

**Board of Trustees
Minutes
February 11, 2019**

Meeting called to order 7:30 p.m.

MEMBERS PRESENT: Mayor Dennis Siry, Deputy Mayor Kevin Smith, Trustee Jessica Bernius, Trustee Nick LaLota, Trustee Whalen

ALSO PRESENT: Chief of Amityville Fire Department Leland Greey
Building Inspector Bryan Donato
Superintendent of DPW, Bruce Hopper
Clerk/Treasurer, Catherine Murdock
Assistant to the Mayor, Wendy O'Neill

Mayor Siry welcomed everyone to the February 11, 2019 Meeting of the Board of Trustees. The Salute to the Flag was led by Superintendent Bruce Hopper.

Good News Report:

Deputy Mayor Smith shared upcoming events including Boating Safety Classes by the US Coast Guard Auxiliary April 11-12; Amityville Fire Dept. Bonko fundraiser March 23rd, at 7 pm., the Chamber of Commerce 19th annual Chinese Auction on April 13th, and Town of Babylon Women in Business Leadership Forum, February 25th 12 noon, Bisou Event Space, Lindenhurst.

This year's Mayor's Spring Social will again be hosted by the Kiwanis Club, on Sunday, March 3rd at Unqua Corinthian Yacht Club, 3 – 7 p.m. Mayor Siry announced the 125th anniversary of the Village will be commemorated, and Bill Lauder will be presented the Distinguished Resident award.

With no further "Good News" Mayor Siry continued with the agenda items.

Mayor's Actions

Hire two EMTs at the hourly rate of \$21.50 and approve a waiver of residency for **Nicholas Negron**, 6 Bay Shore Rd., Bay Shore, NY 11706 and **Jonathan Valdez**, 21 Rollin Lane, Brentwood, NY 11717.

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

| | | |
|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

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Licenses

Cabaret

George Romano, 139 Merrick Rd., Amityville for **JJ's Tavern**

MOTION to APPROVE was made by Deputy Mayor Smith and seconded by Trustee

LaLota

| | | |
|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Taxicab Driver's License – New

Juanita Tyner, 79 Arlington Ave., Wyandanch, NY for **Lindy's Taxi**

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

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Taxicab Driver's License – Renewal

Kenneth V. Barrett, 257 40th St., Copiague, NY for **Lindy's Taxi**

MOTION to TABLE for further investigation by the Amityville Police Department was made by Deputy Mayor Smith and seconded by Trustee Bernius

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Ellen Holliday, 147 Debbie Lane, Amityville for **Lindy's Taxi**

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

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

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Patricia Allen, 333 New Avenue, Wyandanch, NY for **Lindy's Taxi**

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

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Landscaper License – Renewal

John J. Kirsch for **Green Supreme, Inc.**, 91 Philadelphia Ave., Massapequa, NY

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

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Lawrence Swanson, PO Box 209, Wantagh, NY for **Environmental Landscaping and Design, Inc.**

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

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Marc Simonetti 4 Austin Ave., Amityville, for **MCS Land Development, Inc.**

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

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

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Carlos Lizama, 2 Croydon Rd., Amityville, for **Lizama Landscaping**

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

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Henry Rheel, 8 Argyle Pl., Massapequa, NY for **HJR Landscaping, Inc.**

The Board engaged in a discussion with the applicant and his father, James Rheel, 103 Ketcham Ave., alleging they have been storing commercial vehicles overnight, blocking traffic on Ketcham Avenue while parking trucks in the home's driveway, sharpening equipment blades in the rear of his property, and violating the Village code. The applicants stated that the home is listed for sale, and all business' equipment is now being stored at his property at 8 Argyle Place in Massapequa as well as in Patchogue, while a closer storage location is also sought.

Trustee LaLota asked if while the trucks were parked on residential property on Ketcham Ave. the applicant had secured a commercial vehicle permit. Mr. Rheel replied "no". LaLota stated that Mr. Rheel has impeded the quality of life of his neighbors by violating the Village laws.

