

INCORPORATED VILLAGE OF FLORAL PARK

BOARD OF TRUSTEES

JANUARY 5, 2016

P R E S E N T

MAYOR THOMAS J. TWEEDY

TRUSTEE DOMINICK A. LONGOBARDI

TRUSTEE KEVIN M. FITZGERALD

TRUSTEE LYNN POMBONYO

SUSAN E. WALSH, VILLAGE CLERK

JOHN RYAN, ESQ., VILLAGE ATTORNEY

GERARD BAMBRICK, VILLAGE ADMINISTRATOR

Application of: 58 South Tyson Avenue, LLC

Reported By: CHRISTINE ALSTER, Court Reporter

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1                   MAYOR TWEEDY: Good evening, ladies  
2 and gentlemen. Welcome to Village Hall.  
3 Sadly, we are without our Deputy Mayor,  
4 Jim Rhatigan. As Jim may irreverently  
5 say, he has the best excuse.

6                   Jim Rhatigan was a noble gentleman  
7 in all he did. Caring, generous, funny,  
8 funny man. His friendship and  
9 fellowship was genuinely felt by all.  
10 Jim would freely share his insight and  
11 knowledge for the good of our community  
12 or for the organization for whom he  
13 served. There was no agenda, no ego, no  
14 desire for reciprocity. His support was  
15 earned and was a rock upon which you can  
16 trust and rest easy. Uniquely honest in  
17 his word, his integrity was  
18 unquestioned.

19                   With his public service in this and  
20 previous Village Boards, indeed in this  
21 large Village family, where we will miss  
22 Jim the most and feel his passing the  
23 deepest are the moments where we  
24 encountered a difficult decision or  
25 dilemma, that is where Jim's uncanny

1 insight and innate, yet humble  
2 brilliance were expressed. We often  
3 would all sit quietly after he made such  
4 a determination and looked upon it as  
5 such an obvious decision and just move  
6 on.

7 I will miss Jim's boundless wit,  
8 his wisdom, witnessing his love of  
9 service to his neighbor and his calmest  
10 influence against even the most harshest  
11 of critics.

12 Our loss cannot be compared with  
13 that felt by his wife, Diane, his  
14 daughters, Kathleen, Beth and Maggie.  
15 His grandchildren, his mothers, brothers  
16 and friends.

17 My thanks to the Floral Park Police  
18 Department for his honor guard  
19 throughout the wake and ceremonial  
20 detail during his funeral and the Floral  
21 Park Fire Department for its ceremonial  
22 and large turnout of its members  
23 honoring Jim and his family at their  
24 service for Jim Wednesday night in  
25 Dalton's.

1                   We have lost a great friend; a wife  
2                   lost her husband, and daughters their  
3                   father. We mourn his passing, but when  
4                   I thought of Jim these past days,  
5                   inevitably a smile would come across my  
6                   face. Jim would wish nothing more for  
7                   us. May that always be the expression  
8                   of what we have for Jim Rhatigan.

9                   All right, ladies and gentlemen,  
10                  this evening we will be moving to, we  
11                  have a short public hearing, after which  
12                  we have our agenda presented by our  
13                  Village Clerk. After that, we will have  
14                  Board reports and subsequent to that, we  
15                  will open the podium to anyone who would  
16                  then have any concern they would like to  
17                  bring before the Board.

18                  At this time I would ask our  
19                  Village Clerk, if you would kindly read  
20                  the public hearing.

21                  VILLAGE CLERK: Thank you, Mayor  
22                  Tweedy.

23                  Notice of public hearing,  
24                  Incorporated Village of Floral Park, New  
25                  York.

1 Notice is hereby given that the  
2 Board of Trustees of the Incorporated  
3 Village of Floral Park, New York, will  
4 hold a public meeting at Village Hall,  
5 One Floral Boulevard, Floral Park, New  
6 York on Tuesday, January 5, 2016 at 8:00  
7 p.m. in relation to the following  
8 application:

9 The application of 58 South Tyson  
10 L.L.C. for a special use permit is to  
11 allow the modification of an office  
12 building.

13 This application is made in  
14 accordance with Chapter 99, Article III,  
15 Section 99-12 B(8) of the Zoning  
16 Ordinance of the Incorporated Village of  
17 Floral Park, New York, which states that  
18 alterations to an office space in a B-3  
19 District that is of any nonresidential  
20 use may only be authorized by the Board  
21 of Trustees as a special use after a  
22 public hearing.

