

**BOARD OF TRUSTEES**  
**INC. VILLAGE OF EAST WILLISTON**  
**AGENDA MEETING**  
**MONDAY, MAY 23, 2016**

Regular Meeting of the Board of Trustees of the Incorporated Village of East Williston was held on Monday, May 23, 2016 at 7:30 p.m. at the Village Hall, 2 Prospect Street, East Williston, New York.

There were present: Mayor David E. Tanner, Deputy Mayor/Trustee Bonnie L.S. Parente, Trustees Christopher Siciliano, James L. Iannone, Anthony J. Casella, Treasurer Michael Delury, Bonnie Kreisman, Secretary to the Board of Trustees, Village Attorney Jeffrey L. Blinkoff.

Excused from meeting: Marie L. Hausner, Village Clerk.

Also present: Scott Ahlers, Charles Schwab, Alice Gabriel, Pinnacle, Gene Heder and Fred Stahl, Hometown Insurance (LOSAP program). John Mirando, PE, Neil Duffy.

Jeffrey Blinkoff apprised the Board of the minor changes to the water agreement between the Villages of Williston Park and East Williston. The changes were a result of a review by the Nassau County Department of Health dealing with emergency chlorination. Mr. Blinkoff was awaiting word from Williston Park attorney James Bradley. He did not think there will be any problem with the change.

Mayor Tanner recapped the information provided by Hawkins, Delafield & Wood (bond counsel) for a proposed bond referendum for construction of a public water supply system.

Trustee Casella stated that he is confused by some of the items in the bond counsel's resolutions. He said the resolution states an amount of \$7.5 million, but H2M (engineering firm engaged in water supply design) estimated a total of \$10 million, plus in expenses, including financing.

Mayor Tanner stated that Trustee Casella is not correctly interpreting the resolution.

Trustee Casella stated that he will not vote to hold a bond referendum. Trustee Parente agreed with Trustee Casella.

Trustee Iannone stated that Trustee Parente and Casella wanted to settle the agreement with Williston Park and not go forward with a vote on a referendum. He felt that a water purchase agreement with Williston Park is the way to go. He was concerned that putting a referendum out to the public for a vote will jeopardize the

Williston Park negotiation. He was also concerned about a continued relationship with Williston Park and the real probability of the Wheatley House Condominium pursuing a lawsuit against the Village if it pursues construction of a well. He felt the Village should just resolve the issue by signing the agreement with Williston Park.

Trustee Siciliano wanted the contract with Williston Park but felt the residents should be able to voice their opinion by voting and take part in the decision process.

Mayor Tanner favored constructing a well. It is larger than any project ever undertaken by the Village of East Williston and is a legacy issue that is owed to the residents. He stated while the Mayor and Board are elected to make decisions such as this, the water issue is far too big not to allow residents to voice their opinion through a public referendum vote. He felt the well provided a way to control water quality and price. He was extremely concerned about a water rate increase right after the “lock down” period in the agreement between Williston Park and East Williston, as well as the state of the elevated water tank, which may need comprehensive repairs in the near future.

Trustee Parente had similar concerns as Mayor Tanner, but on the issue of the well, in weighing the pros and cons, the Village could experience trouble constructing the well, and may also experience trouble with labor issues down the road.

Trustee Casella stated that he has been getting “good water” for 46 years (from Williston Park) and that speaks volumes.

Trustee Iannone stated that if not for the proposed well project, East Williston would not have had the negotiating power with Williston Park to map out an agreement. He complimented Mayor Tanner and Trustees Parente and Siciliano for all of the work they put into the entire project and negotiations. He felt East Williston was too small a Village to have a well of its own. There is no real feasible spot for the placement of a well. He agreed that there will be a rate increase issued by Williston Park, but at least it is locked into Williston Park’s residential rates.

Trustee Siciliano added not to forget former Trustee Vella’s contribution to the process.

Mayor Tanner asked that Mr. Blinkoff take the Board through the resolution process as outlined by bond counsel.

Mr. Blinkoff stated that he will take the Board through the three parts sequentially. He began by asking for a motion to grant authority.

**RESOLUTION #2016-17 A RESOLUTION OF THE VILLAGE OF EAST WILLISTON, NEW YORK, OF MAY 23, 2016, GRANTING AUTHORITY TO CONSTRUCT A PUBLIC WATER SUPPLY SYSTEM IN THE VILLAGE, PROPOSED TO BE FINANCED BY THE ISSUANCE OF BONDS OF THE VILLAGE TO BE AUTHORIZED BY A BOND RESOLUTION, WHICH SHALL BE SUBJECT TO A MANDATORY REFERENDUM**

On the motion of Mayor Tanner, seconded by Trustee Siciliano, and with Mayor Tanner and Trustee Siciliano voting “aye” and Trustees Parente, Iannone, and Casella voting “no” the Board did not approve the following resolution.

