

**Board of Trustees
Minutes
September 26, 2016**

Meeting called to order at 7:30pm

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
Superintendent of Public Works, Bruce S. Hopper
1st Assistant Chief of Fire Department, Leeland Greey
Village Attorney, Richard Handler
Clerk Treasurer, Dina Shingleton
Administrative Assistant, Katie DeGraff

Mayor Wandell explained to the public that Trustee Kevin Smith would be absent from this meeting

The salute to the flag was led by Chief Slack and Laura Kronenberg

Mayor Wandell welcomed everyone to the September 26th meeting of the Board of Trustees

Mayor's Actions:

Mayor Wandell presented **Laura Kronenberg** with a **proclamation** for the time and dedication to the Village of Amityville for the murals she did at the beach; Deputy Mayor Bernius said a few kind words to Laura Kronenberg regarding the work she completed both last year as well as this year down at the Amityville Beach;

Upon Mayor Wandell's request to approve the minutes of the regular meetings of the Board of Trustees held on **September 12th, 2016**, copies of which were distributed to all members of the Board

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

Appoint Leonora Arciero to position of **Justice Court Clerk**, provisional six month salary of \$32,051.78 for the probationary period; \$36,067.76 Step 1 after the six-month probationary period.

Trustee LaLota explained this is a competitive civil service position, that the Village was required to hire from the civil service list and that there were no Village residents on that list; once this position is filled the Court will be fully staffed;

**Board of Trustees
Minutes
September 26, 2016**

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

Accept the resignation of **Jill Cervini**, Deputy Clerk

Trustee LaLota stated that Jill was a big asset to this Village and it is bitter sweet losing her but the Village is happy she is now the Clerk/Treasurer of the Village of Lloyd Harbor; Deputy Mayor Bernius stated how she worked closely with Jill and explained how fabulous a worker she was and that she will be missed; Trustee Siry agrees with the other board members and thanked Jill for all the work she did and stated that she will definitely be missed around the Village;

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

Appoint Joseph Calabrese to position of **Associate Justice**, term ending March 31, 2017

Trustee LaLota explained the process of hiring Mr. Calabrese, the responsibility that comes with the position, and the qualifications to perform the position; Trustee Siry states that all three potential candidates were great but he is happy to appoint Mr. Calabrese; Deputy Mayor Benius agrees with Mayor Wandell's decision to appoint Joseph Calabrese;

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 then invited the residents of Grand Central Avenue to the podium to discuss their concerns regarding speeding on Grand Central Avenue.

Angela Florie, 82 Grand Central Avenue and Sai Hundal 48 Grand Central Avenue brought a petition to the Board regarding installation of a stop sign at the intersection of Grand Central

**Board of Trustees
Minutes
September 26, 2016**

Avenue and Perkins. Angela stated that the speeding on the street is a big problem, there are people flying down the street at 50-60 mph. Sai spoke stating that it is even difficult to back out of the driveways because you can judge the speed that these cars are driving by and it is going to cause accidents. She stated that Grand Central is one of the longest streets but only has one stop sign; Richmond Ave. and Ocean Ave. both have numerous stop signs. People go out of their way to take Grand Central Ave just for the fact that there are no stop signs like there are on the surrounding streets; Mayor Wandell agrees with their concerns and explains that this will not be taken lightly but there is a process and legal procedure that must be followed before additional signs can be installed; Mary Casey 270 Grand Central Ave. agrees with this petition totally, she explains that the motorcycles are speeding down the street at speeds close to 80-90mph and it is very dangerous, she asked the Board what their objections would be to the request; Mayor Wandell answered that he doesn't see any immediate issue but there is a process that needs to be followed; the Board will report back at the October 24th Board of Trustees Meeting; Mike Henzy, 25 Grand Central Ave., has been living here for two years and with the house elevations that have been going on there is an increase in commercial vehicles that do not pay attention to the stop sign or speed limit and it is very dangerous; also both Security Dodge and the Volkswagen dealerships are using Grand Central for their test drives speeding down the street; Trustee LaLota explained that they have an agreement with Security Dodge consisting of 19 points that they are to follow and that is one of them. Trustee LaLota asks that there be complaints made at Village Hall when this is happening so the issue can be kept track of; Janet Colletti 17 Wellington Pl., agrees with the idea of putting in a stop sign but wants to make sure they realize that they need to be patient with the process because it took her two years to get Wellington Pl. a one way sign; Deputy Mayor Bernius states that she is aware that we have a speeding problem in this Village and that people roll through stop signs and thinks this is a good idea and it will be taken very seriously; Trustee Siry states that he can't see a reason to not install the stop sign and adds that he believes a big part of this problem is the Amityville Beach due to the sports and summer activities people are always rushing because they are late and it is something that needs to be taken care of as fast as possible; Chief Slack wanted to thank Angela for all the work she has done on this project and state that since they have been monitoring this situation they have issued 21 summonses in 6 days;

