

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 7, 2012
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, May 7, 2012.

Present: Mayor Ralph Ekstrand
Deputy Mayor Patricia Christiansen
Trustee William Barrett
Trustee Cheryl Parisi
Trustee Thomas Ryan
Village Attorney Kevin Walsh
Administrator/Clerk/Treasurer Brian Harty
Deputy Clerk/Treasurer Barbara Kelly
Public Works Superintendent Andy Fisch

Mayor Ekstrand opened the meeting at 8:05 PM with the pledge to the flag led by Fire Commissioner William Reilly.

TIMOTHY DILLON – Mayor Ekstrand presented to Laurie Dillon and her daughter, a proclamation from the Village listing the many accomplishments and contributions of the late Timothy Dillon.

ANNOUNCEMENTS – Mayor Ekstrand made the following announcements

- The next public meeting will be held on Monday, June 4, 2012 at 8:00 p.m. with a work session to begin at 7:00 p.m.
- The Board of Trustees resolved on the April 16, 2012 meeting to move \$100,000 from the CDBG Commercial Rehab line to CDBG Streetscapes. Resolution was done due to a timing issue.

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

RESOLVED (#2012-185), that the Abstract of audited vouchers #1041 dated 05/07/12, be approved for payment.

WIRE TRANSFERS – Upon a motion made Trustee Ryan and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2012-186), to approve the wire transfers made during April and May as adhered on to these minutes.

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

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RESOLVED (#2012-187), to approve the minutes of BOT Work Sessions of 04/02/12; 04/09/12; 04/16/12; 04/23/12 and BOT Public Meeting on 04/02/12 as corrected.

USE OF VILLAGE PROPERTY – Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

RESOLVED, to allow the following use of Village property:

- Greater Farmingdale CLT to use the Village Hall on June 19th from 6:30 p.m. – 8:30 p.m.

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

RESOLVED, to allow the following use of Village property:

- Lisa Stanton, 320 Staples Street, for July 14th from 12:00 p.m. – 11:00 p.m. blocking Staples Street from Van Cott to Clinton.

BUILDING PERMITS – Administrator Harty presented the following building permits issued since the last meeting:

LOCATION	TYPE OF CONSTRUCTION/COMMENTS	ARB
Sheehan 252 Staples St. FP 12-04	Erect 13.5 sections of 6 ft. stockade fence.	N/A
Maier 25 Elizabeth St., 2Y DB 12-28	Remodel three piece bathroom.	N/A
Hua An Int'l 18 Dale Drive. DB 12-29	Construct single family home.	N/A
Llewellyn 151 Melville Rd. DB 12-30	Maintain 16'x13' deck.	N/A
Manning 5 Cooper St. FP 12-05	Erect 4ft.-6 ft. PVC fencing along north and south property lines.	N/A
Dominican Restaurant 4 305 Main St. DB 12-31	Interior alterations to dining room and kitchen prep counters.	N/A
A Taste of L.I. 209-211 Main St. DB 12-31A	Interior alterations for retail store w/commercial kitchen.	N/A
Friendly's 332 Fulton St. DB 12-32	Repair exterior wall and window.	N/A
Tolp 52 Jefferson Rd. DB 12-33	Maintain 15'x20' deck.	N/A

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Red & Blue Parrot 169 Main St. DB 12-34	Maintain 10'x12' shed.	N/A
AHRC 80 Bethpage Rd. DB 12-35	Installation of roof mounted solar panels.	N/A
Pendergast 2 Adrienne Ct. PP 12-10	Install five (5) plumbing fixtures.	N/A
Graf 101 Prospect St. FP 12-06	Replace stockade fence with 6 ft. PVC along side and rear property lines.	N/A
A Taste of L.I. 209-211 Main St. PP 12-11	Install six (6) plumbing fixtures.	N/A
Gino's Pizza 333 Main St. DB 12-36	Outdoor dining permit. BOT approved 4/9/12.	N/A
Cara Cara Restaurant 354 Main St. DB 12-37	Outdoor dining permit. BOT approved 4/9/12.	N/A
Roman 107 Division St. FP 12-07	Replacement fence – 6 ft. stockade.	N/A
A Taste of L.I. 209-211 Main St. PP 12-11	Install new sinks, oven and gas range.	N/A
HPE Enterprises 521 Conklin St. FP 12-08	Replace 24 feet of aluminum fence.	N/A
Patullo 183 Cherry St. DB 12-38	Install solar panel system.	N/A
Milone 5 Linwood Ave. DB 12-39	Maintain A/C unit.	N/A
Ahern 215 Conklin St. DB 12-40	Alteration to master bedroom and bath.	N/A
Robertson 6 Benedict Ct. DB 12-41	Two POD storage units.	N/A
Solo Boutique 336 Main St. SP 12-07	Refurbish Awning.	X
850 Fulton St. LLC 850 Fulton St. SP 12-08	Pin mounted letter sign for North Shore/LIJ.	X
Mucci 25 Bernard St. PP 12-12	New gas hot water heater, stove, dryer.	N/A
399 Conklin Assoc. 399 Conklin St. SP 12-09	Pin mounted letter sign for ETQ.	X
A Taste of L.I. 209-211 Main St. SP 12-10	Install sign, lights and awning.	X

