BE IT RESOLVED, that Board of Trustees of the Village of Manorhaven does hereby expand the residency requirement for election inspectors to include the County of Nassau; and,

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

Dated: February 25, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

RESOLUTION AUTHORIZING TREE REMOVAL

BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN

FEBRUARY 25, 2016

RESOLUTION AUTHORIZING TREE REMOVAL

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Avena, which resolution was not adopted after a poll of the members of this Board:

BE IT RESOLVED, that upon the recommendation of the Board of Trustees, 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,

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Port Jewish Center	20 Manorhaven	3 Blue Atlas Cedars On the left side of the building

; and

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

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

Dated: Manorhaven, New York
February 25, 2016

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The Board was polled as follows:

Trustee Avena	NAY
Trustee Di Lucia	NAY
Trustee Gately	NAY
Trustee von Roeschlaub	NAY
Mayor Giunta	NAY

This resolution did not pass.

A. OLD BUSINESS ITEMS

B. PUBLIC COMMENT (15 minutes maximum)

Trustee Avena stated that no bills submitted by Mr. Steven Leventhal shall be paid, and that he will not approve Mr. Leventhal to appeal that decision. He stated further that he and his colleagues will not submit any further bills from the rightful attorney lawsuit.

Elise Ledda commented that school buses can't get up her block in snow storms because of the width of her street. She asked that the Board consider one-side parking and to vote as soon as possible.

Mr. Piacentini, the attorney for Heaven Realty, asked the Board to consider re-zoning the property held by his client from C-1 to R-4. He stated that in his opinion, houseboats are barges sitting on top of boats. The Mayor commented that the study was done for revitalization. The Mayor and several board members, as well as members of the community voiced opinions that the marina area is valuable to a waterfront community. Mr. Piacentini would like the March 14, 2014 hearing to be re-opened.

Barbara Rumenopp commented that the person who bought the property knew what they were purchasing.

Pat DeBari said that the DPW crew worked hard, but felt some roads were not cleared enough.

Caroline Du Bois presented a Sunshine proposal asking The Village let the community know as much as possible about the projects going on in The Village.

C. NEW BUSINESS

- a. Next Board Meeting: March 24th, 2016 7:30 pm
- b. Next work session: February 29th, 7:00 pm

ADJOURNMENT: Motion to adjourn by: Mayor Giunta Second by: Trustee Avena

The meeting was adjourned at 10:00 pm.

Pursuant to this report, resident Barbara Mallon asked the Board to have Charles Keen of EMF Services LLC to return to The Village to test the Tower for emissions. It has not been tested in a long time. Mayor Giunta offered a resolution from the floor to hire the Mr. Keen to do the tests. Mrs. Mallon offered to reach out to him to ask for his proposal which will be sent to the Village Clerk. This motion was agreed to by a unanimous vote of the Board. (No formal written resolution was provided.) This is Resolution #01-2016.

The Mayor then asked Gary Maynard to give a report for Ken Kraft who was unable to attend. Ken has outlined his reasons, in the ongoing discussion, for preferring that The Village hire the Port Washington Police instead of Nassau County Police.

Trustee Avena then reported that he met with Chief Salerno who was concerned about the cost. Trustee Avena continued that he checked the present cost for policing in Manorhaven to be \$800/year for a single family home, and \$900 year for a two family. He plans to next meet with Senator Martins, Assemblywoman Schimel and Legislator DeWhitton. He would like to assemble all the costs and hold a public hearing. He would then ask Port Police to submit a bid proposal. He estimated the process may take 2 to 4 months.

Mayor Giunta then asked Inspector Berry to address the Board regarding the Nassau County Police Department. He gave statistics from the past few years which showed a very low number of incidents, and a decrease overall from 2014 to 2015. There was only one burglary and one car break-in, for example, in 2015. He said that the 604 car is always here, and always has two men in Manorhaven at all times. He reported that there is no change in supervision since the 3rd and 6th precincts merged. There are the same number of police cars (24) and the Inspector still has two deputies; one in the north and one in the south. He then announced the return of the Problem Oriented Policing (POP) unit at the 3rd Precinct. He introduced Police Officer Carlos John Rivera who will be the POP officer for The Village along with POP Officer Dan Fliedner.