23 The structure for which said  
24 special permit is applied is situated  
25 250 feet north of Tyson Avenue and known

1 as 58 South Tyson Avenue, Section 32,  
2 Block 55, Lots 12, 18, 26 on the Nassau  
3 County Tax Map.

4 A copy of the application is on  
5 file in the Office of the Village Clerk,  
6 One Floral Boulevard, Floral Park, New  
7 York, and may be examined by any persons  
8 interested therein during business hours  
9 Monday through Friday inclusive except  
10 legal holidays from 8:30 a.m. to 4:30  
11 p.m.

12 Now take notice that all parties in  
13 interest and citizens will be given the  
14 opportunity to be heard at the aforesaid  
15 time and place. By order of the Board  
16 of Trustees, Incorporated Village of  
17 Floral Park, New York. Susan E. Walsh,  
18 Village Clerk. The legal notice was  
19 dated December 23, 2015.

20 This legal notice has been  
21 published in the official paper of the  
22 Incorporated Village of Floral Park, New  
23 York and posted according to law and  
24 sent to the Nassau County Planning  
25 Commission.

1                   MAYOR TWEEDY: Thank you very much,  
2                   Ms. Walsh. I would like to place on the  
3                   record that the applicant has previously  
4                   filed an affidavit of service indicating  
5                   that all neighbors within a 200-foot  
6                   radius of the dwelling has been served  
7                   with notice.

8                   I would ask at this time that our  
9                   applicant or his representative be sworn  
10                  in at this time.

11                  COURT REPORTER: Would you please  
12                  raise your right hand.

13                  (Whereupon, the applicant  
14                  complies.)

15                  COURT REPORTER: Do you solemnly  
16                  swear or affirm that the statements you  
17                  are about to give will be the truth, the  
18                  whole truth and nothing but the truth,  
19                  so help you, God?

20                  MR. VERGARA: Yes.

21                  COURT REPORTER: Would you please  
22                  state your name and address for the  
23                  record.

24                  MR. VERGARA: Mario Vergara, V, as  
25                  in Victory, E-R-G-A-R-A, 200 Jericho

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Turnpike, Floral Park.

Members of the Board, good evening and happy new year.

MAYOR TWEEDY: Good evening. Happy new year.

MR. VERGARA: For the sake of simplicity, I am going to enter five additional pages into the record.

Page one is a photo of the front of the current building. Page two is the proposed front elevation. I'll attest for the record that it matches what was initially submitted. Page three are the proposed first and second floor plans. I will again attest for the record, it matches what was initially submitted. Page four of the Site Plan A, a revision has been made to what was previously submitted, the revision indemnifies the existing electric shed structure. Page five is a Site Plan B.

MR. RYAN: Have these been marked as exhibits?

VILLAGE CLERK: (Indicating.)

MR. VERGARA: Members of the Board,



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Abro Management, LLC is a family-owned real estate management company.

Mr. Richard Scharf, a member of the L.L.C., is here tonight representing the Abro Management Company at 58 South Tyson L.L.C.

Abro management has been in existence nearly 35 years, and is currently located in Woodmere, New York.

Abro Management manages only multiple dwellings, commercial properties owned by family members.

There are currently 30 employees, of which 20 come to the office on a daily basis. Another six to ten employees will be hired in the near future, which brings us to 58 South Tyson.

The former Gilford's Oil building, most recently occupied by the Water Authority, it has been vacant for nearly a year. If you would turn to page one, Abro Management has purchased the building located at 58 South Tyson as shown in the photo on page one. Abro

1 Management plans to relocate their  
2 office to this building because it  
3 affords the -- excuse me, the space  
4 necessary for it's expanding workforce  
5 and for its proximity to arterial  
6 highways and the Long Island Railroad.

7 If you will turn to page two, you  
8 will see the Abro Management plans major  
9 changes to the look of the building,  
10 which includes a second-floor addition,  
11 refacing of the front facade and new  
12 windows. The proposal is scheduled for  
13 approval of the A.R.B., I'm sure the  
14 Board will agree these are welcome  
15 changes.

