

**MINUTES OF THE ORGANIZATIONAL MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF THOMASTON
APRIL 7, 2014**

The Board of Trustees met on Monday, April 7, 2014 at the Village Hall, 100 East Shore Road, Great Neck, New York at 7:30 p.m.

Present: Mayor Robert Stern, Deputy Mayor Steven Weinberg, Trustee Gary Noren and Trustee To-on Pang

Absent: Trustee James Sharkey

The Mayor opened the meeting at 7:35 p.m.

ELECTION:

The Village Clerk read the canvass of election of March 18, 2014, as follows:

James E. Sharkey, Trustee	15 Votes
To-on Pang, Trustee	21 Votes

Each duly elected candidate had already been sworn in and signed the oath of office.

APPROVAL OF MINUTES:

RESOLUTION 14 - 15

Upon motion of Deputy Mayor Weinberg, seconded by Trustee Pang and unanimously approved, the following resolution was adopted:

RESOLVED, that the minutes of the Board of Trustees meetings held on March 10, 2014 are hereby approved and accepted as presented.

OTHER APPOINTMENTS

DEPUTY MAYOR:

The Mayor appointed Steven Weinberg as Deputy Mayor

ZONING BOARD OF APPEALS

Re-appoint David Goodman as Chairman, (5 year term)

The Mayor asked the Board for suggestions to find a replacement for Tom Kalamiceck for a term of one year

APPOINTMENTS REQUIRING BOARD APPROVAL:

The Mayor made the following appointments, subject to approval of the Board:

Commissioner of Public Works	Robert Stern
Commissioner of Administration	Steven Weinberg
Commissioner of Cable Television, Representative to the Cable Commission and Director of Public Access Television	Robert Schaufeld
Emergency Coordinator	Gary Noren
Commissioner of Planning and Development	Steven Weinberg
Commissioner-At-Large	Donald Stern
Building Commission	Robert Stern, To-on Pang Steven Weinberg (alternate)
Building Inspector	Joseph J. Chearmonte, RA
Village Historian	Leila Mattson
Chair of the Design Review Board (1 yr.)	Larry Levy
Member of the Design Review Board (1 yr.)	Robert Schaufeld
Member of the Design Review Board (1 yr.)	Karen Krieger
Member of the Design Review Board (1 yr.)	Toby Noren
Member of the Design Review Board (1 yr.)	Glenn Wilson
Chairman of the Landmarks Preservation Commission (1 yr.)	Arthur Lesser
Vice Chair of the Landmarks Preservation Commission (1 yr.)	Leila Mattson
Member of the Landmarks Preservation Commission (1 yr.)	Monique Ono Lee Joel Friedman
Chair of the Tree Board (1 yr.)	Ruth Rosenstein
Member of the Tree Board (1 yr.)	(vacant)
Registrar of Vital Statistics	North Hempstead Town Clerk
Zoning Board of Appeals (5-year term)	David Goodman, Chairman One vacant 1 year term

RESOLUTION 14-16

Upon motion of Mayor Stern, seconded by Deputy Mayor Weinberg and unanimously approved, it was

RESOLVED, that all the appointments indicated above are hereby approved.

RETAINING OF VILLAGE ATTORNEY AND SPECIAL COUNSEL:

The Mayor appointed A. Thomas Levin as Village Attorney.

RESOLUTION 14-17

On motion of Trustee Pang, seconded by Mayor Stern the following resolutions were unanimously adopted:

RESOLVED, that the Board of Trustees of the Village of Thomaston hereby approves the Mayor's appointment of A. THOMAS LEVIN, as Village Attorney for the official year 2014-2015, to serve at the pleasure of the Mayor, and it is further

RESOLVED, that the compensation for the services of the Village Attorney for those legal services for which the Village is required to retain or appoint a Village Attorney shall be \$290 per hour, plus reimbursement of all reasonable and necessary disbursements incurred in connection with the performance of such retainer legal services, which sums will be billed to the Village monthly, and it is further

RESOLVED, that the Board of Trustees hereby retains MEYER, SUOZZI, ENGLISH & KLEIN, P.C. as special counsel to the Village for legal services other than those provided by the Village Attorney during the official year 2014-2015, on a non-exclusive basis, the services of such special counsel to be compensated at the rate of \$290 per hour, plus reimbursement of all reasonable and necessary disbursements incurred in connection with the performance of such non-retainer legal services, which sums shall be billed to the Village monthly.

