

Inc. Village of Lawrence, November 1, 2011

The regular meeting of the Board of Trustees was held on Tuesday, November 1, 2011, at Lawrence Village Hall, 196 Central Avenue, Lawrence, New York 11559.

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

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

Mayor Oliner opened the meeting at 8:07 pm.

## **GOOD & WELFARE**

**Town Hall Meeting – Sanitation Issues** - Trustee Klar announced that the Village of Lawrence will be hosting a Town Hall meeting at the Lawrence Yacht & Country Club, 2nd floor meeting room on Tuesday, November 15, 2011 at 7 PM. The topic of discussion will be the sanitation services provided by the Sanitary 1 Sanitation District. Officials from the Sanitation District will be presenting and residents are encouraged to attend and discuss any issues or questions that they have concerning the sanitation services being provided.

Mayor Oliner instructed Administrator Smollett to post the announcement of the Town Hall Meeting on the Village website.

**Discussion regarding procession permits in the Village** - Trustee Fragin said that Village residents are not aware of the Village permitting requirements for processions in the Village. Mayor Oliner said the Village will contact local institutions to post notices advising of the Village requirement to apply for a parade permit 30 days in advance of the event. Trustee Fragin also recommended e-mailing the information to Village residents.

**Discussion regarding landscapers operating in the Village on Sunday** – A resident complained about landscapers operating in the Village on Sundays. Mike

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Ryder, Building Dept. Superintendent said that an inspector circulates in the Village and issues summonses to violators of the Village regulations.

Ronald Goldman, President of the Lawrence Association:

1. thanked the Board for approving use of the Park House conference room for Association meetings.
2. He expressed his opposition to the Williams Street renovation project and requested the Board to reconsider its decision.
3. He also suggested that the Board consider videotaping Board meetings as is done in some other jurisdictions.
4. He also suggested that the Board consider imposing term limits on Trustee positions.
5. He invited the Board to become members in the Lawrence Association and to attend its monthly meetings.
6. On behalf of the Lawrence Association, he expressed his thanks to Mayor Oliner for the Mayor's role in handling the Hurricane Irene storm.

**Mobile radar trailer** - Trustee Felder said he requested that the Administration obtain information on purchasing a mobile radar trailer to deploy in the Village to flash vehicle speeds to drivers in order to discourage speeding in the Village. He said this was done in the past and was very effective.

## **APPROVE MINUTES**

**Minutes 5/12/11 BOT Meeting** – Trustee Klar proposed amending the minutes to include billing rate for Libman & Futterman CPA's and to correct typos.

**Board Action:** Trustee Mael moved to approve the 5/12/11 BOT meeting minutes including Trustee Klar's amendments. Trustee Fragin seconded. All in favor.

### **Minutes 8/9/11 BOT Meeting**

**Board Action:** Trustee Mael moved to approve the 8/9/11 BOT meeting minutes. Trustee Fragin seconded. All in favor.

### **Minutes 9/8/11 BOT Meeting –**

**Board Action:** Trustee Fragin moved to approve the 9/8/11 BOT meeting minutes. Trustee Mael seconded. All in favor.

**Minutes 9/12/11 BOT Meeting** – Trustee Mael moved to approve the 9/12/11 BOT meeting minutes. Trustee Mael circulated suggested edits to these minutes before the meeting. Mayor Oliner read these changes line for line at the meeting as follows.

“Trustee Mael inquired why all of the outstanding invoices for Cameron Engineering were not in the package of bills to be paid and reviewed. Mr. Farber said that the full folder with all the information was sitting on his desk with all the back up information that was requested from Cameron. Trustee Mael asked Mr. Farber to bring in to the meeting all of the files to review. Trustee Mael had been told by both Mr. Cameron and Mr. Smollett that Mayor Oliner was not prepared to release any funds to

Cameron. Trustee Mael and the other Trustees have been told previously by Mr. Smollett that the Mayor Oliner was waiting for additional back up from Cameron. When Mr. Farber brought in the file Trustees Mael and Klar reviewed each of folders pertaining to each job where Cameron had submitted invoices. They found the files to be complete and containing all necessary information in order to pay all the outstanding invoices. In fact, they were quite dismayed to find that many of the invoices were over 1,2 and even 3 years past due. In addition, they could not believe that there was a letter in the file addressed to the Mayor and the Board of Trustees dated June 21, 2011 from Mr. Cameron asking why his bills were not being paid after 28 years of service to the Village. It described in great detail all of the attempts he had made with the Mayor and Mr. Smollett to collect his monies. This letter was never shared with the Trustees.”

