

The regular meeting of the Board of Trustees was held on Thursday, February 6, 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, by Kenneth Gray Esq.
Alison Cohen, Secretary to the BOT

The Board convened in Work Session at 7:25 p.m.

WORK SESSION

No Board Action was taken during the Work Session.

REGULAR MEETING - Mayor Oliner called the regular meeting to order at 8:25 p.m.

GOOD & WELFARE

1. Norman Pinn inquired as to the status of the ongoing issue of water quality and street work on Sealy Drive. Mayor Oliner stated that he was awaiting a meeting with Bill Varley (President) and Brian Bruce (Vice President) of Long Island American Water Co. to determine an appropriate fee for the street work. Mayor Oliner stated that the water quality of the Village is of the utmost importance to him.
2. Jacqueline Handel thanked and commended the Village employees for the excellent job they did clearing the streets after the snowstorm(s), and added that the Village of Lawrence was the best plowed Village. Mayor Oliner thanked Mr. Goldman, Mr. Daniels and the Highway Department for the fabulous and efficient job given the circumstances.
3. Mrs. Blanche Lehrer inquired if the shopkeepers are required to clear their sidewalks and the Village to clear paths from the street as well as parking lots, to which the answer was affirmative. Mayor Oliner noted that if the snow keeps up at this pace the Village would need to take a look at snow removal possibilities in heavily trafficked areas, such as corners.

Trustee Fragin brought up the issue of some public sidewalks such as Rock Hall Road and along Route 878, which are under the jurisdiction of Lawrence High School and Nassau County. Building Superintendent Michael Ryder responded that Lawrence High School is exempt from any Village Summons. Mayor Oliner requested the Summons for failure to repair the sidewalk that the school claimed to be exempt from, be forwarded to Village Attorney Bee based on safety reasons. Kenneth Gray, Esq. stated that he would discuss the letters/Summonses sent to the School District with Mr. Ryder and follow up on that issue.

4. Lawrence Kolodny inquired about two (2) issues:
 - a. Two outstanding invoices. Mayor Oliner stated that this was not the appropriate time, and
 - b. He thanked the Village employees regarding their cleaning/handling the streets after the snowstorms. He commended the Highway Department for doing an exemplary job.

NEW BUSINESS

Approval of minutes:

BOT January 9, 2014

Board Action: Mayor Oliner moved the approval of the minutes of the January 9, 2014 BOT meeting. Trustee Fragin seconded the motion. All in favor.

Item 1 – Approve Abstracts #'s

General Fund	#707
Recreation Fund	#131
Trust Fund	#261
Sewer Fund	#72
Payroll	#2361, #2362

Board Action: Mayor Oliner moved the approval of General Fund Abstract #707. Trustee Langer seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Recreation Fund Abstract #131. Trustee Langer seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Trust Fund Abstract #261. Trustee Fragin seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Sewer Fund Abstract #72. Trustee Langer seconded the motion. Discussion ensued with regard to verifying (and clarifying) the responsibility of the Village to pay Sewer retiree(s) health benefits, per the IMA. This issue will be looked into further with Village Attorney Peter Bee's office to verify the responsibility of payment by the Village. The vote was as follows:

Mayor Oliner – Aye

Deputy Mayor Felder - Aye

Trustee Fragin – Nay

Trustee Langer – Aye

Trustee Edelman – Aye

The motion carried.

Board Action: Mayor Oliner moved the approval of Payroll Abstract #2361. Trustee Edelman seconded the motion. All in favor.

Board Action: Mayor Oliner moved the approval of Payroll Abstract #2362. Trustee Edelman seconded the motion. All in favor.

Item 2 – Public Hearing to approve (revised) proposed Local Law #1 of 2014 to amend the Village Code regarding term limits for Trustees

Administrator Goldman explained the revised, proposed Local Law #1 of 2014 regarding term limits for Trustees.

