

August 16, 2010

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, August 16, 2010 at 7:00 in the Village Hall. The Mayor opened the meeting with the Pledge of Allegiance to the Flag.

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

TRAFFIC
CONTROL-
HANDICAP
PARKING-FOWLER
AVE.

It was moved by Trustee Hendrick, seconded by Trustee Beach to designate handicap parking on the west side of Fowler Avenue for a distance of 20' running northerly ___' from the north curb line of Merrick Road. Motion carried, Mayor Curran abstained, all others voting "Aye".

RES.#284-10

TRAFFIC
CONTROL-
WILLIAMS ST.-
TABLED

It was moved by Trustee Hendrick, seconded by Trustee Beach to table the discussion on proposed parking regulations for the east side of William Street. Motion carried, Mayor Curran abstained, all others voting "Aye".

RES.#285-10

TRAFFIC
CONTROL-
DAVISON AVENUE

It was moved by Trustee Hendrick, seconded by Trustee Beach to amend the Village Vehicle & Traffic Code, Section 240-21, Schedule XIV to designate: (1) "Bus Stop 7AM to 4PM School Days" on the north side of Davison Avenue from the existing "No Stopping Here to Corner" sign to 110 feet east of Grace Avenue; (2) "No Standing 7AM to 4PM School Days" from the east end of the new bus stop to the existing "Handicapped Parking" spot. Motion carried, Mayor Curran abstained, all others voting "Aye".

RES.#286-10

SET DATE-P.H.-85-
93 HEMPSTEAD
AVE.-SPEC.USE
STATUS

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to set a date for September 20, 2010 for a Public Hearing to consider revocation of the Building Permit and Certificate of Occupancy of 85-93 Hempstead Avenue pursuant to their Covenants and Restrictions imposed on their Special Use Permit due to their inability to comply with on-site parking requirements. Motion carried, Mayor Curran abstained, all others voting "Aye".

RES.#287-10

PUBLIC HEARING-
SIDEWALK
VIOLATIONS

It was moved by Trustee Beach, seconded by Trustee Becker 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. It was moved by Trustee Hendrick, seconded by Trustee Beach to close the Public Hearing and authorize the Village to repair the sidewalks in violation, to assess the properties for such repair costs, except for 77 Jarvis Place, 78 Robertson Road and 375 Whitehall Street, and adopt the attached resolution as written. Motion carried, Mayor Curran abstained, all others voting "Aye".

RES.#288-10

RENEWAL OF
LABOR
ATTY.AGREEMENT

It was moved by Trustee Hendrick, seconded by Trustee Beach to authorize the Mayor to sign an Agreement with Bee, Ready, Fishbein, Hatter & Donovan, LLP for Labor Counsel Service to a term expiring May 31, 2013. Motion carried, Mayor Curran abstained, all others voting "Aye".

RES.#289-10

SET BID DATE-
DEBRIS REMOVAL
9-16-10

It was moved by Trustee Beach, seconded by Trustee Hendrick to authorize the receipt of bids for dumpster collection service for the Department of Public Works on September 16, 2010. Motion carried, Mayor Curran abstained, all others voting "Aye".

RES.#290-10

August 16, 2010

RESCHEDULING
YARD WASTE –
TABLED - 9-20-10

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to table a discussion on rescheduling Sanitation Department yard waste collection days, to the September 20, 2010 meeting. Motion carried, Mayor Curran abstained, all others voting “Aye”.

RES.#291-10

SPRINKLER PARK
HOURS

In response to the Mayor, the Village Attorney reported that exclusive use of the Greis Park sprinkler area by the day school program children ½ hour per day twice a day was not impermissible.

CLAIM AGAINST
VILLAGE-
DR.FLORIO-20
HEMPSTEAD AVE.-
PAID

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to authorize the reimbursement of \$200.90 to Dr. Robert Florio for damage to his fence at 20 Hempstead Avenue by a Village snowplow. Motion carried, Mayor Curran abstained, all others voting “Aye”.

RES.#292-10

ADJ. TO
EXEC.SESSION

It was moved by Trustee Beach, seconded by Trustee Becker to adjourn the regular meeting to enter into an executive session to discuss the promotion, and hiring of a Police Officer and promotion and discipline of sanitation employees. Motion carried, Mayor Curran abstained, all others voting “Aye”.

