

The regular meeting of the Board of Trustees was held on Monday, December 12, 2013 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 (arrived at 8 p.m.)
Trustee Irving Langer
Trustee Alex H. Edelman

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

The Board convened in Executive Session at 7:15 p.m. to discuss matters of personnel, litigation, contracts and advice of counsel.

EXECUTIVE SESSION

No Board Action was taken during the Executive Session.

REGULAR MEETING - Mayor Oliner called the regular meeting to order at 8:15 p.m.

GOOD & WELFARE

1. Jacqueline Handel reported that at the 12/11/13 Lawrence Association meeting, a resident requested that the Village follow suit with Cedarhurst's free weekend parking year-round. Trustee Fragin stated that this issue was previously reviewed but not acted upon, and that he is not opposed to it, believing the current situation to be disadvantageous to the Lawrence Business District. Mayor Oliner requested that Administrator Goldman obtain an analysis of the generated revenue on Saturdays and Sundays year-round, only in the parking lots.
2. Norman Pinn, of 54 Sealy Drive, requested an update of when the water mains and gas mains were being replaced. Mayor Oliner stated that in previous months he had met with Senator Skelos, the Health Commissioner and Mr. William Varley, who is Senior Vice President, of the Northeast Division of New York American Water. Mayor Oliner stated that "we're all for the Water Company doing as much as they did". The Mayor stated that the Village has rules with regard to Village fees, which are designed to ensure that the Village does not lose money when the streets are broken up, as well as being repaired properly. Two considerations regarding Sealy Drive is that it is a concrete paved street and needs to be properly restored and that the water coming from wells to the Village

is rusty water where the iron has not been taken out (to begin with) and the new water plant they are proposing to build will not be operational for years. Replacing the old pipes will certainly help in reducing the amount of iron/rust in the water, increasing the water quality. The Water Company is joining with the Gas Company (National Grid) to replace gas mains at the same time on Sealy Drive. Mayor Oliner stated that he is waiting to hear from the new Chief of Operations, regarding this issue shortly, who also said that this is a "winter job". The Village fees are under discussion depending on the scope of the work.

3. Jeffrey Hirth requested an update on the re-striping plan on Broadway between Sutton Place and Lord Avenue. Mayor Oliner stated that the feedback was quite negative and that the original plan has been tabled for now. The Mayor stated that the Village is still looking for other solutions and requested that Administrator Goldman contact Sam Schwartz Engineering in this regard. Trustee Edelman suggested contacting Aryeh Lemberger, Unit Head of the Traffic Engineering Unit for the Nassau County DPW.
4. Trustee Fragin noted that the Mayor had sent a letter to Village residents reminding them to re-register for the Basic Star Exemption, also noting that he believed the deadline had now been extended to March 2014.
5. Trustee Fragin noted that on this month's Police Report and L.C.F.D. have errors/inaccuracies with cited locations not falling within the Incorporated Village of Lawrence. Administrator Goldman stated that this would be addressed.
6. Trustee Fragin addressed the Treasurer's Report and timeframe for an update regarding the Recreational Facility. Trustee Edelman stated that this would be available in mid-January. Village Treasurer Abraham Farber stated he would provide the FEMA reimbursement schedule update for the next BOT meeting.
7. Trustee Fragin expressed concern regarding the increased number of break-ins in the Village and the lack of police support. He suggested placing more cameras around the Village, greater police presence or possibly some kind of private security patrol. Mayor Oliner asked Administrator Goldman to procure six (6) more cameras to be placed in strategic Village locations.
8. J. Lawrence Kolodny of 10 Boxwood Lane, proprietor of Cooling, Heating and Beyond (a Village vendor and resident), inquired as to the status of open invoices for his Company's service to the Village. He was advised that while said invoices had been previously approved, the delay was due to the need for subsequent verification of specific details. Mr. Farber indicated that all necessary documentation has since been received and that the invoices would be paid forthwith. Mayor Oliner confirmed this.

