

September 12, 2016

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, September 12, 2016 at 7:00 P.M. in the Village Hall.

Present: Mayor William Hendrick  
Trustee Alan Beach  
Trustee Hilary Becker  
Trustee Michael Hawxhurst  
Trustee Ann Marie Reardon  
Village Administrator John Giordano  
Village Attorney Peter Ledwith

EXEC. SESSION  
RES.#[245-16](#)

It was moved by Trustee Beach, seconded by Trustee Becker, to adjourn the meeting to open an Executive Session to discuss applications for the position of part-time Court Clerk. Motion carried, all voting "Aye." It was moved by Trustee Beach, seconded by Trustee Becker, to open an Executive Session to discuss the application for the position of part-time Court Clerk. Motion carried, all voting "Aye." After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Becker, to close the Executive Session. Motion carried, all voting "Aye." It was moved by Trustee Beach, seconded by Trustee Becker, to open the regular meeting. Motion carried, all voting "Aye."

EMPLOYEE PAYOUTS  
RES.#[246-16](#)

It was moved by Trustee Reardon, seconded by Trustee Becker, to approve the Employee Severance payouts for the following in accordance with their Collective Bargaining Agreements:

Alex Chavre, PD – Neighborhood Aide P/T  
Teresa Criscuolo, Library Page P/T  
Linda Musella-Keane, Court–Court Clerk  
Cindy Pado, PD – Dispatcher  
Gary Speredowich, DPW – Maintainer

Motion carried, all voting "Aye."

COURT STAFFING  
RES.#[247-16](#)

It was moved by Trustee Becker, seconded by Trustee Reardon, to canvass the full-time Court Clerk list in lieu of the Part-time Court Clerk list, to fill a part-time vacancy in the Justice Court with a full-time employee. Motion carried, all voting "Aye."

CSEA RETIREE  
COVERAGE  
RES.#[248-16](#)

It was moved by Trustee Hawxhurst, seconded by Trustee Becker, to authorize the Mayor to sign the CSEA Retiree Vision Memorandum of Agreement to allow CSEA Retirees to purchase Vision insurance. Motion carried, all voting "Aye."

REC. STAFFING CHANGE  
RES.#[249-16](#)

It was moved by Trustee Reardon, seconded by Trustee Beach, to authorize the Mayor to sign an Agreement with Sandi Yarow as a Yoga Instructor to a term expiring May 31, 2017, to replace Georgetta Rich. Motion carried, all voting "Aye."

DONATION OF TIME-  
J.LENGYEL  
RES.#[250-16](#)

It was moved by Trustee Beach, seconded by Trustee Reardon, to approve a request to allow UPSEU members to contribute leave days to Recreation Attendant Jenny Lengyel, pursuant to the terms of the UPSEU Agreement. Motion carried, all voting "Aye."

SURPLUS F.D. PAGERS  
RES.#[251-16](#)

It was moved by Trustee Beach, seconded by Trustee Reardon, to declare fifty (50) Fire Department Motorola alerting pages Minator IV Series as surplus, and to sell to the highest bidder or dispose of as necessary. Motion carried, all voting "Aye."

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SURPLUS – F.D. PAGERS  
RES.#[252-16](#)

It was moved by Trustee Beach, seconded by Trustee Reardon, to declare one hundred fifty (150) Fire Department Motorola alerting pages Minator V series as surplus and to sell to the highest bidder or dispose of as necessary. Motion carried, all voting “Aye.”

SURPLUS – VEHICLES &  
EQUIPMENT  
RES.#[253-15](#)

It was moved by Trustee Beach, seconded by Trustee Becker, to declare the following items as Surplus:

1985 Chevy Blazer  
1989 GMC dump truck  
1985 Chevy pickup  
1993 International 7400 refuse truck  
1996 Ford F-700 refuse truck  
1996 Ford Taurus  
1969 Ford tractor  
1996 12 KW Generator  
Push Mower  
Scag cutting unit  
Trimmer

and sell to the highest bidder or dispose of as necessary. Motion carried, all voting “Aye.”

POLICE DEPT. RULES  
AMENDMENTS  
RES.#[254-16](#)

It was moved by Trustee Hawxhurst, seconded by Trustee Beach, to add and amend following Sections of the Police Department Rules as follows:

Article 4 Rule 9 sub. 2d  
New, Article 4 Rule 11 Sub. 7,8  
New, Article 4 Rule 16 sub. 1,2,3  
New, Article 8 Rule 1 sub. 1, a,b,c, - Amended

Motion carried, all voting “Aye.”

POLICE DEPT. TRAINING  
RES.#[255-16](#)

It was moved by Trustee Reardon, seconded by Trustee Becker, to authorize Detective Sgt. William Straub, Detective Sgt. James Dillon and Detective Robert Harrison to attend the Middle Atlantic Great Lakes Organized Crime Law Enforcement Network, 23<sup>rd</sup> Narcotic Investigators Information Conference to be held November 7 – November 10, 2016 in Ocean City, Maryland. Motion carried, all voting “Aye.”

