

November 5, 2012

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, November 5, 2012 at 7:00 PM 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 Administrator John Giordano
Village Attorney Peter Ledwith

STATE OF
EMERGENCY

The Mayor advised that the Governor and President declared a State of Emergency for New York and other States due to Hurricane Sandy which occurred on October 30, 2012.

ZWANGER'S PILOT
RES.#[336-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to ratify the engagement of Special Counsel Jack Libert to represent the village in the matter of an application by Zwanger-Persiri, SLZM Lynbrook, 443 Sunrise Highway to the Town of Hempstead Industrial Development Agency for a Payment in Lieu of Tax agreement. Motion carried, Trustee Beach and Trustee Becker absent, all others voting *ñAyeò*.

SIGN AGREEMENT'S
CIVIL SERVICE
RES.#[337-12](#)

It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson to authorize the Mayor to sign an Agreement with the Nassau County Civil Service Commission. Motion carried, Trustee Beach and Trustee Becker absent, all others voting *ñAyeò*.

LADDER TRUCK
COMMITTEE
RES.#[338-12](#)

It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to table a request from Rescue, Hook, Ladder & Bucket Company to form a committee to prepare a set of recommended specifications to replace the 1998 Spartan-LTI Aerial Platform Truck to the December 3, 2012 meeting. Motion carried, Trustee Beach and Trustee Becker absent, all others voting *ñAyeò*.

SET DATE'S P.H.-
12/3/12'S RETAIL
RES.#[339-12](#)

The Board reviewed a proposed Local Law to amend Section 252-30 of the Village Zoning Code to prohibit secondhand merchandise uses in a Commercial Zone. It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to set the date of December 3, 2012 at 7:00 PM for a Public Hearing to consider the enactment of the proposed Local Law. Motion carried, Trustee Beach and Trustee Becker absent, all others voting *ñAyeò*.

SET DATE'S P.H.-
12/3/12'S BAMBOO
RES.#[340-12](#)

The Board reviewed a proposed Local Law to amend Chapter 185 of the Village Code entitled *ñProperty Maintenanceò* to regulate the planting of Bamboo. It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to set the date of December 3, 2012 at 7:00 PM for a Public Hearing to consider the enactment of the proposed Local Law. Motion carried, Trustee Beach and Trustee Becker absent, all others voting *ñAyeò*.

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SET DATE i P.H.-
12/312 i
COMMERCIAL
PARKING PERMIT
ELIGIBILTYY

RES.#341-12

The Board reviewed a proposed Local Law to amend Chapter 240 of the Village Code to amend the eligibility requirements to obtain a Commuter Parking Permit. It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson to set the date of December 3, 2012 at 7:00 PM for a Public Hearing to consider the enactment of the proposed Local Law. Motion carried, Trustee Beach and Trustee Becker absent, all others voting ñAyeò.

SENIOR/VETERANS
TAX EXEMPTION
ELIGIBILITY

RES.#342-12

It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson, to approve Real Property Tax Exemption eligibility for Seniors and Veterans who own and reside in cooperative apartment corporation units as follows:

- a) Extend Senior Citizen exemption eligibility to those residents who own shares in a cooperation housing complex, pursuant to Section 467-3A of the Real Property Tax Law
- b) Ratify eligibility of Veteran exemption benefits to those residents who own shares in a cooperation housing complex pursuant to Section 458-8D of the Real Property Tax Law.

Motion carried, Trustee Beach and Trustee Becker absent, all others voting ñAyeò.

SURPLUS 1997FORD
ESCORT

RES.#343-12

It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to approve as surplus, and the disposition of Police Department 1997 Ford Escort Vin#1FALP10P6VW305217 for reasonable value. Motion carried, Trustee Beach and Trustee Becker absent, all others voting ñAyeò.

EXECUTIVE
SESSION

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

At this point Trustee Beach and Trustee Becker attended the meeting.

FEASIBILITY
STUDY

RES.#344-12

It was moved by Trustee Becker, seconded by Trustee Hawxhurst to table a request to amend a contract with Bollam, Sheedy, Torani & Co., LLP, to perform the feasibility study for 35 Wilbur Street as per resolution of October 15, 2012. Motion carried, all voting ñAyeò.

OVERNIGHT
PARKING-SANDY

RES.#345-12

It was moved by Trustee Becker, seconded by Trustee Atkinson to suspend enforcement of Section 240-19 of the Village Vehicle & Traffic Code, overnight parking regulations for 30 days, due to Hurricane Sandy, pursuant to sub-section 240-19B. Motion carried, all voting ñAyeò.

LHS FOOTBALL-
USE GREIS PARK

RES.#346-12

It was moved by Trustee Beach, seconded by Trustee Becker to approve Lynbrook High School Football team to use Greis Park for practice the week of November 5, 2012, subject to obtaining a Certificate of Insurance. Motion carried, all voting ñAyeò.

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E.R.PEE WEE
FOOTBALL-USE
GREIS PARK

RES.#[347-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to approve East Rockaway Pee Wee Football to use Greis Park the week of November 5, 2012, subject to obtaining a Certificate of Insurance, due to damage at the East Rockaway High School caused by Hurricane Sandy. Motion carried, all voting ñAyeò.

