

BOARD OF TRUSTEES

January 12, 2015

Meeting called to order at 7:30 P.M.

MEMBERS PRESENT: Mayor James P. Wandell
Deputy Mayor Jessica T. Bernius
Trustee Nick LaLota
Trustee Kevin P. Smith
MEMBERS ABSENT: Trustee Dennis M. Siry

ALSO PRESENT: Richard Handler, Village Attorney
Thomas Whalen, Code Enforcement Officer
Chief Donald Dobby, Amityville Police Dept.
Bruce Hopper, Department of Public Works
Robert Waegerle, Amityville Fire Dept.
Diane Sheridan, Village Administrator/Clerk
Diane Ortiz, Secretary to the Mayor

The salute to the flag was led by Chief of Police Dobby and Joan Donnison.

Mayor Wandell asked for a moment of silence to honor the victims of the terrorist attack in Paris, France.

Mayor Wandell welcomed everyone to the Board of Trustees meeting of January 12, 2015 and introduced all members of the Board.

GOOD NEWS REPORT

Deputy Mayor Bernius said the cover story of the December issue of the Artspace Newsletter featured the Village of Amityville along with a very positive article. A photo of the Board with Suffolk County Executive Bellone was in the Amityville Record. County Executive Bellone praised the Village for how well it looked during the holidays. Carolyn Dodd, president of the LeBourget Alliance in Amityville, requested that the Village fly the French flag in solidarity with them. The Board agreed to fly the French flag under the American flag for one week. There will be a community fundraiser next Monday at Vittorio's to help with the medical expenses for Jake Bevalaqua-Gonzalez, a local child with severe medical problems.

Mayor Wandell announced some corrections and additions to the agenda.

Mayor Wandell called for a motion to open a Public Hearing to consider adopting a local law (Proposed Local Law #1 of 2015) to amend Article II of Chapter 161 of the Code of the Village of Amityville, by replacing Section 161-11 in its entirety and adopting a new Section 161-11, to provide a more comprehensive application process, further safeguarding the safety and wellbeing of the public who use taxi services. Mayor Wandell asked for a motion to open the hearing. Trustee LaLota made the motion; seconded by Trustee Smith.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Trustee Smith | -aye |
| | Deputy Mayor Bernius | -aye |
| | Mayor Wandell | -aye |

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| Motion Carried: | 4 ayes | 0 nays |
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Village Attorney Handler explained the proposed Local Law which would revise the application for Taxi Driver Licenses. Trustee LaLota expressed concern about some of the requirements. A representative of a local taxi company (Lindy's Taxi) objected to the additional requirements, saying they were burdensome and expensive for the drivers. Additional comments were made by Trustee Smith, Deputy Mayor Bernius and Chief Dobby. Trustee LaLota suggested the Board reserve decision on the proposed Local Law. Mayor Wandell agreed and asked for a motion to close the Public Hearing. Trustee LaLota made a motion to approve the request; seconded by Deputy Mayor Bernius.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Trustee Smith | -aye |
| | Deputy Mayor Bernius | -aye |
| | Mayor Wandell | -aye |

Motion Carried: 4 ayes 0 nays

Mayor Wandell said Committee Reports would be heard at the next meeting on January 26, 2015.

DEPARTMENT REQUESTS

Request submitted by the **Village Attorney** for approval of payment for professional services rendered in conjunction with Nautical Park (Greenways) Project with the T/o Babylon and Suffolk County for the period 07-01-14 through 11-30-14 in the amount of \$5,125. Mayor Wandell called for a motion to approve. Trustee LaLota made a motion to approve the request; seconded by Deputy Mayor Bernius.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Deputy Mayor Bernius | -aye |
| | Trustee Smith | -aye |
| | Mayor Wandell | -aye |

Motion Carried: 4 ayes 0 nays

Request submitted by the **DPW Superintendent** for the renewal of the Traffic Signal Maintenance Contract with Johnson Electrical Construction Corp. for the period 2/1/15 through 1/31/16 at a cost of \$500./month plus a \$5.50/bulb replacement charge during bi-annual relamping and inspection (3310.441). Mayor Wandell called for a motion to approve. Trustee Smith made a motion to approve the request; seconded by Deputy Mayor Bernius.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Deputy Mayor Bernius | -aye |
| | Trustee Smith | -aye |
| | Mayor Wandell | -aye |