LIRR PARKING FEES  
RES.#[256-16](#)

It was moved by Trustee Becker, seconded by Trustee Hawxhurst, to increase the non-resident LIRR Parking Lot Fees for Lots A & C to \$800.00 and D & F to \$410.00 effective April 1, 2017. Motion carried, all voting “Aye.”

P.H. SIDEWALK  
ASSESSMENTS  
RES.#[257-16](#)

It was moved by Trustee Hawxhurst, seconded by Trustee Reardon, 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 Hawxhurst, seconded by Trustee Reardon, 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.” (See Exhibit A)

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SET DATE-10/17/16 –P.H.-  
PROPOSED LOCAL LAW-  
CHAP.252-SHOOTING  
RANGE  
**RES.#258-16**

It was moved by Trustee Beach, seconded by Trustee Becker, to set a date for a Public Hearing to consider the enactment of Proposed Local Law # 9 of 2016, by adding a new Section 252-32 to Chapter 252 entitled “Shooting Range”, for October 17, 2016 at 8:00 P.M. Motion carried, all voting “Aye.” It was moved by Trustee Beach, seconded by Trustee Becker, 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.”

SET DATE-P.H.-10/17/16  
– PROPOSED LOCAL  
LAW-CHAP.78-  
BOARDINGHOUSES,  
ROOMING HOUSES &  
HOTELS  
**RES.259-16**

It was moved by Trustee Beach, seconded by Trustee Becker, to set a date for a Public Hearing to consider the enactment of Proposed Local Law #10 of 2016, by amending Chapter 78 Section 78-10 entitled “Revocation”, and repealing Section 78-4.1 and 4.2, for October 17, 2016 at 8:00 P.M. Motion carried, all voting “Aye”. It was moved by Trustee Beach, seconded by Trustee Becker, 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.”

FIREMAN TRAINING  
CENTER  
**RES.#260-16**

It was moved by Trustee Hawxhurst, seconded by Trustee Reardon, to authorize the receipt of Bids for a new Fire Training Center at the dead end of Wright Avenue and to authorize the transfer of funds (See Exhibit B) to accommodate said acquisition and construction costs. Motion carried, all voting “Aye.” It was moved by Trustee Beach, seconded by Trustee Becker, 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.”

BID AWARD-  
ORNAMENTAL STOP  
SIGNS  
**RES.#261-16**

The Village Administrator advised that the following bids were received for Ornamental Stop Sign Backing Plates & Posts on September 7, 2016:

Brandon Industries - \$129,955.00  
Forsite - \$136,815.00  
MidAtlantic - \$141,175.00

It was moved by Trustee Reardon, seconded by Trustee Beach to repeal its August 15, 2016 bid award for Ornamental Stop Sign Post Units due to an inconsistency in the Bid Specifications and award the bid contract to Brandon Industries, the lowest responsible bidder, in the amount of \$129,955. Motion carried, all voting “Aye.”

INSTALLATION OF  
STREET SIGNS-  
ROBUSTELLO  
**RES.#262-16**

It was moved by Trustee Beach, seconded by Trustee Reardon, to authorize a Change Order to the Streetscape Requirements Contract with Robustello & Son to install 955 Ornamental Stop and Street Signs. Motion carried, all voting “Aye.”

Mayor Hendrick invited all those present for a continuation of the meeting in the Court Room.

MINUTES -8/15/16  
**RES.#263-16**

It was moved by Trustee Beach, seconded by Trustee Reardon, to accept the Minutes of August 15, 2016 as submitted and placed on file. Motion carried, Trustee Hawxhurst abstained, all others voting “Aye.”

CHAMBER OF  
COMMERCE REPORT

Linda Stephenson, President of the Chamber of Commerce gave an update of Chamber activities.

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COMMUNITY CHEST  
FUNDRAISER

Frank Pignataro of the River Mill Restaurant contributed \$800. to the Community Chest as a result of a fundraiser held at the Atria Senior Center.

NC FIREFIGHTER'S  
WOUNDED WARRIOR  
PROJECT 09/24/16  
RES.#[264-16](#)

It was moved by Trustee Becker, seconded by Trustee Reardon, to close Earle Avenue between St. James Place and Merrick Road between the hours of 4:00 PM and 12:00 AM on September 24, 2016 for the N.C. Firefighter's Wounded Warrior Project Fundraiser event. Motion carried, all voting "Aye."

MALVERNE 5K RUN  
10/16/16  
RES.#[265-16](#)

It was moved by Trustee Beach, seconded by Hawxhurst, to grant permission to the Malverne Educational & Fitness Foundation to hold their 5K Run on October 16, 2016 between the hours of 8:00 AM – Noon on various streets as approved by the Police Chief . Motion carried, all voting "Aye."

ST. JOHN'S HARVEST  
FAIR 09/25/16  
RES.#[266-16](#)

It was moved by Trustee Becker, seconded by Trustee Hawxhurst, to grant permission to St. John's Church for their Annual St. John's Harvest Festival to be held on Sunday, September 25, 2016 from 11:00 AM – 3:00 PM on the Church property at the corner of Peninsula Boulevard and Merrick Road, and waive the fee for their temporary signs. Motion carried, all voting "Aye."

