

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**Monday, July 1, 2013**

**INC. VILLAGE OF FARMINGDALE**

The regular meeting of the Board of Trustees of the Incorporated Village of Farmingdale was held at Village Hall, 361 Main Street, Farmingdale, New York at 8:00 p.m. on Monday, July 1, 2013.

**Present:** Mayor Ralph Ekstrand  
Deputy Mayor Patricia Christiansen  
Trustee William Barrett  
Trustee Cheryl Parisi  
Trustee Thomas Ryan  
Attorney Claudio DeBellis  
Administrator/Clerk/Treasurer Brian Harty  
Deputy Clerk/Treasurer Barbara Kelly  
Superintendent of Buildings Steve Fellman  
Public Works Superintendent Andy Fisch

Mayor Ekstrand opened the meeting at 8:00 PM with the pledge of allegiance.

**ANNOUNCEMENTS** – Mayor Ekstrand made the following announcements:

- Next Board meeting with public comment period will be held Monday, August 5, 2013 at 8:00 pm: Board of Trustees Work Sessions begin at 7:00 pm on Monday, July 8, July 15, and July 22, 2013.
- Final approval subject to Planning and Architectural Review Boards' comment and review back to Board of Trustees for 231-245 Main Street (Staller) is being adjourned to August 5, 2013 at 8:00 p.m. due to adjournment of June 25<sup>th</sup>, 2013 Planning Board meeting, at the request of the applicant.
- 2012/2013 Budget and Reserve adjustments will be voted on July 15<sup>th</sup>. Public is being notified because it is a work session meeting.

**PUBLIC HEARING PROPOSED SPECIAL USE PERMIT OUTDOOR DINING - 300 MAIN STREET (CASCARINO'S)** – Mayor Ekstrand stated that the public hearing is adjourned awaiting revised site plans from applicant.

**CONTINUED PUBLIC HEARING PROPOSED SPECIAL USE PERMIT - 285 EASTERN PARKWAY (STALLER)** – Mayor Ekstrand stated that the continued public hearing is being adjourned to August 5, 2013 at 8:00 p.m. due to adjournment of June 25<sup>th</sup>, 2013 Planning Board meeting, at the request of the applicant.

**PUBLIC HEARING PROPOSED SPECIAL USE PERMIT ADDITIONAL SEATING – 189 MAIN STREET (VIETNAMESE RESTAURANT)** - Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

**RESOLVED (#2013-351),** to open the public hearing.

Mr. Bui explained his menu for his 29 seat restaurant.

**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**Monday, July 1, 2013**  
**INC. VILLAGE OF FARMINGDALE**

Trustee Parisi asked when he planned on opening. Mr. Bui stated late July or early August.

Mayor Ekstrand asked for public comment.

There being no public comment and upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

**RESOLVED (#2013-352)**, to continue the public hearing on August 5, 2013 at 8:00 p.m. for proper notice on parking requirement portion of their application.

**PUBLIC HEARING DATES** – Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

**RESOLVED (#2103-353)**, to set the following public hearings:

- Proposed Special Use permit for office space on first floor at 222-224 Main Street for August 5, 2013 at 8:00 p.m. (Allstate)
- To enact a Local Law to amend Chapter 105 Article XIII Business DD District to permit multi-family dwellings and development incentive bonuses for August 5, 2013 at 8:00 p.m.

**GOOD & WELFARE**

- Mr. Scalorini, 15 Staples Street, stated that Options for Community Living, a group home is looking to buy 20 Staples Street. He inquired if the Village has been notified.
- Ms. Lombardi, 30 Staples Street, stated that this proposed home is very close to her home.
- Mr. Robinson, 9 Staples Street, stated that there is another property in the area which is abandoned.

Mayor Ekstrand asked Steve Fellman to confirm if this abandoned property is within Village limits.

- Mr. Ezzo commented about parking issues created by St. Luke's. Former Mayor Graf commented that there is an agreement dating back to 1990 or 1991 between St. Luke's and Village in regard to parking.
- Mr. Diurno reported that skateboarders are still on Fairview Rd. on Sundays. He also reported that taxi drivers are running stop signs. He asked when empty store fronts on Main St. will look better.

Deputy Mayor Christiansen stated that the DMP IC is working on putting historic pictures of Farmingdale in the windows of vacant stores.

- Mr. Diurno further went on to voice his objection to the closing of Main St. for the car shows.

**ABSTRACT** – Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**Monday, July 1, 2013**

**INC. VILLAGE OF FARMINGDALE**

**RESOLVED (#2103-354)**, that the Abstract of Audited Vouchers #1055 dated July 1, 2013 be approved for payment.

**WIRE TRANSFERS** - Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

**RESOLVED (#2013-355)**, to approve the wire transfers made in June, as annexed to these minutes.

**MINUTES** – Upon a motion made by Deputy Mayor Christiansen and seconded by Trustee Parisi, it was unanimously,

**RESOLVED (#2013-356)**, to approve the minutes of 6/3/13 Public Meeting and Work Sessions of 6/3/13, 6/10/13, 6/17/13 and 6/24/13.

