

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, March 2, 2015

INC. VILLAGE OF FARMINGDALE

The regular meeting of the Board of Trustees of the Incorporated Village of Farmingdale was held at Village Hall, 361 Main Street, Farmingdale, New York at 8:00 p.m. on Monday, March 2, 2015.

Present: Mayor Ralph Ekstrand
Deputy Mayor Patricia Christiansen
Trustee Cheryl Parisi
Trustee William Barrett
Trustee Thomas Ryan
Attorney Claudio DeBellis
Administrator/Clerk/Treasurer Brian Harty
Deputy Clerk/Treasurer Barbara Kelly
Superintendent of Buildings Steve Fellman

Excused: Superintendent of Public Works Andrew Fisch

Mayor Ekstrand opened the meeting at 8:00 p.m. with the pledge of allegiance.

ANNOUNCEMENTS – Mayor Ekstrand made the following announcements:

- Next Board meeting with public comment period and yearly Organizational meeting will be held on Monday, April 6, 2015 at 8:00 p.m. Board of Trustees Work Sessions begin at 7:00 p.m. on Monday, March 16th and March 23rd, 2015.
- The March 10, 2015 sale of tax liens has been cancelled. The Village will be purchasing the liens.
- The 2015/2016 tentative budget will be presented to the Board at the March 16, 2015 Work Session with Counsel.
- The 2015/2016 Budget Public Hearing will be held on Monday, April 13th Work Session with Counsel. The meeting is being added to the Village's calendar as it was not a regularly scheduled Work Session.
- The Year 41 CDBG Application Public Hearing will be held on Monday, March 16, 2015 at 7:00 p.m. Work Session with Counsel.
- The 3rd Annual St. Patrick's Day Parade will be held on Sunday, March 22nd, 2015 at 1:00 p.m.

REGULAR MEETING BUSINESS ITEMS – Upon a motion made by Trustee Barrett and seconded by Trustee Ryan, the following items were unanimously **RESOLVED (#2015-190)**,

- Abstract of Audited Vouchers #1075 dated March 2, 2015
- January Wire Transfers
- Minutes of 2/2, 2/17 and 2/23 work sessions with corrections
- Taxi permits

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- Use of Village Property:
 - The Greater Long Island Running Club is requesting to hold their Ocean to Sound Relay on Sunday, September 27, 2015. The race route passes through the Village along Quaker Meeting House Road between Merritt Road and Round Swamp Road.
 - The Chamber of Commerce is requesting to hold their annual Easter Egg Hunt on Saturday, March 28, 2015 on the Village Green from 12:00 noon to 2:00 p.m.
 - The Rotary Club is requesting to hold a pancake breakfast in the firehouse on March 28, 2015 in conjunction with the Easter Egg Hunt.
 - The Fire Department is requesting use of the Court Room on Tuesday, April 7th and Friday, April 10th, 2015 for its annual election and swearing in of officers. Both evenings will be from 7:00 to 10:00 p.m.
 - The Fire Department is requesting permission to hold a street fair on Main Street on Sunday, June 14, 2015 from 6:00 a.m. to 6:00 p.m. with a rain date of Sunday, June 28, 2015.
 - Century 21 Dallow Realty is requesting the use of the Village Green on Saturday, May 16, 2015 for an Easter Seals charity event/Customer Appreciation Day from approximately 11:00 a.m. to 4:00 p.m.

BUILDING PERMITS – The Board of Trustees reviewed the listing of the following building permits issued since last meeting:

LOCATION	TYPE OF CONSTRUCTION/COMMENTS	ARB
Roy 155 Secatogue Ave. PP 15-1	Maintain bathroom in basement.	N/A
EWR Holdings 270 Fulton St. DB 15-2	Interior alterations only.	X
Brackman 2 Yoakum St. PP 15-2	Install pool heater.	N/A
St. Kilian Church 485 Conklin St. SWP 15-1	Replace sidewalk in front of rectory on Conklin St. & Franklin Pl.	N/A
Hundzsa 330 Secatogue Ave. RO 15-1	Open one bell hole for gas installation.	N/A
Fairfield Conklin 675 Conklin St. DB 15-3	Kitchen and bathroom renovation.	N/A
EWR Holdings 270 Fulton St. PP 15-3	Install three (3) water closets, three (3) lavatories, one (1) kitchen sink.	N/A
Arlin 103 Rose St. DB 15-4	Renovation of second floor bathroom to convert closet to sink area and tub to shower.	N/A

