

February 21, 2012

A regular meeting of the Board of Trustees also acting as the Board of Assessment Review of the Incorporated Village of Lynbrook was held on Tuesday, February 21, 2012 at 5:00 P.M. in the Village Hall.

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

MINUTES-2/6/12

RES.#44-12

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to accept the Minutes of February 6, 2012 as amended. Motion carried, all voting "Aye".

USPEU CONSENT
AGREEMENT

RES.#45-12

It was moved by Trustee Atkinson, seconded by Trustee Beach to ratify the Mayor signing a Consent Agreement with the United Public Service Employees Union (UPSEU), forming a new Union for Non-Contractual Employees. Motion carried, all voting "Aye".

ENGAGE
COUNSEL-PARK
PLACE

RES.#46-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize retaining Frederick A. Amorini, Esq. as Special Counsel for the Village to consult on matters concerning the use of 30 Park Place by "Hands Across Long Island" at a rate of \$ 150.00 per hour, not to exceed 6 hours. Motion carried, all voting "Aye".

SITE PLAN
REVIEW-
ZWANGER
PERSIRI

RES.#47-12

Jack Rosebery and Cathy Nasi, AIA, representatives for Zwanger Persiri presented a rendering of their new building intended to be constructed at 443-451 Sunrise Highway. After a brief discussion, it was moved by Trustee Atkinson, seconded by Trustee Beach to request the architect to resubmit a new rendering for further review prior to their submission to the Board of Architectural Review. Motion carried, all voting "Aye".

FINANCING -F.D.
PUMPER

RES.#48-12

It was moved by Trustee Hawxhurst, seconded by Trustee Beach to request the Village Administrator to prepare a financing plan for the proposed acquisition of two (2) Fire Department pumper trucks. Motion carried, all voting "Aye".

2012 RECREATION
FEE SCHEDULE

RES.#49-12

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to approve the 2012 Pool and Recreation Program Fee Schedule as attached. (Exhibit A) Motion carried, all voting "Aye".

DEMOLITION
PERMIT - 219
EARLE AVE

RES.#50-12

Sal Dantona, representing Lynbrook Baptist Church and Robert Ferrara, AIA presented a final site plan for the construction of a new playground and basketball court adjacent to the church at 219 Earle Avenue where a one (1) family residence exists, clarifying a 15 foot front yard setback. It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the issuance of a demolition permit for 219 Earle Avenue, subject to the conditions set forth in Resolution #33-12 adopted on February 6, 2012. Motion carried, all voting "Aye".

SANITATION
FEES-TABLED

RES.#51-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to table the discussion on revising sanitation collection fees to the March 5, 2012 board meeting. Motion carried, all voting "Aye".

February 21, 2012

GRIEVANCE-
2012/2013
ASSESSMENT

Joan Dombrowski of 57 Jarvis Place presented a Grievance against her 2012/2013 Tentative Assessment, and data of market values of comparable properties. The Mayor thanked Mrs. Dombrowski for her presentation and advised that her request will be reviewed with others filed during the evening. Village Assessor Elizabeth Hoffman submitted all other Grievances filed. (see Exhibit B)

PUBLIC HEARING-
SPEC.USE – LIAW-
228 WHITEHALL
ST.

