

The regular meeting of the Board of Trustees was held on Thursday, July 17, 2014 at Village Hall, 196 Central Avenue, Lawrence New York 11559.

Those members present were: Mayor Martin Oliner
Deputy Mayor C. Simon Felder
Trustee Michael A. Fragin
Trustee Irving Langer
Trustee Alex H. Edelman

Also present were: Ronald Goldman, Village Administrator
Abraham Farber, Deputy Treasurer
Village Attorney, Peter Bee Esq., by Kenneth Gray Esq.
Alison Cohen, Secretary to the BOT

The Board convened in Work Session at 7:30 p.m.

WORK SESSION

No Board Action was taken during the Work Session.

REGULAR MEETING - Mayor Oliner called the regular (re-organization) meeting to order at 8:10 p.m.

Village Justice Donald Buchalter administered the oath of office to re-elected C. Simon Felder and Erwin (Irving Langer) as Village Trustees.

Village Justice Donald Buchalter administered the oath of office to re-elected Martin Oliner as Village Mayor.

GOOD & WELFARE

1. Trustee Fragin raised the issue of public safety regarding pools, in light of the recent near drowning of a 2 year old in the Village, in an indoor pool. He added, due to the importance of this issue during the summer season people should be reminded to comply with all pool safety regulations. Mayor Oliner concurred and requested Administrator Goldman to supply him and the Board with copies of the Village's pool and indoor pool (specifically) ordinances and regulations, so this may be addressed in a timely fashion.
2. Mayor Oliner requested that Administrator Goldman review all catering contracts and to place this item on the upcoming agenda since they are up for renewal.

NEW BUSINESS

Approval of minutes:

BOT June 12, 2014

Board Action: Mayor Oliner moved the approval of the June 12, 2014 BOT meeting minutes. Trustee Fragin seconded the motion, with the following revision; under Good & Welfare # 7, the addition of the word "Social" to "Host Law", making it "Social Host Law". All in favor.

Item 1 – Approve Abstracts #'s

General Fund	#715, #716, #717, #718, #719
Recreation Fund	#141, #142, #143, #144
Sewer Fund	#78
Trust Fund	#265
Payroll	#2372, #2373

Board Action: Mayor Oliner moved the approval of General Fund Abstracts #715, #716, #717, #718 and #719. Trustee Langer seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Recreation Fund Abstracts #141, #142, #143 and #144. Trustee Langer seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Sewer Fund Abstract #78. Deputy Mayor Felder seconded the motion. Trustee Fragin stated that this is an unresolved issue. Discussion ensued in this regard. The vote was as follows:

Mayor Oliner – Aye

Deputy Mayor Felder – Aye

Trustee Fragin – Nay

Trustee Langer – Aye

Trustee Edelman – Aye

The vote carried with the proviso that this is being paid as an interim measure and without taking any view as to whether or not it is appropriate, pending legal counsel's advice; the payment responsibility issue of the retirees who worked for the Village's Sewer Plant which was subsequently sold to Nassau County; will be reviewed by Counsel.

Board Action: Mayor Oliner moved the approval of Trust Fund Abstract #265. Trustee Edelman seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Payroll Abstracts #2372 and #2373. Trustee Langer seconded the motion. All in favor.

Item 2 – Approve the Roadwork Improvement Bid for the following:

- **Barrett Rd. from Pond X-ing to Yacht Basin Rd.**

- **Pond X-ing from Barrett Rd. to Clinton Rd.**
- **Clinton Rd. from Pond X-ing to Barrett Rd.**
- **Sage Ave. from Barrett Rd. to Causeway**
- **Bannister Lane**

Administrator Goldman advised the Mayor and Board that Tuesday, May 1st, 2014, the above Roadwork Improvement Bids were opened. The lowest responsible bidder at that time, was American Paving & Masonry Corp., in the amount of \$248,882.40. At the subsequent BOT meeting it was decided that there were certain conditions of concern with the hiring of the lowest responsible bidder. As of the date of this meeting, American Paving & Masonry Corp. has confirmed that he intends to do the job at that price (\$248,882.40), utilizing an asphalt spreader with a standard paving width of ten foot by nineteen foot; and a maximum paving width of twenty-five feet. Mr. Goldman recommended the Board approve American Paving & Masonry Corp., the lowest responsible bidder at the original price with the stipulated conditions.