Several residents told them of specific issues in Manorhaven, and both officers said they are open to addressing residents' issues; speeding and not enough speeding tickets, homeless in the preserve etc.

The Mayor asked the Board to review the minutes of the December 17th meeting. Trustee Di Lucia made a motion to accept the minutes, and Trustee Avena seconded the motion. The vote was as follows:

Trustee Avena	AYE
Trustee Di Lucia	AYE
Trustee Gately	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	ABSTAIN (excused from last meeting)

The Justice Court report was reviewed and a motion made The Mayor to accept it as written. Trustee Avena seconded the motion.

Next, the monthly reports were reviewed. After the Board had a chance to review the department reports, she made a motion that the reports be approved. The motion was seconded by Trustee Gately, which motion was approved unanimously by The Board. The abstract of claims was reviewed, and Mayor Giunta made a motion to approve the abstract, which motion was seconded by Trustee von Roeschlaub. A vote was taken, and the abstract was approved by unanimous decision.

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION # 02-2016
JANUARY 21, 2016

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Gately, which resolution was declared adopted after a poll of the members of this Board:

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO DIRECT THE
MAYOR TO SUBMIT AN APPLICATION FOR THE 42ND YEAR
NASSAU COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT**

BE IT RESOLVED, that upon the recommendation of the Board of Trustees, that authorization be and is hereby given for the filing of a grant application with the Nassau County Community Development Block Grant 42nd year for Morgan's Dock; and

BE IT FURTHER RESOLVED, that the Mayor and the Village Clerk be and hereby are authorized to execute said grant application on behalf of the Village; and

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

Dated: January 21, 2016
Manorhaven, NY

GIOVANNA GIUNTA, MAYOR
Incorporated Village of Manorhaven

Trustee Avena	AYE
Trustee Gately	AYE
Trustee Di Lucia	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION # 03-2016
JANUARY 21, 2016

**A RESOLUTION ENTERING INTO AN INTERMUNICIPAL AGREEMENT WITH
THE MANHASSET BAY PROTECTION COMMITTEE & THE COUNTY, THE TOWN
OF NORTH HEMPSTEAD & LOCAL MUNICIPALITIES**

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

INTER-MUNICIPAL AGREEMENT
BETWEEN THE
COUNTY OF NASSAU,
THE TOWN OF NORTH HEMPSTEAD,
VILLAGE OF BAXTER ESTATES,
VILLAGE OF FLOWER HILL,
VILLAGE OF GREAT NICK,
VILLAGE OF KENSINGTON,
VILLAGE OF KINGS POINT,
VILLAGE OF MANORHAVEN,
VILLAGE OF MUNSEY PARK,
VILLAGE OF PLANDOME,
VILLAGE OF PLANDOME HEIGHTS,
VILLAGE OF PLANDOME MANOR,

VILLAGE OF PORT WASHINGTON NORTH,
VILLAGE OF SANDS POINT,
VILLAGE OF THOMASTON

Agreement (this “Agreement”) made and entered into as of the 21st day of January, 2016 by and between the: COUNTY OF NASSAU (hereinafter ‘COUNTY’), 1550 Franklin Avenue, Mineola, NY11501, the TOWN OF NORTH HEMPSTEAD (hereinafter “TOWN”), 220 Plandome Road, Manhasset, New York 11030, the VILLAGE OF BAXTER ESTATES, 315 Main Street, Port Washington, New York 11050, the VILLAGE OF FLOWER HILL, One Bonnie Heights Road, Manhasset, NY 11030, the VILLAGE OF GREAT NECK, 61 Baker Hill Road, Great Neck, New York 11023, the VILLAGE Of KENSINGTON, 2 Nassau Drive, Great Neck, New York 11021, the VILLAGE Of KINGS POINT, 32 Steppingstone Lane, Kings Point, New York 11024, the VILLAGE OF MANORFIAVEN, 33 Manorhaven Boulevard., Port Washington, New York 11050, the VILLAGE Of MUNSEY PARK, 1777 Northern Boulevard, Manhasset, NY 11030, THE VILLAGE OF PLANDOME, 65 South Drive, Post Office Box 930, Plandome, New York 11030, the VILLAGE OF PLANDOME HEIGHTS, 37 Orchard Street, Manhasset, New York 11030, the VILLAGE OF PLANDOME MANOR, 55 Manhasset Avenue, Manhasset, New York, 11030, the VILLAGE OF PORT WASHINGTON NORTH, 3 Pleasant Avenue, Port Washington, New York 11050, the VILLAGE Of SANDS POINT, Post Office Box 188, Port Washington, New York 11050, the VILLAGE Of THOMASTON, 100 East Shore Road, Great Neck, New York 11023 (hereinafter collectively known as the MUNICIPALITIES).