16 Page three depicts the proposed  
17 first and second floors. Abro  
18 Management will occupy two-thirds of the  
19 first floor, remaining third is  
20 currently occupied by a tenant, a  
21 concrete company that has a lease that  
22 expires in 2019. That area is the area  
23 noted as the garage. The area is  
24 identified as the gym, locker rooms,  
25 cafeteria and pantry are for the

1 exclusive use of Abro employees.  
2 Approximately three quarters of the  
3 second floor will be occupied by Abro as  
4 well, the remaining quarter of a space  
5 will be available for a future  
6 professional office-type tenant.

7 Office hours are 9:00 to 5:00, five  
8 days a week. Employees occasionally  
9 work until 8:00 p.m., senior staff can  
10 stay as late as 10:00 p.m. Seven of the  
11 employees leave to go elsewhere three  
12 times a week.

13 With the exception of visits by  
14 their accountant, once a month there are  
15 on average once-weekly meetings with  
16 others. Approximately 75 percent of  
17 employees drive to work.

18 If you will turn to page four, Site  
19 Plan A depicts a restriping of the  
20 existing parking lot. Proposed  
21 landscaping areas are shown in gray.  
22 Please note the location of the existing  
23 electric shed below parking space number  
24 28. From what we know, most of the  
25 electric devices within this structure

1 have been abandoned. We are  
2 investigating the possibility of  
3 removing the shed entirely.

4 Should that not prove possible, if  
5 you turn to page five, we offer an  
6 alternate plan, and by indicating so, we  
7 are demonstrating that we can still  
8 maintain the number of parking spaces  
9 required for this application.

10 I would be happy to answer any  
11 questions you may have.

12 MAYOR TWEEDY: I had one before I  
13 trail off to the building liaison,  
14 Trustee Pombonyo.

15 The elevator that is shown in the  
16 first floor, the egress on the opposite  
17 side, is that a new elevator?

18 MR. VERGARA: There are two  
19 elevators, in fact, both will be new.

20 MAYOR TWEEDY: Both will be new?

21 MR. VERGARA: Yes.

22 MAYOR TWEEDY: That's the only  
23 question I have at this time.

24 At this time I would turn it over  
25 to Trustee Pombonyo.

1 TRUSTEE POMBONYO: I'm sure --  
2 welcome, by the way. Thank you for  
3 coming in tonight, both of you.

4 I'm sure you are aware one of your  
5 neighbors is a very large elementary  
6 school across the street, John Lewis  
7 Child's School has over 700 students;  
8 probably at various times close to 100  
9 staff members and parents who are there  
10 as well, too. Parking has been a  
11 challenge in that area due to the  
12 limited parking available on the school  
13 property, and most of the staff parks on  
14 the street as do visitors, parents and  
15 others that come to the school.

16 Just, I guess, sensitivity, you had  
17 indicated that the visitation to your  
18 building would be very limited. The  
19 area does get very heavily filled with  
20 traffic at dismissal time, 3:00, 3:15,  
21 p.m., quarter to 3:00. We want you to  
22 be aware of that in your planning since  
23 there are a lot of children running  
24 across that street, persons going back  
25 and forth, we appreciate that.

1 Do you see anymore concerns with a  
2 time where you might be inviting many  
3 guests or many visitors to your building  
4 where parking might become a challenge  
5 for you?

6 MR. VERGARA: I can say on our  
7 part, at least the number of parking  
8 spaces that we are provided in this case  
9 no less than 66. We only have an  
10 anticipated 30 employees, of which  
11 probably 25 percent of them take public  
12 transportation. So even if you factor  
13 in the five spaces for the warehouse,  
14 that's easily leaves another 30 spaces  
15 vacant and not used. I can't imagine  
16 there is going to be any meetings that  
17 have that many people, but if Mr. Scharf  
18 would like to speak.

19 MAYOR TWEEDY: Mr. Scharf, if you  
20 can just be sworn in and give your name.

21 COURT REPORTER: Would you please  
22 raise your right hand.

23 (Whereupon, the applicant  
24 complies.)

25 COURT REPORTER: Do you solemnly

1 swear or affirm that the statements you  
2 are about to give will be the truth, the  
3 whole truth and nothing but the truth,  
4 so help you, God?

