

August 13, 2012

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, August 13, 2012 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 Thomas Atkinson  
Trustee Michael Hawxhurst  
Village Administration John Giordano  
Village Attorney, Peter Ledwith

MALVERNE RACE  
FOR EDUCATION

**RES.#[258-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to authorize the Malverne Education & Fitness Foundation to conduct the Malverne Race for Education, on various roads in the northeast section of the Village on October 14, 2012 and to waive any necessary permit fees. Motion carried, all voting ðAyeö.

FIRE SERVICE  
AWARD PROGRAM  
REPORT

**RES.#[259-12](#)**

Representative Vince Marmorale from Hometown Firefighters Service representing Standard Security Life Insurance Company of New York, submitted the annual report of the Length of Service Award Program and reported that the account balance of the Program has increased to \$2,656,457. in 2012. It was moved by Trustee Hawxhurst, seconded by Trustee Beach to forward the report to the Village Auditors for Audit. Motion carried, all voting ðAyeö.

AMEND VILLAGE  
AUTOMOBILE USE  
POLICY

**RES.#[260-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to amend the Vehicle Use Policy to also state: ðVillage-owned vehicles at all times or personal vehicles while used for Village business shall not be driven while the driver uses a cell phone for calls, texts or any other purpose,ö require drivers to sign an Affidavit of Compliance with this rule, and, to require Department Heads to timely notify their Trustee Liaison of any type of vehicle repairs estimated to cost in excess of \$2,500. Motion carried, all voting ðAyeö.

BID AWARD ó F.D.  
PUMPER

**RES.#[261-12](#)**

Village Administrator John Giordano reported that two (2) bids were received on August 2, 2012 for a 1500 GMP Fire Department Pumper Truck as follows:

Ferrara Fire Apparatus, Inc. - \$598,852.

Rescue Vehicles, Inc. - \$583,756.

It was moved by Trustee Beach, seconded by Trustee Becker to award the bid pursuant to Article 5-A of the General Municipal Law for the Fire Dept. Pumper Truck to Ferrara Fire Apparatus, Inc. in the amount of \$598,852 as recommended by Fire Council, as Rescue Vehicles, Inc., the low bidder, did not substantially comply with critical chassis and other specifications and authorized, such costs to be temporarily paid by General Fund monies as per Bond Resolution of June 18, 2012 and reimbursed by said bond, and to authorize the advertisement of sale of the 1991 Pumper to be replaced. Motion carried, all voting ðAyeö.

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303 MERRICK RD-  
CONTINUING  
SPEC.USE-T-  
MOBILE

RES.#[262-12](#)

T-Mobile Northeast, formerly known as Omnipoint Communications, Inc. requested to renew their Special Use Permit expiring December 1, 2004, which was granted temporary approval on November 19, 2001 to maintain an antenna at 303 Merrick Road. It was moved by Trustee Atkinson, seconded by Trustee Becker to remove the time limit and grant the renewal of the Special Use Permit on a permanent basis. Motion carried, all voting *o*Aye*o*. It was moved by Trustee Beach, seconded by Trustee Hawxhurst 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 too the New York State Environmental Quality Review Act. Motion carried, all voting *o*Aye*o*.

AUTHORIZATION-  
BOND RES.-9/10/12

RES.#[263-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to authorize Hawkins, Delafield & Wood to prepare Bond Resolutions for the refinancing of an existing 2005 \$9.9 million bond which will save \$99,344. over the remaining term of 9 years, and to prepare a new Bond Resolution in the amount of \$2.9 million for employee severance payments, for adoption on September 10, 2012. Motion carried, all voting *o*Aye*o*.

SET DATE-P.H.-  
SPEC.USE-140  
MERRICK RD.

RES.#[264-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to set the date of September 10, 2012 for a Public Hearing to consider an application for a Special Use Permit from Mr. Leonard Mancuso of 140 Merrick Road, to convert two second floor offices to two resident apartments for his building fronting 140 Merrick Road. Motion carried, all voting *o*Aye*o*. 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 *o*Aye*o*.

SET DATE-P.H.-  
CHAP.252-  
BUILDING HEIGHT

RES.#[265-12](#)

The Board reviewed a proposed Local Law to amend Chapter 252, Section 252-16 of the Village Code entitled *o*Zoning*o* to reduce the allowable height of homes to be constructed in Residence A and B Districts to 35 feet measured to the peak, and reduce the maximum floor area ratio. It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of September 10, 2012 at 7:00 P.M. for a Public Hearing to consider the enactment of a proposed Local Law to amend Chapter 252 of the Village Code. Motion carried, all voting *o*Aye*o*.

