

**Board of Trustees
Minutes
June 13th 2016**

Meeting called to order at 7:30pm

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
Superintendent of Public Works, Bruce S. Hopper
Assistant Chief, Leeland J. Greey
Village Attorney, Richard Handler
Clerk Treasurer, Dina Shingleton
Administrative Assistant, Katie DeGraff

The salute to the flag was led by Chief Slack and Diane Apgar

Mayor Wandell welcomed everyone to the June 13th meeting of the Board of Trustees

Upon motion of Trustee Smith as seconded by Deputy Mayor Bernius, minutes of the regular meeting of the Board of Trustees held on **May 23rd, 2016**, copies of which were distributed to all members of the Board, were APPROVED.

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

Mayors Actions:

Appoint **Glenn Slack** as Chief of Police of the Amityville Police Department. Chief Slack's prior appointment last year was provisional contingent upon him passing the Civil Service examination for Chief, which he did. Congratulations.

Appoint **Conner Nugent** to position of Crash Boat Operator, Amityville Beach, \$8.00 per hour, \$500 stipend for boat.

Appoint **Edward Ryan** to position of Pick Up, Amityville Beach, \$7.25 per hour.

Appoint **Ryan Stumple** to position of Sailing Instructor, Amityville Beach, \$8.00 per hour.

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



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	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Accept Resignation of Thomas Whalen of Building Inspector effective June 7th, 2016.

Mayor Wandell and the Board spoke on this matter, stating that C.E.O Thomas Whalen will be missed.

Plaque to the **Esposito Family** for continued service/contribution to the Village of Amityville- Mayor Wandell Presented the Esposito family with a plaque for their continued service/ contribution to the Village of Amityville. The Mayor stated The Esposito family has been a fixture in the Village of Amityville for more than 40 years. Many of you know Mike Esposito the owner of Vittorio's but you may not know the history and contributions his family has made to the Village. In 1969 Mike's maternal grandfather Michael Scotto-di-Caesar an Italian immigrant from Brooklyn opened Mike's Pizzeria on Broadway. His grandfather alongside his father and two uncles ran the business while commuting back and forth from Brooklyn. Due to the long hours and long commute they spent many nights sleeping in the basement until they made enough money to buy a house on Oak Street in Amityville which is still in the family today. In the mid 1970's the family bought another pizzeria in Hampton Bays called John's Pizza. Mike's two Uncles took over that business which left Mike's father to run the Amityville store with his grandfather. As the Esposito children grew up they worked in the family business after school and on weekends. Mike had thought about opening a more formal style restaurant and looked at many locations in different towns on Long Island. While looking out the window of the pizzeria he saw something in a building across the street that had once been home to Phannemiller's Pharmacy but had been vacant for about 8 years and said why not here. That building is now the home of Vittorio's. With no advertising or marketing of any kind Mike opened the doors on February 14, 2002 with two cooks, two waiters and a bartender to a full house and the rest is history.

Both the Mayor and the Board thanked the Esposito family for all of their service and contributions as they presented them with this plaque.

There being no further "Good News", Mayor Wandell asked Deputy Mayor Bernius to give the "Good News report"

Deputy Mayor Bernius gave the "Good News" report:

Tuesday June 14, 2016 is flag day, the VFW will dispose of any ripped or torn flags properly; The Farmers Market has been a success for the past 2 weeks and will continue on Fridays from 2-7pm outside of Village Hall; Friday, June 17th the Kiwanis Club is having their "pitch and put" event; The Heritage fair was a success this past Saturday June 11th even with all the wind; Swimming lessons registrations are being held on June 22nd and 23rd at Village Hall as well as June 27th at the Amityville Beach; The Amityville Beach officially opens Saturday June

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25th, 2016; The theme of the July 4th parade this year is "Up, Up, and Away" it will start on Ocean Ave and end on the Oak street Fire House where they will be hosting a community barbeque; We are very happy to announce that the SCOVA directory has used a picture of our gazebo for the cover of their brochure;

There being no further "Good News", Mayor Wandell continued with the items on the Agenda:

Application for Taxicab Driver's License(new):

Passy Gergord Sainevil, for Lindy's Taxi, 90 Miller Avenue Amityville

Newton Tennant, for Lindy's Taxi, 34 Parliament Road, N. Babylon

Terrance Clark for Lindy's Taxi, 459 Albany Avenue, Amityville

Pierre Joseph for Lindy's Tax, 90 Harding Avenue, Amityville

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

Application for Taxicab Company License (renewal):

