

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF THOMASTON
August 16, 2021**

The Board of Trustees met on Monday, August 16, 2021 at 7:30 p.m.

Present: Mayor Steven Weinberg, Deputy Mayor James Sharkey, Trustee To-on Pang, Trustee Burton Weston, and Village Attorney A. Thomas Levin

Absent: Trustee Jill Monoson

The Mayor opened the meeting at 7:40 p.m.

Adoption of Minutes

RESOLUTION 21-74

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

RESOLVED, that the minutes of the Board of Trustees meeting held on July 12, 2021 are hereby approved and accepted as amended to correct an error on the voucher list.

The vote on this resolution was:

Mayor Weinberg:	Aye	Deputy Mayor Sharkey:	Aye
Trustee Monoson:	Absent	Trustee Pang:	Aye
Trustee Weston:	Aye		

Public Hearing on Application of 124 Middle Neck Realty, LLC for an Incentive Use Permit

Before opening the public hearing, the Mayor noted that the room was overcrowded, and that there were others outside who could not be in the room. Because the Board could not conduct the hearing at this meeting in a manner which would permit all required attendance and participation by the public, the Board would adjourn the meeting to a new date and location.

The Mayor opened the public hearing. The minutes of the meeting were transcribed stenographically and are on file with these minutes. Before any proceedings were held, Deputy Mayor Sharkey moved that the hearing be adjourned to September 14, 2021 at 7:30 pm, at the Village of North Hills Village Hall, One Shelter Rock Road. The motion was seconded by Trustee Weston, and adopted with three votes in favor and one abstention.

The Mayor announced that if the Village could find a more suitable available location appropriate notices and announcements would be given as required by law.

RESOLUTION 21-75

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

RESOLVED, that the public hearing on the application of 124 Middle Neck Realty, LLC is continued to September 14, 2021 at 7:30 p.m. at the Village of North Hills Village Hall, 1 Shelter Rock Road, North Hills. NY 11756, or such other location as may be designated by the Mayor.

The vote on this resolution was:

Mayor Weinberg:	Aye	Deputy Mayor Sharkey:	Aye
Trustee Monoson:	Absent	Trustee Pang:	Abstain
Trustee Weston:	Aye		

Appointment of Part-time Substitute Laborers

Mayor Weinberg appointed Edmund P. Morrisey and Giuseppe R. Penoro as Part-Time Substitute Laborers, effective August 9, 2021, subject to approval of the Nassau County Civil Service Commission.

RESOLUTION 21-76

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

RESOLVED, that the Board of Trustees hereby ratifies the Mayor’s appointment of Edmund P. Morrisey and Giuseppe R. Penoro as Part-time Substitute Laborer, effective August 9, 2021, to be compensated at the rate of \$26.00 per hour, subject to the approval of the Nassau County Civil Service Commission, and it is further

RESOLVED, that the Village Administrator is authorized and directed to file any and all forms reasonably necessary to comply with requirements of the Nassau County Civil Service Commission to implement this resolution.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Sharkey:	Aye
	Trustee Monoson:	Absent	Trustee Pang:	Aye
	Trustee Weston:	Aye		

SCAR (Small Claims Assessment Review) Decisions

The Board of Trustees reviewed the decisions of the SCAR Hearing Officer as of July 16, 2021(Attachment A)

RESOLUTION 21-77

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

RESOLVED, that the Board of Trustees directs the Village Administrator to correct the tax roll with the new assessment indicated by the hearing officer in the various SCAR decisions dated July 16, 2021 and to carry these new assessments forward into the 2022/23 tax roll, and it is further

RESOLVED, that Board of Trustees approves the payment of refunds of the 2020/21 tax year, in the aggregate amount of \$609.18 reflecting the difference between the original and amended bills plus award of court costs, in the aggregate amount of \$90.00, and it is further

RESOLVED, that the Village Administrator shall issue refunds to the applicant’s representative(s).

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Sharkey:	Aye
	Trustee Monoson:	Absent	Trustee Pang:	Aye
	Trustee Weston:	Abstain		

Tax Certiorari Settlement – Spruce Towers Owners Corp.

