

REGULAR MEETING – BOARD OF TRUSTEES February 17, 2004

The regular meeting of the Board of Trustees of the Incorporated Village of Farmingdale was held in Village Hall, 361 Main Street, Farmingdale, New York at 7:30 P.M. on February 17, 2004.

- Present:
- Mayor Joseph M. Trudden
 - Deputy Mayor Benjamin Giminaro
 - Trustee Marialyce Denauski
 - Trustee Vincent Sotis
 - Trustee Michael F. Kelly
 - Village Clerk – Treasurer John Giordano
 - Village Attorney – Patrick S. Mielo, Esq.

The Mayor opened the meeting with the pledge to the flag.

It was moved by Trustee Denauski, seconded by Trustee Sotis to approve the minutes of January 20, 2004. Motion carried, all voting 'Aye'.

**MINUTES
JAN 20, 04**

It was moved by Trustee Kelly, seconded by Trustee Denauski to approve the Abstract of Audited Vouchers, # 934 for February 17, 2004 in the amount of \$353,781.44; General Fund - \$122,302.61; Water Fund - \$32,786.08; General Payroll - \$105,532.97; Water Payroll - \$23,475.98; Trust & Agency - \$11,575.00; Capital Fund - \$4,540.37. Motion carried, all voting 'Aye'.

**ABSTRACT
AUDITED
VOUCHERS
#934**

The Board of Trustees, as the Board of Assessment Review reviewed complaints filed in relation to the 2004 / 05 tentative Assessment Roll, pursuant to Section 1406 (4) of the Real Property Tax Law. After a lengthy discussion, it was moved by Trustee Kelly, seconded by Trustee Giminaro to forward all applications to the Village Attorney and Tax Certiorari Consultant, Charles Firmbach for review and recommendation for settlement. Motion carried, all voting 'Aye'.

**2004/05
TENTATIVE
ASSESSMENT
ROLL**

It was moved by Trustee Kelly, seconded by Trustee Sotis to amend the Carnival and Street Fair Permit for the Fire Department to July 17, & 18, 2004 and to extend the street fair on Conklin Street from Columbia to Elizabeth Street, as approved by the New York State Department of Transportation. Motion carried, all voting 'Aye'.

**AMEND
CARNIVAL/
STREET
FAIR
PERMIT**

It was moved by Trustee Sotis, seconded by Trustee Denauski to amend the Parade Permit for the Fire Department to July 16, 2004. Motion carried, all voting 'Aye'.

**AMEND
PARADE
PERMIT**

It was moved by Trustee Sotis, seconded by Trustee Kelly to approve the following building permits:

BLDG DEPT

- DB04- 03 40 Columbia St – Aluminum awning over patio and legalize garage built in 1928.
- DB04- 04 35 N. Front St – Demolition of house.
- DB04- 05 68 William St – Two (2) story addition.
- DB04- 06 32 Doud St – Enlarge two (2) existing dog house dormers.
- DB04 –07 125 N. Front St – Raise roof of existing one (1) car garage.
- DB04 –08 1 Pinehurst Rd – Open front porch.
- DB04- 09 109 Prospect St – Legalize one (1) family house and detached garage built in 1929.

REGULAR MEETING – BOARD OF TRUSTEES February 17, 2004

DB04 – 10 540-556 Fulton St – New parking lot, remove existing parking lot and convert to outdoor recreation and shed.

DB04 –11 141 Conklin St – Three (3) new two (2) story homes on private road, subject to Planning Board review.

Motion carried, all voting 'Aye'.

**EASTERN PKWY/
PROSPECT PL**

It was moved by Trustee Kelly, seconded by Trustee Sotis to direct the Village Clerk to request the Town of Oyster Bay to dead end Eastern Parkway at Prospect Place, such costs to be paid by the Village. Motion carried, all voting 'Aye'. It was moved by Trustee Kelly, seconded by Trustee Giminaro that the Board of Trustees declare themselves as Lead Agency and that a Negative Declaration be issued for this action as it has no significant adverse impact on the environment pursuant to the New York State Environmental Quality Review Act. Motion carried, all voting 'Aye.' Mardgo Erdody, 44 Prospect Pl., thanked the Board for their decision.

**DISPOSAL
JUSTICE
COURT
RECORDS**

It was moved by Trustee Denauski, seconded by Trustee Kelly to ratify the disposal of the following Justice Court records, as previously approved by the New York State Office of Court Administration:

<u>Record Series No.</u>	<u>Dates</u>
80030	01/04/96 – 03/21/96
80030	03/28/96 – 05/30/96
80030	06/06/96 – 09/05/96
80030	09/13/96 – 11/27/96
80030	12/01/96 – 12/31/96
80030	01/02/97 – 03/27/97
80040	01/04/96 – 03/21/96
80040	03/28/96 – 05/30/96
80040	06/06/96 – 09/05/96
80040	09/13/96 – 11/27/96
80040	12/01/96 – 12/31/96
80040	01/02/97 – 03/27/97

Motion carried, all voting 'Aye'.

**COURT CLERK
SEMINAR
FEB 16-17, 04**

It was moved by Trustee Kelly, seconded by Trustee Sotis to authorize the Court Clerk to attend a training seminar in New York City on February 16, & 17, 2004. Motion carried, all voting 'Aye'.

