

September 19, 2011

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, September 19, 2011 at 7:00 P.M. in the Village Hall. The Mayor opened the meeting with the Pledge of Allegiance.

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

ADJOURN TO
EXEC.SESSION

It was moved by Trustee Becker, seconded by Trustee Beach to adjourn to the meeting to open an executive session to discuss tomorrows CSEA Police Civilian Dispatchers Impasse Mediation session. Motion carried, all voting "Aye". It was moved by Trustee Becker, seconded by Trustee Beach to open an executive session to discuss tomorrows CSEA Dispatchers Impasse Mediation session. Motion carried, all voting "Aye". After a brief discussion, it was moved by Trustee Becker, seconded by Trustee Beach to adjourn the executive session. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Becker to reopen the regular meeting. Motion carried, all voting "Aye".

REPAIR 1991 FIRE
PUMPER

RES# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to direct the Fire Chief to provide the Board with current hours and mileage of all fire pumper trucks. Motion carried, all voting "Aye".

The Village Attorney reported that four resolutions need to be adopted to execute the \$3,253,816. Municipal Lease with Capital One Public Funding to finance the energy conservation performance contract with Johnson Controls as follows:

SIGN CLOSING
DOC.CAPITAL ONE-
MUNICIPAL LEASE

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to authorize the execution and delivery of the Equipment Lease Purchase Agreement dated September 22, 2011 between the Incorporated Village of Lynbrook and Capital One Public Funding, LLP by its Representative hereby duly appointed: John Giordano, Village Administrator. It is further resolved that John Giordano be authorized to execute the Lessee's Closing Certificate in the form proposed by Capital One Public Funding, LLC. Trustee Becker voting "Nay". Motion carried, all others voting "Aye".

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to authorize the Mayor to sign the Lease Purchase Agreement with Capital One. Trustee Becker voting "Nay". Motion carried, all others voting "Aye".

It was moved by Trustee Beach, seconded by Trustee Atkinson to pass a resolution (see Exhibit "A") approving the Johnson Controls Performance Contract, and to enter into the Lease Purchase Agreement with Capital One including the Escrow Agreement with Deutsche Bank. Trustee Becker voting "Nay". Motion carried, all others voting "Aye".

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize Trustee Hawxhurst, Trustee Beach and Trustee Atkinson as authorized signators on any lease document pertaining to the Capital One Funding Lease Agreement to finance the Johnson Controls Contract. Trustee Becker voting "Nay". Motion carried, all others voting "Aye".

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TRANSFER OF FUNDS

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the attached transfer of funds and temporary transfer (see Exhibit B). Motion carried, all voting "Aye".

CLAIM AGAINST THE
VILLAGE-POLICE
REPORT

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Atkinson to direct Police Chief Neve to request Mr. Bandon Klien to file a Police Report in regard to his claim against the Village for damage to his car by a tree branch. Motion carried, all voting "Aye".

PUBLIC HEARING-
CHAP.212-54

LOCAL LAW #9 OF 2011

RES.# ____

It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to open a Public Hearing to consider the enactment of a proposed local law to amend the Village Code, Section 212-54 (Construction Procedure for Sidewalks), to add a new subparagraph D providing regulations for installation of expansion joints on new sidewalk construction adjacent to curbside trees. The Village Attorney read the proposed Local Law. After a brief discussion, Mayor Hendrick asked if anyone would like to comment. After no further comment, it was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to adopt Local Law #9 of 2011. Motion carried, all voting "Aye". It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst that the Board declare themselves as Lead Agency and that a Negative Declaration be issued for this action as it has no significant adverse impact on the environment pursuant to the NYS Environmental Quality Review Act. Motion carried, all voting "Aye".

PUBLIC HEARING-
CHAP.212.1.1

LOCAL LAW #10 OF 2011

RES.# ____

It was moved by Trustee Atkinson, seconded by Trustee Beach to open a Public Hearing to consider the enactment of a proposed local law to amend the Village Code, Section 212.1.1 (Repair and Maintenance of Sidewalks, Curbs and Paths and Public Thoroughfares) to establish conditions for Village responsibility for removing curbside trees which cause a need for repairs to adjacent sidewalks. The Village Attorney read the proposed Local Law. After a brief discussion, Mayor Hendrick asked if anyone would like to comment. After no further comments, it was moved by Trustee Atkinson, seconded by Trustee Beach to adopt Local Law #10 of 2011. Motion carried, all voting "Aye". It was moved by Trustee Atkinson, seconded by Trustee Beach that the Board declare themselves as Lead Agency and that a Negative Declaration be issued for this action as it has no significant adverse impact on the environment pursuant to the NYS Environmental Quality Review Act. Motion carried, all voting "Aye".