Motion Carried: 4 ayes 0 nays

Request submitted by the **DPW Superintendent** for payment to AIE Corporation for emergency repair of LIRR Viaduct lighting in the amount of \$4,086.50 (5182.419). Mayor Wandell called for a motion to approve. Trustee LaLota made a motion to approve the request; seconded by Deputy Mayor Bernius.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Deputy Mayor Bernius | -aye |

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Trustee Smith -aye
Mayor Wandell -aye

Motion Carried: 4 ayes 0 nays

Request submitted by the **Village Assessor** requesting approval of the commercial certiorari settlement; Six Corners - 101-3-2-15: case was conferenced and settled with the Petitioner's Attorney, Certilman Balin, on 11/24/2014. The terms of the settlement are as follows:

Starting AV: 15,300
Final AV: 13,850
Refund: \$2,500
Moratorium 2015, 2016 & 2017

Village Attorney Handler recommended endorsement. Mayor Wandell called for a motion to approve. Deputy Mayor Bernius made a motion to approve the request; seconded by Trustee LaLota.

Vote on the motion: Trustee LaLota -aye
Deputy Mayor Bernius -aye
Trustee Smith -aye
Mayor Wandell -aye

Motion Carried: 4 ayes 0 nays

Request submitted by the **Village Administrator** for approval of payment to Dynaire Service Corp. maintenance agreement first half payment in the amount of \$4,300 for the period 02/01/15-1/31/16 (1623.40). Mayor Wandell called for a motion to approve. Trustee Smith made a motion to approve the request; seconded by Trustee LaLota.

Vote on the motion: Trustee LaLota -aye
Deputy Mayor Bernius -aye
Trustee Smith -aye
Mayor Wandell -aye

Motion Carried: 4 ayes 0 nays

Request submitted by the **Village Administrator** for approval of payment to Nelson & Pope for professional services rendered in conjunction with S. Bayview Avenue Road Repaving project in the amount of \$34,400. Joan Donnison, Bay Village Civic Association, asked about the source of the monies to pay for the services. Trustee LaLota said it fully funded by grants and other funds. Mayor Wandell called for a motion to approve. Trustee LaLota made a motion to approve the request; seconded by Deputy Mayor Bernius.

Vote on the motion: Trustee LaLota -aye
Deputy Mayor Bernius -aye
Trustee Smith -aye
Mayor Wandell -aye

Motion Carried: 4 ayes 0 nays

Request submitted by the **Fire Department** for renewal of the contract with SCM Products, Inc. in the amount of \$5,727. (3410.450) for the annual maintenance of software and hardware. Mayor Wandell called for a motion to approve. Trustee LaLota made a motion to approve the request; seconded by Trustee Smith.

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Vote on the motion: Trustee LaLota -aye
 Deputy Mayor Bernius -aye
 Trustee Smith -aye
 Mayor Wandell -aye

Motion Carried: 4 ayes 0 nays

LICENSES

Renewal application for a **Hazardous Materials License** submitted by Swan Cleaners, Inc., 59 Merrick Road. Trustee Smith recommended approval with a stipulation that back and front door exit signs be illuminated (NYS Sec 1011.2) per the Fire Marshall. Mayor Wandell called for a motion to approve with the stipulation. Deputy Mayor Bernius made a motion to approve the request; seconded by Trustee LaLota.

Vote on the motion: Trustee LaLota -aye
 Deputy Mayor Bernius -aye
 Trustee Smith -aye
 Mayor Wandell -aye

Motion Carried: 4 ayes 0 nays

Renewal application for a **Hazardous Materials License** submitted by Triangle Dry Cleaners, 163 Broadway. Trustee Smith recommended approval with a stipulation that outstanding requirements of installation of basement stair handrail and breaker box be remedied per Fire Marshall. Mayor Wandell called for a motion to approve with the stipulation. Trustee Smith made a motion to approve the request; seconded by Trustee LaLota.

