

## REGULAR MEETING – BOARD OF TRUSTEES June 1, 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 June 1, 2004.

Present: Mayor George J. Graf  
Deputy Mayor Benjamin Giminaro  
Trustee Marialyce Denauski  
Trustee Thomas A. Langon  
Trustee Joseph F. Rachiele  
Village Clerk – Treasurer John Giordano  
Village Attorney Gregory W. Carman, Jr., Esq.

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

It was moved by Trustee Rachiele, seconded by Trustee Langon to approve the minutes of April 12, 2004. Motion carried, all voting 'Aye'.

MINUTES  
APRIL 12, 04

It was moved by Trustee Langon, seconded by Trustee Rachiele to approve the minutes of April 21, 2004, with noted changes by Trustee Giminaro. Motion carried, all voting 'Aye'.

MINUTES  
APRIL 21, 04

It was moved by Trustee Racheile, seconded by Trustee Giminaro to approve the minutes of April 29, 2004, with noted changes by Trustees Giminaro and Denauski. Motion carried, all voting 'Aye'.

MINUTES  
APRIL 29, 04

It was moved by Trustee Denauski, seconded by Trustee Langon to approve the minutes of May 11, 2004, with noted changes by Trustee Giminaro. Motion carried, all voting 'Aye'.

MINUTES  
MAY 11, 04

It was moved by Trustee Rachiele, seconded by Trustee Langon to approve the Abstract of Audited Vouchers, # 939 for June 1, 2004 in the amount of \$162,241.70; General Fund - \$28,577.18; Water Fund - \$12,838.09; General Payroll - \$94,615.92; Water Payroll - \$18,924.02; Trust & Agency - \$7,286.49. Motion carried, all voting 'Aye'.

ABSTRACT  
OF AUDITED  
VOUCHERS  
# 939

It was moved by Trustee Denauski, seconded by Trustee Giminaro to approve the following Taxicab Operator's Lienses:

TAXICAB  
OPERATOR'S  
LICENSES

#04 – 25 Michael Frost  
#04 – 26 Scott Filaski  
#04 – 27 Robert Wendelken

Motion carried, all voting 'Aye'.

It was moved by Trustee Langon, seconded by Trustee Denauski to ratify the May 11, 2004 authorization for the Mayor to execute the warrant for the collection of 2004 / 05 Taxes, pursuant to Section 1426 of the Real Property Tax Law. Motion carried, all voting 'Aye'.

WARRANT  
2004/05  
TAXES

In response to Terry Robey, 8 Cornelia St., and Mike O'Brien, 21 Merokee Pl., the Mayor advised that the new budget provided for a tax rate increase of 9.5%, and water rate decrease of 10%.

TAX & WATER  
RATES

The Mayor advised Lori Pound, 26 Sullivan Rd., on the status of the construction of the Village Green gazebo.

VILLAGE  
GREEN  
GAZEBO

BLDG DEPT

It was moved by Trustee Rachiele, seconded by Trustee Langon to approve the following building permits:

- DB04-38 74 Nelson St – Legalize 1 family house built in 1934.
- DB04-39 141 Conklin St – Demolition of existing house.
- DB04-40 33 Anita Pl – In ground swimming pool, 16' X 34'.
- DB04-41 384 Secatogue Ave – Two car detached garage with car port.
- DB04-42 80 Yoakum St – Demolition of in ground swimming pool.
- DB04-43 35 N. Front St – Demolition of existing house.
- DB04-44 22 Sullivan Rd – Detached garage addition.
- DB04-45 53 Bernard St – Legalize 1 family house and 1 car detached garage built in 1928.
- DB04-46 39 Jerome Dr – Side cellar entrance (ZBA approved 5/20/04).
- DB04-47 8 Van Cott Ave – New 2<sup>nd</sup> floor exterior wood deck and new door in rear yard.
- DB04-48 48 Grant Ave – Two story addition.
- DB04-49 9 Azalea Ct – Exterior additions and alterations to one family house (ZBA approved 5/20/04).
- DB04-50 422 Conklin St – New store front and awning addition.

Motion carried, all voting 'Aye'.

AMEND SECTION  
98-23K

It was moved by Trustee Rachiele, seconded by Trustee Langon to amend Section 98-23K of the Village Vehicle & Traffic Code to change Washington Street to a one way street, to read as follows:

- K. Washington Street in a southerly direction to the entrance into Municipal Parking Field No. 1 from South Front 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.' Fire Chief Richard Tortoso advised that the Board of Fire Commissioners have reviewed the proposal.

