

September 16, 2013

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, September 16, 2013 at 7:00 P.M. in the Village Hall.

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

DEMOTION
PERMIT-3 & 9
MERTON AVE &
417 OCEAN AVE

RES.#271-13

Albert D'Agostino, Esq., representing Thomas Morash, continued discussion from the August 12, 2013 meeting requesting a Demolition Permit for 3 & 9 Merton Avenue and 417 Ocean Avenue. Mr. D'Agostino indicated that a site plan was submitted as requested by the Board, showing location of new landscaping and fencing. Mr. D'Agostino reiterated that Mr. Morash has no future plans to improve the site after demolition and desires it to remain vacant; he submitted citations apparently stating that the issuance of a Demolition Permit is a ministerial act and not subject to the discretion of the Board under the State Environmental Quality Review Act. Mrs. Patricia Nicoletti – 18 Merton Avenue and Ron Moganosa – 38 Merton Avenue commented. After a lengthy discussion, it was moved by Trustee Hawxhurst, seconded by Trustee Beach to reserve decision. Motion carried, all voting "Aye".

DEMOLITION
PERMIT-173
EARLE AVENUE

RES.#272-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve an application from Richard Geier of RKG Building, Inc. for a Demolition Permit to demolish the building known as 173 Earle Avenue, to accommodate the subdivision of the parcel into three (3) lots for the construction of three (3) new one family homes. Motion carried, Trustee Becker abstained, all others 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, Trustee Becker abstained, all others voting "Aye"

REQUEST-DOAR –
USE PF #8

RES.#273-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve an \$85.00 per day parking fee to DOAR Litigation Consulting of 175 Earle Avenue for temporary parking of up to 30 spaces in municipal Parking Field #8, such approval expiring March 16, 2014. Motion carried, all voting "Aye".

COURT CLERK-
FALL
CONFERENCE

RES.#274-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize Margaret Skartsiaris, Court Clerk to attend the NYS Association of Magistrates Court Clerks training in Albany, Sunday, October 6 – Wednesday, October 9, 2013. Motion carried, all voting "Aye".

F.D. –USE OF BUS-
10/3/13

RES.#275-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize members of Engine Company #1 to use the Fire Department Bus, 420-B to travel to New York City on Thursday, October 3, 2013. Motion carried, all voting "Aye".

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TRANSFER OF
FUNDS

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

RES.#276-13

COCA-COLA
GRANT

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Mayor to sign a Agreement with Coca-Cola Corp. to receive a \$25,000 Parks Grant. Motion carried, all voting "Aye".

RES.#277-13

PUBLIC HEARING
- SIDEWALK
VIOLATIONS

It was moved by Trustee Beach, seconded by Trustee Atkinson 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. Mayor Hendrick asked if anyone wished to comment, after no further comments heard, it was moved by Trustee Beach, seconded by Trustee Atkinson 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. Motion carried, all voting "Aye". (Exhibit B).

RES.#278-13

P.H.-CHAP.222-
L.L.#10 OF 2013

Mayor Hendrick opened a Public Hearing to consider the enactment of proposed Local Law #10 of 2013 to amend the Village Code, Chapter 222, entitled "Taxation", Article 1 Utilities Tax to amend 222-9 Penalties and 222-12 "Collection of Unpaid Tax" to provide for the Village to impose the fee of Auditors on those subject to Chapter 222. Mayor Hendrick read the proposed Local Law and asked if anyone wished to speak. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the Hearing and enact Local Law #10 of 2013. Motion carried, all voting "Aye".

RES.#279-13

P.H.-CHAP.224-
TAXICABS &
OTHER VEHICLES
FOR HIRE-L.L.#11
OF 2013

Mayor Hendrick opened a Public Hearing to consider the enactment of proposed Local Law #11 of 2013 to amend the Village Code, Chapter 224, entitled "Taxicabs and Other Vehicles for Hire", Section 224-9, "Ineligibility Due to Conviction", to add two kinds of criminal convictions which would disqualify an individual from obtaining or renewing a taxi driver's license. Mayor Hendrick read the proposed Local Law and asked if anyone wished to speak. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the Hearing and enact Local Law #11 of 2013. Motion carried, all voting "Aye".

