

Inc. Village of Lawrence, September 8, 2011

The regular meeting of the Board of Trustees was held on Thursday, September 8, 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 Edward I. Klar
Trustee Michael A. Fragin
Trustee C. Simon Felder

Also present were: David E. Smollett, Administrator
Abraham Farber

Mayor Oliner opened the meeting at 8:00 pm. Trustee Klar arrived at 8:55pm

GOOD & WELFARE

Mayor Oliner opened the meeting with a call to attendees to bring up matters of Good and Welfare.

1. Adam Mirzoeff of 26 Rosalind Place discussed hazard of making turns from Rosalind onto Central Ave as cars parked on corner of Central and Rosalind obstruct view of oncoming cars along Central Ave resulting in numerous accidents. Mr. Mirzoeff proposed eliminating two parking spots each on Southwest and Southeast corners of Central Ave adjacent to Rosalind in order to allow for greater visibility of oncoming traffic.

Mayor Oliner responded that the matter will be taken under advisement over the next few weeks.

Trustee Felder reiterated the problem based on his own experience driving there and also recommended consideration of removing one or two parking spots

2. Jackie Handel advised that the Robo-calls she received from Village Hall during Hurricane Irene were not audible. She only heard "buzzing." Mayor Oliner instructed Abe Farber to bring this matter to the attention of Gerry Castro.

3. Joseph Fine commented on the potential danger presented by large events hosted by village residents at their homes which result in many cars parking in the vicinity of the host home which may obstruct access to emergency service vehicles in the event of an emergency. The situation also may prevent other local residents from gaining ingress or egress on their respective streets. Mr. Fine proposed that for any event where it is anticipated that more than fifty cars will come into the area for the event, the host should be required to register with the Village and receive a permit in advance of the event and the Village should post No-Parking signs on one side of the street for the duration of the

event in order to ensure that the streets will remain passable during the event. Also, perhaps a fee should be imposed to defray the cost to the Village of posting the signs and enforcing the parking regulation.

Mayor Oliner instructed Mike Ryder (Village Building Department) to investigate whether anything like this requirement exists in other jurisdictions and to report back to the Board for further discussion and possibly setting a hearing date to adopt same.

4. Issue of golf balls from golf course landing on Harrison Street properties. Mr. Nelson Shmuckler of Harrison Street raised the issue of golf balls from golf course landing on his and other properties. Although fencing was erected to protect the cars parked along the course, he claimed that this has not cured the problem. He reported that the golf balls pose a hazard and in fact his wife was struck directly by a golf ball. Also a golf ball flew into the window of his home. Mr. Shmuckler reported that Leo McMahon, General Manager of the golf course, advised him that the golfer was told to contact him but he received no response. Mr. Shmuckler advised that he consulted with Mr. Henney, manager of the Seawane club who told him that they put up high netting to cure the problem. Mr. Shmuckler proposed that the golf course put up netting as well. Trustee Mael advised that the golf architect will be instructed to review this issue and report to the Board. Mayor Oliner advised that Leo McMahon and David Smollett will also look into the issue and will contact the parks commission to examine the problem. A resident of 122 Harrison Street objected to the netting. He said residents must accept the risks of living along a golf course.

5. Trustee Felder advised that he had requested a police officer to be present at the meeting to report on recent criminal activity in the village. However the officer did not show up. Trustee Felder emphasized to those present that the board is aware of criminal activity in the village and is working diligently with the police to combat this problem.

Mayor Oliner outlined a plan to place surveillance cameras at 5 or 6 key locations in the village to monitor all vehicles going into the village. Mayor Oliner instructed Mike Ryder, head of the building department to have Gerry Castro research the options and report back to the board. Trustee Felder commented that it is important to advise village residents not to leave valuables in their cars. Trustee Fragin added most thefts are committed against unlocked cars as per police reports.

Trustee Klar arrived at 8:55 pm.

6. William Street issue: Anne Wertheim, a resident of the plaza protested against the proposed traffic pattern along William Street. She said the street is too narrow to accommodate two-way traffic. She also said the new traffic pattern would prove hazardous to cars pulling out of the driveway of the plaza onto William Street. Mayor Oliner concurred with her opinion and advised that both he and Trustee Felder are in agreement with her position. Trustee Fragin said that the item is not on the agenda for a vote. He noted that the issue had already been voted upon and that, at that time

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Mayor Oliner did not vote against the proposed changes. Mayor Oliner said that he had voted against the change.

Trustee Fragin moved to enter into Executive Session to discuss issues leading to the hiring, firing, or discipline of one or more employees Trustee Mael seconded. Vote followed:

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

Before, leaving into executive session, Mayor Oliner proposed entertaining a motion to re-vote on the William Street issue. This vote did not take place.

Board convened in executive session at 9:18PM

The Board returned to public session at 9:50 PM.