5 MR. SCHARF: Yes, I do.

6 COURT REPORTER: Would you please  
7 state your name, spelling your last  
8 name, and address for the record.

9 MR. SCHARF: Richard Scharf, last  
10 name is spelled S-C-H-A-R-F. Current  
11 address is 734 West Broadway, Woodmere,  
12 New York 11598.

13 MAYOR TWEEEDY: Good evening.

14 MR. SCHARF: Back to the parking,  
15 the simple answer is no. I really don't  
16 anticipate ever having more than six to  
17 ten people who aren't employees of the  
18 company come to the space. I don't ever  
19 see an occasion where any of our  
20 employees would have to park on the  
21 street.

22 TRUSTEE POMBONYO: Thank you very  
23 much.

24 TRUSTEE FITZGERALD: Can I ask  
25 Mr. Scharf a question. Trustee Pombonyo

1 asked you for acknowledgment of the  
2 school across the street. I notice you  
3 were shaking your head. Could you say  
4 for the record that you do.

5 MR. SCHARF: Yes, I acknowledge the  
6 school across the street.

7 TRUSTEE FITZGERALD: Thank you.

8 MAYOR TWEEDY: If you could,  
9 Mr. Scharf or Mr. Vergara, there also is  
10 adjacent to your property there is a  
11 large and very successful co-op that we  
12 have there. In the past we --

13 MR. SCHARF: Office co-op?

14 MAYOR TWEEDY: Not the office  
15 co-op, not the one --

16 MR. SCHARF: The residential?

17 MAYOR TWEEDY: The residential,  
18 Flowerview Gardens. In the past there  
19 had been some issues that would  
20 occasionally come about through cars  
21 starting and trucks running and idling  
22 for long periods, especially diesel  
23 trucks. Do you anticipate there being  
24 diesels truck or any vehicles of that  
25 nature at that location?



1 MR. SCHARF: In terms of my  
2 company, absolutely not. In terms of  
3 who would we be renting to in the  
4 future, absolutely not. We do have the  
5 current tenant there is a concrete  
6 company that he uses the garage as his  
7 warehouse. I've never really seen a  
8 truck there, but I've seen the larger  
9 S.U.V.-type of vehicles. I've never  
10 really seen --

11 MAYOR TWEEDY: They're usually  
12 during working hours between 7:00 and  
13 5:00 in the evening, they come, load and  
14 take off?

15 MR. SCHARF: From what I know, and  
16 obviously I'm not there on a day-to-day  
17 basis yet, they come early in the  
18 morning, load up, come late in the  
19 afternoon, unload, and that seems to be  
20 a day to day.

21 MAYOR TWEEDY: Your use is parking  
22 the vehicles?

23 MR. SCHARF: Absolutely.

24 MAYOR TWEEDY: Thank you very much.

25 Trustee Longobardi.

1 TRUSTEE LONGOBARDI: Thank you,  
2 Mr. Mayor. Mr. Scharf, thank you for  
3 coming today.

4 A couple of questions. In regard  
5 to the company that you're renting there  
6 now, we've had some issues where some of  
7 their waste has been put by or  
8 construction debris put by the fencing  
9 along that residential property that we  
10 talked about. We just want to make sure  
11 you would be aware of that, you will  
12 keep that clean and respectful of the  
13 other neighbors, talk to the tenant as  
14 much as you can.

15 MR. SCHARF: Absolutely. Anything  
16 that is either visible to us or brought  
17 to our attention that we might not even  
18 recognize, we'll certainly make sure  
19 that our tenant, any tenant has to be  
20 responsible to make sure they maintain  
21 their area of the parking lot.

22 TRUSTEE LONGOBARDI: Thank you.  
23 The second, just out of my own  
24 curiosity. Will you be using municipal  
25 services for waste, or will you be using

1 private services such as a container?

2 MR. SCHARF: I'm pretty sure we  
3 would be using private services.

4 TRUSTEE LONGOBARDI: Where would  
5 you locate the container, where would  
6 you locate a dumpster?

7 MR. SCHARF: Candidly, that's not  
8 something we discussed.

9 MR. VERGARA: For the record, we're  
10 talking about office-type waste papers,  
11 we're not talking more than a couple of  
12 bags. I don't think it's an issue of a  
13 dumpster.

