

Lawrence, New York, November 12, 2009

The regular meeting of the Mayor and Board of Trustees was held on Thursday, November 12, 2009, in the Lawrence Village Hall, No. 196 Central Avenue, Lawrence, New York 11559 at 8:00 p.m.

Mayor Felder called the meeting to order at 8:00 PM

Those members present were:

- Mayor Felder
- Deputy Mayor Oliner
- Trustee Joel A. Mael
- Trustee Edward I. Klar
- Trustee Michael Fragin

Also present were: Toni Merendino Acting Deputy Village Clerk and Janet Magliaro, Secretary to the Board of Trustees.

Upon motion by Mayor Felder, seconded by Deputy Mayor Oliner and unanimously carried, the minutes of October 15, October 20, October 26, November 8 and November 9, 2009 were approved.

#### Reports

Police – Police Officer Keles of the Nassau County Police Department Fourth Precinct read the report for the month of October which is on file for inspection. Police Officer Keles reported that in light of the recent burglaries in the area, the Fourth Precinct has increased patrols in Lawrence.

Police Officer Keles asked that the Village to look into the parking conditions in the Sutton Park area, as there are times when parking on both sides of the streets do not allow for emergency vehicles to pass.

Mayor Felder welcomed Legislator Elect Howard Kopel to the meeting.

Mr. Kopel advised the Board and the Village residents that he is looking forward to working with the Village of Lawrence and that one should not hesitate to contact him.

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Fire- Trustee Fragin reported on the activities of the Lawrence Cedarhurst Fire Department for the month of October. Report is on file in Village hall for inspection.

Finance – Trustee Mael asked Trustee Klar to look into the category ‘depreciation’ as shown on the monthly Treasurer’s report.

Upon motion by Trustee Mael, seconded by Trustee Fragin, and unanimously carried, Abstract #'s General Fund 577, Trustee Fund 220, Payroll Fund 2248-2250 were approved with the following modifications:

Cameron Engineering Invoices relating to TRC/CAP – Total of \$10,000 authorized to be paid for this project.

Cameron Engineering invoices relating to: 214 Harborview South and 29 Muriel Avenue pending further investigation.

Mrs. Kim Klappell asked Trustee Mael what effect the recent lawsuit will have on the village receiving bonding on the sewer consolidation. Trustee Mael advised that upon advice of counsel, the matter cannot be discussed.

Recreation – Trustee Klar gave a verbal report on the activities at the recreation facility. Following are minutes to the October 22, 2009 Park Commission meeting.

*The work session meeting of the Park Commission was held on Thursday October 22, 2009 at the Lawrence Village Country Club. Those members present were, Chairman Barry Schwartz, Commissioners: Howard Siskind, Howard Teitelbaum, Martin Levi, Francine Sicklick and Barry Mayer. Also in attendance was, Frank Argento, Joanne Mileo. Those absent were Vice Chairman Jeffrey Lederman, Commissioners, Edward Klar, and Michael Levine.*

*Chairman Barry Schwartz made a motion to open the work session at 7:30pm.*

**The Park Commission went out of work session and into Public session at 8:00pm.**

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**Commissioner Howard Teitelbaum gave the following report for Golf:**

Regular routine maintenance is taking place on the golf course. We are aerating the fairways. Due to the recent storm the driving range fence was damaged, we had salt water damage on the holes 1, 10, 17, & 18; luckily we are in the process of aerating which will lessen the salt water damage. We continue to take in new members to date. We have **(1) full time, (6) Weekdays plus Sat, Sun & Holiday pm non/res. (6) new spouses (3) Weekday non/res. Total 16 new members.**

We continue to have interest in membership. We will pick up the advertising campaign after the new year for next season.

**Commissioner Martin Levi gave the following report for Tennis:**

The Lawrence Girls tennis team ended on Oct 14<sup>th</sup>. Courts 1, 3, 4 & 9 have been shut down. The painting of the tennis shack ceiling has been completed. We will be closing remaining courts on November 2<sup>nd</sup> and final cleanup will begin.

**Commissioner Siskind gave the following report for the Marina:**

We are preparing the ice eaters for the winter storage season. Winter storage letters have been mailed out and we have received several requests for winter storage. The marina main entrance gate was damaged and is now in the process of being replaced.