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Dark Horse Tavern 273 Main St. SP 15-1	Install 12x22 A frame awning at rear patio and removable canvas vestibule over front entrance. ARB approved 2/24/15.	X
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PUBLIC HEARING DATES – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously, **RESOLVED (#2015-191)**, to set the following public hearings and send to Nassau County Planning:

- Proposed Amendment to Special Use permit for building alterations for 282 Main Street (Village Kitchen) on April 6, 2015 at 8:00 p.m.
- Year 41 CDBG Application on March 16, 2015 at 7:00 p.m.
- 2015/2016 Budget on April 13, 2015 at 7:00 p.m.
- Proposed Special Use permit and Site Plan approval for multi-family dwelling for 168-190 Fulton Street (168-190 Fulton Street LLC) on April 6, 2015 at 8:00 p.m.

PUBLIC HEARING PROPOSED SPECIAL USE PERMIT 557 FULTON STREET (TATTOO RITUAL) – This hearing is being tabled due to applicant’s failure to provide necessary materials and therefore no legal notice was published.

CONTINUED PUBLIC HEARING PROPOSED CHANGE OF ZONE 143 N FRONT STREET AND 100 SECATOGUE AVENUE (BARTONE PROPERTIES LLC AND TDI) – Mayor Ekstrand explained that the applicant seeks to rezone these properties from the Business D and Residence B Districts to the DM-U (Downtown Mixed Use) District for the construction of a multifamily apartment building. He also explained that this hearing was closed on February 2nd and sent to Nassau County Planning for review before a formal vote would take place.

Attorney DeBellis explained that Nassau County Planning granted the Village Lead Agency in this matter.

Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2015-192), to approve the rezoning of the properties at 100 Secatogue Avenue (Sec 49 Bl 75 Lot 5) and 143 N. Front Street (Sec 49 Bl 75 Lots 6&7) to be DM-U (Downtown Mixed Use) District for the construction of a multifamily apartment building.

PUBLIC HEARING PROPOSED SPECIAL USE PERMIT GROUND FLOOR APARTMENTS/INCENTIVE BONUS/SETBACK/LOADING AND SITE PLAN APPROVAL 143 N FRONT STREET AND 100 SECATOGUE AVENUE (PHASE III BARTONE PROPERTIES AND TDI) – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2015-193), to open the public hearing.

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The applicant Anthony Bartone explained the application proposing a 42 unit apartment complex where currently there is a truck repair garage, a taxi dispatch office and a private residence. He explained that the parking is 100% compliant to parking requirements in DMU zoning. Mr. Bartone mentioned a few features of the complex including 39 foot height to the top of the mansard roofs, it will be two thirds studio apartments where Phase I and II have no studios, 4 units will be workforce housing. He presented the Board with the schedule of incentive bonuses – Exhibit 2.

Robert Brown of Land Design Associates explained the landscape portion of the application stating that storm water run-off will be managed to 5 inches.

James Havrilla and Louis Giacalone of Ehaszgiacalone Architects explained the architectural features of the complex stating that the main entrance is on Elizabeth Street.

Daniel Winkelman presented a traffic study done by VHB Engineering stating that this project proposes no adverse traffic impact.

Mayor Ekstrand asked for public comment. The following items were discussed:

- Rich Gosline, Linwood Avenue inquired about the traffic study and who paid for it. Mayor Ekstrand stated that TDI is reimbursing the Village.
- Joe Carosella asked if all the phases of development were taken into consideration for the study. Mr. Winkelman answered that all 3 phases were considered in the study and that there would be a minor impact.
- Chuck Gosline, Waverly Place, asked about a Village wide parking study and the amount of affordable units. Mayor Ekstrand stated that the Village has CDBG funds for improving the volume in the lots.
- John Capobianco inquired about traffic study during peak hours and visitor parking. Anthony Bartone stated that all parking has been accounted for.
- John Cola inquired about the energy efficiency of the complex.
- Former Mayor Starkie stated that the incentive bonuses are low.
- Skip Schumeyer asked about height to roof access of 45 feet.
- Rich Gosline, Linwood Avenue suggested the Village create a larger transit-oriented development zone instead of ‘spot zoning’. He also inquired about affordable units.
- Eric Alexander, Vision Long Island stated that the density is in accordance with the Master Plan and that he supports the application.

There being no further comment, upon a motion made by Deputy Mayor Christiansen and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2015-194), to continue the public hearing on April 6, 2015 at 8:00 p.m.

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PUBLIC HEARING PROPOSED LOCAL LAW – 2015 REVISION TO DOWNTOWN MIXED USE SIGN CODE – Mayor Ekstrand stated that this public hearing is adjourned to May 4, 2015 at 8:00 p.m.

