

January 14, 2013

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, January 14, 2013 at 7:00 P.M. in the Village Hall. Deputy Mayor Beach opened the meeting with the Pledge of Allegiance.

Present: Deputy Mayor Alan Beach
Trustee Hilary Becker
Trustee Thomas Atkinson
Trustee Michael Hawxhurst
Village Administrator John Giordano
Village Attorney Peter Ledwith

Absent: Mayor William Hendrick

TRANSFER OF
FUNDS

RES.#1-13

It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to approve the attached Transfer of Funds for 2011/2012 and 2012/2013. Mayor Hendrick and Trustee Becker absent, motion carried, all others voting "Aye".

RATIFY
HURRICANE
SANDY
RESOLUTION

RES.#2-13

It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to ratify the Mayors granting of paid sick leave days for non-contractual and USPEU employees unable to report to work due to Hurricane Sandy on October 29th & 30th, 2012. Motion carried, Mayor Hendrick and Trustee Becker absent, all others voting "Aye".

DESIGNATION
POLLING PLACE
& ELECTION
INSPECTORS

RES.#3-13

It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson to designate the Lynbrook Recreation Center at Greis Park as the sole Polling Place and opt to not have a Voter Registration Day for the March 19, 2013 Election for Village Justice and two (2) Trustees, and to appoint the following Election Inspectors and alternates, at a rate of \$150.00 for Inspectors and Alternates, and \$175.00 for Chairpersons:

Harold Perlman – Chairperson
Barbara Carroll - Chairperson
Jane Spencer – Inspector
Annette Aurora - Alternate
Madeline Ricciardi – Alternate
Susan Avlonitis – Alternate
Michael Tamburri – Alternate
Robert Tamburri – Alternate
Silvia Trott – Alternate
Judith Perlman – Alternate
Rita Vilinsky – Alternate
Sandra Simons – Alternate
Leon Vilinsky – Alternate
Linda Colucci – Inspector

Motion carried, Mayor Hendrick and Trustee Becker "absent", all others voting "Aye".

SURPLUS
EQUIPMENT

RES.#4-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to declare a Fire Department 1995 International Navistar PE Ambulance as surplus, to transfer the F.D. 2000 Crown Victoria (Medical Co. vehicle) for use by the Building Department, and surplus the attached list of computer equipment and offer all for sale and/or disposal. Motion carried, Mayor Hendrick absent, all others voting "Aye".

January 14, 2013

ILLEGAL
HOUSING
INVESTIGATOR-
J.LIPINSKY

RES.#5-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to authorize the Mayor to sign a Renewal Agreement to retain John W. Lipinsky at a rate of \$30 an hour, 40 hours per month, expiring May 31, 2013 as an Illegal Housing Investigator. Motion carried, Mayor Hendrick absent, all others voting "Aye".

ILLEGAL
HOUSING
INVESTIGATOR-
V.ALBERT

RES.#6-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to authorize the Mayor to sign a Renewal Agreement to retain Vincent Albert at a rate of \$30 per hour, 40 hours per month, expiring May 31, 2013 as an Illegal Housing Investigator. Motion carried, Mayor Hendrick absent, all others voting "Aye".

HEWLETT
HARBOR
LIBRARY
SERVICE
CONTRACT

RES.#7-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to authorize the Mayor to sign a five (5) year Contract to provide Library Services to the Village of Hewlett Harbor, for a per capita fee and new Administrative surcharge expiring December 31, 2018 Motion carried, Mayor Hendrick absent, all others voting "Aye".

COVANTA
WASTE
DISPOSAL
CONTRACT

RES.#8-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to extend the Contract expiring May 31, 2015 with Covanta Hempstead Company for Solid Waste Disposal for one (1) additional five (5) year term expiring May 31, 2020 to provide for a reduced \$68.00 per ton tipping fee with annual CPI Increase, subject to final review by the Village Attorney. Motion carried, Mayor Hendrick absent, all others voting "Aye". It was moved by Trustee Becker, 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 to the New York State Environmental Quality Review Act. Motion carried, Mayor Hendrick absent, all others voting "Aye".

