

**Board of Trustees  
Minutes  
Dec. 10, 2018**

Meeting called to order at 7:30 pm

MEMBERS PRESENT: Mayor Dennis Siry, Deputy Mayor Kevin Smith, Trustee Jessica Bernius, Trustee Thomas Whalen

MEMBERS ABSENT: Trustee Nick LaLota

ALSO PRESENT: Fire Chief, Leland Greey  
Superintendent of DPW, Bruce Hopper  
Building Inspector, Bryan Donato  
Clerk Treasurer, Catherine Murdock  
Secretary to the Board, Wendy O'Neill  
Village Attorney, Bruce Kennedy

Mayor Siry welcomed everyone to the Dec. 10, 2018 meeting of the Board of Trustees.

The Salute to the Flag was led by Chief Slack.

**Good News Report:**

Trustee Bernius announced that the Amityville Senior Center welcomes new members as they are looking to build up their membership. The Center at Park North Administration Building is open Mondays through Fridays 10 a.m.-2 p.m., when school is in session. She showed a flyer that has been created to help advertise the Center.

With no further "Good News" Mayor Siry continued with Mayor's Actions:

**Mayor's Actions:**

- Upon Mayor Siry's request, approve minutes from November 8, 2018 and November 26, 2018 meetings

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith.

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

**Board of Trustees  
Minutes  
Dec. 10, 2018**

**Licenses**

Sign, Banner, Canopy, Marquee or Fixture

**Security Dodge**, 345 Merrick Rd., Amityville, NY - 3 temporary signs (banners)

According to Building Inspector Donato two of the banners have been up for more than 30 days, and a summons was issued.

Deputy Mayor Smith said he was inclined to approve the 30 day request since the dealership subsequently submitted their sign application. However, Mayor Siry reported that the Village is proactively enforcing illegal signs, requiring some businesses to take them down.

Emily Santosis of Security Dodge, explained that once the dealership realized they were in violation they applied for the permits right away, to be in compliance.

Janet Colletti, 17 Wellington Place, asked what the signs are for and asked if they were related to the holidays. Deputy Mayor Smith said they were not, rather they were sales related.

MOTION to APPROVE was made by Deputy Mayor Smith and seconded by Trustee Whalen.

Vote on Motion:	Mayor Siry	nay
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	nay
Motion Not Carried:	2 ayes	2 nays

Village Attorney Bruce Kennedy explained that unless there are 3 votes in favor of approving the application, the application is not approved.

**Request from Deputy Treasurer**

Request to approve abstract from Nov. 20 – Dec. 5, 2018

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

**Board of Trustees  
Minutes  
Dec. 10, 2018**

**Request from Clerk/Treasurer**

Request to approve **2019 Village Hall Calendar**

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

Request to pay **Nelson & Pope** for road maintenance – resurfacing contracted in the amount of \$3,104.50 (HR5110.400)

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

Request to pay **Nelson & Pope** for storm, sewer and drainage improvement work performed 8/31/18 – 10/31/18 in the amount of \$61,562.50 (A1410.440)

Mayor Siry and Trustee Bernius pointed out this will be paid out by GOSR money for the storm drains and sewers that we will be getting back

MOTION to APPROVE was made by Trustee Bernius and seconded by Trustee Whalen

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

Request to pay **Cullen & Danowski, LLP**, for accounting services for March 2018 – May 2018 in the amount of \$6,660.00 (A1410.440)

Mayor Siry noted that the accountants have finished the reconciliations, and next week, Skinnon and Faber will finish the Village audit. The Village will report its financials in January.

**Board of Trustees  
Minutes  
Dec. 10, 2018**

MOTION to APPROVE was made by Trustee Whalen and seconded by Trustee Bernius

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye

Motion Carried:                    4 ayes                    0 nays

Request to amend **Policy 10** to reflect changes to part-time **Quality of Life Officer**

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye

Motion Carried:                    4 ayes                    0 nays

Request by **Joe Morin** for permission for **Amityville Little League** to use the Village Hall Court Room for Amityville Little League registration on Jan. 26, 2019 and Feb. 2, 2019 from 9:45 a.m. to 12:15 p.m.

MOTION to APPROVE was made by Trustee Bernius and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye

Motion Carried:                    4 ayes                    0 nays

Request to approve request from **Cronin & Cronin Law Firm PLLC** for **SSOA Properties, LLC**, 202 Broadway, Amityville for tax certiorari settlement for the amount of \$15,000 (A1930.440)

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

**Board of Trustees  
Minutes  
Dec. 10, 2018**

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

**Request from Police Department**

Request to pay **Motorola Solutions, Inc.** for radios for new cars, microphones, switches and antennas in the amount of \$9,595.69 (A3120.261)

Per Chief Slack, this charge is to the PSAP 9-11 grant

MOTION to APPROVE was made by Deputy Mayor Smith and seconded by Trustee Whalen

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

Request to pay **Patrol PC** for computers for new police department vehicles in the amount of \$11,184.10 (A3120.230)

Per Chief Slack, these funds come from the SAM grant from Assemblywoman Kimberly Jean Pierre

MOTION to APPROVE was made by Deputy Mayor Smith and seconded by Trustee Whalen

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

Request to pay **Motorola Solutions, Inc.** for radio equipment for new cars in the amount of \$11,497.62 (A3120.261)

Per Chief Slack, half of these funds will come from PSAP and the balance is from the SAM grant.

