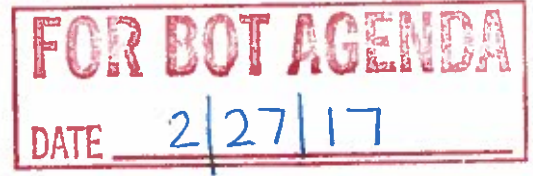


Board of Trustees
Minutes
January 9, 2017



Meeting called to order at 7:37pm

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
Chief of Fire Department, Jeff Erath
Village Attorney, Richard Handler
Clerk Treasurer, Dina Shingleton
Administrative Assistant, Katie DeGraff

The salute to the flag was led by Chief Slack and Susan Tietje

Mayor Wandell welcomed everyone to the January 9th meeting of the Board of Trustees

Mayor's Actions:

Mayor Wandell presented Proclamations to the following Amityville School District teachers:

Susan Tietje for receiving the rookie of the year award from the Work Experience Coordinators Association of New York

Kathryn Dodd and Janine Katsigiorgis for being named Educator of Excellence by the New York State English Council

Reinaldo Latorre for receiving a New York State English Council mini grant in the amount of \$500- one of four given in state.

Deputy Mayor Bernius gave the "Good News" report:

"Shout-out" to Bruce Hopper and the DPW for the great job they did keeping the roads clear during the snow storm. The BVCA is hosting their 10th annual brunch on Sunday January 29th, 2017 from 12-3pm. The manager at Suffolk County National Bank sent a beautiful picture of the triangle to the Mayor and herself and they posted it on the Mayor's page to share with the residents and it received 193 likes so far. There being no further "Good News", Mayor Wandell continued with the items on the Agenda:

Application for Licenses:

Tow Truck- renewal

Five Star Security Collision Center- 16 Sprague Ave

License to Peddle or Hawk (non-ice cream)- Renewal



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Uptown Caterers – 60 Smith Street, Farmingdale

Automotive Sales – New

189 Sunrise Hwy Auto LLC, **DBA Sunrise Auto Outlet** – 189 Sunrise Hwy

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:

VILLAGE OF AMITYVILLE					
ABSTRACT OF AUDITED VOUCHERS AND CHECKS					
For the Period January 05, 2017 to January 17, 2017					
<u>General Fund</u>					
Automated Checks:					
Account	Starting #	Ending #	Amount	A/C Balances	
SCNB General Fur	3178	3308	\$87,519.39	\$ 286,958.97	
<u>Payroll Fund</u>					
Account	Starting #	Ending #	Amount		
SCNB Payroll	NA	NA		\$ 68,502.78	
<u>Capital Fund</u>					
Account	Starting #	Ending #	Amount		
Citibank Capital	1020	1020	\$541,071.98	\$ 1,131,058.07	
<u>Trust & Agency Fund</u>					
Account	Starting #	Ending #	Amount		
Chase T&A Accou	1136	1136	\$1,889.54	\$ 282,398.01	
Depository Account balance at 01/17/17			\$ 5,246,794.31		
As presented in the official abstract for the Village of Amityville					
Dina Shingleton, Clerk/Treasurer					

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

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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 to pay **IT Savvy** \$2,250 for annual NEC agreement

MOTION to APPROVE was made by Trustee LaLota 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 pay **Intercounty Paving Associates LLC** Second Claim for \$541,071.98

Trustee LaLota asked Clerk/Treasurer Dina Shingleton to give an update on the paving project; Clerk/Treasurer Dina Shingleton explained that the remaining roads will be paved this Spring which include: South Ketcham, Loudon Avenue, and the Municipal lots #5 the old movie theater and the Library lot. Trustee Smith asked if the water ponding problem has been addressed; Clerk/Treasurer Dina Shingleton explained that there is 5% of the funds being held back to ensure that the job is completed;

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 to ratify **Department of Public Works** contract effective June 1, 2016-May 31, 2019

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The contract was negotiated by the Union's representative and the Village's labor counsel. The three year contract gives employees raises of 1.5% each of the next three years while new employees will pay 25% into their health care (up from 15%). Trustee Siry states that he is in favor of the contract but has a concern with Section 6, which gives the Village the option of outsourcing the street sweeping. Trustee LaLota responded by stating that the \$225,000 street sweeper is on its last legs and, in negotiations, the Village asked for the option to privatize the street sweeping in case doing so was more economical and efficient than buying a new streetsweeper. LaLota continued stating that Lindenhurst Village, whose roads are twice the size of Amityville, pays \$40k per year to outsource the street sweeping and Amityville's costs may be in the \$30k per year range and if the Village ultimately decided to go in that direction, doing so would free up the employee who would have been assigned to street sweeping to do something else within the Village. LaLota explained this contract provision will just give us this option, it does not obligate us to have to outsource. The DPW and the Board has been working in this contract thoroughly since it expired in June;

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

Request from Mark H. Mather, President St. Paul's Lutheran Church to place a **crosswalk on Park Avenue** in the vicinity of the church main entrance.