STORM WATER  
REPORT

The Mayor opened a Public Hearing to discuss the annual draft storm water report as required by new United States Environmental Protection Act Phase II Storm Water Sewer System Regulations. In the absence of a Superintendent of Dept. of Public Works, the Village Clerk reported that the draft report was prepared by the Village engineer, and essentially addresses means to eliminate the discharge of pollutants in public storm drain systems. As there were no further comments, it was moved by Trustee Langon, seconded by Trustee Rachiele to adopt the report. 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.'

CORRECTIVE  
ACTION  
PLAN

It was moved by Trustee Rachiele, seconded by Trustee Langon to authorize the Mayor to file a Corrective Action Plan with New York State Office of the State Comptroller to address their Report of Examination, for the fiscal year 2001 / 03. Motion carried, all voting 'Aye' (see exhibit A).

BOARD MEETING  
JUNE 22, 04

It was moved by Trustee Langon, seconded by Trustee Rachiele to set a date for Board meeting on June 22, 2004 at 7:30 p.m. Motion carried, all voting 'Aye'.

BOARD MEETING  
JULY 13, 04

It was moved by Trustee Langon, seconded by Trustee Rachiele to set a date for Board meeting on July 13, 2004 at 1:00 p.m. Motion carried, all voting 'Aye'.

REGULAR MEETING – BOARD OF TRUSTEES June 1, 2004

It was moved by Trustee Gininaro, seconded by Trustee Denauski to set a date for Board meeting on August 10, 2004 at 7:30 p.m. Motion carried, all voting 'Aye'.

BOARD  
MEETING  
AUG. 10, 04

It was moved by Trustee Langon, seconded by Trustee Rachiele to set a date for a Public Hearing on Tuesday, June 22, 2004 at 7:30 p.m. to consider an application from Bartone Holdings, LLC for final subdivision approval for Lenox Hills Estates as approved by the Planning Board on May 25, 2004 for the demolition of three (3) existing homes and construction of eight (8) homes on nine (9) lots. Motion carried, all voting 'Aye'.

LENOX HI S  
ESTATES

It was moved by Trustee Rachiele, seconded by Trustee Langon to set a date for a Public Hearing to consider the adoption of Local Law # 1 of 2004 to amend the Use District Map pursuant to Section 105-78 of the Village Code to rezone Section 49, Block B, Lots 78-79, 82, 84 & 85 as known as 4, 8, & 12 Jefferson Road and vacant lot to have an address of 14 Jefferson Road to the Residential A Zoning District, to accommodate the future construction of a new one (1) family dwelling at 14 Jefferson Road. Motion carried, all voting 'Aye'. It was moved by Trustee Denauski, seconded by Trustee Rachiele 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.'

LOCAL  
LAW #1  
OF 2004

It was moved by Trustee Denauski, seconded by Trustee Langon to set a date for a Planning Board Public Hearing on June 24, 2004 at 7:00 p.m., to consider an application from Samuel Glass of 62 Nichols Court, Suite 302, Hempstead NY for Site Plan Review pursuant to Section 105-187 of the Village Code. The applicant proposes to construct a multi-use commercial building into a four (4) family dwelling at 155-159 Main Street aka 40 Division Street, Farmingdale; Section 49, Block 73, Lot 105. Motion carried, all voting 'Aye'. It was moved by Trustee Denauski, seconded by Trustee Rachiele 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.'

PLANNING  
BOARD  
HEARING  
JUNE 24, 04

It was moved by Trustee Langon, seconded by Trustee Giminaro to set a date for a Planning Board Public Hearing on June 21, 2004 at 7:00p.m., to consider an application from Nicholas Petikas of 48 Maple Street, Farmingdale, NY for Site Plan Review pursuant to Section 105-187 of the Village Code. The applicant proposes to construct three (3) one family dwellings at 141 Conklin Street ; Section 49, Block D, Lot 302. Motion carried, all voting 'Aye'. It was moved by Trustee Giminaro, seconded by Trustee Langon 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.'

PLANNING  
BOARD  
HEARING  
JUNE 21, 04

At the request of Mrs. Claudette McIntyre, 33 Sullivan Rd., and Mr. William Day, 153 Staples St., Trustee Langon advised that he will inspect Gerngras Park and report maintenance conditions to the Public Works Department.