FIRE HOSE
TESTING

RES.#9-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to authorize the Mayor to sign a contract expiring May 31, 2015 with Waterway Long Island to perform the annual hose testing for the Fire Department, subject to the Fire Department obtaining an alternate quotation. Motion carried, Mayor Hendrick absent, all others voting "Aye".

P.H.-
SUBDIVISION-173
EARLE AVE-
ADJOURNED -
2/4/13

RES.#10-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to adjourn the Public Hearing to consider the application from RKG Building Inc. for a subdivision of 173 Earle Avenue into three (3) lots to the February 4, 2013 Board Meeting. Motion carried, Mayor Hendrick absent, Trustee Becker recused himself, all others voting "Aye".

SET DATE – P.H.-
CHAP.4
APPEARANCE
TICKETS-2-4-13

RES.#11-13

The Board reviewed a copy of proposed local law #1 of 2013 to amend the Village Code, Chapter 4 entitled "Appearance Tickets", to provide (1) a change in the title of the name of the position of "parking meter attendants" to "parking meter servicer"; (2) to limit said servicer's authority to issue legal process tickets only. It was moved by Trustee Becker, seconded by Trustee Atkinson to set the date of February 4, 2013 to consider the enactment of Proposed Local Law #1 of 2013 to amend Chapter 4, entitled Appearance Tickets. Motion carried, Mayor Hendrick absent, all others voting "Aye". It was moved by Trustee Becker, 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, Mayor Hendrick absent, all others voting "Aye".

January 14, 2013

SET DATE –P.H.-
CHAP.175-PEACE
AND GOOD
ORDER-2-4-13

RES.#12-13

The Board reviewed a copy of proposed Local Law #2 of 2013 to consider the amendment of the Village Code, Chapter 175 entitled “Peace and Good Order” Section 175-6 to prohibit the use of power landscaping equipment on Sundays, Memorial Day and Thanksgiving. It was moved by Trustee Becker, seconded by Trustee Atkinson to table the request to set a date for a Public Hearing to consider the enactment of proposed Local Law #2 of 2013 to amend the Village Code, Chapter 175 entitled “Peace and Good Order”. Motion carried, Mayor Hendrick absent, all others voting “Aye”

SET DATE – P.H.-
CHAP.212-
STREETS AND
SIDEWALKS-
2-4-13

RES.#13-13

The Board reviewed a copy of a proposed Local Law #3 of 2013 to consider the amendment of the Village Code, Chapter 212 entitled “Streets and Sidewalks”, to add a new paragraph E providing authority for emergency action relating to storms. It was moved by Trustee Becker, seconded by Trustee Atkinson to set the date of February 4, 2013 to consider the enactment of proposed Local Law #3 of 2103 to amend the village Code, Chapter 212 entitled “Streets and Sidewalks”. Motion carried, Mayor Hendrick absent, all others voting “Aye”. It was moved by Trustee Becker, 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, Mayor Hendrick, all others voting “Aye”.

PUBLIC
HEARING-CHAP.
185-PROPERTY
MAINTENANCE-
BAMBOO

RES.#14-13

The Deputy Mayor opened a continuation of a Public Hearing held on December 17, 2012 to consider the enactment of a proposed Local Law to amend the Village Code, Chapter 185 entitled “Property Maintenance”, to add a subsection 185-7.1 to restrict the planting of Bamboo. Deputy Mayor Beach read the proposed Local Law and asked if anyone wished to speak. It was moved by Trustee Becker, seconded by Trustee Atkinson to continue the Hearing on February 19, 2013 at 5:00 PM. Motion carried, Mayor Hendrick absent, all others voting “Aye”. It was moved by Trustee Becker, 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, Mayor Hendrick absent, all others voting “Aye”.