NEW BUSINESS

Approval of minutes: BOT November 18, 2013

Mayor Oliner deferred the vote for the approval of the minutes of the November 18, 2013 BOT meeting. The Mayor stated that procedures and contents for BOT minutes going forward should be reviewed. No Board action was taken.

Item 1 – Approve Abstracts #'s

General Fund	#702, 703
Recreation Fund	#125, 126, 127
Trust Fund	#259
Sewer Fund	#70
Payroll	#2357, 2358

Board Action: Mayor Oliner moved the approval of General Fund Abstracts #702 and #703. Trustee Langer seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Recreation Fund Abstracts #125, #126 and #127. Trustee Edelman seconded the motion.

Trustee Fragin had some questions and discussion ensued to address his concerns.
All in favor.

Board Action: Mayor Oliner moved the approval of Trust Fund Abstract #259. Trustee Langer seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Sewer Fund Abstract #70. Trustee Edelman seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Payroll Abstracts #2357 and #2358. Trustee Fragin seconded the motion. All in favor.

Item 2 – Lawrence Yacht and Country Club Park Commission recommendations – Marina Rates

Jeffrey Lederman explained the Park Commission recommendations for the 2014 Marina rates and new electric surcharges (attached hereto as Exhibit "A"). Discussion ensued in this regard.

Board Action: Mayor Oliner moved the adoption of the Park Commission recommendations for the 2014 Marina rates with electric surcharges (per the attached Exhibit "A"). Trustee Langer seconded the motion. All in favor.

Item 3 – Approve proposal to install gate on Rock Hall Road behind the LY&CC

Administrator Goldman explained the logistics of the situation necessitating the proposed gate installation on Rock Hall Road behind the LY&CC. To date Mr. McMahon has not received three completed proposals. Schiano Brothers quoted \$4,000 for the project. Discussion ensued as to the type of gate to be installed including considering a single rolling gate that could not be swung open by the wind. Mr. Leo McMahon is to provide proposals at the next Board meeting per the gate revisions discussed.

Item 4 – Approve Contract with Angelo Castro

Board Action: Mayor Oliner moved the adoption of the contract with Angelo Castro. Trustee Edelman seconded the motion. All in favor.

Item 5 – Resolution to amend the Village Code regarding term limits for Trustees and set date for public hearing

Deputy Mayor Felder asked Administrator Goldman to read the above Resolution (a copy of which is attached hereto as Exhibit “B”), which he did.

Board Action: Deputy Mayor Felder moved to hold a public hearing at the next Board of Trustee meeting, January 9, 2014, regarding the Resolution to amend the Village Code regarding term limits for Trustees. Trustee Langer seconded the motion.

Discussion ensued. Trustee Fragin again noted that he thought this was ill conceived legislation and the most restrictive in New York State. Trustee Fragin again mentioned that consideration be given to imposing term limits for all Village board positions, as many members of various boards have been serving for more than twenty years. Administrator Goldman is to research term limits in other jurisdictions and present his findings to the Board prior to the next BOT meeting.

The vote was as follows:

Deputy Mayor Felder – Aye

Trustee Edelman – Aye

Trustee Langer – Aye

Mayor Oliner – Abstained

Trustee Fragin – Nay

The motion carried.

Item 6 – Approve Tennis Pro Contract for Robert Mark Harrison

Administrator Goldman explained the new contract for the LY&CC tennis pro, Robert Mark Harrison, which is the same as the previous contract with only the dates changed.

Board Action: Mayor Oliner moved the adoption of the tennis pro contract with Robert Mark Harrison. Trustee Fragin seconded the motion. All in favor.

Trustee Fragin asked Mr. Leo McMahon if the tennis member numbers are declining. Mr. McMahon confirmed that that is indeed the case industry wide.

Item 7 – Approve Golf Pro Contract for Peter Procops

Administrator Goldman explained the new contract for the LY&CC golf pro, Peter Procops, which is primarily the same as the previous contract with the dates changed, in addition to some changes to paragraph 28 (c) (regarding terms associated with termination of the Agreement). Discussion ensued in this regard.

Board Action: Mayor Oliner moved the adoption of the golf pro contract with Peter Procops. Deputy Mayor Felder seconded the motion. All in favor.