RESOLUTION 21-78

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

RESOLVED, that the Board of Trustees hereby ratifies the action of the Village Administrator in issuing payment, in the amount of \$6,500, representing the refund of taxes for the 2014/15 through 2019/20 tax years pursuant to the Order and Judgment of the Supreme Court of the State of New York in the matter of Spruce Tower Owners Corp. v. Board of Assessors, Village of Thomaston, and received by the Village on July 21, 2021, and it is further

RESOLVED, that the settlement of the tax certiorari petition of Spruce Towers Owners Corp. for the property located at 2 Spruce Street, Thomaston, NY and also known as known as Section 2, Block 261, Lot(s) 126, 136, 137 & 140 for the tax years 2020/21 through 2021/22 for a reduction in assessed value to \$37,000 for the 2020/21 and 2021/22 tax years, with refunds of \$1,552.28 for each of the 202/21 and 2021/22 tax years, is hereby approved, and it is further

RESOLVED, that the Village Administrator is hereby authorized to pay the aforesaid refunds for the 20/21 and 21/22 tax years upon receipt of a properly executed claim voucher and confirmation from the Village Attorney that the proceedings for such tax years have been discontinued.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Monoson: Absent Trustee Pang: Aye
Trustee Weston: Aye

Phone System Proposals

The Board continued review and discussion of the proposals for a new phone system for Village Hall.

RESOLUTION 21-79

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

RESOLVED, that the Board of Trustees hereby accepts the proposal of Jordan Associates Integrated Systems, Inc. to supply and install a new phone system for Village Hall at a monthly charge of \$258 and installation charges not to exceed \$600, and it is further

RESOLVED, that the Mayor, or his designee authorized in writing, is authorized to execute any and all documents reasonably necessary to effectuate such purchase and installation.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Monoson: Absent Trustee Pang: Aye
Trustee Weston: Aye

Appointments to the Landmarks Preservation Commission

The Mayor appointed the following individuals to the Landmarks Preservation Commission to fill two (2) existing vacancies for the remainder of the official year:

Donald Stern

Gary Noren

RESOLUTION 21-80

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

RESOLVED, that all the appointments of Donald Stern and Gary Noren to the Landmarks Preservation Commission are hereby approved.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Monoson: Absent Trustee Pang: Aye
Trustee Weston: Aye

Designation of Chair and Vice Chair of the Landmarks Preservation Commission

The Mayor designated Donald Stern as Chair and Leila Mattson as Deputy Chair of the Landmarks Preservation Commission for the remainder of the official year.

Nassau BOCES Cooperative Purchasing

RESOLUTION 21-81

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

RESOVED, that the Village Administrator be authorized to submit a request to Nassau BOCES that the existing BOCES contract for purchase of “Automobiles – Passenger Cars/Vans/Trucks” be amended to include the Village of Thomaston in the list of entities authorized to purchase from the authorized vehicle vendors, and it is further

RESOLVED, that should the request be approved, the list of available vehicles will be reviewed and any relevant vehicles identified for possible purchase by the Village, subject to approval by the Board of Trustees.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Sharkey:	Aye
	Trustee Monoson:	Absent	Trustee Pang:	Aye
	Trustee Weston:	Aye		

Bill T2021F - Cannabis Opt-Out

The Board discussed Bill T2021F (Attachment B), a proposed local law to opt out of licensing and/or establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Thomaston.

RESOLUTION 21-82

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

RESOLVED, that the Board hereby finds and concludes that

(a) the proposed action (Bill T 2021F) is an Unlisted action under the State Environmental Quality Review Act and its regulations;

(b) the Board is the lead agency with respect to environmental review of this proposed action;

(c) the Board has considered the following factors, and made the following conclusions, in respect to 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;

(d) the proposed action would not have a significant adverse environmental impact; and

(e) no further environmental review is required with respect to the proposed action; and

(f) the Mayor is hereby authorized to complete and execute Part 3 of the Environmental Assessment Form consistent with this resolution.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Sharkey:	Aye
	Trustee Monoson:	Absent	Trustee Pang:	Aye
	Trustee Weston:	Aye		

RESOLUTION 21-83

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

RESOLVED, that a public hearing be held on October 13, 2021 at 7:30 p.m. with respect to the proposed adoption of Bill T2021F, entitled "a local law opting out of licensing and/or establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Thomaston," and it is further

RESOLVED, that the Village Clerk is directed to publish, post and otherwise give notice of such hearing as may be required by law.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Sharkey:	Aye
	Trustee Monoson:	Absent	Trustee Pang:	Aye
	Trustee Weston:	Aye		

Installation of Radio Transmitter for Central Station Alarm Monitoring

The Board reviewed a proposal from National Fire & Safety Solutions, Inc. for the installation of a radio transmitter for use as a communication path for central station communication.

RESOLUTION 21-84

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

RESOLVED, that the Board of Trustees hereby accepts the proposal of National Fire & Safety Solutions, Inc. for the installation of a radio transmitter for use as a communication path for central station communication at a cost of \$795, and it is further

RESOLVED, that the Mayor, or his designee authorized in writing, is authorized to execute any and all documents reasonably necessary to effectuate such purchase and installation.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Monoson: Absent Trustee Pang: Aye
Trustee Weston: Aye

The Mayor summarized the public works report.