WITNESS ETH

WHEREAS, the COUNTY, the TOWN, and the MUNICIPALITIES recognize the importance of Manhasset Bay as a vital coastal ecosystem essential to the environmental and economic well-being of the people in the surrounding communities and as a Center of Historic Maritime Activity under the Historic Centers for Maritime Activity Act and a significant coastal fish and wildlife habitat as noted by the U.S. Fish & Wildlife Service (1991) and the New York Department of State (1987 and 2005) and as an important bird area of New York State (2005) by Audubon New York;

WHEREAS, the COUNTY, the TOWN, and the MUNICIPALITIES continue to be deeply concerned with the condition of Manhasset Bay and, notwithstanding progress made by the parties hereto to date, the potential for further degradation due to a variety of pollutant sources, including but not limited to stormwater runoff, petroleum spills, industrial effluent, illegal dumping, floatable debris, boat waste, and malfunctioning cesspools; and

WHEREAS, the COUNTY, the TOWN, and the MUNICIPALITIES recognize that the waters, tributaries, and wetlands of Manhasset Bay comprise a precious resource worthy of protection and wish to protect, restore, and enhance Manhasset Bay so as to insure a healthy and diverse marine ecosystem while balancing and maintaining recreational and commercial uses, and are in agreement that the future health and productivity of Manhasset Bay require a coordinated effort dedicated to the protection and enhancement of the Manhasset Bay area; and

WHEREAS, the COUNTY, the TOWN, and the MUNICIPALITIES recognize that it is necessary to review and assess issues affecting Manhasset Bay’s water quality and wildlife habitats; to identify key problem areas and propose remediation measures; and

WhEREAS, in 1998 the COUNTY, the TOWN, and the MUNICIPALITIES entered into an Inter-municipal Agreement which provided for the formation and initial funding of the Manhasset Bay Protection Committee (hereinafter “COMMITTEE”) in order to coordinate efforts to protect and enhance the quality of the Bay, its tributaries and wetlands and which allowed the COMMITTEE to receive grant funding from the State of New York to produce a Water Quality Inwroverment Plan far Manhasset Bay (1999); and,

WHEREAS, the COMMITTEE has prepared a comprehensive Water Quality Improvement Plan for Manhasset Bay (1999) which was officially adopted by the original thirteen member municipalities and which set forth long range goals and plans for the use and improvement of Manhasset Bay; and WHEREAS, the heretofore mentioned initial Inter-municipal Agreement has since expired; and WHEREAS, the COUNTY, the TOWN, and the MUNICIPALITIES are required by the federal Clean Water Act’s Phase II regulations and by New York State’s Phase II storm water regulations (SPDES General Permit No. GP-0-1 5-003) to develop and implement Storm Water Pollution Prevention Plans and Annual Compliance Reports; and WHEREAS, the federal and state governments encourage and support the formation of Intermunicipal partnerships like the COMMITTEE and promote their use as the most effective and cost efficient means to address the Phase II stormwater regulations; and

WHEREAS, the annual Phase II compliance reporting forms require the COUNTY, the TOWN, and the MUNICIPALITIES to specify the legally-binding agreement(s) under which they are working as partners on their storm water management programs; and,

WHEREAS, the COUNTY, the TOWN and the MUNICIPALITIES desire to enter into an Agreement to carry out the goals, and responsibilities set forth herein; and agree that all parties will benefit by this agreement; and

WHEREAS, New York State General Municipal Law Section 1 19-c authorizes agreements for the performance of various functions, powers, and duties between municipal corporations;

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements hereinafter stated, it is agreed by and between the parties hereto as follows.

