

Board of Trustees
Agenda- Tentative
October 26th, 2015

Licenses:

1. Automotive License:

- a. Jonathan Misino, for Five Star Security Collision Center, 16 Sprague Ave
- b. Ken Taylor, for Long Island Auto Recovery, 9 Elm Place
- c. Peter Cioci, for P.C. Auto, 126 Merrick Road
- d. Anthony Manfredi, for A Team Auto and Collision Inc, 42 Elm Place
- e. Peter Litvinoff, for Richmond Auto Body, 91 Merrick Road
- f. Ernie Caramanico , for Amityville Firestone, 258 Broadway

New Applications:

- g. Michael Minella, for JLRLI, 124 Greene Ave
- h. James Giambrone, for NYS Discount Auto, 199 County Line Road
- i. David Galdamez, for Next Level Auto Body II, 262 Broadway

2. Landscaper License:

- a. Pablo DeJesus, for Jessies Landscaping Services Inc, 757 Jackson Ave Lindenhurst, NY 11757

3. Application for Coin Operated Amusement Device License

- a. George Romano, for JJ's Tavern 139 Merrick Road, for three (3) devices a pool table, juke box, and video game

Requests from Fire Department:

- a. Request to pay Waterway for hose and appliance testing in the amount of \$4165.55
- b. Request to pay Commander Equipment Supply Corp. in the amount of \$3,800.00 for repairs on 1-1-3
- c. Request to hire 2 new paramedics John Wolczok at \$20.00 per hour, per diem without benefits and Briana Lionetti at \$20.00 per hour per diem without benefits

Request from Department of Public Works

- a. Request to pay Deluxe Graphics inc. in the amount of \$3,835.00 for Zoning Board Signs
- b. Request to pay Barnwell House of Tours in the amount of \$3,395.36 for new tires for 10 wheel dump

Request for Village Attorney

- a. Request to pay Lamb & Barnosky in the amount of \$9,857.10 for legal services rendered

Request from Downtown Revitalization Committee

Request to issue Request for Qualifications (RFQ) for a Downtown Revitalization Plan

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Village Clerk/ Treasurer:

- a. Request to retain the services of Nelson & Pope for engineering services related to the continuation of historical lighting along Merrick Road
- b. Request to pay E.C. Link \$1,890.00 for annual maintenance and hosting of Village website (Amityville.com) from 5/15 – 4/16
- c. Request to hold the Peter J. O’Neill Jr 5-K race on Saturday November 28th, 2015 with registration starting at 12:00pm and the race starting at 1:00pm
- d. Request from Carol Seymour, 230 Richmond Avenue, for temporary “no parking” signs to be put up on the East side of Richmond Avenue between Chichester Avenue and Prospect Street on October 31, 2015
- e. Request from Amityville VFW post 7223 to host 2015 Veteran’s Day celebration held at the Village Gazebo
- f. Request from the St. Martin’s Knights of Columbus Council # 2489 to erect annual Nativity Scene in the Village Triangle Saturday 11/28/15 through Saturday 1/9/16

Deputy Treasurer

Approval of Treasurer’s Abstract

Resolutions:

- a. Resolution 15-9-28-01(b) A Resolution for the New York State and Local Employees Retirement System
- b. Resolution 15-10-26-01 a resolution regarding disciplinary charges against a DPW employee
- c. Resolution 15-10-26-02

Local Law:

- a. Local Law #7 of 2015 to authorize Zoning Board of Appeals to renew owner-occupied and non-owner occupied two-family dwellings by special exception for those approved by Zoning Board of Appeals prior to March 3, 2010

INC. VILLAGE OF AMITYVILLE

RESOLUTION # 15 – 09 – 28 – 01 (b)

FOR BOT AGENDA
DATE 12/26/15

A Resolution for the New York State and Local Employees Retirement System

BE IT RESOLVED that the Village of Amityville, Location Code 40084, hereby establishes the following standard work days for elected and appointed officials by title for the period commencing April 1, 2015, and will report the following days worked to the New York State and Local Employees Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the Clerk of this body:

Title	Standard Work Day	Name	Elected/Appointed	Term Begin and End Dates	Record of Activity - Days
Trustee	7.5 hours	Dennis Siry	Elected	04/01/15 – 03/31/19	3.27
Trustee	7.5 hours	Kevin Smith	Elected	04/01/13 – 03/31/17	3.52
Trustee	7.5 hours	Nicholas J. LaLota	Elected	04/01/15 – 03/31/19	4.1
Village Justice	7.5 hours	Debra Urbano DiSalvo	Elected	04/01/13 – 03/31/17	17.33
Acting Village Justice	7.5 hours	Elizabeth M. Niemi-Petitt	Appointed	04/01/15 – 03/31/16	7.74
Village Attorney	7.5 hours	Richard G. Handler	Appointed	04/01/15 – 03/31/16	11.67
Village Prosecutor	7.5 hours	Ryan A. McKeon	Appointed	04/01/15 – 03/31/16	2.64
Village Clerk/Treasurer	7.5 hours	Dina Shingleton	Appointed	04/01/15 – 03/31/17	Time System
Deputy Village Clerk	7.5 hours	Deirdre Parker	Appointed	04/01/15 – 03/31/16	Time System
Deputy Village Treasurer	7.5 hours	Jill Cervini	Appointed	04/01/15 – 03/31/16	Time System
Secretary to the Mayor	7.5 hours	Stephen Greenwald	Appointed	04/01/15 – 03/31/16	Time System
Planning Board Member/Chair	7.5 hours	James Squicciarini	Appointed	04/01/14 – 03/31/19	2.32
Planning Board Member	7.5 hours	Joseph Morin	Appointed	04/01/13 – 03/31/18	1.31
Zoning Board of Appeals Member/Chair	7.5 hours	Alison Varley	Appointed	04/01/14 – 03/31/19	1.33
Zoning Board of Appeals Member	7.5 hours	Richard Ubert	Appointed	04/01/13 – 03/31/18	1.06
Zoning Board of Appeals Member	7.5 hours	Kirk Hume	Appointed	04/01/14 – 03/31/19	1.10
Secretary to Zoning Board of Appeals	7.5 hours	Robert Brooks	Appointed	04/01/15 – 03/31/16	Time System

On MOTION by _____, seconded by _____, the Resolution was adopted

with the following vote:

Mayor Wandell - _____

Deputy Mayor Bernius - _____

Trustee LaLota - _____

Trustee Siry - _____

Trustee Smith - _____

I, Dina Shingleton, Village Clerk of the Inc. Village of Amityville, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 26th day of October, 2015, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Village of Amityville on this 26th day of October, 2015.

Dina Shingleton, Village Clerk

Affidavit of Posting: I, Dina Shingleton, being duly sworn, deposes and says that the posting of the Resolution began on _____ and continued for at least 30 days. That the Resolution was available to the public on the:

Employer's website at _____

Official sign board at _____

Main entrance secretary or clerk's office at _____

RESOLUTION

#15-10-26-01

BE IT SO RESOLVED, that after review of the Report and Recommendation of Hearing Officer Philip Maier, Esq. and the record of the disciplinary hearing on the charges dated June 12, 2015, the Village Board of Trustees hereby adopts all of the findings of fact of the Hearing Officer and finds employee number 7009, a Department of Public Works employee guilty of Charge I (Specifications 1-13), Charge II (Specifications 1-4), Charge III (Specifications 1-3), Charge IV (Specifications 1-4) and Charge V (Specifications 1-3); and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby imposes a penalty of termination of employment effective October 27, 2015.

FOR BOT AGENDA
DATE 10/26/2015

INC. VILLAGE OF AMITYVILLE

RESOLUTION# 15 – 10 – 26 – 02

WHEREAS, all issues involving Disciplinary Proceedings concerning Officer Eric Onderdonk have been voluntarily resolved between Officer Onderdonk and the Village of Amityville; and

WHEREAS, and under the guidance of legal counsel for all parties, a Joint Statement was formulated and attached as Exhibit “A” to the Stipulation, wherein the parties agreed at ¶ 21 thereof, that such Joint Statement “would be the only public comments to be made by Onderdonk, the PBA or the Village and their agents and representatives with regard to the resolution of the disciplinary charges against Onderdonk”; and

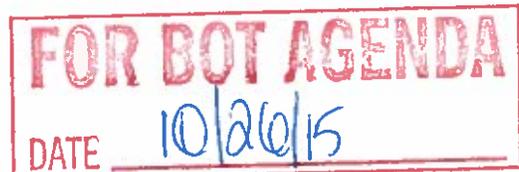
WHEREAS, the parties also agreed that only a “specific portion of the transcript of the proceedings may be released to the public” as identified at pages 31-33 thereof; and

