

**Board of Trustees  
Minutes  
November 14, 2016**

Meeting called to order at 7:31pm

MEMBERS PRESENT: Mayor James Wandell, Deputy Mayor Jessica Bernius, Trustee Nick LaLota, Trustee Dennis Siry, Trustee Kevin Smith

ALSO PRESENT: Chief of Police, Glenn Slack  
Building Inspector, Robert Alweis  
Chief of Fire Department, Jeff Erath  
Village Attorney, Richard Handler  
Clerk Treasurer, Dina Shingleton  
Administrative Assistant, Katie DeGraff

The salute to the flag was led by Chief Slack and Liz Newman.

Mayor Wandell welcomed everyone to the November 14<sup>th</sup> meeting of the Board of Trustees.

Mayor Wandell presents Police Officer David Driscoll with a proclamation for his excellent service to the Village; Officer Driscoll is a three-year veteran of the Amityville Police Department and twenty-five years of experience from Sag Harbor. Officer Driscoll has proven to be a true asset to the Police Department specifically by overseeing grant funding for the NYS Child Passenger Safety Grant and conducting Child Passenger Safety Inspection Events in the Village.

Mayor Wandell asks for motion to approve a wage increase to \$27.50 per hour for Deirdre Parker, Deputy Clerk effective November 17, 2016.

MOTION to APPROVE was made by Trustee LaLota and seconded by Trustee Smith;

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Mayor Wandell asks for a motion to accept the resignation of Patricia Angelone, Account Clerk/Typist, effective November 4<sup>th</sup>, 2016;

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

**Deputy Mayor Bernius gave the "Good News" report:**

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The Amityville Memorial High School Soccer Team won league champions; the first time they won that title since 1969. Veteran's Day was a huge success with a crowd of approximately 100 in attendance; the Historical Society Dinner was a wonderful event and Ken Lang and Dave Heller were honored. The Holiday Home Tours will be December 3<sup>rd</sup> and the theme is "Life is Grand" featuring the homes of Grand Central Avenue. The annual tree lighting is at 5:00pm on the 3<sup>rd</sup>.

Prior to commencing with the regular agenda items, Mayor Wandell invites Greentek to make a presentation to the Board and the Public regarding a proposed Transit Oriented Design development at the current LandTek site.

**Kevin McAndrews, Cameron Engineering**, presented. The area is a 2.4 acre, Industrial Zoned property bordered on the east and west by Broadway and County Line Road and Oak Street and Sterling Place to the North and South. Greentek hopes to apply for a transit-oriented floating zone with a development incentive bonus. Mr. McAndrews explained this was the beginning of the process and there would be a series of zoning initiatives; the project would up-zone the current property, provide a higher quality land use, and activate the LIRR station providing increased ridership. Mr. McAndrew explained too many variances are needed to be granted so applying for the Transit Oriented Zone would allow the applicant to simultaneously approach the Board of Trustees for zoning change and the Planning Board for site plan and architectural review. The project is being developed by a team that has built dozens of transit oriented properties. The current location is an idea location, being only 300 feet from the LIRR platform and a five minute walk to the village downtown. This project will set the bar Transit Oriented Design in the Village. It is a \$30 million dollar project to create a type of housing that does not currently exist in the Village. The project proposes: 38 studio apartments, 65 one-bedroom apartments and 12 two-bedroom apartments and an amenity package including high-end interior and exterior common spaces and a fitness room.

**Lou Giacalone and Peter Keller**, architects for the proposed project, presented renderings portraying the exterior and interior of the building.

**Mr. Ryan**, land owner, explained the business that currently exists there, LandTek, as outgrown the space and has acquired land in Bayshore. He intends to maintain ownership of the project after it is built and intends to rent the apartments from \$2200-2700 per month. Regarding usage/impact, Mr. Ryan stated the proposed usage will create less traffic than the current usage.

