

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF THOMASTON**

June 11, 2012

The Board of Trustees met on Monday, June 11, 2012, at the Village Hall, 100 East Shore Road, Great Neck, New York.

Present: Mayor Robert Stern, Deputy Mayor Steven Weinberg, Trustee James Sharkey and Trustee To-on Pang

Absent: Trustee Gary Noren

The Mayor opened the meeting with the pledge of allegiance at 7:30 p.m.

Oath of Office

Mr. To-on Pang took the oath of office and signed the register. Having done so, he took his place on the dais with the other Trustees.

Adoption of Minutes

RESOLUTION 12-40

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

RESOLVED that the minutes of the Board of Trustees meeting held on May 14, 2012 are hereby approved and accepted as presented.

Bid for Truck Replacement

The bids for the replacement of the International Dump Truck were opened on June 7, 2012. The lowest responsible bidder (consisting of the only bidder) was Trux Inc., Long Island Freightliner. The Board discussed the proposed purchase price (the bid received was below the lowest price previously proposed by Trux Inc.). Upon motion of Mayor Stern seconded by Trustee Sharkey, and unanimously approved, the following resolution was adopted:

RESOLUTION 12-41

RESOLVED, that the bid received from Trux Inc., Long Island Freightliner be accepted, and that the Village Administrator issue a purchase order in accordance with the specifications of the bid be in the amount of \$139,790. The funds to pay for this vehicle will come from the portion of the General Fund known as the Truck Fund.

Public Hearing – Expenditure of Reserve Funds

Mayor Stern opened the Public Hearing on the expenditure of up to \$290,591.12 from the Repair Reserve Fund for repair of Village Roads, consisting of repaving of certain Village streets and the installation of certain underground improvements (such as a new catch basin). None of the proposed repairs is of a routine or recurring nature. The funds will be expended only after the proposed repairs have been sent out to bid and the Board has accepted a contractor for the repairs.

There being no comment from the public, the Mayor closed the public hearing.

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

RESOLUTION 12-42

RESOLVED, that the funds currently held in the Repair Reserve Fund up to the amount of \$290,591.12 may be expended for repair of the Village roads in connection with the upcoming road repair project (which is yet to be bid), in accordance with applicable law

At 7:45, upon motion of Trustee Weinberg, seconded by Trustee Sharkey and unanimously approved, the Board met in executive session to discuss the potential settlement of legal claims against the Village. Mr. Donald Stern, Commissioner-at-Large, briefed the Board on settlement discussions for certain claims against the Village. After discussion in executive session, the Board re-convened in executive session at 8:00pm

Tax Certiorari Claims

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

RESOLUTION 12-43

RESOLVED, that the Village Attorney is authorized to negotiate a settlement with Rothmann's of Great Neck LLC v. Assessor as outlined in the letter of A. Thomas Levin, Esq. to the Village dated May 30, 2012.

RESOLUTION 12-44

RESOLVED, that the Village Attorney is authorized to enter into a settlement agreement covering the various Biener tax certiorari claims, in accordance with the following: (i) reduction in assessed value to \$37,500, (ii) payment of a refund in the total amount of \$90,000, payable in two equal installments of \$45,000 (one payable within 30 days after the settlement becomes effective and the other payable one year later).

Miscellaneous Claims

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

RESOLUTION 12-45

RESOLVED, that the Mayor is authorized to execute a settlement agreement with the owner of 105 Lee Avenue relating to water drainage during an unusually severe rainstorm during June, 2011, as follows: (1) the Village may in the future elect (a) to install a valley gutter along Schenck Avenue (where it adjoins Lee Avenue) so as to reduce the flow of water down Lee Avenue, and (b) to reduce the grade of the driveway for approximately 20 feet on such property starting with the asphalt berm installed by the Village at the top of the driveway (i.e., where the driveway intersects the street; the Village installed this berm in order to reduce drainage of water from the street onto the property), and (2) if the Village elects to construct such improvements, and if the resident of 105 Lee Avenue accepts such improvements and releases the Village from all liability in connection with the June, 2011 incident and all other liability which may arise in the future as a result of existing drainage conditions (conditions after giving effect to the improvements constructed by the Village and accepted by the resident), then the Village's insurer will pay to the resident the sum of \$15,000 as partial compensation for her losses during the flooding incident. Such settlement agreement will be in form approved by the Commissioner-at Large of the Village in consultation with the attorney for the Village's insurance company.

Vouchers

RESOLUTION 12 - 46

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

RESOLVED, that vouchers, in the aggregate amount of \$ 109,973.03 (as itemized on the Abstract of Vouchers dated Monday May 12, 2012), are hereby approved for payment, all allocated to the General Fund.

Adjournment

At 8:25 pm, there being no further business, a motion to adjourn was made by Trustee Sharkey, seconded by Deputy Mayor Weinberg and unanimously approved.

Respectfully submitted,

Barbara J. Daniels

Village Administrator