A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, August 12, 2013 at 7:00 P.M. in the Village Hall. The Mayor opened the meeting with the Pledge of Allegiance.

Present: Mayor William Hendrick

Trustee Alan Beach Trustee Hilary Becker Trustee Michael Hawxhurst Trustee Thomas Atkinson

Village Administrator John Giordano Village Attorney Peter Ledwith

MERRICK ROAD STREETSCAPE

RES.#243-13

EXECUTIVE SESSION

Cameron Engineering & Assoc., LLP presented concepts for a streetscape Gateway for Merrick Road near Horton Avenue. It was moved by Trustee Beach, seconded by Trustee Atkinson to table the discussion to the September 16, 2013 meeting. Motion carried, Trustee Becker absent, all others voting "Aye".

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting to open an executive session to discuss the matter of the Village v. South Shore Storage with Special Village Counsel Jack Libert. Motion carried, Trustee Becker absent, all others voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson to open an executive session to discuss the matter of the Village v. South Shore Storage with Special Counsel Jack Libert. Motion carried, Trustee Becker absent, all others voting "Aye". Mr. Libert advised that the matter involves the Villages attempt to seek reimbursement of an injured police officers wages, and applicable statute of limitations. It was moved by Trustee Hawxhurst, seconded by Trustee Beach not to take any action in this regard. Motion carried, Trustee Becker absent, all others voting "Aye". After no further discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the executive Motion carried, Trustee Becker absent, all others voting It was moved by Trustee Beach, seconded by Trustee Atkinson to reopen the regular meeting. Motion carried, all voting "Aye".

MERTON AVENUE DEMOLITION

RES.#244-13

Al D'Agostino, Esq. presented a site plan for the demolition of three (3) homes at 3 & 9 Merton Avenue, and 417 Ocean Avenue, as requested at the July 15, 2013 meeting. Mr. Ron Morganosa of 38 Merton Avenue commented. After a brief discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to table the matter to the September 16, 2013 meeting. Motion carried, Trustee Becker absent, all others voting "Aye".

It was moved by Trustee Beach, seconded by Trustee Atkinson to modify Resolution 201-13 adopted on June 17, 2013 to read as follows:

240-49.1.A Overnight parking licenses shall be required to park in Municipal Parking Fields #14-19 from Midnight to 7AM Monday - Friday. Motion carried, Trustee Becker absent, all others voting "Aye".

It was moved by Trustee Beach, seconded by Trustee Atkinson to deny a request from William Lyons of 223 Vincent Avenue requesting his fee for overnight parking permits be waived due to a hardship resulting from his side property line/shared driveway that restricts on-site parking. Motion carried, Trustee Becker absent, all others voting

MODIFY RES. 201-13 OVERNIGHT PARKING LICENSES

RES.#<u>245-13</u>

OVERNIGHT PARKING WAIVER-DENIED

RES.#246-13

"Aye". August 12, 2013

NO STANDING SIGN – UNION AVENUE

RES.#247-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to amend the Village Vehicle & Traffic Code to establish "No Standing 8:45 AM to 3PM Monday through Friday – School Days" on the east side of Union Avenue located approximately 30 feet north of 50 Union Avenue for a distance of 95 feet north to establish a pick-up/drop off area as requested by School District #20 pursuant to Section 240-20. Motion carried, Trustee Becker absent, all others voting "Aye".

NICE BUS STOP-HEMPSTEAD AVE – RELOCATION

RES.#248-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Village Attorney to request Nassau Inter-County Express (NICE) to relocate an existing bus stop located on the east side of Hempstead Avenue just south of Peninsula Blvd., to the north side of Merrick Road, in front of 323 Merrick Road. Motion carried, Trustee Becker absent, all others voting "Aye".

RENEWAL-S.LYNBROOK/HEWLETT LIBRARY FUNDING DISTIRCT

RES.#249-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Village Administrator to advise the Town of Hempstead of the Villages interest to renew the S. Lynbrook/Hewlett Library Funding District Contract expiring December 31, 2013, and authorize the Mayor to sign said Agreement. Motion carried, Trustee Becker absent, all others voting "Aye".

CSEA – PD CIVILIAN LABOR AGREEMENT

RES.#250-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to ratify the Village Administrator signing a Memorandum of Agreement with the CSEA PD Civilian Unit for renewal of their 6/1/10 - 5/31/18 Labor Agreement and authorize the Mayor to sign said Labor Agreement. Motion carried, Trustee Becker absent, all others voting "Aye".

