

**Board of Trustees
Minutes
February 8th, 2016**

Meeting called to order at 7:35pm

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

MEMBERS ABSENT: Trustee Kevin Smith

ALSO PRESENT: Chief of Police, Glenn Slack
Code Enforcement Officer, Thomas Whalen
Chief of Fire Department, Robert Waegerle
Village Attorney, Richard Handler
Clerk Treasurer, Dina Shingleton
Director of Operations, Stephen Greenwald
Administrative Assistant, Katie DeGraff

The salute to the flag was led by Chief Slack and John DiLiberto

Mayor Wandell welcomed everyone to the February 2nd meeting of the Board of Trustees

John DiLiberto of the Amityville Historical Society presented Mayor Wandell with a gift consisting of four framed historical postcards depicting the Village of Amityville in past years. Mayor Wandell thanked John DiLiberto and commented the scenes are an excellent reminder of how wonderful the Village of Amityville is.

Upon motion of Trustee LaLota as seconded by Deputy Mayor Bernius, minutes of the regular meeting of the Board of Trustees held on January 25, 2016, copies of which were distributed to all members of the Board, were APPROVED

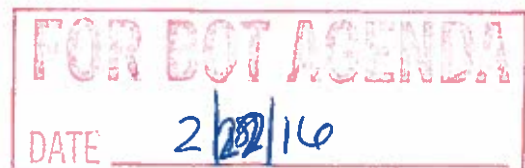
Approve the minutes from the **January 25th, 2016** Board of Trustees Meeting

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
Motion Carried:	4 aye	0 nays

Mayor's Actions:

Hire **Bryan J. Erdody** and **Stephen Jaworowski** as call-in Court Officers for the Justice Court at a rate of \$18.00 per hour, no benefits, subject to completion of Peace Officer training and background checks as required by Civil Service.

Trustee LaLota explained the two call-in Court Officers will be available in case one of the two permanent Court Officers cannot attend court.



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Deputy Mayor Bernius gave the “Good News” report:

On Wednesday February 24th, 2016 EW Miles Middle School is having a building tour in anticipation of the bond; Saturday February 20th, 2016 the Amityville Little League will be hosting Registration on the 3rd floor court room of Village Hall from 10:00am-1:00pm; On Wednesday, February 24, 2016 the Amityville School District is hosting a bond community form at 7:00 pm at the Park Avenue Elementary School Auditorium; Tuesday March 8th, 2016 from 7am-9pm the vote for the Amityville School District bond referendum will take place at the normal scheduled voting places; Saturday March 5th, 2016 Camp Sunshine is hosting their “freezing for a reason” event at the Amityville beach and it’s great to have this organization back in Amityville; Sunday February 14th is Valentine’s Day, what a better way to spend it then in the Village at one of our many restaurants and shopping at our local businesses; Thursday February 4th Sophia’s in Amityville was number two on the top three Italian restaurants in *Newsday*; Thank you to Nick Spangler of *Newsday* for giving Pastor Herbert Kern of St. Paul’s Church a great article in honor of his turning 99 years old;

There being no further “good news”, Mayor Wandell continued with agenda items:

Taxi Cab License:

New Applications

Rudolph OM Faison, for **Lindy’s Taxi**, 21 Sterling Pl Amityville

Trustee LaLota stated the application is accompanied by a \$75 fee and a recommendation for approval by the Amityville Police Department;

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
Motion Carried:	4 aye	0 nays

Louis Ferro, for **Lindy’s Taxi**, 21 Sterling Pl Amityville

Deputy Mayor Bernius suggests that when Mr. Ferro comes in to pick up his license the Village reminds him to not talk on his cell phone when driving;

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
Motion Carried:	4 aye	0 nays

Areginald Stephen for **Lindy’s Taxi**, 21 Sterling Pl Amityville

Trustee Siry stated Chief Slack recommended denying this application.