Before Mayor Wandell proceeds with the items on the agenda he asked Deputy Mayor Bernius to give the "Good News report"

Deputy Mayor Bernius gave the "Good News" report:

The Amityville Fire Department is canvassing for their annual subscription drive; Road work has started in Amityville on Ocean Ave. and Riverside Ave.; the Rotary Club is hosting the 26th Annual Apple Festival; October 1st from 6:00pm-10:00pm the Amityville Fire Department hose company #4 is hosting their annual beer festival; October 7th Amityville Memorial High School is having their Sports Hall of Fame night; October 8th is Amityville Memorial High

**Board of Trustees
Minutes
September 26, 2016**

School homecoming's; On October 8th the VFW is celebrating their 70th anniversary at Unqua Corinthian Yacht Club, there are still tickets available;

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

Application for Taxicab Company License (New):

Larry Grayson, 227 Albany Ave. Amityville for **Lindy's Taxi**

Philip Manganiello, 799 Canal Road, Mount Sinai, NY for **Lindy's Taxi**

Trustee Siry stated drivers should be reminded to observe speed limits he wants to continue to remind the taxicab drivers they must uphold the speed limit and all of the traffic laws when they come to pick up their licenses;

Application for Storage of Trailer:

James Gravina for **The Long Island Home**, 400 Sunrise Highway

Deputy Mayor Bernius states that there are stipulations from last years approval that need to be added to this years approval as well, those stipulations are that they need to provide a valid Electrical Underwriters Certificate and they need to file the proper plumbing paper work for the sewer work with the Suffolk County Water Authority;

Application for Automotive Sales, New and/or Used:

German Auto Repair Technicians, 1 Elm Place

Automotive License (Collision, Gasoline Station, or Public Garage)

German Auto Repair Technicians, 1 Elm Place

MOTION to APPROVE with stipulations stated as per each application 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 Deputy Treasurer:

Approval of **Treasurer's Abstracts**

ABSTRACT OF AUDITED VOUCHERS AND CHECKS

For the Period September 9, 2016 through September 20, 2016

**Board of Trustees
Minutes
September 26, 2016**

General Fund

Automated Checks:

Account	Starting #	Ending #	Amount	A/C Balances
SCNB General Fund	2371	2519	\$199,507.12	
				\$343,380.76

Payroll Fund

Account	Starting #	Ending #	Amount	
SCNB Payroll	NA	NA		\$57,220.75

Capital Fund

Account	Starting #	Ending #	Amount	
Citibank Capital	NA	NA		\$89,308.19

Trust & Agency Fund

Account	Starting #	Ending #	Amount	
Chase T&A Account	1098	1100	\$1,680.52	\$ 131,781.31

As presented in the official abstract for the Village of Amityville

Dina Shingleton, Clerk/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
Motion Carried:	4 aye	0 nays

Request from Village Assessor:

Request for settlement, **Zeytin, Inc.**, 293 Broadway, SCTM#101-3-2-17, Total Refund tax years 2011-12 through 2016/17, \$5500 (A1930.440); Moratorium for tax years 2017/18, 2018/19, 2019/20

Request for settlement, **Wincom Ltd.**, 24 Birch Avenue, SCTM#101-3-3-23, Total Refund tax years 2007/08 – 2016/17 \$12,500 (A1930.440), moratorium for tax years 2017/18, 2018/19, 2019/20

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

**Board of Trustees
Minutes
September 26, 2016**

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 enter into agreement with Thomas A. Isles, **AICP /TAI Consulting LLC** for SEQR study for Transit Oriented Development zone through an amendment to Chapter 183 of the Code of the Village of Amityville. (A1410.440)

Trustee LaLota explains the necessity for a qualified consultant to guide the Village in a complicated SEQR process that is mandated by law; Trustee Siry states it is necessary for the Board to work with qualified experts to guide the board; Joan Donnison 150 South Ketcham Ave. asks if this is pending passing the chapter of the code related to mandating applicants to pay for consultants, Trustee LaLota answers no, this consultant does not rely on the passing of the Code; Village Attorney Richard Handler further explained the process by which SEQR study needs to be made ; Joan Donnison 150 South Ketcham Ave. asked when the consultant will begin the study an if approved will the eventual report be made available to the public; Trustee LaLota answers that yes there will be another dialogue with the public and he anticipates the consultant beginning work immediately; Jannet Colletti 17 Wellington Place states she is not in favor of additional residential apartments on Burch; Trustee LaLota states that the proposed project is upzoning, transitioning from Industrial to Residential use, and he cannot imagine a use that is better suited to the area aside from industrial use;

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

Request to use public property, Peterkin Park on September 29th from 1pm-2pm (rain date October 18thj)- by **Claire Nugent**, AP Science Teacher at Copiague High School for aquatic environment field investigation

Request by the **Amityville Union Free School District** to hold annual homecoming parade Saturday, October 8th- parade lineup at 11am- LIRR parking lot; route South on Broadway, East on Avon, South on Bayview to the Bayview entrance of the High School.

Waiver of Residency for **Leonora Arciero**, 211 Cassa Loop, Holtsville

**Board of Trustees
Minutes
September 26, 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
Motion Carried:	4 aye	0 nays

Request for the following **budget amendments** and modifications:

Appropriate \$15,000 A.1589/Other Public Safety Charges for clean-up of property and vacant home registry fees/fines

Increase A3620.440 Safety Inspector/Enforcement Prof/Tech to \$5,000.00 for vacant home registry enforcement/inspection

Decrease A3620.100 Safety Code Personal Services, Increase A3620.119 Safety/Code Longevity by \$75.00

Decrease A1625.100 DPW Base Pay/Personal Services by \$8,100.00. Increase A7310.100 Youth Swim/Sail Personal by \$1,550.00 and A7310.440 Youth Swim/Sail General/Professional by \$6550.00

Deputy Mayor Bernius thanks Clerk/ Treasurer Dina Shingleton for her hard work and researching and applying for grants for the Village;

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 Police Department:

Request to send Police Officers Walters & Miller to the **FBI Officer Survival School** at West Point from October 2-7th cost of lodging not to exceed \$900 (A3120.416)

Chief Slack explains that this is the best training school he knows of; Mayor Wandell asks Trustee LaLota if it is possible to find a way that we can send more officers to this training?;

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

**Board of Trustees
Minutes
September 26, 2016**

Request from Department of Public Works

Request to pay Sprague \$3313.80 for 2000 gallons of gas, (A.1625.410)

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

Resolutions

Resolution 16-09-26-01 for Village of Amityville to participate in the Board of Cooperative Educational Services , First Supervisory District of Suffolk County (Eastern Suffolk BOCES)Joint Municipal Cooperative Bidding Program.