P.H.-CHAP. 185-  
PROPERTY  
MAINTENANCE  
NOISE

RES.#[266-12](#)

The Mayor opened a Public Hearing at 7:50 PM to consider the enactment of a proposed Local Law to amend the Village Code Chapter 185, entitled *o*Property Maintenance*o*, Section 185-5 (e) Business Units to substitute *o*unreasonable noise*o* in place of *o*exceeding a specified decibel level*o*; and Section 185(9) to include a duty of an occupant to maintain property free of litter, rubbish, refuse, garbage, junk and infestation; and 185-12 to provide for five (5) day $\text{o}$ s notice for the curing of a violation or, where the violation is substantial, a cure period of two (2) day $\text{o}$ s. The Mayor read the proposed Local Law and asked if anyone wished to speak. After no one wishing to speak, it was moved by Trustee Beach, seconded by Trustee Becker close the hearing at 7:53PM, and enact Local Law #8 of 2012. Motion carried, all voting *o*Aye*o*. 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 *o*Aye*o*.

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PUBLIC HEARING-  
SIDEWALK  
VIOLATIONS

RES.#[267-12](#)

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. The Mayor asked if anyone would like to comment, after no 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, all voting ðAyeö. (Exhibit attached)

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

MINUTES-7/16/12

RES.#[268-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to accept the Minutes of July 16, 2012 as submitted and place on file. Motion carried, all voting ðAyeö.

CHAMBER OF  
COMMERCE  
REPORT

President of the Chamber of Commerce Bill Gaylor gave a report on Chamber of Commerce activities.

SWIM ACROSS  
AMERICAN  
PRESENTATION

Swim Across America reported that they raised \$23,000. from their recent cancer fund raiser event at Greis Park and presented a plaque to the Village.

MALVERNE  
SCHOOL DISTRICT  
PARADE

RES.#[269-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to grant permission to Malverne School District to hold their Homecoming Parade on October 13, 2012, starting at Davison Avenue School and to waive any necessary permit fees. Motion carried, all voting ðAyeö.

OUR LADY OF  
PEACE CARNIVAL

RES.#[270-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to grant permission to Our Lady of Peace Church to hold a Carnival on September 6 ó 9, 2012 and to waive any necessary permit fees. Motion carried, all voting ðAyeö.

HISTORICAL  
SOCIETY GARAGE  
SALE

RES.#[271-12](#)

It was moved by Trustee Becker, seconded by Trustee Beach to grant permission to the Historical Society to hold a Garage Sale on October 13<sup>th</sup> & 14<sup>th</sup>, 2012 at 592 Scranton Avenue, and to waive all necessary permit fees. Motion carried, all voting ðAyeö.

LIPA PRESENTING  
REBATE CHECK

Representatives from Long Island Power Authority presented the Village with a rebate check for interior lighting improvements by Johnson Controls at Village Buildings in the amount of \$56,000.

2012 RECYCLING  
PROGRAM

RES.#[272-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to change the recycling collection schedule to add a convenience for residents to place their paper items out with bottles/cans, effective September 10, 2012. Motion carried, all voting ðAyeö.

CONTINUATION 6  
P.H.  
REZONING/SPECIAL  
USE -3 & 9 MERTON  
AVE. & 417 OCEAN  
AVE.

RES.#[273-12](#)

The Mayor opened a continuation of a Public Hearing at 8:31 PM originally held on July 16, 2012 to consider the application of Sunrise One, LLC and Thomas Cecil Morash for (a) a change of zone pursuant to Village Code, Section 252-09, et.sq. from Residential to Commercial of properties known as and by 3 Merton Avenue, 9 Merton Avenue and 417 Ocean Avenue, Lynbrook, and (b) a Special Use Permit pursuant to Village Code Sections 252-56 and 252-116 for an off-site, off-street parking accessory use to the hotel located at 1 Sunrise Highway, Lynbrook. Alan Stein, Esq. representing the applicant presented an amended site plan marked by the Village Attorney as Exhibit ðAö showing proposed landscaping and new fence planned for the Ocean Avenue and Merton Avenue lot lines once the

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three (3) homes there that they recently purchased are demolished and improved as a new parking lot to serve the Hotel at 1 Sunrise Highway. Mr. Stein represented that the village may impose covenants and restrictions on the lots to assure that they are not used in the future for any other purpose other than a parking lot, and offered to make a payment in lieu of taxes from any loss of tax revenue. Barry Nelson, AIA, representing the applicant indicated that ingress & egress would be on Ocean Avenue with no left turn exit, and advised that the proposal would have no negative environmental effect on the community; landscaping would occupy 22% of the site and serve to beautify the area to maintain property values, lighting would not emanate beyond property lines, and that the application meets all criteria required under the Village Code for a Special Use Permit. Mr. Nelson submitted photos marked by Village Attorney as Exhibit B. The Mayor asked if anyone would like to speak on the application. The following individuals commented:

Paul Tubinó 431 Ocean Ave.  
Jennifer Herrera ó 19 Merton Avenue  
Ellen Trione ó 12 Merton Avenue  
Mrs. Nicoletti ó 18 Merton Avenue  
Mr. Nicoletti ó 18 Merton Avenue  
Mrs. Cox ó 17-19 Langdon Place

After no further comments, it was moved by Trustee Beach, seconded by Trustee Becker to adjourn the hearing at 9:57 PM and continue the hearing at the September 10, 2012 meeting. Motion carried, all voting ðAyeö.