RES.#280-13

P.H.-CHAP.78 -
BOARDING
HOUSES,ROOMING
HOUSES &
HOTELS - L.L.#12
OF 2013

Mayor Hendrick opened a Public Hearing to consider the enactment of proposed Local Law #12 of 2013 to amend the Village Code Chapter 78, entitled "Boarding Houses, Rooming Houses and Hotels" to add three new regulations relating to fingerprinting and ineligibility of an applicant of a license for criminal conviction. Mayor Hendrick read the proposed Local Law and asked if anyone wished to speak. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the Hearing and enact Local Law #12 of 2013. Motion carried, all voting "Aye".

RES.#281-13

SET DATE- P.H.-
10/7/13 - CHAP.203
- SIGNS

It was moved by Trustee Beach, seconded by Trustee Atkinson to table setting a date for a Public Hearing to consider the enactment of proposed Local Law #13 of 2013 to amend Chapter 203 entitled "Signs", Section 203-3 Definitions, to exempt Village property from the provision of the Sign Code. Motion carried, all voting "Aye".

RES.#282-13

PROPOSED CABLE
TV STATION
POLICY

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the proposed Lynbrook Cable TV Station Policy. Motion carried, all voting "Aye".

RES.#283-13

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BID AWARD –F.D.
VERTICAL
RESCUE SYSTEM

The Village Administrator advised that the following bids were received on August 29, 2013 for the purchase of a Vertical Rescue System for the Fire Department:

RES.#[284-13](#)

Coastal Fire Systems, Inc. - \$29,250 – Harnesses only
South Shore Fire & Safety Equip. Dist., Inc. - \$28,497 – Harnesses only
DEUS Rescue – Rescue System - \$86,403
Rope & Rescue - \$33,412.50 – Harnesses only

It was moved by Trustee Beach, seconded by Trustee Atkinson for the bid for Fire Department Vertical Rescue System to Deus Rescue be awarded the Rescue System only as the low bidder in the amount of \$86,403. and South Shore Fire & Safety be awarded the bid for the Harnesses only in the amount of \$28,497. as the low bidder. Motion carried, all voting “Aye”.

BID AWARD-2013
ROAD
IMPROVEMENT
PROJECT

The Village Administrator advised that the following bids were received on August 28, 2013 for the 2013 Road Improvement Project:

RES.#[285-13](#)

	<u>Base Bid</u>	<u>Alternate 1</u>	<u>Alternate 2</u>
Reet Construction -	\$779,557.50	\$123,247.50	\$345,420.
Araz Industries -	\$1,026,360.00	\$160,000.00	\$436,180.
Allen Industry -	\$743,208.00	\$102,011.50	\$374,460.

It was moved by Trustee Beach, seconded by Trustee Atkinson to award the Base Bid for the 2013 Road Improvement Project to Allen Industry as the low bidder in the amount of \$743,208.00, for Glover Circle, Vincent Avenue, Merton Avenue and Sherman Street and re-bid the bid alternate #2 for PF #8. Motion carried, all voting “Aye”.

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

MINUTES-8/12/13

RES.#[286-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to accept the Minutes of August 12, 2013 as submitted and place on file. Motion carried, all voting “Aye”.

CHAMBER OF
COMMERCE
REPORT

Denise Rogers, President of the Chamber of Commerce gave an update of Chamber of Commerce activities.

DEPARTMENT
REPORTS-7/2013

RES.#[287-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to accept the following Department Reports for the month of July 2013: Fire Dept., DPW, Justice Court, Recreation, Police Department, Library and Building Department. Motion carried, all voting “Aye”.

ST. JOHN'S
LUTHERAN
CHURCH-
HARVEST
FESTIVAL

RES.#[288-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to grant permission to St. John's Lutheran Church to hold their Annual Harvest Festival on Sunday, October 6, 2013 from 11AM until 3PM on the Church property at the corner of Peninsula Blvd. & Merrick Road, install a temporary sign and to waive any necessary permit fees. Motion carried, all voting “Aye”.

HISTORICAL
SOCIETY OF
E.R/LYN. GARAGE
SALE

RES.#[289-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to grant permission to the Historical Society of East Rockaway & Lynbrook to hold a garage sale on September 27 and 28, 2013 at 592 Scranton Avenue and to waive any necessary permit fees. Motion carried, all voting “Aye”

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PRESENTATION-
BAPTIST CHURCH

Rev. Bob Walderman and Sal Dantona of Lynbrook Baptist Church presented a check to the Nassau County Fire Fighters-Operation Wounded Warrior Program in the amount of \$7,257.00 from their 4th Annual Charity Softball game with the Lynbrook Fire Department.

