

September 20, 2010

A regular meeting of the Board of Trustees was held on Monday, September 20, 2010 at 7:00 P.M. in the Village Hall. The Mayor opened the meeting with the Pledge of Allegiance to the Flag.

Present: Mayor Brian Curran
Trustee William Hendrick
Trustee Alan Beach
Trustee Hilary Becker
Trustee Michael Hawxhurst
Village Administrator John Giordano
Village Attorney Peter Ledwith

ADJOURN TO
EXEC.SSESSION

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to adjourn the regular meeting to enter into an executive session to discuss the status of the disability of a Police Officer. Motion carried, Mayor Curran abstained, all others voting "Aye".

EXECUTIVE
SESSION

It was moved by Trustee Beach, seconded Trustee Hendrick to open an executive session to discuss the disability of a Police Officer. Motion carried, Mayor Curran abstained, all others voting "Aye". Village Labor Counsel Ken Grey advised the Board on the status of a Police Officer absent from duty for almost 1 year. After a brief discussion, it was moved by Trustee Becker, seconded by Trustee Beach to close the executive session. Motion carried, Mayor Curran abstained, all others voting "Aye".

REOPEN
REGULAR MTG.

It was moved by Trustee Hawxhurst, seconded by Trustee Beach to reopen the regular meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

DECISION-444
MERRICK RD-
CLEAR WIRELESS

RES.#314-10

The Board discussed the Public Hearing closed on June 6, 2010 to consider an application from Clear Wireless to install cell antennas on the rooftop at 444 Merrick Road. After a brief discussion, it was moved by Trustee Hendrick, seconded by Trustee Beach to deny the application and authorize the Village Attorney to prepare the Decision enumerating the Boards findings. Motion carried, all voting "Aye" to deny the application.

DEMOLITION
PERMIT-604
BROADWAY

RES.#315-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to authorize the issuance of a demolition permit for 604 Broadway. Motion carried, Mayor Curran abstained, all others voting "Aye".

PUBLIC
HEARING-
SIDEWALK
VIOLATIONS

RES.#316-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to open a Public Hearing to consider the repair and construction of the attached list of sidewalk violations in the Village pursuant to Section 212.1 of the Village Code. It was moved by Trustee Hendrick, seconded by Trustee Beach to close the Public Hearing and to authorize the Village to repair the sidewalks in violation, to assess the properties for such repair costs, and adopt the attached resolution as written except for 94 Oakland Avenue. Motion carried, Mayor Curran abstained, all others voting "Aye".

P.H.-323 MERRICK
RD.-EDPL

RES.#317-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to set the date of November 1, 2010 at 7:00 P.M. for a Public Hearing to consider the acquisition of 323 Merrick Road pursuant to Sections 201-204 of the Eminent Domain Procedure Law to accommodate the construction of a new Movie Theatre, to revitalize the economic development of the Business District. Motion carried, Mayor Curran abstained, all others voting "Aye".

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VEHICLE REPAIR
F.D. TRUCK 426-2

RES.#318-10

Fire Chief Burke reported on the status of the chassis damage to Fire truck 426-2. It was moved by Trustee Beach, seconded by Trustee Hawxhurst to direct the Chief and Supt. of Public Works to obtain cost estimates for its repair and replacement prior to the October 18th Board Meeting, to allow time for the Board to review and discuss at the November 1, 2010 Board Meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

The Mayor invited all those present for a continuation of the meeting in the court room.

MINUTES – 8/16/10

RES.#319-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to approve the Minutes of August 16, 2010 as submitted and place on file. Motion carried, Mayor Curran abstained, all others voting "Aye".

CHAMBER
DOLLARS
PROGRAM

Chamber of Commerce President William Gaylor advised of their new "Chamber Dollars Contest" program, and presented winners with their gift certificates.

F.D./BAPTIST
CHURCH CHARITY
SOFTBALL GAME

Chief Burke introduced Pastor Walderman who advised of a Charity Softball Game between the Lynbrook Fire Department and Baptist Church to be held on September 25, 2010 at Greis Park.

PROC-
LYN.LITTLE
LEAGUE

The Mayor presented Proclamations to members of the Lynbrook Little League for their winning the 2010 Long Island District 30 Championship.