Theodore M. Brown, 118 Munch Ave W. Babylon for Lindy's Taxi

MOTION to APPROVE was made by Trustee Siry 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

Application for Landscaper License:

J&R Landscaping & Lawn Care, 135 Lafayette Street, Copiague

OM Landscaping, 78 Cunningham Avenue, Uniondale

Deputy Mayor Bernius states that Chief Glenn Slack reviews these applications and they are in order;

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

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

Application for Storage of Trailer:

Irwin Mintz for **Mr. Grade A, Inc.**, 24 Burch Avenue

H. Lee Blumberg, Esq. for **Blumberg, Cherkoss, Fitz Gibbons & Blumberg, LLP**

David Azougi for **DMA Auto**, 340 Merrick Road

Bryan Greenberg for **Irvings Recyclables**, 139 Dixon Avenue Amityville

Howard Cohen for **Broadway Glass**, 474 Broadway, Amityville

Joe Egan for **Egan Consulting Inc.**, 21 Merrick Road, Amityville

Trustee LaLota noted the stipulations on the applications must be complied with; Joan Donnison, BVCA asked how long this approval is for; Mayor Wandell answered that it was for one year; Trustee LaLota stated the Village recently increased the fees for Storage of Trailer with the 2016-2017 budget so as to dis-incentivize the reliance on trailers which sometimes become eyesores around the Village and hurt our quality of life and property values;

MOTION to APPROVE with above stipulation 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

Application for Sign, Banner, Canopy, Marquee or Fixture:

Cad Signs for **Nationwide**, 204 Broadway, Amityville

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

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Application for Automotive License Renewal:

Thomas Nuss for Bang's of Farmingdale, Inc., 1 Elm Place, Amityville

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 from Deputy Treasurer:

Approval of Treasurer's Abstracts

VILLAGE OF AMITYVILLE

ABSTRACT OF AUDITED VOUCHERS AND CHECKS

For the Period May 18, 2016 through June 8, 2016

General Fund

Automated Checks:

Account	Starting #	Ending #	Amount	A/C Balances
Chase General Account	1718	1837	\$239,461.42	\$500,039.64

Payroll Fund

Account	Starting #	Ending #	Amount	
Chase Payroll Account	N/A	N/A	N/A	\$88,316.75

Capital Fund

Account	Starting #	Ending #	Amount	
Citibank Capital	N/A	N/A	N/A	\$62,982.13

Trust & Agency Fund

Account	Starting #	Ending #	Amount	
Chase T&A Account	1050	1069	\$51,015.34	\$152,105.33

Depository Account balance at 6/8/2016 \$1,041,275.80

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As presented in the official abstract for the Village of Amityville

Jill Cervini, Deputy Treasurer

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

Request from Clerk/Treasurer:

Request from **John B. Gonser** to hold a wedding on July 30th, 2016 for his daughter, Caitlin at 10am for approximately 26 people at Pearsall Park

Deputy Mayor Bernius states that she is in favor of this request as long as they comply with parking stipulations;

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 from **Gerald S. Forbes and Robyn Langone** to hold a wedding ceremony at Pearsall Park on July 9, 2016 at 4:00pm for approximately 20 people

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 bind the following insurance policies for the 16/17 fiscal year: HCC Municipal Package/General Liability \$293,167 (A1910.440) 0.1% increase; AAIC/Excess Liability \$7,500 0% increase; Travelers/Crime \$3228 10% increase- due to addition of Associate Justice on policy; Lloyd (a1910.440)'s /Cyber/Privacy \$3403 0% increase a1910.440 (a1910.440); AIG

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(VFIS)/Accident (FD) \$9624 0% increase (1910.440); Comp Alliance/Worker's Comp \$380,297 (-4,231) -1.1% decrease (a9040.802; 9040.801; 9040.803; 9040.804; 9040.806)

Trustee Smith asks if the Associate Justice is an add-on position; Clerk/Treasurer Dina Shingleton explained the Associate Justice wasn't covered in the prior policy and is covered moving forward;

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 adopt revisions to Policy 10A (Village of Amityville Family and Medical Leave Policy- previously adopted 5/8/2006)

Clerk/Treasurer Dina Shingleton explains the revisions were spearheaded by Deputy Clerk Deirdre Parker and recommended by Labor Counsel; Trustee Smith asked if any benefits were, "taken away" to which Dina Shingleton replied none, the policy clarifies certain leave elements as it relates to FMLA.