The Mayor wanted to listen to the tape of the meeting again because he did not recall the events as Trustee Mael reported them. Trustee Mael pointed out that the portion of the meeting being questioned by the Mayor was not recorded..

**Board Action:** Trustee Klar moved to table the 9/12/11 minutes, to be placed on the agenda for next BOT meeting so that additional review and comments could be made. Trustee Fragin seconded. All in favor.

#### **Minutes 9/27/11 BOT Meeting**

**Board Action:** Trustee Mael moved to approve the 9/27/11 BOT meeting minutes. Trustee Klar seconded. All in favor.

**Minutes 10/6/11 BOT Meeting** – Trustee Klar proposed several corrections: 1) In Item 5 indicate “2012” for year of trucks being purchased and include name of vendor Halston Chevrolet; 2) include the following verbiage in the section relating to Mr. Farber’s appointment, “Mr. Farber may participate in the Village’s health, dental and vision plans and will be required to contribute 25% of the premium cost of any plan in which he chooses to elect coverage.”

**Board Action:** Trustee Klar moved to approve the 10/6/11 BOT meeting minutes including the proposed corrections. Trustee Fragin seconded. All in favor except for Trustee Mael who abstained since he was absent from the 10/6/11 BOT meeting.

### **NEW BUSINESS**

**Item 1 – Approval of abstracts** – Tabled

**Item 2 - Authorize NYS EFC drawdown request # 1 (\$ 2,984,752.83) and #2 (\$1,493,736.71) from NC DPW** – Discussion ensued regarding consideration of advisability to possibly renegotiate some of the points of the IMA Amendment. Discussion also ensued regarding details of the timing of the EFC financing drawdown and payback schedules.

Mayor Oliner queried Village Attorney, Tom Levin, regarding the EFC’s timing requirement for the drawdown. Mr. Levin said he had spoken with the EFC when the next regular Board meeting was scheduled for November 10, and EFC had advised it could wait for the Board to authorize the drawdown at the November 10 meeting.

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Trustees questioned the Mayor why he had not brought his issues to the attention of the other Trustees prior to the meeting so that they may study and research these issues. It was also pointed out that there were several e-mails written to the Mayor for weeks prior to the meeting asking him to explain in writing his concerns. There was no explanation offered by the Mayor on either of these issues. It was also pointed out the Mayor that the agreements had been signed over 1 year prior to the meeting and the Trustees wanted to know why the Mayor waited until that point in time to raise issues that could have been raised many months ago or even prior to execution of the agreements.

Also discussed was the need to apply to the Planning Board to effect the subdivision of the Pump Station Lot pursuant to the IMA Agreement.

Trustee Klar moved to authorize the Village Attorney to submit an application to the Planning Board for subdivision of the Pump Station Lot pursuant to the IMA agreement, together with any maps necessary for the application. Trustee Mael seconded.

Mayor Oliner queried Village Attorney Levin as to whether the BOT has the authority to act as Planning Board. Mr. Levin responded that the BOT relinquished that authority when it created a Planning Board, but that the BOT would be the Planning Board if the Village had no separate Planning Board.

Discussion ensued regarding the need for the Planning Board to retain counsel to handle all of the legal issues involved with a subdivision. Trustee Klar recommended appointing Mr. Levin as attorney to the Planning Board in light of his knowledge of this specific matter, as well as his experience acting in such capacity with other Planning Boards.

**Board Action:** Mayor Oliner appointed Mr. Levin as counsel to the Village Planning Board with compensation to be paid at the same rate as his compensation as Village Attorney, and moved approval of the appointment. Trustee Fragin seconded. All in favor.