1. The TOWN, COUNTY and each of the MUNICIPALITIES shall appoint one (1) official representative to the COMMITTEE who is designated to vote on behalf of such member and is capable of reporting back to their respective TOWN, COUNTY, or MUNICIPALITY.

2. The goals of this COMMITTEE are as follows:

- a. improve the water quality of Manhasset Bay so that all waters of the Bay will consistently meet water quality standards for bathing, swimming, and fishing;
- b. improve the water quality of Manhasset Bay and its tributaries so it will once again be classified as an area suitable for the harvesting of shellfish for human consumption;
- c. restore and enhance the surrounding tidal wetlands that serve to cleanse ecosystems; provide marine food production and wildlife habitat; offer opportunities for education,

research, and recreation; provide flood and storm abatement; and offer open space and aesthetic appreciation;

d. control and reduce point and nonpoint source pollution affecting the Bay and its environs; and

e. assist the TOWN, COUNTY, and MUNICIPALITIES in achieving compliance with federal and state statutes and regulations, such as New York State's storm water permit requirements, which affect Manhasset Bay in a coordinated and cost-effective manner;

f. coordinate local coastal regulations so as to maximize protection and enhancement efforts to improve the quality of Manhasset Bay, its tributaries and wetlands.

3. The COMMITTEE shall select a Chairperson from among the municipal representatives. The Chairperson shall have the power to create subcommittees and appoint representatives to serve on such subcommittees as the need arises;

4. The TOWN shall act as agent for the COMMITTEE to apply for and receive grants on behalf of the COMMITTEE; and to retain and hire environmental consultants as well as the Executive Director to carry out the goals of the COMMITTEE.

5. The COMMITTEE shall be funded by annual contributions (hereinafter "dues") which shall be determined annually by the COMMITTEE representatives after the opportunity for review by the COUNTY, TOWN, and each MUNICIPALITY. The proposed amount of annual dues for each year shall be determined prior to the first day of February of that year. Each member shall have sixty (60) days from the date that such dues are proposed to review, comment, or withdraw from the COMMITTEE as set forth in Paragraph 12 of this agreement. At the end of the sixty (60) day review period, the dues shall be established for that year. The dues for such year shall be in an amount sufficient to satisfy the monetary requirements for the match shares of any grants applied for and received by or on behalf of the COMMITTEE, the cost for services of an Executive Director, and any administrative costs not covered by such grants.

6. Dues shall be apportioned among the COMMITTEE members in accordance with the following formula:

COUNTY OF NASSAU 45% of total TOWN OF NORTH HEMPSTEAD 11% of total MUNICIPALITIES 44% of total, divided by the number of member villages

Notwithstanding the foregoing, the maximum amount to be paid as dues in any calendar year under this Agreement by:

(a) The COUNTY shall not exceed Fifty Thousand and 00/100 Dollars (\$50,000.00), and

(b) The TOWN shall not exceed Twelve Thousand Two Hundred Twenty-Three and 00/100 Dollars (\$12,223.00), and

(c) the MUNICIPALITIES shall not exceed forty-Eight Thousand Eight Hundred Forty-Eight and 00/100 Dollars (\$48,848.00), divided by the number of member Villages.

Also notwithstanding the foregoing, the maximum aggregate amount of dues to be paid in any one calendar year under this agreement shall not exceed one hundred eleven thousand one hundred eleven dollars (\$111,111) without the express approval of each municipal member of the COMMITTEE.

7. Dues shall be paid within thirty (30) days following the start of the member's fiscal year.

8. Dues shall be paid by each member municipality without the need for a separate inter municipal agreement. It is understood that dues are paid in exchange for benefits offered by the COMMITTEE, such as compliance with certain aspects of the federally mandated storm water reporting, participation in joint grant applications, and others.