**Commissioner Howard Siskind gave the following report for Catering:**

Commissioner Siskind reported that Mezza on the Green restaurant will be featuring a new menu beginning November 2009. They will be offering Pub Style food on their menu.

**Frank Argento gave the following Managers Report:**

Frank Argento made reference to the report he submitted to the Mayor, Board of Trustees and the Park Commission regarding the 21 full time staff members and their functions here at the recreational facility. He stated how proud he is to have a staff that through mutual cooperation goes well beyond any job description for the best interest of the members and residents of this facility.

**Chairman Barry Schwartz adjourned the regular meeting of the Park Commission at 8:45pm**

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Minutes recorded by: Joanne Mileo

Trustee Klar made a motion to amend the minutes of the September 10, 2009 Board of Trustees meeting to withdraw the approval for Mrs. Merendino and Mr. Argento to attend the two conferences requested. Mr. Ciaravolo's request to attend a conference is hereby denied. Motion was seconded by Deputy Mayor Oliner and unanimously carried.

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Trustee Klar asked that he take New Business Item 4 out of order.

Upon motion by Trustee Klar, seconded by Trustee Mael and unanimously carried, 2010

Tennis and Marina rates were approved as follows:

<b>Tennis</b>		<b>2010 Rates</b>
T1	Full privilege resident	850.00
T1N	Full privilege non-resident (T1N only one member per family)	1,250.00
T2	Weekday plus weekend & holiday PM resident	750.00
T2N	Weekday plus weekend & holiday PM non-resident	1,100.00
T3	Weekday resident	700.00
T3N	Weekday non-resident	1,050.00
T4	Resident-Junior ages 10 through 17	70.00
T4N	Non-resident Junior ages 10 through 17	140.00
T5	Resident Intermediate ages 18 through 25 (full-time student)	140.00
T5N	Non-resident Intermediate ages 18 through 25 (full-time student)	210.00

T12 Husband/wife resident (T1 & T2)\* 1,300.00

\*Please note (T12) resident membership is a special rate for husbands & wives. This membership includes (1) one (T1) Full Privilege Resident and (1) one (T2) Weekday plus Saturday, Sunday & Holiday afternoon membership.

T12N Husband/wife non-resident (T1N & T2N)\* 1,700.00

\*Please note (T12N) non-resident membership is a special rate for husbands & wives. This membership includes (1) one (T1N) Full Privilege Non-Resident and (1) one (T2N) Weekday plus Saturday, Sunday & Holiday afternoon membership.

All non-resident Junior and Intermediate non-resident tennis memberships must be a son or daughter of a tennis member.

**Court Fees (resident recreation permit holders)**

Adults	10.00
Juniors	5.00
Adult guest fees	15.00
Junior guest fees	8.00
Adult tennis recreation permit	50.00
Junior tennis recreation permit	20.00

**2010 Marina Rates**

A3 – A11	\$2300.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 30 FEET
A12 – A17	\$2300.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 25 FEET
A18 – A25	\$1480.00 PLUS \$ 74.00 A FOOT FOR EACH FOOT OVER 20 FEET

A26 – A34	\$2300.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 25 FEET
A35 – A54	\$1480.00 PLUS \$ 74.00 A FOOT FOR EACH FOOT OVER 20 FEET
A55 – A60, C4	\$1,040.00 FOR BOATS UNDER 20 FEET <u>ONLY</u>
A61 – A68	\$950.00 FOR BOATS UNDER 20 FEET <u>ONLY</u>
B1 – B35	\$2900.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 30 FEET
B36 – B43	\$4600.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 40 FT./PLUS \$190.00 A FOOT FOR EACH FOOT OVER 50 FEET
B44 – B49	\$2300.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 25 FEET
C1	\$2200.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 30 FEET
C5, C6, C11, C12	\$2800.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 30 FEET
C7 – C10	\$2200.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 25 FEET
C13 – C21	\$2300.00 PLUS \$112.00 A FOOT FOR EACH FOOT OVER 30 FEET
JET SKI	\$340.00

Non-Residents:

The foregoing are the rates for residents. For non-residents, there is an additional charge of: \$1050.00 for boats of 40 feet and over, \$760.00 for boats of 30 feet to less than 40 feet: \$500.00 for all others. Any tender or dinghy of not more that 14 feet in length with or without power, which is not kept on davits or stored aboard a principal vessel, shall pay a rental of \$155.00 for the privilege of being kept within the confines of the slip or berth.