Board Action: Mayor Oliner moved to open the Public Hearing for the revised proposed Local Law #1 of 2014 (attached hereto as Exhibit “A”) to amend the Village Code regarding term limits for Trustees. Trustee Fragin seconded the motion. All in favor.

Lawrence Kolodny stated his opinion, approving of the eight consecutive years of service. He objected, however, with regard to the exemption of the current Board of Trustees’ prior service from the revised, proposed Local Law #1 of 2014 and explained his position.

Trustee Fragin stated that as it is (and was) written Local Law #1 of 2014 is complicated and hard to understand as well as flawed in its wording/composition of eight consecutive “years” versus four consecutive “terms”, and why he believed this to be the case. For example, if a Trustee resigned their seat one month prior to completing the eight years it would then create a “gap” allowing them to then run (and serve) again for another eight consecutive years. Discussion ensued in this regard.

Board Action: Mayor Oliner moved to close the Public Hearing for proposed Local Law #1 of 2014 to amend the Village Code regarding term limits for Trustees. Deputy Mayor Felder seconded the motion. All in favor.

Board Action: Mayor Oliner moved to approve the revised, proposed Local Law #1 of 2014 to amend the Village Code regarding term limits for Trustees as presented (see “Exhibit A” attached hereto). Deputy Mayor Felder seconded the motion. The vote was as follows:

Mayor Oliner – No vote

Deputy Mayor Felder - Aye

Trustee Fragin – Nay

Trustee Langer – Aye

Trustee Edelman – Aye

The motion carried.

Item 3 – Public Hearing to approve proposed Local Law #2 of 2014 to amend the Village Code regarding Stormwater Management and Erosion & Sediment Control

Board Action: Mayor Oliner moved to open the Public Hearing to approve proposed Local Law #2 of 2014 to amend the Village Code regarding Stormwater Management and Erosion & Sediment Control. Deputy Mayor Felder seconded the motion. All in favor.

Village Attorney Peter Bee by Kenneth Gray, Esq. explained the situation regarding and Administrator Goldman explained the genesis of the public hearing to approve proposed Local Law #2 of 2014 to amend the Village Code regarding Stormwater Management and Erosion & Sediment Control. This is in an effort to monitor and eliminate or reduce the contaminants/pollutants in any Village discharges into drains or run off from construction. Building Superintendent Michael Ryder explained that the Village annually submits an MS4 (Municipal Stormwater Report) to (and in compliance with) the NYS DEC (New York State Department of Environmental Conservation). The NYS DEC recently audited of the Village's compliance with regard to Stormwater Management; rules and regulations and the Village's implementation of the Stormwater Management Program. The proposed Local Law #2 of 2014 to amend the Village Code regarding Stormwater Management and Erosion & Sediment Control would "piggyback" and existing Local Law adopted in 2007 regarding "Illicit Discharge Activities and Connections", for reporting purposes. The NYS DEC recommended that the Village adopt this proposed Local Law #2 of 2014 to amend the Village Code regarding Stormwater Management and Erosion & Sediment Control, to come in to compliance with their guidelines.

Mayor Oliner expressed his hesitation to implement the proposed Local Law #2 of 2014 to amend the Village Code regarding Stormwater Management and Erosion & Sediment Control, uncertain if it was too restrictive without further review.

Board Action: Mayor Oliner moved to continue the Public Hearing to approve proposed Local Law #2 of 2014 to amend the Village Code regarding Stormwater Management and Erosion & Sediment Control. Trustee Fragin seconded the motion. All in favor.

Item 4 – Approve repair/replacement of Marina electric feeder cable

This item was tabled.

Item 5 – Approve replacement of LY&CC clubhouse corroded basement electric cables

This item was tabled.