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

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
Motion Carried:	4 aye	0 nays

Tow Truck Renewal

Coastal Collision and Towing, 9 DeForest Street, Amityville, NY 11701

Deputy Mayor Bernius stated there was a \$350.00 dollar fee per vehicle and recommends approval of this license;

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
Motion Carried:	4 aye	0 nays

Sign, Banner, Canopy, Marquee, or Fixture:

Kirk Hurme, for Amityville Wellness LLC, 209 Broadway

Trustee LaLota states there are no problems with this application or business , he thanks them for taking an interest in helping develop our Downtown; Kirk Hurme 73 Avon Place, explained the business and its goals for Amityville; Trustee Siry strongly recommends this business to anyone in need of treatment;

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
Motion Carried:	4 aye	0 nays

Deputy Treasurer:

Approval of Treasurer's Abstract

VILLAGE OF AMITYVILLE

ABSTRACT OF AUDITED VOUCHERS AND CHECKS

For the Period January 21, 2016 through February 2, 2016

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General Fund

Automated Checks:

Account	Starting #	Ending #	Amount	A/C Balances
Chase General Account	1263	1295	\$300,503.63	\$510,155.05

Payroll Fund

Account	Starting#	Ending #	Amount	
Chase Payroll Account	N/A	N/A	N/A	\$63,104.23

Capital Fund

Account	Starting#	Ending #	Amount	
Citibank Capital	N/A	N/A	N/A	\$106,661.56

Trust & Agency Fund

Account	Starting#	Ending #	Amount	
Chase T&A Account	N/A	N/A	N/A	\$127,286.82

Depository Account balance at 2/2/2016 \$1,739,244.73

As presented in the official abstract for the Village of Amityville

Jill Cervini, Deputy Treasurer

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
Motion Carried:	4 aye	0 nays

Requests from Clerk/Treasurer:

Request to pay **Liberty Capital Services, LLC** in the amount of \$2,100.00 (A1410.440) for continuing disclosure FY 2015 annual financial information and annual update document

MOTION to APPROVE was made by Trustee LaLota 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
Motion Carried:	4 aye	0 nays

Proposal for **Right of Way Use Agreement** between Crown Castle NG East LLC and Village of Amityville for 14 sites South of Merrick Road.

Mayor Wandell stated this agenda item will be tabled to a future Board of Trustees meeting.

Request from **Oak Street Villas** to name interior road Robert Court (pending approval of County and Post Master)

Trustee LaLota stated approval must be granted by Suffolk County and the Post Office; 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
Motion Carried:	4 aye	0 nays

Request to pay **General Code \$3295 (A.1410.440)** for updating Village Code Books and e-code on Village website

Director of Operations Stephen Greenwald explained the reasoning for the update; Joan Donnison, Bay Village Civic Association, asked for clarification on how the code will be updated to which Stephen Greenwald responded that a process was now in place that the Village will follow;

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
Motion Carried:	4 aye	0 nays

Request to pay **Suffolk Asphalt** in the amount of \$191,813.78 (A.5112.200) for milling & repaving of Bayview Avenue between Merrick Road and Oak Street, funds to be reimbursed from CHIPS

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Trustee LaLota explained this is the second of two repaving projects the Village has completed; there is currently a comprehensive road study being completed that will rate all Village roadways and parking lots so a plan for future paving projects can be completed; Trustee LaLota also stated this paving project will be reimbursed via CHIPS which is the Consolidated Highway Improvement Program;

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
Motion Carried:	4 aye	0 nays

Request from Fire Department:

Request to pay **CDW Government** in the amount of \$3,024.01 for 1 color printer and 3 computers

Chief Waegerle explained that the computers are so outdated there isn't enough memory to hold the new software that they need to update; Mayor Wandell asks what is going to happen with the old computers and Chief Waegerle stated that they have already been refurbished once so there is not much more that can be done with them but surplus them;

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
Motion Carried:	4 aye	0 nays

Mayor Wandell stated that as the following agenda items were budget modifications to re-allocate budgetary appropriations within each department, they would be voted on together;

Request from Court:

Request for **budget modification** to cover overtime costs for night court in the amount of \$2,000 from A1110.440/Contractual/Recording Services to A.1110.102/Justice Court Overtime