James Rheel stated that they have had landscaping trucks in the driveway for 25 years and the property was zoned for that use when he bought the property. Rheel said two years ago he asked the Village Attorney at the time to look into the status of his zoning, and the Village "never got back to us." Trustee Bernius reported she has witnessed Mr. Rheel's trucks causing traffic jams all along Ketcham Ave. as trucks back into the home's driveway. She favors a denial.

Trustee Whalen pointed out that the applicant does not show adequate workmen's compensation insurance coverage for the six employees he stated he had, putting the workers at risk.

Mr. Rheel stated that his business services 99 percent of the neighbors on Ketcham Avenue and approximately 250 houses in the Village. Mayor Siry indicated he does not wish to harm a Village business, however, the Village has given the applicant several chances to comply with the code.

Michael O'Neill, 34 Van Nostrand Pl., asked if the applicant is still using his garage to work on tools and equipment. Trustee LaLota said this has ceased and for the past two out of the last 48 months the property is finally in compliance.

MOTION to TABLE for a period of one month (with stipulations) was made by Deputy Mayor Smith and seconded by Trustee Whalen

Stipulations include:

- No trucks parked overnight on property in the Village
- Applicant secures the proper insurance for his employees
- Vehicle registrations are kept current – '97 Ford is out of date

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

Motion Carried: 5 ayes

Frael F. Moreira, 375 30th St., Lindenhurst, NY for **Moreira Landscaping**
MOTION to APPROVE was made by Trustee LaLota and seconded by Trustee Bernius

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

Motion Carried: 5 ayes

Peddle or Hawk License

Kevin Metzger, 60 Smith St., Farmingdale, NY for **Uptown Caterers**

MOTION to APPROVE (with stipulations) was made by Trustee LaLota and seconded by Deputy Mayor Smith

Stipulation: ice cream vendors are not to operate at the Village Beach during summer months when the concession is open

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

Motion Carried: 5 ayes

On-Street Parking Permit

John J. Ranker, 308 Grand Central Ave., Amityville, NY (2 vehicle applications)

Janet Colletti, 16 Wellington Place, asked if the resident had filed complaints with the Village against his neighbor for damages to his vehicle tires from nails and construction debris. She asked that the Board deny the application or at the most, provide a 3 month approval.

MOTION to APPROVE for a period of six months (expiring in July, 2019) was made by Trustee Bernius and seconded by Deputy Mayor Smith

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

Motion Carried: 5 ayes

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Request from Deputy Treasurer

Request to approve abstract from Jan. 24, 2019 – Feb. 6, 2019

MOTION to APPROVE was made by Deputy Mayor Smith and seconded by Trustee Lalota

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Request from Clerk/Treasurer

Request from Henry Tomlinson for **St. Martin's Knights of Columbus** to use the Library Parking Lot for parking for a Senior Outing, Wednesday, March 13, 2019, 8:30 AM to 6:30 PM.

MOTION to APPROVE was made by Trustee Bernius and seconded by Trustee Whalen

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Request to approve a traffic signal maintenance contract for **Johnson Electrical Construction Corp.** in the amount of \$575.00 per month plus \$5.50 per bulb replacement (A3310.441)

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

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Request from Fire Department

Request to pay **GSB** for Supplemental Enhanced Cancer Rider, eff. 1/01/19, invoice 166313116, in the amount of \$4,335.00 (A1910.430)

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

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

Motion Carried: 5 ayes

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Request for Budget Modification:

- i. Decrease A3410.414 Uniform Purchase/Repair \$3,000.00
- ii. Increase A3410.102, FD EMT Overtime Pay \$3,000.00

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Request from Department of Public Works

Request to pay **Sprague** for 3182 gallons of gas in the amount of \$5,194.93 (A1625.410)

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

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

Motion Carried: 5 ayes

Local Laws

Motion to schedule a public hearing on March 25th for **Introductory Local Law No. 1** of the year 2019, a local law to amend §107-45 of the Code of the Village of Amityville to require home improvement licenses for landscapers.

MOTION to APPROVE was made by Deputy Mayor Smith and seconded by Trustee Whalen

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Mayor Siry stated that the Board would be entering Executive Session, however, there being no further items on the Agenda, Mayor Siry opened the floor to the public.

