

September 10, 2012

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, September 10, 2012 at 7:00 P.M. in the Village Hall. The Mayor opened the meeting with the Pledge of Allegiance.

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

Absent: Trustee Alan Beach

FARMERS
MARKET

RES.#[277-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to deny the request from the Long Island Growers Market to return to Lynbrook starting on Thursdays, September 13th at 7am ó 1pm ending November 15, 2012 in PF #19 on Peninsula Blvd. Motion carried, all voting òAyeö.

FLEA MARKET ó
SONS OF ITALY

RES.#[278-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Becker to table a request from the Sons of Italy Per Sempre Lodge to hold a Flea Market on Saturdays and Sundays from Thanksgiving to Christmas in the north aisles of PF#12 ó Sunrise & Forest to the October 1, 2012 meeting. Motion carried, all voting òAyeö.

CONTRACT -FIRE
PUMPER TRUCK

RES.#[279-12](#)

The Board reviewed the proposed Contract from Neville Apparatus Corp. Inc. for the purchase of a new Fire Pumper Truck as per the bid awarded on August 13, 2012. It was moved by Trustee Becker, seconded by Trustee Hawxhurst to prepay the chassis for a \$6,000 discount and to assign the Truck Committee the task to render an opinion on whether to trade-in the 1991 Pumper for \$15,000 or opt to advertise for sale. Motion carried, all voting òAyeö.

CONTRACT ó
KIOSK PROPOSAL

RES.#[280-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to table a request to enter into a contract with Creative Advertising Concepts to provide and finance the cost of advertising Kiosks for the Village, to the October 15, 2012 meeting. Motion carried, all voting òAyeö.

2012 ROAD
PROJECT ó
ENGINEERING

RES.#[281-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to authorize the Mayor to sign a contract with Cameron Engineering & Assoc. LLP for Design Engineering Services for 2012 Roadway Improvements as financed by a Bond Resolution adopted on July 16, 2012. Motion carried, all voting òAyeö.

POOL RENTAL-LI
EXPRESS

RES.#[282-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Becker to grant permission to the LI Express Swim Team to have swim practices from October 1, 2012 to October 16, 2012 at the Lynbrook Pool for a total of 40 hours at \$85.00 per hour for a total sum of \$3,400. and direct Village Attorney Peter Ledwith to prepare a contract. Motion carried, all voting òAyeö.

P.H.-SIDEWALK
VIOLATIONS

RES.#[283-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Becker to open a Public Hearing at 7:30 PM 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. The Mayor asked if anyone would like to comment, and after no comments heard, it was moved by Trustee Atkinson, seconded by Trustee Beach to close the Public Hearing at 7:32 PM 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. Motion carried, all voting òAyeö. (Exhibit attached)

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BOND RES.-
SEPARATION
PAYMENTS

RES.#[284-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to approve a Bond Resolution in the amount of \$2,900,000 Serial Bonds for Separation Payments (see Exhibit A) as approved by Section 11a-106 of the Local Finance Law, authorize the engagement of Hawkins Delafield and Wood, and Liberty Capital to undertake all necessary Bond closing tasks and reimburse the General Fund in the amount of \$1,077,073 from all separation payments from April 1, 2011 to date. Motion carried, all voting ðAyeö. It was moved by Trustee Becker, 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 ðAyeö.

BOND RES.-
REFUNDING
BOND RES.

RES.#[285-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to approve a Bond Resolution in the amount of \$6,500.000 for the Refunding of 2005 Serial Bonds (see Exhibit B) and authorize Hawkins, Delafield & Wood, and Liberty Capital to undertake all necessary Bond closing tasks. Motion carried, all voting ðAyeö. It was moved by Trustee Becker, 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 ðAyeö.

TAXI LICENSE
MODIFICATION-
VILLAGE CAR
SERVICE

RES.#[286-12](#)

Alan Glassman, Esq., representing Village Car Service requested the Village to approve amendments to their Taxi License to allow them to utilize 5 parking spaces on MTA property at the LIRR Station on Stauderman Avenue for taxes, pursuant to Section 224-50C of the Village Code. Michael Zapon, Esq., and Lawrence Blessinger representing All Island Taxi, advised that the request does not meet the code requirements as the applicants proposed office and restrooms at 416 Sunrise Highway is not within 500ø of the 5 spaces. In response to the Mayor, Trustee Hawxhurst and Trustee Becker indicated they would abstain from voting from the license amendment request. There was no motion on the matter. Don Dreyer, former Director of the Nassau County Office of Physically Challenged indicated that the proposed Village Car Service Office at 416 Sunrise Hwy. and pedestrian route to the five (5) parking spaces must be handicapped assessable. The Mayor advised that the Village Attorney will represent the Village on September 14, 2012 in the matter of an Order to Show Cause filed by Village Car Service, in which the matter will eventually be decided by the Courts.