Item 6 – Approve purchase and installation of six (6) fountains for Sage Pond

Administrator Goldman explained that the four pumps that had previously aerated Sage Pond were damaged beyond repair during Super Storm Sandy. In order to mitigate the algae, slime and mosquito issues, they need to be replaced. It has been determined that those pumps were obsolete in their methodology, and it was suggested to replace them with fountains. The fountains were researched by the Building Department and three proposals were received for the six fountains; which was determined to be the correct number to replace the pumps. Sugarcreek Fountains was found to be the lowest responsible bidder in the amount of \$7,543.00. The installation fee has yet to be determined from the electrical contractor.

Mayor Oliner inquired as to the evaluation of this item and requested that Valley Crest review this and confirm the Building Department's determination.

This item was tabled pending further review and investigation.

Item 7 – Resolution to set the Village election date on June 17, 2014 and `polling place

Board Action: Mayor Oliner moved the approval of the following Resolution to set the Village election date on June 17, 2014 and designate the polling place:

WHEREAS, pursuant to the Election Law, the Board of Trustees is required to designate the polling place for the Village election to be held on June 17, 2014, and the hours of election,

NOW, THEREFORE, BE IT RESOLVED, that the polling place for the Village election to be held on June 17, 2014 shall be Village Hall, Village of Lawrence, 196 Central Avenue, Lawrence, New York, and it is further

RESOLVED, that the hours of the said Village election shall be from 7 a.m. to 9 p.m., inclusive.

Trustee Fragin seconded the motion. All in favor.

Item 8 – Announce tentative assessment roll and certify list of unpaid taxes as of February 1, 2014

Administrator Goldman confirmed with the Village Assessor that the total taxable assessed value for the 2014 tentative assessment roll is \$3,783,390.00. The current tax rate is .7160. Administrator Goldman stated that the Board needs to certify and sign the list of unpaid taxes as of February 1, 2014

Board Action: Mayor Oliner moved to accept the 2014 tentative assessment roll and certify the list of unpaid taxes, (signed by the Mayor and Board of Trustees at that

evening's meeting) as of February 1, 2014. Trustee Fragin seconded the motion. All in favor.

Item 9 - Approve Tax Sale date for April 10, 2014

Board Action: Mayor Oliner moved to approve the Tax Sale date for April 10, 2014. Trustee Fragin seconded the motion. All in favor.

Item 10 - Approve Office of the State Comptroller "OSC" Governmental Accounting Training class(es) for Ronald Goldman and Sal Perrotta

Board Action: Mayor Oliner moved to approve Office of the State Comptroller (OSC) Governmental Accounting Training class(es), in the amount of \$85.00 per person, in the Town of Brookhaven March 19 – 21, 2014, for Village Administrator Ronald Goldman and Accounts Payable Manager Sal Perrotta. Deputy Mayor Felder seconded the motion. All in favor.

Item 11 – Approve Time and Labor Management system

Administrator Goldman explained his research per previous discussions with the Board, into various time and labor management provisions to adjust, going beyond the current vendor (Paychex) which establishes the proof of attendance and that would now provide the monitoring of employees' attendance, vacation, compensation time, personal days and sick days as well. This would upgrade the current system, which is "by hand", to monitoring employees' time through the computer.

Board Action: Mayor Oliner moved the approval of Paychex (One-Source Solutions) Time and Labor Management product/system, the lowest responsible proposal, in the amount of \$2,052/annual fee; \$5,400/one-time purchase fee for the (three new) clocks; \$1,080/annual fee for Maintenance Agreement for the three clocks; and a one-time implementation fee of \$500.00; totaling \$9,032.00 for the first year. Trustee Edelman seconded the motion. All in favor.

Mayor Oliner requested that Administrator Goldman "lock in" the Maintenance Agreement fee for the first three years at \$1,080.00 annually for the three clocks.

Item 12 – Approve Information and Technology Maintenance

Mayor Oliner commended Mr. Jeffrey Hirth in particular as well as Administrator Goldman for doing an outstanding job with their extensive research endeavors to find the best solution(s) to the Village's computer and IT issues.