PUBLIC HEARING-CHAP.
252-54

LOCAL LAW #11 OF 2011

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Atkinson to open a Public Hearing to consider the enactment of a proposed local law to amend the Village Code, Section 252-54 (Off-Street Parking Requirements) to establish an off-street parking requirement for a Child Day Care Center. The Village Attorney read the proposed Local Law. After a brief discussion, Mayor Hendrick asked if anyone wished to comment. After no further comment, it was moved by Trustee Atkinson, seconded by Trustee Beach to adopt Local Law #11 of 2011. Motion carried, all voting "Aye". It was moved by Trustee Atkinson, seconded by Trustee Beach that the Board declare themselves as Lead Agency and that a Negative Declaration be issued for this action as it has no significant adverse impact on the environment pursuant to the NYS Environmental Quality Review Act. Motion carried, all voting "Aye".

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PUBLIC HEARING-
CHAP.224

LOCAL LAW #12 OF 2011

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Atkinson to open a Public Hearing to consider the enactment of a proposed local law to amend the Village Code Chapter 224 (Taxi Cabs and Vehicles for Hire), to update the entire Chapter. The Village Attorney read the proposed Local Law. After a brief discussion, Mayor Hendrick asked if anyone wished to comment. After no further comment, it was moved by Trustee Atkinson, seconded by Trustee Beach to adopt Local Law #12 of 2011. Motion carried, all voting "Aye". It was moved by Trustee Atkinson, seconded by Trustee Beach that the Board declare themselves as Lead Agency and that a Negative Declaration be issued for this action as it has no significant adverse impact on the environment pursuant to the NYS Environmental Quality Review Act. Motion carried, all voting "Aye".

PUBLIC HEARING-
CHAP.20

LOCAL LAW #13 OF 2011
ADJOURNED TO 10/3/11

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Atkinson to open a Public Hearing to consider the enactment of a proposed local law to amend the Village Code, Chapter 20, Fire Prevention Bureau, to update the entire Chapter and to establish exclusive jurisdiction for the performance of certain fire prevention inspections. The Village Attorney read the proposed Local Law. After a brief discussion, Mayor Hendrick asked if anyone wished to comment. After no further comment, it was moved by Trustee Beach, seconded by Trustee Atkinson to continue the Public Hearing at the October 3, 2011 Board Meeting. Motion carried, all voting "Aye".

CELL PHONE BILL
AUDIT-TABLED

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to table the discussion on the Cell Phone Bill Audit. Motion carried, all voting "Aye".

CLOCK MAINT.
AGREEMENT

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to enter into an annual Preventative Maintenance Agreement with Vendin Co. for the clock on Sunrise Highway at the LIRR Station. Motion carried, all voting "Aye".

PBA CONTRACT
COMMITTEE

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Becker to appoint Trustee Atkinson and Trustee Hawxhurst to the 2012 PBA Contract Committee. Motion carried, all voting "Aye".

The Mayor invited all those present to the Court Room for a continuation of the meeting.

MINUTES-8/15/11

RES.# ____

It was moved by Trustee Becker, seconded by Trustee Atkinson to accept the Minutes of August 15 2011 as amended. Trustee Beach abstained, all others voting "Aye".

CITATIONS – HONORARY
FIRE CHIEFS/
COMMISSIONERS

Mayor Hendrick presented Citations to the following: Honorary Fire Commissioner Thomas F. Ryan – Tally-Ho Engine Co. #3, Honorary Fire Commissioner Peter Skeris – Tally-Ho Engine Co. #3, Honorary Fire Chief Edward Murphy – Vulcan Chemical & Hose Co. #2 and Honorary Fire Chief Charles Gaggi – Hose Co. #1.

HURRICAN CLEAN-UP

Mayor Hendrick thanked the Fire Department, Police Department and Department of Public Works for the preparation and clean-up of debris caused by Hurricane Irene on August 28, 2011.

CHAMER OF COMMERCE
REPORT

Steve Wengal, Vice President of the Lynbrook Chamber of Commerce gave a report on Chamber activities.

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ST. JOHN'S HARVEST
FESTIVAL

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to grant permission to St. John's Lutheran Church to hold its annual Harvest Festival on Sunday, October 2, 2011 from 11AM to 3PM on Church property at the triangle of Peninsula Blvd. & Merrick Road, and to waive all necessary permit fees. Motion carried, all voting "Aye".

SONS OF ITALY –
HOLIDAY PARTY

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to grant permission to Per Sempre Lodge and Per Sempre Ladies Lodge to have their Annual Children's Christmas Party on December 11, 2011 at the Recreation Center and to waive all necessary permit fees. Motion carried, all voting "Aye".