P.H.-SUB-DIVISION-61  
SPENCER AVENUE  
RES.#[267-16](#)

The Mayor opened a continued Public Hearing to consider an application to the Board of Trustees, as the Planning Board for the subdivision of 61 Spencer Avenue, as heard on August 15, 2016. Bruce Haffner Esq., representing the applicant advised that the subdivision would accommodate two (2) one (1) family homes on two (2) lots having frontage on 48' wide lots, where 55' is required by the Village Code and Variances for each lot will be applied to the Board of Appeals. Mr. Haffner introduced Sean Mulryan, P.E., who reported that there would be no impact to traffic flow from the additional curb cut, and no negative impact to safety. Barry Nelson, representing the applicant advised that the two homes will be compatible with and have a market value higher than those in the neighborhood. The Mayor asked if anyone would like to speak on the application. The following residents commented:

Janet Tenezaph – 51 Spencer Ave.  
Al Marino – 75 Spencer Ave.

After no further comments, it was moved by Trustee Beach, seconded by Trustee Reardon, to close the hearing. Motion carried, Trustee Becker recused himself, all others voting "Aye." It was moved by Trustee Beach, seconded by Trustee Hawxhurst, to approve the Subdivision subject to conditions outlined in a formal Decision to be issued by the Village Attorney. Motion carried, Trustee Becker recused himself, all others voting "Aye."

P.H.-PROPOSED LOCAL  
LAW –CULTURAL ARTS  
DISTRICT  
AMENDMENTS  
RES.#[268-16](#)

The Mayor opened a Public Hearing to consider the enactment of a proposed Local Law #8 of 2016 to amend the Code of the Village of Lynbrook, Chapter 252, entitled Zoning, Article VIIA Cultural Overlay District 252-46, to include the use of Hotel as an included intent and purpose. Special Counsel Benjamin Truncala summarized the proposed law and SEQRA requirements. The Mayor asked if anyone would like to comment. An unnamed resident commented.

It was moved by Trustee Beach, seconded by Trustee Reardon, to adopt the following Resolution:

Whereas, the Incorporated Village of Lynbrook (hereafter “Village”) Board of Trustees has introduced proposed local law amendments to the Lynbrook Code to clearly define the minimum lot area requirements, the specific district boundaries, establish maximum height restrictions and enumerate potential uses with the Village’s Art and Cultural Overlay District (hereinafter, the “Proposed Action”); and

Whereas, SEQRA 617.6 intends that the earliest planning stages of a proposed Action, an agency shall coordinate with other involved agencies to determine the most appropriate lead agency for review of a Proposed Action; and

Whereas, the Board of Trustees has caused to be prepared a Part 1 Environmental Assessment For (EAF) as a screening tool to identify the nature of the Proposed Action, its preliminary classification, site conditions and potential impacts for the purpose of coordinated review under SEQRA; and

Whereas, the Board of Trustees intends to commence a coordinated review of Proposed Action by circulating a letter of coordinated review with the other agencies involved in approval of the Proposed Action;

Now be it hereby resolved, that the Board of Trustees hereby issues a preliminary classification of the Proposed Action as Type I; and

Be it further resolved, that the Board of Trustees authorizes the Village Clerk to issue letters to involved agencies requesting input on the Proposed Action, potential impacts, SEQRA classification and designation of lead agency, identifying the Board of Trustees’ intent to act as to act as lead agency if there is no objection from involved agencies.

Motion carried, all voting “Aye.”

After no further comments, it was moved by Trustee Beach, seconded by Trustee Hawxhurst to continue the Public Hearing on October 17, 2016 at 8:00 P.M. Motion carried, Trustee Becker recused himself, all others voting “Aye.”

RESTORE NY GRANT  
RES.#[269-16](#)

It was moved by Trustee Reardon, seconded by Trustee Becker, to ratify the filing of a letter of intent for a grant from “Restore NY” in the amount of \$5 million for certain improvements to downtown. Motion carried, all voting “Aye.”

BILLS  
RES.#[270-16](#)

It was moved by Trustee Reardon, seconded by Trustee Beach, that Bills listed on Abstract of Audited Voucher # 5, General Fund - \$650,588.23; Trust & Agency - \$19,342.35, Capital Fund - \$3,425.00; Electronic Transfer - \$355,618.28, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting “Aye.”

DISC-CAPRI HOTEL

Pursuant to Section 78-10 of the Village Code, the Mayor appointed Trustees Hawxhurst, Becker and Beach with Trustee Reardon as Alternate as a panel to consider the revocation of a Village license issued to the firm d/b/a Lynbrook Motel LC to operate the Capri Motel at 5 Freer Street.

GOOD & WELFARE

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

ADJOURNMENT

It was moved by Trustee Reardon, seconded by Trustee Becker, to adjourn the meeting at 9:50 P.M. Motion carried, all voting “Aye.”

