

A regular meeting of the Board of Trustees was held on Monday, May 18, 2020 at 7:00 P.M. in the Village Hall:

Present: Mayor Alan C. Beach
Deputy Mayor Michael Hawxhurst
Trustee Ann Marie Reardon
Trustee Robert Boccio
Trustee Hilary Becker
Village Administrator John Giordano
Village Attorney Thomas Atkinson

It is noted for the record that tonight's Public Meeting complies with the Governor's Executive Order No. 202.15 enacted April 8, 2020 as it relates to the COVID-19 Pandemic and suspension of the Open Meetings Law, as tonight's session is actually open to the public and is broadcast live on Lynbrook TV and the internet on YouTube.

The Mayor asked for a moment of silence in respect to the passing of School Board member Alicemarie Bresnihan.

The Mayor gave thanks to resident Loreli Dillion in recognition of her making and donating 300 face masks to help curtail the spread of COVID-19.

It was moved by Mayor Beach, seconded by Trustee Reardon to adopt a resolution (Exhibit "A") approving a request from Terwilliger and Bartone, purchaser of the discontinued section of Roxy Place from the Village for \$500,000 pursuant to Resolution of November 18, 2019, to allow Terwilliger and Bartone to opt, in lieu of making cash payment, to convey other real property known as Section 11 Block 4 Lot 2, 14 St. James Place to the Village in consideration of its purchase of Roxy Place, to accommodate the Village's future expansion of Municipal Parking Field # 8 subject to the following conditions:

AMEND SALE –
ROXY PLACE
RES.# 95-2020

1. Any and all environmental issues and/or concerns with regard to 14 St. James Place be remedied by Applicant to the satisfaction of the Village prior to any execution by the Village of the proposed land swap agreement;
2. Applicant shall agree, by contract, to indemnify the Village for any and all property taxes and/or assessments with regard to 14 St. James Place levied prior to the property's receipt of an exempt status; and
3. if the appraised value of 14 St. James Place falls below the \$500,000 value of Roxy Place the Applicant must pay the difference to the Village.

Motion carried, Trustee Becker "Nay", all others voting "Aye"

PROPOSED – PROJECT
161 UNION AVE

Bill Geier Jr of Capital Home Builders advised that he is in contract to purchase 161 Union Ave, a restaurant, for a potential residential redevelopment project and will be in contact with neighbors of the property to discuss the proposed plans for the property prior to submittal of a Building Permit application to the Village.

MINUTES – 4/13 &
4/30/2020
RES.# 96-2020

It was moved by Trustee Boccio, seconded by Trustee Reardon, to accept the Minutes of April 13 & April 30, 2020 as submitted and place on file. Motion carried, all voting “Aye”.

PROCLAMATION –
FOOD ALLERGY
AWARENESS WEEK

Mayor Beach proclaimed May 10 thru May 16, 2020 as Food Allergy Awareness Week.

PROCLAMATION –
SENIOR CITIZENS
MONTH

Mayor Beach proclaimed the month of May 2020 as Senior Citizens Month.

TRANSFER OF FUNDS
RES.# 97-2020

It was moved by Trustee Boccio, seconded by Trustee Reardon to authorize the transfer of funds for the Fire Department as follows:

To:	01.3410.0450 Vehicle Maintenance	\$21,535.00
From:	Contingency	(21,535.00)
To:	01-3410.0432 Computer Costs	\$16,473.00
From:	01.3410.0201 Office Equipment	(11,173.00)
	01.3410.0425 Gas/Oil	(1,800.00)
	01.3410.0426 Tires	(2,000.00)
	01.3410.0413 Office Supplies	(500.00)
	01.3410.0200 Build/Property Improvements	(1,000.00)
To:	01.3410.0250 OSHA Equipment	\$ 500.00
From:	01.3410.0454 Fire Alarm	(500.00)
To:	01.3410.0455 Maintenance of Equipment	\$ 1,000.00
From:	01.3410.0454 Fire Alarm	(1,000.00)
To:	01.3410.0457 Maintenance Air Equipment	\$ 1,000.00
From:	01.3410.0494 NFPA Fitness	(1,000.00)
To:	01.3410.0498 Fit Tests	\$ 500.00
From:	01.3410.0495 Medicals	(500.00)

Motion carried, all voting “Aye”.