GERNGRAS  
PARK

The Village Clerk advised Ken Romeo, 33 Paine Ave., that he will have the Public Works Department repair the road opening at the corner of Paine Ave. and Jefferson Rd., and contact the County of Nassau to assure that they cut the grass adjacent to the Jefferson Rd. storm water basin.

PAIN E AVE  
JEFFERSON RD

The Village Clerk advised Rich Morrison, 25 Roxbury St, that he will direct the Village engineers to inspect potholes, and curb cracks on Roxbury St.; sod will be replaced on Roxbury St. by the Public Works Department within thirty (30) days.

ROXBURY ST

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MARCH 30, 04  
BOARD  
MEETING

At the request of Rich Morrison, the Village Attorney reported on the validity of Mr. Morrison's apparent appointment to the Planning Board. The Village Attorney advised that the record indicates that the former Mayor announced the appointment at the March 30, 2004 Board meeting and performed a ceremonial oath of office, and as there was no second to the Mayor's motion nor vote made by the Board of Trustees, as required by State Law for Planning Board members, the appointment by the former Mayor was not fully executed thereby deeming the appointment invalid.

ST LUKES  
CHURCH

At the request of Nick Izzo, 131 Prospect St., the Mayor indicated that he will discuss with the Building Inspector a possible violation of the terms of the Certificate of Occupancy issued to St Lukes Church on Prospect St. due to parking in the fire lane, and traffic egress onto Prospect Street.

PARKING FIELD  
# 4

At the inquiry of Brian Geiger, 422 Conklin St., the Village Clerk advised that the sidewalk to the east of his business premise, leading to Municipal Parking Filed # 4 is a public right of way easement granted to the Village by St Killians Church.

\$8.6 MILLION  
BOND ISSUE

In response to Jerry Ahern, 215 Conklin St., John Miller, 15 Quaker La., Ken Romeo, 33 Paine Ave., and Mike O'Brien, 21 Merokee Pl., the Mayor advised that not all roads in the Village will be improved by the 2001 \$8.6 million bond issue, despite representation made by prior Village Officials that all roads would be. At the inquiry of Steve Wilson, 16 Normandy Dr., the Village Clerk indicated that any monies that are unexpended from the highway bond will be appropriated by the Board based on priority need. The Village Clerk advised Maryann Bouchard, 215 Melville Rd., on payment procedures for bills submitted by contractors, and advised Ted Dorfmeister, 105 Staples St., that the bond issue was not subject to a mandatory referendum. The Mayor advised Rich Morrison that he will request the contractor provide adequate temporary toilet facilities for the contractors laborers.

CENTENNIAL  
CELEBRATION

Fair Committee Chairperson, Mike O'Brien, reported that plans are being finalized for the carnival, street fair, and parade planned for July 16 –18, 2004 to celebrate the Villages 100<sup>th</sup> Year of Incorporation.

21 MEROKEE PL

At the request of Mike O'Brien, 21 Merokee Pl., the Village Clerk advised that he will direct the Public Works Department to include a street tree at 21 Merokee Place on this falls tree planting program list.

FARMINGDALE  
RAILROAD  
STATION

The Village Clerk advised Janet Milos, Melville Rd., on the status of a few vacant stores on Main Street, and that he will ascertain from the County of Nassau what type of improvements are planned for the Farmingdale Long Island Railroad Station parking lot as announced in a public notice by County Legislator David Mejias.

LENOX HILLS  
ESTATES

At the inquiry of Rich Gosline, 25 Linwood Ave., the Village Clerk advised that the Village engineer will attend the June 22, 2004 Public Hearing on the matter of the nine (9) lot subdivision application filed by Bartone Associates for Lenox Hills Estates, for 75 Melville Road.

ABANDONED  
VEHICLES

The Code Enforcement Officer advised Mary Zaremba, 32 Elizabeth St., on Village Code requirements for abandoned vehicles.

EXECUTIVE  
SESSION

It was moved by Trustee Langon, seconded by Trustee Rachiele to adjourn the regular meeting and enter into executive session to discuss litigation Margolin v. Village, negotiating the purchase of 35 North Front Street for the expansion of Parking Field # 6, and claims against the Village / insurance renewals. Motion carried, all voting 'Aye'.