Mayor Oliner moved to overturn the previous resolution regarding changes to William Street. Trustee Felder seconded. Mayor Oliner called for a vote:

Mayor Oliner – Aye
Trustee Felder – Aye
Trustee Fragin – Abstained,
Trustee Mael – Abstained
Trustee Klar – Abstained

Administrator Smollett advised that the motion failed since it did not garner 3 affirmative votes in favor.

Trustee Fragin moved to adjourn the meeting. Trustee Mael seconded. No vote was taken.

NEW BUSINESS

Item 1 – Approve Abstracts – Tabled

Item 2 – New Hire – Tabled

Item 3 – Appointments - Tabled

Item 4 – Lawrence Association Room Rental-Fee Waiver request through June 2012

Trustee Klar moved to approve the request by the Lawrence Association to waive the room rental fees for their monthly meetings through June 2012. Mayor Oliner seconded. Motion passed unanimously.

Item 5 - NCJW Thrift Shop 346 Central Avenue, Petition to hang pole banner sign in front of the store

Miss Telleus of the NCJW Thrift Shop on Central Avenue requested permission to hang a banner from a pole in front of the store.

Board action: Trustee Fragin moved to approve the banner on the pole in front of the store for a time period through June 2012, subject to the NCJW naming the Village as an additional insured on their General Liability policy and provide the Village with a policy endorsement. Mayor Oliner seconded. Motion passed unanimously.

Item 6 - Hurricane Update

Mayor Oliner thanked Administrator Smollett the Trustees and other members of the Village administration and staff for their efforts during Hurricane Irene. He also thanked community emergency services personnel, politicians, local clergy and utility company personnel.

Item 7 –Storm Drain prevention and improvements

Mike Ryder reported on progress regarding installation of a tidal gate at golf course to prevent flooding at high tide. Installation to be completed by mid-September 2011. Additional discussion ensued regarding other possible measures homeowners can implement to minimize sewer backups, including installation of check valves. Also discussed was possibility of enacting new Village codes to require homeowners in flood prone areas to install dry wells to reduce drainage into public sewer systems. Village Administrator Smollett advised that we had received an extension on our grant

Trustee Mael asked Mike Ryder whether check valves on piping surrounding the golf course should be inspected on a periodic basis. Mike Ryder said he would look into the matter.

Item 8 – BOT Meeting Dates for 2011-2012

Trustee Mael moved to table this item. Trustee Fragin seconded. It was then noted that the schedule had already been posted on the Village website.

Board action: Mayor Oliner moved to approve the schedule. Trustee Klar seconded. Motion passed unanimously.

Item 9 – Resolution to Amend LOSAP

Village Attorney Tom Levin explained the amendment which would remove the cap on the number of service years, currently capped at 40 years, for which firefighters are eligible to receive LOSAP payments. This issue will be subject to a referendum to be conducted by the Fire Department but must first be approved by the BOT.

Board action: Mayor Oliner moved the following resolution which was seconded by Trustee Klar and passed unanimously:

WHEREAS, pursuant to L. 1995, c. 501 and L. 2002, c. 190, the Lawrence-Cedarhurst Fire Department, Inc. ("LCFD") heretofore has adopted a "Service Award Program" for its volunteer members; and

WHEREAS, in accordance with said laws, such "Service Award Program" was approved by the governing boards of the political subdivisions which contract with LCFD for fire protection services, and by the qualified electors of such subdivisions after public referendum; and

WHEREAS, LCFD has duly adopted a resolution to authorize amendments to the "Service Award Program" for its volunteer members, and authorize a public referendum with respect thereto, to allow any member who reached entitlement age under the Service Award Program and who continues thereafter to participate as an active firefighter to be receive Service Award Program benefits for each year after his or her entitlement age in which the firefighter earned fifty points under such Service Award Program, and to pay said benefit as a lump sum to the eligible firefighter, and

WHEREAS, such plan amendment may not be effective unless it is approved by the affirmative vote of at least sixty (60%), percent of the governing board of each of the political subdivisions which contract with LCFD, and unless it also is approved by the majority of the qualified electors voting at a referendum with respect to such amendments to the "Service Award Program"; and

WHEREAS, the Incorporated Village of Lawrence ("Village") receives its fire protection services pursuant to contract with LCFD; and

WHEREAS, LCFD has provided the Village with various materials and information in explanation and support of a proposed amendment to the "Service Award Program" to allow any member who reached entitlement age under the Service Award Program, and who continues to participate as a active firefighter thereafter, to be paid Service Award Program benefits for each year after his or her entitlement age in which the firefighter earned fifty points under such Service Award Program, paying said benefit as a lump sum to the eligible firefighter; and

WHEREAS, the Village Board of Trustees has concluded that an amendment to the "Service Award Program" as proposed by LCFD is in the best interests of the Village and its residents and property owners; and

WHEREAS, pursuant to applicable provisions of law, such amendment requires the approval of the governing bodies of the other political subdivisions which contract with LCFD for fire protection services, and approval from the qualified electors of the Village and such subdivisions at a referendum, before such amendment may take effect;