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 from Annabelle Afanador-Vega, Amityville Girl Scout Troop 338 to use Pearsall Park for "bridging ceremony" on July 2, 2016 from 11 am – 1pm.

Deputy Mayor Bernius states she is in favor and that the troop pledges to leave the park better than they found it;

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

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Request from **Laura Kronenberg** to extend Summer Art Program at the Beach for the 5-7 age group on Tuesdays from 10:30 – 11:30am

Trustee Siry states the response has been so wonderful that another day needed to be added;

MOTION to APPROVE 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
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request to authorize **BID 16-A-03** for asphalt requirements contract

Dina Shingleton, Clerk/Treasurer explains the asphalt requirement allows the Village to benefit of economies of scale by pricing out larger amounts of asphalt and milling rather than piece-meal bidding out one section of road at a time; Trustee LaLota states this is part of the plan to tackle approximately 18% of the Village's roads in the fall;

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 from Police Department:

Request from the Amityville Police Department to upgrade their **IMPACT Records Management** Software system in the amount of \$4624.00 (A3120.261)

Chief Slack explained this is a necessary improvement and is funded via the E-911 grant;

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

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Request to hold a car seat inspection event on July 23, 2016 in front of Village Hall

Chief Slack explained this event is spearheaded by Police Officer Driscoll

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 Fire Department

Request to surplus 1-1-12 2006 Ambulance, VIN # 1FDXE45P66DA53103

MOTION to APPROVE was made by Trustee Siry 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 salary increase for Paramedic Sean McDonald from \$20.00 per hour to \$23.00 per hour (full-time paramedic)

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 to hire Paula Bohan as per-diem, call-in paramedic, \$20 per hour, no benefits

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

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Request from Village Attorney

Request to pay Lamb & Barnosky \$10,838.09 for services rendered through 4/30/2016 (A1410.440)

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

Mayor Wandell then presented the following **RESOLUTIONS** for consideration;

Resolution 16-06-13-01; Resolution authorizing, "Justice Court Amnesty and Compliance- 2016"

WHEREAS, it is in the best interests of the Inc. Village of Amityville (the "Village") to take such actions as may be necessary and proper to administer the enforcement of parking summonses returnable to the Village Justice Court and to provide for the collection of the fines and penalties attendant thereto; and

WHEREAS, the Mayor and the Board of Trustees wish to provide an opportunity for defaulting defendants before said Court to dispose of their parking violations in an orderly fashion and in a manner that will fairly enhance the revenues of the Village; and

WHEREAS, Fundamental Business Service (FBS) is an experienced Amnesty Compliance Administrator who proposes to manage all aspects to promote collection including data computation, mailings, written and telephonic communications with violators, etc., all subject to Village approval; and

WHEREAS, FBS shall perform such services in accordance with the Agreement attached hereto which provides for, among other things, a fee to FBS of thirty (30%) percent of the moneys collected from the program;

NOW, THEREFORE, BE IT RESOLVED, that an initiative known and identified as "Justice Court Amnesty and Compliance Project -2016" be and hereby is established; and BE IT FURTHER RESOLVED, that such an initiative shall commence on July 1, 2016 and conclude on September 30, 2016; and

BE IT FURTHER RESOLVED, that the period of matters (summons issuance timeframe) to be covered by such initiative shall be January 1, 2004 through May 31, 2016; and

BE IT FURTHER RESOLVED, the Village seeks to collect seventy percent of the outstanding balance of fines and penalties due and owing the Village from participants covered in this initiative; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately.

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part of the Fire Prevention and Building Codes of the State of New York and the Village Code, as such codes relate to unsafe structures and equipment and to clarify procedures to address threats to public safety and the general welfare posed by the existence of vacant, abandoned or unsafe buildings, structures or equipment within the Village of Amityville.

Section 2. Add a new §51-2.1. **Unsafe structures and equipment.**

A. When a structure or equipment is found to be unsafe, or unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

B. **Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure, by not providing minimum safeguards to protect or warn occupants in the event of fire; or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe; or of such faulty construction or unstable foundation that partial or complete collapse is possible. Structures which may be unsafe include but are not limited to the following:

(1) Those whose interior walls or other vertical structural members, list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members, and/or 50% damage or deterioration of the nonsupporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, flood, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants, surrounding residents or the public.