N.C. OPERATION
WOUNDED
WARRIOR FUND
RAISER

Former Fire Chief Bien advised that the Fire Department will hold a fund raising event to benefit the Nassau County Operation Wounded Warrior on September 21, 2013 at the Vulcan Firehouse on Denton Avenue.

BILLS

RES.#[290-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson that Bills listed on Abstract of Audited Voucher #5, General Fund - \$649,453.03; Trust & Agency - \$6,916.65; Electronic Transfer - \$304,300.65, Community Development - \$38,955.50, 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 executive session to review applicants for employment as part-time Recreation Attendants. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson to open an executive session to review applicants for employment as part-time Recreation Attendants. Motion carried, all voting "Aye". Motion carried, all voting "Aye". After no further discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to open the regular meeting. Motion carried, all voting "Aye".

PROPOSAL-
EXTENDING
RESTROOM-GREIS
PARK

RES.#[291-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve a change order proposal from Robustello & Son, Inc. in the amount not to exceed \$6,500. for enlarging the concrete floor slab with footing to accomodate the new restrooms at the southwest section of Greis Park and to temporary transfer said funds from Contingency Account #1990.0444 to Capital Fund Account #003.0003.0212 . Motion carried, all voting "Aye".

PART-TIME
RECREATION
ATTENDANTS

RES.#[292-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to hire the following seasonal employees as "Part-time Recreation Attendants":

Brian Brethel - \$9.25
Keith McDermott -\$9.00
Sal Cacciatore - \$11.00
Jacob Podgorsky - \$7.65
Michael McDermott - \$9.00

at the hourly wage rate designated,. Motion carried, all voting "Aye".

REMOVE TRAFFIC
ISLAND-
PENINSULA &
MERRICK

RES.#[293-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize Trustee Becker to request the County of Nassau to remove a traffic island at the northeast corner of Merrick Road and Hempstead Avenue to accommodate the requested relocation of a new bus stop approximately 150' southerly from 20 Hempstead Avenue. Motion carried, all voting "Aye".

APPT.J.WIATER-
P/T CLERK
TYPIST-
BLDG.DEPT.

RES.#[294-13](#)

It was moved by Trustee Becker, seconded by Trustee Beach to ratify the hiring of Jeannie Wiater as a Part-Time Clerk in the Building Department to fill the vacancy of Marion Akcelik, at a wage of \$21.60 per hour, effective September 9, 2013. Motion carried, all voting "Aye".

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APPT.D.BIEN-
LABORER-DPW

It was moved by Trustee Beach, seconded by Trustee Atkinson to hire Dylan Bien as a Laborer in the Department of Public Works, Sanitation, in accordance with the terms of the CSEA Agreement. Motion carried, all voting "Aye".

RES.#[295-13](#)

APPROVE-
TEMPORARY
CLERK

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve a request to the Nassau County Civil Service Commission to open a new temporary part-time noncompetitive Clerk position in the Village Office due to staff shortages. Motion carried, all voting "Aye".

RES.#[296-13](#)

POWER WASH
WALK THRU

It was moved by Trustee Beach, seconded by Trustee Atkinson to direct the Superintendent of Public Works to have the Atlantic Avenue walk-thru sidewalk power washed at least once every two months, and forward said completion dates to the Village Administrator. Motion carried, all voting "Aye".

RES.#[297-13](#)

INTERVIEW
COMMITTEE-
DEPUTY CLERK
TREASURER

It was moved by Trustee Beach, seconded by Trustee Atkinson to designate Trustee Becker and Trustee Hawxhurst to serve on the Interview Committee to appoint a Deputy Clerk Treasurer to fill a vacancy that will result from Helen Lanza retiring on October 2, 2013. Motion carried, all voting "Aye".

RES.#[298-13](#)

DEMOLITION
APPLICATION-
DENIED-417
OCEAN AVE& 3 &
9 MERTON AVE.

It was moved by Trustee Becker, seconded by Trustee Hawxhurst that the application for a permit submitted by Thomas Morash for the demolition of three one-family homes at 417 Ocean Avenue and 3 & 9 Merton Avenue be denied without prejudice for re-submission with an amended SEQRA Mitigation Plan, due to the Mitigation Plan submitted was not acceptable for its failure to lessen the negative impact upon the environment, to wit: the plan for the proposed use fails to effect a harmonious relationship of the proposed use with the surrounding residential property and community. Motion carried, all voting "Aye".

RES.#[299-13](#)

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting at 9:50 PM. Motion carried, all voting "Aye".