BOND COUNSEL
RES.# 98-2020

It was moved by Trustee Reardon, seconded by Trustee Boccio to authorize Bond Counsel to prepare Bond Resolutions for the following items:

Roadway Improvements	1,750,000.00
Garage Repair – DPW	350,000.00
Street Sweeper	264,000.00
Fire Truck – Engine Co	746,000.00
Fire Truck – Tally Ho	142,000.00
Termination Payouts	650,000.00
Carpenter Avenue Parking Lot	334,000.00
Turf Field	615,000.00

Motion carried, all voting “Aye”

2020/2021 TAX
WARRANT
RES.# 99-2020

It was moved by Trustee Boccio, seconded by Trustee Reardon, to issue a Warrant to the Village Clerk/Tax Collector for the collection of the 2020/2021 Real Property Taxes pursuant to Section 1426 of the Real Property Tax Law. Motion carried, Trustee Becker “Nay”, all others voting “Aye.” (Exhibit “B”)

REFUND –
NY AMERICAN WATER
RES.# 100-2020

It was moved by Trustee Reardon, seconded by Trustee Boccio to authorize the receipt of underreported Gross Receipts Tax as a result of an audit of American Water conducted by Municipal Audit Services, LLC. Motion carried, all voting “Aye”.

SET DATE – JUNE
BOARD MEETING -
6/15/2020
RES.# [101-2020](#)

It was moved by Trustee Boccio, seconded by Trustee Reardon, to reschedule the June 1, 2020 Board of Trustee Meeting to June 15, 2020 at 7:00 PM. Motion carried, all voting “Aye”.

LYNBROOK UN-PAUSE
RES.# [102-2020](#)

It was moved by Trustee Reardon, seconded by Trustee Boccio to authorize the Mayor to sign an agreement with “Fun Flicks” to show a Drive-in movie at Greis Park on Friday, May 22nd with a rain date of Saturday, May 23rd. Motion carried, all voting “Aye”.

REQUEST -
SIDEWALK
SCAFFOLDING – LHS
RES.# [103-2020](#)

It was moved by Trustee Boccio, seconded by Trustee Reardon to approve the request from “The Patriot Organization” to erect sidewalk scaffolding on the north side of Union Ave for the Lynbrook High School construction project. Motion carried, all voting “Aye”.

REQUEST –
APPLICATIONS FOR
OUTDOOR DINING
RES.# [104-2020](#)

It was moved by Trustee Reardon, seconded by Trustee Boccio to waive the application fee for restaurants applying in 2020 for outdoor dining, and authorize the Mayor to close applicable Streets as necessary to accommodate outdoor dining. Motion carried, all voting “Aye”.

REQUEST –
SPECIAL USE PERMIT –
33 ATLANTICE AVE
RES.# [105-2020](#)

It was moved by Trustee Boccio, seconded by Trustee Reardon to deny the Special Use Permit application from Cory Poccia, of Arcadia Once, LLC to operate a restaurant with amusements at 33 Atlantic Ave., as heard at a Public Hearing on April 13, 2020. Motion carried, all voting “Aye”.

MEMORIAL DAY
REPORT

The Mayor reported that due to the COVID-19 Pandemic, the Memorial Day Parade is cancelled, however, veterans will be participating in a brief motorcade on Merrick Road and salute at the Doughboy Memorial.

GRANT – STATUS OF
19/20 GRANTS
RES.# [106-2020](#)

The Mayor updated the community on the status of various grants pending for the Village.

