

July 16, 2012

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, July 16, 2012 in the Village Hall. The Mayor opened the meeting with the Pledge of Allegiance.

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

Absent: Trustee Hilary Becker

TRAFFIC CONTROL-  
46 HARRIETT PL.

RES.#[232-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to rescind Board Resolution #201-90 and approve a request from Bruce Haffner Esq. representing Diversified ERA 1944, LLC, to allow one-way employee traffic into their parking lot from their curb cut at the dead end of Park Place, and exit at 46 Harriett Place, for a 60 day trial period. Motion carried, all voting "Aye".

RATIFICATION-F.D.  
GRANTS

RES.#[233-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to accept a \$115,555 – 2011 FEMA "Recruitment & Retention" Grant and "Regional" Grant, file a 2012 FEMA Bunker Gear \$147,640. Grant application, receive a fund transfer from Medical Co. to close out a 2008 Defibrillator Grant for acquisition of wall mounted defibrillators and renewal of annual JSK FEMA Grant \$7,950. and Administration Contract. Motion carried, all voting "Aye".

JOHNSON  
CONTROLS-  
REQUISITION #2

RES.#[234-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Beach to authorize the payment of requisition #2 from Johnson Controls on our energy performance contract in the amount of \$737,357, payable by a Municipal Lease with Deutsche Bank National Trust Co. Motion carried, all voting "Aye".

GASB 45  
(POSTRETIREMENT  
BENEFITS OTHER  
THAN PENSIONS)

RES.#[235-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Beach to authorize Armory Associates, LLC to prepare a Full Actuarial Valuation Report and Disclosure of employee post retirement costs for a fee of \$6,800. as required by GASB-45. Motion carried, all voting "Aye".

APPT.-  
A.CAMPBELL-  
REC.SUPV.

RES.#[236-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Beach to appoint Andrea Campbell as Recreation Supervisor from the Nassau County Civil Service List at a salary of \$50,000. per annum, subject to the approval of the Civil Service Commission. Motion carried, all voting "Aye".

APPT.-S.BUTT-  
SEASONAL CLERK-  
BLDG.DEPT.

RES.#[237-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Beach to appoint Stephanie Butt as a Seasonal Clerk in the Building Department to temporarily fill the vacancy resulting from the transfer of Lisa Kenny to the Assessor's Office, at a rate of \$18.50 per hour, 40 hours per week, for a period ending September 30, 2012. Motion carried, all voting "Aye".

July 16, 2012

AMEND VEHICLE &  
TRAFFIC CODE TO 6  
HOUR PARKING ON  
VILLAGE STREETS

**RES.#[238-12](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to renew an expiring resolution adopted on January 23, 2012 amending Section 240-22, Schedule XV of the Village Vehicle & Traffic Code to prohibit parking for six (6) consecutive hours on any street except Saturdays, Sundays and Holidays unless otherwise posted except for commercial vehicles which are restricted to two (2) hours, for an additional 6 month period ending December 31, 2012. Motion carried, all voting "Aye".

DISC.-141  
HEMPSTEAD AVE-  
ANTIQUÉ EQUITIES

**RES.#[239-12](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to direct the Village Attorney to advise Antique Equities, Inc. that they are ineligible to apply for a Special Use Permit to operate a retail antique store in a residence at 141 Hempstead Avenue, as they are not the owner or contract vendee of the property. Motion carried, all voting "Aye".

SET DATE-P.H.-  
CHAP.185-NOISE-  
8/13/12

**RES.#[240-12](#)**

The Board reviewed a proposed local law to amend Chapter 185 of the Village Code entitled "Property Maintenance", Section 185-5(e) to define unreasonable noise and Section 189-9 to establish procedures to issue Property Maintenance Notices.. It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of August 13, 2012 at 7:00 PM for a Public Hearing to consider the enactment of a proposed Local Law to amend Section 185-5(e) and Section 185-9 of the Village Code. Motion carried, all voting "Aye".

ILLEGAL HOUSING  
REPORT

Building Department Superintendent Brian Stanton reported on the work activity of two (2) Illegal Housing Inspectors engaged in March 2012.

UPDATE REPORT-  
30 PARK PLACE

**RES.#[241-12](#)**

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to table a discussion on the proposed occupancy of 30 Park Place by "Hands Across Long Island" to the August 13, 2012 meeting. Motion carried, all voting "Aye".