Requests from the Building Department:

Request for **budget modification** to cover overtime for call outs and meetings in the amount of \$2,000 from A3620.100/Personnel Services to A3620.102/Personnel Overtime

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Request for **budget modification** for overtime for call outs and meetings in the amount of \$2689.20 from A3620.115/Compensated Absences to A3620.102/Personnel Overtime

Request for **budget modification** for mechanical repair to fire marshal truck in amount of \$500 from A3620.411/Office Supplies to A3620.416 Vehicle Repair

Requests from Department of Public Works:

Request for **budget modification** to replace 911 memorial parking sign in amount of \$2500 from A1625.410/Shared Services Gas and Oil to A5650.445 Off Street Parking- Improvement Road Repair/Maintenance

Request for **budget modification** for costs associated with Peterkin Park playground installation in amount of \$1000 from A5110.241/Street Maintenance- Hwy Equip Repair & Maintenance to A7140.201 Playground & Rec Center Repair & Maintenance

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
Motion Carried:	4 aye	0 nays

Request from Village Attorney

Request for extension agreement between **Auto-Topia Inc.**, and Village of Amityville for Police Vehicle Maintenance Contract from February 1, 2016 – January 31, 2017

Trustee La Lota gave background on this request; Joan Donnison, BVCA, asked that the Village have someone look at the stipulations for the sign allowance at Auto-Topia that were granted in the past; Code Enforcement Officer Thomas Whalen stated the stipulations has nothing to do with the agreement being discussed; Mayor Wandell requested Thomas Whalen investigate the situation and report back to the board; 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
Motion Carried:	4 aye	0 nays

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Resolutions:

Mayor Wandell proposed the following resolutions regarding the upcoming Village Tax sale for consideration:

Resolution 16-02-08-01

WHEREAS, the accounts of unpaid taxes heretofore returned by the Clerk of the Village of Amityville, New York, to this Board of Trustees for the year 2015 the following taxes still remain due and unpaid after due notice and demand on each of the property owners for payment of said taxes, to wit:

Those taxes as set forth in the section of the tax roll designated as "unpaid Tax List for 2015".

AND WHEREAS, no action has been commenced to recover said unpaid taxes and no sale on account of said unpaid taxes has been held pursuant to law.

NOW, THEREFORE, BE IT RESOLVED, that such unpaid taxes and any other unpaid taxes levied or assessed in preceding years for which a sale has not been held or for which a judgement has not been obtained, shall be collected by the sale of taxes or tax liens as provided by Article 14, Title 3, of the Real Property Tax Law of the State of New York;

that a copy of this resolution, certified by the Clerk/Treasurer, shall be transmitted forthwith to the Village Tax Receiver, with the account affidavit and certificate of such unpaid taxes, and that the Village Tax Receiver upon receiving such account of unpaid taxes and a certified copy of this Resolution, be and is hereby;

authorized and directed to cause to be published in the AMITYVILLE RECORD, a newspaper published in the Village of Amityville, and hereby designated as the official newspaper for such purpose, once a week for three (3) successive weeks, the last of such publication to be on or before March 2, 2016 a list or statement of the real estate upon which such taxes are unpaid, shown in the tax list, with the amount of the tax fees, interest and charges thereon, and also;

a notice that the said real estate will, on a day subsequent to the expiration of the said three (3) weeks, to be determined by said Village Clerk/Treasurer and specified in said notice be sold at public auction at a place in said Village to be designated by said Village Clerk/Treasurer, to discharge the tax, fees and interest and charges aforesaid which may be due thereon at the time of such sale, and;

that said Village Clerk/Treasurer at the time and place specified in said notice, proceed with the sale of said real estate upon which taxes are unpaid as above set forth, and continue the same from day to day not later than ten (10) days after the last date for publication of the notice of sale, and that proof of due publication of such list and notice shall, within three (3) days after the

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last publication thereof, be made and filed by the newspaper publishing same, in the office of the Clerk/Treasurer of said Village, who shall cause the same to be properly indexed and numbered;

AND FURTHER, BE IT RESOLVED that in all cases where no bid shall be made on a lot or parcel of land so offered for sale in an amount sufficient to pay the said tax, fees, interest and charges, the said premises shall be deemed to have been sold to and purchased by the said Village of Amityville, N.Y.