CONTINUED PUBLIC HEARING PROPOSED SPECIAL USE PERMIT 87 FULTON STREET (PHARMACY) – Mayor Ekstrand explained that the applicant seeks only to maintain a drive up window at this location. This public hearing was closed on February 2, 2015 and the decision was deferred to tonight’s meeting due to this application being sent to Nassau County Planning for review.

Attorney DeBellis stated that Nassau County declared the Village Lead Agency.

Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously, **RESOLVED (#2015-195),**

WHEREAS, The Incorporated Village of Farmingdale (“VILLAGE”) is a municipal corporation duly organized under the laws of the State of New York; and

WHEREAS, Jimmy Tran (Transcript Pharmacy) (“APPLICANT”) is the tenant in possession of the premises located at 87 Fulton Street, Farmingdale New York, 11735, said parcel being known on the Nassau County Tax Maps as Section 49; Block 290; Lot 2 (“PREMISES”).

WHEREAS, the PREMISES is located within the Business D Zoning District of the VILLAGE; and

WHEREAS, APPLICANT desires the use of a drive-thru window at the PREMISES (“ACTION”) and has applied for a building permit in connection with the ACTION; and

WHEREAS, the ACTION is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review Act, (“SEQRA”); and

WHEREAS, The Board of Trustees for the Incorporated Village of Farmingdale (“VILLAGE BOARD”) has declared itself Lead Agency pursuant to SEQRA, declared the ACTION to be an unlisted action with no significant, adverse environmental impacts and issued a negative declaration and notice of determination of non-significance; and

WHEREAS, in accordance with General Municipal Law Section 239-m, the ACTION was referred to the Nassau County Planning Commission for review; and

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WHEREAS, the building permit application was denied on the grounds the ACTION was not a permitted use within the D Zoning District as per Article XIV, Section 600-100, of Zoning Code of the Inc. Village of Farmingdale, and such ACTION would require a special use permit; and

WHEREAS, The VILLAGE BOARD may, in accordance with Section 600-100(K) of the Zoning Code of the Inc. Village of Farmingdale grant a special use permit for the ACTION as the intended use is ancillary to and of the same general character as the uses permitted in the D Zoning District; and

WHEREAS, APPLICANT has applied for a special use permit in connection with the ACTION in accordance with Section 600-100(K) of the Zoning Code of the Inc. Village of Farmingdale; and

WHEREAS, In accordance with the Zoning Code of the Inc. Village of Farmingdale, the Board of Trustees, on February 2, 2015, and March 2, 2015, held a public hearing in connection with the ACTION; and

WHEREAS, The APPLICANT appeared on his/its behalf at the public hearings; and

WHEREAS, at the public hearing members of the public were given the opportunity to speak and did speak regarding the application; and

WHEREAS, on February 20, 2015 the Nassau County Planning Commission deferred to the Village to take any action it deemed appropriate in connection with the application.

NOW, THEREFORE BE IT DECIDED, the Board of Trustees grants APPLICANT a Special Permit to operate the drive-up window in accordance with and subject to:

1. The Plans/Drawings of Danita Ortuba Architect, dated November 5, 2014 and APPLICANT'S November 10, 2014 application for building permit; and
2. APPLICANT shall reimburse the VILLAGE for all expert or consultant fees incurred by it connection with the ACTION and there is full compliance with Section 600-100(V) of the Code of the Incorporated Village of Farmingdale. No building permit shall be issued until all such expenses have been reimbursed. In the event that a building permit is issued prior to the reimbursement of such fees, the building permit and this special permit shall be immediately revoked if reimbursement to the VILLAGE for such expenses is not made within five (5) days of the request for same; and

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3. The noncompliance with any of the terms or conditions of this decision shall result in the immediate revocation of the building permit and special permit unless the Board of Trustees determines, for good cause, that revocation is not in the best interests of the VILLAGE.

CONTINUED PUBLIC HEARING PROPOSED SPECIAL USE PERMIT 270 FULTON STREET (EWR HOLDINGS LLC) – Mayor Ekstrand explained that the applicant seeks a Special Use permit to have office space with outdoor storage at this location. This public hearing was closed on February 2, 2015 and the decision was deferred to tonight’s meeting due to this application being sent to Nassau County Planning for review.

Attorney DeBellis stated that Nassau County declared the Village Lead Agency.

Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously, **RESOLVED (#2015-196)**,

WHEREAS, The Incorporated Village of Farmingdale (“VILLAGE”) is a municipal corporation duly organized under the laws of the State of New York; and

WHEREAS, EWR Holdings, LLC (“APPLICANT”) is the tenant in possession of the property located at 270 Fulton Street, Farmingdale New York, 11735, said parcel being known on the Nassau County Tax Maps as Section 48; Block 444; Lot 68 (“PROPERTY”).

WHEREAS, the PROPERTY is located within the Business D Zoning District of the VILLAGE; and

WHEREAS, APPLICANT desires to make certain renovations at the PROPERTY and operate a commercial security company thereat and to store equipment and materials outdoors on the PROPERTY (“ACTION”) and has applied for a building permit in connection with the ACTION; and

WHEREAS, the ACTION is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review Act, (“SEQRA”); and

WHEREAS, The Board of Trustees for the Incorporated Village of Farmingdale (“VILLAGE BOARD”) has declared itself Lead Agency pursuant to SEQRA, declared the ACTION to be an unlisted action with no significant, adverse environmental impacts and issued a negative declaration and notice of determination of non-significance; and

WHEREAS, in accordance with General Municipal Law Section 239-m, the ACTION was referred to the Nassau County Planning Commission for review; and

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WHEREAS, the building permit application was denied on the grounds that the ACTION did not comply with the requirements of the D Zoning District, Article XII, Section 105-79– Permitted Uses, of the Zoning Code of the Inc. Village of Farmingdale (now section 600-100) in that the proposed use would require a special use permit; and

WHEREAS, The VILLAGE BOARD may, in accordance with Section 105-79 (K), now Section 600-100(K), of the Zoning Code of the Inc. Village of Farmingdale grant a special use permit for the ACTION as the ACTION is of the same general character as the uses permitted in the D Zoning District; and

WHEREAS, APPLICANT has applied for a special use permit to operate the intended use in accordance with Section 105-79(K), now Section 600-100, of the Zoning Code of the Inc. Village of Farmingdale ; and

WHEREAS, In accordance with the Zoning Code of the Inc. Village of Farmingdale, the Board of Trustees, on February 2, 2015, and March 2, 2015, held a public hearing in connection with the ACTION; and

WHEREAS, The APPLICANT appeared on its behalf at the public hearing; and

WHEREAS, at the public hearing members of the public were given the opportunity to speak and did speak regarding the application; and

WHEREAS, on February 20, 2015 the Nassau County Planning Commission deferred to the Village to take any action it deemed appropriate in connection with the application.

NOW, THEREFORE BE IT DECIDED, the Board of Trustees grants a Special Permit to allow for the outdoor storage of equipment and materials subject to the following:

1. There is full compliance with the plans prepared by Gaby Tchilinguirian R.A. dated January, 2015 and all Federal, State, or local law and any directives of the Building Department of the Inc. Village of Farmingdale.
2. The equipment and materials stored outdoors shall be subject to the directives of the Superintendent of Buildings.
3. There shall be no parking on Merokee Place.

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4. There shall be full compliance with the recommendations and conditions of the Farmingdale Planning and Architectural Review Board.
5. Landscaping, buffers, lighting and Fencing shall be in accordance with the directives of the Superintendent of Buildings of the Village of Farmingdale.
6. A landscape plan, parking plan and lighting plan shall be provided upon request of the Superintendent of Buildings of the Village of Farmingdale.
7. No right turns out of the PROPERTY shall be permitted. A No Right Turn sign shall be installed pursuant to the requirements of the Superintendent of Buildings of the Village of Farmingdale.
8. The VILLAGE is reimbursed for all expert or consultant fees incurred by it connection with the ACTION and there is full compliance with Section 600-100(V) of the Code of the Incorporated Village of Farmingdale. No building permit shall be issued until all such expenses have been reimbursed. In the event that a building permit is issued prior to the reimbursement of such fees, the building permit and this special permit shall be immediately revoked if reimbursement to the VILLAGE for such expenses is not made within five (5) days of the request for same; and
9. The noncompliance with any of the terms or conditions of this decision shall result in the immediate revocation of the building permit and special permit unless the Board of Trustees determines, for good cause, that revocation is not in the best interests of the VILLAGE.

PUBLIC HEARING PROPOSED SPECIAL USE PERMIT SEATING/PARKING/LOADING AND SITE PLAN APPROVAL 206-208 MAIN STREET (FINO ENTERPRISES) – Upon a motion made by Deputy Mayor Christiansen and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2015-197), to open the public hearing.

Thomas Abbate and Karen Jahn, the attorney and the architect for the applicant presented the application consisting of a two story restaurant with seating for 202. An exterior addition and façade renovation is also proposed. The parking requirement is 91 spaces where 21 exist leaving a shortfall of 70 spaces. 63 spaces may be waived and the applicant may purchase 7 spaces. The Board may waive one loading space required.

