

The Regular meeting of the Board of Trustees was held on Thursday, May 16, 2019 at Lawrence Village Hall, 196 Central Avenue, Lawrence, New York 11559.

Those members present were: Mayor Alex H. Edelman
Deputy Mayor Michael A. Fragin
Trustee Uri Kaufman
Trustee Daniel J. Goldstein
Trustee Syma F. Diamond

Also present were: Ronald Goldman, Village Administrator
Gerry Castro, Deputy Village Clerk
Lina Fusco, Deputy Village Treasurer
Village Attorney, Peter Bee, Esq.
Alison Cohen, Secretary to the BOT

WORK SESSION - Mayor Edelman called the work session to order at 7:12 p.m.

Board Action: No Board action was taken.

Work Session ended at 7:56 p.m.

REGULAR MEETING - Mayor Edelman called the regular meeting to order at 8:13 p.m.

PLEDGE OF ALLEGIANCE

Approval of minutes: BOT April 11, 2019

Board Action: Deputy Mayor Fragin moved the approval of the amended April 11, 2019 BOT meeting minutes, to include Mr. Joseph Kornbluth's comments regarding Item #12. Trustee Kaufman seconded the motion. All in favor.

GOOD & WELFARE

- 1) Ms. Rochelle Kevelson of 21 Causeway, commented that the Mayor's Annual State of the Village Report at the Lawrence Civic Association's meeting the night before, was "excellent". Ms. Kevelson went on to note that drivers are ignoring the "No Turn on Red" sign at the corner of Causeway and Broadway, and "it's dangerous". Mayor Edelman responded that the Village would request greater police presence and enforcement at this location. She went on to say that since the repaving of Causeway "the curbs are disintegrating and there was some "flooding" (due to people emptying their pools) in certain areas (on the west side

of the road). Mayor Edelman noted that the paving on Causeway was being redone this summer due to the bumps in the road, which may address the drainage issue. Ms. Kevelson added that due to the Water Company moving hydrants there were leaks in the pipes that were left, on Broadway and Causeway. The Village will contact the Water Company after reviewing the situation, if necessary.

- 2) Trustee Goldstein inquired as to the status of camera estimates. Village Deputy Administrator Gerry Castro said that he had forwarded the estimates he had, per Trustee Goldstein's request from the previous BOT meeting, and would re-forward the estimates to Trustee Goldstein again. Discussion ensued in this regard. Mr. Castro added that the Long Island Railroad was also installing cameras, so the Village needs to find out what their plans are.
- 3) Deputy Mayor Fragin noted that the "No Parking" rules must be strictly and constantly enforced, since there is parking all day long on Broadway between Margaret Avenue and Sealy Drive; and along Central Avenue, between Fulton Street and Winchester. Village Administrator Goldman notes that, while there was and remains enforcement at the location sited, *increased enforcement* is to be provided per Deputy Mayor Fragin's request.
- 4) Deputy Mayor Fragin noted that the annual Lawrence School District and Library voting was on Tuesday, May 21st, and he encouraged all residents to get out and vote. He stated that most of the taxes Village residents pay go to the school district; and noted that participation has been down in the last few years, but that voter turnout is very important.
- 5) Deputy Mayor Fragin stated that it came to his attention today that with regard to the Woodmere Club, the Town of Hempstead is going out with a survey (only to) to residents within a half mile radius of the golf course/Club; to decide whether people want to participate in a park district. He went on to say that residents of Lawrence should think about whether they (the people within a half mile radius) want to pay twice for a municipal golf course, which would be "our golf course" (the LY&CC) and the other golf course. Discussion ensued in this regard. Trustee Kaufman added; "I frankly find it appalling that the Town is only willing to consider it as a special parks district. I have been told that the Town of Hempstead has approximately eighty parks. All but six of them are listed at the Town level, which means that our tax dollars go to pay for parks in places like Baldwin - - that are far away from here. Bottom line, I don't know why this is not being socialized as all our parks, except for a handful, are. We are already the

only corner of Nassau County that we have to pay a toll to get over a bridge. All the other bridges are socialized. Nobody pays tolls but us. Why are we the only ones that are always forced to pay for things that are local? This is really not right.”