Mayor Wandell read the resolution. There being no further comments from the Board or the Floor, a 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
Motion Carried:	4 aye	0 nays

The Resolution is hereby declared adopted.

Resolution 16-02-08-02

RESOLVED that properties sold for taxes in previous years, and on which the Village of Amityville owns and holds one or more UNREDEEMED TAX SALE CERTIFICATES, shall be omitted for the Tax Sale to be held on March 11th, 2016, and be it further

RESOLVED that for the redemption of any real property sold for UNPAID TAXES at the Village Tax Sale to be held on March 11th, 2016, the Board of Trustees, pursuant to the provisions of Sections 1450, 1452, and 1454 of Real Property Tax Law, does hereby determine that such taxes and tax sale certificates shall bear INTEREST at the rate of one percent per month or fraction thereof.

Mayor Wandell read the resolution; there being no further comments from the Board or from the Floor, a MOTION to APPROVE was made by Deputy Mayor Bernius and seconded Trustee Siry

Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
Motion Carried:	4 aye	0 nays

The Resolution is hereby declared adopted.

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Resolution 16-02-08-03

RESOLVED, that the Village Clerk/Treasurer be and is hereby directed to hold a TAX SALE on March 11th, 2016 at 10:00 a.m. in the Village Hall, 21 Ireland Place, 3rd Floor, Amityville, N.Y.

Mayor Wandell read the resolution; there being no further comments from the Board or from the Floor, a 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
Motion Carried:	4 aye	0 nays

The Resolution is hereby declared adopted.

Local Law:

Local Law #3 of 2016 to **amend Chapter 183** – Zoning Code of the Village of Amityville, which prohibits the Zoning Board of Appeals to authorize the less restricted use to extend to the whole or part of a split zoned lot held in single ownership since August 4th, 1930, except for approvals, or subject to extension, granted before December 31st, 2015

INCORPORATEED VILLAGE OF AMITYVILLE: PROPOSED LOCAL LAW #3 OF YEAR 2016

A local law to amend Chapter 183- Zoning Code of the Village of Amityville (CVA), §183-6 thereof, which prohibits the Zoning Board of Appeals to authorize the less restricted use to extend the whole or part of a split zoned lot held in single ownership since August 4, 1930, except for approvals, or approvals subject to extension, granted before December 31, 2015

BE IT ENACTED by the Board of Trustees of the Inc. Village of Amityville as follows:

Section 1. §183-6. District Boundary Dividing Lot in Single Ownership.

Where a district boundary line divides a lot which was held in single ownership on August 4, 1930, or on the date of adoption of any subsequent amendment to the Zoning Map, and

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when a permit granting such extension has been approved prior to December 31, 2015, subject to extension or not, the Zoning Board of Appeals may permit the less restricted use to extend to the whole or any part of such lot, except that the front, side and rear yard setback requirements of the more restricted zone shall apply to that part of the lot within the more restricted zone. Except as provided herein, use extensions granted under this provision are prohibited.

Section 2. Effective Date.

This local law shall take effect immediately upon adoption, subject to filing with the Secretary of State.

Village Attorney Richard Handler explained this law is a restoration of the section of Chapter 183 §183-6 which was removed from Code via Local Law #1 of 2016 at the January 25, 2016 Board of Trustees meeting.


MOTION to call for a Public Hearing for Proposed Local Law #3 of 2016 on March 14th 2016 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
Motion Carried:	4 aye	0 nays

There being no further comments from the Board or from the Floor a MOTION to ADJOURN 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
Motion Carried:	4 aye	0 nays

Meeting adjourned at 8:17pm



Clerk/Treasurer, Dina Shingleton

Approved at Board Meeting
on 2/22/16