PUBLIC HEARING-SIDEWALK ASSESSMENTS

RES.#<u>251-13</u>

It was moved by Trustee Atkinson, seconded by Trustee Beach 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 Atkinson, seconded by Trustee Beach 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 Trustee Becker absent, all others voting "Aye". (Exhibit attached)

PUBLIC HEARING-CHAP. 240-VEHICLES &TRAFFIC

RES.#<u>252-13</u>

Mayor Hendrick opened a Public Hearing to consider the enactment of proposed Local Law #9 of 2013 to amend the Village Code Chapter 240, Vehicles & Traffic Section 240-50 entitled "Issuance of Licenses by Clerk" to specify that a parking license tag must be exhibited on the left rear bumper of a vehicle. Mayor Hendrick read the 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 #9 of 2013. Motion carried, 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 absent, all others voting "Aye".

SET DATE-P.H.-CHAP.222 ENTITLED TAXATION

RES.#253-13

The Board reviewed proposed Local Law #10 of 2013. It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of September 16, 2013 for a Public Hearing to consider the enactment of proposed Local Law #10 of 2013 to amend Chapter 222 entitled "Taxation", Section 222-9 Penalties and 222-12 Collection of unpaid taxes. Motion carried, Trustee Becker absent, 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 absent, all others voting "Aye".

SET DATE-P.H.-9/16/13-CHAP.224 –TAXI LICENSES

RES.#254-13

The Board reviewed proposed Local Law #11 of 2013. It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of September 16, 2013 for a Public Hearing to consider the enactment of proposed Local Law #11 of 2013 to amend Chapter 224 Taxicabs and Other Vehicles for Hire, Section 224-9, which adds a staking, luring a child and unlawful imprisonment as crimes that disqualify an applicant. 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 issue 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 absent, all others voting "Aye".

SET DATE –P.H.-9/16/13-CHAP.78-BOARDINGHOUSES, ROOMING HOUSES & HOTELS

RES.#<u>255-13</u>

The Board reviewed proposed Local Law #12 of 2013. It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of September 16, 2013 for a Public Hearing to consider the enactment of proposed Local Law #12 of 2013 to amend Chapter 78 entitled Boarding Houses, Rooming Houses and Hotels, Section 78-4.1, 78-4.2 and 78.4.3 with regards to fingerprinting. Motion carried, Trustee Becker absent, 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 absent, all others voting "Aye".

SET BID DATE – DPW ROOF REPAIRS

RES.#<u>256-13</u>

MALVERNE HOMECOMING PARADE-10/19/13

RES.#257-13

MALVERNE EDUCATIONAL & FITNESS FOUNDATION 5K WALK/RUN-10//6/13

RES.#258-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of October 3, 2013 to receive bids for Roof Replacement on the DPW garages, and Library. Motion carried, Trustee Becker absent, all others voting "Aye".

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve Malverne School Districts request to hold their Homecoming parade on October 19, 2012 and to waive any necessary permit fees. Motion carried, Trustee Becker absent, all others voting "Aye".

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve a request from the Malverne Educational and Fitness Foundation to hold its 9th Annual 5K Walk/Run for Education on various Village streets on October 6, 2013. Motion carried, Trustee Becker absent, all others voting "Aye".

FBS AMNESTY AGREEMENT

RES.#259-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Mayor to sign an Agreement with Fundamental Business Service, Inc. of 14 Front Street, Hempstead to conduct a parking ticket amnesty program for unpaid parking tickets from January 1, 2007 as per Agreement. Motion carried, all voting "Aye".

AMNESTY ADMINISTRATION FEE

RES.#260-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to impose an "Amnesty Administration Fee" of \$10.00 on any parking ticket that is under an Amnesty Program. Motion carried, all voting "Aye".

ELECTRONICALLY POWERED BULLETIN BOARD-FIRE FIGHTERS MEMORIAL

RES.#261-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve a request from Fire Council to install an electronic bulletin board sign at the Fire Fighters Memorial located on Sunrise Highway at Earle Avenue and to waive any Building Department permit fees, subject to submission of a rendering and drafting of a proposed local law to permit the same. Motion carried, all voting "Aye".