FIRE INSPECTOR:

The Mayor appointed Rene Guerrero as Village Fire Inspector.

RESOLUTION 14-18

On motion of Deputy Mayor Weinberg, seconded by Trustee Noren, and unanimously approved, it was

RESOLVED that the Board of Trustees approves the appointment of Rene Guerrero as Village Fire Inspector for the official year 2014-2015 to serve at the pleasure of the Mayor, at a rate of \$20 per hour.

RESOLUTION CONCERNING THE SCHEDULE OF MEETINGS:

RESOLUTION 14-19

On motion of Deputy Mayor Weinberg seconded by Trustee Pang, the following resolutions were unanimously adopted:

RESOLVED that the Board of Trustees designates the second Monday in each month at 7:30 p.m. in the Village Hall, 100 East Shore Road, Great Neck, as the time and place for the regular meetings of the Board of Trustees. The annual organizational meeting shall be held on the first Monday in April or on such other date in April as the Board of Trustees may determine in accordance with applicable law. The Clerk is directed to advise the news media of this schedule, and to post notice of each meeting, as required under the Open Meetings Law. For special meetings, notice will be provided to the extent required by law.

And it is further

RESOLVED that the Board notes that the first regular meeting in October falls on a legal holiday and so hereby changes the October 13TH meeting to October 20TH

RESOLUTION REGARDING AUDITOR:

Mayor Stern made the following appointment subject to approval of the Board of Trustees.

Skinnon and Faber C.P.A., P.C.

Auditor for the Village

RESOLUTION 14-20

On motion of Mayor Stern, Seconded by Deputy Mayor Weinberg and unanimously approved it was

RESOLVED, that the Board of Trustees approves the Mayor's appointment of Skinnon and Faber C.P.A., P.C as Auditor for the Village for the official year 2014-2015, to serve at the pleasure of the Mayor, and it was further

RESOLVED that he is to be compensated at the rate of \$7,400.00 per year to include the annual Village audit, plus an addition fee for the conversion of the GASB34 and filing with the NYS Comptroller the audit as required by law.

OFFICIAL BANKS:

RESOLUTION 14 - 21

On motion of Trustee Sharkey, seconded by Mayor Stern and unanimously approved, it was

RESOLVED to designate the following depositories for Village funds (which depositories may be changed from time to time by resolution of the Board):

Capitol One Bank

Maximum Deposit \$5,000,000

HSBC

Maximum Deposit \$2,500,000

Bank of America

Maximum Deposit \$5,000,000;

provided that each of such depositories holding funds in excess of \$100,000 pledges securities to the Village as collateral pursuant to a collateral agreement in accordance with provisions of the General Municipal Law, and it was further

RESOLVED that all instruments shall be signed by any two of the following: the Mayor, the Village Administrator or the Deputy Mayor.

MILEAGE ALLOWANCE - OFFICIAL NEWSPAPER POLICIES, ETC.:

RESOLUTION 14-22

On motion of Trustee Sharkey, seconded by Mayor Stern and unanimously approved, it was

RESOLVED, that the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village, and it is further

RESOLVED that for the 2014-2015 official year, the Board of Trustees sets the mileage reimbursement rate at 55.5 cents per mile.

RESOLVED that the Board of Trustees designates The Great Neck News as the official newspaper of the Village.

RESOLVED that the Purchasing Policy originally adopted October 29, 1991 and as amended, is readopted.

RESOLVED that the investment policy, as updated to reflect current depositories, is readopted.

RESOLVED that the Emergency Preparedness Plan, updated as regards the Village personnel, is readopted.