9. Following the signing of this agreement, the COUNTY, TOWN, and MUNICIPALITIES shall

pay to the TOWN their respective dues to the attention of the COMMITTEE Executive Director as outlined in Paragraph 7 of this Agreement. All monies will be placed in a non-interest bearing account by the TOWN COMPTROLLER with periodic accountings provided to the COMMITTEE through the Executive Director.

10. The COMMITTEE's activities shall be coordinated by a part-time or full-time Executive Director who shall serve the COMMITTEE on a consulting basis as an independent contractor and who shall report to the COMMITTEE through its Chairperson. This Executive Director is appointed by the TOWN upon the recommendation of the COMMITTEE.

11. Office space, a telephone, and internet hookup may be voluntarily provided by one of the member municipalities at no charge to the COMMITTEE for the use of its Executive Director. Historically, this has been offered by the TOWN. It is recognized that the provision of such space and services will reduce the costs that the COMMITTEE would otherwise have to incur and, in so doing, reduce the annual dues required by the member municipalities.

12. Any member municipality may withdraw from the COMMITTEE upon written notice of no less than sixty (60) days to the Chair of the COMMITTEE who shall promptly notify the remaining member municipalities. In the event that a member municipality elects to withdraw from the COMMITTEE prior to the establishment of dues for that calendar year, the municipality shall not be responsible for the payment of such dues and shall have no further obligation under this Agreement. In the event that the member municipality elects to withdraw from the COMMITTEE after dues for that calendar year are established, that member shall be responsible for the payment of such dues for that calendar year.

13. The term of this Agreement shall commence upon execution of this Agreement by the COUNTY, the TOWN, and the MUNICIPALITIES and shall terminate five (5) years thereafter; provided, however that the term of this Agreement may be extended by consent of the COUNTY, the TOWN, and the MUNICIPALITIES for successive five (5) year periods.

14. Compliance with Laws: This Agreement is subject to the provisions of Article 18 of the General Municipal Law of the State of New York; as amended, and Section 22-4.2 of the Administrative Code of Nassau County. In addition, the parties hereto shall comply with any and all applicable Federal, State, and local Laws, including, but not limited to those relating to conflicts of interest, discrimination, a living wage, disclosure of information, and vendor registration, in connection with their performance under this Agreement. As used in this Agreement the word "Law" includes any and all statutes, local laws, ordinances, rules, regulations, applicable orders, and/or decrees, as the same may be amended from time to time, enacted, or adopted.

15. The TOWN shall require anyone retained in connection with this agreement, with the exception of the Executive Director, to maintain under a General Liability Insurance with a combined single limit of ONE MILLION AND 00/100 (\$1,000,000.) DOLLARS defending, indemnifying and holding harmless the TOWN and the MUNICIPALITIES from any and all loss/or damage arising out of any of their acts occurring in the performance of this Agreement.

16. The TOWN agrees that payment by COUNTY will be contingent upon the TOWN's submitting a claim voucher to the Nassau County Comptroller which has been approved by the Nassau County Department which is designated by the COUNTY to provide funding pursuant to this AGREEMENT.

17. The TOWN shall maintain full and complete books and records of accounts in accordance with accepted accounting practices and such other records as may be prescribed by the Comptroller of the COUNTY. Such books and records shall be retained for a period of six (6)

years and shall at all times be available for audit and inspection by the Comptroller of COUNTY or his duly designated representative.

18. The TOWN agrees that it is and at all times shall be deemed to be an independent contractor and shall not, in any manner whatsoever, by its actions or deeds commit COUNTY or MUNICIPALITIES to any obligation irrespective of the nature thereof, except as provided by this Agreement, and no employee of the TOWN shall be deemed to be an employee of the COUNTY or any of the MUNICIPALITIES. It is further understood and agreed that any agent, servant or employee of the TOWN shall not, at any time or under any circumstances, be deemed to be an agent, servant or employee of the COUNTY or the other MUNICIPALITIES.

