

Lawrence, New York, December 10, 2009

The regular meeting of the Mayor and Board of Trustees was held on Thursday, December 10, 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

Also present were: David E. Smollett, Administrator-Clerk/Treasurer, Toni Merendino Acting Deputy Village Clerk and A. Thomas Levin, Special Counsel.

Those members absent were: Trustee Michael Fragin

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

Ayes: Mayor Felder, Deputy Mayor Oliner, Trustee Klar
Abstention: Trustee Mael
Absent: Trustee Fragin

the minutes of November 12, 2009 were approved as amended.

Reports

Police –Sgt. Byrnes of the Nassau County Police Department Fourth Precinct

read the report for the month of November which is on file for inspection.

Trustee Fragin in attendance.

Mayor Felder reported that he and Village Administrator David E. Smollett met with Commanding Officer Rick Capece of the Fourth Precinct, who assured Mayor Felder that Mr. Smollett that the Fourth Precinct will provide constant patrols in the Village, in light of the recent incidents.

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Trustee Mael requested from Sgt. Byrnes that in the future, the village receive more detailed information on crimes occurring in the village. Sgt. will bring the request to the attention of the Commanding Officer at the Fourth Precinct.

Deputy Mayor Oliner addressed Sgt. Byrnes as to what the village is experiencing now with crime has not been something that has been experienced for 4 or 5 years. Although the attempted burglaries in the community have been unsuccessful it has created fear and panic in the neighborhood. Back 4 or 5 years when there was a concern in the village, the County Executive and Nassau County Police Department Commissioner met with the Lawrence community, at length, to appease the community and had an all out effort, to have the suspect move to another community. Now the village needs constant attention and more patrols in the area The County Executive and Police Commissioner need to be part of resolution. Residents cannot be afraid that they will be robbed and afraid of their safety. Sgt. Byrnes will bring this urgent message back to the Commanding Officer.

Trustee Mael noted that the police report shows many accidents located at Rockaway Turnpike & Central Avenue. He is requesting detailed information on these accidents to ascertain if the change in traffic pattern is a contributing factor to the accidents. Sgt. Byrnes advised he will provide the Village with a report.

Fire- Trustee Fragin gave a verbal report on the activities of the Lawrence Cedarhurst Fire Department for the month of November. Report is on file in Village hall for inspection.

Trustee Fragin reported that some homes in the Village do not have a house number on their home or their house number is not properly visible. Trustee Fragin

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requested the village look into mandating that all house numbers be visible, especially for emergency vehicles.

Village Administrator Smollett advised that he will look into the village ordinance and if there is no statute he will consult with the Village Attorney.

Mayor Felder asked Village Administrator to look into how the village can control, especially for safety matters, when residents have an occasion and cars are parked on both sides of the street, which does not allow ample room for emergency vehicles to pass.

Finance – Trustee Mael advised the Finance Report is on file in village hall for inspection. Trustee Mael questioned some disbursements and allocations on the finance report, which village administration will look into and advise the board. Trustee Klar asked for a report showing each employee and their tier status with the New York State Retirement System.

Trustee Mael asked the Village Administration to ascertain documentation from Herris Tree Service stating that they will take responsibility for the planting of trees at the end of Stevens Place.

Frank Argento, General Manager was asked to forward a report to the Mayor and Board as it relates to the accident and damage to the Marina security gate

Trustee Mael made a motion to approve General Fund Abstract #578, excluding Ronald Goldman #GO444 pending further clarification. Motion was seconded by Trustee Fragin, and adopted with the following vote cast: Ayes: Deputy Mayor Oliner, Trustees Mael, Fragin, Klar. Abstention: Mayor Felder

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Deputy Mayor Oliner stated it was inappropriate to hold up Mr. Goldman's bill.

Deputy Mayor Oliner made a motion to approve item #GO444 on General Fund Abstract #578, which was seconded by Trustee Klar.

Trustee Mael noted that there was a precedent from last month's bills where items were not paid pending further investigation. He is not in a position to vote for items that were not provided adequate information.

Trustee Klar noted that adequate information should be supplied on invoices prior to approving.

Deputy Mayor Oliner stated that this bill is from an attorney, a member of the court. For the past 2 decades there have been no misunderstandings about his bills. If there are any offsets, they can be addressed next month.