**USE OF VILLAGE PROPERTY** – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

**RESOLVED**, to allow the following use of Village property:

- The DMP IC is requesting to close Main Street from Front Street to Prospect Street (keeping Conklin Street open) on Sunday, July 14, 2013 and Sunday, August 11, 2013 for ‘Live Downtown’ beginning at 3:00 p.m. for assembly and ending at 7:00 p.m. They would like to set up 2 bandstands in coordination with DPW.
- The DMP IC is requesting use of the courtroom for its next series of meetings on the following Tuesday nights: July 30<sup>th</sup>, September 17<sup>th</sup>, October 15<sup>th</sup>, and November 19<sup>th</sup> from 7:00 p.m. to 8:30 p.m.
- Weekend Productions has requested use of the courtroom on Monday, July 22, 2013 to film an episode of their series. The filming will require 6 hours (including set up and clean up) starting at 10:00 a.m. and ending at 4:00 p.m. There will be a cast and crew of no more than 16 people. The permit fee is \$100.00.

Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

**RESOLVED**, to deny the following use of Village Property:

- The Farmingdale Youth Council is requesting to hold their annual concert in the gazebo prior to the first movie night on Thursday, July 11<sup>th</sup>, 2013. The concert is scheduled to run from 6:30 – 8:00 p.m. The Board will permit Tuesday, July 9<sup>th</sup>, 2013.

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**Monday, July 1, 2013**

**INC. VILLAGE OF FARMINGDALE**

**BUILDING PERMITS** – The Board of Trustees accepted the listing of the following building permits issued since the last meeting:

LOCATION	TYPE OF CONSTRUCTION/COMMENTS	ARB
Barrett 154 Prospect St. DB 13-35	Replace 18 windows.	N/A
McCoy 50 Fairview Rd. CC 13-01	Widen existing driveway 20 ft.	N/A
St. Luke's 145 Prospect St. DB 13-36	Modify two interior partitions.	N/A
Cloud 20 William St. FP 13-16	Erect 6' fence along rear and north property.	N/A
Brackman 2 Yoakum St. PP 13-13	Oil to gas conversion.	N/A
Masjid Bilal Mosque 425 Fulton St. SP 13-6	74" x 32" PVC sign	X
Fulton Marketplace 300 Fulton St. SP 13-7	4'x7' sign	X
Occhipinti 210 Prospect St. DB 13-37	Install 18'x36' in ground pool	N/A
Kefaliakos 32 Jerome Dr. DB 13-38	Replace existing driveway, retaining walls and walkway.	N/A
Weigand 49 Sullivan Rd. DB 13-39	Replace garage roof – hurricane damage.	N/A
Henn 26 Cobb Pl. CC 13-02	Install new 10'x20' driveway and 11' curb cut.	N/A
AB Land Corp. 356 Fulton St. DB 13-40	Replace fuel tanks and pump islands at gas station.	N/A
Marino 112 Cherry St. PP 13-14	Installation of new gas boiler.	N/A
511 Fulton St. LLC 511 Fulton St. DB 13-41	Replace fuel tanks and pump islands at gas station.	N/A
Molina 94 Grant Ave. RO 13-8	New gas service.	N/A
Gevanter 45 Weiden St. RO 13-9	Install new gas valve.	N/A
Henry 40 Hudson St. FP 13-17	Install 6' white privacy fence around rear and side property lines.	N/A
7-Eleven 150 N. Main St. DP 13-01	Remove gas storage tanks, dispensers and canopy.	N/A
Commike 350 Staples St. FP 13-18	Replace 3-4 sidewalk flags.	N/A

**TAXI PERMITS** – Upon a motion by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**Monday, July 1, 2013**  
**INC. VILLAGE OF FARMINGDALE**

**RESOLVED**, to issue 7 taxi permits.

**BLOCK PARTY PERMITS** – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

**RESOLVED (#2013-357)**, to approve the following block party requests:

- Paul Hammelman, 1 Pinehurst Road, July 6, (Rain date July 7th) from 1:00 p.m. – 11:00 p.m. closing Pinehurst Road from Sullivan Road to Manetto Road.
- Lisa Avvocato, 10 Cooper Street, July 20, (Rain date August 10<sup>th</sup>) from 12:00 noon to 11:00 p.m. closing Cooper Street between Hill Road and Thomas Powell Blvd.