19. No Arrears or Default: no party to this Agreement is in arrears to the COUNTY upon any debt or contract, and has not been in default and is not in default as surety, contractor or otherwise.

20. This Agreement may be executed in counterparts, and a compilation of such counterparts shall constitute the Agreement. Each member which is a party to this Agreement shall be provided by the TOWN with a full and complete copy of the executed Agreement.

21. This Agreement shall be effective upon the approval and execution of the Agreement by a majority (more than half) of the signing members (COUNTY, TOWN, and MUNICIPALITIES).

Dated: January 21, 2016
Manorhaven, New York

GIOVANNA GIUNTA, MAYOR
Incorporated Village of Manorhaven

Trustee Avena	AYE
Trustee Gately	AYE
Trustee Di Lucia	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION # 4-2016 JANUARY 21, 2016

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO DIRECT THE
MAYOR TO SUBMIT AN APPLICATION FOR THE 42ND YEAR NASSAU COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee Gately, which resolution was declared adopted after a poll of the members of this Board:

BE IT RESOLVED, that upon the recommendation of the Board of Trustees, that authorization be and is hereby given for the filing of a grant application with the Nassau County Community Development Block Grant 42nd year for Morgan's Dock; and

BE IT FURTHER RESOLVED, that the Mayor and the Village Clerk be and hereby are authorized to execute said grant application on behalf of the Village; and

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

Dated: January 21, 2016
Manorhaven, NY

GIOVANNA GIUNTA, MAYOR
Incorporated Village of Manorhaven

Trustee Avena	AYE
Trustee Gately	AYE
Trustee Di Lucia	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

BOARD OF TRUSTEES – INC. VILLAGE OF MANORHAVEN
RESOLUTION #05 -2015 JANUARY 21, 2016

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO AMEND SECTION §155.60 OF THE MANORHAVEN VILLAGE CODE TO PERMIT THE BOARD OF ZONING AND APPEALS TO ISSUE SHORT FORM DECISIONS AND TO REQUIRE THAT ALL BOARD DECISIONS BE SIGNED BY THE CHAIRMAN

Trustee Gately offered the following resolution and moved its adoption, seconded by Trustee Avena, which resolution was declared adopted after a poll of the members of this Board:

WHEREAS, the Village Board, as legislative body of the Village of Manorhaven is empowered to amend the local laws of the village; and

WHEREAS, in order to expedite the issuance of Board of Zoning and Appeals decisions, it has been deemed a necessity to amend the local law to permit the Board of Zoning and Appeals to issue Short Form decisions at its discretion; and,

WHEREAS, to insure accountability and accuracy of Board of Zoning and Appeals decisions, the Board of Trustees deems it necessary for decisions to be signed by the Chairman or acting Chairman of the board; and,

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held by this Board on the 21th day of January, 2016, at 7:00 pm in the Village Board Room, Village Hall, 33 Manorhaven Blvd., Port Washington, New York, for the purpose of setting a date for a public hearing considering the adoption of the an amendment to section §155.60 of the Manorhaven Village

Code to permit Short Form Orders, to establish a procedures for issuing short form orders and to require the Chairman of the Board of Zoning and Appeals to sign all decisions.

BE IT FURTHER RESOLVED that the Village Clerk be and hereby is authorized and directed to publish a notice of said hearing, as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Village Board of Manorhaven at Village Hall, 33 Manorhaven Blvd, Port Washington, New York on the 21th day of January, 2015 at 7:00 pm, to consider the amendment of section 155.60 of the Manorhaven Village Code as follows:

E. BOARD DECISIONS

(1) The Zoning Board of Appeals may render its decision on any appeal, application, or other matter in a short-form format, setting forth the Board's determination and conditions, if any, without enumerating the findings which formed the basis for its determination. Any appellant, applicant, or other person or persons jointly or severally aggrieved by a decision of the Board may, within 30 days after the filing of the short-form decision in the office of the Village Clerk, file a written demand with the Village Clerk requesting that the Zoning Board of Appeals render its decision in a long-form format containing findings which formed the basis for the Board's determination. The Village Clerk shall promptly deliver this written demand to the Chairman of the Zoning Board of Appeals and the Village Attorney. The chairman shall then cause the long form decision to be prepared and, upon its approval by the Board, file it with the Village Clerk.

