

**MINUTES OF THE ORGANIZATIONAL MEETING  
OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF THOMASTON  
April 9, 2012**

The Board of Trustees met on Monday, April 9, 2012 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 James Sharkey

**Absent:** Trustee Gary Noren, Trustee Robert Klein

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

**ELECTION:**

The Village Administrator read the canvass of election of March 13, 2012, as follows:

James Sharkey, Trustee	10 Votes
Robert Klein, Trustee	10 Votes

Both of the candidates were elected, each for a two year term as Trustee of the Village. Each candidate had already been sworn in and signed the oath of office.

**APPROVAL OF MINUTES:**

**RESOLUTION 12 – 21**

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

RESOLVED, that the minutes of the Board of Trustees meetings held on March 12, 2012 are hereby approved and accepted as amended.

**OTHER APPOINTMENTS**

**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, Gary Noren

	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 M. Schaufeld
Member of the Design Review Board (1 yr.)	Jeffrey Karasyk
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

#### RESOLUTION 12 - 22

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.

#### **APPOINTMENT OF VILLAGE ATTORNEY:**

Mayor Stern appointed A. Thomas Levin as Village Attorney subject to the approval of the Board of Trustees.

#### RESOLUTION 12 - 23

On motion of Trustee Sharkey, 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 2012-2013, 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 2012-2013, 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 nominated Rene Guerrero for appointment as Village Fire Inspector.

**RESOLUTION 12 - 24**

On motion of Deputy Mayor Weinberg, seconded by Trustee Sharkey, 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 2012-2013 to serve at the pleasure of the Mayor, at a rate of \$20 per hour.

**RESOLUTION CONCERNING THE SCHEDULE OF MEETINGS:**

**RESOLUTION 12 - 25**

On motion of Deputy Mayor Weinberg seconded by Trustee Sharkey, 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 8 meeting to October 15, 2012.

**RESOLUTION REGARDING AUDITOR:**

The Mayor offered a resolution to solicit requests for proposal from various firms to conduct the annual Village Audit

**RESOLUTION 12 - 26**

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

RESOLVED that the Board of Trustees authorizes the Village Administrator to solicit requests for proposal for pricing to conduct the Annual Village Audit for the fiscal year 2012-2013... Upon receipt of these proposals, the Board will select an auditor to conduct the Village Audit and GASB 34 conversion.

## **OFFICIAL BANKS:**

### **RESOLUTION 12 - 27**

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
HSB	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: Mayor and co-signed by either the Village Administrator or the Deputy Mayor.

## **MILEAGE ALLOWANCE - OFFICIAL NEWSPAPER POLICIES, ETC.:**

### **RESOLUTION 12 - 28**

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 2012-2013 official year, the Board of Trustees sets the mileage reimbursement rate at 58.5 cents per mile.; and it is further resolved

RESOLVED that the Board of Trustees designates The Great Neck News as the official newspaper of the Village; and it is further resolved

RESOLVED that the Purchasing Policy, originally adopted October 29, 1991 and as amended (including the amendment made by the Board on February 13, 2012), is readopted; and it is further resolved

RESOLVED that the investment policy, as updated to reflect current depositories, is readopted; and it is further resolved

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

## **UNDERTAKINGS FOR VILLAGE SIGNATORIES**

### **RESOLUTION 12-29**

Upon motion of Mayor Stern, seconded by Trustee Klein 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 Public Employees Blanket Position Bond with coverage limit for dishonesty limit of \$100,000 and Forgery or Alteration with a limit of \$50,000. This bond covers all employees of the municipality including the treasurer and non compensated employees.

### **Payment of Claims Policy**

#### **RESOLUTION 12 - 30**

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.

### **Vouchers**

#### **RESOLUTION 12 - 31**

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

RESOLVED, that vouchers, in the aggregate amount of \$ 73,276.39 (as itemized on the Abstract of Vouchers dated Monday April 9, 2012), are hereby approved for payment, all allocated to the General Fund.

### **258 Shoreward Drive**

Pursuant to the code of the Village of Thomaston, Part I, Chapter I, article II, Section I-18 .the owner of this property, Mr. Parviz Ohebshalom, was previously notified to appear at this meeting to show cause why it should not be determined that the violation referenced in the Village's letter to such owner continues to exist and/or why the provisions of Village of Thomaston Code, Part 1, Chapter 1, Article II, Section 1-18 should not be applied as a remedy to such violation. Despite such notice, Mr. Ohebshalom did not appear at the meeting.

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

#### **RESOLUTION 12 – 32**

Whereas, at the direction of the Board of Trustees, Mr. Parviz Ohebshalom was directed pursuant to Village Code §1-18 to appear before the Board of Trustees of the Village of Thomaston at the Village Hall, 100 E. Shore Road, Thomaston, New York, on April 9, 2012 at 7:30 pm. to show cause why it should not be determined by the Board that one or more violations of the Village Code exist at the property located at 258 Shoreward Drive, Thomaston, New York, and why the provisions of section 1-18 should not be applied as a remedy to such violation(s); and

Whereas, Mr. Parviz Ohebshalom /did not appear] before the Board of Trustees at the designated time and place; and

Whereas, the Board of Trustees has considered the foregoing issues, and all matters presented at the said time and place;

Now, therefore, the Board of Trustees hereby finds and determines as follows:

1. The following violations exist at the premises 258 Shoreward Drive, Thomaston, New York:

- a. VillageCode§144-15A(Littering, abandoned refrigerators, receptacles) in that there are two cases used to refrigerate food sitting on the front lawn and
  - b. Village Code § 116-45D (Yards and courts shall be kept free of physical hazard), in that there is debris posing a hazard.
2. Pursuant to Village Code §1-18, Mr. Parviz Ohebshalom is hereby ordered and directed to remediate the aforesaid violations in all respects, and cure the same, on or before 5 pm on April 20, 2012;
3. On or before April 11, 2012, the Village Clerk shall cause a copy of this resolution to be served upon Mr. Parviz Ohebshalom by (a) mailing a copy thereof to him at the aforesaid address, and (b) causing a copy of this resolution to be posted prominently at the aforesaid premises.
4. Upon a determination by the Building Inspector that any of the said violations have not been remediated and cured on or before the specified date, the Building Inspector, on behalf of the Village, is authorized pursuant to Village Code §1-18 to take such actions as may be necessary to remove and cure the said violations, and the cost of any such action shall be borne or reimbursed by the owner of the aforesaid property. Such costs shall be a lien upon such property until paid or otherwise satisfied or discharged and shall be collected in the same manner as if said costs were a tax upon real property.

## **ADJOURNMENT**

At 8:20 there being no further business, the motion to adjourn was made by Mayor Stern, seconded by Deputy Mayor Weinberg and unanimously approved.

Respectfully Submitted

Barbara J. Daniels

Village Administrator