RES.#52-12

The Mayor opened a Public Hearing to consider the application of Long Island American Water Corp. for a Special Use Permit pursuant to Section 252-68 and 252-116 of the Code of the Village of Lynbrook for the construction of an Iron Removal Plant and well pumping station at 228 Whitehall Street. Nicholas DiSibio, Esq., Richard Curnet, and Ben Claase, representing Long Island American Water, presented a Site Plan. Mr. DiSibio indicated that the proposed project provides for the demolition of two (2) pump houses at 228 Whitehall Street and the construction of two (2) replacement structures to house a new Iron Filtration System and Water Pumping Station with storage tank. Mr. DiSibio highlighted that the plans provided for the architecture of the building to be residential in nature and compatible with the existing residences in the area with extensive fencing and landscaping. Mr. DiSibio submitted a rendering of structures and photo exhibit of existing conditions, including surrounding properties. Mr. Curnet indicated that a standby emergency generator would operate on a test basis indoors for one (1) hour per week and that deliveries of chemicals would occur at times that would not impact any neighbors. Mr. Claase discussed the need the water utility has in this facility, necessary to provide clean public drinking water. Mr. DiSibio added that the front yard setback is consistent with the surrounding neighborhood and Village Code, and no variances would be needed for this development. After a lengthy discussion, the Mayor asked if anyone would like to comment. The following individuals spoke: John Lindsey – 201 Forest Avenue – Valley Stream, Sue & Gerry Urlich – 244 Whitehall Street, Michael Vacchio – 44 Grand Avenue and Mr. & Mrs. Gamrat – 40 Grand Avenue, various suggestions were discussed with Mr. DiSibio. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the Public Hearing at 8:50 P.M. and reserve decision. Motion carried, all voting “Aye”.

CLOSE
GRIEVANCES
RES.#53-12

The Board continued review of Grievance filings. The Mayor later noted that it was 9:00 PM and moved that the Grievance Hearings be closed, seconded by Trustee Atkinson. Motion carried, all voting “Aye”.

2013/2014 TAX
CERT.
SETTLEMENT

RES.#54-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to engage Spellman, Rice, Schure, Gibbons, McDonough, Polizzi & Truncale, LLP pursuant to their retainer to review all 2012 Tax Grievances filed this and recommend settlements to the Board to be paid in 2013/2014 or as necessary in the best interest of the Village. Motion carried, all voting “Aye”.

DPW SURPLUS
VEHICLE TABLED

RES.#55-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to table the discussion on the disposition of a surplus DPW 1996 Chevy Blazer to the March 19, 2012 board meeting. Motion carried, all voting “Aye”.

TRANSFER OF
FUNDS

RES.#56-12

It was moved by Trustee Atkinson, seconded by Trustee Beach to approve the following transfer of funds:

Fr:	01.3410.0450 Vehicle Maint.	\$465
To:	01.3410.0426 Tires	\$465

Motion carried, all voting “Aye”.

February 21, 2012

JUSTICE
COURT/ANNUAL
FINANCIAL
REPORT

RES.#57-12

The Village Administrator presented the 2010/2011 Annual Financial Report prepared by the Village Auditors. The Board also reviewed the Justice Court Annual Report. It was moved by Trustee Beach, seconded by Trustee Atkinson to adopt a resolution authorizing the Village Auditors to audit the 2011/2012 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".

J.LIPINSKY -
ILLEGAL
HOUSING
INVESTIGATOR

RES.#58-12

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to authorize the Mayor to sign an Agreement to retain John W. Lipinsky at a rate of \$30 an hour, 40 hours per month, expiring on August 31, 2012 as an Illegal Housing Investigator. Motion carried, all voting "Aye".

V.ALBERT-
ILLAGEAL
HOUSING
INVESTIGATOR

RES.#59-12

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to authorize the Mayor to sign an Agreement to retain Vincent Albert at a rate of \$30 per hour, 40 hours per month, expiring on August 31, 2012 as an Illegal Housing Investigator. Motion carried, all voting "Aye".

EXECUTIVE
SESSION

RES.#60-12

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to adjourn the meeting to open an executive session to discuss the appointment and qualifications of a Recreation Aide. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Hawxhurst to open an executive session to discuss the appointment and qualifications of a Recreation Aide. Motion carried, all voting "Aye". After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Hawxhurst to adjourn the executive session. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Hawxhurst to reopen the regular meeting. Motion carried, all voting "Aye".

PT RECREATION
AIDE

RES.#61-12

On a motion by Mayor Hendrick, seconded by Trustee Atkinson to hire Intiaz Insanally as a Recreation Attendant part-time at a rate of \$22.00 per hour effective February 15, 2012 for a three (3) month period. Motion carried, all voting "Aye".

