

Lawrence, New York, October 15, 2009

The Regular Meeting of the Mayor and Board of Trustees was held on Thursday, October 15, 2009, in the Lawrence Village Hall, No. 196 Central Avenue, Lawrence, New York 11559 at 8:00 p.m.

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

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

Mayor Felder announced that Inspector Rick Capece of the Nassau County Police Department -4th Precinct was in attendance.

Inspector Capece introduced himself to the Board and advised that he is always available. He announced that with the increase of Torah Processions in the Village, the Fourth Precinct is to be notified a minimum of 30 days prior to the event, along with approval by the Village of Lawrence.

Deputy Mayor Oliner commended Inspector Capece on the tremendous job performed by one of his officers in the 4th Precinct.

Police – Seargent Conklin of the Fourth Precinct Police Department read the Police Report for the month of September which is on file for inspection in Village Hall.

The Board all thanked Inspector Capece for attending this meeting.

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Upon motion by Deputy Mayor Oliner, seconded by Trustee Fragin and unanimously carried the minutes of September 10, September 25 and September 27, 2009 meeting were approved.

REPORTS

Fire –Trustee Fragin read the Fire report of the Lawrence Cedarhurst Fire Department for the month of August, which is on file in Village Hall for inspection. Trustee Fragin advised that he will forward to Toni Merendino, Acting Deputy Village Clerk, tips on Fire Safety to be posted on the Village of Lawrence website.

Finance – Upon motion by Trustee Mael, seconded by Deputy Mayor Oliner and unanimously carried, Sewer Fund Abstract #26 was approved. Trustee Mael made a motion to approve General Fund Abstract #575 and #576 with the exception of all of the legal fees to all legal vendors. Trustee Mael withdraws his motion. Trustee Mael announced he will review the other abstracts and take them up later in the meeting.

County Executive Tom Suozzi was in attendance and thanked the Village for forwarding a letter to Town Supervisor Kate Murray with regard to the Sewer Consolidation litigation.

Public Works –Deputy Mayor Oliner reported that the report for the month of September is on file in Village Hall for inspection.

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Recreation – Trustee Klar announced that the Recreational Facilities report for the month of September is on file in Village Hall for inspection.

Item A – Recreation Refunds

Board Action: Upon motion by Trustee Klar, seconded by Trustee Fragin and unanimously carried the following requests for refunds were approved:

Gittleson (Golf) 50% credit of what was paid for 2009 towards next years membership in the same category or higher
Geanacopoulos (Golf) 40% credit of what was paid for 2009 towards next years membership in the same category or higher
Marshak (Tennis) \$200 credit towards next years membership

Sanitation – No report.

Water Pollution Control Facility – Trustee Mael announced that a lawsuit was filed by the Town of Hempstead naming Nassau County, The Village of Lawrence and The Village of Cedarhurst as defendants.

Office of Emergency Management – No report.

OLD BUSINESS

Item A – Recreation Refunds

(See Reports)

NEW BUSINESS

Item 1 – Letter from Nassau County Auxiliary Police

Board Action: Nassau County Auxiliary Police were in attendance requesting a donation. After a discussion on the matter and upon motion by Trustee Klar, seconded by Deputy Mayor Oliner and unanimously carried, the

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matter was tabled.

Item 2 –Vehicle Use Policy

Board Action: Upon motion by Trustee Fragin, seconded by Trustee Mael and unanimously carried, the following Vehicle Use Policy was adopted. Acting Deputy Village Clerk Toni Merendino was asked to forward same to all employees.

Vehicle Use Policy - Village of Lawrence

Section 1. General restrictions on use.