- 6) There was an inquiry from the audience as to whether there was any Library news? Trustee Kaufman and Mayor Edelman responded that there was an election on Tuesday. Deputy Mayor Fragin added; “and the budget”. Trustee Goldstein said that they should go vote. The audience member inquired as to what had exactly happened from the Village’s standpoint regarding the new library location. Mayor Edelman responded that there just wasn’t enough support to move the library to the Zion Park location.
- 7) Mayor Edelman announced the Memorial Day Parade, being held on Sunday, May 26th, and stated that everyone should attend. He noted that Village resident and Lawrence Civic Association President Paris Popack and Village of Cedarhurst’s JoMarie Capone have done an outstanding job with this year’s Parade to make it a great one, featuring music by violinist Asher Laub, Superstar Gad Elbaz, the Meshuga Daddies (barbershop singers). the aviation High School AFJROTC, Cadets & Drum Corps, Firemen & Fire Trucks, Hatzalah, Local Schools & Organizations, Lawrence High School Marching Band and many more. Mayor Edelman urged all to attend.
- 8) Mayor Edelman announced that the July 11th Board of Trustees meeting has been changed to July 25th, 2019.

NEW BUSINESS

Item 1 – Approve Abstracts #'s

General Fund	# 942, 943, 944, 945, 946, 947
Recreation Fund	# 357, 358, 359, 360, 361, 362, 363
Payroll	# 041919, 050319, 051719

Board Action: Trustee Goldstein moved the approval of General Fund Abstracts #942, #943, #944, #945, #946 and #947. Trustee Kaufman seconded the motion. All in favor.

Board Action: Trustee Goldstein moved the approval of Recreation Fund Abstracts #357, #358, #359, #360, #361, #362 and #363. Trustee Kaufman seconded the motion. All in favor.

Board Action: Trustee Goldstein moved the approval of Trust Fund Abstracts #285 and #286. Trustee Kaufman seconded the motion. All in favor.

Board Action: Trustee Kaufman moved the approval of Payroll Fund Abstracts #041919, #050319 and #051719. Trustee Goldstein seconded the motion. All in favor.

Item 2 – Approval Federal Tax Policy

Board Action: Mayor Edelman moved to approve a Resolution (Memorandum) regarding the Federal Tax Policy as it pertains to the Incorporated Village of Lawrence, as supplied by the Village’s Bond Counsel (attached hereto as “Exhibit A”). Deputy Mayor Fragin seconded the motion. All in favor.

Item 3 –Approve tree trimming/pruning at the LY&CC

Board Action: Trustee Goldstein moved the approval of Nolan Tree Service, the lowest responsible proposal (bid), in the amount of \$1,500.00 to remove/trim trees along the LY&CC Marina fence. Trustee Diamond seconded the motion. All in favor.

Item 4 – Approve Resolution regarding Town of Hempstead Transit Hub Projects

Board Action: This Item was removed from the agenda.

Item 5 – Approve Resolution regarding disposition of former Sewer Treatment Plant property

