

July 15, 2013

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, July 15, 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 Michael Hawxhurst  
Trustee Thomas Atkinson  
Village Administrator John Giordano  
Village Attorney Peter Ledwith

Absent: Trustee Hilary Becker

TRIATHALON  
8/1/13

RES.#[221-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorizing the closing of Leaman Avenue for one hour on August 1, 2013 to accommodate the Lynbrook Fly with the Owls Triathlon event. Motion carried, all voting "Aye".

9/11 PLAQUE

RES.#[222-13](#)

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to accept the donation of a 9/11 Plaque from Alfred Goldenstein to be placed in the Memorial Garden at Village Hall. Motion carried, all voting "Aye".

PD P/T CLERK

RES.#[223-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to ratify the Police Chief's request to the Nassau County Civil Service Commission to open a new part-time Clerk title to accommodate the processing of an increased amount of parking ticket default judgments, and hire Jeff Baumgarten at a rate of \$14.42 per hour as a part-time Clerk to be assigned to the Police Department. Motion carried, all voting "Aye".

BID AWARD -  
2013/2014 ROAD  
REPAIR  
REQUIREMENTS  
CONTRACT

RES. #[224-13](#)

Superintendent of Public Works Phil Healey advised that bids were received on June 27, 2013 for the 2013/2014 Road Repair Requirements Contract as follows:

Frank Robustello & Son - \$13.78 per sq. ft.

Stasi Brothers Asphalt - \$16.34 per sq. ft.

Lazer Industries, Inc. - \$42.908 per sq. ft.

It was moved by Trustee Beach, seconded by Trustee Atkinson to award the bid to Frank Robustello & Son as the lowest bidder. Motion carried, all voting "Aye".

SET BID DATE -  
8/28/13 - 2013  
ROAD PROJECT

RES.#[225-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of August 28, 2013 at 11:00 AM to receive bids for the 2013 Road Project. 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 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". It was moved by Trustee Beach, seconded by Trustee Atkinson to open the regular meeting. Motion carried, all voting "Aye".

July 15, 2013

TAXI STAND

**RES.#[226-13](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the Police Chief's Determination for the institution of a Taxicab Stand of four (4) spaces on the east side of Rocklyn Avenue, just north of Sunrise Highway and 3 spaces on the north side of Merrick Road, just west of Rocklyn Avenue to be utilized by All Island Taxi (See Exhibit "A"). Motion carried, all voting "Aye".

DEUS 3100 RESCUE  
VERTICAL  
SYSTEM - BID

**RES.#[227-13](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to receive bids for the purchase of DEUS 3100-FB31 & 7300 Belay Firefighter Safety Bailout & Rescue Vertical Rope System, and associated transfer of \$127,000 from Contingency A1990.444 to F.D. Uniform & Gear A3410.247 to accommodate said purchase. Motion carried, all voting "Aye".

DEMOLITION  
PERMIT-3  
MERTON, 9  
MERTON & 417  
OCEAN AVE.

**RES.#[228-13](#)**

Albert D'Agostino Esq., representing Thomas Morash presented an application for a Demolition Permit for 3 Merton Avenue; 9 Merton Avenue & 417 Ocean Avenue, a total of three (3) residences. Ron Morgan – 38 Merton Avenue commented. It was moved by Trustee Beach, seconded by Trustee Atkinson to table a request for a Demolition Permit to demolish one family homes at 3 Merton Avenue; 9 Merton Avenue and 417 Ocean Avenue, subject to the applicant providing a Landscape Plan showing a drywell, planting of grass, and any fencing on the sites. 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 for this Unlisted action recognizing it has an adverse impact on environmental aesthetics pursuant to the New York State Environmental Quality Review Act. Motion carried, all voting "Aye".

NOTICE OF CLAIM  
FILING-NYS

**RES.#[229-13](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to designate the NYS Secretary of State as the Village's agent for service of Notices of Claim against the Village, pursuant to recent amendments to Section 43 of the NYS General Municipal Law, effective this date. Motion carried, all voting "Aye".

NASSAU COUNTY  
PLANNING STUDY  
GRANT

**RES.#[230-13](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to accept an offer from the Nassau County Planning Commission to perform a planning study of the LIRR Station area as part of their "Nassau County Infill Feasibility Study". Motion carried, all voting "Aye".

NYS HAZARD  
MITIGATION  
GRANT

**RES.#[231-13](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to ratify the filing of a NYS Hazard Mitigation Grant to obtain funds for Generators for the Police Department; Emergency Management Office; Fire Houses Library & Recreation Departments. Motion carried, all voting "Aye".

PUBLIC HEARING-  
CHAP.185 -  
PROPERTY  
MAINTENANCE-  
L.L.#7 OF 2013

**RES.#[232-13](#)**

Mayor Hendrick opened a Public Hearing to consider the enactment of proposed Local Law #7 of 2013 to amend the Code of the Village of Lynbrook, Chapter 185, Property Maintenance; Section 185-12 (B) to add new subsections (3), (4) and (5) providing for additional remedies and collection of costs and penalties as taxable assessments. 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 #7 of 2013. Motion carried, all voting "Aye".