GRANT – CDBG –
RENEWAL
RES.# [107-2020](#)

It was moved by Trustee Boccio, seconded by Trustee Reardon to authorize the participation of the Village in the 3-year Consortium agreement renewal of the Community Development Block Grant Program. Motion carried, all voting “Aye”.

BILLS

It was moved by Trustee Boccio, seconded by Trustee Reardon that Bills listed on Abstract of Audited Voucher #17, General Fund - \$543,814.08, Trust and Agency - \$3,404.90, Electronic Transfer - \$496,247.78, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting “Aye”.

ADJOURNMENT

It was moved by Trustee Reardon, seconded by Trustee Boccio, to adjourn the meeting at 7:59 PM. Motion carried, all voting “Aye”.

RESOLUTION # 95-2020**BOARD OF TRUSTEES
INCORPORATED VILLAGE OF LYNBROOK****A RESOLUTION TO APPROVE THE ACQUISITION OF 14 ST. JAMES PLACE AS
CONSIDERATION FOR THE SALE OF THE DISCONTINUED
PORTION OF ROXY PLACE****May 18, 2020**

WHEREAS, Terwilliger & Bartone Properties ("Applicant"), LLC appeared before this Board pursuant to Chapter 252, Section 252-29(A)(14) and Section 252-116 of the Municipal Code of the Incorporated Village of Lynbrook for a special use permit to construct multifamily residential apartment building with 80 units upon the property located at 5 Freer Street, Lynbrook, New York (known and designated on the Nassau County Land and Tax Map as Section 42, Block 142 Lots 51-68;

WHEREAS, the application requested the Village to discontinue a parcel known as a portion of the road bed of Roxy Place adjacent to the proposed project site, a public road owned by the Village, needed for the construction of the proposed redevelopment;

WHEREAS, the Board of Trustees approved Applicant's special permit application at its public meeting on November 18, 2019 and issued a written Decision dated April 29, 2020 filed in the Office of the Village Administrator on April 29, 2020;

WHEREAS, the Board of Trustees conducted a public hearing on November 4, 2019 to consider the discontinuance of a parcel known as a portion of the road bed of Roxy Place adjacent to the proposed project site, a public road owned by the Village, as applied for by Applicant needed for the construction of the proposed redevelopment;

WHEREAS, the Board of Trustees, at its public meeting of November 18, 2019, having carefully reviewed and considered the proposed discontinuance, made the following findings:

1. The strip of land is not needed as a thoroughfare and serves no useful purpose to the Village.
2. The required notice of the public hearing to consider the discontinuance of the strip of land and conveyance of same was published in accordance with Village Law §21-2100.
3. There were no objections received from the public with regard to the discontinuance of the strip of land and conveyance of same.
4. The strip of land has a valuation of \$500,000.00 as per the appraisal procured by the Village of Lynbrook.

WHEREAS, by Resolution dated November 18, 2019, the Board of Trustees resolved to discontinue the subject portion of Roxy Place and approved the conveyance and sale of same to Applicant for the purchase price of \$500,000.00;

WHEREAS, by correspondence dated May 6, 2020, Applicant has offered to convey the property known as 14 St. James Place, Lynbrook, New York as consideration for its purchase of the previously discontinued portion of Roxy Place;

WHEREAS, Applicant has proposed that both Applicant and the Village obtain independent appraisals for 14 St. James Place and average the two to arrive at the value of the St. James parcel;

WHEREAS, Applicant has represented that any shortfall on the value of the St. James Parcel in comparison to that of the discontinued portion of Roxy Place will be resolved by either a payment in cash of the difference to the Village, the provision of services by Applicant to convert the St. James parcel into a parking lot for the Village, or a combination of both. In the alternative, if the St. James parcel appraises at or higher than the \$500,000.00 value of the discontinued portion of Roxy Place, it shall be deemed adequate consideration;