Trustee Klar announced to the audience that all invoices submitted by every attorney retained by the Village is reviewed by each Trustee line by line.

Deputy Mayor Oliner's motion was adopted by the following vote
~~on Deputy Mayor Oliner's motion:~~ ~~Following is the vote~~

Ayes: Mayor Felder, Deputy Mayor Oliner and Trustee Klar

Noes: Trustee Mael

Abstention: Trustee Fragin

Trustee Klar asked Mayor Felder that in the future he respond to questions and comments regarding any attorney invoice.

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Trustee Mael questioned the Mayor as to why he is allowing Mr. Goldman to continue to work on projects, without prior approvals, as is the process with other attorneys.

Deputy Mayor not in attendance

Deputy Mayor in attendance.

Public Works – Deputy Mayor Oliner reported that the public works report is on file in village hall for inspection. He further advised the board that the village is looking into the flooding issues on Stevens Place.

Jacqueline Handel of Auerbach Lane asked if the street lighting contractor can install brighter bulbs in the street lamps to allow for better visibility for those walking in the streets in the evening.

Water Pollution Control Facility – Nothing new to report this month.

Recreation – Trustee Klar reported that the recreation report is on file in village hall for inspection.

Sanitation – Trustee Klar reported that sanitation is getting closer to finalizing their contract with their union. They will be setting up a committee with union members, residents of the district and administration of the district to review all sanitation concerns.

Office of Emergency Management – Administrator Smollett advised the board he is waiting to hear back from Mr. Callahan regarding the logistics of the evacuation route. He is also looking into getting village employees certified with OEM.

OLD BUSINESS

Item 1 – Recommended fee for meeting room at Clubhouse

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Board Action: Upon motion by Trustee Fragin, seconded by Deputy Mayor Oliner and unanimously carried, the fee for the use of the meeting room upstairs in the Lawrence Village Country Club will be \$200 for up to 4 hours; plus \$40 per hour (in whole hour increments).

Trustee Fragin not in attendance.

Trustee Fragin in attendance.

Trustee Klar not in attendance.

Item B – Auxiliary Police – Donation Request

Board Action: Trustee Fragin made a motion to adopt the requested \$12,000 donation to the Auxiliary Police to be paid on a quarterly basis and for the auxiliary police to submit to the Board and Village Administration an activity report on a monthly basis, which shows hours worked on special events. Motion was seconded by Deputy Mayor Oliner.

Trustee Mael not in attendance.

Trustee Mael in attendance.

Deputy Mayor Oliner checked with Mr. Levin to be certain the village can move forward with this matter. Mr. Levin advised the Board that it is permissible to make a donation to this particular organization for a public purpose.

Trustee Mael asked for an amendment to Trustee Fragin's motion for the Auxiliary Police to submit quarterly financials reports to the village as to how funds are being distributed. Deputy Mayor Oliner asked for an addition to Trustee Fragin's motion that the village's participation with the Auxiliary Police will continue subject to the

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Nassau County's participation in the program. Trustee Fragin accepted these amendments to the motion.

~~Vote on the~~ Trustee Fragin's motion was adopted with the aforementioned amendments and

additions ~~is~~ as follows:

Ayes: Mayor Felder, Deputy Mayor Oliner, Trustees Mael and Fragin
Absent: Trustee Klar

NEW BUSINESS

Item 1 – Resolution – Refund request from LI American Water – 38 Muriel Avenue

Board Action: Upon motion by Trustee Mael, seconded by Deputy Mayor Oliner with the following vote cast:

Ayes: Mayor Felder, Deputy Mayor Oliner, Trustees Mael and Fragin
Absent: Trustee Klar

approval was given to reimburse the LI American Water - \$1,000 for duplicate permit fees; providing Administrator Smollett confirms the restoration was complete as specified.

Item 2 – Appointment of A. Thomas Levin, Village Attorney

Board Action: Mayor Felder appointed A. Thomas Levin as Village Attorney. On motion by Deputy Mayor Oliner, seconded by Trustee Fragin the following motion was approved by vote of Mayor Felder, Deputy Mayor Oliner, Trustees Mael and Fragin in favor; Trustees Klar – absent.