Board Action: Mayor Edelman moved to approve a Resolution to retain a site civil engineer to draft a conceptual site plan, for the highest and best use of the former Sewer Treatment Plan property, that would exist within the existing Village of Lawrence zoning.. Trustee Diamond seconded the motion. Deputy Mayor Fragin stated: “The highest and best use is a term of art, so I think that the; and I’ve said that I think there is a definite need for additional parks in this Village and I think that this is an ideal place for one. I don’t know whether this engineer will be able to, within the highest and best framework; work in the; set aside sufficient room. If you look at the park over there on a daily basis when the weather is nice, it is actually pretty much overcrowded every day. So there’s no question there’s demand for additional spaces for our residents. So I would very much like to see us explore that at that site.” Trustee Kaufman inquired whether under the current zoning could the Village put a park in that site. Mayor Edelman commented that there was a three-quarter acre lot, which is not being used for anything or housing either, that could be used as a park, in the current diagram/layout of the property. Village Attorney Peter Bee stated that his recollection is that park use is a permitted use in a residential zone. Discussion ensued in this regard. Mayor Edelman moved to approve the amended motion to seek (request for) proposals to develop a conceptual site plan for the highest and best use within existing Village zoning, and therefore no dollar amount need be specified, because the Village is seeking proposals for what it would cost to develop such a conceptual site plan. Deputy Mayor Fragin seconded the motion. All in favor.

Item 6 – Consideration of Sign Removal Statute

Discussion ensued in this regard.

Board Action: No Board Action was taken. Village Attorney Peter Bee’s office will draft a memo in this regard.

Item 7 – Personnel Action - Appoint (replace) Traffic Enforcement Agent

Village Attorney Peter Bee explained that a personnel action has been taken which has caused a current traffic enforcement agent to have ended his employment with the Village, and the Village Administrator is seeking authorization to fill that vacancy with another individual, Kenneth Pruitt.

Board Action: Mayor Edelman moved to approve the appointment of full-time Traffic Enforcement Agent Kenneth Pruitt, at an annual salary of \$33,454.38, with benefits, upon approval by the Nassau County Civil Service Commission. Trustee Goldstein seconded the motion. All in favor.

Village Attorney Peter Bee gave the Board an update on the status of the KemperSports agreement, (regarding the LY&CC) which is near finalization; which the Mayor has been authorized to execute.

Item 8 – Approve a preliminary architectural schematic design for “an expanded” LY&CC

Board Action: Mayor Edelman moved to approve a request for proposals for a preliminary architectural schematic design for “an expanded”, multi-sports complex at the Lawrence Yacht & Country Club, including a pool; per the recommendations in the study that was previously commissioned by the Village. Deputy Mayor Fragin seconded the motion. All in favor.

On motion by Deputy Mayor Fragin, seconded by Mayor Edelman, and unanimously approved, the Board adjourned at 8:50 p.m.

This is to certify that I, Ronald Goldman, read the preceding minutes, and they are in all respects a full and correct record of such proceedings.

Ronald Goldman, Administrator,
Clerk/Treasurer

EXHIBIT A

PROCEDURES FOR POST-ISSUANCE COMPLIANCE WITH FEDERAL TAX LAW INCORPORATED VILLAGE OF LAWRENCE

State and local governmental entities, including cities, towns, villages and school districts, that borrow money on a tax-exempt basis are required to report to the Internal Revenue Service whether they have established written procedures to comply with applicable requirements of federal tax law for all issues of federally tax-exempt bonds, bond anticipation notes, tax anticipation notes, revenue anticipation notes, financing leases, energy performance contract financings, and any other instruments evidencing the borrowing of money (collectively the “Obligations”). The procedures set forth herein will assist the Village of Lawrence, New York (the “Issuer”) in meeting the post-issuance requirements of federal tax law necessary to preserve the tax-exempt status of interest on Obligations issued by the Issuer.

These procedures address Obligations issued for physical facilities and equipment for the Issuer (the “Capital Obligations”) and Obligations issued to finance cash-flow operating requirements of the Issuer (the “Cash-Flow Obligations”).

I. GENERAL PROCEDURES

A. Responsible Official. The Village Treasurer of the Issuer (herein referred to as the “Responsible Official”) will identify such officers and employee(s), including the Village Treasurer, who will be responsible for each of the procedures listed below, and will notify such officers and employee(s) of the responsibilities, and provide those persons with a copy of these procedures. Upon employee transitions, the Responsible Official will advise the new personnel of their responsibilities under these procedures and will ensure they understand the importance of these procedures. If employee positions are restructured or eliminated, the Village Treasurer of the Issuer will reassign responsibilities as necessary.