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Family Dental 297 Main St. SP 12-11	Install sign, lights and awning.	X
St. Sarkis Thrift Shop 301 Main St. SP 12-12	Install sign, lights and awning.	X
Griffin/Woodall 22 Dale Dr. FP 12-09	Erect 6 ft. PVC fencing. ZBA approved 4/12/12.	N/A
Vinciguerra 255 Van Cott Ave. FP 12-10	Erect 6 ft. PVC fencing along rear property line.	N/A

TAXI PERMITS - Upon a motion by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED, to issue 5 taxi permits.

PEDDLER’S APPLICATION – The Board reviewed the application submitted by Mr. Ciaio of Grant Ave. This application was not approved pending answers to the questions the Board posed.

PUBLIC HEARING – DRAFT 2011/2012 MS4 (STORMWATER) REPORT - Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2012-188), to open the public hearing on the Draft 2011/2012 MS4 Report.

With no questions from the Board, Mayor Ekstrand asked for questions from the public, no questions were asked. Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2012-189), to close the public hearing on the 2011/2012 Draft MS4 Report.

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

RESOLVED (#2012-190), to approve the Draft MS4 Report as presented.

PUBLIC HEARING – CONTINUATION OF THE BARTONE APPLICATION – Village Attorney Walsh stated that the public hearing was continued until tonight to hear back from Nassau County Planning Commission. The Commission responded that the application was a local determination. An issue that has caused the decision to be postponed for three meetings has to do with the sound of cars exiting the properties underground parking. The decision before the Board tonight carves out the mitigation of this problem.

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Mr. Addeo requested a change to the decision presented, asking for a change of the dates on page 3 of the decision. The first date should begin with year 2 of the project.

The following comments were made from the public:

- Mr. Orobono, Eastern Parkway, questioned what NYS building code was concerning the ventilation of the underground parking. The Village Building Consultant Mr. Fellman stated that NYS Code requires ventilation thru the roof. Village Attorney Walsh stated that the building would meet all NYS Building Codes. Mr. Orobono stated that the part of the new code which requires a 25 foot landscaped buffer is being waived for this project. Mr. Walsh stated that approval would be of the presented plans which do not include a 25 foot landscaped buffer.
- Mayor Starkie, Doud Street, applauded the Board on the outstanding editorial in Newsday. Mayor Starkie went on to state that Mr. Orobono has been included in the process from the beginning and that he supports the Board voting to approve the application.

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

RESOLVED (#2012-191), to close the public hearing on the Special Use Permit and approvals of the Bartone Application.

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

RESOLVED (#2012-192), to accept the amended resolution as adhered to these minutes.

2012/2013 BUDGET – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2012-193), to certify the tax shares or base proportion percentages as follows: Homestead 62.6508% and Non-homestead as 37.3402% and the adjusted levy for Homestead of \$2,230,970 and Non-homestead of \$1,329,479.

2012/2013 TAX WARRANT – Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2012-194), to authorize Mayor Ekstrand to sign the 2012/2013 tax warrant.

2010/2011 JUSTICE COURT AUDITED FINANCIALS – Upon a motion by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

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RESOLVED (#2012-195), to accepted the 2010/2011 audited financials as completed by Satty, Levine & Ciacco, CPA's.

SUMMER INTERN – Item tabled.

STASI BROTHERS - Upon a motion by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2012-196), to approve the hiring of Stasi Brothers Asphalt Corp under the existing Requirements Contract to install new brick pavers, curbing and related work as required in the Downtown Business District. All funding for the project from CDBG Streetscapes grant.