Recitals

WHEREAS, the Board of Trustees of the Village of East Williston, in the County of Nassau, New York (the “Village”) desires to provide water service to the residents of the Village in an efficient and cost effective manner; and

WHEREAS, one of the options available to the Village is the construction a public water supply system in and for the Village; and

WHEREAS, the Village has taken various actions, including obtaining an estimate of the cost of constructing such public water supply system, and has proposed that such cost be financed by the issuance of bonds of the Village; and

WHEREAS, the Board of Trustees has proposed that residents of the Village be given the opportunity to vote upon a proposition for approval or disapproval of the bond resolution authorizing the financing of the proposed public water supply system pursuant to a mandatory referendum; and

WHEREAS, adoption of this resolution granting authority to construct a public water supply system does not create a requirement that the system be constructed, but is a necessary condition to adoption of the bond resolution subject to mandatory referendum, which shall provide residents of the Village with the opportunity to vote on a proposition for approval or disapproval of said bond resolution;

Now, therefore

THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST WILLISTON, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Board of Trustees of the Village of East Williston (the “Village”), in the County of Nassau, New York hereby grants authority to construct a public water supply system in the Village.

Section 2. The estimated maximum cost of said project, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,500,000 and the plan of financing includes the issuance of \$7,500,000 serial bonds of the Village and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

\* \* \* \*

Duly put to a vote on roll call, which resulted as follows:

AYES: Mayor Tanner, Trustee Siciliano

NOES: Trustees Parente, Iannone and Casella.

The resolution did not carry.

**RESOLUTION #2016-18 A BOND RESOLUTION OF THE VILLAGE OF EAST WILLISTON, NEW YORK, ADOPTED MAY 23, 2016, AUTHORIZING THE ISSUANCE OF \$7,500,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE THE CONSTRUCTION OF A PUBLIC WATER SUPPLY SYSTEM IN THE VILLAGE**  
**THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST WILLISTON, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES**

On the motion of Mayor Tanner, seconded by Trustee Siciliano, and with Mayor Tanner and Trustee Siciliano voting “aye” and Trustees Parente, Iannone, and Casella voting “no” the Board did not approve the following resolution.

*(a favorable vote of not less than three-fifths of all the members of said Board of Trustees to be approved)*

AS FOLLOWS:

Section 1. The Village of East Williston, in the County of Nassau, New York (herein called the “Village”), hereby authorizes the issuance of \$7,500,000 serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Local Finance Law”), to finance the construction of a public water supply system in the Village, substantially as described in the report prepared for the Village by H2M architects + engineers, dated March 2013 and updated August and November 2014.

Section 2. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,500,000. The plan of financing includes the appropriation of \$7,500,000 to pay the cost of such project, the issuance of \$7,500,000 serial bonds of the Village to finance said appropriation, and the levy and collection of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The period of probable usefulness of the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 6. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said bonds, and any

notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law and pursuant to the provisions of Section 21.00 of the Local Finance Law relating to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relating to the authorization of the issuance of bond anticipation notes, and Section 50.00, Sections 56.00 to 60.00 and Section 168.00 of the Local Finance Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. A Proposition for the approval or disapproval of this resolution shall *not* be submitted to the qualified voters of the Village and no Special Village Election will not be held .

\* \* \* \*

Duly put to a vote on roll call, which resulted as follows:

AYES: Mayor Tanner, Trustee Siciliano.

NOES: Trustees Parente, Iannone and Casella.

The resolution did not carry.

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**RESOLUTION #2016-19 A RESOLUTION OF THE VILLAGE OF EAST WILLISTON, NEW YORK, CALLING FOR A SPECIAL VILLAGE ELECTION AND MAKING CERTAIN DETERMINATIONS IN CONNECTION THEREWITH THE BOARD OF TRUSTEES OF THE VILLAGE OF EAST WILLISTON, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES AS FOLLOWS:**

On the motion of Mayor Tanner, seconded by Trustee Siciliano, and with Mayor Tanner and Trustee Siciliano voting “aye” and Trustees Parente, Iannone, and Casella voting “no” the Board did not approve the following resolution.

Section 1. A Special Village Election will be not be held .to enable the voters then present to cast their votes, at which Special Village Election the Proposition contained in the Notice hereinafter set forth shall be submitted for the approval or disapproval of the electors of the Village by a majority vote of such electors voting on such Proposition. The sole polling place for said Special Village Election shall be Village Hall, 2 Prospect Street, East Williston, New York 11596.