Deputy Mayor Bernius stated people speed down park avenue from Ireland Place and it is very dangerous for the elderly, children, and other members of the parish;

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

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	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Request from Fire Department:

Request for budget modification-

Increase 1624.460/FD Building Repairs/Maintenance \$26410; Increase 3410.101/FD EMT Services \$15460;

Increase 3410.250/ FD Small Equip Purchases \$4100; decrease 1990.400/Contingency \$45970.00

Increase 3410.412/ FD Medical Supplies/Equip \$18829.15; Decrease 9950.700/Transfer to Capital \$18829.15

Trustee LaLota gave background on the modification and explained that the Fire Department does a good job remaining under their budget every year, these increases are because of that;

Request from Chief Erath to **purchase AED devices** in the amount of \$18829.15 (A3410.412)

Chief Erath explained that the equipment they have is old and it needs to be replaced;

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 from Department of Public Works:

Request to authorize **OGS Bid 2016** to purchase **2017 Ford F550 4WD DRW** dump truck in the amount of \$54,990.73 (a5112.200- CHIPS Perm Improvements)

Superintendent Bruce Hopper explained that this is a well needed piece of equipment and it comes with a snow plow; Trustee Smith asked Dina if this was already allocated in the budget; Clerk/Treasurer Dina Shingleton explained it wasn't budgeted for but there are sufficient funds in CHIPS to reimburse the Village for the expense.

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

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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 **OGS Bid 2016** to purchase **2017 Chevrolet Silverado 3500HD Crew Cab** pickup truck in the amount of \$42,725.78 (a5112.200- CHIPS Perm Improvements)

Superintendent Bruce Hopper explained that this is a well needed piece of equipment; Mayor Wandell asked if it comes with a snow plow; Superintendent Bruce Hopper answered yes;

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

Before continuing with the items on the agenda Mayor Wandell proceeded with the “Mayors Actions”

Mayor’s Actions:

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

A 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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Personnel Actions:

Appoint **Jack Klein** to the Board of Assessment review term to expire March 31, 2020

Appoint **Frank Cruthers** to the Board of Assessment review term to expire March 31, 2021

Appoint **Richard Licari** to the Board of Assessment review as alternate term to expire March 31, 2017

Trustee LaLota explained that the Board of Assessment review is a three person board with one alternate member assisted by Thomas Donato, the Village Tax Assessor; they are to assist the Board of Trustees in the adjudication of tax grievances;

MOTION to APPROVE was made by Trustee LaLota 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

Set compensation for members of **Board of Assessment review** to \$500 per year.

Trustee LaLota stated that he agrees that this is the right compensation, they will be receiving half of what the Planning Board and Zoning Board members receive;

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

Approve wage increase to \$20.00 per hour for **Kathleen DeGraff** effective January 12th, 2017

Deputy Mayor Bernius stated that it is great working with Katie she is glad to have her on board; Trustee Siry stated that Katie is doing a great job and congratulation on graduating; Trustee LaLota and Mayor Wandell both congratulated Katie on graduating and stated they are happy to have her at the Village;

Approve hire of **Johanna Rogers** to position of Administrative Assistant, effective Thursday,

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January 12th 2017, \$40,000 per year.

Appoint **Elizabeth Newman** to the title of Administrator, effective November 7, 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
	Trustee Smith	aye
Motion Carried:	5 aye	0 nays

Resolutions:

Resolution 17-01-09-01 regarding **General Village Election** to be held March 21, 2017

Resolution 17-01-09-01

Whereas, the GENERAL VILLAGE ELECTION for the Village of Amityville will be held in said Village on Tuesday, the 21st day of March 2017 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.
- 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:

Mayor:	Term 4 years
Trustee:	Term 4 years
Trustee:	Term 4 years
Village Justice:	Term 4 years

Resolution 17-01-09-02 regarding **General Village Election** registration day

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Resolution 17-01-09-02

Resolved that the Village of Amityville will not have a registration day for the March 21, 2017 election.

Mayor Wandell read each resolution in entirety;

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

Resolution 17-01-09-03 acknowledging the examination of the **Justice Court's records** and dockets for 2016 was conducted.