Item 8 – Report & recommendations from Chairman of Information and Technology, Jeffrey Hirth

Jeffrey Hirth presented the two main objectives of the IT Committee:

- a. The re-vamping of the Village of Lawrence’s website – Two vendors were contacted with regard to revamping the Village’s website, who both specialize in municipal websites. They came in at very different price points and Mr. Hirth explained that one vendor really “wowed them”.
- b. The Village of Lawrence’s infrastructure, which in his opinion is the priority to discuss at this meeting. Mr. Hirth went on to explain the history of and the health and sustainability of the Village’s internal and back office infrastructure (computers and the “users”, anti-virus, back-up systems, etc.). Mr. Hirth stated that with Mr. Gerald Castro (who did a great job of managing the Village’s IT systems) unavailable, a large hole was left. He felt that this may be an opportunity to contract with a provider who “will be in it for the long haul”, maintaining the Village’s systems with a skill set beyond Mr. Castro’s and make upgrades and streamline the Village’s IT infrastructure.

To that end there are two approaches the Village can take. They are either a “break-fix” approach or “managed services”. With “break-fix” if something breaks, you call them and they come and fix the problem. Managed services are the opposite: they take a proactive versus a reactive approach. Offsite, they would be on the Village’s system(s) everyday trying to prevent problems before you find out about them. They provide a business hour “help desk” with a telephone number and a sticker on the computer screen, where they can go in (to your screen) and fix the problem remotely.

Mr. Hirth explained that typically with a managed service provider you get things like security and hygiene for your systems, back-up and recovery, 24/7

monitoring and alerting if something “goes down” in the middle of the night, someone will get paged to fix the issue.

Mr. Hirth stated that after discussing these two types of providers, he got proposals from four (4) companies; one “break-fix” company and three (3) managed services providers. They all came in at about the same price point for support, around \$3,000 per month, depending on the type of services and relationship.

Mr. Hirth explained that during his “exit interviews” with Mr. Castro, he discovered that the Village’s systems could all use upgrades; they are all quite “old”. In addition, the Village and LY&CC have different systems that are not integrated and have different vendors, something known as “server sprawl” and a lot of duplication. Mr. Hirth and Mr. Goldman need guidance from the Board in order to move forward. These are the three questions Mr. Hirth posed in this regard:

1. Is the Village ready to move forward with the \$3,000 per month managed services fee(s) for support, which Mr. Hirth highly recommends as soon as possible?
2. Does the Board want to combine the Village and LY&CC systems: Harris is the provider the Village system and Total is the provider for the LY&CC system. There would be a tremendous economical advantage to combining the two systems. Depending on the answer to this question, is the following third question.
3. Mr. Hirth would like to do some major upgrades to the entire system, the scope of which would depend on whether or not the Board wants to combine the LY&CC and Village Hall systems. This could cost anywhere from \$30,000 to \$50,000.

Discussion ensued in this regard. Mayor Oliner requested that Mr. Hirth move forward with his recommendation for a managed service provider. The Mayor stated that the \$3,000 fee is not an issue to provide this service for the Village IT systems. It was also agreed that Mr. Hirth should research combining the Village’s and LY&CC’s systems and provide his recommendation at the next BOT meeting.

Trustee Fragin recommended digitizing the Village’s land records. This will require a specialist and needs to be outsourced. Discussion ensued with regard to the Village website, accepting digital building applications as well as the possibility of paying parking tickets electronically.

Item 9 – Approve proposal to remove trees and bushes at the Golf Course, destroyed by Hurricane Sandy

Mr. Leo McMahon described the situation necessitating the removal of trees and bushes at the LY&CC Golf Course destroyed by Hurricane Sandy and the three proposals he received from Hervis Horticultural Consultants Inc, (for \$23,880), Howard's Tree Service (for \$25,000) and Bartlett Tree Experts (for \$69,628.62). Mr. McMahon recommended Hervis Horticultural Consultants Inc. as the lowest responsible quote at \$25,000.00.