EXECUTIVE
SESSION

It was moved by Trustee Hendrick, seconded by Trustee Beach to open an executive session to discuss the promotion and hiring of a candidate for Police Officer. Motion carried, Mayor Curran abstained, all others voting “Aye”. A brief discussion ensued concerning the recruitment of a candidate for a vacant Police Officer position, and promotion of a Sergeant to a Lieutenant. The Board continued review of the qualifications of an individual in the Department of Public Works considered for promotion to the vacant position of Sanitation Supervisor, and the employment status of certain clerical individuals, reassignment of duties and hours, and proposed disciplinary actions against certain Sanitation Department employees. After no further discussion, it was moved by Trustee Hawxhurst, seconded by Trustee Hendrick to close the executive session. Motion carried, Mayor Curran abstained, all voting “Aye”.

RECONVENE REG.
MEETING

It was moved by Trustee Hendrick, seconded by Trustee Beach to reconvene the regular meeting. Motion carried, Mayor Curran abstained, all others voting “Aye”.

APPOINTMENT-
POLICE OFFICER-
R. HARRISON

It was moved by Trustee Beach, seconded by Trustee Becker to appoint Robert Harrison to the position of Police Officer pursuant to the terms of the PBA Agreement effective September 7, 2010. Motion carried, Mayor Curran abstained, all others voting “Aye”.

RES.#293-10

PROMOTION-
R.FLEURY

It was moved by Trustee Beach, seconded by Trustee Hendrick to authorize the promotion of Sergeant Ronald Fleury to the rank of Lieutenant effective August 23, 2010 pursuant to the terms of the PBA Agreement. Motion carried, Mayor Curran abstained, all others voting “Aye”.

RES.#294-10

PROMOTION-
T.LAMOREAUX-
SANITATION
SUPV.

It was moved by Trustee Becker, seconded by Trustee Beach to authorize the promotion of Department of Public Works employee Thomas Lamoreaux, Senior MEO, to the position of Sanitation Supervisor, recently vacated by Don Kealey, pursuant to the terms of the CSEA Agreement. Motion carried, Mayor Curran abstained, all others voting “Aye”.

RES.#295-10

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

August 16, 2010

MINUTES-7/19/10

RES.#[296-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to approve the Minutes of July 19, 2010 as submitted and place on file. Motion carried, Mayor Curran abstained, all others voting "Aye".

CHAMBER
CONTRIBUTION TO
VILLAGE

Chamber of Commerce President William Gaylor thanked the Board for their efforts in beautifying the downtown, and presented a contribution of \$500 to continue the Village's efforts.

MCQUADES
CONTRIBUTIONS

Laura McQuade of McQuades Restaurant, presented contributions to representatives of the Fire Department, Hibernians, Plaza Theatrical and Our Lady of Peace Church derived from the proceeds of the 2010 Mayor's Run.

DEPARTMENT
REPORTS-MAY,
JUNE & JULY 2010

RES.#[297-10](#)

It was moved by Trustee Beach, seconded by Trustee Hendrick to accept the Department Reports for the months of March, April, May and June 2010. Motion carried, Mayor Curran abstained, all others voting "Aye".

DEMOLITION
PERMIT-93 BURTIS
PLACE

RES.#[298-10](#)

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to authorize the issuance of a demolition permit to Bianco Homes for the demolition of a one family home at 93 Burtis Place. Motion carried, Mayor Curran abstained, all others voting "Aye".

DEMOLITION
PERMIT-45
HAWTHORNE ST.

RES.#[299-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to authorize the issuance of a demolition permit for the demolition of a one family house at 45 Hawthorne Street. Motion carried, Mayor Curran abstained, all others voting "Aye".

P.H.-SIGNS-
TABLED

RES.#[300-10](#)

It was moved by Trustee Beach, seconded by Trustee Hendrick to adjourn to an unspecified date a Public Hearing to consider the enactment of a proposed Local Law to amend Section 203-1.1 and 4.1 of the Village Code entitled "Signs" to prohibit signs on vehicles. Motion carried, Mayor Curran abstained, all others voting "Aye".

DECISION-
SPEC.USE PERMIT-
CLEAR WIRELESS-
TABLED TO 9/20/10

RES.#[301-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to defer the decision on an application heard at a Public Hearing closed on July 19, 2010 for a Special Use Permit from Clear Wireless to install a rooftop antenna at 444 Merrick Road to the September 20, 2010 meeting. Motion carried, Mayor Curran abstained, all others voting "Aye".