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Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously.

RESOLVED (#2015-198), to continue the public hearing on April 6, 2015 at 8:00 p.m. and send the application to Nassau County Planning.

BOARD OF ASSESSMENT - Upon a motion made by Trustee Ryan and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2015-199), to convene the Board of Assessment Review.

Upon a motion made by Deputy Mayor Christiansen and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2015-200), to deny all the property tax complaint petitions, annexed to these minutes.

Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2015-201), to reconvene the meeting of the Board of Trustees.

2015/2016 TENTATIVE ASSESSMENT ROLL CHANGES – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2015-202), to make the following changes to the 2015/2016 Tentative Assessment Roll:

- Remove the Veteran's Exemption on 288 Van Cott Avenue (Sec 49 Bl 291 Lot 456) because the property was sold.
- Remove the Veteran's Exemption on 101 Nelson Street (Sec 49 Bl 159 Lot 1) because the property was sold.
- Remove the Wholly Exempt status for Woodbridge II (Sec Bl 98 Lot 340) and change it to fully taxable because the PILOT agreement has expired.
- Reduce the 2015/2016 assessment for 392 Conklin Street from \$448,700 to \$330,000 in accordance with the recommendation from Scott Stone.

TAX LIENS – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2015-203), to approve the Village of Farmingdale to purchase tax liens in the amount of \$79,987.00.

RUSSELL CASTROGIOVANNI SICK TIME - Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

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RESOLVED (#2015-204), That the Village Board agrees to pay Russell Castrogiovanni for 38.25 sick days at his current hourly rate of pay, equaling \$7,680.75, matching payment from Workman's Compensation. This is subject to an agreement to be drafted by labor counsel and agreed to by the CSEA and the Village of Farmingdale.

BEAUTIFICATION PLANTINGS – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2015-205), to contract with Otto Keil (Emma's Garden) to purchase Spring and Fall plantings for the Beautification Committee for the 2015 plantings with the option to renew for three additional years. Otto Keil was determined to be the low bidder on a unit price basis.

IT SERVICES – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen (Trustee Barrett abstained), it was,

RESOLVED (#2015-206), to contract with Applied Computer Technologies, LLC to provide IT services to the Village for a set-up fee of \$1,000.00 and hourly labor rates of \$97.00 remote and \$120.00 on site.

WATER UTILITY ACCOUNTS – Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2015-207), to bill all Water Utility accounts on April 30, 2015 as a true up of all consumption used since last billing in preparation of the first quarterly utility billing on July 15, 2015.

MS4 ANNUAL REPORT – Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2015-208), to hire Savick & Murray to prepare the Village's MS4 Annual Report Form for a fee of \$1,500.00.

ANNUAL WATER SUPPLY STATEMENT – Upon a motion made by Trustee Barrett and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2015-209), to approve the hiring of H2M Architects & Engineers to prepare the Village's 2014 Annual Water Supply Statement/Consumer Confidence Report and the associated required data for a maximum fee of \$2,500.00.

AUDITING SERVICES – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

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RESOLVED (#2015-210), to authorize Administrator Harty to sign the arrangement letter with Nawrocki Smith for the Village's auditing services for the fiscal year ending May 31, 2015.

LOSAP SPONSOR APPROVAL FORM – Upon a motion made by Trustee Ryan and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2015-211), to authorize the signing of the LOSAP 2014 Sponsor Approval Form.

LOSAP INVESTMENT POLICY – Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2015-212), to accept the updated LOSAP Investment Policy Statement as recommended by RBC Wealth Management.

SURPLUS VEHICLE – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2015-213), to surplus 1988 Chevrolet Deluxe Pick Up (old 9277) VIN #1GCGR23N4JJ128129.

SALE OF SURPLUS VEHICLE – Upon a motion made by Deputy Mayor Christiansen and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2015-214), to sell surplus vehicle VIN # 1GCGR23N4JJ128129 to Riccardo Rodriguez for \$600.00, as the sole bidder on the vehicle.

BEAUTIFICATION – Spring plantings will be coming soon.

OLD BUSINESS – None

CORRESPONDENCE – None

PUBLIC COMMENT – None

EXECUTIVE SESSION – Upon a motion duly made and seconded, it was unanimously,

RESOLVED, to move to Executive Session to discuss employee contract matters.

Upon a motion duly made and seconded, it was unanimously,

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RESOLVED, to move to return to the regular meeting.

There being no further work, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Brian P. Harty, Village Clerk-Treasurer