WHEREAS, because the St. James parcel is contiguous to the Village parking lot already in existence on St. James Place, the acquisition of the St. James parcel will provide the Village with the ability to increase its inventory of commuter downtown parking spaces in the area and will serve the public of the residents of this Village;

BE IT HEREBY RESOLVED, that the Board of Trustees of the Incorporated Village of Lynbrook accepts Applicant's offer of conveyance of 14 St. James Place as consideration for its purchase of the previously discontinued portion of Roxy Place for the purpose of creating much needed additional public parking subject to the following conditions:

1. Any and all environmental issues and/or concerns with regard to 14 St. James Place be remedied by Applicant to the satisfaction of the Village prior to any execution by the Village of the proposed land swap agreement;
2. Applicant shall agree, by contract, to indemnify the Village for any and all property taxes and/or assessments with regard to 14 St. James Place levied prior to the property's receipt of an exempt status; and
3. That the Village and Applicant agree upon the valuation of 14 St. James Place and the adequacy of the consideration to received by the Village in exchange for the previously discontinued portion of Roxy Place.

BE IT HEREBY FURTHER RESOLVED, that the Mayor is authorized to execute the proposed land swap agreement on behalf of the Village upon the fulfillment of the above referenced conditions.

WARRANT TO TAX COLLECTOR

TO: JOHN GIORDANO: Tax Collector, Inc. Village of Lynbrook

YOU ARE HEREBY DIRECTED to levy and extend real property taxes at the rate of \$21.33 per \$100.00 Assessed Valuation, against the several real property parcels in the Assessment Roll, to complete the Tax Roll for the 2020/2021 fiscal year.

YOU ARE FURTHER DIRECTED to receive and collect, from the several owners of the listed properties in the Tax Roll, the amounts indicated opposite their respective names in the column marked "Amount of Taxes", in the manner set forth below, for the following appropriations:

1. LEGISLATIVE: Including salaries of Board of Trustees	\$ 87,300
2. JUDICIAL: Including salaries of Police, Justice & Court Clerk	469,350
3. EXECUTIVE: Including salary of Mayor	114,600
4. FINANCE: Including salaries & expenses of Auditor, Treasurer & Assessor	422,050
5. STAFF: Including salaries of Village Clerk and Staff, Attorneys, Engineering & Election, Records Management	911,300
6. SHARED SERVICES: Including Village Hall, Central Garage, Communications, & Mailing	1,133,400
7. SPECIAL ITEMS: Including Insurance, dues, judgments & claims, Taxes and contingent account	2,178,900
8. PUBLIC SAFETY: Including expenses of Police Department, Traffic Control Control of Animals, Parking, Fire Department, Safety Inspection & Emergency Management	13,584,300
9. PUBLIC HEALTH: Including salaries and expenses of Extermination, Registrar, and Narcotics Guidance Council	35,500
10. TRANSPORTATION: Including Street Administration, Maintenance, Snow Removal, Lighting, Sidewalks & Chips	2,694,400
11. PUBLICITY: Including expenses of advertising	63,000
12. CULTURE AND RECREATION CENTERS: Including maintenance of Parks, Youth Programs, Celebrations, Adult Recreation, Pool & Historian	1,817,100
13. HOME AND COMMUNITY SERVICE: Including Zoning, Refuse and Garbage Collection, Street Cleaning, Rent Stabilization and Environmental Concerns	2,775,700
14. EMPLOYEE BENEFITS: Including State Retirement, Social Security, Workers' Compensation and Health Insurance	11,050,700
15. INTERFUND TRANSFERS: Including transfers to Public Library, Capital Fund, Reserve for Repair	1,596,611
16. DEBT SERVICE: Including Long Term Debt, BAN'S & Capital Notes	4,173,830

TOTAL ESTIMATED EXPENDITURES **\$43,108,041**
 LESS-ESTIMATED REVEUES AND SURPLUS **\$10,599,299**
 AMOUNT TO BE COLLECTED BY REAL PROPERTY TAX **\$32,508,742**