**Tom Isles, TIA Consulting**, explained that the resolution further down in the agenda is to allow the Village to be the lead agency in the environmental review (SEQR) that must be completed.

**Mayor Wandell** then opened the floor to members of the Board of Trustees.

**Trustee LaLota** stated that this project would have a positive impact on the downtown and up-zoning is a good thing for this location and is something that is rarely done. This project is a much better usage for the land than another industrial use. Currently the property pays \$150,000 per year in taxes, and when the new property is fully assessed it will pay between \$650,000-700,000 per year in taxes.

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**Deputy Mayor Bernius** stated that Mr. Ryan is a good member of the community and she is happy that he intends to stay in the Village and own the project.

**Trustee Siry** states the Board and Public should have been notified further in advance that a presentation was being made so it could have been included on the agenda; he also stated he would like it if the old brick building on the property can be incorporated into the design of the new building.

**Mayor Wandell** stated that the presentation was last minute and he apologizes to the public, and then opens the floor to comments from the public.

**Janet Colletti**, 17 Wellington Place, states Mr. Keller should not be sitting on the Planning Board and working on this project at the same time. Trustee LaLota answers that Mr. Keller resigned from the Board early this week and served the Planning Board well for eighteen years. Ms. Colletti stated this project has too many apartments and not enough parking spots just like the Oak Street Villas project.

**Trustee Smith** responded to Mrs. Colletti that her concerns are valid but the Board of Trustees has an opportunity to improve that area of the Village and the Board must weigh this presentation with the possibility of having a vacant parcel. He reminded everyone that no decision would be made tonight.

**Tom Howard**, Co-Chairperson of the DRC, stated that transit-oriented design is a concept that the Downtown Revitalization Committee supports.

**Mr. Ryan** stated he would not invest \$30 million to build Section 8 housing, and he has built many communities in the past that have been very successful. The rents, housing types, and amenities offered are based on historical data and specific example, such as Farmingdale.

**Trustee LaLota** stated this is a process. The Board of Trustees is the venue for zoning decision, but none will be made this evening. There is no consequence to this evening's meeting; there will be many more public meetings regarding this project.

**Joan Donnison**, 150 South Ketcham Avenue, stated she will miss Peter Keller on the Planning Board but also feels that Mr. McAndrews should not be on the DRC and working on this project.

**Trustee LaLota** responds to Ms. Donnison stating that DRC is an advisory panel to the Mayor and Board only. Members of the DRC do not have a vote nor are they compensated.

There being no further comments from the Board or from the Public, Mayor Wandell continued with the regular agenda items.

**Taxicab Driver's License – new application:**

Jean Monplaisir, 7 Birch Road, Amityville for Lindy's Taxi

There being no comments from the Board or the Floor, the Mayor asked for a Motion to Approve the application.

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

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Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

**Landscaper License -new application**

**All Seasons Property Management, Inc. 254 46<sup>th</sup> Street Lindenhurst, NY**

**Moreira Landscaping, 375 30<sup>th</sup> St., Lindenhurst, NY**

There being no comments from the Board or the Floor, the Mayor asked for a Motion to Approve the applications.

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

**Automotive Sales, New and/or Used -Renewal**

**Amity Bay Auto Sales, 76 Merrick Road**

**OSB Auto Sales, Inc. 51 Sprague Avenue**

There being no comments from the Board or the Floor, the Mayor asked for a Motion to Approve the applications.

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

**Automotive License (Collision, Gasoline Station, or Public Garage)- Renewal**

**A-1Sal's Auto Repair, LLC 76 Merrick Rd, Amityville**

**Sigfredo Auto Body, 51 Sprague Avenue**

**New Hope Auto Shop, Inc. 51 Sprague Avenue**

There being no comments from the Board or the Floor, the Mayor asked for a Motion to Approve the applications with prior stipulations.