BOND ANTICIPATION NOTE – Administrator Harty explained that resolution presented for adoption was for multiple projects. The Board, by resolution, can approve going to BAN any of the projects without additional Bond Counsel fees. William Barrett offered the following resolution and moved its adoption:

RESOLVED (#2012-197)

BOND RESOLUTION OF THE VILLAGE OF FARMINGDALE, NEW YORK, ADOPTED MAY 7, 2012, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE VILLAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$650,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$650,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF FARMINGDALE, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Farmingdale, in the County of Nassau, New York (herein called the "Village"), is hereby authorized to: (a) acquire Scott packs for the Fire Department, at the estimated maximum cost of \$100,000; (b) acquire a fire chief's car, at the estimated maximum cost of \$50,000, (c) construct improvements to various roads, at the estimated maximum cost of \$200,000 (d) acquire Highway Department equipment, at the estimated maximum cost of \$255,000; and (e) acquire code enforcement cars, at the estimated cost of \$45,000. The plan of financing includes the issuance of \$650,000 serial bonds of the Village to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$650,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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Section 3. The following additional matters are hereby determined and declared:

(a) The periods of probable usefulness applicable to the objects or purposes for which said serial bonds are authorized to be issued are in excess of five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing credit enhancement agreements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

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- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "*The Farmingdale Observer*," a newspaper having general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

* * *

The adoption of the foregoing resolution was seconded by Thomas Ryan and duly put to a vote on roll call, which resulted as follows:

AYES: Ralph Ekstrand
 Patricia Christiansen
 William Barrett
 Cheryl Parisi
 Thomas Ryan

NOES:

The resolution was declared adopted.

FIRE DEPARTMENT EQUIPMENT – Upon a motion duly made and seconded, it was unanimously,

RESOLVED (#2012-198), to authorize a BAN for \$150,000 for the purchase of Scott Packs not to exceed \$100,000 and a Chiefs car not to exceed \$50,000 fully equipped.

PAYMENT OF UNUSED VACATION/SICK – After a discussion this unbudgeted item was put to vote. Upon a motion by Trustee Barrett and seconded by Trustee Ryan, with Deputy Mayor Christiansen and Trustee Parisi voting Nay, it was,

RESOLVED (#2012-199), to authorize the payment of unused vacation and sick days as follows: Brian Harty 15 days, Andrew Fisch 15 days, Fern Rubino 15 days, Keith Ryan 10 days, Chris Wright 5.25 days.

VILLAGE HALL LIGHTING – Administrator Harty explained that a \$20,000 LIPA grant would allow the Village to purchase new energy efficient lighting in Village Hall and the Firehouse. Annual energy savings is estimated at \$7,000 per year. The installation of

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lighting was sent out to bid. The cost will be paid for by the Village and is unbudgeted. Upon a motion by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2012-200), to approve the bid from High Security as the lowest responsible bidder to install the lighting purchased with LIPA grant funds for a cost of \$11,830.

FIREHOUSE MAINTAINERS – After a discussion and upon a motion by Trustee Barrett and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2012-201), to approve the hiring of 13 additional part-time Firehouse Maintainers at \$12.55 per hour. This position is not able to work more than 24 hours and is not entitled to any benefits with the exception of the retirement plan.

MAIN STREET BIRD CONTROL - Upon a motion by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2012-202), to approve the hiring of Arrow Bird Control Specialists for pest control at a cost of \$7,500 with a follow up maintenance agreement of \$300/month subject to counsel's changes.

BEAUTIFICATION COMMITTEE – Deputy Mayor Christiansen reported that volunteers will be planting on May 12th and 19th.

OLD BUSINESS – Trustee Barrett asked about the lighting at Waldbaum's – Administrator Harty explained that the owner is in foreclosure and is not cooperating.

GOOD & WELFARE - The following comments were made:

- Mr. Cunha, 121 Jefferson Rd., wanted to discuss the serious problem with traffic at Jefferson & Thomas Powell, he keeps calling the precinct. He heard that the Village has a plan to change the intersection. Mayor Ekstrand explained that no plan is in place and that the Village will speak to the Police Department about this problem and other problem areas within the Village.
- Mr. Carosella, 21 Sherman Rd., asked about the new construction on Dale Dr. Brian Harty spoke about in the Building permits. Administrator Harty answered that a new house was being built. Mr. Carosella asked what the applicant for the Peddlers License was selling. Mayor Ekstrand answered gold ingots. Mr. Carosella inquired about the opening of A Taste of Long Island. Mr. Carosella asked for the cost for a donated bench, Deputy Mayor Christiansen answered that it was \$1,695. Mr. Carosella asked how to apply for a Firehouse Maintainers position. Mayor Ekstrand stated applications are available at Village Hall. Mr. Carosella also stated the need for a PA system.
- Ms. Miles, 225 Cherry St., asked what was happening on the elimination of lifetime benefits for elected officials. Mayor Ekstrand explained that in January the Board

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voted to continue contribution to health insurance into retirement. To eliminate benefits for elected officials you would have to eliminate them for all current elected retirees.