Trustee Klar announced that no action is being taken on the proposed new golf category as submitted by the park commission at this time; pending further review.

Sanitation - No Report

Nassau County Office of Emergency Management – Trustee Mael urged the village to secure possibly 2 or 3 employees as liaison to the NCOEM.

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### **OLD BUSINESS**

#### Item 1 - Request from Nassau County Auxiliary Police

Board Action: Mayor Felder made a motion that the Village donate \$6,000 to the Nassau County Auxiliary Police, which was seconded by Deputy Mayor Oliner.

Trustee Fragin requested an additional increase of \$6,000. Deputy Mayor Oliner did not think the village is in a position to approve such funds without more information from the auxiliary police as to where funds are being distributed.

After a discussion on the matter, Mayor Felder volunteered to speak with Mr. Danny Gluck of the auxiliary police in an attempt to receive answers to all the concerns of the board.

Upon motion by Trustee Mael, seconded by Deputy Mayor Oliner the matter was tabled.

### **NEW BUSINESS**

#### Item 1 – Resolution – Residency Requirement

Board Action: Upon motion by Mayor Felder seconded by Trustee Klar and unanimously carried, the following resolution was adopted:

Whereas, it is a requirement of State law that persons holding public office in the Village be residents of the Village, except where otherwise authorized by law or where the Board of Trustees has granted a waiver of such residency requirement as permitted by law, and

Whereas, it has come to the attention of the Board of Trustees that at various times between 1980 and the present date one or more non-residents of the Village have

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been appointed as Village public officials and the residency requirement for such persons was waived, without such waiver appearing in the minutes of the meetings of the Board of Trustees, and

Whereas, the Board of Trustees wishes to document in the public record of the Board's meetings that non-residents of the Village heretofore appointed to public office in the Village during the period 1980 to and including the present date were granted waivers of the applicable residency requirements,

Now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Lawrence hereby ratifies and confirms that all non-residents of the Village appointed to public office in the Village during the period 1980 to and including the present date were, and are, granted waivers of any applicable residency requirement provided that such persons maintained a residence in Nassau County (or, in the case of the Village Administrator/Village Clerk-Treasurer, maintained a residence in the State of New York or the State of New Jersey) during the respective terms for which they were appointed.

#### Item 2 – 2009 Holiday Season Parking

Board Action: Trustee Fragin proposed that the last two weekends in November be included in the 2009 Holiday /Season Free Parking.

Upon motion by Trustee Fragin, seconded by Deputy Mayor Oliner with the following vote cast; 2009 Holiday Season Free Parking in the Village Parking Fields #3 and #4 between the hours of 8:00 AM and midnight on the following dates was approved.

Ayes:  
Mayor Felder  
Deputy Mayor Oliner

Nays:  
Trustee Klar  
Trustee Mael

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Trustee Fragin

Saturday and Sunday	November 21 and 22
Saturday and Sunday	November 28 and 29
Saturday and Sunday	December 5 and 6
Saturday and Sunday	December 12 and 13
Saturday and Sunday	December 19 and 20
Saturday and Sunday	December 26 and 27

Item 3 – Resolution – Adopting Red Flag Policy and Establishing An Identify Theft Prevention Program

*Withdrawn*

Item 4 – *See Recreation Report*

Item 5 – Authorization for Mayor to Execute Documents

Board Action: Upon motion by Trustee Klar, seconded by Deputy Mayor Oliner and unanimously carried, Mayor Felder was authorized to execute Stipulation of Settlement Index No. 99-011207 – Long Island Water Corporation.