TEMP.  
SCAFFOLDING-225  
MERRICK & 15  
ATLANTIC

**RES.#[242-12](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve 30 day temporary scaffolding for Peak Performance at 225 Merrick Road and HSBC at 15 Atlantic Avenue. Motion carried, all voting "Aye".

F.D.-FASNY  
CONVENTION

**RES.#[243-12](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to grant permission to the Fire Department to use vehicle #42-12, and unit 426-1 Fire Police Van to transport members to the FASNY convention in Syracuse from August 13 to August 19, 2012. Motion carried, all voting "Aye".

EXECUTIVE  
SESSION

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting to open an executive session to discuss attorney client matters. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson to open an executive session to discuss attorney client matters. Motion carried, all voting "Aye". After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson 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".

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SEASONAL  
SALARIES-  
VIRGONA &  
BRETHEL

It was moved by Trustee Beach, seconded by Trustee Atkinson to promote T.J. Virgona to Lifeguard Supervisor at a rate of \$13.00 per hour, and promote Brian Brethel, Recreation Attendant at a rate of \$9.00 per hour. Motion carried, all voting "Aye".

**RES.#[244-12](#)**

C.BARRETT-WAGE  
INCREASE

It was moved by Trustee Beach, seconded by Trustee Atkinson to increase Lifeguard Casey Barrett's wage to \$9.00 per hour as she has received her Water Safety Instruction Certification. Motion carried, all voting "Aye".

**RES.#[245-12](#)**

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

MINUTES-6/18/12

It was moved by Trustee Atkinson, seconded by Trustee Beach to accept the Minutes of June 18, 2012 as submitted and place on file. Motion carried, all voting "Aye".

**RES.#[246-12](#)**

P.H.-  
REZONING/SPECIAL  
USE-3 MERTON & 9  
MERTON AVE -417  
OCEAN AVE.

The Mayor opened Public Hearings to consider the application of Sunrise One, LLC and Thomas Cecil Morash for (a) a change of zone pursuant to Village Code 252-09, et. seq. from Residential to Commercial of properties known as and by 3 Merton Avenue, 9 Merton Avenue and 417 Ocean Avenue, Lynbrook, and (b) a Special Use Permit pursuant to Village Code 252-56 and Village Code 252-116 for an off-site, off-street parking accessory use to the hotel located at 1 Sunrise Highway, Lynbrook. It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the Public Hearing to the August 13, 2012 Board Meeting, as requested by Alan Stein, Counsel for the applicant. Motion carried, all voting "Aye"

ADJOURNED-8/13/12

**RES.#[247-12](#)**

CITATIONS-  
RAISING MONEY-  
911 MEMORIAL

Mayor Hendrick presented Citations to Kathleen Healey, Elizabeth Healey, Christine Healey, Kylie Sandorfi, Derek Sandorfi and Lukas Sandorfi for their hard work and efforts in raising money for the 9-11 Memorial by running a lemonade stand.

CHAMBER REPORT

President of the Chamber of Commerce Bill Gaylor gave a report on Chamber of Commerce activities.

GOLF OUTING  
COMMITTEE  
PRESENTATION

The Mayor's Golf Outing Committee made a \$1,500. contribution to the Community Chest.

APPT.-P.O. LAVISTA

It was moved by Trustee Atkinson, seconded by Trustee Beach to appoint Brandon LaVista as a Police Officer. Motion carried, all voting "Aye". Mayor Hendrick administered the Oath of Office.

**RES.#[248-12](#)**

OATH OF OFFICE-  
C.SKARTSIARIS

Mayor Hendrick administered the Oath of Office to newly appointed Detective Christopher Skartsiaris.

DEPT. REPORTS-  
APRIL, MAY & JUNE  
2012

It was moved by Trustee Atkinson, seconded by Trustee Beach to approve the following Department Reports for the months of April, May & June 2012 as submitted and place on file: Recreation, DPW, Village Justice Court, Library, Fire Dept., Building Dept., Police Dept.. Motion carried, all voting "Aye".

