

The regular meeting of the Board of Trustees was held on Thursday, October 18, 2012 at Lawrence Village Hall, 196 Central Avenue, Lawrence New York 11559.

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

Also present were: David E. Smollett, Administrator
Abraham Farber, Deputy Treasurer
Alison Cohen, Secretary to the BOT

Absent was: A. Thomas Levin, Village Attorney

Mayor Oliner opened the public work session at 7:25 pm. No Board actions were taken during the work session.

The Mayor convened the regular meeting at 8:15 PM.

GOOD & WELFARE

1. Mayor Oliner recognized Vinnie Biondo, Lawrence Yacht & Country Club golf starter, for his extraordinary heroic actions in helping save a member's life using the Club's defibrillator.

2. Mayor Oliner extended congratulations to 2nd Deputy Chief Anthony Rivelli of the Lawrence-Cedarhurst Fire Department for being honored at the Town of Hempstead's 2012 Firematic Award Ceremony for his outstanding service to the community.

3. Mayor Oliner announced that through the efforts of Senator Skelos the Village was awarded a \$150,000 roadwork (LOPAC) grant from the State.

There being no further matters of Good and Welfare, Mayor Oliner moved on to the formal agenda and addressed the agenda items in the order appearing below.

NEW BUSINESS

Item 1 (Agenda Item 7) – Continuation of Public Hearing for Lawrence Cedarhurst Fire Department (LCFD) Fire Protection Contract

Mayor Oliner announced the continuation of the public hearing for the LCFD Fire Protection Contract and opened the floor to comments from the public. Commissioner Ed Koehler questioned the \$30,000 building permit fee for the renovation project. Mayor Oliner explained that the permit fee was the standard fee charged for building projects in the Village and that the complexity of the project would result in considerable expense for the Village to have its building department personnel review and monitor

the plans and the ongoing project. Furthermore, since the Village of Cedarhurst shares the services of the LCFD with Lawrence, it is unreasonable to expect Lawrence to solely bear the costs associated with the permit. There were no other public comments.

Board Action: Mayor Oliner moved to close the public hearing. Trustee Fragin seconded. All in favor.

Board Action: Mayor Oliner moved to approve the following resolution pertaining to the fire protection services agreement:

RESOLVED, that the Mayor is authorized to negotiate and finalize an agreement with the Lawrence-Cedarhurst Fire Department, Inc. and Lawrence-Cedarhurst Volunteer and Exempt Firemens' Benevolent Association, Inc. for fire protection services to the Village for the period June 1, 2011 through May 31, 2016 in form approved by the Village Attorney and substantially in accord with the proposed agreement with respect to which the Board of Trustees has held a public hearing as required by law.

Trustee Fragin seconded. Administrator David Smollett took a roll call and the vote was as follows:

Trustee Fragin – Aye
Trustee Mael – Aye
Trustee Langer – Aye
Deputy Mayor Felder – Aye
Mayor Oliner – Aye

Board Action: With regard to the construction and financing agreement resolution Mayor Oliner moved to approve the following:

RESOLVED, that the Mayor is authorized to negotiate and finalize an agreement with the Lawrence-Cedarhurst Fire Department, Inc. and Lawrence-Cedarhurst Volunteer and Exempt Firemens' Benevolent Association, Inc. for construction of improvements to the firehouse which are reasonably necessary to assure appropriate fire protection services for the Village and its residents, and for financing of such improvements by the Village of Lawrence in an amount not to exceed \$ 1,074,000.00, on condition that such agreement be in a form approved by the Village Attorney and that such agreement provide for repayment to the Village on an amortizing basis for a term not to exceed 180 months, at an interest rate not less than 6% per annum and not more than 6% per annum, and secured by a second mortgage on the firehouse property owned by Lawrence-Cedarhurst Volunteer and Exempt Firemens' Benevolent Association, Inc.

Trustee Fragin seconded. Administrator David Smollett took a roll call and the vote was as follows:

Trustee Fragin – Aye
Trustee Mael – Aye
Trustee Langer – Aye

Deputy Mayor Felder – Aye
Mayor Oliner – Aye

Board Action: With regard to the local law pertaining to authorizing the Village to receive a mortgage, Mayor Oliner moved to approve the following resolution:

RESOLVED, that the Board of Trustees shall hold a public hearing on November 15, 2012, at 8 pm, with respect to proposed legislation designated L1205, and entitled “A local law to grant the Board of Trustees of the Village of Lawrence authority to provide financing to, and receive a mortgage as security for funds to be paid by, the Lawrence-Cedarhurst Fire Department Inc. and/or Lawrence-Cedarhurst Volunteer and Exempt Firemens’ Benevolent Association, Inc. for the purposes of improving and reconstructing its firehouse.”

Trustee Langer seconded. All in favor.

