

Inc. Village of Lawrence, December 15, 2011

The regular meeting of the Board of Trustees was held on Thursday, December 15, 2011, at Lawrence Village Hall, 196 Central Avenue, Lawrence, New York 11559.

Those members present were: Mayor Martin Oliner  
Deputy Mayor Joel A. Mael  
Trustee Michael A. Fragin  
Trustee C. Simon Felder  
Trustee Edward I. Klar

Also present were: David E. Smollett, Village Administrator  
Abraham Farber, Deputy Treasurer  
Mike Ryder, Building Dept. Superintendent  
A. Thomas Levin, Village Attorney

Mayor Oliner opened the meeting at 7:05 pm.

**Board Action:** Trustee Fragin moved to convene in executive session to discuss matters that may lead to the hiring, firing or discipline of one or more employees, and matters dealing with pending litigation. Trustee Klar seconded. All in favor.

BOT entered executive session at 7:15 pm.

### **EXECUTIVE SESSION MINUTES**

**Board Action: Motion by** Trustee Fragin, seconded by Trustee Mael to lay off eight Village employees, as per list previously circulated, effective December 19, 2011.

Vote taken as follows:

Mayor Oliner	Did not vote
Trustee Mael	Aye
Trustee Klar	Aye
Trustee Fragin	Aye
Trustee Felder	Aye

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Motion passed.

The Board returned to public session at 8:10. Mayor Oliner opened the floor to matters of Good and Welfare.

## **GOOD & WELFARE**

**1. Price of Annual Parking Spots:** Unidentified local businessman raised the issue of lowering the cost for annual parking spots in the municipal lots. Administrator Smollett said that the issue had previously been discussed and Village Code Enforcement Officer Peter Duggan is conducting a survey of parking spots in the lots to determine whether there are a sufficient number of vacant spots available.

**2. Petition from residents of New McNeil Avenue:** Trustee Fragin requested that the administration respond to a July 2011 petition from the residents of New McNeil Avenue that requested speed bumps on their street.

**3. Issue of Compensation for Members Serving on Various Village Boards:** Trustee Fragin responded to an article appearing in a local Lawrence publication saying that some elected and appointed officials in the Village are currently compensated and said that the time commitment on the part of such Board members has grown exponentially over the past number of years.

**4. Letter from Resident of Copperbeech Lane Regarding Traffic on Street:** Trustee Mael made reference to a letter sent from a resident of Copperbeech Street dated 7/18/11 and re-sent on 9/18/11 to the attention of the Mayor regarding traffic on Copperbeech Lane. Trustee Mael said the resident reported to him that she had not received any response to the letter. Mayor Oliner acknowledged receipt of the letter and said that he is looking into a solution for the issues raised in the letter and would contact the resident when a substantive solution is found. He agreed with Trustee Mael that the resident should receive acknowledgement of receipt of the letter.

**5. Intersection of Rockaway Blvd. and Brookville Blvd.** A resident raised the issue of constantly changing traffic rules for right turns on a red light at the intersection of Rockaway Boulevard and Brookville Boulevard. Mayor Oliner said that the intersection is not within the Village's jurisdiction but he will look into the matter and contact the Department of Transportation.

**6. Ronald Goldman, President of the Lawrence Association:**

- a) Thanked the BOT for continued use of the LYCC-Park House for Association meetings.
- b) Reiterated invitation to BOT members to join the Association and attend meetings.
- c) Reiterated his suggestion from a prior BOT meeting to place the issue of term limits for BOT trustees on a future agenda.
- d) Asked for information regarding the transfer of the Village sewer facility to Nassau County.
- e) Asked for information regarding rumors of personnel reductions at the Lawrence Golf Club.
- f) Thanked the Building Department and Michael Ryder for responsiveness to issues raised.
- g) Asked BOT to consider replacing old parking meters which are not operational, resulting in many tickets issued which have been dismissed in Village Court.

Mayor Oliner responded and advised that the sewer transfer is proceeding, to be effected by year's end. He also advised that during executive session cuts were made to LYCC personnel to be effected shortly.

Trustee Mael referenced a memo dated April 2007 which he had written and addressed to then, Village Administrator Merendino, Deputy Administrator Herron and Village Attorney Ronald Goldman, proposing term limits on BOT trustees. He referenced his "notes in the margins" indicating that then Village Attorney Goldman had responded this could not be done due to certain "legal impediments" which he had not specified. Trustee Mael asked Mr. Goldman whether he would voluntarily undertake to research the issue at this time and report back regarding such legal impediments. Additional discussion ensued. Mayor Oliner said the issue of term limits will be revisited at a future date.