PUBLIC HEARING  
- CHAP. 185 -  
L.L.#8 OF 2013

**RES.#[233-13](#)**

It was moved by Trustee Beach, seconded by Trustee Atkinson to open a Public Hearing to consider the enactment of proposed Local Law #8 of 2013 to amend the Code of the Village of Lynbrook, Chapter 185, Property Maintenance, to add new subsections 185-4 (A)(1)(2) Drainage and discharge of water; and (G) Parking Lots; (H) Vegetation; 185-5(B) Business Unit; (K) Registration of businesses and multiple dwellings;

July 15, 2013

registered agents; (L) Shopping Carts; and 185-6 Building & Structures; subdivision (I) Graffiti; and to repeal Village Code Chapter 107, Drainage; Chapter 143 Graffiti; Chapter 170 Parking Lots & parking space dimensions; Chapter 189 Registration of businesses; Chapter 200 Shopping Carts; and Chapter 236 Vegetation. Mayor Hendrick read the Local Law and asked if anyone wished to speak. The village Attorney indicated that it is the intent of this proposed Local Law to consider various property maintenance related chapters into Chapter 185. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to enact Local Law #8 of 2013. Motion carried, all voting "Aye".

SET DATE-8/1213  
CHAP.240-50

RES.# [234-13](#)

The Board reviewed proposed Local Law # 9 of 2013 to amend Section 240-50 to require parking permits to be posted on rear vehicle bumpers. It was moved by Trustee Beach, seconded by Trustee Atkinson to set the of August 12, 2013 at 7:00 to hold a Public Hearing to amend Village Code Chapter 240-50 regarding Village Parking Licenses. Motion carried, all voting "Aye".

ADVERTISE –  
SKILLED  
TRADEPERSON

RES.# [235-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to grant permission to DPW Superintendent Phil Healey to advertise for a Laborer to replace the recently resigned Mr. Michael Marino. Motion carried, all voting "Aye".

SEASONAL HIRE –  
C. DOLCE

RES.# [236-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the hiring of Christopher Dolce as a seasonal Laborer in the DPW at a rate of \$8.75 per hour. Motion carried, all voting "Aye".

TEMPORARY  
SUPERVISOR FOR  
SEASONALS

RES.# [237-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the temporary seasonal step up to facilitate the supervision of 19 seasonal employees beginning June 24 thru August 30, 2013 for DPW Laborer Robert Stienert and Laborer Paul DeGiovanni, and increasing their wages by \$1.28 per hour during such time period. Motion carried, all voting "Aye".

RECREATION  
PROMOTIONS

RES.# [238-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve salary adjustments for Seasonal Recreation Attendant, Sal Cacciatore at a salary of \$11.00/hr. and Seasonal Recreation Attendant Sarah Burke at a salary of \$9.00/hr. Motion carried, all voting "Aye".

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

MINUTES-6/17/13 &  
7/2/13

RES.# [239-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to accept the Minutes of June 17, 2013 and July 2, 2013 as submitted and place on file. Motion carried, all voting "Aye".

CHAMBER OF  
COMMERCE

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

ANNUAL F.D.  
EXPO

RES.# [240-13](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to grant permission for the Assistant Chiefs Michael Anderson and James McDermott and Chief Edward Hynes to attend the Firehouse Expo Convention in Baltimore, MD, July 24<sup>th</sup> and return on July 28, 2013, and use of Chiefs vehicles. Motion carried, all voting "Aye".

2013 RECREATION  
PROGRAMS

Park Supervisor Patrick McDermott and Recreation Supervisor Andrea Campbell gave a presentation on the 2013 Recreation Department Programs.

July 15, 2013

PROPOSED HOTEL-  
LANGDON PLACE

**RES#241.13**

Special Village Counsel Jack Libert introduced Len Garten, Monroe Kaufman and Lee Browning, Sr. of Browning Hotel Venture (BHV). Mr. Garten advised at length that it is his objective to obtain a lease from the Village to utilize air rights over the Village's Langdon Place Municipal Parking Lot #3 to construct a new 156 room hotel. Mr. Garten indicated that in exchange for the Lease, BHV would construct 110 additional municipal parking spaces, and pay a \$5.00 per occupied room fee to the Village. Mr. Garten presented a conceptual site plan showing the Hotel lobby on the first floor, and Hotel rooms on the upper 3 floors for a total height of 68'; 96 on-site parking spots would be provided for Hotel guests, and all 134 existing Village commuter public parking spaces would be maintained on site for the public. Several in attendance commented. The Mayor thanked Mr. Garten for his presentation, and advised that Public Hearings would be scheduled in the future to consider this concept.

BILLS

**RES.#242-13**

It was moved by Trustee Beach, seconded by Trustee Atkinson that Bills listed on Abstract of Audited Voucher #3, General Fund – \$2,026,288.12, Trust & Agency - \$30,924.79, Capital Fund - \$199,201.28 Electronic Transfer - \$312,494.22, Community Development - \$18,368.00, 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 with Special Counsel Jack Libert. 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 with Special Counsel Jack Libert. 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".

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting at 10:15 P.M. Motion carried, all voting "Aye".