WHEREAS, these matters were expressly discussed during an executive session of the Board of Trustees on October 13, 2015, before the Stipulation of Settlement was approved; and

WHEREAS, various comments made by Trustee Dennis Siry to Newsday on October 13, 2015 appear to violate the sense, spirit and letter of that Stipulation,

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees hereby disassociates itself fully with the comments of Trustee Siry to Newsday and declares that such comments made by or attributed to Trustee Siry are totally inaccurate, unsubstantiated, untrue and contrary to Village policy; and

FURTHER, that the Board of Trustees specifically denies and disavows Trustee Siry’s statements, that “Officer Onderdonk had been a victim of a broader struggle between the Village Board majority and the PBA related to police pay” and that the actions of the Board were taken



as “a vengeful thing”. The Board of Trustees declares that those considerations were never a part of the Board’s deliberations nor considered by the Board of Trustees in its decision to file Disciplinary charges against Officer Onderdonk.

On MOTION by _____, seconded by _____, the

Resolution was adopted with the following vote:

Mayor Wandell - _____

Deputy Mayor Bernius - _____

Trustee LaLota - _____

Trustee Siry - _____

Trustee Smith - _____

I, Dina Shingleton, Village Clerk of the Inc. Village of Amityville, hereby certify that the above Resolution was duly adopted by the Board of Trustees at a Public Meeting held on the 26th day of October, 2015.

Dina Shingleton, Village Clerk

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JOELLEN J. VERITY
PARALEGALS

EMAIL:
FIRST INITIAL & LAST NAME
@AMITYVILLELAW.NET

MEMORANDUM

To: Board of Trustees

From: R. Handler, Village Attorney

Re: Proposed Local Law # 7 of Year 2015 (Special Exception/Two-Family Use)

Date: October 8, 2015

The attached local law regarding the ability of the Board of Appeals to grant a Special Exception for Two-Family use, for owner occupied and non-owner occupied dwellings granted prior to March, 2010, was tabled pending further consideration by the Board. This law contains a provision that authorizes approval, but only so long as the two-family home remains owner occupied. At the public hearing, a resident expressed concerns regarding the ability to renew two-family status if a property owner dies or if the property is transferred to a Trust. There was then some discussion as to whether those situations should give rise to an exception.

After the Board Meeting, I circulated a Memo to the Board of Trustees and the Board of Zoning Appeals regarding this issue. No comments having been received, I must presume that the Board of Trustees and Board of Zoning Appeals feel that the law should remain as proposed. Accordingly, the subject law will be restored to the Board of Trustees Agenda for a vote at the October 26th meeting. If adopted, the law will permit the ZBA to grant Special Exceptions for previously approved Two-Family houses prior to March, 2010, as long as they are owner occupied. For applications after March, 2010, the law requires that approval be permitted only upon a showing of unnecessary hardship.

The modifications to this law were submitted to the Suffolk County Planning Commission, who determined that this law is a matter for local concern. Thus, there are no restrictions to the Board adopting this law at the October 26th meeting.

If adopted, a transfer after death, by Will or to a Trust will constitute a change of ownership, thereby requiring the heir or beneficiary to reside in the property. If there should be a transfer during lifetime, where the owner becomes a life tenant, either by deed of Trust, then the intention of the law would not be thwarted and the qualification for a renewed Special Exception should not be lost.

INCORPORATED VILLAGE OF AMITYVILLE: PROPOSED LOCAL LAW # 7 OF YEAR 2015

A local law to amend Chapter 183 of the Code of the Village of Amityville – Zoning, by amending §183-9C, §183-26C and §183-43C to authorize the Zoning Board of Appeals to grant a special exception permitting the renewal of owner-occupied and non-owner occupied two-family dwellings, in instances where the Zoning Board of Appeals granted two-family use by Special Exception for the subject parcel prior to March 3, 2010, provided that there has been no change of ownership.

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

Section 1. Add a new CVA §183-9C(6) as follows:

(6) Renewal of owner and non-owner occupied two-family dwellings, approved prior to March 3, 2010, provided there has been no change of ownership.

Section 2. Add a new CVA §183-26C(6) as follows:

(6) Renewal of owner and non-owner occupied two-family dwellings, approved prior to March 3, 2010, provided there has been no change of ownership.

Section 3. Add a new CVA §183-43C(6) as follows:

(6) Renewal of owner and non-owner occupied two-family dwellings, approved prior to March 3, 2010, provided there has been no change of ownership.

Section 4. Effective Date.

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