35 WILBUR
STREET

RES.#[287-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to authorize the Village Administrator to obtain a cost estimate on a Feasibility Study and Architectural Plans for the proposed acquisition of 35 Wilbur Street for use as a Recreation facility. Motion carried, all voting ðAyeö.

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

MINUTES-8/13/12

RES.#[288-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to accept the Minutes of August 13, 2012 as submitted and place on file. Motion carried, all voting ðAyeö.

CHAMBER OF
COMMERCE
REPORT

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

September 10, 2012

DEPARTMENT
REPORTS-7/12

RES.#[289-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to approve the following Department Reports for the month of July 2012: Police Department, Fire Department, Library, Village Justice Court and Recreation Department. Motion carried, all voting ðAyeö.
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PROCLAMATIONS-
LYNBROOK
LITTLE LEAGUE
DISTRICT
CHAMPIONS

Mayor Hendrick presented Proclamations to the following as Lynbrook Little League District 30, 12 year old Champions: Justin Baeyens, Dan Dominguez, Mike Fungfeld, Austin Halik, Peter Hoeflinger, Tom Postiglione, Gavin Reid, Paul Scabelli, Jordan Schneider, Dom Sinapoli, Mike Sweeney, Nick Tuzzio and Dan Werzinger.

ST. JOHN'S
LUTHERAN
CHURCH
HARVEST
FESTIVAL

RES.#[290-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to grant permission to St. John's Lutheran Church to hold a Harvest Festival on Sunday, October 14, 2012 from 11AM to 3PM on the Church property at the corner of Peninsula Blvd. & Merrick Road, and to waive any necessary temporary sign or other permit fees. Motion carried, all voting ðAyeö.

REQUEST-USE OF
F.D. BUS

RES.#[291-12](#)

It was moved by Trustee Hawxhurst, seconded by Trustee Becker to grant permission to members of Engine Company #1 to use the Fire Department Bus #420-B for their annual trip to China Town on Thursday, October 4, 2012. Motion carried, all voting ðAyeö.

CONTINUATION-
P.H.-EMINENT
DOMAIN 6 47
BROADWAY

RES.#[292-12](#)

The Mayor opened a continuation of a Public Hearing from the August 13, 2012 meeting at 8:40 PM to consider the proposed acquisition of real property by the Incorporated Village of Lynbrook of 47 Broadway designated on the land and tax map of the County of Nassau as Section 37, Block 519, Lot 199, 120, 121, 122, 123 & 124, pursuant to Section 202 of the New York State Eminent Domain Procedure Law. Special Counsel Jack Libert reported that no further public comment was received and the Blight Report has been reviewed. It was moved by Trustee Becker, seconded by Trustee Atkinson to close the Hearing at 8:43 PM, reserve decision and authorize Jack Libert to draft Findings as discussed by the Mayor for presentation at the October 15, 2012 meeting. Motion carried, all voting ðAyeö.

P.H.-140 MERRICK
ROAD 6 SPECIAL
USE PERMIT

RES.#[293-12](#)

The Mayor opened a Public Hearing at 8:43 PM to consider an application from Leonard Mancuso of 138-140 Merrick Road, pursuant to Village Code 252-29 (14) and 252-116, for a Special Use Permit for the use of said building as a multiple dwelling. Albert J. Jaegers, Esq. advised that the application requests that two (2) offices on the second floor of the building fronting Merrick Road, be used for two (2) residential apartments. Mr. Jaegers indicated that the units have been used as residential since 2000. Building Supt. Brian Stanton commented that the request, if granted has no impact on the surrounding neighborhood. The Mayor asked if anyone wished to speak. Mr. Charles Pascal of 15 Park Place commented. It was moved by Trustee Atkinson, seconded by Trustee Becker to close the hearing at 8:45 PM, and reserve decision. Motion carried, all voting ðAyeö. It was moved by Trustee Becker, 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 ðAyeö.