14 TRUSTEE LONGOBARDI: That's what I  
15 wanted to ask, if you were going to use  
16 a dumpster, the timeframe when the  
17 dumpster would be picked up, things like  
18 that.

19 MR. VERGARA: I think the important  
20 thing to know this is the future home of  
21 Abro Management, so obviously they're on  
22 site. The issue with the debris or  
23 problems with the tenant, they'll be  
24 well aware of and able to handle it.

25 TRUSTEE LONGOBARDI: Great. That's

1 all I have for now. Thank you very  
2 much.

3 MAYOR TWEEDY: Trustee Fitzgerald,  
4 do you have any additional questions?

5 TRUSTEE FITZGERALD: Continuing on  
6 that with the cafeteria, will there be  
7 any cooking going on in the cafeteria or  
8 microwaves?

9 MR. VERGARA: Actually, we intend a  
10 full-service kitchen. Some of the  
11 employees like to dine in, we are fully  
12 aware of this. We want to make it  
13 absolutely clear for the record this is  
14 for the employees only. There is no  
15 selling of food, nobody coming in to  
16 have meals here, it's strictly for the  
17 employees. We are aware that we have to  
18 deal with Nassau County Fire Marshal in  
19 terms of exhaust hood, Ansel systems,  
20 strictly for the employees.

21 TRUSTEE FITZGERALD: Would the  
22 employees would be cooking themselves,  
23 or would there be an outside company  
24 coming in and cooking for your  
25 employees?

1 MR. SCHARF: The expectation if we  
2 were to get the approvals was once a  
3 week or possibly twice a week we would  
4 have somebody come in and cook for the  
5 employees.

6 TRUSTEE FITZGERALD: With regards  
7 to garbage, that would all be placed  
8 where until pick up?

9 MR. VERGARA: Again, for the  
10 record, as for a private carting  
11 company, again, this is not a full-time  
12 restaurant where we're going to have  
13 that generates the kind of amount of  
14 trash that you normally would for a  
15 restaurant. So I can't imagine, again,  
16 more than a couple of bags of garbage  
17 even at those times if you think about  
18 catering for 30 people.

19 MR. SCHARF: I wouldn't see that.

20 MEMBER FITZGERALD: You mentioned  
21 some of the employees may stay until  
22 around 10 o'clock at night?

23 MR. SCHARF: No, executives,  
24 meaning myself.

25 TRUSTEE FITZGERALD: Executives or

1 employees. Is there any thought of  
2 putting lighting in the parking lot at  
3 all?

4 MR. SCHARF: Yes. Substantial  
5 lighting.

6 MR. VERGARA: We will be presenting  
7 in front of the Architectural Review  
8 Board a complete site plan, which will  
9 include parking lot lighting. We are  
10 well aware of keeping the lighting on  
11 site, and not diffusing it to the  
12 neighbors. For security, everybody's  
13 best interest as well as along the front  
14 of the building and the sides.

15 TRUSTEE FITZGERALD: Will you be  
16 changing the fencing along that, too?

17 MR. VERGARA: Yes. We have a  
18 design in place to do all of that.

19 TRUSTEE FITZGERALD: That's it,  
20 Mr. Mayor. Thank you.

21 MAYOR TWEEDY: Any additional  
22 questions, Trustee Pombonyo?

23 TRUSTEE POMBONYO: No.

24 MAYOR TWEEDY: Trustee Longobardi.

25 TRUSTEE LONGOBARDI: I think I'm

1 good.

2 MAYOR TWEEDY: Gentlemen, if you  
3 would have a seat for a moment. We'll  
4 ask if anyone now from the public would  
5 like to speak in favor or opposition. I  
6 will ask you to come up, give your name  
7 and address. Again, if you would keep  
8 your comments as relates to this public  
9 hearing.

10 MS. LAMANNA: Hi. Elizabeth  
11 Lamanna. I represent Flowerview  
12 Gardens, which is the cooperative that  
13 neighbors you.

14 Not opposed or against, I have a  
15 question. I'm just, as you're going in,  
16 it sounds like there is a lot of  
17 construction. That is a residential  
18 area, we do share that fence. We just  
19 want to know when will you be doing that  
20 construction, following the hours and so  
21 on?