SONS OF ITALY-
CHRISTMAS
PARTY

RES.#320-10

It was moved by Trustee Beach, seconded by Trustee Hendrick to approve a request to waive the fee for the Sons of Italy to hold their Annual Children's Christmas Party on December 12, 2010 at the recreation center. Motion carried, Mayor Curran abstained, all others voting "Aye".

ST. JOHN'S
LUTHER
CHURCH-FALL
FESTIVAL
RES.#321-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to grant permission to St. John's Lutheran Church to hold their Annual Fall Festival on October 3, 2010, and to waive all necessary sign permit fees. Motion carried, Mayor Curran abstained, all others voting "Aye".

OATH OF OFFICE

Mayor Curran administered the Oath of Office to Robert Harrington, as a new Police Officer, and to Ron Fluery as a Lieutenant.

SET DATE-BID-
LIBRARY ROOF
REPLACEMENT
RES.#322-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to set the date of Thursday, September 30, 2010 to receive bids for the Library Roof Replacement. Motion carried, Mayor Curran abstained, all others voting "Aye".

BID AWARD-
HVAC MAINT.
CONTRACT

RES.#323-10

The Superintendent of Public Works reported that the following bids were received on August 18, 2010 for HVAC Maintenance at all Village buildings: Best Climate Control - \$88,512.; Hi-Tech Air Conditioning Svc. - \$117,984. It was moved by Trustee Hendrick, seconded by Trustee Beach to award the bid for the HVAC Maintenance Contract to Best Climate Control as the lowest responsible bidder in the amount of \$88,512. Motion carried, Mayor Curran abstained, all others voting "Aye".

BID AWARD-DPW
LOADER

RES.#324-10

The Superintendent of Public Works reported that the following bids were received on July 12, 2010 for a replacement skid loader: Jesco - \$32,500.00; Hoffman Equipment - \$31,496. It was moved by Trustee Hendrick, seconded by Trustee Beach to award the bid for a DPW Loader to Jesco Equipment in the amount of \$32,500, as the low bidder Hoffman Equipment in the amount of \$31,496. did not meet the specifications, subject to funding availability. Motion carried, Mayor Curran abstained, all others voting "Aye".

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BID AWARD-
DEBRIS
REMOVAL
TABLED
RES.#325-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to table the bid contract awards for Debris Removal to the October 4, 2010 meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

SALE OF
SURPLUS
EQUIPMENT

RES.#326-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to declare the following items as surplus and to sell for reasonable value after advertisement: 1989 International Garbage Truck, 1985 Chevy Pick-up and a Kiln used by the Recreation Department. Motion carried, Mayor Curran abstained, all others voting "Aye".

REPAIRS TO
RECREATION
ROOF &
TRANSFER OF
FUNDS
RES.#327-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to authorize a change order in the amount of \$11,000. with Colonial Concepts Contracting for additional repairs to the Recreation Center roof, and associated transfer of funds from Contingency 01-1990-0444 to 01.7310.0458 Maint. & Repair of Bldgs. Motion carried, Mayor Curran abstained, all others voting "Aye".

RATIFICATION OF
SIGNING
GRANTS-
NYSERDA
RES.#328-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to ratify the Mayor signing a grant from the New York State Energy Research Development Authority for solar panels at the Department of Public Works and a retainer with Cameron Engineering to prepare bid contract specifications for such. Motion carried, Mayor Curran abstained, all others voting "Aye".

RATIFICATION-
SIGNING-CRIME
PREVENTION
GRANT

RES.#329-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to ratify the Mayor signing a Crime Prevention Grant with New York State Office of Criminal Justice Services, and a "Buckle Up New York" grant from the Nassau County Traffic Safety Board. Motion carried, Mayor Curran abstained, all others voting "Aye".

AUTHORIZATION-
ENGINE CO. F.D.
BUS

RES.#330-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to grant permission to member of Engine Company Number 1 to use the F.D. bus 420-B to participate in a fund raising event in Coram on September 26, 2010 and to use the F. D. bus 420-B for their annual trip to New York City on Thursday, October 7, 2010. Motion carried, Mayor Curran abstained, all others voting "Aye".