Vote on the motion: Trustee LaLota -aye
 Deputy Mayor Bernius -aye
 Trustee Smith -aye
 Mayor Wandell -aye

Motion Carried: 4 ayes 0 nays

RESOLUTION(S)

The following resolution was offered by Deputy Mayor Bernius, seconded by Trustee Siry:

RESOLUTION: 15-01-12-01

RESOLUTION Identifying polling places for each of the eight election districts for the March 18th 2015 General Village Election

Resolution 15-01-01

Whereas, the GENERAL VILLAGE ELECTION for the Village of Amityville will be held in said Village on Wednesday, the 18th day of March 2015 with the polls open between the hours of 7:00 am and 9:00 pm that day, and that the places of voting in each of the eight (8) Election Districts in said Village shall be as follows:

7th Election District - Amityville Public Library, Oak and John Sts.

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- 8th Election District - AUFSD, Park North, Park Ave. and Ireland Pl. (rear)
- 9th Election District - AUFSD, Park North, Park Ave. and Ireland Pl. (rear)
- 17th Election District - AUFSD, Amityville Memorial H.S., Merrick Rd., Lobby
- 26th Election District - AUFSD, Amityville Memorial H.S., Merrick Rd., Lobby
- 63rd Election District - AUFSD, Park North, Park Ave. and Ireland Pl. (rear)
- 117th Election District - AUFSD, Amityville Memorial H.S., Merrick Rd., Lobby
- 122nd Election District - AUFSD, Amityville Memorial H.S., Merrick Rd., Lobby

That at such election the following officer is to be elected for the term set opposite thereto respectively:

Trustee: Term 4 Years

Trustee: Term 4 Years

Mayor Wandell called for a motion to approve. Trustee LaLota made a motion to approve the request; seconded by Trustee Smith.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Deputy Mayor Bernius | -aye |
| | Trustee Smith | -aye |
| | Mayor Wandell | -aye |

Motion Carried: 4 ayes 0 nays

Request for authorization for the Mayor to sign the **2015 West Amityville Fire Protection District No. 23** agreement between the T/o Babylon and the V/o Amityville. Mayor Wandell called for a motion to approve. Trustee LaLota made a motion to approve the request; seconded by Trustee Smith.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Deputy Mayor Bernius | -aye |
| | Trustee Smith | -aye |
| | Mayor Wandell | -aye |

Motion Carried: 4 ayes 0 nays

VILLAGE OF AMITYVILLE
ABSTRACT OF AUDITED VOUCHERS AND CHECKS

For the Period December 23, 2014 through January 9, 2015

General Fund

Automated Checks:

| Account | Starting # | Ending # | Amount |
|-----------------------|------------|----------|--------------|
| Chase General Account | 20256 | 20430 | \$304,277.24 |

Payroll Fund

| Account | Starting # | Ending # | Amount |
|-----------------------|------------|----------|----------|
| Chase Payroll Account | 58142 | 58142 | \$124.32 |

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Capital Fund

| Account | Starting # | Ending # | Amount |
|------------------|------------|----------|--------|
| Citibank Capital | | | |

Trust & Agency Fund

| Account | Starting # | Ending # | Amount |
|---------|------------|----------|-------------|
| | 11163 | 11168 | \$22,429.84 |

As presented in the official abstract for the Village of Amityville
Jill Cervini, Deputy Treasurer

Mayor Wandell said the Abstract is on the Village website and called for a motion to approve. Trustee Smith made a motion to approve the Treasurer's Abstract; seconded by Trustee LaLota.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Trustee Smith | -aye |
| | Deputy Mayor Bernius | -aye |
| | Mayor Wandell | -aye |