**Board Action:** Trustee Klar reiterated his motion to submit an application to the Planning Board to subdivide the Pump Station Lot in accordance with the IMA agreement and to authorize engaging professionals needed to prepare surveys and maps and to request waiver of the filing fee. He further moved that the process should commence on November 2, 2011. Trustee Fragin seconded. Mayor Oliner added that Mr. Levin be authorized to take any necessary action to effect the transaction as soon as possible in conformity with the IMA Amendment #1 between the Village of Lawrence and Nassau County. Trustee Klar accepted this addition to his motion. All in favor.

Trustee Klar requested from Administrator Smollett that he provide him with a copy of the annual statement provided to Nassau County as per the IMA.

Mayor Oliner requested that Mr. Levin read the IMA Amendment #1 and all related documents and to inform the Village Administrator of all filing requirements

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necessary to ensure compliance with the Agreements and that all filings be submitted on a timely basis.

Mayor Oliner further requested that Mr. Levin review all requirements and possible defaults under the Agreements, particularly relating to the DEC and also review the payment schedule under the EFC and when such payments are due in order to go ahead with the drawdown by November 10, 2011. Additionally, IMA Amendment #1 should be reviewed to determine advisability of possibly restructuring provisions as might be desirable by the Village. He also opined that, the Village needs to ensure that before commencing with the subdivision, it is clear that there are no other issues that might stand in the way of consummating the Agreements and that the Village will in fact be able to transfer control of the sewer plant to the County by January 1, 2012.

**Board Action:** - Trustee Klar moved to submit the drawdown requests to the EFC for drawdown of funds pursuant to Nassau County's initial two requests on November 9, 2011 unless the Board acts otherwise prior to that time. Trustee Fragin seconded. All in favor except for Mayor Oliner who abstained. He explained that he is uncomfortable voting in favor prior to Mr. Levin's review of all of the documentation.

**Item 3 – Approve P/T parking meter attendant, Theresa Vota at \$11.50/hr.**

**Board Action** – Trustee Fragin moved to approve hiring a part time parking meter attendant at \$11.50/hr. Mayor Oliner seconded. All in favor.

Mayor Oliner appointed Theresa Vota as part time parking meter attendant at the rate of \$11.50/ hr., not to exceed 19.5 hours per week, and moved approval of the appointment. All in favor.

**Item 4 – Approve Public Bid for William Street Construction**

Trustee Mael moved to accept the bid from Drexler at a cost of \$32,000 to undertake the project and perform the work up until the end of the parking lot. Trustee Klar seconded.

Mayor Oliner handed out a memo he had prepared outlining his position on the William Street project. He instructed that the memo be incorporated into the minutes of the meeting. (Attached hereto as Exhibit A.) Discussion ensued as to the late submission of the memo and why the Mayor did not share it's contents in advance. Additional discussion ensued regarding the project.

Trustee Klar called for a vote on the motion and said that if the Mayor has additional relevant information relating to the project he can bring it to the attention of the BOT.

**Board Action:** - Vote recorded as follows:

Mayor Oliner –	Nay
Trustee Felder –	Nay
Trustee Fragin –	Aye
Trustee Klar –	Aye

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Trustee Mael - Aye

The Mayor stated that irrelevant of the vote, the matter is not over. He suggested that he may use his powers to not allow the project to move forward based on safety issues.

**Item 5 - Approve Security Surveillance Camera Bid for LY&CC - Sentry Communications & Security \$ 5,900.00**

Administrator Smollett outlined three proposals that had been received for the project and said that the bid from Sentry was the low proposal. Additionally, Sentry had already installed cameras at the Marina.

**Board Action:** - Trustee Fragin moved to approve accepting the proposal from Sentry Communications & Security. Trustee Klar seconded. All in favor.

**Item 6 – 2012 Marina Rates**

**Board Action** – Trustee Klar moved to approve the new Marine rate structure. Mayor Oliner seconded. All in favor.

**Item 7 – Catering Hall Refund Request**

Eric Stern presented his request for a refund of catering hall deposit. Trustee Klar recommended tabling this item until the next BOT meeting to allow him to research the matter with the catering hall office.