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The Village Clerk advised that the following bids were opened on May 25, 2004 for the purchase of Village property and liability insurance for 2004/05:

BIDS  
LIABILITY  
INSURANCE

Allen Agency - \$116,727.51  
Town Village Risk Management - \$155,570.

John Allen of Allen Agency and Nicholas Salerno of Town Village Risk Management Agency discussed pending open claims and their respective renewal offers for property and liability policies beginning June 1, 2004. The Board recognized that the Allen Agency proposal provided less coverage than Mr. Salerno's.

The Village attorney advised that the matter Margolin v. Village is set for a court appearance on July 20, 2004, and that since a partner in his firm represents one of the plaintiffs, a conflict exists and therefore the matter should be referred to an outside attorney to represent the Village. The litigation was instituted by others to clear title of the unpaved portion of Taylor Road.

MARGOLIN v.  
VILLAGE

The Village Clerk advised that on June 25, 2002 the Board adopted a resolution authorizing the Village attorney to enter into a purchase contract to purchase 35 North Front Street at a cost of not to exceed \$130,000. and that such contract was never consummated. The Board discussed the necessity to acquire the site for the expansion of Parking Field # 6, and new estimated acquisition costs.

35 NORTH  
FRONT ST

It was moved by Trustee Rachiele, seconded by Trustee Langon to close the executive session and reconvene the regular Board meeting. Motion carried, all voting 'Aye'.

It was moved by Trustee Langon, seconded by Trustee Rachiele to engage Christopher Cosingano, Esq. as recommended by the Village attorney, at a rate of \$175. per hour to represent the Village in the matter of Margolin v. Village, and to request that Mr. Cosingano advise the Board on the merits of their claim, including the Village filing an adverse possession claim, at the next Board meeting. Motion carried, all voting 'Aye'.

CHRISTOPH  
COSINGANO  
ESQ.

It was moved by Trustee Langon, seconded by Trustee Giminaro to request the Allen Agency and Town Village Risk Management to provide revised cost proposals for 2004 / 05 property and general liability insurance based on similar deductibles and coverages by June 2, 2004 at 2:00 p.m. Mr. Salerno indicated that such change would reduce his premium to the Village by approximately \$1,500. Motion carried, all voting 'Aye'.

2004/05  
PROPERTY &  
GENERAL  
LIABILITY  
INSURANCE

It was moved by Trustee Denauski, seconded by Trustee Rachiele to set a date for a Public Hearing on August 17, 2004 at 7:30 p.m. pursuant to Section 201 of the Eminent Domain Procedure Law to consider the acquisition of 35 North Front Street, and to authorize the Village Clerk to obtain an update to the prior appraisal commissioned by the Village. Motion carried, all voting 'Aye'. The Village Clerk advised Rich Morrison, 25 Roxbury St., the acquisition price of 35 N. Front Street will be based on independent appraisals.

PUBLIC  
HEARING  
AUGUST 17, 04

The Mayor advised Mike O'Brien on the status of repairs to the Firehouse gutters.

FIREHOUSE  
GUTTERS

It was moved by Trustee Langon, seconded by Trustee Denauski to recess the meeting at 11:25 p.m., and reconvene on June 2, 2004 at 2:00 p.m. to continue discussion and to award the renewals of the Village 2004 / 05 insurance. Motion carried, all voting 'Aye'.

RECESS  
MEETING

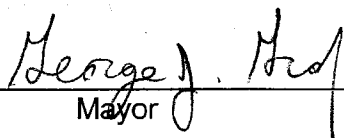
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BID AWARD  
ALLEN  
AGENCY

The meeting reconvened on June 2, 2004 at 2:00 p.m. Mayor Graf and Trustee Giminaro were absent. John Allen of Allen Agency presented a cost estimate of \$135,500. which included the coverage requested by the Board, particularly a \$25,000. deductible for wind damage, purchase of coverage for terrorism and cost replacement basis for equipment and other coverages to be consistent with that of the expiring policies. As there was no further offer from Town Village Risk Management, it was moved by Trustee Rachiele, seconded by Trustee Denauski to award the bid to Allen Agency in the amount of \$135,500. subject to receipt of written confirmation of all terms of insurance. Motion carried, all voting 'Aye

As there was no further business, the meeting adjourned at 2:15 P.M.

  
\_\_\_\_\_  
Mayor

Minjune1,2004bot ah

  
\_\_\_\_\_  
Village Clerk Treasurer