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

Vote on Motion:	Mayor Wandell	aye
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	Deputy Mayor Bernius	aye	
	Trustee LaLota	aye	
	Trustee Siry		aye
	Trustee Smith		aye
Motion Carried:	5 aye		0 nays

**License to Peddle and Hawk (non-Ice Cream)**

Fabian Garcia, 1400 Riverland Rd., Fort Lauderdale, FL for Lgcy Power, Sunrun

Trustee LaLota stated that he recommends the Board table the application until the application had a conversation with the Chief of Police.

There being no comments from the Board or the Floor, the Mayor asked for a Motion to Table the application

	MOTION to TABLE was made by Deputy Mayor Bernius and seconded by Trustee LaLota;		
Vote on Motion:	Mayor Wandell		aye
	Deputy Mayor Bernius		aye
	Trustee LaLota		aye
	Trustee Siry		aye
	Trustee Smith		aye
Motion Carried:	5 aye		0 nays

**Request for On-Street Parking Permit**

Susan DeGraff, 175 Homestead Avenue, 6 months

Deputy Mayor Bernius stated she reviewed the application and it is an emergency situation so she is in favor of granting the permit.

There being no comments from the Board or the Floor, the Mayor asked for a Motion to Table the application

	MOTION to TABLE was made by Deputy Mayor Bernius and seconded by Trustee LaLota;		
Vote on Motion:	Mayor Wandell		aye
	Deputy Mayor Bernius		aye
	Trustee LaLota		aye
	Trustee Siry		aye
	Trustee Smith		aye
Motion Carried:	5 aye		0 nays

**Request from Deputy Treasurer**

Approval of Treasurer's Abstracts

**VILLAGE OF AMITYVILLE**

**ABSTRACT OF AUDITED VOUCHERS AND CHECKS**

**For the Period 10/18/16 through 11/07/16**

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**General Fund**

**Automated Checks:**

Account	Starting #	Ending #	Amount	A/C Balances
SCNB General Fund	2644	2792	\$116,696.63	\$307,615.50

**Payroll Fund**

Account	Starting #	Ending #	Amount
SCNB Payroll	NA	NA	\$73,086.07

**Capital Fund**

Account	Starting #	Ending #	Amount
Citibank Capital	N/A	N/A	\$2,489,312.91

**Trust & Agency Fund**

Account	Starting #	Ending #	Amount
Chase T&A Account	1112	1116	\$23,428.76

Depository Account balance at 11/07/16                      \$2,203,158.30

As presented in the official abstract for the Village of Amityville

Dina Shingleton, Clerk/Treasurer

MOTION to APPROVE was made by Trustee LaLota and seconded by Trustee Siry;

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

**Requests from the Clerk/Treasurer:**

Request from the Knights of Columbus to erect the Annual Nativity scene in the Village Triangle from Saturday November 26<sup>th</sup> through Saturday, January 14th

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Request from the **Amityville Historical Society** for permission to close Park Avenue from Ireland Place to Wanser Place on Saturday, June 10<sup>th</sup>, 2017 from 7AM to 5PM for its 48<sup>th</sup> annual Heritage Fair. Rain date Sunday, June 11<sup>th</sup>, 2017 9AM – 5PM.

Request for waiver of residency from Corinne Vargas, 50 Washington Ave Glen Head, N; call-in EMT /paramedic

There being no comments from the Board or the Floor, the Mayor asked for a Motion to APPROVE the requests;

MOTION to APPROVE was made by Trustee LaLota and seconded by Trustee Siry;

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request for **grant writing services**, not to exceed \$25,000 from **Nelson & Pope**

Trustee LaLota stated the return on the investment for grant writing services is very high; this grant writer processed six applications and to date the Village has received approximately \$78,000 in grants; Deputy Mayor Bernius States sometimes you need to spend money to make money;

There being no comments from the Board or the Floor, the Mayor asked for a Motion to APPROVE the request;

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

**Request for budget modification** in the amount of \$11,050.25 from A9950.700 transfer to Capital to A7110.240- Parks Equipment for purchase of Hustler.