Board Action: Trustee Fragin moved the approval of Hervis Horticultural Consultants Inc., the lowest responsible proposal, in the amount of \$23,880.00. Mayor Oliner seconded the motion. All in favor.

Item 10 – Approve Resolution re: settlement with Insurance Company pertaining to October 4, 2011 fire at LY&CC

Village Attorney Peter Bee explained the Resolution regarding the settlement with the insurance company pertaining to the October 4, 2011 fire at the LY&CC.

Board Action: Mayor Oliner moved the approval of the following Resolution authorizing the payment to HCC Public Risk & U.S. Specialty Insurance:

WHEREAS, the Village of Lawrence previously experienced damages from a fire at the Main Clubhouse of the Lawrence Yacht and Country Club on October 4, 2011; and

WHEREAS, a claim was made by the Village against its insurance carrier (HCC Public Risk & US Specialty Insurance, hereafter "HCC") which included the line item of an unpaid invoice from FIRE COMMAND CO. INC. in the sum of \$14,325.00; and

WHEREAS, the Village was paid by HCC an amount which included the line item for such claimed unpaid invoice; and

WHEREAS, subsequent to the receipt of payment to the Village from HCC, HCC (under its subrogation rights) and FIRE COMMAND entered into a settlement agreement under which FIRE COMMAND agreed to withdraw its claim for the unpaid invoice previously submitted to the Village (and execute a Release in favor of the Village regarding same); and

WHEREAS, the Village has therefore been reimbursed by HCC for an unpaid invoice which will now not be paid, and for which the Village has received a Release; and

WHEREAS, HCC has requested the Village refund to it a portion of the monies paid by HCC to the Village for the unpaid invoice (the invoice amount less \$4,000, a pro-rated portion of the Village's \$5,000 deductible), i.e., the sum of \$10,325.00; now, therefore be it

RESOLVED by the Board of Trustees of the Village of Lawrence that the Mayor is hereby authorized to reimburse HCC in the sum of \$10,325.00 and execute a General Release (limited to the previously unpaid invoice) in favor of FIRE COMMAND CO. INC.

Trustee Edelman seconded the motion. All in favor.

Item 12 – Approve Arbitration Settlement between The Village of Lawrence and Civil Service Employees Association (CSEA) Resolution

Board Action: Mayor Oliner moved the approval of the Resolution below, authorizing payment per the settlement agreement with the CSEA in the amount of \$27,000.00 as a 1099 lump sum payment from the Recreation Fund:

WHEREAS, the Incorporated Village of Lawrence (the “Village”) and the Civil Service Employees Association (the “CSEA”) were parties to a collective bargaining agreement (the “CBA”) which expired by its terms on May 31, 2010, but who’s terms continue under Civil Service Law section 209-a.1.e pending the negotiation of a successor CBA; and

WHEREAS, in or about December 2011 through April 2012, the Village did engage in certain layoffs of employees whose work at the Village Country Club the CSEA claimed was improperly “subcontracted” to a private vendor in violation of the terms of the expired CBA; and

WHEREAS, the CSEA did file a CBA grievance regarding same which eventually ended in an arbitration proceeding under the Rules of the American Arbitration Association (AAA Case No. 153000037412); and

WHEREAS, notwithstanding that the Village has maintained that it acted in accordance with the CBA and law at all times, it is deemed prudent to settle the CBA grievance/arbitration in the exercise of the business judgment of the Village (but without any admission of liability and/or precedential value); now, therefore, it is

RESOLVED that the Mayor be, and he hereby is, authorized to execute a certain settlement agreement of the foregoing AAA arbitration for the gross sum of \$27,000, together with such other terms and conditions as are described in a certain proposed settlement agreement now on file with the Clerk of the Village.

Deputy Mayor Felder seconded the motion. All in favor.

Item 11 – Approval of David E. Smollett Settlement with regard to accumulated unused leave time as well as consulting services going forward to assist with various pending litigation(s)

Village Attorney Peter Bee presented his recommendations to pay former Administrator David E. Smollett a lump sum settlement in the amount of \$14,308, with the usual payroll deductions, for accumulated, unused leave time. He also recommended that Mr. Smollett be retained by the Village at an hourly rate going forward, in the amount of \$150 per hour, to consult/assist with the Village’s various pending litigation(s).