Upon motion by Trustee Klar, seconded by Deputy Mayor Oliner and unanimously carried, Mayor Felder was authorized to execute Stipulation of Settlement Index No.2007401952 – Rockaway Hunting Club, 615 Ocean Avenue

Upon motion by Trustee Klar, seconded by Deputy Mayor Oliner and unanimously carried, Mayor Felder was authorized to execute Stipulation of Discontinuance Index No.2007413331 – New York Community Bank, 333 Central Ave.

Item 6 – Resolution – Nassau County Civil Service Liaison

Board Action: Upon motion by Mayor Felder, seconded by Deputy Mayor Oliner and unanimously carried, the following resolution was adopted:

RESOLVED that Janet Magliaro, Secretary to the Board of Trustees, is hereby appointed

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liaison between the Village of Lawrence and the Nassau County Civil Service Commission and further authorized to execute documents relating to same on behalf of the Village of Lawrence.

Item 7 – Bid Award – Street Light Maintenance

Board Action: After a thorough analysis of bids received, upon motion by Trustee Klar, seconded by Mayor Felder, with the following vote cast:

Ayes: Mayor Felder  
Deputy Mayor Oliner  
Trustees Klar  
Trustee Fragin:

Recused: Trustee Mael

the bid for street light maintenance was awarded to as follows:

Mittman Electrical Construction, Inc.  
433 Doughty Blvd.  
Inwood, NY 11096  
David Elefant  
516-239-2179  
516-239-2467

DESCRIPTION	COST
MONTHLY MAINTENANCE	\$1150.00
FURNISH/INSTALL 15' ALUMINUM POLE	\$800.00
FURNISH/INSTALL 100 WATT HPS CARRIAGE FIXTURE	\$350.00
FURNISH/INSTALL 15' BLACK ALUMINUM POLE AND 100 WATT HPS CARRIAGE FIXTURE	\$1450.00
FURNISH/INSTALL 6' BLACK ALUMINUM ARM AND 100 WATT HPS CARRIAGE FIXTURE	\$850.00
FURNISH/INSTALL SINGLE ARM DAVIT POLE WITH 150 WATT HPS HORIZONTAL FIXTURE	\$1800.00
FURNISH/INSTALL DOUBLE ARM DAVIT POLE WITH 250 WATT HPS HORIZONTAL FIXTURE	\$2200.00
FURNISH/INSTALL 8' BRIGHT ALUMINUM TRUSS ARM	\$200.00
FURNISH/INSTALL 150W HPS HORIZONTAL FIXTURE	\$350.00

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FURNISH/INSTALL 250 WATT HPS HORIZONTAL FIXTURE	\$420.00
FURNISH/INSTALL COMPLETE SET OF DOWN LEADS	\$70.00
FURNISH/INSTALL NEW RISE FOR OVERHEAD TO UNDERGROUND CONNECTION	\$600.00
FURNISH/INSTALL TRANSFORMER BASE FOR DAVIT POLE	\$600.00
FURNISH/INSTALL NEW 6/3 XLP STREET TRUSS LIGHT CABLE	\$8.50
INSTALL 100 WATT HPS CARRIAGE FIXTURE (VILLAGE SUPPLY)	\$110.00
RELOCATE EXISTING ARM AND FIXTURE TO NEW POLE (POLE TRANSFER)	\$350.00
FURNISH/INSTALL 30' ALUMINUM POLE	\$2600.00
FURNISH/INSTALL TRANSFORMER BASE FOR TRUSS ARM POLE	\$400.00
FURNISH/INSTALL 15' TRUSS ARM WITH 250 WATT HPS HORIZONTAL FIXTURE	\$850.00
FURNISH/INSTALL 6' TRUSS ARM WITH 250 WATT HPS HORIZONTAL FIXTURE	\$700.00
FURNISH/INSTALL 400 WATT HPS FLOODLIGHT	\$500.00
FURNISH/INSTALL 250 WATT HPS FLOODLIGHT	\$450.00
PRICE PER HOUR – BUCKET TRUCK W/OPERATOR	\$110.00
LABOR CHARGE PER HOUR FOR WORK NOT SPECIFIED ABOVE	\$95.00

#### Item 8 – Fee Schedule – Public Use of Village Facilities

Board Action: Mayor Felder made a motion to allow the Lawrence Association to use the room at the Lawrence Village Country Club this one time, November 18 without charging a fee since the village does not have a fee schedule in place. The motion was seconded by Deputy Mayor Oliner.