ROTARY 5K RUN/WALK
TABLED

It was moved by Trustee Becker, seconded by Trustee Beach to table to later in the evening the request from the Malverne Rotary Club to conduct their 5K Run/Walk on certain streets in the Village. Motion carried, all voting "Aye".

LYNBROOK H.S.
HOMECOMING PARADE

RES.# ____

It was moved by Trustee Becker, seconded by Trustee Beach to grant permission for Lynbrook High School to have their Homecoming Parade on Saturday, September 24, 2011 at 12:30 PM and for the Police Dept. to assist in directing traffic and close Marion Street and Union Avenue between Roosevelt Avenue and Marion Street. Motion carried, all voting "Aye".

CAR SHOW EXTENDED

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Becker to ratify the extension of the Lynbrook Chamber of Commerce Car Show through September 2011. Motion carried, all voting "Aye".

DEPARTMENT REPORTS
JULY 2011

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Becker to accept the following Department Reports for the month of July 2011: Fire Dept., Library, DPW, Village Justice Court, Building Dept., Recreation and Police Dept. Motion carried, all voting "Aye".

BID AWARD – PD
UNIFORMS

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Becker to award the bid for Police Dept. Uniforms to Economy Uniform as the low bidder. Motion carried, all voting "Aye".

JUSTICE COURT AUDIT

RES.# ____

It was moved by Trustee Becker, seconded by Trustee Beach to adopt a resolution authorizing the Village Auditors to audit the 2010/2011 records and dockets of the Justice Court as soon as after examined by the Board pursuant to Section 2019(a) of the Uniform Justice Court Act. Motion carried, all voting "Aye".

RETIREMENT SYSTEM
RESOLUTION

RES.# ____

It was moved by Trustee Becker, seconded by Trustee Atkinson to pass a resolution establishing Standard Work Day requirements for the New York State Retirement System (see Exhibit C). Motion carried, all voting "Aye".

DEPUTY VILLAGE
ATTORNEY WORK WEEK

RES.# ____

It was moved by Trustee Becker, seconded by Trustee Atkinson to establish the Deputy Village Attorneys work week as five (5) hours pursuant to Section 54-3.D of the Village Code. Motion carried, all voting "Aye".

September 19, 2011

BILLS

RES.# ____

It was moved by Trustee Atkinson, seconded by Trustee Becker that Bills listed on Abstract of Audited Voucher #5, General Fund - \$631,567.29; Trust & Agency - \$55,278.94; Capital Fund - \$491,550.70, Electronic Transfer - \$472,826.98, Community Development - \$6,189.03, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting "Aye".

GOOD & WELFARE

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

Mayor Hendrick invited all those in attendance for a continuation of the meeting in the conference room.

ROTARY 5K RUN/WALK

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to grant permission to the Rotary Club of Malverne to hold their 7th Annual 5K Walk/Run for Education on October 16, 2011. Motion carried, all voting "Aye".

TRAFFIC CONTROL-
DAVISON AVE-TABLED

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to table the request to amend the Vehicle & Traffic Code to restrict parking on certain parts of Davison Avenue to the October 3, 2011 meeting. Motion carried, all voting "Aye".

TRAFFIC CONTROL-
UNION AVE-TABLED

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to table the request to amend the Vehicle & Traffic Code to restrict parking on Union Avenue to the October 3, 2011 meeting. Motion carried, all voting "Aye".

2011 DPW ROAD
IMPROVEMENTS

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Becker to authorize an expenditure of up to \$50,000. from 2011 NYS CHIP's appropriations for the improvements to Village roads, such work to be performed under an existing requirement contract by Robustello Contracting. Motion carried, all voting "Aye".

PROMOTION-M.MADDEN

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to approve the promotion of Mike Madden to MEO in accordance with the terms of the CSEA Agreement. Motion carried, all voting "Aye".

PROMOTION-F.DORE

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to approve the promotion of Frank Dore to MEO effective in accordance with the terms of the CSEA Agreement. Motion carried, all voting "Aye".

SALARY ADJUSTMENT -
LYNN CURTIS

RES.# ____

It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson to amend the annual salary for Code Enforcement Inspector Francis Curtis of the Building Department to read \$39,479. a year. Trustee Beach and Trustee Becker voting "Nay", all others voting "Aye".

PD PROMOTIONS-
TABLED

RES.# ____

It was moved by Trustee Beach, seconded by Trustee Becker to table a request for various promotions in the Police Department and the request to hire four (4) new officers to the October 3, 2011 meeting. Motion carried, all voting "Aye".

ADJOURNMENT

It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson to adjourn the meeting at 11:05 P.M. Motion carried, all voting "Aye".