Deposit Refunds

RESOLUTION 21-85

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

RESOLVED, that the refunds of deposits, in the aggregate amount of \$1,766.57 (as itemized on the Abstract of Refunds dated Monday, August 16, 2021), are hereby approved for disbursement from the Trust and Agency Fund.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Monoson: Absent Trustee Pang: Aye
Trustee Weston: Abstain

A copy of the approved refund list is attached to these minutes.

Vouchers

RESOLUTION 21-86

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

RESOLVED, that the vouchers, in the aggregate amount of \$66,191.60 (as itemized on the Abstract of Vouchers dated Monday, August 16, 2021), are hereby approved for payment, all allocated to the General Fund.

A copy of the approved voucher list is attached to these minutes.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Monoson: Absent Trustee Pang: Aye
Trustee Weston: Aye

Adjournment

At 9:11 p.m., there being no further business, the motion to adjourn was made by Mayor Weinberg, seconded by Trustee Pang, and unanimously approved.

Respectfully Submitted,

Denise M. Knowland
Village Administrator

VILLAGE OF THOMASTON - Trust and Agency Fund

AUDITED REFUNDS

July 13 through August 16, 2021

Num	Date	Name	Memo	Original Amount
1010	08/16/2021	BURTON WESTON	Refund Deposit ZBA 1 SINGLEY CT	-1,766.57
			Refund of unused portion of ZBA deposit	1,766.57
				1,766.57

INC. VILLAGE OF THOMASTON					
AUDITED VOUCHERS					
July 13 through August 16, 2021					
Type	Date	Num	Name	Amount	
Check	07/19/2021	3211	WATER AUTHORITY OF GREAT NECK NORTH	-43.47	
Check	07/19/2021	3212	NATIONAL GRID	-78.42	
Check	07/19/2021	3213	NATIONAL GRID	-41.99	
Check	07/19/2021	3214	NATIONAL GRID	-60.97	
Check	07/19/2021	3215	NATIONAL GRID	-45.61	
Check	07/19/2021	3216	PSEGLI	-41.01	
Check	07/19/2021	3217	PSEGLI	-857.35	
Check	07/22/2021	ET	FRANCOTYP-POSTALIA, INC.	-200.00	
Check	07/23/2021	ACH	MICHAEL F. MCNERNEY ARCHITECT PLLC	-747.50	
Check	07/26/2021	3220	PSEGLI	-55.83	
Check	07/26/2021	3221	HERMAN KATZ CANGEMI WILKES & CLYNE, LLP	-6,500.00	
Check	08/04/2021	3222	OPTIMUM	-22.00	
Check	08/04/2021	3223	VERIZON	-446.27	
Check	08/04/2021	3224	VERIZON WIRELESS	-79.71	
Check	08/04/2021	3225	VERIZON	-111.61	
Check	08/06/2021	ACH	MICHAEL F. MCNERNEY ARCHITECT PLLC	1,265.00	
Check	08/09/2021	3228	PSEGLI	-10.36	
Check	08/09/2021	3229	PSEGLI	-243.26	
Check	08/10/2021	3230	MANHASSET-LAKEVILLE WATER DISTRICT	-16.20	
Check	08/16/2021	3231	NYS INDUSTRIES FOR THE DISABLED, INC.	-197.88	
Check	08/16/2021	3232	WINTERS BROS. HAULING OF LI, LLC	-245.00	
Check	08/16/2021	3233	COSTELLO'S HARDWARE	-55.53	
Check	08/16/2021	3234	VELVETOP PRODUCTS	-1,140.00	
Check	08/16/2021	3235	MICHAEL HABERMAN ASSOCIATES, INC.	-1,125.00	
Check	08/16/2021	3236	WEX BANK	-679.22	
Check	08/16/2021	3237	BUSINESS CARD	-765.08	
Check	08/16/2021	3238	BUSINESS CARD	-405.10	
Check	08/16/2021	3239	MEYER, SUOZZI, ENGLISH & KLEIN, P.C.	-3,990.00	
Check	08/16/2021	3240	READYREFRESH BY NESTLE	-103.88	
Check	08/16/2021	3241	FELDMAN LUMBER	-32.99	
Check	08/16/2021	3242	HOME DEPOT CREDIT SERVICES	-54.10	
Check	08/16/2021	3243	MEADOW CARTING CORP	29,519.20	
Check	08/16/2021	3244	HERMAN KATZ CANGEMI WILKES & CLYNE, LLP	-3,104.56	
Check	08/16/2021	3245	PERMA	-65.00	
Check	08/16/2021	3246	OLD VILLAGE TREE SERVICE	-4,700.00	