Section 2. The Village Clerk is hereby authorized and directed to give notice of such Special Village Election (a) by publishing, at least ten (10) days prior to such Special Village Election, a Notice thereof in form and substance as hereinafter set forth, at least once in the “*The Mineola American*,” a newspaper having a general circulation in the Village, and hereby designated the official newspaper of the Village for such publication, and (b) by conspicuously posting, at least one (1) day prior to such Special Village Election, a printed copy of said Notice in at least six (6) public places in the Village and in each polling place.

Section 3. At said Special Village Election, the vote upon said Proposition shall be by voting machines and only those persons qualified to vote according to law shall be permitted to vote.

Section 4. No notice will be published, because an election will not be held.

Duly put to a vote on roll call, which resulted as follows:

AYES: Mayor Tanner, Trustee Siciliano.

NOES: Trustees Parente, Iannone and Casella.

The resolution did not carry.

Mayor Tanner stated that he wants to make another motion to approve construction of a well through the authorization of borrowing funds.

No member seconded the motion.

Trustee Casella read a motion suggesting that the Board not approve the well and that East Williston should settle the lawsuit with Williston Park, in part to free up the burden of the courts.

Together, members of the Board stated that the previous three resolutions have already voted down the well, and that verbiage in the agreement addresses the ending of the lawsuit between the two Villages.

Trustee Parente made a motion to accept the agreement with Williston Park, subject to Nassau County Department of Health revisions.

Mayor Tanner qualified that the agreement with Williston Park is not a good agreement, but the best the Village can get.

**RESOLUTION #2016-20 A RESOLUTION TO ACCEPT THE AGREEMENT FOR PURCHASE OF WATER WITH THE INC. VILLAGE OF WILLISTON PARK PURSUANT TO REVISIONS SUBMITTED BY THE NASSAU COUNTY DEPARTMENT OF HEALTH.**

On the motion of Trustee Parente, seconded by Trustee Iannone, and with Trustees Parente, Siciliano, Iannone, and Casella voting “aye”, and Mayor Tanner voting “no”, the Board approved to accept the agreement for purchase of water with the Inc. Village of Williston Park pursuant to revisions submitted by the Nassau County Department of Health.

The Board discussed the “Length of Service Award Program” (LOSAP).

Mr. Delury introduced Scott Ahlers from Charles Schwab (custodian), Alice Gabriel from Pinnacle (investment adviser), Gene Heder and Fred --- from Hometown Insurance, administrators of the program.

Mr. Heder and Mr. Stahl explained their role as administrators (liaisons between the Fire Department and the Board of Trustees), but they report to the Board of Trustees of the Village. They monitor the works of the program to ensure that the laws (dealing with points earned by the firefighters) are being complied and they supervise and issue the monthly payout to the members who are entitled to this payment.

Trustee Parente asked if they audit the point certification. Mr. Heder explained that they do not. Hometown’s responsibilities are the payments and distributions and 1099 forms. This documentation is subject to audit.

Trustee Parente asked Ms. Gabriel how investments are decided upon. She replied that it is based on discussions with the LOSAP trustees (formerly John McWhirk). She suggested that the investments should be conservative, but would diversify more than currently invested.

Trustee Iannone asked if the LOSAP fund is underfunded. He was informed that 39% would be the amount to properly fund the account. It should be \$81,000 per year, not the current \$72,000 deposited per year.

Mr. Delury stated that previously, there had been three LOSAP trustees: John McWhirk, Francis J. Cashin, III and Virginia Masterson. Mr. Cashin and Mrs. Masterson had resigned a while back, and Mr. McWhirk has recently resigned, but will withdraw completely once transition takes place.

Ms. Gabriel presented a brief background of Pinnacle and their duties as investment advisor. She added that Charles Schwab would perform the actual investing.

Neil Duffy of 20 Ridge Road attended the meeting to voice his problem with discolored water at his residence in person, to the Board.

Mayor Tanner stated that the Village was doing its best to find out why this problem keeps occurring, but at this time does not see a short term solution.

John Mirando explained the situation taking place at the Duffy residence, and made some suggestions. One suggestion to have another round of hydrant flushing, may ensure that sediment is flushed out of the mains. Sometimes it takes several rounds of hydrant flushing to accomplish complete main clearance.

Mr. Duffy added that the timing of the brown water seems to coincide with fire department drills and he suggested that residents be notified..

Mr. Mirando stated that perhaps the tap to Mr. Duffy's home should be excavated to see that it was performed correctly. Ms. Kreisman noted that Mr. Duffy will be upgrading to a 1" service through a pending building permit. The Village may be able to coordinate the investigation during this effort.