Mayor Wandell explains that the Village of Amityville and the Village of Patchogue are the only two Villages that participate in this program. Village Clerk/Treasurer Dina Shingleton explained the program saves the Village money as the costs associated with going to bid can be quite high.

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

The RESOLUTION was declared duly adopted.

Mayor Wandell offered the following resolution for adoption:

Resolution 16-09-26-02

WHEREAS, the Village of Amityville Board of Trustees deems it necessary to undertake a Roadway Resurfacing Project on roadways and parking lots within the Village;

WHEREAS, said Project to include milling, full-depth repairs and paving of approximately 6.4 lane miles of Village Roads and two parking lots at an estimated cost of \$2,400,000 with a probably useful life of twenty-five years;

WHEREAS, the estimated timeline for completion of the Project is four (4) to six (6) weeks;

WHEREAS, the project name shall be, "Street & Parking lot Milling, Repair & Paving 2016";

**Board of Trustees
Minutes
September 26, 2016**

WHEREAS, the Village will appropriate said funds through serial bond proceeds of \$2,400,000;

NOW, THEREFORE, the Village of Amityville Board of Trustees duly convened on the 26th day of September 2016 hereby approves the above Project; and it is hereby further

RESOLVED, that the sum of \$2,400,000 is hereby appropriated to pay the costs of said Project; and it is further

RESOLVED, that the Mayor and/or Village Clerk/Treasurer of the Village of Amityville is hereby authorized to execute all necessary Agreements and Certifications on behalf of the Village of Amityville with the funding sources in connection with the advancement of approval of the Project and providing for the administration of the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Trustee LaLota explained the resolution is procedurally necessary to authorize the Road Project to proceed.

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 was declared duly adopted.

Resolution 16-09-26-03 to award Bid 16-A-04 Street Lighting Requirements Contract to Low Bidder New York Trenchless, Inc., in the amount of \$319,567.50 (in order to proceed with Suffolk County Downtown Revitalization Grant Project for continuation of Historical Lighting On Merrick Rd.)

Village Clerk/Treasurer Dina Shingleton explained that this requirements contract was authorized in October of last year for continuation of historical lighting on Merrick Road. It took some time to get to the permitting phase with the New York State Department of Transportation; the Village didn't want to go to BID for the contract before permits were issued. This requirements contract is good for a year and can be renewed for two additional years for a total term of three years. This allows the Village to move forward with additional lighting projects as grant funding is secured, instead of going to BID for each section of lights.

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

**Board of Trustees
Minutes
September 26, 2016**

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

The RESOLUTION was declared duly adopted.

There being no further regular agenda items, Mayor Wandell asked for a MOTION to open the PUBLIC HEARING for Proposed Local Law 11 of 2016- a local law to amend the CVA by adding a new Chapter 6 thereof empowering the Board of Trustees, Planning Board and Zoning Board of Appeals to retain outside consultants and to commission independent studies.

MOTION to OPEN THE PUBLIC HEARING 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

A local law to amend Chapter 152 of the Code of the Village of Amityville (CVA) - by amending §152.3(C) and §152-4 to provide greater protection and enforcement regarding repair and restoration of street and surface opening.

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

Section 1. Amend §152.3(C)(1) – Application for Permit, as follows:

C. (1) Every application for a permit hereunder shall be accompanied by a cash deposit to cover 150% of the cost of restoring or repaving such street, highway or public place; or construction or reconstruction of sidewalks, brickwork, curbs or driveway aprons, as estimated by the Superintendent of Public Works, to a condition which meets the approval of the Superintendent of Public Works, or, in the alternative in the Superintendent’s discretion, provide a bond giving adequate assurance that such restoration or repavement shall be made to the satisfaction of the Superintendent of Public Works. In addition thereto, every such application shall be accompanied by a fee as set under subdivision (D) hereof.

Section 2. §152.3(C)(2)(i) - Performance Bond or cash assurance.