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

RES.#[294-12](#)

The Mayor opened a continuation of a Public Hearing at 8:55 PM held on August 13, 2012 to consider the applications of Sunrise One LLC and Thomas Cecil Morash for (a) a change of zone pursuant to Village Code, Section 252-09, et.sq. 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 Section 252-56 and 252-116 for an off-site, off-street parking accessory use to the hotel located at 1 Sunrise Highway, Lynbrook. Alan Stein, Esq., representing the applicant reported that he submitted a revised site plan and can amend his application to not include 9 Merton Avenue, so that the proposal would include extending the Hotel parking lot on 417 Ocean

Avenue and 3 Merton Avenue only. Mr. Stein added that the Nassau County Planning Commission reviewed the application and requested that a traffic survey be conducted. The Mayor asked if anyone wished to comment. Mr. Paul Tubin of 431 Ocean Avenue and Mrs. Patty Nicoletti of 18 Merton Avenue commented. At the request of Mr. Stein, the Mayor approved a five (5) minutes recess.

BILLS

RES.#[295-12](#)

During the recess, it was moved by Trustee Atkinson, seconded by Trustee Beach that Bills listed on Abstract of Audited Voucher #4, General Fund - \$453,353.34, Trust & Agency - \$29,029.40, Capital Fund - \$107,434.13, Electronic Transfer - \$255,375.95, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting ðAyeö.

P.H.-3 & 9
MERTON, 417
OCEAN AVE RE-
OPENED

RES.#[296-12](#)

The Mayor re-opened the Hearing. In response to the Mayor, Mr. Stein indicated that his client would not agree to amend his application to only apply for 417 Ocean Avenue. After no further discussion, it was moved by Trustee Becker, seconded by Trustee Hawxhurst to close the hearings at 9:28 PM, deny both applications, and authorize the Village Attorney to prepare the formal findings. Motion carried, all voting ðAyeö.

GOOD &
WELFARE

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

EXECUTIVE
SESSION

It was moved by Trustee Atkinson, seconded by Trustee Becker to adjourn the meeting to open an executive session to review the applications and qualifications of two (2) new part-time employees for the Building Department. Motion carried, all voting ðAyeö. It was moved by Trustee Atkinson, seconded by Trustee Becker to open an executive session to review the applications and qualifications for two (2) new part-time employees for the Building Department. Motion carried, all voting ðAyeö. After a lengthy discussion, it was moved by Trustee Becker, seconded by Trustee Atkinson to adjourn the executive session. Motion carried, all voting ðAyeö. It was moved by Trustee Becker, seconded by Trustee Atkinson to reopen the regular meeting. Motion carried, all voting ðAyeö.

LYNBROOK HIGH
SCHOOL
HOMECOMING
PARADE

RES.#[297-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Becker to grant permission to Lynbrook High School to hold their Homecoming Parade on Saturday, September 22, 2012, and to waive any necessary permit fees. Motion carried, all voting ðAyeö.

P.H.-CHAP.252-
BUILDING HEIGHT

RES.#[298-12](#)

The Mayor opened a Public Hearing at 9:46 PM to consider the enactment of a Local Law to amend Chapter 252, Section 252-16 of the Village Code entitled ðZoningö to reduce the allowable height of homes to be constructed in Residence A and B Districts to 35 feet measured to the peak. It was moved by Trustee Atkinson, seconded by Trustee Becker to continue the hearing to October 1, 2012. Motion carried, all voting ðAyeö.

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A. MCKEON-PART-
TIME CLERK

RES.#[299-12](#)

It was moved by Trustee Becker, seconded by Trustee Beach to amend Anne McKeon's title from "Messenger" to "Part-time Clerk" and to restore her hours from eight (8) hours to 19 ½ hours per week to assist the Assessor and Building Department. Motion carried, all voting "Aye".

HIRE-E.DONLON &
M.AKCELIK "PT
ACCOUNT
CLERKS IN BLDG.
DEPT.

RES.#[300-12](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson to hire Ellen Donlon as Part-time Account Clerk at \$20.75 per hour for 19 ½ hours per week with a six (6) month probation period; and Maria Akcelik as Part-time Account Clerk at \$20.75 per hour for 19 ½ hours per week for a six (6) month probation period, to fill Lisa Kenny's full-time vacancy. Motion carried, all voting "Aye".

CANVASS CIVIL
SERV. "PT BLDG.
INSPECTOR

RES.#[301-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to authorize the Village Administrator to canvass the Civil Service List for a Part-time Building Inspector to fill a vacancy caused by the recent resignation of Inspector Ronald Craig who accepted a position with New York State. Motion carried, all voting "Aye".

ADJOURNMENT

It was moved by Trustee Becker, seconded by Trustee Beach to close the meeting at 10:10 PM. Motion carried, all voting "Aye".