Trustee Klar amends Mayor Felder's motion to include that any organization that fits in the category of the law may use the upstairs room at the LVCC.

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Deputy Mayor Oliner further amends Mayor Felder's motion that subject to paragraph A3 of the Policy for Public Use of Village Facilities, any organization with approval of the board may use the upstairs room at the Lawrence village country club without charge. Deputy Mayor Oliner further states that this does not suggest that there will or will not be a fee.

Trustee Fragin stated he is uncomfortable with the idea of moving forward against the village policy.

Trustee Mael stated he was uncomfortable with Mayor Felder's motion when other people using the club need to pay for the room. He wouldn't want to make an exception.

Upon motion by Trustee Klar, seconded by Deputy Mayor Oliner, with the following vote cast, the following was approved:

<u>Ayes:</u> Mayor Felder,	<u>Nays:</u>
Deputy Mayor Oliner,	Trustee Mael
Trustee Klar:	Trustee Fragin

*Until the next Board of Trustees meeting any organization that falls within the purview of the law and with Mayoral approval can use the upstairs room in the Lawrence village country club.*

Item 9 - Bee Ready Fishbein Hatter & Donovan, LLP

Board Action: Upon motion Deputy Mayor Oliner, seconded by Trustee Fragin and unanimously carried, Bee Ready Fishbeins Hatter & Donovan's retainage fee which was approved at the October 26, 2009 board meeting is to be increased from \$5,000 to \$7,500.

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Item 10 – Minerva & D’Agostino – Fee Schedule

Board Action: Upon motion by Mayor Felder, seconded by Trustee Klar and unanimously carried, Minerva & D’Agostino’s proposal dated November 10, 2009 for an hourly fee of \$275.00 was approved.

Item 11 – Appointment of Special Counsel

Board Action: Mayor Felder made a motion to adopt the following resolution which was seconded by Deputy Mayor Oliner and unanimously carried:

RESOLVED, that A. Thomas Levin, Esq. previously retained as Board Counsel is retained instead as Special Counsel to the Village to provide such legal services as may be requested by the Mayor or any member of the Board and to be compensated at the hourly rate of \$250.00 for his services and the services of other attorneys in his law firm. In performing his services, Mr. Levin may utilize other attorneys in the law firm of Meyer, Suozzi, English Klein, P. C. of which he is a member and all payments for the services of Mr. Levin or such other attorneys shall be made to the law firm.

Trustee Mael questioned Mayor Felder as to why he was not appointing Mr. Levin, Village Attorney. At the reorganization meeting in August 2009, Mr. Levin was appointed Counsel to the Board of Trustees and certain board members were under the impression that this appointment was for Mr. Levin to be Village Attorney. Trustee Klar concurred.

Trustee Fragin expressed his appreciation to Mr. Goldman for his service to the Village and his efforts to the community that go way and beyond. He stated this is not a personal issue; there is an issue with an overlap of attorneys.

Trustee Mael made a motion to authorize zero compensation to Ronald Goldman, acting as Village Attorney without prior approval of the Board of Trustees. The motion was seconded by Mayor Felder with the following vote case:

<u>Ayes:</u>	<u>Nays:</u>
Mayor Felder	Deputy Mayor Oliner
Trustee Mael.	Trustee Klar
	Trustee Fragin

Motion does not pass.

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Mayor Felder announced the agenda was complete and asked if anyone present wished to be heard.

Mr. Saul Klausner, resident of Washington Avenue inquired as to the status of 5 Washington Avenue . Deputy Mayor Oliner advised Mr. Klausner that the matter is in the hands of the Building Department who will be inspecting and responding to all inquiries.

*Trustee Mael not in attendance*

Upon motion by Deputy Mayor Oliner, seconded by Trustee Klar and unanimously carried, the meeting adjourned at 11:00 PM

This is to certify that I, Toni Merendino, Acting Deputy Village Clerk , have read the foregoing minutes and the same are in all respects a full and correct record of such proceedings.

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Toni Merendino  
Acting Village Deputy Clerk