22 MAYOR TWEEDY: I'll have them come  
23 up and speak after you are done.

24 MS. LAMANNA: Fantastic.

25 THE COURT: Anything else?

1 MS. LAMANNA: No, that was it.  
2 Thank you. And I would like to  
3 introduce myself after, if that's okay.

4 MAYOR TWEEDY: Again, I want to,  
5 for the record, share that Flowerview  
6 Gardens have done tremendous  
7 improvements to the property over the  
8 course of -- we have now over the 15  
9 years I've served. I think you'll see  
10 they're excellent neighbors as well.  
11 I'm sure all will go well and works out  
12 well.

13 Please, if you will, Mr. Vergara,  
14 answer that question.

15 MR. VERGARA: The scope of the  
16 renovations is for the most part a  
17 semi-major operation. It's not any  
18 small endeavor. It would have to be  
19 handled by professional contractors.  
20 We're well aware of OSHA rules regarding  
21 the site and all requirements to keep  
22 debris on the site, sewer systems. I  
23 have no doubt we'll satisfy the Building  
24 Department as far as that's concerned.

25 MAYOR TWEEDY: Your working hours,



1 standard working hours from 7:30 to  
2 4:30, within that range?

3 MR. VERGARA: That is correct.

4 TRUSTEE FITZGERALD: No weekends?

5 MAYOR TWEEDY: No Sunday, that's  
6 for sure. The Village is not allowed to  
7 work on Sundays.

8 MR. VERGARA: Right, exactly.  
9 Sunday tends to be a very big problem  
10 with construction. No, it's not  
11 anticipated on Sundays.

12 MAYOR TWEEDY: All right. Is there  
13 anyone else who like to come forward  
14 speaking for or against this  
15 application?

16 Hearing none, I would ask if you  
17 have any closing statement you would  
18 like to make, Mr. Vergara or Scharf?

19 MR. VERGARA: For the record, this  
20 is a premises that has been vacated for  
21 a while. I think you'll be very pleased  
22 once we make the official submission to  
23 the A.R.B. as far as a very  
24 pleasing-looking office building and  
25 well maintained by a tenant who occupies

1 the premises.

2 MAYOR TWEEDY: Thank you very much.  
3 Are there any additional comments from  
4 the Board?

5 I just want to once again for the  
6 record Mr. Scharf, I want to welcome you  
7 to Floral Park, and let you know we are  
8 a deliberative Board, we'll take some  
9 time to consider this. We'll get back  
10 to Mario in short order.

11 I do want to let you know that  
12 businesses continues to be the lifeblood  
13 of any community. It is the foundation  
14 upon which Floral Park was built. One  
15 of our founding business itself was one  
16 of the first seed catalogs, seed  
17 companies in the country. Business has  
18 always been the backbone of Floral Park.  
19 We welcome you. There is a great  
20 improvement we've seen with Citrus and  
21 Allied, many of the other improvements  
22 that happened on South Tyson. We  
23 welcome you, and thank you very much for  
24 choosing Floral Park. With that --

25 MR. SCHARF: Thank you. Looking

1 forward to being here for a very long  
2 time.

3 MAYOR TWEEDY: Thank you, sir.  
4 Thank you very much and to your family.

5 At this time I will accept a motion  
6 to close the public hearing, to reserve  
7 decision and close the public hearing.

8 TRUSTEE LONGOBARDI: So moved.

9 TRUSTEE FITZGERALD: Second.

10 MAYOR TWEEDY: Would you please  
11 poll the Board, Ms. Walsh.

12 (CONTINUED ON THE NEXT PAGE FOR  
13 CERTIFICATION PURPOSES.)  
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1 VILLAGE CLERK: Trustee Longobardi.

2 TRUSTEE LONGOBARDI: Aye.

3 VILLAGE CLERK: Trustee Fitzgerald.

4 TRUSTEE FITZGERALD: Aye.

5 VILLAGE CLERK: Trustee Pombonyo.

6 TRUSTEE POMBONYO: Aye.

7 VILLAGE CLERK: Mayor Tweedy.

8 MAYOR TWEEDY: Votes aye.

9

10 \* \* \* \* \*

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12 C E R T I F I C A T I O N :

13 I, Christine Alster, Court Reporter,  
14 hereby certify that the above transcript  
15 is a true and accurate copy of the  
16 minutes taken by myself stenographically  
17 in the within matter.

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Christine Alster

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Court Reporter

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