(2) In cases where the Zoning Board of Appeals renders a short-form decision, and no written demand requesting a long-form decision is filed within the required thirty-day period, the date of filing of the short-form decision with the Village Clerk shall be deemed the date of the filing of the Board's decision for all purposes. In cases where the Board renders or is required to render a long-form decision, the date of filing of the long-form decision with the Village Clerk shall be deemed the date of filing of the Board's decision for all purposes.

(3) All decisions of the Board of Zoning and Appeals shall be signed by the Chairman or acting Chairman.

PLEASE TAKE FURTHER NOTICE that all persons shall have an opportunity to be heard concerning said Amendment to local law at the time and place advertised.

PLEASE TAKE FURTHER NOTICE At said hearing, all interested parties will be given an opportunity to be heard. Copies of the proposed law are on file at the Village Hall and may be seen during regular business hours. Those persons planning to attend the meeting and who require special accommodations because of a disability are requested to notify the Village Clerk no less than 48 hours prior to the meeting.

**BY ORDER OF THE VILLAGE BOARD OF MANORHAVEN
LESLIE C. GROSS, MMC
VILLAGE CLERK**

Dated: January 21, 2016
Manorhaven, NY

GIOVANNA GIUNTA, MAYOR
Incorporated Village of Manorhaven

Trustee Avena	AYE
Trustee Gately	AYE
Trustee Di Lucia	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

A resolution was called to request a 60-day trial period to allow only compact cars or motorcycles in several parking spaces in The Village. The Village attorney recalled the resolution as he determined that there was no provision under the law to do this, and asked instead to write a local law and set a date for a public hearing to discuss same. The addresses in question are on Juniper (Between #37 and #39) and on Firwood (Between 58 and 56A).

The Village Attorney will write a local law and a date will be set for a public hearing to allocate small curbside spaces to small vehicles only.

PUBLIC COMMENT

Caroline DuBois reported as the secretary for MAC that they were interested in any information about the ‘big pile of dirt’ at Morgan’s Dock which is now gone. Deputy Clerk Sharon N. Abramski said that the soil was tested and was found not to be contaminated. She reported that she has been the liaison for the project, and that Galvin Brothers just finished trucking and grading the soil which came from dredging. Ms. DuBois mentioned that someone had seen trucks dumping soil there. Attorney Toner added that if there are allegations of dumping of soil, it must be investigated.

Gary Maynard inquired about legal fees facing The Village. Mr. Toner said that no bills were paid to Mr. Leventhal.

Barbara Rumenopp questioned why Trustee von Roeschlaub suggested raises 3 % for employees vs. a suggestion of \$10,000 for the Deputy Clerk. She also wanted to know what would happen with the bills submitted by Mr. Leventhal. She was concerned where all this money would come from if Mr. Leventhal insisted on being paid.

Nick Marra continues to be concerned about handicap accessible ramps and said he has two quotes that looked the same from two different companies. He was told that it may be because when the Village requests a quote, we send the same request to each company so they can bid on the same thing.

Roy Smitheimer said that in 1921, Manorhaven had Port Police coverage, and in the 1930's, Nassau County took over the coverage. Roy asked whether Manorhaven residents would have a voice on the Board if Port Police took over. He said this is a political issue for them, and that it may need to be a pure contract for Port Police to cover Manorhaven.

The next work session is scheduled for January 25th at 7:00 pm.

With no further business before the Board, Mayor Giunta made a motion to adjourn the meeting. Trustee Gately seconded the motion.

Trustee Avena	AYE
Trustee Gately	AYE
Trustee Di Lucia	AYE
Trustee von Roeschlaub	AYE
Mayor Giunta	AYE

The meeting was adjourned at 9:36 pm.

Respectfully Submitted,

Leslie C. Gross, RMC, MMC