UNDERTAKINGS FOR VILLAGE SIGNATORIES

RESOLUTION 14-23

Upon motion of Mayor Stern, seconded by Trustee Sharkey and unanimously approved, the following resolution was adopted:

RESOLVED that the Village shall purchase undertakings, at Village expense, as required by Village Law Section 3-306 as follows: A bond, in the amount of \$25,000 each for the Village Administrator and Deputy Village Clerk.

PAYMENT OF CLAIMS POLICY

RESOLUTION 14 - 24

Upon motion of Mayor Stern, seconded by Trustee Sharkey and unanimously approved, the following resolution was adopted:

Whereas, pursuant to Village Law §5-524 and subject to certain exceptions as authorized by that statute, the Board of Trustees is required to audit all claims against the Village prior to payment; and

Whereas, the Board of Trustees wishes to establish in documented form the policy of the Village with respect to payment of claims,

Now, therefore, be it

RESOLVED, that except as otherwise provided in this resolution, no claim against the Village shall be paid and no instrument of payment of a claim shall be issued by the Village unless and until the claim is (a) in writing, (b) certified or verified under oath of the claimant or the claimant's duly authorized agent, (c) itemized to the satisfaction of the Board of Trustees, (d) approved by the officer or employee whose action gave rise or origin to the claim, and (d) audited and approved by the Board of Trustees, and it is further

RESOLVED, that notwithstanding the foregoing, and pursuant to Village Law §5-524(5), the following claims may be paid without prior audit and approval by the Board of Trustees:

(a) fixed salaries;

- (b) debt service;
- (c) amounts becoming due upon lawful contracts for periods exceeding one year;
- (d) compensation for services of employees or officers regularly engaged by the Village at agreed wages by the hour, day, week, month or year;

provided, however, that with respect to items (a) and (d) in this paragraph, no such payment shall be made unless the payroll or other claim for compensation for personal services rendered to the Village by any person other than an elective Village officer shall be certified by the Village officer or employee having direct supervision of the claimant to the effect that such services were actually performed by the person or persons mentioned therein; and it is further

RESOLVED, that notwithstanding the foregoing and pursuant to Village Law §5-524(6), the following claims may be paid in advance of audit and approval of the Board of Trustees, provided such claims are presented for audit and approval at the next regular meeting of the Board of Trustees:

- (a) public utility services;
- (b) postage;
- (c) freight and express charges;
- (d) charges for expenses incurred with the approval of the Board of Trustees where there is a discount for timely payment and audit of such claims is not feasible prior to the date for such discounted payment; and it is further

RESOLVED, that the policy established by this resolution shall be reviewed at each ensuing organizational meeting of the Board of Trustees, and shall remain in effect until amended by resolution of the Board of Trustees at any duly convened meeting of the Board of Trustees.

Waiver of Subdivision Russell Gardens Assoc., Inc. & Incorporated Village of Russell Gardens

RESOLUTION 14-25

Upon motion of Mayor Stern seconded by Deputy Mayor Weinstein and unanimously approved the following resolution was adopted:

WHEREAS, pursuant to Village Code § 40-1(A), the Board ("Board") of Trustees of the Village of Thomaston is the Planning Board for such Village; and

WHEREAS, Russell Gardens Association, Inc. has applied to the Board of Trustees of the Village of Thomaston pursuant to Real Property Law 334-a for waiver of the requirements to file a subdivision map with respect to property located in the Village of Russell Gardens known as Section 2, Block 355, Lots 9 and 10 on the Nassau County Land and Tax Map; and

WHEREAS, the Board has jurisdiction over such property because the property is located in whole or in part within 300 feet of the boundary of the Village of Thomaston; and

WHEREAS, the subject property consists of a total site of approximately 6.7 acres, and is proposed to be divided into four lots, each of which conforms to the applicable zoning regulations of the Village of Russell Gardens in which such property is located. Two of such lots are to be conveyed as single and separate lots for residential dwellings, with lot area of not less than 10,000 square feet; one such lot, with an area of 113,344 square feet is to be conveyed to the Village of Russell Gardens for its use; and one such lot with an area of 158,240 square feet will be retained by the Russell Gardens