47 BROADWAY
MOU

Village Special Counsel Jack Libert advised that the Memorandum of Understanding approved at the November 7, 2011 board meeting with Browning Properties for the redeveloping of 47 Broadway has expired and that Bartone Properties, who answered the Villages RFP, has expressed continued interest in the redevelopment of the site. Mr. Bartone presented an informal site plan indicating that his project provides for his acquisition and demolition of the buildings at 47 Broadway, 17 Langdon Place and 90 Saperstein Plaza, for the construction of a municipal parking lot of an equivalent number of parking spots equal to those existing in the Village Municipal Parking Lot on Langdon Place, which he would exchange with the Village and construct a five story upscale multiple dwelling of approximately 80 units with a health club and running track.

SITE PLAN - 12
WATKINS ST

RES.#62-12

Robert Ferrara, AIA representing Philips International submitted an informal Site Plan for the demolition of the restaurant at 12 Watkins Street for the construction of a four (4) unit multiple dwelling, and advised that formal applications for rezoning and Special Use Permit will be submitted at a later date when finalized by the landowner.

February 21, 2012

STOP SIGN –
MARSHALL
AVENUE

RES.#[63-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to amend the Village Vehicle & Traffic Code, Section 240-11, Schedule VIII to post a Stop Sign at the existing stop intersection of Marshall Avenue and Sherman Street for south bound traffic on Marshall Avenue approaching Sherman Street. Motion carried, all voting “Aye”.

STOP SIGN – VINE
STREET

RES.#[64-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to amend the Village Vehicle & Traffic Code, Section 240-11, Schedule VIII to post a Stop Sign on Vine Street at the corner of Marshall Avenue. Motion carried, all voting “Aye”.

BILLS

RES.#[65-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Beach that Bills listed on Abstract of Audited Voucher #15, General Fund - \$325,001.51, Trust & Agency - \$5,688.54, Capital Fund - \$533,306.60, Electronic Transfer - \$18,968.36, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting “Aye”.

BROWNING
PROPERTIES
MOU – 47
BROADWAY-
EXPIRED

RES.#[66-12](#)

It was moved by Trustee Hawxhurst, seconded by Trustee Beach to request Special Counsel Jack Libert to notify Browning Properties that the Memorandum Of Understanding for the redevelopment of 47 Broadway has expired and to return Browning’s good faith deposit as Browning Properties has not been able to fulfill their obligations. Motion carried, all voting “Aye”.

MEMORANDUM
OF
UNDERSTANDING-
BARTONE
PROPERTIES-47
BROADWAY

RES.#[67-12](#)

It was moved by Trustee Hawxhurst, seconded by Trustee Beach to authorize Special Counsel Jack Libert to prepare a Memorandum of Understanding for the Village to enter into with Bartone Properties for the Redevelopment of 47 Broadway, 90 Saperstein Plaza, and 17 Langdon Place. Motion carried, all voting “Aye”.

EMINENT DOMAIN
PROCEEDINGS -47
BROADWAY

RES.#[68-12](#)

The Board continued discussion on the redevelopment of 47 Broadway and adjacent properties and possibly implementing Eminent Domain proceedings to facilitate the redevelopment. It was moved by Trustee Hawxhurst, seconded by Trustee Beach to authorize Special Counsel Jack Libert to engage a consultant to prepare a Blight Report for 47 Broadway and 90 Saperstein Plaza at a cost not to exceed \$5,000. Motion carried, all voting “Aye”.

P.H.-3/5/12-TAXI

RES.#[69-12](#)

The Board reviewed a proposed local law to amend Section 224-7 of the Village Code entitled “Taxicabs and Other Vehicles for Hire”. It was moved by Trustee Beach, seconded by Trustee Hawxhurst to set the date of March 5, 2012 for a Public Hearing. Motion carried, all voting “Aye”.

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting at 10:10 PM. Motion carried, all voting “Aye”.