Administrator Goldman explained that after said research and discussion with Mr. Hirth, the results came down to two (2) vendors; and after consideration of several factors Mr. Goldman recommended using "All Covered" (a division of Konica-Minolta) to service/maintain the Village's computer and IT systems, at a cost of \$2,950.00 per month, as the lowest responsible proposal. It includes on-site support as well as remote support.

Board Action: Mayor Oliner moved the approval of “All Covered” (a division of Konica-Minolta), at a cost of \$2,950.00 per month, to maintain the Village’s computer and IT systems. Trustee Langer seconded the motion. All in favor.

Item 13 – Approve Resolution to hire of a Building Inspector – Personnel matter

Village Attorney Peter Bee by Kenneth Gray, read a Resolution to approve a budget “line item” for the position of Building Inspector, for \$90,000.00, inclusive of base salary and projected overtime, and the (recommended) appointment of Steven Haramis, subject to final approval from Nassau County Civil Service Commission as well as a check of his references.

Board Action: Mayor Oliner moved the approval of the Resolution to approve a budget “line item” for the position of Building Inspector, for \$90,000.00, inclusive of base salary and projected overtime, and the appointment of Steven Haramis, subject to final approval from Nassau County Civil Service Commission as well as a check of his references. Trustee Langer seconded the motion. All in favor.

OLD BUSINESS

1. Update regarding security cameras

Administrator Goldman stated that one security camera has been installed for the DPW gas pump as well as it being monitored via computer. Mayor Oliner requested that the video feed from this camera be made available to him and the Board, to which Mr. Goldman said that he would.

Deputy Mayor Felder requested that Administrator Goldman explain how the security system works at the DPW gas pump to control “who and how” gasoline is dispensed.

Administrator Goldman stated that there are two controls to the DPW gas pump security procedure. The first is a master key to operate the pump. Users sign in and sign out, noting how much is pumped/taken, noting date and times as well. A log is kept and matched up against the pumps usage. Notwithstanding that failsafe, the Village has installed a camera at that location, which is focused primarily on the pump and its usage.

2. Update regarding possible Village Fire Marshal

Trustee Fragin inquired as to an update with regard to having a Village Fire Marshal as opposed to utilizing the services of the Nassau County Fire Marshal. Administrator Goldman read a response from Village Attorney Peter Bee in this

regard, stating that if the Village appointed its own Village Fire Marshal the Village would not necessarily be able to sever ties with the Nassau County Fire Marshal and there would be duplication of services in some areas, and the Village would still need the Nassau County Fire Marshal to sign off on other areas. It would in essence just be an additional expense for the Village since it would not obviate the need for contact with nor approvals from the Nassau County Fire Marshal. In addition, it would be a tremendous responsibility taking on that onus.

Trustee Fragin stated that this could be an additional revenue source. Discussion ensued in this regard.


Village Attorney Peter Bee by Kenneth Gray, Esq. explained Mr. Bee's research in further depth, stating that Nassau County Civil Service does not have a Village title of Fire Marshal because the title of "Marshal" in New York State is a peace officer position. So the Nassau County Civil Service Commission does not certify a Marshal title. They do have a "Village Inspector" position which is different because it doesn't have that peace officer status and therefore it does not have everything that comes with being a peace officer. A Fire Inspector can investigate, review damage, they can determine if there was arson, etc. Further discussion ensued in this regard.

Village Attorney Peter Bee by Kenneth Gray, Esq. stated that there was a direct, specific question put to Mr. Karl Kampe, Executive Director of Nassau County Civil Service Commission, asking "if the Village creates and fills the position of Fire Marshal does the Nassau County Fire Marshal still have jurisdiction to sign off on all the building construction and/or fire suppression systems, etc., or does the Village Fire Marshal take over"? The response from Mr. Kampe was that "the Village position does not include all of the Fire Marshal positions and the Nassau County position would still have to approve the functions you document". Trustee Fragin commented that was the definitive answer.