Board Action: Mayor Oliner moved the approval, per Village Attorney Peter Bee’s recommendations to pay Mr. David E. Smollett a lump sum settlement in the amount of \$14,308, with the usual payroll deductions, for accumulated, unused leave time as well as retaining Mr. Smollett going forward at an hourly rate of \$150 per hour to

consult/assist with the Village's various pending litigation(s). Deputy Mayor Felder seconded the motion. All in favor.

Board Action: There being no further business, Mayor Oliner moved to adjourn the meeting at 10:25 p.m.

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

2014 Marina Rates		NR
A4 – A54	\$105.00 Per Foot	
B1 – B22	\$130.00 Per Foot	
B23 – B35	\$136.00 Per Foot	
B36 – B44	\$165.00 Per Foot	
B45 – B49	\$130.00 Per Foot	
C5 – C21	\$124.00 Per Foot	
A55-A60	\$1100.00	
A61-A68	\$975.00	
JET SKI	\$340.00	

VESSEL HAS:	PLEASE CHECK WHICHEVER APPLIES:			
	YES	NO		
110 DOCKSIDE OUTLET	()	()	SAIL	()
30 AMP	()	()	DOUBLE CABIN	()
50 AMP – 110V	()	()	SPORT FISHERMAN	()
50 AMP – 220V	()	()	OTHER	()

Any tender or dinghy of not more than 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 assigned for the use of the principal vessel provided that such tender or dinghy is owned by the same owner as the principal vessel, and provided further that the same does not interfere with the proper use of any of the adjacent slips or berths, and provided further that said tender or dinghy does not cause any hazard or damage to any other vessel or to the docks, floats, walks, gangways or bulkheads adjacent to said dock or slip.

Electric Surcharge:

- Boats 32 feet and shorter will pay no electric surcharge.
- Boats 33 to 35 feet will pay \$300 electric surcharge.
- Boats 36 to 40 feet will pay \$400 electric surcharge.
- Boats 41 to 45 feet will pay \$550 electric surcharge.
- Boats 46 to 50 feet will pay \$650 electric surcharge.
- Boats 51 to 55 feet will pay \$750 electric surcharge.
- Boats 56 to 60 feet will pay \$850 electric surcharge.
- Boats 61 to 65 feet will pay \$1000 electric surcharge.
- Boats 66 and above will pay \$1800 electric surcharge.
- John Piccone exception, Jeff Lederman will explain.

Based on current roster of boats at marina the electric surcharge will create xxx amount of dollars in revenue that will go towards our annual marina electric expense of approximately \$25,000.

This recommendation was approved 8 to 0

Voting in favor: Jeff Lederman, Mike Levine, Howard Siskind, Howard Teitelbaum, Jackie Handel, Irving Langer, Marty Levi, Melvin Young

Absent: Barry Schwartz, Barry Mayer, Fran Sicklick,

EXHIBIT B

INCORPORATED VILLAGE OF LAWRENCE

LOCAL LAW NO. 1 OF THE YEAR 2014

A Local Law to Amend Chapter 42, Section 42-4 of the
Code of the Village of Lawrence

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

1. Chapter 42, Section 42-4 is hereby amended to read as follows:

CHAPTER 42

TERMS OF OFFICE

Article II. Trustees

§ 42-4. Limitation on number of terms.

- a) In addition to the provisions of law otherwise established in the Village Law or in this Code for eligibility for election or appointment to the office of Trustee, ~~there shall be no limit in the number of terms a person may serve as Village Trustee.~~ **no person shall be eligible to be elected or appointed to a term of office of Village Trustee if such election or appointment would (if the full term were served) result in the holding of the office of Village Trustee for more than six consecutive years.**
- b) **For the purposes of this section, any service in the office of Village Trustee prior to July 1, 2014, shall not be considered in calculating ineligibility to be elected or appointed.**

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