PUBLIC
HEARING-85/93
HEMPSTEAD
AVENUE

RES.#331-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to open a Public Hearing at 8:57 PM to consider the provisions of (a) Special Use Permit dated August 18, 2003 granted to Alexander Varveris, (b) a variance granted to Alexander Varveris dated July 29, 2004, and (c) a Declaration of Restrictive Covenants made by Andrew Bunting Properties, Inc. dated September 20, 2004 executed by Alexander Varveris, President of affecting the Real Property known as 85/93 Hempstead Avenue, Lynbrook, New York, and the alleged breaches thereof by Mr. Varveris and Andrew Bunting Properties, Inc., and whether the Board shall resolve to: (1) Revoke the current building permit, (2) Revoke the current Certificate of Occupancy, and (3) Assess a parking impact fee in the sum of \$150,000.00. The Village Attorney reported that the parking variances were granted based on Mr. Varveris renting 15 parking spaces at the Knights of Columbus across the street, and that such lease has been cancelled by the Knights of Columbus due to none payment. It was noted for the record that neither the owner nor any representative was present. The Mayor asked if anyone would like to comment. The following individuals commented: Mr. Charles Rosachi, Knights of Columbus and William McLaughlin of Hempstead Avenue. After no further comment, it was moved by Trustee Beach, seconded by Trustee Hendrick to close the Public Hearing at 9:20 P.M. Motion carried, Mayor Curran abstained, all others voting "Aye". It was moved by Trustee Hendrick, seconded by Trustee Beach to reserve decision to the October 4, 2010 meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

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FUND RAISER-
LEN LLEWELLYN

Megan Hutichinson advised on a fund raiser to benefit Len Llewlynn on October 24, 2010 at Connelly Station Restaurant on Hempstead Avenue in Malverne.

BILLS

RES.#[332-10](#)

It was moved by Trustee Becker, seconded by Trustee Beach that Bills listed on Abstract of Audited Voucher # 5 General Fund - \$939,745.70, Trust & Agency - \$8,220.88, Capital Fund - \$82,526.00, Electronic Transfer - \$235,131.53, all be paid as soon as same have been duly audited by the majority. Motion carried, Mayor Curran abstained, all others voting "Aye".

GOOD &
WELFARE

Mayor Curran asked if anyone wished to speak under Good & Welfare.

ADJOURN TO
EXEC.SESION

It was moved by Trustee Hendrick, seconded by Trustee Beach to adjourn the regular meeting to enter into an executive session to discuss wages and transfer of certain personnel. Motion carried, Mayor Curran abstained, all others voting "Aye". It was moved by Trustee Beach, seconded by Trustee Hendrick to open an executive session to discuss the salary's and transfer of certain part-time and full-time employees of the Court and Village Clerk's Office. Motion carried, Mayor Curran abstained, all others voting "Aye".

REOPEN
REGULAR
MEETING

It was moved by Trustee Hendrick, seconded by Trustee Beach to reopen the regular meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

TRAFFIC
CONTROL-
VINCENT AVE-
TABLED-10/16/10

RES.#[333-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to table amending the Vehicle & Traffic Code Chapter 240, with regards to a request for No Parking Zones on the east & west on Vincent Avenue south of Merrick Road, to the October 18, 2010 meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

TRAFFIC
CONTROL-
CHARLES ST.-
TABLED-10/16/10

RES.#[334-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to table amending the Vehicle & Traffic Code, Chapter 240, to establish a stop intersection at Charles Street and Driving Park Avenue to the October 18, 2010 meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

TRAFFIC
CONTROL-CLARK
AVE-TABLED-
10/16/10

RES.#[335-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to table amending the Vehicle & Traffic Code, Chapter 240, to designate Clark Avenue a one-way street all times, to the October 18, 2010 meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

TRAFFIC
CONTROL-
ROCKLYN &
MALDEN

RES.#[336-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to authorize the Department of Public Works to install a Grid pavement marking at the intersection of Rocklyn Avenue and Malden Avenue. Motion carried, Mayor Curran abstained, all others voting "Aye".