**Board of Trustees  
Minutes  
Dec. 10, 2018**

MOTION to APPROVE was made by Trustee Bernius and seconded by Trustee Whalen

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

**Request from Fire Department**

Request to pay **ESO Solutions Inc.** for Invoice #4783 – ePCR subscription 2018 in the amount of \$4,691.03 (A3410.450)

MOTION to APPROVE was made by Trustee Whalen and seconded by Trustee Bernius

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

**Request from Department of Public Works**

Request to pay **Sprague** for 3,000 gallons of gas in the amount of \$5,044.45 (A1625.410)

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

Request to pay **Bayport Flower Houses, Inc.** for a deposit for hanging baskets in the amount of \$3,037.50 (A8510.441)

MOTION to APPROVE was made by Trustee Bernius and seconded by Deputy Mayor Smith

**Board of Trustees  
Minutes  
Dec. 10, 2018**

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

**Public Hearings**

To amend Covenants and Restrictions for **Newpointe Estates Condominium**

MOTION to OPEN the Public Hearing was made by Trustee Whalen and seconded by Trustee Bernius

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

Village Attorney Bruce Kennedy explained that when property for Newpointe Estates Condominiums was rezoned in 2006, the Village administration imposed certain covenants and restrictions for the property, executed by the sponsors of the condominiums. One of those restrictions was a requirement for certain payments to be paid to Village by the unit owners, which have never been collected. The condominium association has requested that the Village eliminate such payments.

Mary Lucere, Esq., of Schneider & Buschel, attorneys for Newpointe Estates unit owners, submitted the final Resolution as Exhibit A on behalf of the owners, which Mr. Kennedy explained was necessary to demonstrate the approval of the unit owners to amend the covenants.

The Mayor confirmed for Ms. Lucere that the tax certiorari (#4a on the agenda) would be handled after the public hearing.

MOTION to CLOSE the Public Hearing was made by Trustee Whalen and seconded by Trustee Bernius

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

**Board of Trustees  
Minutes  
Dec. 10, 2018**

**Resolutions**

**RESOLUTION No 18-12-10-01**

Resolution Authorizing the Amendment of Covenants and Restrictions for  
Newpointe Estates Condominium

WHEREAS, a Declaration of Covenants and Restrictions establishing certain covenants and restrictions for the premises known as Newpointe Estates Condominium was duly executed on December 13, 2006 and recorded on December 22, 2006 in Liber 12484 page 544 in the office of the Suffolk County Clerk, and

WHEREAS said Declaration can be amended by its terms by the Board of Trustees after a public hearing with the consent of the owners of such condominiums, and

WHEREAS the Board of Managers of Newpointe Estates Condominium (“Newpointe”) have requested on behalf of said owners that such Declaration be amended to delete paragraph 20 thereof, and

WHEREAS, the Board of Trustees has duly held a public hearing thereon on December 10, 2018, and

WHEREAS, the Board of Trustees has determined that amending said Declaration as requested will help facilitate a favorable settlement of pending litigation against the Village by such owners and eliminate the possibility of future litigation regarding the enforceability of the provisions of said paragraph 20, and

WHEREAS, the provisions of such paragraph 20 have never been enforced by the Village to date,

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

- 1) The Board of Trustees of the Village of Amityville hereby agrees to amend the Declaration of Covenants and Restrictions dated 12/3/06 recorded 12/22/06 in Liber 12484 page 544 by deleting paragraph 20 of said Covenants in its entirety, with the consent of Newpointe on behalf of the unit owners.
- 2) The Board of Trustees hereby waives the enforcement or collection of any sums which may be due pursuant to said paragraph 20 from Newpointe Estates Condominium or the individual unit owners from December 13, 2006 to the date hereof.
- 3) The Village Attorney is hereby authorized to prepare an Amendment to said Declaration in accordance with this Resolution.



**Board of Trustees  
Minutes  
Dec. 10, 2018**

- 4) Said Declaration shall be executed by the President of Newpointe on behalf of the unit owners, and the Mayor is hereby authorized to endorse the consent of the Village thereto, and said Amendment shall be duly recorded in the Office of the Suffolk County Clerk at the expense of Newpointe.
- 5) All other terms and conditions of such Declaration except as expressly amended, shall remain in full force and effect.

This Resolution shall be effective immediately.