There being no further business, on motion by Mayor Oliner, seconded by Trustee Edelman and unanimously approved, the Board convened in Executive Session at 10:00 p.m. to discuss matters of personnel, litigation, and advice of counsel.

There being no further business, the meeting was adjourned at 10:00 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

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, 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 eight 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 to terms beginning in an even numbered year, beginning first for a term beginning on July 1, 2014; and any service in the office of Village Trustee prior to July 1, 2015, shall not be considered in calculating ineligibility to be elected or appointed to terms beginning in an odd numbered year, beginning first for a term beginning on July 1, 2015.
2. This Local Law shall take effect immediately upon filing with the Secretary of State.

EXHIBIT B

INCORPORATED VILLAGE OF LAWRENCE

Local Law No. 2 of the Year 2014

A Local Law to create Chapter 177 of the Code of the Village of Lawrence, entitled “Stormwater Management and Erosion & Sediment Control”.

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

1. Chapter 177 of the Village Code is hereby created and enacted to read as follows:

Article 1. General Provisions

Section 1. Findings of Fact

It is hereby determined that:

2. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
3. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
4. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
5. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
6. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
7. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
8. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
9. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
10. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 2. Purpose

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- 2.1 Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- 2.2 Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- 2.3 Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- 2.4 Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- 2.5 Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- 2.6 Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Section 3. Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Incorporated Village of Lawrence has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Village of Lawrence and for the protection and enhancement of its physical environment. The Board of Trustees of the Incorporated Village of Lawrence may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 4. Applicability

- 4.1 This local law shall be applicable to all land development activities as defined in this local law, Article 2, Section 1.
- 4.2 The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Board of Trustees of the Incorporated Village of Lawrence, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.
- 4.3 All land development activities subject to review and approval by the Board of Trustees of the Incorporated Village of Lawrence under the Village Code and applicable regulations shall be

reviewed subject to the standards contained in this local law

- 4.4 All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 5. Exemptions

The following activities may be exempt from review under this law.

- 5.1 Agricultural activity as defined in this local law.
- 5.2 (intentionally left blank)
- 5.3 Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 5.4 Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- 5.5 Any part of a subdivision if a plat for the subdivision has been approved by the Village of Lawrence on or before the effective date of this law.
- 5.6 Land development activities for which a building permit has been approved on or before the effective date of this law.
- 5.7 Cemetery graves.
- 5.8 Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 5.9 Emergency activity immediately necessary to protect life, property or natural resources.
- 5.10 Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- 5.11 Landscaping and horticultural activities in connection with an existing structure.

Article 2. Zoning Law Amendment: Stormwater Control

The Zoning Law is hereby amended to include Article VI, a new supplemental regulation titled Stormwater Control.

\\volawfp1\Users Shared Folders\AFarber\Word\Minutes\www.stormwatercenter.net. **Section 1. Definitions**

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Applicant - a property owner or agent of a property owner who has filed an application for a land development activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or

periodically flowing water.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation

Design Manual - the *New York State Stormwater Management Design Manual* (most recent version including applicable updates) that serves as the official guide for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control Manual - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

Grading - excavation or fill of material, including the resulting conditions thereof.

Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration - the process of percolating stormwater into the subsoil.

Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one (1) acre, or activities disturbing less than one (1) acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - land development activity

Recharge - the replenishment of underground water reserves.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater - rainwater, surface runoff, snowmelt and drainage

Stormwater Hotspot - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices. Unless separately appointed, the Village's Building Inspector shall act as the Village's Stormwater Management Officer..

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

Section 2. Stormwater Pollution Prevention Plans

2.1. Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

2.2 Contents of Stormwater Pollution Prevention Plans

- 2.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:
1. Background information about the scope of the project, including location, type and size of project.
 2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); Site maps should be at a scale no smaller than 1" to 100'.
 3. Description of the soil(s) present at the site;
 4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
 5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill -prevention and response;
 7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 10. Temporary practices that will be converted to permanent control measures;
 11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 13. Name(s) of the receiving water(s);
 14. Delineation of SWPPP implementation responsibilities for each part of the site;
 15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 16. Any existing data that describes the stormwater runoff at the site.