**Request for budget modification** – transfer \$2050 from A1410.445 Clerk Training/Seminar to A1410.108 Vacation Buy/Back

**Request for budget modification** – transfer \$2000 from A1410.445 Clerk Training/Seminar to A1410.100 Clerk –Treasurer Staff OT

**Request for budget amendment-** increase A3089 State Aid Other \$5000, increase A3410.450/FD Leases/Rentals/Contracts \$5000

**Request from Deirdre Parker** to be paid out for five (5) vacation days, and carry over four (4) vacation days to 2017 (A. 1410.108)

**Request from Judy O’Neill** to be paid out for six (6) vacation days (A.1410.108)

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There being no comments from the Board or the Floor, the Mayor asked for a Motion to APPROVE the requests;

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request to pay Intercounty Paving Associates, LLC claim for paving \$769,073.49 (5% retainage) from Capital Account/Bond Proceeds

Clerk/Treasurer Dina Shingleton stated that this bill is for the first half of paving and there is 5% retained/held back from this payment; there is a large list of items that the contractors are going to address and additional payment will not be made until those items are taken care of.

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request from Peter G. Pappas on behalf of residents of 132 Merrick Road to use municipal lots for parking from November 16 – 24<sup>th</sup> for parking lot paving.

There being no comments from the Board or the Floor, the Mayor asked for a Motion to APPROVE the request;

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request to pay Total Technology \$12,790 for new email system (MS Office 365) for employees and public officials, A.1625.440

Trustee LaLota stated that NYCOM discourages private email being used in the private sector and this new email system is a step in the right direction. Clerk/Treasurer Dina Shingleton stated this expense was budgeted for and the email system will also make staff more efficient and remote log-on easier.

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

Vote on Motion:	Mayor Wandell	aye
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	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request to pay **Hawkins Delafield & Wood LLP** in the amount of \$8,746.51 for preparation of the bond resolution adopted July 11, 2016 authorizing issuance of \$2.4million road paving project  
There being no comments from the Board or the Floor, the Mayor asked for a Motion to APPROVE the request;

MOTION to APPROVE was made by Trustee LaLota and seconded by Deputy Mayor Bernius;  
Vote on Motion:

	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

**Request(s) from the Fire Department:**

Request to pay **Grant Guys \$1750** for writing the AFGP grant (A3410.450)  
There being no comments from the Board or the Floor, the Mayor asked for a Motion to APPROVE the request;

MOTION to APPROVE was made by Trustee LaLota and seconded by Trustee Siry;  
Vote on Motion:

	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request to pay **Steve's Marine Service West** for repair to 1-1-23 in the amount of \$10,592.91  
Chief Erath stated this was an emergency repair that needed to be taken care of.

MOTION to APPROVE was made by Trustee Smith and seconded by Trustee Siry;  
Vote on Motion:

	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request to **upgrade mobile software** in the amount of \$10,000 (\$5,000 Department of Justice grant; \$5,000 a.3410.450)

Chief Erath stated this is for improvements to the dispatch system.

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

**Request(s) from the Department of Public Works:**

Request to pay Sprague for 2000 gallons of gas in the amount of \$3456.37 (A1625.410/central shared services- gas, oil and diesel)

Request to purchase one Hustler Hyper-drive Super Z off Suffolk County Contract 11-16.7.7 Bid 16/0138 in the amount of \$16050.25, \$5000 from insurance proceeds, balance of \$11050.25 from (A7110.240 – Parks equipment)

There being no comments from the Board or the Floor, the Mayor asked for a Motion to APPROVE the requests;

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

There being no further items on the agenda, Mayor Wandell offered the following RESOLUTION for consideration of the Board.