Board Action: Mayor Oliner moved the approval of American Paving & Masonry Corp., the lowest responsible bidder, in the amount of \$248,882.40; with the conditions as previously noted. Deputy Mayor Felder seconded the motion. All in favor.

Item 3 – Announce June 17, 2014 Election Results

Administrator Goldman had presented the Certificate of Election Results (copy attached hereto as Exhibit “A”) to the Board for the Village election held June 17, 2014, which showed the following votes cast for Mayor and two Trustee positions on the Village Board of Trustees:

Martin Oliner	254 Votes	-	Elected
J. L. Kolodny	1 Vote		
Larry Kolodny	1 Vote		
C. Simon Felder	239 Votes	-	Elected
Erwin (Irving) Langer	238 Votes	-	Elected
David J. Seidemann	1 Votes		

Mayor Oliner congratulated re-elected Trustees Felder and Langer, who were sworn in along with Mayor Oliner earlier in the meeting by Village Justice Donald Buchalter.

Item 4 – Set/Finalize BOT Meeting Calendar Dates through July 2015

Board Action: Mayor Oliner moved the approval of the following BOT meeting calendar for 2014 – 2015:

BOARD OF TRUSTEES MEETING
CALENDAR FOR 2014 – 2015

WORK SESSION AT 7:15 PM – GENERAL MEETING AT 8:00 PM*

*(except where noted)

ALL MEETINGS AT VILLAGE HALL, 196 CENTRAL AVE.
LAWRENCE, NY 11559

JULY 17, 2014
AUGUST 5, 2014 *@ 3:00 p.m.
SEPTEMBER 11, 2014
OCTOBER 23, 2014
NOVEMBER 13, 2014
DECEMBER 11, 2014
JANUARY 8, 2015
FEBRUARY 5, 2015
MARCH 12, 2015
APRIL 15, 2015
MAY 14, 2015
JUNE 11, 2015
JULY 9, 2015

Trustee Edelman seconded the motion. All in favor.

Item 5 – Approve Park Commission Recommendations

a. Tennis refund/credit – Ms. Schell

Board Action: Mayor Oliner moved to approve a full credit toward Ms. Schell's 2015 Tennis membership, in the amount of \$925.00. Deputy Mayor Felder seconded the motion. All in favor.

b. Marketing Tracking Information – Discussion ensued in this regard. No Board action was taken.

Administrator Goldman requested the Mayor and Board go out of order from the agenda and discuss:

Item #2 from Old Business – Refund/credit request for Myron Kaufman, Marina member

Jacqueline Handel explained the situation pertaining to the refund request and the Park Commission's recommendation. Per Deputy Mayor's inquiry, Mr. Kaufman did not have insurance that would cover refunding these monies. Jeffrey Lederman explained the situation further and stated that he was not certain whether or not Mr. Kaufman would be returning to the Marina. Discussion ensued in this regard.

Mayor Oliner requested that Mr. Lederman offer Mr. Kaufman a refund in the amount of \$5,000.00, and see if he is amenable to this offer. No Board action was taken at this time, the item was tabled.

Item 6 – Approve and Sign Cooperation Agreement between VOL & HUD CDB Grant Program

Village Attorney, Peter Bee Esq., by Kenneth Gray, Esq. explained the invitation forwarded from Nassau County HUD to participate in a consortium (with the County) for a Development Block Grant Program. In essence the Federal Government's HUD is making available, through County and City programs, funds that may be available only though joining this consortium through Nassau County, for housing and other municipal projects. Discussion ensued. No Board action was taken; this item was tabled.

Item 7 – Consider Nassau County Hazard Mitigation Plan Resolution

Village Attorney, Peter Bee Esq., by Kenneth Gray, Esq. explained the salient points regarding the suggestion to authorize the adoption of the Nassau County Hazard Mitigation Plan Resolution for possible receipt of Grant monies. Discussion ensued. No Board action was taken; this item was tabled.