- 2.2.2 Land development activities as defined in Section 1 of this Article and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 2.2.3 below as applicable:

Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department’s 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

- 2.2.3 SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms
5. Comparison of post-development stormwater runoff conditions with pre-development conditions
6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law.
10. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

2.3 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

2.4 Contractor Certification

- 2.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy

of the following certification statement before undertaking any land development activity : "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

2.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

2.5 A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Section 3. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

3.1 Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

3.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)

3.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

3.2 Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and the SWPPP shall be prepared by a licensed professional.

3.3 Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

Section 4. Maintenance, Inspection and Repair of Stormwater Facilities

4.1 Maintenance and Inspection During Construction

- 4.1.1 The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
- 4.1.2 For land development activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 2.2.2, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.
- 4.1.3 The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

4.2 Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Incorporated Village of Lawrence to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Incorporated Village of Lawrence.

4.3 Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- 4.3.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
- 4.3.2 Written procedures for operation and maintenance and training new maintenance personnel.
- 4.3.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.3.

4.4 Maintenance Agreements

The Incorporated Village of Lawrence shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County

Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement. The Incorporated Village of Lawrence, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 5. Severability and Effective Date

5.1 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

5.2 Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.

Article 3. Subdivision Regulation Amendment

Section 182-7 of Chapter 187, Subdivision of Land, of the Village Code of the Incorporated Village of Lawrence is hereby amended by adding the following to the information requirements:

A. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of this local law shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Preliminary Subdivision Plat shall be consistent with the provisions of this local law.

Article 4. Administration and Enforcement

Section 1. Construction Inspection

1.1 Erosion and Sediment Control Inspection

The Incorporated Village of Lawrence Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Incorporated Village of Lawrence enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- 1.1.1 Start of construction
- 1.1.2 Installation of sediment and erosion control measures
- 1.1.3 Completion of site clearing

- 1.1.4 Completion of rough grading
- 1.1.5 Completion of final grading
- 1.1.6 Close of the construction season
- 1.1.7 Completion of final landscaping
- 1.1.8 Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

1.2 Stormwater Management Practice Inspections

The Incorporated Village of Lawrence Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

1.3 Inspection of Stormwater Facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

1.4 Submission of Reports

The Incorporated Village of Lawrence Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

1.5 Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Incorporated Village of Lawrence the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1.3.

Section 2. Performance Guarantee

2.1 Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Incorporated Village of Lawrence in its approval of the Stormwater Pollution Prevention Plan, the Incorporated Village of Lawrence may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Incorporated Village of Lawrence as the beneficiary. The security shall be in an amount to be determined by the Incorporated Village of Lawrence based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Incorporated Village of Lawrence, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Incorporated Village of Lawrence. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

2.2 Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Incorporated Village of Lawrence with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Incorporated Village of Lawrence may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

2.3 Recordkeeping

The Incorporated Village of Lawrence may require entities subject to this law to maintain records demonstrating compliance with this law.

Section 3. Enforcement and Penalties

3.1 Notice of Violation.

When the Incorporated Village of Lawrence determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- 3.1.1 the name and address of the landowner, developer or applicant;
- 3.1.2 the address when available or a description of the building, structure or land upon which the violation is occurring;
- 3.1.3 a statement specifying the nature of the violation;
- 3.1.4 a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;

- 3.1.5 a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- 3.1.6 a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

3.2 Stop Work Orders

The Incorporated Village of Lawrence may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Incorporated Village of Lawrence confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

3.3 Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

3.4 Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

3.5 Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

3.6 Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Incorporated Village of Lawrence may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 4. Fees for Services

Schedule B
SAMPLE STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT

Whereas, the Incorporated Village of Lawrence ("Municipality") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Nassau together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective _____.