P.H.-CHAP. 240-
COMMUTER
PARKING

RES.#15-13

The Deputy Mayor opened a continuation of a Public Hearing held on December 3, 2013 to consider the enactment of a proposed local law to amend of Article VII “Municipal Parking Fields”, 240-49 Definitions, to redefine “Commute/Commuting”. Deputy Mayor Beach read the proposed Local Law and asked if anyone wished to speak. It was moved by Trustee Becker, seconded by Trustee Atkinson to enact Local Law # 1 of 2013. Motion carried, Mayor Hendrick absent, all others voting “Aye”. It was moved by Trustee Becker, 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, Mayor Hendrick absent, all others voting “Aye”.

January 14, 2013

OVERNIGHT
PARKING PF 17,
18 & 19

RES.#16-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to table a resolution pursuant to Chapter 240 of the Village Code to require an Overnight Parking Permit for those who park in Parking Fields 17, 18 & 19 on Peninsula Blvd. between Remsen Street and Vincent Avenue. Motion carried, Mayor Hendrick absent, all others voting "Aye".

VILLAGE HALL
OPEN -3/23/13
PARKING
PERMITS

RES.#17-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to set the date of Saturday, March 23, 2013 from 9AM to 12PM to open the Village Hall for the sole purpose of issuing parking permits. Motion carried, Mayor Hendrick absent, all others voting "Aye".

2013 SUMMER
HIRES

RES.#18-13

It was moved by Trustee Becker, seconded by Trustee Beach to authorize Recreation Supervisor Patrick McDermott to solicit 2012 seasonal employees for the 2013 Summer Season. Motion carried, Mayor Hendrick absent, all others voting "Aye".

LIBRARY
REPAIRS

RES.#19-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to direct the Supt. of Public Works to obtain a cost estimate for repair of leaks in the exterior wall of the Library. Motion carried, Mayor Hendrick absent, all others voting "Aye".

TAXI LICENSE
MTA
ENDORSEMENT-
VILLAGE CAR
SVC.

RES.#20-13

It was moved by Trustee Becker, seconded by Trustee Atkinson refer the application for endorsement of Village Car Service, pursuant to Village Code Section 224-50.C to establish a taxi stand at the Lynbrook Long Island Railroad Station, to the Village Clerk for determination whether Village Car Service meets the criteria required under Village Code 224-50.6 and, if so, for processing. Motion carried, Mayor Hendrick absent, Trustee Becker abstained, all others voting "Aye".

EXECUTIVE
SESSION

It was moved by Trustee Atkinson, seconded by Trustee Becker to adjourn the meeting to open an executive session to discuss the qualifications of candidates to replace a retiring Recreation Department employee. Motion carried, Mayor Hendrick absent all others voting "Aye". It was moved by Trustee Atkinson, seconded by Trustee Becker to open an executive session to discuss the qualifications of candidates to replace a retiring Recreation Department employee. Motion carried, Mayor Hendrick absent, all others voting "Aye". After a lengthy discussion, it was moved by Trustee Atkinson, seconded by Trustee Becker to adjourn the executive session. Motion carried, Mayor Hendrick absent, all others voting "Aye". It was moved by Trustee Atkinson, seconded by Trustee Becker to reopen the regular meeting. Motion carried, Mayor Hendrick absent, all others voting "Aye".

F.D. REQUEST-
USE OF VEHICLE

RES.#21-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to ratify permission to members of the Jr. Fire Department to use the Fire Department Bus, number 420B for their annual trip to Chinatown on January 6, 2013. Motion carried, Mayor Hendrick absent, all others voting "Aye".

Deputy Mayor Beach invited all those for a continuation of the meeting in the court room.

MINUTES-
12/17/12

RES.#22-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to accept the Minutes of December 17, 2012 as amended and place on file. Motion carried, Mayor Hendrick absent, all others voting "Aye".

CHAMBER OF
COMMERCE
REPORT

President of the Chamber of Commerce Denise Rogers gave a report on Chamber of Commerce Activities.