**RES.#[249-12](#)**

WOUNDED  
WARRIOR  
BENEFIT-HOSTED  
BY LYNBROOK FD

Fire Chief DeCarlo advised that an event to benefit the Wounded Warriors Foundation will be held on September 30, 2012 at Rescue Hook, Ladder & Bucket Co. #1 on Earle Avenue from 12pm to 6pm.

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PRESENTATION-  
L.I.PA

John Boyce and Peggy Stevenson, Representatives from Long Island Power Authority made a brief presentation on the Authority's response to storm outage and repairs.

P.H.-CHAP.112-  
ELECTRICAL  
STANDARDS

RES.#250-12

The Mayor opened a Public Hearing at 8:47 PM to consider the enactment of a proposed Local Law to amend the Village Code Chapter 112, entitled "Electrical Standards" to provide for the appointment of two alternate members to the Electrical Board. The Mayor read the proposed Local Law and asked if anyone wished to speak. After no one wishing to speak, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the Hearing at 8:47 PM and enact Local Law #6 of 2012. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson that the Board of Trustees 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 New York State Environmental Quality Review Act. Motion carried, all voting "Aye".

P.H.-CHAP.181-  
PLUMBING BOARD

RES.#251-12

The Mayor opened a Public Hearing at 8:47 PM to consider the enactment of a proposed Local Law to amend the Village Code Chapter 181, entitled "Plumbing" to provide for the appointment of two alternate members to the Examining Board of Plumbers. The Mayor read the proposed Local Law and asked if anyone wished to speak. After no one wishing to speak, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the Hearing at 8:48 PM and enact Local Law #7 of 2012. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson that the Board of Trustees 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 New York State Environmental Quality Review Act. Motion carried, all voting "Aye".

OPPOSITION-SPEC.  
USE PERMIT-  
SUNRISE ONE LLC

Patricia Nicoletti-18 Merton Avenue and Julieta Pietracatella-431 Ocean Ave. advised that they oppose the application filed by Sunrise One LLC for rezoning and a Special Use Permit for 3 & 9 Merton Ave. & 417 Ocean Avenue and indicated that they will attend the August 13, 2012 continued Hearing.

P.H.-EMINENT  
DOMAIN-47  
BROADWAY

RES.#252-12

The Mayor opened a Public Hearing to consider the proposed acquisition of real property by the Incorporated Village of Lynbrook at 47 Broadway, and designated on the land and tax map of the County of Nassau as Section 37, Block 519, Lot 119, 120,121,122,123 & 124. Village Special Counsel Jack Libert advised that the proposed acquisition is for the public purpose of achieving necessary changes in land use and eliminating blighting influences. The Mayor asked if anyone wished to speak. Chamber of Commerce Vice President, Jeff Greenfield advised that the Chamber endorses the acquisition by the Village, as the property is blighted, Mary Cox, 14 Langdon Place also commented. It was moved by Trustee Beach, seconded by Trustee Atkinson to continue the Hearing on August 13, 2012 at 8:00 P.M. Motion carried, all voting "Aye".

FARMERS  
MARKET-PF #12

RES.#253-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to permit the Farmers Market to relocate to Parking Field #12 at Sunrise Hwy. & Forest Ave. effective July 12, 2012. Motion carried, all voting "Aye".

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BILLS

**RES.#[254-12](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson that Bills listed on Abstract of Audited Voucher #2, General Fund - \$1,218,832.14, Trust & Agency - \$16,139.12, Capital Fund - \$363,291.32, Electronic Transfer - \$260,379.76, Community Development - \$13,823.62, 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.

EXECUTIVE  
SESSION

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting to open an executive session to discuss attorney client matters. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson to open an executive session to discuss attorney client matters. Motion carried, all voting "Aye". After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the executive session. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson to reopen the regular meeting. Motion carried, all voting "Aye".

PURCHASE-35  
WILBUR STREET

**RES.#[255-12](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve a temporary transfer of \$25,000. from the General Fund to Capital Fund to cover pre-closing expenses associated with the acquisition of 35 Wilbur Street to expand Greis Park. Motion carried, all voting "Aye".

APPT.-CLERK  
SEASONAL-  
N.CHASE

**RES.#[256-12](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to appoint Nicole Chase as Clerk Seasonal in the Office of the Village Clerk. Motion carried, all voting "Aye".

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting at 9:40 PM. Motion carried, all voting "Aye".