RESOLVED that Skinnon and Faber, Certified Public Accountants, P.C. be, and the firm hereby is, authorized to conduct an examination/audit of the court records and dockets of the Justice Court of the Village of Amityville; and

BE IT FURTHER RESOLVED that Skinnon and Faber, Certified Public Accountants, P.C. did complete the audit and, as a result, have stated that the Justice Court of the Village of Amityville is in substantial compliance with the fiscal responsibilities as outlined in the Handbook for Village Justices and Court Clerks.

Deputy Mayor Bernius asks if the 4 suggestions that needed to be done were completed; Clerk/Treasurer Dina Shingleton answered yes as far as she knows they were;

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

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

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Motion Carried: 5 aye 0 nays

Resolution regarding Energy Benchmarking Requirements

Truste Siry explained the reasoning behind the grant opportunity and that the Village has 4 out of the 10 impact actions required to be eligible for the grant money for this project; Trustee Siry explained they have been working with Sarah Oral who is familiar with this project and her recommendations are to install LED street lights and electric car charging stations; Deputy Mayor Bernius asked Trustee Siry who the commissioner we would have to hire will be and which department will work on benchmarking; Trustee Siry answers they will have to talk about it as a Board; Deputy Mayor Bernius then asks are there any ramifications if data isn't inputted in time; Trustee Siry states that he is not sure; Mayor Wandell asked if we were already inputting data; Trustee Siry answered yes we are inputting electric and utility bills, Sarah Oral is helping with that; Trustee LaLota asks if Trustee Siry has an idea of how much work has to go into this; Trustee Siry stated he wasn't sure as to time specifics necessary for data input; Village Attorney Richard Handler explained this resolution and that he needed further information as to whether or not it could be passed as a resolution and not a local law. He recommended the Board call for a Public Hearing in case the resolution needs to be passed as a local law.

MOTION to CALL FOR A PUBLIC HEARING 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

Resolution regarding NY State Unified Solar Permit

Trustee Siry gave an explanation on this; Mayor Wandell asks if Robert Alweis is aware of this and if this can wait till the next board meeting; Trustee Siry responded yes; Ed Moore asks how many residents we have in Amityville; Trustee LaLota responds 9,900; Mr. Moore stated that it only needs to be handled as a local law if there are 40,000 people or more. He also explains these 4 things are to allow us to access 80% of the funding to do these projects. He states that the benchmarking for free, it will only take him about 2 and a half hours; Joan

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Donnison BVCA asked if this grant money was first come first serve; Trustee Siry answered yes but the Village is ahead of the game.

Mayor Wandell stated the resolution will be tabled until the next meeting to allow Building Inspector Robert Alweis time to review the unified permit in detail.

Public Hearings:

Public hearing for Proposed **Local Law #1 of 2017** adding new section 172-19.1, to prohibit test driving or vehicle performance testing within a Residence District.

**INCORPORATED VILLAGE OF AMITYVILLE: PROPOSED LOCAL LAW # 1 OF
YEAR 2017**

A local law to amend Chapter 172, of the Code of the Village of Amityville (CVA), by adding a new Section 172-19.1, to prohibit test driving or vehicle performance testing within a Residence District.

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

Section 1. Purposes and Considerations.

The Board of Trustees has determined that test driving and vehicle performance testing represents a serious danger to life, limb, property and public safety, when performed in Residence Districts. Such activities are not anticipated upon the streets of those districts where residents, parents and especially children are not as guarded as they would be on a commercial thoroughfare. Out of town purchasers who are test driving vehicles, or employees of vehicle repair shops tend to be particularly focused on the vehicle, rather than their environs, presenting grave concerns for seniors with limited mobility or senses or children absorbed in play. Consequently, such activities require strict regulation.

Section 2. Add a new section CVA §172.19.1, to prohibit the test driving or assessment of motor vehicle performance in Residence Zoning Districts.

A. No person shall test drive a new or used motor vehicle, or assess a motor vehicle's performance in connection with a prospective or completed motor vehicle repair or enhancement, upon any Village Street located in a Residence District as established and identified under Sections 183.3 and 183.4 of the Village Code, nor upon any Village property or park.

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B. No person shall permit or authorize a person to operate a motor vehicle for any purpose set forth within §172.19(A) hereof, including an officer, director, principal or employee of an automobile dealership trading in new or used motor vehicles or a motor vehicle repair or body shop or public garage, or any entity thereof.

Section 3. Effective Date.