REFUNDING BOND RESOLUTION OF THE VILLAGE OF  
AMITYVILLE, NEW YORK, ADOPTED NOVEMBER 14, 2016,  
AUTHORIZING THE REFUNDING OF CERTAIN  
OUTSTANDING SERIAL BONDS OF SAID VILLAGE, STATING  
THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT  
NOT TO EXCEED \$2,800,000 FOR SUCH PURPOSE,  
AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN  
THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,800,000 TO

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FINANCE SAID APPROPRIATION, AND MAKING CERTAIN  
OTHER DETERMINATIONS RELATIVE THERETO

Recitals

WHEREAS, the Village of Amityville, in the County of Suffolk, New York (herein called the "Village"), has heretofore issued on March 15, 2007 its \$2,000,000 Public Improvement Serial Bonds-2007 (the "2007 Bonds"), which are currently outstanding in the principal amount of \$1,100,000 (the "Outstanding 2007 Bonds"), and mature on August 1 in each of the years and in the principal amounts and bear interest payable semiannually on February 1 and August 1 in each year to maturity, as follows:

<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Year of</u> <u>Maturity</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
2017	\$110,000	4.00%	2022	\$110,000	4.00%
2018	110,000	4.00	2023	110,000	4.00
2019	110,000	4.00	2024	110,000	4.00
2020	110,000	4.00	2025	110,000	4.00
2021	110,000	4.00	2026	110,000	4.00

WHEREAS, the 2007 Bonds maturing on or before August 1, 2016 will not be subject to redemption prior to maturity. The Bonds maturing on or after August 1, 2017 will be subject to redemption prior to maturity at the option of the Village on August 1, 2016 and thereafter on any date, as a whole or in part, and if in part in any order of their maturity and in

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any amount within a maturity (selected by lot within a maturity), at par, plus accrued interest to the date of redemption; and

WHEREAS, the Village has heretofore issued on March 20, 2008 its \$3,000,000 Public Improvement Serial Bonds-2008 (the "2008 Bonds"), which are currently outstanding in the principal amount of \$1,800,000 (the "Outstanding 2008 Bonds"), and mature on February 1 in each of the years and in the principal amounts and bear interest payable semiannually on February 1 and August 1 in each year to maturity, as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2017	\$150,000	4.00%	2023	\$150,000	4-1/8%
2018	150,000	4.00	2024	150,000	4.25
2019	150,000	4-1/8	2025	150,000	4.25
2020	150,000	4-1/8	2026	150,000	4.25
2021	150,000	4-1/8	2027	150,000	4.25
2022	150,000	4-1/8	2028	150,000	4.25

WHEREAS, the 2008 Bonds maturing on or before February 1, 2018 will not be subject to redemption prior to maturity. The Bonds maturing on or after February 1, 2019 will be subject to redemption prior to maturity at the option of the Village on February 1, 2018 and thereafter on any date, as a whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at par, plus accrued interest to the date of redemption; and

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WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), authorize the Village to refund all or a portion of the outstanding unredeemed maturities of the Outstanding Bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Village, and the Board of Trustees has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds; and

WHEREAS, in order effectuate the refunding, it is now necessary to adopt this Refunding Bond Resolution;

NOW, THEREFORE, be it

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF AMITYVILLE, NEW YORK (by the favorable vote of at least two-thirds of all the members of said Board of Trustees), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or any portion of the aggregate Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.
- (b) "Escrow Contract" means the contract to be entered into by and between the Village and the Escrow Holder pursuant to Section 10 hereof.
- (c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.
- (d) "Outstanding Bonds" shall mean the outstanding unredeemed maturities of the 2007 Bonds and the 2008 Bonds.
- (e) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the

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Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.