Item 2 (Agenda Item 9) – Public Hearing to adopt Local Law L1204A amending the Code in relation to maintenance of Village Residents’ Premises

Administrator Smollett presented Local Law 1204A (Exhibit A annexed). Discussion ensued regarding details of the law.

Board Action: Mayor Oliner moved to open the public hearing. Trustee Langer seconded. All in favor.

Board Action: Mayor Oliner moved to continue the public hearing at the BOT meeting on November 15, 2012 at 8pm, in order to address/review further comments. Trustee Langer seconded. All in favor.

Item 3 (Agenda Item 10) – Public Hearing – Community ascertainment hearing with respect to proposed renewal of a cable television franchise agreement with CSC Acquisition – MA, Inc. (Cablevision)

Board Action: Mayor Oliner moved to open the public hearing. Trustee Langer seconded. All in favor.

Jeff Clark, Director of Government Affairs for Cablevision, Long Island, spoke about the franchise agreement.

Trustee Fragin inquired about the possibility of broadcasting Board of Trustee meetings on public access channels. Mr. Clark said this can be done.

The franchise expired on October 8, 2012; services have continued uninterrupted in the interim and will continue until an agreement is reached.

Board Action: Mayor Oliner moved to continue the hearing at the BOT meeting on November 15, 2012 at 8pm. Trustee Langer seconded. All in favor.

Item 4 (Agenda Item 3) – Approve Revised Amendment of New Local Law L1203A to amend the Code of the Village of Lawrence, in relation to excessive noise or disturbance from construction

Administrator Smollett read the revised Amendment of New Local Law L1203A out loud.

Board Action: Mayor Oliner moved to approve the original Amendment of New Local Law L1203 (Exhibit B annexed), not L1203A, to amend the Code of the Village of Lawrence, in relation to excessive noise or disturbance from construction, eliminating the verbiage that included legal holidays. Trustee Langer seconded. All in favor.

Item 5 – Park Commission Recommendation for 2013 Marina Rates

Administrator Smollett presented the proposed 2013 Marina rates, (below) and said that the Park Commission unanimously recommended that the 2013 Marina rates remain the same as the 2012 rates based on the fact that there had been a 10% rate increase from 2011 to 2012 and that a new surcharge for electric usage is currently being considered.

2013 Resident Marina Rates

A4 – A54	\$90.00 Per Foot
B1 – B22	\$107.00 Per Foot
B23 – B35	\$110.00 Per Foot
B36 – B44	\$145.00 Per Foot
B45 – B49	\$102.00 Per Foot
C5 – C21	\$100.00 Per Foot
A55-A60	\$1050.00
A61-A68	\$950.00
JET SKI	\$340.00

2013 Non-Resident Marina Rates

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

Discussion ensued with Jeffrey Lederman, Vice Chairman of the Park Commission, explaining the recommendations, electric usage, winter/off season rates, jet ski rates, vacancy rates, etc. Currently, no separate charge is imposed for winter dockage. Mayor Oliner said this should be considered.

Board Action: Trustee Langer moved to approve the Park Commission's recommended rates for 2013, with the imposition of an additional electric surcharge to be determined. Mayor Oliner seconded. All in favor.

Trustee Mael inquired whether or not the Board would have the opportunity to approve the electric surcharge rates imposed at a later date. Mr. Lederman responded the rates will be available at the next BOT meeting.

Item 6 - APPROVAL OF 9/13/12 BOT MEETING MINUTES

Board Action: Trustee Mael moved to approve the minutes of September 13, 2012 BOT meeting. Mayor Oliner seconded.

Trustee Fragin questioned why the Village requires its meters to be paid from midnight until 8:00 a.m. Administrator Smollett said he would look into this issue.

All in favor except for Trustee Fragin, who abstained.

Item 7 (Agenda Item 1) – Approval of Abstracts

Board Action: Mayor Oliner moved to approve General Fund Abstracts #661 and #662, Recreation Fund Abstracts #70 and #71, Sewer Fund Abstract #57, and Payroll Abstracts #2325, and #2326. Trustee Fragin seconded. All in favor.

Deputy Mayor Felder proposed hiring a utility auditing company to review the accuracy of our utility bills. Administrator Smollett said he will research the companies.

Item 8 (Agenda Item 2) – Approve Kosher Catering Contracts

Administrator Smollett explained that the two Kosher Catering Contracts, for Chap A Nosh Catering and Michael Schick Catering, Inc. were reviewed and finalized by the Village Attorney, Tom Levin.

Board Action: Mayor Oliner moved to approve the Catering by Chap A Nosh and Catering by Michael Schick, Inc. agreements, and authorize the Mayor to sign them for the Village. Trustee Langer seconded. All in favor except for Trustee Mael who abstained.

Item 9 (Agenda Item 4) – Appointments

Board Action: Tabled.