**CHANGE ORDER #1
BI-COUNTY
PAVING**

It was moved by Trustee Giminaro, seconded by Trustee Sotis to approve Change Order No. 1 with Bi-County Paving on the \$8.6 Million Highway Improvement Project in the amount of not to exceed \$40,000. for the replacement of a water main on William Street. Motion carried, all voting 'Aye'. It was moved by Trustee Denauski, seconded by Trustee Giminaro that the Board of Trustees declare themselves as Lead Agency and that a Negative Declaration be issued for this action as it has no significant adverse impact on the environment pursuant to the New York State Environmental Quality Review Act. Motion carried, all voting 'Aye.'

**DG
AGREEMENT**

It was moved by Trustee Kelly, seconded by Trustee Sotis to authorize the Mayor to sign a 29th year 2003 / 04 Community Development Grant Agreement with the County of Nassau for \$400,000. for highway improvements. Motion carried, all voting 'Aye'.

REGULAR MEETING – BOARD OF TRUSTEES February 17, 2004

It was moved by Trustee Denauski, seconded by Trustee Sotis to approve the engagement of the Village engineer, H2M, to review the subdivision plans for Lenox Hills Estates, 75 Melville Road, during its review by the Planning Board, and require the applicant to deposit \$4,500. with the Village to finance such review costs. Motion carried, all voting 'Aye'.

H2M

It was moved by Trustee Giminaro, seconded by Trustee Kelly to approve the following tax certiorari settlements as recommended by the Village attorney:

**TAX
CERTIORARI**

<u>Sec/Block/Lot (s)</u>	<u>2004/05 AV</u>	<u>Refund</u>
49 / 87 / 69 – 73	\$15,000.	\$7,500.
49 / 220 / 12	\$5,750	\$550.

Motion carried, all voting 'Aye'.

At the request of the Village Justice, it was moved by Trustee Kelly, seconded by Trustee Sotis to amend the Assistant Court Clerks hours from 14 hours per week, to not exceed 19 hours per week on a one year trial basis due to an increase in the issuance of parking summonses. Motion carried, all voting 'Aye'.

**AMEND ASST
COURT
CLERKS
HOURS**

It was moved by Trustee Denauski, seconded by Trustee Giminaro to schedule a date for a Board meeting on March 30, 2004 at 7:30 p.m. Motion carried, all voting 'Aye'.

**BD MEETING
MARCH 30, 0**

At the inquiry of Michele Hare, 9 Arthur St., the Supt. of Public Works advised on the status of the punch list items on the Phase II Highway Improvement contract with E. Oliveira Construction.

**OLIVEIRA
CONSTRUCTI**

Michele Hare, 9 Arthur St., Tom Langon, 29 Puritan La., and Tim Rocks, 126 Nelson St., reported that 4' x 8' political signs were recently installed in residential areas in violation of the Village Sign Code size limitations. The Village attorney indicated that Federal Case Law prohibits a Village from restricting free speech and size of sign. Glen Norjen, 72 Jefferson Rd., commented that a federal court case contradicted the Village attorney's opinion and distributed a copy to the Village attorney. George Graf, 101 Prospect St., claimed that the Village attorney has a conflict of interest in rendering this opinion, as the Village attorney is counsel to the Restoration Party, the entity posting such signs. The Mayor advised that all political groups have equal opportunity to install such size of signs.

**POLITICAL
SIGNS**

At the request of Tom Langon, the Code Enforcement Officer reported that he will contact the owners of 95 Fairview Rd. to remove debris from the property.

**95 FAIRVIEW
ROAD**

At the request of Rich Gosline, 25 Linwood Ave., the Supt. of Public Works commented on snow removal procedures for Main Street, and at bus stops.

**MAIN ST &
BUS STOPS**

Scott Nocella, 102 Plitt Ave., commented on lack of recycling by local businesses. The Supt. of Public Works indicated that the Town of Oyster Bay plans to increase enforcement of its recycling rules this year.

**RECYCLING
RULES**

At the request of an Eastern Parkway business operator, the Supt. of Public Works advised that the Town of Oyster Bay plows snow on Eastern Parkway for the Town of Babylon.

**EASTERN
PARKWAY**

REGULAR MEETING – BOARD OF TRUSTEES February 17, 2004

**THOMAS POWELL
BLVD**

At the request of Michelle Hare, 9 Arthur St., the Building Superintendent indicated that he will have the Code Enforcement Officer check Thomas Powell Blvd. for violation of the four (4) hour parking rule.

ARTHUR ST

Mrs. Hare also advised the Superintendent of Public Works that the recently completed highway construction on Arthur Street, and sod replacement, was not adequate.

STOP & SHOP

At the request of Charles Gosline, 33 Waverly Pl., it was moved by Trustee Kelly, seconded by Trustee Sotis that the Board advise the Town of Oyster Bay that the Village Board opposes the proposal for a Stop & Shop supermarket on Motor Avenue. Motion carried, all voting 'Aye', Trustee Giminaro "Nay".

As there was no further business, the meeting adjourned at 9:15 P.M.

Mayor



Village Clerk Treasurer