Item 8 – Appointments for 2014 – 2015

Board Action: Mayor Oliner re-appointed Simon Gluck as Acting Village Justice with compensation of \$10,000 per annum, and moved approval of the appointment of AVZ/Albrecht, Viggiano, Zureck & Co. as Village Auditors for the year ended May 31, 2012 for the following:

- Audit of the federal single audit - \$9,500
- Audit of the state transportation assistance single audit - \$5,000; totaling \$14,500, and

As Village Auditors for the year ended May 31, 2013 for the following:

- Audit of the Financial Statements of the Incorporated Village of Lawrence - \$23,500
- Audit of the Cash Receipts and Cash Disbursements of the Incorporated Village of Lawrence Village Justice Court - \$1,500; totaling \$25,000

Trustee Langer seconded the omnibus motion. All in favor.

Item 9 – Approve a Public Hearing to consider the adoption of a Local Law establishing a new Chapter of the Village Code entitled “Removal of Double Utility Poles” for the September 11, 2014 BOT meeting

Discussion ensued in this regard.

Board Action: Mayor Oliner moved to approve a Public Hearing to consider the adoption of a Local Law (#3 of 2014) establishing a new Chapter (152) of the Village Code entitled “Removal of Double Utility Poles” (attached hereto as Exhibit “B”) for the September 11, 2014 Board of Trustees meeting. Trustee Edelman seconded the motion. All in favor.

Item 10 – Reaffirm Village Policies for 2014 – 2015

- **Procurement Policy**
- **Vehicle Use Policy**
- **Electronic Communication Systems Policy**
- **Workplace Violence Policy**
- **Investment Policy**

Administrator Goldman explained that the above Village Policies need to be reviewed and renewed on an annual basis. Mayor Oliner requested that Mr. Goldman carefully review these Policies and report back to the Board with any suggested revisions for a vote at a subsequent Board meeting. No Board action was taken at this time.

Item 11 - Resolve to allow Village to apply for the 2014 – 2015 Justice Court Assistance Program (JCAP) Grant

Board Action: Mayor Oliner moved to approve submission of the 2014 – 2015 Justice Court Assistance Program (JCAP) Grant Application. Deputy Mayor Felder seconded the motion. All in favor.

Item 12 – Approve purchase of new truck for DPW/Highway Dept.

This item was tabled.

Item 13 – Proposed street signage

This item is only for reporting purposes. Administrator Goldman presented the research done to date regarding new street signage. Mayor Oliner requested that Mr. Goldman research new street signage with lights on top. Discussion ensued in this regard. Mayor Oliner tabled this item for further discussion and requested that Mr. Goldman report back to the Board within the next two to three weeks.

OLD BUSINESS

1. Mayor Oliner raised the Causeway Traffic Survey issue and requested another week to study that issue. He stated that the majority of residents are in favor of the change to the one side of the street parking; however the few that are opposed seem to feel quite strongly. The Mayor is awaiting a meeting with one resident who is vehemently opposed to this solution. After said meeting, which should take place early next week, a final determination will be made. Mayor Oliner suggested that one possibility would be to have parking on one side of the street three days of the week, and parking on the other side of the street four days, or some such arrangement to share in the burden.
2. Refund/credit request for Myron Kaufman, Marina member – discussed earlier in the meeting.

3. Pest Control Update – Administrator Goldman explained that the Village has been unable to move forward with the killing of adult mosquitoes due to the lack of the threat to health and safety issues (i.e. evidence of West Nile Virus), but has reached out to Nassau County and then New York State. The County submitted to the Fish & Wildlife section of the D.E.C., who finally completed the permits to send to New York State for review. Mr. Goldman will follow up with Mr. Anthony Falco from the County. In addition the Village has successfully placed over 75 black box traps to date. Mayor Oliner expressed his frustration and disappointment that even though the Village is willing to incur the cost of spraying, it is being prohibited by the County, State and D.E.C. Discussion ensued in this regard.
4. Deputy Mayor Felder restated the problem of recurrent road conditions along Broadway, which is a Nassau County road. Mayor Oliner requested that Mr. Goldman call Howard Kopel and Denise Ford from the Nassau County Legislature, to arrange for them attend the September 11, 2014 BOT meeting.
5. Mayor Oliner brought up the recurring issue of immense water problems and that the Village has received nothing from Nassau County or New York State since Hurricane Sandy. The recent rains flooded the Village, once again. Mayor Oliner implored Nassau Herald Editor Jeff Bessen to widely publicize this situation in order to elicit a response from State or County officials.