Trustee Mael said that although he believes that the Board should strictly adhere to the rules in the guidelines, he had trouble enforcing the rule when the Mayor himself and his family do not follow the rules and guidelines..

– Item tabled until next scheduled BOT meeting.

**Item 8 – Golf Course Winter Plans**

This item was tabled to be discussed in executive session.

**Item 9 – Village Code Review Committee**

Trustee Fragin recommended forming a seven member committee to review the Village Code over a period of four months and report to the BOT with recommended updates and changes to the Code, as needed. Trustee Fragin proposed that the seven Committee members consist of the following: 1) Chairman of the Zoning Board; 2) a member of the Zoning Board; 3) Chairman of the Board of Building Design; 4) a member of the Board of Building Design; 5) Chairman of the Planning Board; 6) a member of the Planning Board; 7) a member of the BOT. Trustee Fragin also proposed that Mr. Pantelis serve as Counsel to the committee and Mike Ryder serve as Secretary. He further recommended that in light of the labor intensive nature and timing of the review, a per-meeting stipend be awarded to the members of the committee.

Mayor Oliner said the tradition of the Village has always been that Board members have served as volunteers without any form of compensation.

Trustee Fragin noted that this is a special project demanding a great amount of time and effort and it may warrant remuneration. He also noted that Cedarhurst and other jurisdictions provide stipends for Board service.

Trustee Felder said that while the Village, traditionally, has not paid for Board service, over the past several years the time requirements for Board service has increased greatly and the policy should be revisited.

Discussion ensued regarding appointment to the Committee of the three members from the respective Boards and one trustee from the BOT. It was decided that the specific appointments would left to Mayor Oliner's discretion.

**Board Action:** - Trustee Fragin moved to approve forming a Village Code Review Committee consisting of membership make-up as per his recommendation with the specific trustee and Board members to be appointed by the Mayor at his discretion. The issue of stipends will be revisited at a later date, if deemed necessary. Trustee Klar seconded. All in favor.

#### **Item 10 – Mezza abatement of October license fee**

**Board Action:** - Trustee Klar moved to abate Mezza's license fee for the month of October 2011 due to the shutdown of the facility for the month as a result of a fire. Mayor Oliner seconded. All in favor.

### **OLD BUSINESS**

#### **1. Engineering Report – 260 Central Avenue Project**

Mayor Oliner said that the building department is monitoring the project to ensure that it conforms to Village building codes.

**2. FEMA Update –** Administrator Smollett reported that he had met on October 31, 2011 with FEMA officials and a member from the NYS Office of Emergency Management for a kickoff meeting on how to categorize losses from Hurricane Irene in conformity with their guidelines. He said that FEMA will be forming a field team within the next several weeks to assist in filing for reimbursements.

**3. Audit Update –** Administrator Smollett reported that the auditors will be returning during the week of November 7<sup>th</sup> to continue their audit.

**4. Country Club Fire Insurance Update –** Administrator Smollett said that the insurance adjuster is reviewing all claims for losses and that the Village has submitted, as of November 1, a voucher claim to the insurance company for \$40,000. Trustee Klar requested that the administration forward to the BOT a financial schedule relating to losses from the fire.

### **ADDITIONAL GOOD & WELFARE**

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A resident queried regarding the status of the RFP for a kosher caterer at the country club. Mr. Levin advised the Board that he had circulated a draft RFP to the BOT and is awaiting comments and clarifications on several outstanding issues. Trustee Klar requested that Mr. Levin re-circulate the draft RFP.

Trustee Fragin noted that a number of appointments need to be made for various Board positions. Mayor Oliner said the matter will be discussed in Executive session.

Trustee Fragin advised the public that the BOT will reconvene to Public Session after conclusion of Executive Session.

**Board Action:** Trustee Klar moved to adjourn to Executive Session to discuss matters relating to appointment of one or more persons, and collective bargaining issues. Mayor Oliner seconded. All in favor.