B. Issuance of Obligations.

1. Bond Counsel. The Issuer will retain a firm of nationally-recognized bond counsel (“Bond Counsel”) to deliver a legal opinion in connection with the issuance of all

Obligations. The Responsible Official will consult with Bond Counsel and other legal counsel and advisors, as needed, following the issuance of Obligations to ensure that applicable post-issuance requirements are met, so that interest on each issue of Obligations will be excluded from gross income for federal income tax purposes.

2. Documentation of Tax Requirements. The federal tax requirements relating to each issue of Obligations will be set forth in a Tax Certificate (the "Tax Certificate") executed in connection with each issue of Obligations, which will be included in the closing transcript for each issue of Obligations. The Tax Certificate will contain certifications, representations, expectations and factual statements relating to the restriction on use of the facilities financed with Obligations by persons or entities other than the Issuer, changes in use of the facilities financed or refinanced with the proceeds of Obligations, restrictions applicable to the investment of the proceeds of any Obligations and other moneys relating to the Obligations, and arbitrage rebate requirements. The Responsible Official will review the Tax Certificate prior to the date of issue of each issue of Obligations.

3. Information Reporting. In connection with each issue of Obligations, the Issuer is required to file, or shall cause to be filed by Bond Counsel, an IRS Form 8038-G (or, if applicable, IRS Form 8038-GC). Any such IRS Form filed with the IRS, together with a proof of filing, will be included as part of the closing transcript for each issue of Obligations, or kept in the records maintained by Bond Counsel related to the appropriate issue of Obligations. The Responsible Official shall ascertain that such form has been filed in connection with each issue of Obligations.

C. Record Retention.

1. General. Copies of all relevant documents and records sufficient to support that the tax requirements relating to all Obligations have been satisfied, including the following documents and records, should be maintained by the Issuer:

- (a) Closing transcript;
- (b) All records of investments, arbitrage reports, returns filed with the IRS and underlying documents;
- (c) Construction contracts, purchase orders, invoices and expenditure and payment records;
- (d) Documents relating to costs reimbursed with the proceeds of Capital Obligations;
- (e) All contracts and arrangements involving Private Use of the property financed with Capital Obligations;

- (f) All reports relating to the allocation of the proceeds of Obligations and Private Use of property financed with Capital Obligations;
- (g) Itemization of property financed with the proceeds of Capital Obligations; and
- (h) In connection with Cash-Flow Obligations, information regarding the Issuer's revenue, expenditures and available balances sufficient to support the Issuer's prospective and actual maximum cumulative cash-flow deficit calculations.

2. Duration of Record Retention. All of the foregoing documents and records should be retained for the term of the Obligations, plus three (3) years, or if the Obligations are refunded with the proceeds of a subsequent Obligation, the date three (3) years after the last of such refunding Obligations are refunded.

D. Capital Obligations.

1. Timely Expenditure of Proceeds of Capital Obligations. At the time of issuance of Capital Obligations issued to fund original expenditures, the Issuer must reasonably expect to spend at least 85% of all proceeds within three (3) years of the date of issuance of the Obligations. In addition, for Capital Obligations, the Issuer must have incurred or expect to incur within six months after issuance original expenditures of not less than 5% of the amount of such proceeds, and must expect to complete the project financed with Capital Obligations (the "Project") and expend the proceeds of such Capital Obligations to pay Project costs with due diligence. Satisfaction of these requirements allows the proceeds of Capital Obligations issued for the Project to be invested at an unrestricted yield for three (3) years. Failure to satisfy these requirements could subject the Issuer to rebate of investment income, and other penalties. The Responsible Official will monitor the appropriate capital project accounts to ensure that the proceeds of Capital Obligations are spent within the time period(s) required under federal tax law.