- A. Village vehicles (vehicles owned or leased by the Village) are to be used for the sole purpose of official village business and are not to be used for and other purpose, except when authorized by the Village Administrator.
- B. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.
- C. Standards. For the purpose of compliance with this policy, the following standards must be met at all times:
 1. Village vehicles and related equipment must remain under the general administrative jurisdiction and direction of the department head to which they are assigned;
 2. Village vehicles must be assigned to specific Village officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-Village related business.
 3. No Village vehicle shall be used for travel between home and work without the authorization of the Board of Trustees.
 4. Village vehicles must always be operated in a safe and responsible manner, and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving or parking infractions or fines that result from their operation of Village vehicles, and must report them to their department head. In the event of an accident, regardless of severity, an accident report must be filed with the Village Administrator's office by the applicable department head within

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24 hours;

5. Village vehicles may not be used to transport persons who are not officials or employees of the Village, nor material not related to the conduct of official Village business, without direct authorization by the appropriate department head or the Village Administrator.
6. Village vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation, and all keys maintained under controlled and authorized jurisdiction of the appropriate department head;
7. In the event a Village vehicle must travel beyond a twenty-five radius of the Village to conduct Village business, the department head or employee must receive prior approval from the Village Administrator or department head, either on a case-by-case basis or as a comprehensive approval for specified purposes;
8. No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Village vehicles at any time except those of a limited community service nature which have been authorized by the Board of Trustees.

Section 2. Occupant restraint devices.

- A. All village vehicles shall be equipped with such occupant restraint devices (seat belts, shoulder harnesses, air bags, etc.) as are required by applicable law in effect at the time the particular vehicle was manufactured.
- B. All occupant restraint devices installed in village vehicles shall be maintained in proper operating condition.
 1. The head of the department to which the vehicle is assigned shall be responsible for making sure that those devices are maintained in proper working order.
 2. The interior of all vehicles shall be maintained. The operator is responsible for the cleanliness of the interior after usage and shall notify the department head if exterior cleaning is required.
 3. Prior to usage, operators shall conduct a safety check, including fluid levels and complete checklists. Complete checklists are to be signed by the operator and submitted to the department head who will maintain said checklists for one year.
 4. The operator shall complete a vehicle log on a daily basis.
- C. No village employee or other person shall operate a village vehicle in which the occupant restraint devices for each occupied seating position in the front seat are not completely

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operational.

- D. No person may drive or ride in the front seat of a village vehicle, or any other motor vehicle being used to conduct official village business, unless properly restrained by the occupant restraint device available at the occupied seating position. It shall be the driver's responsibility to ensure that passengers use available restraint devices.

Section 3. Safe operation of vehicles.

- A. Employees driving village vehicles are responsible for the safe use of the vehicle and must obey all motor vehicle laws. Employees must operate vehicles in a safe, courteous manner to prevent property damage and injury to themselves and others.
- B. Defensive driving. It is the policy of the Village to encourage defensive driving. A good defensive driver must anticipate the incorrect actions of pedestrians and other motorists and be alert for the unexpected. Drivers must adjust to variables such as lighting, weather, road and traffic conditions. Adherence to the following suggestions will contribute to sound defensive driving tactics:
 1. Obey traffic laws.
 2. Drive with common sense and courtesy.
 3. Always keep eyes moving, use mirrors, aim high in steering and be aware of the total traffic environment.
 4. When stopping on a highway, attempt to get all four wheels off the roadway.
 5. Adjust speed to traffic, visibility and weather conditions. Rain can induce hydroplaning and new rain can create an oil slick on the roadway.
 6. Be prepared to take evasive action.
 7. Follow at a safe distance and be ready for sudden stops by other vehicles.
 8. Always signal intentions to other drivers.
 9. Prepare early for turns and move into the proper lane.
 10. When braking, consider vehicles to the rear. Slow down gradually. Lightly tap the brake to warn other vehicles.
 11. Until they clearly indicate otherwise, assume that other users of the highway do not see your vehicle and will not yield to you.
 12. When stopped for a left turn, keep wheels straight until starting a turn; otherwise a rear collision may force your vehicle into opposing traffic.

13. Watch for indications of parked cars pulling into your path.

Section 4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

OFFICIAL VILLAGE BUSINESS – Any job-related duty while being paid or reimbursed by the Village of Lawrence. This includes business travel during non-work hours.