**Board of Trustees
Minutes
September 26, 2016**

C. (2)(i) Where the Superintendent of Public Works shall require a Performance Bond, such repair and restoration to roads, paved areas, drainage, outdoor lighting, curbing, sidewalks, brickwork, landscaping and screening, including plantings that affect public property, may be guaranteed by cash or performance bond approved by the Superintendent of Public Works. Work shall not commence until such guaranty is filed and approved. The guaranty of the improvements shall be for 150% of the cost of improvements. The cash or performance bond shall be conditioned on the Permittee completing the work as set forth in a manner satisfactory to the Superintendent of Public Works, and upon the proper functioning of the repair or restoration for a period of one calendar year from their completion.

Section 3. §152.3(C)(2)(ii) – Default of Performance bond or cash assurance.

C. (2)(ii) In case of default, the guaranty shall be forfeited. The Village, in its sole discretion, shall use the amount to complete any incomplete portion of the said work, to make sure repairs are undertaken as are necessary to assure the proper functioning of the improvements, or to restore the site in whole or in part. If any amount of money remains after the Village has completed the work, any excess funds will be returned to the surety or the person placing the required guaranty. The forfeit of the Bond or guaranty shall not hinder the Village from enforcing any breach seeking damages at law or equity. The installation of all improvements shall be under the direct supervision of a New York State registered or licensed professional.

Section 4. §152-3 (E) – Safety precautions.

E. In any case where a permit shall be given for street or sidewalk repairs, utility repairs, upgrades, developing property, or for the making of excavations, it shall be the duty of the Permittee thereunder to properly guard any excavations, openings, encumbrances or obstructions at all times and to keep upon the outside border of any such excavation, opening, encumbrance or obstruction a fence or rail, upon which fence or rail there shall be hung a sufficient number of amber lights, reflective tape, or other lighting devices approved by the Superintendent of Public Works so as to properly identify the outside limits of said excavation, opening, encumbrance or obstruction. All such lanterns and lighting devices shall be lighted at least 1/2 hour before sundown on each and every day and shall remain lighted until at least one hour after sunrise the following morning.

Section 5. Amending §152-4 – Restoration or Replacement of Surface After Opening; by adding the following sentence to the last sentence thereof.

**Board of Trustees
Minutes
September 26, 2016**

The failure to comply with any of the requirements of this section shall be deemed a violation hereof, subject to penalties as provided for in CVA §1-9 for each such day of an offense, and for the full costs including engineering fees, labor and materials, to correct and restore such openings and excavations.

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 explained that this law would allow the Boards to require expertise be retained at the Village's expense and paid for by the applicant. The Boards can only request this be done when appropriate and reasonably necessary, not for a garden variety application. Mayor Wandell stated this change to the code is necessary to keep the Village moving in the right direction.

Mayor Wandell opened the hearing to comments from the floor. There being no comments from the floor, Mayor Wandell asked for a MOTION to CLOSE the public hearing;

MOTION to CLOSE THE PUBLIC HEARING 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

With the public hearing closed a MOTION to ADOPT **Proposed Local Law 11 of 2016** was made by Trustee Siry and seconded by Deputy Mayor Bernius. A Polling of the Board was made by roll-call:

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

Mayor Wandell asked for a MOTION to open the PUBLIC HEARING for Proposed Local Law 12 of 2016 Proposed Local Law #12 of 2016 by amending §152.3(C) and §152-4 to provide greater protection and enforcement regarding repair and restoration of street and surface openings.

MOTION to OPEN THE PUBLIC HEARING was made by Deputy Mayor Bernius and seconded by Trustee Siry

**Board of Trustees
Minutes
September 26, 2016**

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

A local law to amend the Code of the Village of Amityville (CVA) - by adding a new Chapter 6 thereof empowering the Board of Trustees, Planning Board and Zoning Board of Appeals to retain outside consultants and to commission independent studies.

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

Add a new Chapter 6 titled: Consultants and Independent Studies, as follows:

Section 1. CVA §6-1 Authority and Legislative Intent.