EXECUTIVE
SESSION

RES.#[348-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to adjourn the meeting to open an executive session to discuss PBA negotiations. Motion carried, all voting ñAyeò. It was moved by Trustee Becker, seconded by Trustee Beach to open an executive session to discuss PBA negotiations. Motion carried, all voting ñAyeò. PBA President Bill Diebold outlined his existing provisions of the expired Labor Agreement which expired on May 31, 2012. After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Becker to adjourn the executive session. Motion carried, all voting ñAyeò. It was moved by Trustee Beach, seconded by Trustee Becker to reopen the regular meeting. Motion carried, all voting ñAyeò.

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

The Mayor and Emergency Management Officer reported on devastating damages caused by Hurricane Sandy on October 30, 2012.

MINUTES-10/15/12

RES.#[349-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to accept the Minutes of October 15, 2012 as submitted and place on file. Motion carried, all voting ñAyeò.

ASSISTANCE FOR
HURRICANE SANDY

Reverend Bob of the Baptist Church, and Jim Hass of Samaritan Purse, at Vineyard Church on Denton Avenue, advised that they are offering assistance to those impacted by Hurricane Sandy.

PRESENTATION-
LYN. BAPTIST
CHURCH

Lynbrook Baptist Church presented a check for \$6,735 to the Lynbrook Fire Department for the Nassau County Firefighters Operation Wounded Warrior from proceeds raised during their softball fundraiser between the church and the Lynbrook Fire Department.

CHAMBER OF
COMMERCE
REPORT

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

SIGN AGREEMENT-
38TH NCCD & 3 YR.
FAIR HOUSING
AGREEMENT

RES.#[350-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to authorize the Mayor to sign the Nassau County Community Development 38th Year Contract and Fair Housing Certification, to enable the Village to receive a \$120,000 grant for Merrick Road Streetscape Improvements. Motion carried, all voting ñAyeò.

RATIFY F.D.
REQUESTS

RES.#[351-12](#)

It was moved by Trustee Beach, seconded by Trustee Becker to ratify allowing the members of the Junior Fire Department to be transported in the Fire Department bus to Nassau County Fire Service Academy in Old Bethpage on Sunday, October 28, 2012, and to Bayville Fire Company quarters on October 27, 2012. Motion carried, all voting ñAyeò.

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BILLS

RES.#352-12

It was moved by Trustee Atkinson, seconded by Trustee Becker that Bills listed on Abstract of Audited Voucher #7, General Fund -- \$242,702.02, Trust & Agency - \$84,899.70, Capital Fund - \$92,567.54, Electronic Transfer - \$260,498.10, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting ñAyeò.

GOOD & WELFARE

Mayor Hendrick asked if anyone wished to speak under Good & Welfare. All Board members thanked the many volunteers and staff for continuing to assist in the efforts to restore the community from the after effect of Hurricane Sandy.

EXECUTIVE
SESSION

RES.#353-12

It was moved by Trustee Beach, seconded by Trustee Becker to adjourn to the meeting to open an executive session to discuss attorney client matters. Motion carried, all voting ñAyeò. It was moved by Trustee Beach, seconded by Trustee Becker to open an executive session to discuss attorney client matters. Motion carried, all voting ñAyeò. It was moved by Trustee Beach, seconded by Trustee Becker to adjourn the executive session. Motion carried, all voting ñAyeò. It was moved by Trustee Becker, seconded by Trustee Beach to reopen the regular meeting. Motion carried, all voting ñAyeò.

APPT. i
J.DIMARTINI-PT
BLDG. INSPECTOR
RES.#354-12

It was moved by Trustee Becker, seconded by Trustee Beach to appoint John DiMartini as part-time Building Inspector to replace Ronald Craig at a rate of \$25.00 per hour, 19 ½ hours per week, with six (6) month probationary period on condition that he completes his NYS Code Certification Class within one (1) year, and reimburse the Village for attendance time, if he fails the class or leaves Village employ within two (2) years to work as a municipal inspector. Motion carried, all voting ñAyeò.

RESOLUTION-
HURRICAN SANDY

RES.#355-12

It was moved by Trustee Beach, seconded by Trustee Becker to adopt the following resolution to address the Villages response to Hurricane Sandy on October 30, 2012, and impending November 7, 2012 Noreaster snow storm:

WHEREAS, in the month of October and November in the year 2012, due to prediction of extensive wind storm, hurricane and precipitation damages to public and private property including utilities causing widespread disaster and consequent emergency needs for prompt and effective action by the Village government to mitigate exposure to Village residents, their service facilities and related damages affecting their health, safety and welfare; and

THEREFORE, BE IT RESOLVED, that:

- 1) The Village Board has determined that it is the duty of the Village to, within the limits of law, enter into municipal sharing agreements under General Municipal Law Article V-G; make emergency purchases and incur expenses pursuant to General Municipal Law 103(4) without the time consuming requirements of bids therefore; and to provide Village facilities, assets, equipment, and personnel under Executive Law 25 to cope with the said emergency conditions including providing vehicles and/or gasoline to Village personnel, including department heads, necessary employees, and the Mayor and Board of Trustees, to the extent necessary to have access to all areas of the Village, and where appropriate in the discretion of the Mayor or

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his appointee, to utility personnel, and to provide such labor and use of assets to assist areas outside the Village and, further to waive the regulatory provisions of local law when needed to give effect to the aforesaid duty of the Village; and

- 2) To the extent possible, the Village personnel performing the aforesaid responsibilities of the emergency duty of the Village, shall keep a record of the action taken, the Village assets used, the expenses involved, and the payments received for the expenditure of Village assets to third parties such as utilities or other municipalities.

Motion carried, all voting ñAyeò.

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Becker to adjourn the meeting at 8:55 PM. Motion carried, all voting ñAyeò.