Lauryn Haffner, 249 South Bayview Ave., asked why no vote has taken place since the October 2018 Public Hearing for the Security Dodge Special Use Permit applications. Trustee Whalen and the Mayor explained the public hearing is still open and if the Security Dodge committee cannot come up with recommendations or solutions, a vote will go before the Board of Trustees. Security Dodge will have drawings ready later this week for their proposed use of the property, and the

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committee will convene this week or next week to review them. Mayor Siry is hoping to have recommendations from the committee within the next two weeks.

Trustee LaLota reported that during this evening's executive session the Board would discuss how to address the appeal that was filed by Security Dodge for their Article 78 ruling. The Village must respond by March 13th.

Janet Colletti, 17 Wellington Pl., questioned if the owner of 57 Oak Street has been given summonses for storage of landscaping equipment on residential property. Building Inspector Bryan Donato assured her that it would be followed up by Quality of Life Officers, and summons issued if necessary. He also verified that it is a single family rental property.

Nancy Harding, 10 Bayside Ave., and **Marjorie Lewin**, 63 Robbins Ave., raised concerns that the ramp built at the public dock at Ocean Avenue is too steep for easy wheelchair access and rails are needed for safety. Mayor Siry advised that the dock is a GOSR (Governor's Office of Storm Recovery) project and while the ramp was added to the original design, it is ADA compliant. While the Village may be able to make some modifications at a later time, Superintendent Hopper noted that some design elements are required for green space and drainage. Ms. Harding also asked about the fence in front of the dock, to which Deputy Mayor Smith advised that a safety barricade is needed because cars have already run into the docks.

Ms. Lewin also commented against lawn signs in the Village which she finds unsightly. Mayor Siry said he has formed a sign committee to review signage in the Village, including lawn signs. While he does not wish to interfere with freedom of speech, the committee will consider limiting the timeframe for which election signs can be posted and ensure their prompt removal.

Frank Cruthers, 25 Towne St., asked about the implementation of the Village Social Media Policy and questioned, if under the new policy, a personal Facebook page that, he felt in the past, featured slanderous remarks against him and his wife would have to be taken down. The Mayor empathized and noted that if the page is a personal page and it does not mislead anyone to believe the Village is endorsing it, it is protected as freedom of speech.

Mr. Cruthers questioned the membership criteria and powers of the recently formed Security Dodge committee. Mayor Siry explained the committee has representation from the Board of Trustees and area residents. Its purpose is to work together with Security Dodge to brainstorm on suggestions and solutions for the good of the Village. Mr. Cruthers asked why there is no one from his neighborhood on the Board.

On the subject of the Article 78 filed by Security Dodge, he asked what fines have been written for violations in the meantime. Building Inspector Donato explained that Security Dodge has a court date for outstanding violations, and that it would be unfair to write additional violations while their Special Use Permit application is open. The Mayor also responded to further questions about choosing an attorney for the Article 78 appeal.

Donelle Cronin, 32 Mole Place, who serves on the Security Dodge committee, asked Trustee Whalen about the next meeting date and said she hoped the Village would not select an attorney on

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the basis of hourly rates, but rather use someone who has experience in the matter. Mayor Siry stated the Trustees would consider Mr. Richard Handler but would be discussing the issue in Executive Session that evening.

A request was made to close the public meeting and enter executive session.

MOTION to CLOSE THE PUBLIC MEETING and ENTER EXECUTIVE SESSION was made by Trustee Bernius and seconded by Deputy Mayor Smith

| | | |
|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

MOTION to REOPEN PUBLIC MEETING was made by Trustee LaLota and seconded by Trustee Whalen

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

There being no more comments from the floor or Board:

MOTION to ADJOURN was made by Trustee Whalen and seconded by Deputy Mayor Smith

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|-----------------|--------------------|-----|
| Vote on Motion: | Mayor Siry | aye |
| | Deputy Mayor Smith | aye |
| | Trustee LaLota | aye |
| | Trustee Whalen | aye |
| | Trustee Bernius | aye |

Motion Carried: 5 ayes

Meeting adjourned at 9:49 p.m.