RESCIND RES.-
DAVISON AVE.
PARKING

RES.#[337-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to rescind the resolution adopted on August 16, 2010 enacting certain parking regulations on the north side of Davison Avenue as requested by the Malverne School District. Motion carried, Mayor Curran abstained, all others voting "Aye".

REPAIR POLICE
CAR 563

RES.#[338-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to authorize the replacement of the engine for Police car 563, a 2007 Ford, at a cost of \$3,500. Motion carried, Mayor Curran abstained, all others voting "Aye".

RECYCLING
COLLECTION
SCHEDULE-
TABLED

RES.#[339-10](#)

It was moved by Trustee Beach, seconded by Trustee Hendrick to table a discussion on the Recycling Collection schedule to the October 4, 2010 meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

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CAPITAL BOND
PROJECTS-
TABELD
RES.#340-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to table a discussion on projects to be funded by a future Bond Resolution. Motion carried, Mayor Curran abstained, all others voting "Aye".

POOL RENTAL –
CYO
RES.#341-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to grant permission to the CYO Swim team to rent the pool at Greis Park during the months of September & October for a fee of \$48 per hour. Motion carried, Mayor Curran & Trustee Hawxhurst abstained, all others voting "Aye".

CONTRACT-
RENEWA-PARR
VENTURES
RES.#342-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to authorize the renewal of the Contract with Parr Ventures to install advertising banners on Village Street light poles to a term to a term expiring May 31, 2012. Motion carried, Mayor Curran abstained, all others voting "Aye".

FEMA GRANT –
GENERATOR

It was moved by Trustee Becker, seconded by Trustee Hawxhurst to engage JSK Public Safety to prepare, and the Mayor to sign, applications for grant funds from the 2011 FEMA Energy Inter-operable Radio Communications Program and Emergency Operation Center Program to replace the Village Hall Generator. Motion carried, Mayor Curran abstained, all others voting "Aye".

FUEL
SVC.CONTRACT-
HEWLETT
HARBOR
RES.#343-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to enter into a Shared Service Inter-municipal Contract with the Village of Hewlett Harbor, to allow Hewlett Harbors vehicles to use the Village of Lynbrook's fuel dispensing facility at the Department of Public Works for a fee that would be equal to the actual cost of fuel plus an administrative surcharge of 12.5 percent. Motion carried, Mayor Curran abstained, all others voting "Aye".

SECURITY
CAMERAS
RES.#344-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to approve a change order to the contract with LEB Electric to provide for the purchase of three (3) new security cameras to be located at Sunrise Highway & Horton Avenue; Merrick Road & Horton Avenue, and Sunrise Highway & Ocean Avenue, such cost to be reimbursed by a County of Nassau Grant. Motion carried, Mayor Curran abstained, all others voting "Aye".

NATIONAL
URBAN
FORESTRY CONF.
RES.#345-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to grant permission to Department of Public Works Superintendent Phil Healey to attend the National Urban Forestry Conference in Philadelphia on November 8 – 10 at no cost to the Village except for travel using the Village assigned vehicle. Motion carried, Mayor Curran abstained, all others voting "Aye".

PERSONNEL
AMENDMENTS
RES.#346-10

It was moved by Trustee Hendrick, seconded by Trustee Beach to approve the following personnel amendments:

	<u>Existing</u>	<u>Amended</u>
Susan Bonomo(Court)	\$16.00/19.5 hrs.	\$16.00/30 hrs.
Stella Dillon (Court)	\$18.64/18 hrs.	\$18.64/12 hrs.(Clerk)
Ann McKeon (Court)	\$12.98/30 hrs.	\$12.98/30hrs. (Assmt)
Amanda Crowley (Clerk)	\$ 8.25/19.5 hrs.	\$12.25/19.5 hrs.
Angela Felden (Court)	\$16.74/40 hrs.	\$16.74/19.5 hrs.(Library)

Motion carried, Mayor Curran abstained, all others voting "Aye".

ADJOURNMENT

It was moved by Trustee Hendrick, seconded by Trustee Beach to close the meeting at 10:15 PM. Motion carried, Mayor Curran abstained, all others voting "Aye".