Motion Carried: 4 ayes 0 nays

Request to award Big 14-A-03 Asphalt Patch Requirements to Stasi Brothers Asphalt Corp. based on the recommendations of engineering firm Nelson & Pope. Trustee LaLota said five companies responded to the bid; the lowest price was from Stasi Brothers. Trustee Smith said that DPW has adequate resources to fix the potholes and he would vote against the request. Mayor Wandell called for a motion to approve. Trustee LaLota made a motion to approve the request; seconded by Deputy Mayor Bernius.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Deputy Mayor Bernius | -aye |
| | Trustee Smith | -nay |
| | Mayor Wandell | -aye |

Motion Carried: 3 ayes 1 nay

RESOLUTION

The following resolution was offered by Deputy Mayor Bernius, seconded by Trustee LaLota:

RESOLUTION: 15-01-12-02

WHEREAS, the Board of Trustees adopted Resolution 14-09-22-2 setting down a hearing held on October 27, 2014, to determine whether the premises at 21 DeForest Street, Amityville, New York, should be fully fenced and/or the structure dismantled, to render the premises reasonably safe and secure; and

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WHEREAS, by Resolution 14-10-27-1, and after the duly called Public Hearing, testimony and a Report were presented, demonstrating the need to install suitable fencing and/or demolish all or part of the building, due to the continuing unsafe and dangerous conditions at the subject premises; which resulted in the Board FURTHER RESOLVING to give the property owner with up to sixty (60) days notice, before such actions would be taken and the costs thereof added as a lien to his premises; and

WHEREAS, in furtherance thereof, letters and formal notices were sent to the property owner, Francis J. Lally, at three (3) separate addresses, providing him with due notice of the actions to be taken by the Village, as well as additional notice, to his attorney, advising that such determinations were made; and

WHEREAS, a period of sixty (60) days has transpired since the mailing of said notices and no action has been taken by the property owner, either to remediate the conditions nor to fence the premises off to guard against injury to the public;

NOW, THEREFORE, BE IT RESOLVED, that the Code Enforcement Officer and/or the Highway Superintendent shall obtain three (3) quotes for the purchase and installation of suitable cyclone fencing to render the premises reasonably safe and secure based upon the conditions now existing and are hereby authorized to expend up to Ten Thousand (\$10,000) Dollars to obtain the same; and

BE IT FURTHER RESOLVED, that the costs thereof shall constitute a lien and charge on said land until paid and collected by the Village in the same manner for collection of delinquent taxes, with such assessment from the date of levy bearing interest at the rate of nine (9%) percent.

Mayor Wandell called for a motion to approve. Deputy Mayor Bernius made a motion to approve the request; seconded by Trustee Smith.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Deputy Mayor Bernius | -aye |
| | Trustee Smith | -aye |
| | Mayor Wandell | -aye |
| Motion Carried: | 4 ayes | 0 nays |

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Mayor Wandell asked for a motion to approve the minutes of December 22, 2015. Deputy Mayor Bernius had an addition to add the Downtown Revitalization Committee as well as the Chamber of Commerce as a sponsor of the Art Contest. Trustee Smith said he was not at the November 24, 2014 meeting and did not make a motion to approve the any minutes. Trustee LaLota made a motion to table the approval to the next meeting when there will be a full Board in attendance. Mayor Wandell agreed.

Mayor Wandell opened the floor for other comments or questions.

Resident Skip Wade suggested programs for composting, brown tide elimination and the use of organic lawn treatments. Mr. Wade volunteered to train local landscapers in organic treatment of lawns. Mayor Wandell asked him to present a formal proposal for Board consideration.

Resident Joan Donnison asked about the progress of eliminating the double utility poles. Trustee LaLota said he and Chief Dobby identified them and contacted PSEG and cable to remove them.

Resident Mr. Chichester, Ketcham Ave. suggested banning plastic bags for pollution control.

There being no further comments, Mayor Wandell asked for a motion to adjourn. Trustee LaLota made a motion; seconded by Deputy Mayor Bernius.

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| Vote on the motion: | Trustee LaLota | -aye |
| | Deputy Mayor Bernius | -aye |
| | Trustee Smith | -aye |
| | Mayor Wandell | -aye |

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| Motion Carried: | 4 ayes | 0 nays |
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The meeting was declared adjourned at 9:42 pm.

Diane C. Sheridan, Administrator/Clerk