- (f) "Redemption Dates" mean August 1, 2016 and any date thereafter with respect to the 2007 Bonds; and February 1, 2018 and any date thereafter with respect to the 2008 Bonds; as shall be determined by the Village Treasurer in accordance with Section 8.
- (g) "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$2,800,000 Refunding Serial Bonds-2016 of the Village of Amityville, authorized to be issued pursuant to Section 2 hereof.
- (h) "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Board of Trustees of the Village (herein called the "Board of Trustees"), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$2,800,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of the Refunding Bonds in the principal amount of not to exceed \$2,800,000 and the levy and collection of a tax upon all the taxable real property within the Village to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Village in the maximum principal amount of \$2,800,000 and designated substantially as "REFUNDING SERIAL BONDS-2016" are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in

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the form attached hereto as **Exhibit A** (the “Refunding Financial Plan”) prepared for the Village by its Financial Advisor, Liberty Capital Services, LLC., and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the Village in connection with said refunding from such proceeds and, to the extent required, the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, if any, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the Outstanding Bonds issued pursuant to various bond resolutions duly adopted by the Board of Trustees on their respective dates, authorizing the issuance of bonds of the Village to finance various purposes of the Village. In accordance with the Refunding Financial Plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$2,800,000 shall mature in amounts and at dates to be determined. The Village Treasurer, the chief fiscal officer of the Village, is hereby authorized to approve all details of the Refunding Financial Plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than thirty (30) years, the maximum period of probable usefulness (“PPU”) permitted by law at the time of original issuance of the Bonds to be Refunded, for the object or purpose financed with the proceeds of the

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Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed Refunding Financial Plan attached hereto as **Exhibit A**, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms and bear such interest as set forth therein. The Board of Trustees recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the Refunding Financial Plan may vary from that attached hereto as **Exhibit A**.

Section 6. The Refunding Bonds may be sold at public or private sale.

(a) If the Bonds are sold at private sale, the Village Treasurer, as the chief fiscal officer of the Village, is hereby authorized to execute a purchase contract on behalf of the Village for the sale of said Refunding Bonds, provided that, to the extent required by law, the terms and conditions of such sale shall be approved by the State Comptroller.

(b) In the event that the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Village Treasurer is hereby authorized and directed to prepare or have prepared a Notice of Sale, a summary of which shall be published at least once in (a) "THE BOND BUYER," published in the City of New York and (b) the official newspaper(s) of the Village having general circulation within said Village, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8)



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nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in the county in which the Village is located, or, if only one bank is located in such County, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "THE BOND BUYER," 1 State Street Plaza, New York, New York 10004; and (4) at least 10 bond dealers.

(c) Prior to the issuance of the Refunding Bonds, the Village Treasurer shall file with the Board of Trustees all requisite certifications, including, if required, a certificate approved by the State Comptroller setting forth the Present Value Savings to the Village resulting from the issuance of the Refunding Bonds. In connection with such sale, the Village authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. The Village Treasurer is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Village in connection with said refunding, including the preparation of the Refunding Financial Plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Village, payable as to both principal and interest by a 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 Refunding Bonds and provision shall be made annually in the budget of the Village for (a) the

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amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.00, 90.10 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing an arbitrage certificate relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, and as to any determinations relating to the investment of the proceeds of the Refunding Bonds, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 9. The validity of the Refunding Bonds authorized by this resolution 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.

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Section 10. Prior to the issuance of the Refunding Bonds, to the extent required by law, the Village shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the Refunding Financial Plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Village, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Village the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt shall be placed in escrow by the Village with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder, if invested, shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the

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holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Village and shall be applied by the Village only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the Refunding Financial Plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

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Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Board of Trustees hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Village Treasurer in accordance with Section 8 hereof. The sum to be paid therefor on the applicable Redemption Date shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the Village by mailing such notice not more than sixty (60) nor less than thirty (30) days prior to such Redemption Date, and in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper or newspapers of said Village.

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Village Clerk/Treasurer Dina Shingleton explained that a refunding bond is highly regulated by the Office of the State Comptroller. A Village can only issue a refunding bond if money will be saved by doing so. Present Value savings of the issuance of a refunding bond is approximately \$160,000. Once the Bond Resolution is approved the Board of Trustees can decide whether or not to proceed once an interest rate comes back from market.