RESOLVED, that the Board of Trustees hereby approves the Mayor's appointment of A. Thomas Levin, Meyer, Suozzi, English & Klein P.C., as Village Attorney, as a public officer to serve at the pleasure of the Mayor, and it is further

RESOLVED, pursuant to Village Law §3-300(2), the Board of Trustees hereby consents that the Village Attorney need not be a resident of the Village, but shall reside in the County of Nassau, and it is further

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RESOLVED, that the compensation for the services of the Village Attorney or other attorneys affiliated with the law firm of Meyer, Suozzi, English & Klein P.C., shall be \$250 per hour, plus reimbursement of all reasonable and necessary disbursements incurred in connection with the performance of such legal services, which sums will be billed to the Village monthly, and it is further

RESOLVED, that services to be provided by the Village Attorney and/or Meyer, Suozzi, English & Klein P.C. shall not include the following (a) tax certiorari matters, (b) representation of the Board of Appeals or Planning Board, (c) prosecution of matters in the Village Justice Court, or (d) labor matters involving collective bargaining agreements or personnel who are members of a collective bargaining unit, and it is further

RESOLVED, that Village consents that Meyer, Suozzi, English & Klein P.C. may continue to represent clients in matters involving tax reduction and tax certiorari matters involving properties in the Village of Lawrence.

Item 3 – Appointment of Registrar and Deputy Registrar of Vital Statistics

Board Action: Upon motion by Deputy Mayor Oliner, seconded by Trustee Mael,

with the following vote cast:

Ayes: Mayor Felder, Deputy Mayor Oliner, Trustees Mael and Fragin

Absent: Trustee Klar

the following appointments were approved for the period July 1, 2009 – July 1, 2010:

Registrar	1 Year	Toni Merendino
Deputy Registrar	1 Year	Frank Argento

Item 4 – Update from Village Administrator David E. Smollett

Mr. Smollett gave his report, which is on file in village hall for inspection.

Trustee Mael welcomed David E. Smollett to his first meeting as Village Administrator – Clerk/Treasurer and thanked Ms. Merendino for filling in prior to Mr. Smollett start.

Mr. Saul Klausner presented a petition to the Mayor and Board from residents

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regarding the situation at 5 Washington Avenue (which is on file in village hall). Mayor Felder advised Mr. Klausner that the village is aware and acting on the situation.

Deputy Mayor Oliner asked Village Attorney Levin to prepare proposed legislation relating to and clarifying primary residence.

Jacqueline Handel, Vice President of the Lawrence Association asked the Village Board for a waiver to the fee for use of the meeting room at the Country Club for their monthly meeting.

Deputy Mayor Oliner made a motion to allow the Lawrence Association to hold their December 16, 2009 meeting at no fee. Motion was seconded by Mayor Felder, with the following vote:

Ayes: Mayor Felder, Deputy Mayor Oliner

Abstention: Trustees Mael and Fragin

Absent: Trustee Klar

The motion failed to obtain the required three affirmative votes, and failed.

Upon motion by Mayor Felder, seconded by Deputy Mayor Oliner and unanimously carried, the board moved into executive session at 11:10 PM to discuss personnel matters leading to the hiring and discipline of personnel, and to obtain legal advice from counsel.

Upon motion by Trustee Fragin, seconded by Trustee Mael and unanimously carried, the board reconvened in the public meeting at 11:30 PM

Deputy Mayor Oliner not in attendance.

Upon motion by Trustee Mael, seconded by Trustee Fragin with the following vote cast:

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Ayes: Mayor Felder, Trustees Mael and Fragin
Absent: Deputy Mayor Oliner and Trustee Klar

Payroll abstract # 2251 and 2252 were approved.

Upon motion by Trustee Mael, seconded by Trustee Fragin, with the following vote:

Ayes: Mayor Felder, Trustee Mael and Fragin
Absent: Deputy Mayor Oliner, Trustee Klar

the meeting adjourned at 11:35 PM

This is to certify that I, David E. Smollett, Administrator – Clerk/Treasurer have read the foregoing minutes and the same are in all respects a full and correct record of such proceedings.

David E. Smollett
Administrator – Clerk/Treasurer