January 14, 2013

DEPARTMENT
REPORTS –
OCTOBER &
NOVEMBER 2012

RES.#23-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to accept the following Department Reports for the months of October & November 2012 as submitted: Fire Department, Police Department, Recreation Department, DPW, Village Justice Court, Building Department and Library. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

PRESENTATION-
US DEPT. OF
STATE-MATT
KELLY

WORKERS' COMP
INS. AUDIT

RES.#24-13

Former resident and U.S. Department of State staff member, Matt Kelly discussed his activities representing the Department of State.

It was moved by Trustee Atkinson, seconded by Trustee Becker to authorize the Mayor to sign an Agreement with Compensation Consulting Services, Inc. to perform Workers' Compensation Insurance premium Audit. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

CERTIFICATION
OF UNPAID
2012/13 TAXES

RES.#25-13

The Board reviewed the Tax Roll and Warrant against the account of unpaid 2012/2013 taxes pursuant to Real Property Tax Law Section 1426 (2). It was moved by Trustee Becker, seconded by Trustee Atkinson to certify the account of unpaid real estate taxes for 2012/2013 pursuant to Section 1436(3) of the Real Property Law totaling \$1,093,042.17. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

SET DATE –TAX
LIEN SALE-
3/14/13 @ 10AM

RES.#26-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to set the date of Thursday, March 14, 2013 at 10:00 AM to conduct a Tax Lien Sale for unpaid Village Taxes pursuant to Section 1436(4b) of the Real Property Tax Law, and to purchase same. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

BILLS

RES.#27-13

It was moved by Trustee Atkinson, seconded by Trustee Becker that Bills listed on Abstract of Audited Voucher #11, General Fund - \$397,116.20; Trust & Agency - \$117,873.48; Capital Fund - \$376,934.07, Electronic Transfer - \$281,972.09, all be paid as soon as same have been duly audited by the majority. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

GOOD &
WELFARE

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

GRIEVANCE-
H.VERITY-
SETTLED

RES.#28-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to authorize Village Labor Counsel Ken Gray to settle a grievance filed by the Civil Service Employee Association on behalf of a DPW employee for improper discharge. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

GRIEVANCE-
SETTLED-4
RECREATION
ATTENDANTS

RES.#29-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to authorize Village Labor Counsel to settle a grievance filed by the United Public Service Employee Union on behalf of the four (4) Recreation Attendants in accordance with the proposed Stipulation of Settlement, related to a payment in lieu of leave time. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

GRIEVANCE
SETTLED-
CLERICAL
EMPLOYEES

RES.#30-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to authorize Village Labor Counsel to settle a grievance filed by the United Public Service Employee Union on behalf of the clerical employees related to holiday time. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

January 14, 2013

M. KERN
RECREATION
ATTENDANT

RES.#31-13

It was moved by Trustee Becker, seconded by Trustee Atkinson to increase Recreation Attendant Matthew Kerns hours to 19 ½ a week in conjunction with the retirement of Anthony Ferrara, for a one (1) year probationary period. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

GENERATORS-
REC. & DPW

RES.#32-13

It was moved by Trustee Atkinson, seconded by Trustee Becker to authorize the Recreation Director and Supt. of Public Works to obtain a cost estimate for their respective facilities for a natural gas emergency backup generator. Motion carried, Mayor Hendrick absent, all others voting “Aye”.

SETTLEMENT OF
COLLECTIVE
BARGAINING
AGREEMENT-
CSEA-POLICE
CIVILIANS UNIT

RES.#33-13

The Board continued discussion concerning the Legislative Public Hearing held on December 3, 2012 to consider imposing a Settlement to the Collective Bargaining Agreement with the Civil Service Employee Association, Police Civilian Unit, which expired on May 31, 2009, that has reach impasse and the fact finding stage. After a brief discussion, it was moved by Trustee Becker, seconded by Trustee Atkinson to adopt the attached Resolution imposing a no cost of living increase for the period June 1, 2009 to May 31, 2010, and to authorize the Village Labor Counsel to negotiate the renewal terms of the subsequent years. Motion carried, all voting “Aye”.

ADJOURNMENT

It was moved by Trustee Becker, seconded by Trustee Atkinson to adjourn the meeting at 10:10 PM. Motion carried, all voting “Aye”.