On motion by Mayor Oliner, seconded by Trustee Edelman and unanimously approved, the Board convened in Executive Session at 9:50 p.m. to discuss matters of personnel, litigation, and advice of counsel.

On motion by Mayor Oliner, seconded by Trustee Edelman and unanimously approved, the Board returned to public session at 10:30 pm.

Board Action: Trustee Edelman moved to approve a salary increase for Superintendent of Highways and Department of Public Works Robert Daniels, to an annual salary of \$110,000 per year. Effective July 17, 2014. Trustee Fragin seconded the motion. All in favor.

There being no further business, the meeting was adjourned at 10:45 pm.

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

ITEM #3

July 17, 2014

To: The Board of Trustees

VILLAGE OF LAWRENCE

ELECTION RESULTS 2014

I, Ronald Goldman, Village Administrator, Village Clerk, do hereby certify the following to be accurate and true:

The official election results at the June 17, 2014 Village elections were:

Votes cast for Martin Oliner	<u>254</u>
Votes cast for J. L. Kolodny	<u>1</u>
Votes cast for Larry Kolodny	<u>1</u>
Votes cast for C. Simon Felder	<u>239</u>
Votes cast for Erwin (Irving) Langer	<u>238</u>
Votes cast for David J. Seidemann	<u>1</u>



Ronald Goldman
Village Administrator

EXHIBIT B

**VILLAGE OF LAWRENCE
LOCAL LAW NO. 3 OF 2014
A LOCAL LAW ESTABLISHING CHAPTER 152 OF THE VILLAGE CODE ENTITLED
“REMOVAL OF DOUBLE UTILITY POLES”**

BE IT ENACTED by the Village of Lawrence Board of Trustees, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Village of Lawrence to establish Chapter 152 of the Village Code entitled “Removal of Double Utility Poles” in order to require the removal of double utility poles from Village road right-of-ways.

Section 2.

Chapter 152, entitled “Removal of Double Utility Poles”, of the Village Code is hereby established as follows:

§ 152. Removal of Double Utility Poles

§ 152-1. Findings; legislative intent.

A. This Village Board of Trustees hereby finds and determines that public utility companies place poles on Village of Lawrence roads and rights-of-way to facilitate the delivery of electric, telephone, cable television, and other telecommunications services to the residents of the Village of Lawrence.

B. This Village Board of Trustees also finds that utility poles are frequently damaged by traffic accidents and adverse weather conditions.

C. This Village Board of Trustees determines that public safety can be compromised when utility lines and equipment remain affixed to weathered/damaged/old poles for unreasonably long periods of time.

D. This Village Board of Trustees further determines that a utility's delay in removing lines and equipment also delays the removal of the pole itself, which causes a proliferation of aesthetically unpleasant double woods/double poles along roadways, as well as obstructing the paths of pedestrians and travelers on sidewalks.

E. This Village Board of Trustees also finds and determines that local governments have the authority to regulate their roads and rights-of-way to protect the public.

F. Therefore, the purpose of this chapter is to require utilities that use Village roads and rights-of-way to promptly remove their plants, cables, lines, equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles

once all plants, cables, lines, terminals, and other fixtures have been removed.

§ 152-2. Definitions.

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

DANGEROUS/DAMAGED POLE -- Any utility pole that is structurally compromised due to weather, a traffic incident, and/or age and poses a potential threat to public safety.

DOUBLE POLE/DOUBLE WOOD -- Any old utility pole from which the plant has been removed, in whole or in part, which is attached or in close proximity to a new utility pole.

PLANT -- The cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other telecommunications service.

PUBLIC UTILITY -- Any corporation, authority, or other entity that provides electric, telephone, cable television, or other service including telecommunication service, to the residents of the Village of Lawrence.

SUPERINTENDENT OF HIGHWAYS -- The Village of Lawrence Superintendent of Highways or his/her designee.

WRITTEN NOTIFICATION -- A writing directed to a representative of a public utility, who may be designated by the utility, by regular mail, facsimile transmission, or electronic mail.

§ 152-3. Permit requirements.

A. No person, firm or corporation shall place or erect any pole for any purpose in or upon any Village highway, street, road or right-of-way of said Village, or alter or change the location of any existing pole in any Village highway, street, road or right- of-way of said Village without first having obtained a permit from the Superintendent of Highways.