Item 10 (Agenda Item 6) – Catering Hall Refund – Park Commission recommendations

- a. Braun refund request - Park Commission denied the request
- b. Maza refund request - Park Commission denied the request

Board Action: Mayor Oliner said that no Board action was necessary. No further Board action taken.

Item 11 – Authorize Village Administrator to go out for public bids for roadwork on Ocean Avenue and Chauncey Lane

Michael Ryder, Superintendent of Buildings, outlined the work. Mayor Oliner asked Administrator Smollett to coordinate with Mr. Ryder and Mr. Locascio in Senator Dean Skelos' office to request additional grant moneys for the road work. Mayor Oliner also stated the need to seek grants for the proposed pumps for Marbridge Road and Meadow Lane.

Board Action: Mayor Oliner moved to authorize Village Administrator, David Smollett, to go out for public bids for roadwork on Ocean Avenue and Chauncey Lane. Deputy Mayor Felder seconded. All in favor.

Trustee Mael requested a list of roads in need of repair and ratings for priority of repairs. Mike Ryder said he will provide the list. Trustee Mael also advised that all roadwork contracts should include completion dates since, often, projects are initiated and streets are broken up followed by long periods of inactivity by the contractors during which traffic is impeded and the worksite remains in disrepair.

Item 12 – Approve renewal of Village insurance policy

Administrator Smollett gave an overview of the bids and advised that the Village insurance policies had already been renewed through Salerno Insurance Agency due to late receipt of bid documents.

Board Action: Mayor Oliner moved to ratify the renewal of the Village's insurance policies through the Salerno Insurance Agency with our existing carrier. Deputy Mayor Felder seconded. All in favor.

Item 13 – Discussion of Surveillance Cameras

Mayor Oliner discussed break-ins and Village security issues

Board Action: Mayor Oliner moved to authorize Administrator David Smollett (and Michael Ryder) to spend up to \$5,000 to purchase movable surveillance cameras and appropriate equipment. Trustee Langer seconded. All in favor.

OLD BUSINESS

1. Administrator Smollett reported that painting of house numbers on street curbs in front of the homes has been completed.
2. Trustee Mael requested an update on the Post Office parking spots situation. Mayor Oliner requested Administrator Smollett to follow up on this and, if necessary, to involve the LIRR and Senator Skelos' office.
3. Trustee Mael requested an update from Sam Schwartz with regard to the Hollywood Crossing and Barrett Road stop sign, and whether or not they thought it was appropriate. Administrator Smollett reported on his meeting with Harris Schechtman, of Sam Schwartz Engineers, regarding three locations they visited together:
 - a. Hollywood Crossing and Barrett Road - Mr. Schechtman thought this stop sign was appropriate, but should be moved up about 20 feet, and an additional stop sign should be on the other side (facing the other way) on the utility pole, which has been ordered.
 - b. Broadway and Sutton Place
 - c. Route 878 and Central Avenue

Aryeh Lemberger also spent time in the field with Mr. Smollett and Mr. Schechtman. He said that he would have additional data on these locations. Administrator Smollett will distribute the report to the Board of Trustees forthwith, and will follow up to make sure we receive it as soon as possible. Trustee Fragin brought up a traffic issue regarding parking spots near Route 878, which Administrator Smollett will look into.

4. Trustee Mael inquired as to the heavy equipment parked in the fenced section at LY&CC. If these vehicles belong to JMB Construction Company this would be inappropriate and a violation. Discussion ensued. Administrator Smollett and Building Superintendent Michael Ryder were going to take a look at these vehicles after the meeting and monitor the situation. Mr. Ryder believed the vehicles belonged to Reet Construction which is under contract with the Village to repair four streets in the Village.

5. The issue of the cement blocks in the fenced area at LY&CC was discussed as well. Administrator Smollett said he found the original invoices indicating that Village purchased them. The issue is how to dispose of them.

There being no further business, Mayor Oliner moved to convene in Executive Session to discuss matters pertaining to the hiring or firing of one or more particular persons. Deputy Mayor Felder seconded. All in favor.

The Board convened in Executive Session at 11:10 PM.

The Board returned to public session at 11:45 PM. There being no further business, the meeting was adjourned.

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.

David E. Smollett, Administrator,

Clerk/Treasurer

APPENDIX A

L 1204A

A local law to amend the Code of the Village of Lawrence, in relation to maintenance of premises.

Section one. The Code of the Village of Lawrence is hereby amended by adding thereto a new chapter, to be chapter 146, to read as follows:

"Chapter 146. Property Maintenance Requirements.

§ 146-1. Care of property.