To protect the health, safety and welfare of those residing in neighboring properties and the community-at-large from the impacts of land development, and to facilitate the expeditious processing of applications, it is the intent of the Board of Trustees to provide the Board of Trustees, Planning Board and Zoning Board of Appeals with a mechanism by which it can retain the assistance of outside professionals and/or commission independent studies, at the applicant's expense to assist in evaluating any matter over which such Board has jurisdiction. In order to accomplish these goals, the Board of Trustees is exercising its police power and authority pursuant to §10(1)(ii)(a)(6), (11) & (12) and §10(1)(ii)(e) of the Municipal Home Rule Law; the New York State Constitution; §4-412(1) and §§7-712-a(3), 7-722, 7-725-a, 7-725-b & 7-728 of the Village Law, and any other applicable provision of law now or hereinafter enacted to supercede and/or expand such provisions, so as to require full payment of all such fees where appropriate and reasonably necessary, as a condition of Board approval, and the issuance of a building permit or other Village approval.

Section 2. CVA §6-2 Responsibility for Costs.

As a condition of processing any matter over which the Board of Trustees, Planning Board or Zoning Board of Appeals, such Board may require an applicant to pay for the reasonable costs of independent studies and/or outside consultants as may be reasonably related to the matter under review. All such costs shall be paid by cash or certified check and are in addition to any other required fees. Within thirty (30) days of a written request for payment, the applicant shall submit to the Village Clerk for deposit into a non-interest bearing trust and agency account maintained by the Village, an amount determined by such Board or its designee, to be utilized by the Village to pay for such services during the review process. Upon request, the applicant shall be provided with copies of invoices submitted to the Village for the work of outside consultants and studies. In the event the sum initially deposited by the applicant is not

**Board of Trustees
Minutes
September 26, 2016**

sufficient and additional funds are necessary, the applicant shall pay such additional sums within twenty (20) days of the date of the written request for payment. After all reasonable charges have been paid to the vendor(s) by the Village and upon final consideration or the withdrawal of the application by the applicant, any balance remaining on deposit shall be returned to the applicant.

Section 3. CVA §6-3 Power.

In its discretion the Board of Trustees, Planning Board or Zoning Board of Appeals may adopt or reject, in whole or in part, the findings and determinations of any consultant or study commissioned by the Board or applicant.

Section 4. Effective Date.

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

Village Attorney Richard Handler explained that this law was written to protect the \$2.4 million road paving investment that is currently underway in the Village.

Mayor Wandell opened the hearing to comments from the floor. There being no comments from the floor, Mayor Wandell asked for a MOTION to CLOSE the public hearing;

MOTION to CLOSE THE PUBLIC HEARING 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

With the public hearing closed a MOTION to ADOPT **Proposed Local Law 12 of 2016** was made by Trustee Siry and seconded by Deputy Mayor Bernius. A Polling of the Board was made by roll-call:

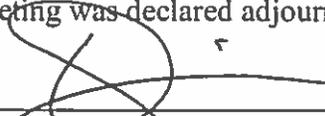
Vote on Motion:	Mayor Wandell	aye
	Deputy Mayor Bernius	aye
	Trustee LaLota	aye
	Trustee Siry	aye
Motion Carried:	4 aye	0 nays

There being no further agenda items, Mayor Wandell opened the floor to public comment. Janet Colletti, 17 Wellington Place, asked which parking lots will be improved in the current road paving project to which was answered the old movie theatre lot and the library lot; Joan Donnison BVCA, stated that there is no lighting in the lot behind Vittorio's and Amity Ales and an improvement should be made.

**Board of Trustees
Minutes
September 26, 2016**

There being no further public comments, Mayor Wandell asked for a MOTION to ADJOURN the September 26th, 2016 Board of Trustees meeting

Meeting was declared adjourned at 9:04PM



Dina Singleton
Clerk/Treasurer