POOL RENTAL-HERRICKS HIGH SCHOOL

RES.#262-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve Herrick High School renting the Pool for their swim team on August 26, 27, 29, 30, September 3, September 7, 2013 at a rate of \$91 per hour. 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 an application of a candidate for a part-time Clerk in the Building Department. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson to open an executive session to discuss an application of a candidate for a part-time Clerk in the Building Department Staffing. Motion carried, all voting "Aye". After no further discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the executive session. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson to open the regular meeting. Motion carried, all voting "Aye".

APPT.-PT CLERK-D.CARRILLO-BLDG.DEPT.

RES.#<u>263-13</u>

It was moved by Trustee Beach, seconded by Trustee Atkinson to appoint Deborah Carrillo as a part-time Clerk in the Building Department at a rate of \$21.27 per hour. Motion carried, all voting "Aye".

AGREEMENT – VHB ENGINEERING-REGAL THEATRES

RES.#<u>264-13</u>

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Mayor to sign an Agreement with VHB Engineering to provide consultation services to assist in the review of a site plan to be filed by Regal Theatres/Blumenfled Development Group (BDG) for the redevelopment of the Regal Movie Theatre at 325 Merrick Road, and to require BDG to deposit \$25,000 with the Village to offset such expenses in the interim. Motion carried, all voting "Aye".

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

MINUTES-7/15/13

RES.#<u>265-13</u>

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the Minutes of July 15, 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 MAY & JUNE 2013

RES.#266-13

It was moved by Trustee Beach, seconded by Trustee Atkinson to accept the following Department Reports for the months of May & June 2013 as submitted: DPW, Fire Department, Library, Village Justice Court, Police Department and Recreation. Motion carried, all voting "Aye".

50 YEAR MEMBER - F.D.

Mayor Hendrick congratulated 50 year members of the Lynbrook Fire Department: Robert Citkovic, Larry Meyers, Robert Magnussen and William Meyers.

LFD SOFTBALL GAME

Steve Grogan of the Lynbrook Fire Department reported on the charitable softball game to be held with the Lynbrook Baptist Church on August 24, 2013.

It was moved by Trustee Beach, seconded by Trustee Atkinson to

accept from Mr. Alfred Goldenstein his donation of a 9/11 Bronze Plaque to the Village of Lynbrook. Motion carried, all voting "Aye"

PRESENTATION-9/11 BRONZE PLAQUE

RES.#267-13

PRESENTATION-RECREATION STAFF

Mayor Hendrick presented Certificates of Appreciation to Recreation Staff members for their assistance with the 2013 Coca-Cola "Americas Favorite Park" Contest competition.

PRESENTATION – REGAL THEATRE

RES.#268-13

introduced Village Counsel Jack Libert Special Threatre/Bluenfled Development Group (RTBDG) to discuss their intended redevelopment of the Lynbrook Movie Theatre at 325 Merrick Road. David Blumenfled and Jerry Grewe, representing Regal Cinemas, discussed the existing condition of the Theatre. Mr. Grewe indicated that the proposed project would encompass all parcels owned by Regal, and provide 15 screens with modern theatre amenities. Chris Robinson of RMS Engineering, representing RTBDG, advised that the existing structure would be demolished, and a new structure would be constructed having a front entrance facing east on Hempstead Avenue, a drop off traffic lane in Patrick Henry Park, and parking provided off site utilizing available spaces on streets and in municipal parking lots. The following individuals commented: Denise Rogers, Lynbrook Chamber of Commerce, Jeff Greenfield, Lynbrook Chamber of Commerce, Jennifer Dirk, Chris Brew and Patrick Cox. Mr. Grewe added that the existing theater has 1700 seats, and the proposed theatre would have 3150 seats, take 12 months to construct, have staggered times to minimize traffic congestion, and reprogramming of the pedestrian crosswalk times on Merrick Road by Nassau County. The Mayor thanked all for their comments and requested that the applicants advise Jack Libert regularly on the status of the filing of a formal application.

BILLS

RES.#269-13

It was moved by Trustee Beach, seconded by Trustee Atkinson that Bills listed on Abstract of Audited Voucher #12, General Fund - \$574,465.22, Trust & Agency - \$31,785.53, Capital Fund - \$493,801.33, Electronic Transfer - \$306,796.17, Community Development - \$22,803.34, 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 no further discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the executive session. Motion carried, all voting "Aye".

ADJOURNMENT

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