A. It shall be unlawful for any owner or occupant of land within the limits of the Village to permit or maintain growth or accumulation of brush, grass, rubbish or noxious or other rank growths, weeds or hedges, garbage, litter, refuse or rubble, which constitutes or creates an unsafe or unhealthy condition. The existence of any of the conditions described in this paragraph shall constitute a nuisance.

B. That portion of the public right-of-way not covered by pavement or a similar surface and located between the portion of the right-of-way used for vehicular traffic and the boundary line of said right-of-way shall be maintained by the owner or occupant of the adjoining property in the same manner as set forth in §146-1(A).

§146-2. Maintenance of fences and structures. It shall be unlawful for the owner or occupant of any lot or parcel of land within the Village to cause or to permit the existence or maintenance of a fence or other structure upon such lot or parcel where the fence or other structure is so structurally unstable as to cause physical danger to persons or to property on or off the premises.

§ 146-3. Notice of Violation; Remediation by Village; Recovery of Costs.

A. Whenever, in the opinion of the Building Inspector a person or property is in violation of any of the requirements or restrictions contained in § § 146-1 or 146-2, the Building Official shall cause a notice to be issued to the owner or occupant of the property as indicated on the then current Village tax roll, or to any person in possession of the property or any part thereof.

B. Such notice shall include the following information, at a minimum:

- (1) inform the person to whom it is addressed that violation(s) of § 146-1 or 146-2 exist on such property;
- (2) describe the condition of the property or the reason or reasons which cause the violation(s) to exist;
- (3) inform such person that if the person disagrees with the conclusion of the Building Inspector as to the existence of any violation, such person may, within seven business days from receipt of the notice, request a hearing before the Village Zoning Board of Appeals;

(4) inform such person that if the person fails to cure the violation(s) within a reasonable period of time as specified in such notice, the Village will either perform such work as may be required to cure such violation(s) or, in the case of an illegal fence or structure, cure the violation(s) or remove the fence or structure. The notice also shall inform such person that in the event of remedial action taken by the Village pursuant to this chapter, all reasonable costs thereof shall be the expense of the owner of the property as indicated on the then current Village tax rolls.

C. Any notice required to be given by the Building Inspector pursuant to this chapter shall be given in writing in the following manner:

- (1) by personal delivery to the person to be served; or
- (2) by personal delivery to a person of suitable age and discretion residing at or occupying the real property which is the subject of the notice; or
- (3) by certified mail, return receipt requested, addressed to the person to be served at the last known dwelling place of the person to be served; or
- (4) by posting the notice in a prominent location at the property which is the subject of the notice and mailing a copy of such notice by first class mail, or any other form of delivery using the United States Postal Service, addressed to the person to be served at the last known dwelling place of such person.

§ 146-4. Compliance with Notice. Unless a different period of time is specified in a notice served pursuant to this chapter, the person served with a notice of violation pursuant to this chapter shall be permitted five days from such service to eliminate and fully remediate the violation described in the notice.

A. Action upon noncompliance. Upon the failure, neglect or refusal of any person so notified to properly cure the violation within the time required by this chapter, the Village is authorized and empowered to take such action as may reasonably be necessary to remove the nuisance specified in the notice, and dispose of any growth or material so removed.

B. Charge included in tax bill. When the Village has effected the cure or remediation of the violation as provided in this chapter, the actual cost thereof, plus accrued interest at the rate of 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Village, and said charge shall be due and payable by said owner at the time of payment of such bill.

C. Filed statement constitutes lien. The Building Inspector shall cause to be filed in the office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property, by section, block and lot, on which said work was done, and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Thereafter, a

notice shall be sent to the owner, as appears on the tax records maintained by the Village, demanding payment within 20 days after receipt of notice. If payment is not received, then said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of 6% in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement, and that the same is due and collectible as provided by law.

§ 146-5. Additional penalties. It shall be a violation of this chapter for any person being the owner or occupant of real property in the Village, or the agent of any such person, to do or fail to do any act in violation of any provision of this chapter, or to cause, permit or maintain any nuisance on such property. Any person convicted of a violation of this chapter shall, upon conviction, be subject to penalty as otherwise provided in this Code for a violation."

Section two. Any local law, ordinance, or resolution of the Village of Lawrence in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

EXHIBIT B

L 1203

A local law to amend the Code of the Village of Lawrence, in relation to excessive noise or disturbance.

Section one. Section 144-5(B) of the Code of the Village of Lawrence is hereby amended, to read as follows:

“B. Any and all construction, whether with or without a building permit, occurring both inside or outside a building or structure, including excavation, demolition, alteration or repair of any building, shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday and Sunday. Notwithstanding the foregoing, no construction, including excavation, demolition, alteration or repair of any building or structure, and whether with or without a building permit, may be conducted outside any building or structure, or inside any building or structure in such manner as to emit noise audible at the property line, on Saturday or Sunday.”

Section two. If any part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, chapter, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section three. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.