(5) Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

(6) Those having inadequate facilities for egress in cases of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

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(7) Those which have parts thereof which are so attached that they may collapse and injure members of the public or the property.

(8) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein or nearby.

(9) A swimming pool shall further be deemed to be an unsafe structure which has any of the following additional conditions:

(a) Absence of enclosures and/or covers required pursuant to the New York State Building Code, or water causing hazardous conditions.

(b) Deterioration of the pool piping, filtration or water treatment equipment, creating an unsanitary condition in pool waters.

(c) Deterioration or damage to the pool piping, equipment, pool walls or floors, causing excessive leaching of pool water into the surrounding ground area.

(d) Improper electrical, water supply or waste removal connections to the swimming pool or pool equipment creating hazardous conditions.

(e) Improper storage of pool chemicals causing hazardous conditions.

(f) Improper installation of pool heating equipment causing hazardous conditions.

(10) Those elements which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this Village.

C. Unsafe equipment. Unsafe equipment includes any boiler, fixture, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure, which is in such disrepair or in a condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

D. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential

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equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or the public.

E. Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or which was erected, altered or occupied contrary to law.

Section 3. Repeal existing CVA §51-5 and replace a new §51-5. Contents of Notice, as follows:

A. Such notice shall contain a description of the premises, a statement of the particulars in which the building or structure or equipment is unsafe and an order requiring the same to be made safe and secure or removed. Said notice shall specify:

(1) A description of the premises.

(2) A statement of the particulars in which the building is unsafe or dangerous.

(3) An order outlining the manner in which the building is to be made safe and secure or demolished and removed.

(4) A statement within which the person served with such notice shall commence the securing or removal of such building or equipment, as may be necessary to protect the life, safety or health of any person or property.

(5) The date, time and place at which a hearing shall be held before the Board of Trustees, at which hearing the owner or other persons having an interest in the structure or equipment may be heard with respect to the condition of the building, structure or equipment and the actions necessary to secure or remove same.

(6) Said notice shall further state that after such hearing the Board of Trustees may provide for the securing or removal of such building or structure or equipment by the Village in the event such owner fails or refuses to secure or remove the same within the time provided.

Section 4. Repeal existing CVA §51-6 and replace a new §51-6. Service of Notice, as follows:

Such notice, together with the report prepared pursuant to §51-3, shall be posted on the premises, and shall be filed in the office of the Suffolk County Clerk in the same manner as a notice of pendency pursuant to Article sixty-five of the Civil Practice Law and Rules, and shall be served upon the owner, or one of the owner's executors, legal representatives, agents, lessees or other person having a vested interest in the premises, either personally or by

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registered mail addressed to their last known address, if any, as shown by the records of the Village Clerk and/or in the office of the Suffolk County Clerk.

Section 5. Amend CVA §51-8. Hearing by removing the last sentence thereof and substituting a new last sentence as follows:

The owner, any occupant and such other interested persons shall receive written notice of such determination and any resulting Order in accordance with the requirement of §51-5 hereof.

Section 6. Repeal existing Section A. of CVA §51-9 and replace with a new §51-9(A). Refusal to comply; contracts for demolition, as follows:

A. In the event of the refusal or neglect of the person or entity so notified to comply with said Order of the Board of Trustees within seven (7) days, or earlier if conditions require, the Board of Trustees shall direct that such building or structure be secured, repaired or demolished and removed, either by Village employees or by contract, unless such conditions require emergency or immediate remedial action, whereupon the Village shall take such action as may be necessary.

Section 7. Repeal existing CVA §51-10 and replace a new §51-10. Assessment of cots; assessment to constitute lien, as follows:

All costs and expenses incurred by the Village of Amityville in connection with the proceedings to remove or secure an unsafe building, unsafe equipment or collapsed structure, including the cost of actually removing said building, equipment or structure, shall be assessed against the land on which said buildings or structures are located. The amount of such cost and expense shall be determined and audited by the Board of Trustees and shall be reported to the Village Assessor as an amount to be levied and assessed against said premises as an assessment for an improvement to be included in the next succeeding assessment roll of the Village of Amityville to be thereafter prepared.