NOW, THEREFORE, BE IT

RESOLVED, the Village hereby approves the proposed amendment to the Service Award Program; and it is further

RESOLVED, that on condition that LCFD first obtain the required approval of the governing bodies of all other political subdivisions which contract with LCFD to provide fire protection services, LCFD hereby is authorized on behalf of the Village to conduct a mandatory public referendum to amend the "Service Award Program" to allow any member who reaches entitlement age under LCFD's Service Award Program, and who continues thereafter to participate as an active firefighter, to be paid or accrue Service Award Program benefits for each year after his or her entitlement age in which the firefighter earned fifty points under LCFD's Service Award Program, such benefit to be paid as a lump sum to the eligible firefighter, all in accordance with the resolution of LCFD and the further requirements of New York L. 1995, c. 501, and L. 2002, c. 190.

Item 10 – Ratification of Joe Ciaravolo settlement agreement

Board action: Trustee Klar moved to ratify the agreement as proposed by Labor Counsel. Trustee Fragin seconded. Motion passed unanimously.

Item 11 – Retention of Retiree Sal Castro

Tabled

Item 12 – Appreciation event for Hurricane assistance

The Mayor outlined the idea for an event consisting of 9 holes of golf and a dinner to follow to be held on 10/4/11 at the LYCC. However, there was no estimate of how many attendees would participate and no cost provided so the item was not ready to be voted upon.

Item 13 – Central Avenue and Rosalind Place traffic concerns

Previously discussed in Good and Welfare #1. No further action taken at this time.

Item 14 – Purchase of 2 trucks for Village

Issue was tabled pending BOT receiving additional information about the trucks.

OLD BUSINESS

1. Causeway sidewalk extension update

Board action: Trustee Klar moved to leave Causeway as is. Mayor Oliner seconded. Vote taken as follows:

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

Motion passed.

2. William Street update – Mike Ryder reported on 2 bids received to widen the street. Stasi bid was \$28,000, Drexler bid was for \$32,718. Tri-State did not return a bid. Mayor Oliner said he would review the possibility of having the Village perform the work directly.

Mayor Oliner discussed possibility of placing cameras opposite “Mrs. Feuer’s” and opposite William Street. Village Attorney Tom Levin advised that the Village cannot issue summonses for moving violations based on cameras without State enabling legislation. The Village can send letters to vehicle owners advising that the camera indicated that a traffic law had been violated.

Trustee Mael described problems with the length of time roadwork contractors in the Village are taking from the time they rip up roads until completion of the projects. He requested that future RFP’s should specify time frames for completion of the projects.

3. Five Towns Community Chest 5K run – Mr. Spiro of Five Towns Community Chest submitted a proposed route for a 5K run on October 4th. After some discussion, Mayor Oliner instructed Mr. Spiro to re-submit an alternate route.

Mayor Oliner tabled the following “Old Business” items to executive session.

- #6 – DEC Order of Consent update
- #19 – Mezza Contract update
- #20 – Kosher Caterer RFP
- #21 – CSEA Union CBA update

ADDITIONAL GOOD & WELFARE

Mayor Oliner asked whether there were any additional matters of Good & Welfare to be discussed.

Lester Henner, alternate member of the Zoning Board, raised an issue regarding the process of how the Chairman of the Zoning Board decides on whether, and which, alternate members are invited to attend zoning board meetings in the event that a regular member is going to be absent.

Trustee Fragin said that the Village code is very clear that the ZBA Chairman has sole discretion with regard to the seating of alternates

After some discussion, Trustee Klar asked Administrator Smollett to speak to the attorney for the zoning board to find out the law on this matter.

Trustee Fragin moved to adjourn to executive session to discuss personnel and litigation matters. Mayor Oliner seconded. All in favor.

The Board convened in executive session.

The Board discussed the pending litigation with Mezza on the Green, Inc. The Village Attorney was advised as to the Board's position for the purposes of the September 9, 2011 court conference. In light of the court decision denying the licensee's motion to enjoin the Village from terminating the license agreement, and the previous notice of default and failure of the licensee to cure the default, it was unanimously agreed to give the licensee notice that the license agreement was terminated.

The Board discussed matters leading to the hiring, firing or discipline of one or more persons. Trustee Mael moved that the compensation of a key employee be reduced substantially effective immediately, and the motion was seconded by Trustee Fragin. Mayor Oliner stated that he would oppose the motion, but that in recognition of the Board's dissatisfaction with that individual he would terminate the individual in thirty days if performance had not improved substantially. Trustee Mael and Trustee Fragin voted in favor of the motion. Mayor Oliner and Trustee Klar voted against the motion. Trustee Felder stated that he voted in favor of the motion but subsequently advised that he had misunderstood the motion and wished to be recorded as voting against the motion.

The Board returned to public session and the meeting was adjourned at 11:55 pm.

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
Clerk/Treasurer