Capital Obligations issued to refinance outstanding Capital Obligations are subject to separate expenditure requirements, which shall be outlined in the Tax Certificate relating to such Obligations. In connection with the issuance of any Capital Obligations issued to refinance outstanding Capital Obligations, the Responsible Official will confirm that any rebate obligation due with respect to the original issue and any subsequent refinancing thereof has been met.

2. Use of Proceeds of Capital Obligations. In general, proceeds (including investment income on original sale proceeds) of Capital Obligations, other than proceeds used to pay costs of issuance, should be spent on capital expenditures. For this purpose, capital

expenditures generally mean costs to acquire, construct, or improve property (land, buildings and equipment). Capital Expenditures include design and planning costs related to the Project, and include architectural, engineering, surveying, soil testing, environmental, and other similar costs incurred in the process of acquiring, constructing, improving or adapting the property. Capital Expenditures do not include operating expenses of the Project.

3. Use of Facilities Financed with Capital Obligations. For the life of all Capital Obligations, the Project must be owned and operated by the Issuer. At all times while Capital Obligations issued for a Project are outstanding, no more than 10% of the proceeds of such Capital Obligations may be used, directly or indirectly, in a trade or business carried on by a person other than a state or local governmental unit (“Private Use”). Generally, Private Use consists of any contract or other arrangement, including leases, management contracts (for example, contracts relating to the operation of a school cafeteria or to food service providers), operating agreements and guarantee contracts which provides for use of the facilities financed with Capital Obligations by a person who is not a state or local government on a basis different than the general public. The Project may be used by any person or entity, including any person or entity carrying on any trade or business, if such use constitutes “General Public Use”. General Public Use is any arrangement providing for use that is available to the general public at either no charge or on the basis of rates that are generally applicable and uniformly applied.

4. Management or Operating Agreements for Facilities Financed with Capital Obligations. Any management, operating or service contracts whereby a non-exempt entity is using facilities financed or refinanced with the proceeds of Capital Obligations must relate to portions of the Project that fit within the above-mentioned 10% allowable Private Use, or the contracts must meet the IRS safe harbor for management contracts (Rev. Proc. 2017-13). Any renewals of or changes to such contracts should be reviewed by Bond Counsel. The Responsible Official shall contact Bond Counsel if there may be a lease, sale, disposition or other change in use of facilities financed or refinanced with the proceeds of Capital Obligations.

E. Cash-Flow Obligations.

1. Proper Sizing of Cash-Flow Obligations.

(a) If the Issuer is not subject the small issuer exemption from rebate, at the time of issuance of Cash-Flow Obligations, the Issuer must anticipate that it will incur an actual maximum cumulative cash-flow deficit on a date on or before the close of the six-month period commencing on the issue date of the Cash-Flow Obligations equal to at least 90% of the issue price of the Cash-Flow Obligations.

(b) If the Issuer is subject to the small issuer exemption from rebate, at the time of issuance of Cash-Flow Obligations, the Issuer must anticipate that it will incur an actual maximum cumulative cash-flow deficit on a date on or before the close of the twelve-month period commencing on the issue date of the Cash-Flow Obligations equal to at least 100% of the issue price of the Cash-Flow Obligations (which may include taking into account the Issuer’s “reasonably required working capital reserve”).

(c) The Responsible Official will determine the appropriate amount of Cash-Flow Obligations to issue.

(d) With respect to Issuers not subject to the small issuer exemption from rebate, the Responsible Official shall determine whether or not the Issuer has met its requisite maximum cumulative cash-flow deficit within six months following the date of issuance of the Cash-Flow Obligations, and shall, to the extent necessary, obtain assistance from the Arbitrage Rebate Consultant, referred to below.

F. Investment Restrictions; Arbitrage Yield Calculation; Rebate.

1. Investment Restrictions. Investment restrictions relating to the proceeds of Obligations and other moneys relating to the Obligations are set forth in the Tax Certificate. The Responsible Official will monitor the investment of the proceeds of Obligations to ensure compliance with yield restriction rules.