Section 8. Add a new CVA §51-13. Order to vacate premises, as follows:

When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the occupants shall vacate the premises forthwith. There shall be posted at each entrance to such structure a notice reading as follows: This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Official." It shall be unlawful

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for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

Section 9. Add a new CVA §51-14. Corrective action by the Village, as follows:

When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Inspector may take such immediate action as is necessary to protect life and alleviate the danger presented, including emergency repair or removal of all or part of the building or structure, without notice or hearing to the property owner.

Section 10. Add a new CVA §51-15. Further action, as follows:

Following action taken pursuant to §51-13. - Order to Vacate Premises, or under §51-14. - Corrective Action by the Village, the Building Inspector shall prepare and deliver a report of such action to the Board of Trustees, and, if the building or structure remains unsafe, to cause said building or structure to be rendered safe pursuant to §51-9 hereof. The Building Inspector shall notify the property owner of the emergency actions taken pursuant to the provisions of §51-6 hereof.

Section 11. Add a new CVA §51-16. Assessment and lien, as follows:

All costs and expenses incurred by the Village of Amityville in connection with emergency measures taken pursuant to an Order to Vacate Premises or Corrective Action by the Village under §51-13 or §51-14, shall be assessed against the land on which said buildings or structures are located. The amount of such cost and expense shall be determined and audited by the Board of Trustees and shall be reported to the Village Assessor as an amount to be levied and assessed against said premises as an assessment for an improvement to be included in the next succeeding assessment roll of the Village of Amityville to be thereafter prepared.

Section 12. Add a new CVA §51-17. Transfer of title, as follows:

The transfer of title by an owner of the premises upon which an unsafe building or structure or excavation is located shall be no defense to any proceeding or actions already commenced under this chapter.

Section 13. Add a new CVA §51-18. Penalties for Offenses, as follows:

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Any owner, upon whom a notice as provided in this article, has been personally served, who fails, neglects or refuses to place such unsafe building or structure or hazard in a safe condition as designated in such notice, or who shall violate any of the provisions of this article or Orders given pursuant thereto, or who shall resist or obstruct the Building Inspector in carrying out the provisions of this article, shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of not more than \$15,000. Each week in which such violation continues shall constitute a separate offense.

Section 14. Effective Date.

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

Village Attorney Richard Handler explained the law in great detail; Trustee Bernius thanked Village Attorney Richard Handler for all of his time and effort; Neighbors are noticing the hard work and she has been thanked for bringing this issue to the forefront; Trustee LaLota states that the Belmont Court home should be demolished by Halloween; Trustee Siry thanked former Building Inspector Tom Whalen, Richard Handler and Trustee Bernius for their hard work on this issue;

There being no further comments from the Board or from the Floor, Mayor Wandell asked for a MOTION to CLOSE the public hearing.

MOTION to CLOSE 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

Mayor Wandell then asked for a MOTION to ADOPT Local Law #6 of 2016; 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

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Local Law #6 of 2016 is hereby declared adopted.

Mayor Wandell asked for a MOTION to RE-OPEN the public hearing for Proposed Local Law #7 of 2016; MOTION to RE-OPEN 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

INCORPORATED VILLAGE OF AMITYVILLE: PROPOSED LOCAL LAW # 7 OF YEAR 2016

A local law to amend the Code of the Village of Amityville (CVA) by adding a new Chapter 53 requiring the registration of vacant buildings.

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

Section 1. CVA §53-1. Legislative intent.

The ravages of Superstorm Sandy coupled with certain economic impacts and ever changing lifestyles, place new responsibilities upon Village government to assure safe and well maintained properties. The maintenance of a Vacant Building Register will aid in assuring the health, safety and enforcement of property maintenance, by providing better access to and communication with property owners and those having an interest in particular properties to assure compliance.

Section 2. CVA §53-2. Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- A. Boarded building(s) and structure(s). A building(s) or structure(s) with a sheet(s) of plywood, wood or similar material(s) in front or in place of one or more exterior doors, other than a storm door, or of one or more windows.
- B. Occupied building(s) or structures(s). Any building(s) or structure(s) wherein one or more persons actually conducts a business or resides in all or any part of the building as the business occupant, or as the legal or equitable owner(s)/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone,

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electric, gas, heating, water and sewer services; a valid Village business license, if applicable, or the most recent, federal or state income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

C. Owner(s). Any person, partnership, limited-liability company, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control, including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.