Section 5. Action upon noncompliance.

Any instance noted in an accident report or developed in subsequent investigation of an accident involving a village vehicle which indicates that the front seat occupant restraint devices in the village vehicle were not being properly utilized when the accident occurred will be grounds for discipline, including suspension of the village vehicle driver's privilege of using a village vehicle for a period of up to one year, as determined by the Village Administrator.

Section 6. Full time assignment of vehicles.

- A. Full time assignment is defined as the assignment of a Village vehicle by the Village Administrator for daily use in the performance of official duties throughout the work day. Unless authorized by the Board of Trustees, full-time assignment of a vehicle does not authorize the employee to take the vehicle home, or use the vehicle other than during the employee's working hours at or in the vicinity of the Village.
- B. Except in extraordinary cases authorized by the Board of Trustees, full-time assignments shall be made only to employees who meet one or more of the following criteria:
 - 1. employee must continuously be required, on a daily or near daily basis, to spend a substantial person of the employee's working hours in field locations that are not readily available by public transportation;
 - 2. employee must continuously be required, on a daily or near daily basis, to transport heavy or bulky equipment to field locations;
 - 3. employee is continuously required, on a daily or near daily basis, to provide essential emergency services.

Eligibility under these criteria does not itself entitle an employee to a vehicle on a full-time basis

- C. Commuting with vehicles assigned on a full-time basis. In determining whether to permit an employee to use a village vehicle for commuting to and from home, the Board of Trustees shall consider the following criteria, among others:
 - 1. whether the employee is required on a daily basis to report to a field

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location from the employee's home which is not near or on route to the normal vehicle housing location, and is not the employee's regularly assigned work location;

2. whether the employee frequently is required, on an average of once a week or more, to respond to emergencies during non-business hours.

D. Tax Requirements. Employees who commute with Village vehicles are required under Internal Service (IRS) Regulations to report the value of all personal use (including commuting) as taxable income. The value of personal use must be calculated according to the appropriate method prescribed by IRS, and reported to the Village for payroll and tax reporting purposes.

Section 7. Reimbursement of use of personal vehicles for Village business.

Where an employee is authorized by the Village Administrator to use the employee's personal vehicle for Village business, the Village shall reimburse the employee for such use in an amount per mile equal to that amount established by the IRS for business mileage use.

Section 8. Village Fuel.

Employees who are authorized to have full-time assignment of a vehicle may obtain fuel for the vehicle from the Village fuel pump, and use of such fuel is limited to the use of the vehicle for Village purposes, and for commuting where authorized pursuant to this policy. Employees who use personal vehicles may not obtain fuel for those vehicles from the Village fuel pump.

Item 3 – Public Use of Village Facilities

Board Action: Upon motion by Trustee Fragin, seconded by Trustee Mael

with the following vote cast:

<u>Ayes</u>	<u>Nay</u>	<u>Abstain</u>
Trustee Mael	Deputy Mayor Oliner	Mayor Felder
Trustee Klar		
Trustee Fragin		

the following policy for public use of Village Facilities was adopted effective November 1st.

Public Use of Village Facilities

§ A**-1. Village facilities not to be considered a public forum.

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The Village Hall of the Village of Lawrence, and other public buildings and facilities of the Village of Lawrence, are not open to public use as a public forum, and are not open to the public for any other use except as provided in this chapter.

§ A-2. Permitted uses of Village facilities.**

A. General policy. In addition to use for the governmental purposes of the Village of Lawrence, or use by other governmental entities authorized by the Board of Trustees, use of the Village Hall and other Village facilities shall be restricted to uses authorized by the Board of Trustees and conducted by persons or entities consisting primarily of residents of the Village of Lawrence. Except where authorized by the Board of Trustees, such use shall be solely for purposes relating to Village governance, other matters germane to the government of the Village of Lawrence, or matters relating to activities being conducted on property of the Village of Lawrence.