Deputy Mayor Bernius stated the goal is to save money.

A MOTION to adopt the foregoing resolution was made by Deputy Mayor Bernius and seconded by Trustee Siry and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor Wandell, Deputy Mayor Bernius, Trustee LaLota, Trustee Siry,  
Trustee Smith

NOES: none

The resolution was declared adopted.

Mayor Wandell then offered **Resolution 16-11-14-02** to the Board of Trustees for Consideration

WHEREAS, the United States congress designated September 11<sup>th</sup> as "Patriot Day" an observance to be annually recognized as a "National Day of Service and Remembrance"; and

WHEREAS, nearly three thousand innocent lives of men, women, and children were callously taken that day, by an extremist foe seeking to break our nation's spirit and destroy the enduring values that unite us as Americans; and

WHEREASE, with those we lost held faithfully l our memories, we affirm the unwavering optimism and strength that brought us together at our darkest hour, and resolve as a community to give of ourselves to others in that same spirit;

NOW, THEREFORE, BE IT RESOLVED, that September 11<sup>th</sup> shall, from this date forward, be known as Patriot's Day in the Village of Amityville, as a day set aside for the remembrance of those who were lost in the attacks upon our country at the World Trade Center, the Pentagon and upon fields in Shanksville, Pennsylvania; a day where all residents of Amityville are encouraged to pay tribute to our nation's heroic patriots and to remember their sacrifices, reserving the 11<sup>th</sup> day of September as a day of service and reflection; and

BE IT FURTHER RESOLVED, that September 11<sup>th</sup> shall be an official Village holiday, excusing Village employees from the performance of their usual duties, so that they may observe this day with compassion, charity and selfless deeds.

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Trustee LaLota stated he thinks it is only right the Village elevate September 11<sup>th</sup> to a holiday to allow Village employees to reflect on such an important day.

There being no comments from the Board or the Floor, the Mayor asked for a Motion to APPROVE the Resolution;

MOTION to APPROVE was made by Trustee Siry and seconded by Trustee Smith;

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

There RESOLUTION is hereby declared adopted.

Mayor Wandell stated the following Resolution will be TABLED until the November 28, 2016 meeting:

Resolution 16-11-14-03 SEQR Notice of intent to serve as lead agency for an amendment to Chapter 183 of the Code of the Village of Amityville to enable the creation of a transit oriented (TO) zoning district, amendment of the Village Building Zone Map for certain parcels into such district and a request for approval of certain incentives and bonuses pursuant to the TO district.

There being no further agenda items, Mayor Wandell opened the floor for public comment:

**Anthony Dushay, RAS Borskin, 900 Merchants Concourse, Westbury,** asked the status of 6 Belmont Court and asked for an extension prior to demolition. Mayor Wandell asked if the firm has taken any steps to secure or improve the property to which Mr. Dushay answered none that he was aware of, Trustee LaLota asked if anything has changed regarding the property or ownership to which Mr. Dushay answered no. Trustee LaLota stated his request will most likely be denied. Village Attorney Richard Handler stated there are procedural steps the Village needs to take prior to demolition, and Mr. Dushay should take steps to rectify the situation. Clerk/Treasurer Dina Shingleton stated the demo company completed a walk-through of the property and an estimate was prepared regarding demo costs.

**Janet Colletti, 17 Wellington Place,** asked for an additional one-way sign closer to Railroad Avenue. She also asked if the light on Oak Street by Wellington could be fixed, it was out.

There being no further comments from the floor, Mayor Wandell asked for a MOTION to ADJOURN the meeting.

MOTION to ADJOURN was made by Trustee Siry and seconded by Trustee Smith;

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye

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	Trustee Siry	aye
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Meeting was declared adjourned at 10:05pm



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Dina Shingleton  
Clerk/Treasurer