Association, Inc. for its use as authorized pursuant to the applicable laws and regulations of the Village of Russell Gardens; and

WHEREAS, the proposed subdivision conforms to the requirements of Real Property Law 334-a in that there are no more than four lots proposed, each of which fronts on a public street, and no laying out of a new street nor extension of a previously laid out street is involved; and

WHEREAS, the Board has jurisdiction over this application and authority to grant the relief sought in this application, and

WHEREAS, the Board has reviewed the application, and the documents submitted therewith, and has considered this application and the circumstances surrounding the application, and

WHEREAS, Real Property Law 334-a provides for action on this application without a public hearing;

NOW THEREFORE, BE IT

RESOLVED, that the Board of Trustees, acting in its capacity as the Planning Board of the Village of Thomaston hereby finds and concludes as follows:

1. The Board is the lead agency for review of this application pursuant to the State Environmental Quality Review Act and the relevant regulations of the New York State Department of Environmental Conservation (collectively referred to herein as "SEQRA");

2. This is an application for an Unlisted Action, as defined in SEQRA;

3. The Board has considered the Environmental Assessment Form and other information submitted with the application, and has also given consideration to information known to the Board regarding the subject property and community, and makes the following conclusions with respect to the following respective factors in its review of the environmental impacts of the proposed action:

(i) the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(ii) the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(iii) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

(iv) the proposed action would not conflict with the community's current plans or goals as officially approved or adopted;

(v) the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) the proposed action would not result in a major change in the use of either the quantity or type of energy;

(vii) the proposed action would not create a hazard to human health;

(viii) the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(x) the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xii) the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

4. The proposed action would not have a significant adverse environmental impact;

5. No further environmental review is required with respect to the proposed action;

6. The proposed subdivision plat is in compliance with the provisions of Real Property Law 334-a and with the zoning and planning regulations of the Village within which the property is located.

7. The application for waiver of subdivision filing requirements is hereby approved, and any and all requirements of law that the approval of the Planning Board of the Village of Thomaston be obtained as a condition of the proposed subdivision of land or the recording of deeds to the property shown on the proposed plat are waived, on the following terms and conditions:

a. the property shall be subdivided only as shown on the Proposed Subdivision Map prepared by Jerry P. LaRue, Professional Land Surveyor, dated 12/04/2013, Job No. 2013-075, filed with the Board as part of this application;

b. there shall be no further subdivision of any property shown on the subdivision map without the approval of the Planning Board of the Village of Thomaston to the extent that the same may be required by law;

c. deeds separately conveying the lots shown as lots 1, 2 and 3 on the proposed subdivision plat shall be filed and recorded with the Nassau County Clerk within six months of the date of the approval of this resolution, or such longer period of time to which the Board shall agree upon letter application and without a public hearing;

d. in the event the deeds referred to in paragraph 7(c) hereof are not filed as required therein, this approval shall be null and void, and of no effect.

Other Business

Mayor Stern outlined the road re-paving program for the coming year; outlining the streets to be repaved and the amount of money available for these projects. When the bid is opened the results will be brought to the Board for authorization to enter a contract with the successful bidder.

The employees have requested that the Village adopt the New York State Deferred Compensation Plan, enabling the employees to participate in a retirement savings plan at no cost to the Village. Deputy Mayor Weinberg asked that the Village make inquiries with the Auditor or another Village that participates to ensure that there will be no cost to the Village for its participation. The matter will be reviewed at the next Board of Trustees meeting in May.

VOUCHERS

RESOLUTION 14 - 26

Upon motion of Deputy Mayor Weinberg seconded by seconded by Trustee Pang and unanimously approved, the following resolution was adopted:

RESOLVED, that vouchers, in the aggregate amount of \$ 82,350.21 (as itemized on the Abstract of Vouchers dated Monday April 7, 2014), are hereby approved for payment, all allocated to the General Fund.

ADJOURNMENT

At 8:08 p.m., there being no further business, the motion to adjourn was made by Mayor Stern, seconded by Trustee Pang and unanimously approved.

Respectfully Submitted

Barbara J. Daniels

Village Administrator