B. Village Golf Course and Clubhouse. In addition to any use otherwise authorized pursuant to this chapter, use of the Village golf course and clubhouse shall be restricted to those members and guests of the Village country club, and those persons attending the premises in connection with catering or other activities at the premises authorized by the Village Administrator. Any such use shall be consistent with the purpose of the facility proposed to be used.

§ A-3. Fees for use.**

The Board of Trustees may establish, and from time to time amend, a schedule of fees for permitted use of the Village Hall or other Village facilities by any qualified person or entity, which fees shall be sufficient to reimburse the Village for the cost of use of the premises by any such entity. The Board of Trustees may, in its discretion, waive such fees in whole or in part for governmental or not for profit entities.

§ A-4. Permits.**

A. Permits for the use of Village Hall and other facilities pursuant to this chapter may be granted by the Board of Trustees, upon written application, subject to reasonable conditions imposed by the Board consistent with the purposes of this chapter.

B. No permit shall be granted to any entity when its proposed use would conflict with the use of the premises by an officer, board or agency of the Village in connection with the purposes of the Village.

Finance – Upon motion by Trustee Mael, seconded by Trustee Klar and unanimously carried, the Village auditors were authorized to spend one to two hours monthly for the next three months to review and adjust the monthly treasurer’s report as it relates to the recreation fund. Village Auditors are to advise the Account Clerk of the new process going forward. The cost is not to exceed \$2,000.

Item 4 - Request from Lawrence High School- Homecoming Parade

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Board Action: Upon motion by Mayor Oliner, seconded by Trustee Fragin and unanimously carried, the request from Lawrence High School to hold a homecoming parade on October 24, beginning at 11:30 a.m., (start at Number Four School on Wanser Ave, right on Lawrence Ave, left on Central Ave in to Cedarhurst) was approved contingent upon the submission of required insurance certificates to the Village prior to the event.

Legislator Jeff Toback was in attendance. Mr. Toback announced that the Sewer Consolidation will not be slowed down by the recent litigation served by the Town of Hempstead. Trustee Klar thanked Mr. Toback for all the work he has done for the Village of Lawrence.

Upon motion by Mayor Felder, seconded by Trustee Mael and unanimously carried, the Board of Trustees moved into executive session at 9:10 p.m.

Upon motion by Trustee Mael, seconded by Trustee Klar and unanimously carried, the Board of Trustees authorized a committee to negotiate an employee agreement with a new Village Clerk/Administrator candidate.

The Board reconvened into regular session at 10:30 p.m.

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

Absent was: Trustee Klar

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Finance – Deputy Mayor Oliner presented a proposal for Law Offices of Tip Henderson, 41 Forest Avenue, Glen Cove, N.Y. dated October 9, to proceed with litigation against CNA to recover past premiums due to the Village. Upon motion by Deputy Mayor Oliner, seconded by Trustee Mael and unanimously carried by those present, Tip Henderson’s proposal dated October 9, 2009 was approved and is on file.

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

<u>Ayes</u>	<u>Abstained</u>	<u>Absent</u>
Mayor Felder	Trustee Fragin	Trustee Klar
Deputy Mayor Oliner		
Trustee Mael		

payroll abstracts #2246 and #2247 were approved.

Trustee Mael made a motion to approve General Fund Abstract #575 and #576 – as long as Mayor Felder reviewed and approved Ronald Goldman’s invoices and Trustee Fragin reviewed and approves Kaufman Dolowich Voluck & Gonzo LLP invoices and that they are in agreement with legal fees submitted for payment. The motion was seconded by Deputy Mayor Oliner, and unanimously carried by those present.

Upon motion by Mayor Felder, seconded by Trustee Fragin and unanimously carried by those present, Daniel J. Herron’s salary was set at \$75,000, pro rated, due to his return to his Civil Service position as Laborer.

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Mayor Felder announced the agenda was complete and being no further business, the meeting was adjourned at 11:30 PM.

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

Toni Merendino
Acting Village Deputy Clerk