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

MOTION to OPEN the public hearing was made by Trustee LaLota 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

Richard Handler read this law in entirety for the record and Trustee LaLota stated that this law came about from the amount of complaints regarding the speeding on South Bayview Avenue. This law would give the Board more teeth to hold up the stipulations they have with automotive businesses as related to their licenses; Trustee Siry stated that he spoke with one dealer, they stated that they have signs saying there is no test driving in certain areas. Trustee Siry also states that he is all in favor of the safety and well-being of the residents but he checked with another attorney and he doesn't think this law is allowed to be put into place. Trustee Smith states that enforcing this may have its challenges therefore, he is reserved on creating a law for this; Trustee LaLota asked Richard Handler to advise on whether or not this is a legal issue; Richard Handler explained that he spoke with other attorneys and no one gave him a reason this law could not be implemented and the Board has the power to regulate action pertaining to safety of residents, he also explained that this is not intended to or go against any specific business or vendor it is equal in all aspects; Trustee Siry states that he understands the theory of this and that it is frustrating to set stipulations and not have them abided by. He states that as long as they test drive in the legal limit the other businesses won't be hurt; Trustee

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LaLota stated he would like the board to work together to develop solutions for our constituents; Frank Cruthers 25 Towne St, stated that there are numerous cars speeding and he would like to add delivering of cars to this too, he has been complaining about this for the past decade; Bruce Kennedy 31 Greene Ave stated that he thinks the board is missing the point of this law, it should be about “unsafe” driving regardless of who is doing it not just specifically test driving. Why is it okay for them to be doing their test driving in commercial or industrial zones? He then states that there are serious constitutional issues one being they are taking a category of people and treating them differently, two there are practical issues regarding the number of businesses that are going to be affected by this, and three there is an enforceability issue who is going to be enforce this without a cop sitting there 24/7; Trustee LaLota asks Mr. Kennedy how he thinks we should solve this; Mr. Kennedy answers by increasing enforcement; Mr. Vigorito stated that the reason residents see cars driving up and down South Bayview Ave is because he lives on that street, and other employees live on neighboring streets; Joseph Smith 66 Towne St states that he is an employee at Security Dodge and that there were told to not use the side streets as a cut through; Bruce Pescitelli 60 Bourdette Pl stated that we have a Chamber of Commerce whose job is to represent the businesses in Amityville why doesn't the board meet with them and see if they have any ideas on how to settle this; Bill DiVillia 12 Ontario Dr Babylon states that he is a service director for Security Dodge, he employees 64 people whom he has log when they take a car, which car, and who is in the vehicle with them so if there is a problem they can deal with it. He also states that they put their hard earned money back into the Village by shopping locally for their meals for employees and themselves; Jim Kohler 38 Avon Pl states that the board should get complaints in a proper form instead of just verbally, also he explains that there are about 22-25 businesses that merit from the ability to test drive vehicles this would hurt them; Julie Mcklein 223 South Bayview Place states that this is a bigger issue than just test driving; Resident 50 South Bay Ave states that they are going about this the wrong way, the police department are capable of taking care of this; Joan Donnison BVCA stated that there has to be a better effort made by JJ and Gabe Vigorito, and suggests that the Village have a complaint tracker to stay on top of this; Patricia 293 Bayview Ave states that this is going to affect her parents business who have been in the Village for 14 years, they need to make sure cars are safe; Garbiella Vigorito 64 Griffing Ave asks why they just can't come to an agreement, she thinks that if they could store cars on the Cameo lot they wouldn't have to cut through the residential lots; Janice Baxter 16 Purdy Lane asks what about the private work that is being done on cars, can

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that be test driven?; Joseph Lamana 127 Richmond Ave states that with all the complaints the Village has received have they sent anyone down there to try and monitor the problems; Chief Slack answered yes they have; Eric Taylor 30 Forrest Pl asks if this law would prevent him from test driving his motorcycle after and oil change or brake job that he did; Deputy Mayor Bernius asks if the Security Dodge employees could please cross at the corner of South Bayview and Merrick Rd not in the middle of the street

MOTION to CLOSE the public hearing was made by Trustee Smith 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

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

Janet Colletti 17 Wellington Pl states that she submitted trash complaints for the garbage and debris that is being left out 3 days before pick up, there are mattresses left outside on the front lawn. Chief Slack told Mrs. Colletti to contact him and he would address it with the Quality of Life officers;

There being no further comments from the Board or from the Floor a MOTION to ADJOURN 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

Meeting adjourned at 10:16pm

Clerk/Treasurer, Dina Shingleton

Approved at Board Meeting

on 2/27/17