MOTION to ADOPT RESOLUTION No 18-12-10-01 was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

**RESOLUTION No 18-12-10-02**

Authorizing Access Agreement with 216-222 Broadway

WHEREAS, Redwood Manager LLC, the contract vendee of premises 216-222 Broadway, Amityville, N.Y. has requested an access agreement from the Village of Amityville, and

WHEREAS Municipal Parking Field No. 3 (O'Connor Field) is adjacent to the westerly property line of 216-222 Broadway, and

WHEREAS the rear yard of 216-222 Broadway is utilized for off-street parking for the retail and residential tenants of said premises, and their customers and guests, and

WHEREAS continued use of such off-street parking is beneficial to the Village and reduces the need for use of the adjoining municipal lot by said tenants, customers and guests, and

WHEREAS Redwood Manager LLC has agreed to upgrade said off-street parking area with paving and drainage and

WHEREAS access to such area through the municipal parking lot has taken place for many years with no written authorization from the Village.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1) The Board of Trustees of the Village of Amityville hereby authorizes an access agreement with the owner of premises 216-222 Broadway, Amityville, N.Y., allowing

**Board of Trustees  
Minutes  
Dec. 10, 2018**

access to the rear yard of such premises from Municipal Parking Lot No. 3 (O'Connor Field) on the following conditions:

- (a) Ingress and egress to said rear yard shall be limited to the designated driveways in the Municipal Parking Lot.
  - (b) The owner of 216-222 Broadway shall install paving, drainage and landscaping as required by the Planning Board in conjunction with a site plan approval for said rear yard off-street parking area.
  - (c) Said owner shall provide the Village with a certificate of insurance for liability for personal injury and property damage with a minimum limit of \$1,000,000 for claims arising from use of said parking area, which certificate shall name the Village as an additional insured.
- 2) The Village Attorney is hereby authorized to prepare an Access Agreement in accordance with this Resolution.

This Resolution shall be effective immediately.

Mayor Siry explained that a purchaser of the property at 216 Broadway has asked to continue an easement for the property's rear yard, off of Oak Street. This has been an easement right of theirs for 50-60 years, but the resolution will formalize their rights to get into their driveway via the Amityville Public Library parking lot (O'Connor Field). The new owner has indicated he wishes to make paving/drainage improvements to the property which are welcomed by the Village.

MOTION to APPROVE was made by Trustee Bernius and seconded by Trustee Whalen

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye

Motion Carried:                      4 ayes                      0 nays

**Request from Village Assessor**

Request to approve **Newpointe Estates Condominium's** tax certiorari for the amount of \$20,000 (A1930.440)

MOTION to APPROVE was made by Deputy Mayor Smith and seconded by Trustee Whalen

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye

Motion Carried:                      4 ayes                      0 nays

**Board of Trustees**  
**Minutes**  
**Dec. 10, 2018**

Trustee Whalen stated that rather than vote a yes or no on the Security Dodge permits currently before the Village, the Village needs a plan for the Security Dodge properties that serves the interests of the dealership and the residents. One idea is to merge the properties to generate greater tax payments to the Village. Trustee Whalen proposed that he serve as chairman. He also stated he would like to invite Trustee Bernius, Joan Donnison of the Bay Village Civic Association and residents Chris Geiger and Donelle Cronin to serve on the committee. The committee will work with the owners of the dealership, to develop a plan by the end of January.

Mayor Siry was in favor of creating a judicious, well-thought out plan by the end of January, noting that there is a lot to consider on this issue.

MOTION to ACCEPT the formation of the committee and expedited timeframe was made by Deputy Mayor Smith and was seconded by Mayor Siry

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye

Motion Carried:	4 ayes	0 nays
-----------------	--------	--------

Resident **Pedro Torres**, 19 Maple Place, spoke about a 24-hour laundromat with 60 washing machines that is slated to open at 29 Maple Place and Albany Ave. He has concerns about safety as well as parking and traffic on the residential/commercial street.

Mayor Siry said also has concerns but the laundromat is an allowed use as per Village codes. According to Building Inspector Donato, there is adequate parking for customers and employees. and therefore, there is no reason to deny it.

Mayor Siry reminded him that there is no on-street parking in the village from 3 p.m. to 6 a.m. The resident was asked to contact the Police Department should there be any issues.

**Joan Donnison**, Bay Village Civic Association, said she is upset the project was approved by the Planning Board and feels this location is the wrong spot for this sort of business. She cited a recent pedestrian accident on Broadway by the middle school and said she believes people from the laundromat may be in danger if they are walking across to the Sunoco Station.

Deputy Mayor Smith said that laundry businesses may see that more people are coming in to the Village and that is why they want to open businesses there.

With no further comments on the issue, Mayor Siry announced there is a special meeting on Dec. 20 at 8:15 a.m, to pay bills, due to the Christmas Eve holiday on the following Monday. He and the Board wished everyone a Merry Christmas and happy holiday.

**Board of Trustees  
Minutes  
Dec. 10, 2018**

There being no comments from the floor or the Board a MOTION to ADJOURN was made by Deputy Mayor Smith seconded by Trustee Whalen.

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Whalen	aye
	Trustee Bernius	aye
Motion Carried:	4 ayes	0 nays

Meeting adjourned at 8:09 p.m.

---

Catherine Murdock, Clerk/Treasurer