Both Mr. Duffy and the Board of Trustees liked the idea.

Mr. Mirando also stated the Village may want to confirm the level of iron from Williston Park and what their Langlier index level is currently.

The Board will ask H2M to perform a Langlier index test.

Mr. Mirando will call the Williston Park engineer to see what corrosion control chemicals are used and what the levels for the constituents are currently.



He reiterated that a solid plan of action would be to flush the main system again and more frequently. He also asked Mr. Duffy to check the hot water temperature on his water heater to ensure that it is under 120 degrees.

Mayor Tanner asked Mr. Blinkoff what liability the Village has if Mr. Duffy withholds payment of his water bill.

Mayor Tanner asked that a letter outlining the various steps discussed with Mr. Duffy be prepared and sent to him.

Trustee Siciliano summarized the issue with the tree at the Martone residence at 146 Charles Street. The resident wants a Village tree removed from in front of his property because the roots are traveling up on his property. There is nothing wrong with the tree. The resident does not want to cover the roots with topsoil, as suggested to him. He further advised that the Village would be setting a precedent if the tree is removed.

Mr. Blinkoff will research similar case law on this subject, as to what constitutes safe or proper tree care maintenance.

Trustee Siciliano stated that he is awaiting a contract from the New Hyde Park Fire District so that the painting of the siren on Hewlett Drive can take place.

Mayor Tanner stated that he did not want to wait too long for this to occur, or the Village will need to find another company to paint the siren.

Trustee Siciliano stated that Jared Bassman (Eagle Scout candidate) will be working on the benches on the Village Green this weekend.

Trustee Siciliano stated that the Fire Department needs new safety sensors installed on the bay doors of the firehouse.

**RESOLUTION #2016-21 A RESOLUTION APPROVING A PROPOSAL FOR  
INSTALLATION OF SAFETY SENSORS ON THE BAY DOORS TO THE EAST  
WILLISTON FIREHOUSE BY SUPERIOR OVERHEAD DOOR AT A COST OF  
\$1,250.00.**

On the motion of Trustee Siciliano, seconded by Trustee Casella, and with Mayor Tanner and Trustees Parente, Siciliano, Iannone and Casella all voting “aye”, the Board unanimously approved the proposal for installation of safety sensors on the bay doors of the East Williston Firehouse by Superior Overhead Door at a cost of \$1,250.00.

Trustee Siciliano stated that the East Williston School District will be installing “grass-through” pavers at the North Side School. They asked if the Village would share in the

cost of the installation. He informed them that the Village will not be able to share the cost of said installation.

Trustee Siciliano stated the Village is awaiting a quote from Albertson Electric for new street lighting.

Lastly, Trustee Siciliano stated that the replacement of the street signs is continuing, and the Village office is coordinating with the East Williston School District for the replacement of the water meter at North Side School.

Trustee Parente stated that she wants the Village to revisit the drainage issue on Atlanta Avenue, adding that she has witnessed the situation getting worse over the years.

Trustee Siciliano stated that he will contact Frank Cashin about the issue. If Frank's firm does not want to undertake this project, the Village should look into getting an alternative firm.

**RESOLUTION #2016-22 A RESOLUTION APPOINTING MICHAEL DELURY AS A TRUSTEE OF THE LENGTH OF SERVICE AWARD PROGRAM (LOSAP).**

On the motion of Trustee Siciliano, seconded by Trustee Iannone, and with Mayor Tanner and Trustees Parente, Siciliano, Iannone and Casella all voting "aye", the Board unanimously appointed Michael Delury as a Trustee of the Village of East Williston Length of Service Award Program (LOSAP).

**RESOLUTION #2016-23 A RESOLUTION APPROVING THE RENEWAL OF AGREEMENT WITH MUNICIPAL AUDIT SERVICES LLC FOR AUDITING OF VILLAGE FRANCHISE FEES/1% UTILITY TAX.**

On the motion of Mayor Tanner, seconded by Trustee Parente, and with Mayor Tanner and Trustees Parente, Siciliano, Iannone and Casella all voting "aye", the Board unanimously approved the renewal of the agreement with Municipal Audit Services, LLC for auditing of Village franchise fees/1% utility tax for a period of two years commencing May 25, 2016.

The Board approved a request by TVASNAC to add a website link to their airplane noise abatement website.

Trustee Parente suggested that the Mayor mention the next meeting of the airplane noise abatement at the next Board meeting.

There being no further business, on the motion of Mayor Tanner, seconded by Trustee Casella, the meeting was adjourned at 10:08 pm.