**APPROVE MINUTES**

Minutes of September 11, 2011 and November 11, 2011 tabled, to be placed on agenda for next meeting.

**NEW BUSINESS**

**Item 1 – Approval of abstracts – General Fund #644, Recreation Fund #53, Sewer Fund #46, Trust Fund #238, Payroll #'s 2303, 2304, & 2305.**

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**Board Action:** Trustee Klar moved to approve above listed abstracts with the exclusion of Claims Voucher #3369 for Mobile Fleet from General Fund Abstract #644. Trustee Fragin seconded. All in favor.

**Item 2 – AT&T Antenna Application** – Village Attorney Tom Levin explained that AT&T wants to swap out its current antenna configuration located at 2 Herrick Drive for a new antenna at the same location and with the same size parameters. Under Village Code Chapter 207 any such change must be presented before the Board for consideration of calling a Public Hearing to discuss the matter or, in its discretion, the Board can waive a Public Hearing and authorize the change which is what AT&T is requesting in this case. Village Attorney Levin advised that under Federal law, so long as the antenna meets FCC regulations pertaining to radio frequency emissions, municipalities cannot refuse placement of antennas in their jurisdictions on the basis of radio frequency safety considerations.

**Board Action:** Trustee Mael moved that the Board, as lead agency, find that this application is a Type II Matter pursuant to SEQRA, that the public hearing be waived and that the application be approved. Trustee Klar seconded. All in favor.

**Item 3 – Public Hearing, Lawrence Cedarhurst Fire Department (LCFD) Public Financing** – Village Administrator Smollett read aloud Notice of Public Hearing dated November 23, 2011 announcing a Public Hearing to be held at Village Hall on December 15, 2011 at 8PM to propose local law Intro Bill L 1102 granting authority to the BOT to loan funds to the LCFD for the purposes of improving and reconstructing its firehouse.

**Board Action:** Trustee Fragin moved to open the Public Hearing. Trustee Klar seconded. All in favor.

Trustee Fragin explained the public interest of the issue, to wit, the need to renovate and construct extensions to the firehouse which serves the needs of the Lawrence/Cedarhurst fire department. Such construction is necessary in order to accommodate new engines and equipment which will not fit into the existing building.

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The proposal at hand is to authorize the Village to finance the upgrades with public funds.

Trustee Mael said he supported the proposal with the following two caveats:

- a) Any loan granted must have a call feature to call the loan earlier than the initial term so that the Village could recoup the funds if necessary for its operations.
- b) Loans can only be granted to finance fixed price contracts to ensure that cost overruns do not occur.

Village Attorney Levin clarified that the Public Hearing is not to authorize an actual loan but rather to grant the Village the authority to make a loan should the Board of Trustees so determine. There were no comments from the public.

**Board Action:** Trustee Klar moved to close the Public Hearing. Trustee Fragin seconded. All in favor.

**Board Action:** Trustee Fragin moved to adopt the proposed local law. Trustee Klar seconded. All in favor.

#### **Item 4 – 2011-2012 Golf Membership Refund Request**

An individual paid golf club membership in July 2011 for 2012 season under promotion which allows member to play for duration of 2011 season. Individual played 13 times and is requesting a refund of the membership fee paid since she believes she will not be able to play in 2012 due to a previous injury which has become aggravated.

**Board Action:** Trustee Klar moved to deny the refund request. Trustee Mael seconded. All in favor.

#### **Item 5 – Appointment of Tom Pantelis as Attorney for Planning Board**

**Board Action:** Mayor Oliner appointed Tom Pantelis as Attorney for the Planning Board at the same rate of compensation he receives as Attorney for the Zoning Board. Mayor Oliner moved approval of the appointment; Trustee Felder seconded. All in favor.

#### **Item 6 – Retention of Surveyor, Barrett Bonaci & Van Weel, PC for 1 Rock Hall Road Subdivision**

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Mayor Oliner said Barrett Bonaci & Van Weel was the low bidder and he already signed a retainer agreement with the firm. He requested that the Board ratify the retainer agreement.

**Board Action:** Trustee Fragin moved that the Board ratify the retainer agreement. Trustee Klar seconded. All in favor.