2. Arbitrage Yield Calculation. Investment earnings on the proceeds of Obligations should be tracked and monitored to comply with applicable yield restrictions and/or rebate requirements. The Issuer is responsible for calculating (or causing the calculation of) rebate liability for each issue of Obligations, and for making any required rebate payments. Any funds of the Issuer set aside or otherwise pledged or earmarked to pay debt service on the Obligations should be analyzed to assure compliance with the tax law rules on arbitrage, invested sinking funds and pledged funds (including gifts or donations linked to facilities financed with Capital Obligations). The Responsible Official will consult with Bond Counsel to confirm that all relevant arbitrage yield requirements are met.

3. Rebate. On or before the date of any required rebate payment (see below), the Issuer will retain a nationally recognized arbitrage rebate consultant (the “Arbitrage Rebate Consultant”) to perform rebate calculations that may be required to be made from time to time with respect to any issue of Obligations. The Responsible Official shall provide the Arbitrage Rebate Consultant with requested documents and information on a prompt basis, reviewing applicable rebate reports and other calculations and generally interacting with the Arbitrage Rebate Consultant to ensure the timely preparation of rebate reports and payment of any rebate.

The reports and calculations provided by the Arbitrage Rebate Consultant will assure compliance with rebate requirements, which require the Issuer to make rebate payments, if any, no later than the fifth (5th) anniversary date and each fifth (5th) anniversary date thereafter through the final maturity or redemption date of a Capital Obligation. A final rebate payment, if due, must be made within sixty (60) days of the final maturity or redemption date of all Obligations.

Rebate spending exceptions for Capital Obligations are available for periods of 6 months, 18 months and 2 years. The Responsible Official will confer and consult with the Arbitrage Rebate Consultant to determine whether any rebate spending exception may be met.

In the case of Cash-Flow Obligations, within 60 days of the maturity date of such Cash-Flow Obligations, if there is concern as to whether the Issuer has met its requisite maximum cumulative cash-flow deficit, a rebate analyst should be promptly engaged to determine whether either the six-month spending exception or the statutory safe harbor exception to the rebate rules was met (in which case no rebate would be owed) or whether the investment income derived from the proceeds of the Cash-Flow Obligations is subject, in whole or in part, to rebate.

Copies of all arbitrage rebate reports, related return filings with the IRS (*i.e.*, IRS Form 8038-T), copies of cancelled checks with respect to any rebate payments, and information statements must be retained as described above. The Responsible Official will follow the procedures set forth in the Tax Certificate that relate to compliance with the rebate requirements with respect to any Obligations.

II. ADDITIONAL PROCEDURES.

A. Periodic Monitoring. The Responsible Official will conduct periodic reviews of compliance with the foregoing procedures to determine whether any violations have occurred so that such violations can be remedied through the “remedial action” regulations (Treas. Reg. Section 1.141-12) or the Voluntary Closing Agreement Program (VCAP) described in IRS Notice 2008-31 (or successor guidance). If any changes to the terms or provisions of any Obligations are contemplated, the Responsible Official will consult with Bond Counsel, because such modifications could jeopardize the tax-exempt status of interest on the Obligations after they are modified.

B. Use of Facilities. The Responsible Official will maintain records identifying any Private Use of the facilities or portion of facilities that are financed or refinanced with proceeds of Capital Obligations. Such records may be kept in any combination of paper or electronic form. In the event the use of the proceeds of Capital Obligations of the facilities financed or refinanced with the proceeds of Capital Obligations differs from the representations or factual statements in the Tax Certificate, the Responsible Official will promptly contact and consult with Bond Counsel to ensure that there is no adverse effect on the tax-exempt status of the Capital Obligations and, where appropriate, will remedy any violations through the “remedial action” regulations (Treas. Reg. Section 1.141-12), the Voluntary Closing Agreement Program (VCAP) described in IRS Notice 2008-31 (or successor guidance), or as otherwise prescribed by Bond Counsel.

DRAFT