B. Application for a permit under this section shall be made upon a form to be provided by the Superintendent of Highways and upon payment of a permit fee to be set by resolution of the Village Board of Trustees.

C. The Superintendent of Highways shall include in all permits for the installation of utility poles on Village highways, streets, roads, or rights-of-way the following provision:

(1) The permit applicant shall have 60 days to remove a double pole following the installation of a new pole. Failure to do so may result in penalties as provided for in penalties as provided for in § 152-6 of the Village Code.

§ 152-4. Department notification; time frame for removal.

A. When the Superintendent of Highways issues a permit for the installation of a utility pole which is directly next to or in close proximity to another utility pole in a Village highway or right-of-way, the applicant shall have 60 days to remove the damaged or double pole following the installation of the new pole. Failure to do so may result in penalties as provided for in § 152-6 of this chapter.

B. When the Superintendent of Highways determines that a utility pole in a Village road or right-of-way is damaged and poses a potential threat to public safety, the Superintendent of Highways shall notify any public utility with a plant on the damaged pole that it must remove its plant from the pole and immediately replace the damaged pole or be subject to a penalty as provided for in § 152-6 of this chapter. A public utility must replace the damaged pole, replace its plant from the damaged pole and replace any other plants affixed to the damaged pole within 15 days of receiving such notification from the Superintendent of Highways.

C. When the Superintendent of Highways determines that a double pole is in a Village road or right-of-way, the Superintendent of Highways will notify the public utility which has its plant on the double pole that such plant must be removed within 30 days or be subject to penalty pursuant to § 152-6 of this chapter. Upon removal, each subsequent public utility with its plant on a double pole will have 30 days to remove such plant from the date it receives notification from the Superintendent of Highways.

D. After all plants have been removed from the double pole, the public utility which owns the double pole shall remove said pole within 30 days after receiving notification from the Superintendent of Highways or be subject to penalty pursuant to § 152-6 of this chapter. This provision shall not nullify or limit any private agreement between and among public utilities that assign responsibility for pole removal.

§ 152-5. Indemnity or performance bond.

The Superintendent of Highways shall not give a permit authorizing any act or acts as set forth in § 152-3 that shall be performed unless there shall have been furnished by the applicant sufficient indemnity or performance bond as determined by the Superintendent of Highways as a condition precedent to the issuance of the permit and the commencement of work. Said bond or indemnity shall be for a reasonable amount and may cover one or more than one of the acts specified in § 152-3 of this chapter, and said bond or indemnity may cover any period of time necessary to include the accomplishment of one or more of the aforesaid acts, all as shall be determined by the Superintendent of Highways. The approval of the Superintendent of Highways as to amount, form, manner of execution and sufficiency of surety or sureties shall be entered on said bond before it shall be filed in the Village Clerk's office, and said bond shall be so filed before said permit shall be effective.

§ 152-6. Penalties for offenses.

A. Any person, firm, corporation or public utility convicted of a violation of the provisions

this chapter shall be guilty of a violation, for a first conviction, punishable by a fine not exceeding \$500 or by imprisonment not exceeding 15 days, or both; for a second or subsequent conviction, punishable by a fine not exceeding \$1000 or by imprisonment not exceeding 15 days, or both. Every day that the violation continues shall be deemed a separate violation.

B. Any person, firm or corporation or public utility that violates this chapter and fails to remove its damaged and/or double pole or plant from a damaged pole within the timeframe provided in § 152-4 after receiving notification shall be subject to a civil penalty not to exceed \$250 for each such violation.

C. If a person, firm or corporation or public utility violates the provisions of this chapter and fails to remove its damaged and/or double pole or plant from a damaged pole in accordance with the provisions of this chapter, the Village Attorney may commence an action in the name of the Village of Lawrence in a court of competent jurisdiction for necessary relief, which may include imposition of civil penalties as authorized by this chapter, in order to remove the double pole or plant from a damaged utility pole and/or to remove the damaged pole, the recovery of costs of the action and such other remedies as may be necessary to prevent or enjoin a dangerous condition from existing on a Village highway, street, road, or right-of-way.

§ 152-7. Applicability.

This chapter shall apply to all utility poles located on Village roads or rights-of-way on or after the effective date of this chapter.

§ 152-8. When effective.

This local law shall take effect immediately upon filing with the Secretary of State.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.