**Item 7 – Approve Parks Commission recommendation to impose a 10% service charge on Golf Membership payments made after Feb. 15, 2012**

**Board Action:** Trustee Mael moved to approve. Trustee Fragin seconded. Discussion ensued. Trustee Mael amended his motion to impose a 15% surcharge on individuals who sign up for membership after Feb. 15. For individuals who sign up on or before Feb 15 no surcharge will be imposed and an allowance will be made to pay the membership fee in three equal installments due on Feb. 15, March 15 and April 15 respectively. Trustee Fragin consented to the amendment to the motion. All in favor.

**Item 8 – Approve Park Commission Recommendation for 2012 Tennis Membership Rates**

**Board Action:** Trustee Klar moved to approve 2012 Tennis rates at the same levels as were in effect in 2011. Trustee Fragin seconded. All in favor.

**Item 9 - Increase part time rate for laborers at LY&CC from \$10.00/hr. to \$12.00/hr. to cover night events and closing the facility**

**Board Action:** Item was tabled.

**Item 10 - Approve promotion for Robert Daniels as DPW/Highway Superintendent**

**Board Action:** Mayor Oliner appointed Robert Daniels as DPW/Highway Superintendent. Trustee Klar moved to approve the appointment of Robert Daniels to the position of DPW/Highway Superintendent at an annual salary of \$93,000 effective January 1, 2012. Trustee Felder seconded. All in favor.

**Item 11 - Surplus Village Vehicles – Withdrawn from agenda.**

**Item 12 - Request transfer of Water Treatment Facility's State Pollutant Discharge Elimination System (SPDES) permit to Nassau County**

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Village Attorney Levin explained this item is a proposal for the Board to approve the request to transfer the Village's SPDES permit to Nassau County pursuant to Nassau County's application for such transfer in connection with the County takeover of the sewer treatment plant.

**Board Action:** Trustee Mael moved to approve the transfer application. Trustee Fragin seconded. All in favor.

**Item 13 – Approve Cameron Engineering proposal for Storm-water analysis**

Mayor Oliner explained that storm water flooding is one of the Village's most serious ongoing issues. He solicited a proposal from Cameron Engineering for a solution to the problem. Proposal was more expensive than he had anticipated and he invited additional discussion on the matter. Trustee Felder suggested the Village seek additional proposals. No further action taken.

**Item 14 – Catering refund request for \$500.00 - Miriam Taub**

**Board Action:** Trustee Klar moved to approve the refund. Trustee Fragin seconded. All in favor.

**Item 15 - Code Review Committee appointments**

no action

**Item 16 - Request for use of Village vehicle by LY&CC Greens-keeper**

No action taken.

**Item 17 - LY&CC software and hardware system upgrade request**

Tabled.

**OLD BUSINESS**

**1. FEMA Update** – Administrator Smollett said that documentation is in process of being submitted.

**2. LY&CC Insurance Update** – Mayor Oliner said that the insurance company should pay for the costs of an interior designer to choose décor for restoration of the facility. Administrator Smollett to follow up on this matter.

**3. Catering hall refund request follow-up – Eric Stern**

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**Board Action:** Trustee Klar moved to deny the refund. Trustee Mael seconded. All in favor. The request was denied.

**4. William Street update** – Mayor Oliner said he will request additional information from Cameron Engineering on this matter.

**ADDITIONAL ITEM**

**Proposed Draft Letter to the Attorney General and State Comptroller**

**Board Action:** Trustee Mael moved to authorize Village Attorney Levin to draft a letter to the Attorney General to be circulated to the Board for approval. Trustee Fragin seconded.

Vote taken as follows:

Mayor Oliner:	Abstained
Deputy Mayor Mael:	Aye
Trustee Fragin:	Aye
Trustee Klar:	Aye
Trustee Felder:	Nay

**Board Action:** Trustee Mael moved to enter executive session to discuss matters that may lead to the hiring, firing or discipline of one or more employees, and matters pertaining to pending or prospective litigation. Trustee Fragin seconded. All in favor. The Board convened in executive session at 11:15 pm.

The Board returned to public session at 11:45.

There being no further business Trustee Klar moved to adjourn the Meeting. Trustee Fragin seconded. All in favor.

Meeting adjourned at 11:55 PM.

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

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David E. Smollett, Administrator,  
Clerk/ Treasurer