

**VILLAGE OF MATINECOCK  
REGULAR BOARD OF TRUSTEES' MEETING  
NOVEMBER 17, 2009**

A regular Trustees' meeting was held by the Board of Trustees of the Incorporated Village of Matinecock, Nassau County, New York, at Portledge School on Duck Pond Road in the Village, on Tuesday, November 17, 2009, at 6:30 P.M.

Present:	Kenneth J. Goodman, MD	Mayor
	Robert S. Hatch	Trustee
	Albert Kalimian	Trustee
	Brewster Righter	Trustee
	Alan Seligson	Trustee
	James F. Wellington	Trustee

Absent:	Carol Large	Trustee
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Also Present:	William H. Simonds, Village Clerk/Treasurer
	Peter P. MacKinnon, Esq. and
	Jennifer A. Brown, Paralegal, of
	Humes & Wagner, LLP
	Attorneys for the Village

The Mayor called the meeting to order at 6:30. He requested that the affidavits of mailing and posting of the Public Information Notice in compliance with the Open Meetings Law, which were presented, be annexed to the minutes of this meeting.

**MINUTES**

The Mayor called for approval of the minutes of the Trustees' meeting held on October 20, 2009, which, on motion duly made and seconded, were unanimously approved as amended.

**BILLS**

The bills listed on Warrant No. 545, dated October 1-30, 2009, check Nos. 1107 thru 1131 for a total of \$51,737.52, copy of which is annexed to these minutes, were, on motion duly made and seconded, ratified and approved for payment.

The Board discussed the bill from Sidney B. Bowne & Sons for the preparation of specifications for the repair of a portion of Planting Fields Road in the Village of Matinecock. After discussion, the Mayor directed Mr. von Briesen to request that Roger Cocchi, Village Engineer, attend the December meeting.

## **TREASURER'S REPORT**

The Treasurer's Report for the month ending September 30, 2009, was presented, examined, approved and ordered filed, subject to audit.

## **BUILDING DEPARTMENT**

The Mayor noted that the Building Inspector's Report on the status of current building permits and projects in the Village was reviewed and discussed.

The Mayor also requested that the Building Inspector prepare the 2009 Year End Status Report on construction that has occurred in 2009, to make certain that all new construction in the Village has been properly assessed on the 2010/11 Village assessment roll.

## **POLICE REPORT**

Commissioner Kalimian reported that a November 2008 letter from St. Francis Hospital to the Old Brookville Zoning Board of Appeals was circulated to the Commissioners. The letter acknowledged that St. Francis Hospital would not attempt to solicit zoning concessions from the Village of Old Brookville Zoning Board of Appeals, based upon the relocation of the new police headquarters to their property. Commissioner Kalimian further reported that Old Brookville has not yet committed to support the construction of the new police headquarters at the St. Francis Hospital/DeMatteis Heart Center site in Old Brookville.

Commissioner Kalimian noted that, based upon the most recent report circulated by George Stack, the Department's accountant, an \$800,000 surplus is expected at the end of the fiscal year. The surplus was generated by the Police Department staffing being two officers less than budgeted, and the savings of several police officers not enrolling in the Department's health insurance plan. He also noted that based upon the most recent Department's analysis of funding the Termination Pay Account that it is anticipated there will be a possible shortfall within the next ten years. Commissioner Kalimian will recommend to the Board of Police Commissioners that the entire year end surplus be allocated to the Termination Pay Account.

Commissioner Kalimian also reported that the Village of Old Brookville has not received a definitive answer from the Zurich American Insurance Company, regarding insurance coverage for the oil tank spill. Old Brookville circulated legal bills from special counsel in the amount of \$26,000 generated by this incident and requested that the legal fees be paid by the Police Department in order that special counsel may continue her efforts to settle the insurance claim.

## **FIRE REPORT**

The Attorneys for the Village stated that a public hearing is required to be held prior to December 31, 2009 to renew the fire protection contract for the 2010 calendar year. He stated that the proposed 2010 Fire Protection Contract with the Locust Valley Fire Department is for a yearly cost of \$78,321, which is an approximate \$3,000 increase from the 2009 protection contract. After discussion, and on motion duly made and seconded, it was unanimously

**RESOLVED**, that the Attorneys for the Village be, and they hereby are, authorized to publish a legal notice in the official Village newspaper for a public hearing to be held at the December 15, 2009 Trustees' meeting to consider renewal of the fire protection contract with the Locust Valley Fire District for the 2010 calendar year

## **COMMISSIONER OF PUBLIC WORKS REPORT**

Mr. von Briesen reported that the new traffic control signs had been ordered and the convex mirror, previously approved to be installed at Duck Pond and Oyster Bay Road was purchased by a Village resident. The tree work on Underhill Road and Eyre Lane is near completion and the Village wide trash pick-up along the Village roads has been completed.

Commissioner von Briesen also reported that the drainage way and pipe inlet on Underhill Road was repaired by Testa Landscaping for a cost of \$3,000. He also noted he has received complaints from residents near the Plaza Shoppes, that garbage from the shopping plaza was being deposited in the gully. The Board also brought to the attention of Commissioner von Briesen that the sidewalk in front of the Plaza Shoppes is not properly maintained and cleared of debris. The Board directed Mr. von Briesen to speak with the managers of the restaurant and the Plaza Shoppes concerning these two matters.

Mr. von Briesen also reported that he and Joe Antes of Petrocelli Electric surveyed the Village to inventory all Village street lights, which has not been finalized. Trustee Kalimian noted that once he has a proposal from Petrocelli Electric on the cost of the replacements of Village street lights in the Village, Senator Marcellino has agreed to assist in seeking State funding for this project.

The Board noted that a fence on Town Cocks Lane had fallen down and must be repaired. The Board instructed Mr. von Briesen to speak with the homeowner to address this repair.

## **OYSTER BAY ROAD & DUCK POND ROAD**

The Mayor noted that he will follow-up with Mayor Ted Smith from Mill Neck on installing a blinking caution traffic light at the intersection of Duck Pond Road and Oyster Bay Road and the sharing of the cost of the installation and operation with the Village of Mill Neck.

## **VILLAGE COURT UPDATE**

The Village Attorney updated the Trustees on the Anderson dog complaint case. A draft of a Stipulation of Settlement has been sent to defendants' counsel in hopes of concluding this Village case.

## **NEXT MEETING**

The next meeting of the Board of Trustees is scheduled for December 15, 2009.

There being no further business, the meeting was adjourned.

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Village Clerk