D. Vacant building(s) or structure(s). A building(s) or structure(s) where no person or persons actually currently conduct a business, or reside or live in any part of the building or structure as the legal or equitable owner(s) or tenant-occupant(s), or owner- occupant(s), or tenant(s) on a permanent, nontransient basis.

Section 3. CVA §53-3. Vacant building registration and requirements.

A. Vacant building registration and fees.

(1) Any owner of any building which has been vacant or not occupied for more than 120 consecutive days shall file with the Village Clerk a Vacant Building Registration. Said Registration shall be in a form prescribed by the Village Clerk which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners or interest holders, in accordance with Subsection A(l)(a) through (g) below, and any other information deemed necessary by the Village Clerk, and shall be notarized. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code, zoning code or governmental regulations. The registration fee(s), as required herein, shall be due upon registration and then billed by the Village Clerk for subsequent years and be paid by January 1st of each year. For purposes of this section, the following shall be provided:

(a) If the owner is a corporation, the names and residence addresses of all officers and directors of the corporation, and accompanied by a copy of the most recent annual franchise tax report filed with the Secretary of State.

(b) If the owner is a limited-liability company, the names and residence addresses of the manager, managing member or those holding an interest of ten (10%) percent or greater.

(c) If the owner is an estate, the name and residence address of the

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executor or administrator.

(d) If the owner is a trust, the name and residence address of all trustees and grantors.

(e) If the owner is a partnership, the names and residence addresses of all partners with an interest of ten (10%) percent or greater.

(f) If the owner is any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten (10%) or greater.

(g) If the owner is an individual person or persons, the name and residence address of such individuals.

(2) Local agent.

(a) If none of the persons listed in Subsection A(l)(a) through (g) above are within the state, the Registration Statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process or legal notices on behalf of the owner(s).

(b) The Registration Statement shall designate a responsible, local party or agent for the purposes of notification in the event of an emergency affecting the public health, safety or welfare.

(3) Exceptions. This section shall not apply to owners who have a second home or temporarily reside elsewhere, who demonstrate by sworn affidavits and other documentation that the premises is being regularly cared for and monitored by a family member(s) or an entity engaged to provide such service.

B. Fee.

(1) The owner(s) of the vacant or non-occupied property(ies) shall be responsible to register and pay an annual nonrefundable registration fee of \$250. Thereafter, said fee shall be billed by the Village Clerk annually on November 1st.

(2) One Vacant Building Registration may be filed to include all vacant buildings situated upon a single property of an owner so registering. The fee of \$250 shall apply to the property upon which the buildings are situated. A separate fee need not be paid for each building upon a single tax lot.

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C. Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to the Building Inspector, upon filing an application in writing to the Village Clerk no later than 30 calendar days from the date of the billing statement. On appeal, the owner shall bear the burden of providing proof that the building is occupied.

D. One-time waiver of registration fee. A one-time waiver of the registration fee for up to 90 days may be granted by the Village Clerk upon application by the owner and upon review and advice of the Village Attorney, within 30 calendar days from the date of the bill for the registration fee; or upon appeal to the Building Inspector, if the owner:

(1) Demonstrates with satisfactory proof that s/he is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and demonstrates the anticipated length of time for such demolition, rehabilitation, or other substantial repair; and

(2) Is current on all registration fees and all other financial obligations and/or debts owed to the Village which are associated with the vacant property.

E. Delinquent registration fees as a lien.

(1) After the owner is given notice by First Class Mail of the amount of the registration fee due, except for those owners that have properly perfected an appeal as provided above, and the owner fails to pay the amount due within 30 days, said amount shall constitute a debt due and owing to the Village.

(2) Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Village Clerk within 30 days of such occurrence and advise the Village Clerk in writing of those changes.

Section 4. CVA §53-4. Duty of village clerk to maintain and notify.

The Village Clerk shall maintain the Vacant Building Registrations in the normal course of business and shall notify the local police, fire and ambulance services of all locations on the registry.

Section 5. CVA §53-5. Penalties for offenses.

Any owner, or agent of an owner acting on behalf of the owner, who fails to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this chapter, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than \$1,000 nor more than \$5,000 for each failure to register, or repeated failure after notice, or for each failure to pay a required Vacant Building Registration Fee. A claim that a bill for registration fees has not been received shall not be a defense for failure to comply.