Check	08/16/2021	3247	NYS EMPLOYEES' HEALTH INSURANCE	-7,460.09
Check	08/16/2021	3248	FINE DETAILING	-200.00
Check	08/16/2021	3249	GENERAL WELDING SUPPLY CORP	-7.50
Check	08/16/2021	3250	PSEGLI	-42.67
Check	08/16/2021	3251	PSEGLI	-742.06
Check	08/16/2021	3252	MAIDENBAUM & STERNBERG, LLP	-699.18
				-
				66,191.60
				-
TOTAL				66,200.00

**SCAR DECISIONS
2020/21 TAX YEAR
HEARING DATE: 7/16/21**

NAME	ADDRESS	S/B/L	FINAL ASSESSMENT ROLL	DECISION	REDUCTION	REFUND
ANDREW & OLGA KAGAN	9 HIGHLAND AVE	2/7/140	\$9,390	\$8,700	\$690	\$238.02 plus \$30 (costs) Total: \$268.02
DANIEL AHN JENNIFER CHONG	40 WINDSOR RD	2/206/14, 20	\$6,736	\$5970	\$766	\$264.23 plus \$30 (costs) Total: \$294.23
WEI WU	176 SCHENCK AVE	2/255/42-45	\$7,810	\$7,500	\$310	\$106.93 plus \$30 (costs) Total: 136.93
Total Reduction in Assessed Value:					\$1,766	
Total Refund of Taxes:						\$609.18
Total Costs Awarded:						\$90.00
GRAND TOTAL:						\$699.18

SCAR DECISIONS
2020/21 TAX YEAR
HEARING DATE: 7/16/21
NO CHANGE IN ASSESSMENT

NAME	ADDRESS	SEC/BLK/LOT	DECISION
SIDNEY & KAREN WEISBERG	207 GARDEN ST	2/14/50,151	NO CHANGE
SUSAN GESNER	31 WINDSOR RD	2/164/302	NO CHANGE
LIAN ALPERT	37 WINDSOR RD	2/210/47	NO CHANGE
JANET FINE	48 VALLEY VIEW RD	2/248/13	WITHDRAWN
SHARI BALABAN	135 SCHENCK AVE	2/269/3	NO CHANGE
IANCU & ADINA PASCARU	15 GRACE CT N	2/334/51	NO CHANGE

Bill T2021F

A local law opting out of licensing and/or establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Thomaston.

Section 1. The Code of the Village of Thomaston is hereby amended, by adding thereto a new Chapter, to be Chapter 72, to read as follows:

“Chapter 72. Cannabis.

Article 1. Opt Out of State Licensing.

§72-1. Legislative Intent. It is the policy and intent of the Village of Thomaston (“Village”) to prohibit the licensing and establishment of retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village. By the enactment of this chapter, the Board of Trustees is exercising its authority to request, and is requesting, the New York State cannabis control board to prohibit the establishment within the Village of such retail dispensary licenses and/or on-site consumption licenses otherwise authorized pursuant to article four of the New York Cannabis Law.

§72-2. Authority. This article is enacted pursuant to New York Cannabis Law § 131, which grants authority to the Village to opt-out, and thereby prohibit, the issuance of licenses for, and the operation of, retail cannabis dispensaries and/or on-site cannabis consumption establishments in the Village. This article is intended to exercise the said authority of the Village to the maximum permissible extent.

§72-3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out and Prohibitions.

- A. To the fullest extent permitted by law, the Village of Thomaston hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within the Village of Thomaston.

- B. On and after the effective date of this section, no governmental agency shall approve or issue any license or other authority to permit, establish or operate any cannabis retail dispensary and/or cannabis on-site consumption establishment within the Village of Thomaston.

- C. No property or premises in the Village may be operated or used, in whole or in part, for a cannabis retail dispensary and/or cannabis on-site consumption establishment, as those terms are defined in the New York Cannabis Law.”

Section 2. Severability. In the event any court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective date. This local law shall take effect immediately upon filing with the Secretary of State pursuant to the Municipal Home Rule Law. Pursuant to the provisions of Cannabis Law § 131, this local law is subject to a permissive referendum and may not be filed with the Secretary of State until either (a) the applicable time period has elapsed to file a petition for a referendum, and no such petition has been timely filed, or (b) if such a petition has been timely filed, a referendum has been conducted approving this local law.