The Board convened in executive session, and returned to public session.

Meeting adjourned at 11:45pm.

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

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David E. Smollett, Administrator,  
Clerk/ Treasurer



**Exhibit A – page 1 of 2**

From: Marty Oliner  
To: File

I have reviewed the Cameron Engineering Report on William Street. Based on that, there are unanswered questions and some troubling conclusions that lead me to believe, at the least, that nothing should be done at the site until we receive better information, and at the worst, that there are elements of the proposal that may create immediate legal and liability issues if pursued. The Village should consider the potential impact of these report conclusions before adopting recommendations contained therein. I have seen no other materials or supporting documentation that address these issues; if those exist and address the issues below, then I would reconsider these concerns.

1. There are some issues regarding the data collected and used for the study:
  - a. The conclusions developed for the report were based on turning movement counts that were from various peak hours. For instance, the June 2010 counts had the AM, midday, and PM peak hours. However, the July 2010 counts had the PM peak hour only and the October 2010 counts had the AM and PM peak hours. The time periods throughout the day also varied between the counts to further put into question the validity of the before and after study.
  - b. Since there is normal variation in turning counts from day to day, typically Automatic Traffic Recorder (ATR) counts are conducted at several key locations in the study area, concurrent with the personally counted turning movements, to cover a week long period to both identify the actual peak hours and to identify any day to day fluctuations in traffic.
  - c. The turning movement counts were not continuous counts but were "sample" counts taken for only part of the count period and expanded to represent the entire period.
  - d. The June 2010 counts were conducted on a Friday and Monday, the July 2010 counts were conducted on a Monday, and the October counts were conducted on a Friday. These are not typical mid-week days (Tuesday through Thursday) when turning movement counts are normally collected.
  - e. There was no pedestrian data collected or analyzed as part of the study. This is an issue considering the high elderly and young child populations in the area.
  - f. Summer months are generally not used for traffic counts.
2. The proposed two-way traffic flow on William Street as proposed by has the following potential issues:
  - a. William Street between the municipal lot and Central Avenue is only approximately 18.3 feet wide.
  - b. A widening of William Street as shown on the plan prepared by the Village results in one sidewalk being narrower than five feet which is the minimum allowed by the Americans with Disabilities Act (ADA). In addition, the east side sidewalk in the vicinity of the bollards across from the parking lot exit, would likely be less than two feet wide. This would preclude use by even ambulatory pedestrians, forcing all to walk in an active, narrow roadway. The presence of elderly residents in the immediate area makes this a critical issue.
  - c. The combination of turns between William Street and Central Avenue (southbound right, eastbound left, and westbound right) should be tested using a turning template for cars to determine if any of the turning vehicles would have to cross the center line to complete a turn.

**Exhibit A – page 2 of 2**

- d. The traffic volumes counted on southbound William Street in June 2010 (when William operated as two-way north of the municipal lot and one-way southbound south of the lot) as presented in the report did not break out southbound left turn and right turns on to Central Avenue. It is also unclear if southbound left turns were permitted during this trial period. If southbound left turns were permitted during this period, the number of southbound right turns would be reduced thereby reducing the benefit of the proposed plan (which precludes southbound left turn movements). Knowing these facts would be important before rendering a position on the direction of traffic flow on William Street.
- e. The recommendation to eliminate parking spaces on the northeast corner of Central Avenue and William Street to improve sight distance for southbound turning vehicles at William Street (even if it is right turn only) is appropriate. However, the removal of two or more parking spaces (report stated that the prohibition of parking could be as long as 200 feet) may be viewed negatively by the retail owners proximate to this intersection. They would need to be informed.
- f. Trucks should be prohibited from traveling on William Street due to the narrow roadbed in a two-way configuration.
- g. With varying sidewalk and roadway widths in the study area, why were precise drawings not made, and recommendations measured against them?
- h. There is a dogleg in William Street. Why was its impact on two-way traffic not addressed? Can two vehicles safely pass here?
- i. The combination of narrow roadways and narrow sidewalks bordered by solid masonry walls allows for no pedestrian refuge from errant vehicles.