CONTINUATION-  
P.H.-EMINENT  
DOMAIN ó 47  
BROADWAY

RES.#[274-12](#)

The Mayor opened a continuation of a Public Hearing from the July 16, 2012 meeting at 10:05 PM to consider the proposed acquisition of real property by the Incorporated Village of Lynbrook of 47 Broadway, designated on the land and tax map of the County of Nassau as Section 37, Block 519, Lot 119, 120, 121, 122, 123 & 124, pursuant to Section 202 of the New York State Eminent Domain Procedure Law. Special Village Counsel Jack Libert reported that Nelson & Pope have completed the Blight Report for the Village and distributed a copy to the Board. Mr. Charles Voorhis of Nelson & Pope summarized the Blight Report at length. Mr. Patrick Cox of 17-19 Langdon Place reported that a 10,000 fuel oil tank was removed from the property several years ago. The Mayor asked if anyone wished to comment. Baruch Singer, Owner, advised that his previous intentions to improve the building were discouraged by the Village, Trustee Becker refuted. Jeff Greenfield of 112 Merrick Road also commented. After no further comments, it was moved by Trustee Beach, seconded by Trustee Becker to adjourn the hearing at 10:35 PM, and continue the Hearing at the September 10, 2012 meeting. Motion carried, all voting ðAyeö.

NYS POLICE GRANT

RES.#[275-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to accept a NYS DCJS Byrne JAG# BJ12-1073-DOO Police Grant in the amount of \$50,000., to assist the Village with costs associated with purchasing a live scan finger print machine, license plate reader, a photo ID printer, patrol vehicles and computer equipment for motor patrols for the Lynbrook Police Department. Motion carried, all voting ðAyeö.

BILLS

RES.#[276-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Becker that Bills listed on Abstract of Audited Voucher #3, General Fund - \$818,254.33, Trust & Agency - \$1,134.00, Capital Fund - \$98,174.04, Electronic Transfer - \$298,084.36 and Community Development - \$55,064.42, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting ðAyeö.

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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 *ōAyeō*. It was moved by Trustee Beach, seconded by Trustee Atkinson to open an executive session to discuss attorney client matters. Motion carried, all voting *ōAyeō*. After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the executive session. Motion carried, all voting *ōAyeō*. It was moved by Trustee Beach, seconded by Trustee Becker to reopen the regular meeting. Motion carried, all voting *ōAyeō*.

2013 ROAD  
REQUIREMENT

**RES.#[277-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to amend a resolution of June 18, 2012 to authorize the Superintendent of Public Works to expend up to \$200,000. under the Village Highway Requirements Contract with Robustello & Sons for misc. road repairs in 2012, in lieu of 2013, such cost to be reimbursed to the General Fund by said June 18, 2012 Bond Resolution. Motion carried, all voting *ōAyeō*.

EXTENSION OF  
COVANTA WASTE  
DISPOSAL

**RES.#[278-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to request Covanta Waste Disposal to submit a written offer to extend its Contract for five years effective June 1, 2015 beginning at a rate of \$68. per ton effective June 1, 2012 in lieu of their existing rate of \$73.99 per ton. Motion carried, all voting *ōAyeō*.

SET BID DATE-  
ORNAMENTAL  
STREET SIGNS

**RES.#[279-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to set the date of September 20, 2012 to receive bids for Ornamental Street Signs. Motion carried, all voting *ōAyeō*.

SALE OF SURPLUS  
PD VEHICLES

**RES.#[280-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to declare a 2000 Police Ford Expedition Vin#1FMPU16L9ULB42394 as surplus and to sell for reasonable value. Motion carried, all voting *ōAyeō*.

ACQUISITION OF  
REPLACEMENT  
PARK UTILITY  
TRUCK

**RES.#[281-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to purchase a 2012 Carryall Turf 252 motorized cart for a total price of \$7,462.86 for the Parks Department, and to authorize a transfer of funds for this item from the Contingency Acct.# 01.1990.0444 to Acct. #7310.0202. Motion carried, all voting *ōAyeō*.

CONTRACT-  
MUNICPAY

**RES.#[282-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to authorize the Mayor to sign an Agreement with Municipay, National Payment Solutions to enable the Village to become a merchant to receive Credit Card Payments at Greis Park. Motion carried, all voting *ōAyeō*.

FLEA MARKET-  
SONS OF ITALY

**RES.#[283-12](#)**

It was moved by Trustee Beach, seconded by Trustee Becker to table a request from the Sons of Italy to hold a Flea Market in Parking Field #12, every weekend from Thanksgiving to Christmas, to the September 10, 2012 meeting. Motion carried, all voting *ōAyeō*.

ASSESSMENT  
OPTIONS

A brief discussion ensued concerning staffing in the Assessor's Office, and option to change the Villages classification as an Independent Assessment Unit.

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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 a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the executive session. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Becker to reopen the regular meeting. Motion carried, all voting "Aye".

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting at 11:35 PM. Motion carried, all voting "Aye".