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Section 6. Effective Date.

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

Village Attorney Richard Handler explains that this is a re-opening of the public hearing held on May 30th; Joan Donnison, BVCA, asked what Snow Birds should do regarding registering; Village Attorney Richard Handler explained they would not have a fee;

There being no further comment from the Board or the Floor, Mayor Wandell called for a MOTION to CLOSE the public hearing;

MOTION to CLOSE the public hearing 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

Mayor Wandell then called for a MOTION to APPROVE Local Law #7 of 2016; 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

The Law is hereby declared adopted.

Mayor Wandell then called for a MOTION to OPEN the public hearing for Proposed Local Law #9 of 2016; MOTION to OPEN 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

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INCORPORATED VILLAGE OF AMITYVILLE: PROPOSED LOCAL LAW # 9 OF YEAR 2016

A local law to amend Chapter 172, of the Code of the Village of Amityville, Section 172-50 thereof, designating Wellington Place a One-Way Street.

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

Section 1. Amend CVA §172.50, by adding and designating Wellington Place a One-Way Street in a southerly direction:

Name of Street	Direction	Limits
<u>Wellington Place</u>	<u>South</u>	<u>Between Railroad Avenue and Oak Street¹</u>

Section 2. Effective Date.

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

Deputy Mayor Bernius states the Board is there to hear from neighbors on this matter; Trustee LaLota states he isn't sold that this is the right idea to solve the problem; Trustee Siry states he is waiting to hear from the Neighbors of Wellington Place before speaking; Trustee Smith states he is also waiting until he hears from the residents; Deputy Mayor Bernius states she is not in favor of speed bumps;

Mayor Wandell then opened comments to the floor.

Jamie Seman, 26 Wellington Place, said she doesn't like the idea but isn't for speed bumps; she believes the problem will still exist with South-Bound traffic cutting through and recommended a dead-end. If a one-way is the best the Board could do she would take it, but she would prefer a dead-end; Ken Klein, 15 Wellington Place, agrees with the dead end, that it would stop traffic cutting through; Trustee Smith asked why residents were opposed to speed bumps; Randy Calomino, 17 Wellington Place, answered that cars and trucks make a lot of noise going over speed bumps and he doesn't want that noise in his neighborhood at 2:00am; Janet Colletti, 17 Wellington Place, stated that the 1st option was a dead end; Albert Sears, 25 Wellington Place, states the amount of commercial traffic on the street is intolerable; Trustee LaLota states enforcement would be a part of this solution;

There being no further comments from the BOARD or from the FLOOR Mayor Wandell calls for a MOTION to CLOSE the public hearing.

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MOTION to CLOSE the public hearing 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 nay

Mayor Wandell then called for a MOTION to APPROVE proposed local law #9 of 2016; MOTION 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

The law is hereby declared adopted.

Mayor Wandell explained that proposed local law #10 of 2016, which is the third part of the vacant home laws, will be heard on June 27th.

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

Mr. Wince, 24 Birch, asks how his property would be affected by the proposed zone change for transit oriented development that was written about in Newsday; Trustee LaLota explains parcels will stay in their current zone unless they choose to make the change; Julie McKlean, South Bayview Avenue, states that speeding is also a big issue on Bayview Avenue; Janet Colletti, 17 Wellington Place, states that the weeds on Railroad Avenue are again overgrown; Trustee LaLota asks if a reciprocal agreement can be made with the MTA regarding maintenance; Tyrone Williams of Lindy's Taxi, asks if the Village would consider a temporary hack license as the licensing process is long; Chief Slack states that the drivers are not keeping their appointments with the Detective which causes the delay.

There being no further comments from the Board or from the Floor, Mayor Wandell calls for a MOTION to ADJOURN.

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

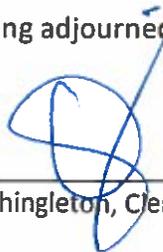
Vote on Motion:	Mayor Wandell	aye
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Deputy Mayor Bernius	aye
Trustee LaLota	aye
Trustee Siry	aye
Trustee Smith	aye
5 aye	0 nays

Motion Carried:

Meeting adjourned at 10:17PM



Dina Shingleton, Clerk/Treasurer