PUBLIC HEARING –
EARLY
RETIREMENT
INCENTIVE

RES.#[302-10](#)

It was moved by Trustee Becker, seconded by Trustee Becker to open a Public Hearing at 8:48 PM to consider the enactment of a proposed Local Law to amend the Village Code to adopt the 2010 New York State Early Retirement Incentive Program for all employee members deemed eligible by NYS. Motion carried, Mayor Curran abstained, all others voting "Aye". The Mayor read a copy of the proposed Local Law and advised that all eligible employees can retire under the program for a 60 day period beginning November 1, 2010 for the purpose of the Village saving on payroll costs despite the added premium to be paid over a five year period by the Village. The Mayor asked if anyone would like to comment. Jeff Greenfield, Merrick Road commented. After no further discussion, it was moved by Trustee Hendrick, seconded by Trustee Beach to close the hearing at 8:55 PM and enact Local Law #3 of 2010 entitled "Retirement Incentive Plan of 2010". Motion carried, Mayor Curran abstained, all others voting "Aye".

RATIFICATION OF
LIBRARY
SERVICES
PROPOSAL

RES.#[303-10](#)

It was moved by Trustee Beach, seconded by Trustee Hendrick to authorize the Village Administrator to offer a proposal to provide Library services to Town residents in the unincorporated areas of North Lynbrook and North Malverne, such matter to be decided by Town voter referendum on September 14, 2010. Motion carried, Mayor Curran abstained, Trustee Hendrick recused himself, all others voting "Aye".

August 16, 2010

OLP CARNIVAL

RES.#[304-10](#)

It was moved by Trustee Beach, seconded by Trustee Hendrick to waive the fee for Our Lady of Peace to hold their Annual Carnival on September 16-19, 2010. Motion carried, Mayor Curran abstained, all others voting "Aye".

BILLS

RES.#[305-10](#)

It was moved by Trustee Beach, seconded by Trustee Becker that Bills listed on Abstract of Audited Voucher #4, General Fund - \$785,367.28, Trust & Agency - \$76,989.48, Capital Fund - \$453,719.12, Electronic Transfer - \$18,352.62, all be paid as soon as same have been duly audited by the majority. Motion carried, Mayor Curran abstained, all others voting "Aye".

OUR LADY OF
PEACE CARNIVAL
SIGNS

RES.#[306-10](#)

It was moved by Trustee Beach, seconded by Trustee Hendrick to waive the permit fee for temporary signs for Our Lady of Peace Church to allow them to advertise their 2010 Annual Carnival. Motion carried, Mayor Curran abstained, all others voting "Aye".

HISTORICAL
SOCIETY OF
E.R./LYN. GARAGE
SALE

RES.#[307-10](#)

It was moved by Trustee Beach, seconded by Trustee Becker to waive the permit fee for the Historical Society of East Rockaway & Lynbrook to hold their Annual Garage Sale on October 16 & 17, 2010 at 592 Scranton Avenue. Motion carried, Mayor Curran abstained, all others voting "Aye".

GOOD & WELFARE

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

It was moved by Trustee Hendrick, seconded by Trustee Beach to continue the meeting in the conference room. Motion carried, Mayor Curran abstained, all others voting "Aye".

UPDATE
CERTIORARI-LI
AMERICAN WATER

Tax Certiorari Counsel Benjamin Truncale updated the Board on the status of Tax Certiorari's filed by L.I. American Water.

NYS HOMESTEAD
TAX ACT OPTION

RES.#[308-10](#)

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to engage Ben Truncale to prepare a proposal on implementing the NYS Homestead Tax Act Option. Motion carried, Mayor Curran abstained, all others voting "Aye".

REQUEST TO
REPLACE PD
VEHICLE

RES.#[309-10](#)

It was moved by Trustee Beach, seconded by Trustee Hendrick to authorize the acquisition of a new Ford Crown Victoria for the Police Department to replace a police car, transfer of such former police car to be utilized by Code and Traffic Enforcement personnel, and transfer of funds in the amount of \$25,000. from A1990.0444 Contingency to A3120.0202 Vehicles. Motion carried, Mayor Curran abstained, all others voting "Aye".

AGREEMENT-N.C.-
\$100,000 -B'WAY
STREETSCAPE
PROJECT

RES.#[310-10](#)

It was moved by Trustee Hendrick, seconded by Trustee Beach to authorize the Mayor to sign an Agreement with the County of Nassau to receive \$100,000. in additional Community Development funds for the Broadway Streetscape Project. Motion carried, Mayor Curran abstained, all others voting "Aye".

ADJOURNMENT

It was moved by Trustee Hawxhurst, seconded by Trustee Becker to close the meeting at 10:35 PM. Motion carried, Mayor Curran abstained, all others voting "Aye".