- Mayor Starkie, Doud St., Explained that according to NYS Law the maximum contribution to health insurance is 50% of single and 65% of the additional cost for a family plan. The Board did not feel right to claw back and eliminate benefits. Mayor Starkie suggested that DPW clean up the Waldbaum's property and tack on to taxes. Mayor Starkie also asked to be kept informed of decisions concerning the Water Department.
- Mr. Goslin, Waverly Pl., explained that two houses on Melville Rd., an entrance into the Village, are in poor condition. Can they be asked to clean up? Library Café the garbage is terrible. More areas around the Village need clean up.
- Fire Commissioner Schumeyer, 189 Grant Ave., Explained that a vacant house on the corner of Van Cott and Grant needs clean up.
- Mr. Ezzo, 131 Prospect St., Explained that a child was almost killed by St. Lukes when he darted out between cars. Mayor Ekstrand stated that he will look into the problem.
- Mr. Torrez, 1 Clinton St., explained that he is interested in purchasing the bricks being removed from Main Street for 5 cents per brick and would like to purchase as many as possible. Mr. Torrez also mentioned that the crosswalk in front of St. Luke's Nursery School does not stop traffic in all directions. He feels that it needs to stop all traffic. Mr. Torrez also mentioned that the better weather has brought out a person, possibly homeless, wandering around the Village.
- Mr. Lopicolo, 186 Eastern Pkwy., a van/camper has been parking in the railroad parking lot, taking up multiple spots, on the weekends and was in front of 182 Eastern Pkwy.
- Mr. Carosella, asked the Board to have the LIRR remove the rust from the train trestle. He also asked about a lawn sign advertising a tutor.
- Fire Commissioner O'Brien, Meroke Pl., explained that Rt. 109 looks terrible, it needs to be cleaned up since we have brush fires on the islands. Commissioner O'Brien thanked the Board on behalf of the Fire Department for the Scott Packs.
- Mr. Ahern, 231 Conklin St., asked if there was a noise ordinance that can be enforced to reduce the honking on the corner of Clinton and Conklin. Attorney Walsh stated that it was a police matter.

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

RESOLVED, to move to Executive Session to discuss legal matters.

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

RESOLVED, to reconvene the meeting.

UBALDO'S - Upon a motion by Trustee Barrett and seconded by Trustee Ryan, it was unanimously,

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RESOLVED (#2012-203), to approve the outdoor dining application submitted by Ubaldo's.

SURPLUS BRICKS – After a discussion, the Board decided to keep the bricks being removed from Main Street for inventory and repairs.

APPOINTMENT – Upon a resolution duly made and seconded, the Board resolved to appoint Laura Colletti as a member of the Planning Board for a five year term ending April 2017.

BUILDING SUPERINTENDENT TITLE - Upon a motion by Trustee Ryan and seconded by Trustee Parisi, with Deputy Mayor Christiansen voting Nay, it was,

RESOLVED (#2012-204), to approve the re-creating of the title of Building Superintendent.

HOME RULE MESSAGE – After a long discussion the following motion was put before the Board:

WHEREAS, the Village authorized the Mayor to enter negotiations with the Suffolk County Water Authority regarding the terms and conditions of a possible management lease agreement for the operation of the Village water supply system; and

WHEREAS, the Village hired Guastella Associates LLC to provide consulting services to the Village to analyze proposals from the Bethpage Water District and the Suffolk County Water Authority for the operation of the Village water supply system; and

WHEREAS, Guastella Associates LLC determined that the proposal of the Suffolk County Water Authority was a viable alternative for the Village; and

WHEREAS, proposed legislation has been drafted to amend the public authorities law to allow the Suffolk County Water Authority to provide public water supply service and operate the Village water supply system, a copy of which is attached hereto; and

WHEREAS, passage of the proposed legislation does not obligate the Village to enter an agreement with the Suffolk County Water Authority but allows the Village to consider all available options with respect to its water supply system;

Upon a resolution by Trustee Ryan and seconded by Deputy Mayor Christiansen, it was unanimously,

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RESOLVED (#2012-205), that this Village hereby requests the State of New York to enact this legislation to amend the public authorities law to allow the Suffolk County Water Authority to provide public water supply service and operate a public water supply system in the Village of Farmingdale, County of Nassau; and be it further

RESOLVED, that the Village Clerk is hereby directed to forward copies of this Resolution to Governor Andrew M. Cuomo; to the Majority Leader of the New York State Senate Dean G. Skelos; to the Speaker of the New York State Assembly Sheldon Silver; and to each member of the Long Island delegation of the New York State Legislature.

There being no further work, the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Brian P. Harty
Administrator, Village Clerk-Treasurer