**NOTICES OF CLAIM** – Upon a motion made by Trustee Ryan and seconded by Deputy Mayor Christiansen, the following was **RESOLVED (#2013-358)**,

**WHEREAS**, On December 17, 2012, Governor Cuomo signed the Uniform Notice of Claim Act (the Act) into law; and

**WHEREAS**, The Act, which became effective on June 15, 2013, amended New York’s General Municipal Law to allow notices of claim against the Villages to be served on the New York Secretary of State as agent for New York’s public corporations; and

**WHEREAS**, Pursuant to the Act, the Secretary of State will forward any notice of claim served on it to the individual the city or village designates to receive the notices of claim; and

**WHEREAS**, General Municipal Law was amended and § 53 was added, which requires villages to file with the Secretary of State a certificate that (a) designates the New York Secretary of State as the village’s agent for service of notices of claim, (b) provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim, and (c) provides the applicable time limit for filing a notice of claim on the village; and

**WHEREAS**, villages are required to adopt a resolution approving the aforementioned designation and appointing the individual to whom the Secretary of State must mail notices of claim and file such designation with the Secretary of State, by July 15, 2013; and

**WHEREAS**, the designation may be filed online; and

**WHEREAS**, the VILLAGE wishes to comply with the Act; and

**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**Monday, July 1, 2013**  
**INC. VILLAGE OF FARMINGDALE**

**NOW THEREFORE BE IT RESOLVED;**

The VILLAGE BOARD Authorizes the Village Clerk-Administrator to file, by any means permissible by statute, with the Secretary of State a certificate that (a) designates the New York Secretary of State as the Village's agent for service of notices of claim, (b) provides that the Village Clerk-Administrator shall be the person who shall be designated to receive the notices of claim from the Secretary of State, and (c) provides that the applicable time limit for filing of a notice of claim on the Village shall be 90 days.

The following vote was recorded in connection with this matter:

Mayor Ralph Ekstrand	aye
Deputy Mayor Patricia A. Christiansen	aye
Trustee William Barrett	aye
Trustee Cheryl Parisi	aye
Trustee Thomas Ryan	aye

**GROSS RECEIPTS TAXES AND FRANCHISE FEES** – Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

**RESOLVED (#2013-359)**, to approve the hiring of Morwood Oaks Management Associates, LLC to review Gross Receipts Taxes from various vendors and review franchise fees from cable providers for a term of one year and asked Administrator Harty to negotiate a fee of 40%.

**ZONING BOARD OF APPEALS NEW FENCE PERMIT FEE** – This resolution has been tabled.

**WORKER'S COMPENSATION PREMIUMS** – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

**RESOLVED (#2013-360)**, to approve the hiring of The Leahy Company, Inc. to review worker's compensation premiums and look for potential refunds for a term of one year and asked Administrator Harty to negotiate a fee of 40%.

**ROADWORK AHEAD** – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

**RESOLVED (#2013-361)**, to approve the hiring of Roadwork Ahead to repave Waverly Place, Columbia Street, Staples Street (between Route 109 and LIRR) and Parking Lot #6 at a cost not to exceed \$280,000 under the requirements contract.

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**Monday, July 1, 2013**

**INC. VILLAGE OF FARMINGDALE**

**ENGINEERING CONSULTANTS** – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

**RESOLVED (#2013-362)**, to approve the hiring of Savick and Murray as the consulting engineers to oversee the roadwork project including a survey of Parking Lot # 6 at a cost not to exceed \$7,500.00 to be included in the \$280,00.00 total amount to spend.

**VHB STUDY** – Upon a motion made by Deputy Mayor Christiansen and seconded by Trustee Ryan, it was unanimously,

**RESOLVED (#2013-363)**, to approve the hiring of VHB to conduct a study examining the potential impacts of modifying affordable housing requirements at a cost of \$4,250.00.

**LAND SWAP AND EASEMENT AGREEMENTS** – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

**RESOLVED (#2013-364)**, to authorize the Mayor to execute a land swap and easement agreement with Bartone Properties.

**HAZARD MITIGATION PROGRAM** – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

**RESOLVED (#2013-365)**, to authorize H2M to file for a grant for Hazard Mitigation Program for generators for the water wells.

**BEAUTIFICATION** – Deputy Mayor Christiansen stated that she is pleased with how Main Street looks.

**OLD BUSINESS** – Trustee Barrett discussed crack sealing and signage on Franklin Place.

**CORRESPONDENCE** – Mayor Ekstrand read a letter from Oakview Avenue residents, annexed to these minutes.

**GOOD AND WELFARE**

- Mr. Gosline thanked the Village for approving the repaving on Waverly Place. He went on to discuss upcoming events on Main Street.
- Mr. Carosella thanked the Board for earlier public comment opportunity and asked if car shows can be moved to Waldbaum's parking lot.
- An Elizabeth Street resident mentioned graffiti on Bartone building in the loading dock area.
- Oakview Avenue residents voiced their concerns about potential Eastern Parkway project in regard to privacy issues.

**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**Monday, July 1, 2013**  
**INC. VILLAGE OF FARMINGDALE**

**EXECUTIVE SESSION**, upon a motion duly made and seconded, it was unanimously,

**RESOLVED**, to move to Executive Session to discuss personnel and legal matters.

Upon a motion duly made and seconded, it was unanimously,

**RESOLVED**, to reconvene the meeting.

**SALARY INCREASES** – Upon a motion made by Trustee Barrett and seconded by Trustee Ryan, it was unanimously,

**RESOLVED (#2013-366)**, to approve a 2% salary increase for full-time office staff, full-time dispatcher, and court employees, as well as adjustments to part-time employees as discussed.

There being no further work, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

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Brian P. Harty, Village Clerk-Treasurer