

**MINUTES OF
REGULAR MEETING/PUBLIC HEARING
OF THE BOARD OF TRUSTEES
February 6, 2017**

The regular monthly meeting and public hearing of the Board of Trustees was held on February 6, 2017. The meeting was called to order at 7:30 PM by Mayor McNamara with the following in attendance:

Robert McNamara	Mayor
Brian Herrington	Trustee
Randall Rosenbaum	Trustee
Jay Beber	Trustee
Kate Hirsch	Trustee
Frank Genese	Trustee
Jeffrey Blinkoff	Village Attorney
Ronnie Shatzkamer	Village Administrator
Andrew Lawrence	Building Superintendent
Suzanne Tangredi	Deputy Clerk/Treasurer
Robert Rockelein	Code Enforcement Officer
Steve Lawniczak	Village Engineer

Mr. Lawrence led the assembly in the Pledge of Allegiance. There were two members of the public present.

Public Hearing

Trustee Hirsch offered a motion to open the public hearing portion of the meeting, seconded by Trustee Genese and unanimously carried.

The first hearing was to consider the enactment of Proposed Local Law A – 2017 amending Chapter 172-3(G) and (H) of the Municipal Code of the Incorporated Village of Flower Hill entitled “Property Maintenance”.

**RESOLUTION NO. 04 – February 6, 2017
RESOLUTION APPROVING LOCAL LAW 1- 2017**

The following resolution was offered by Trustee Herrington, seconded by Trustee Rosenbaum:

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village; and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, (“SEQRA”), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law “A” as Local Law “1” of the Year 2017 providing for an amendment to the Village Code chapter 172-3(G) and (H), “Property Maintenance” as follows:

Section 1. Amending Section 172-3(G) “Responsibilities of property owners”, Remove language so as to read: The area along public rights-of-way adjacent to or on the property, including but not limited to the area between the front property line and the curb or street pavement, is maintained in a reasonably clean and sanitary condition free of garbage and/or solid waste, with any grass, weeds and brush in said area cut or trimmed. Premises situated at street intersections or on curved streets shall be kept in such a condition as to provide a clear and unobstructed view of the intersection or curve.

Section 2. Amending Section 172-3(H) “Responsibilities of property owners”, Remove language so as to read:

Trees, shrubs or other vegetation are pruned such that they will not obstruct the passage of pedestrians on sidewalks. The maintenance of village trees, including trees between the sidewalk and curb, are the responsibility of the adjoining property owner.

Section 3. Exercise of supersession authority. The Village hereby exercises the power of supersession granted to it pursuant to Municipal Home Rule Law 10(1)(ii)(e)(3) with respect to the within local law and hereby supersedes Village Law section 7-706(2) to the extent it requires notice for publication other than has been, or will be, provided as to the within local law.

Section 4. Effective Date. This law shall take effect immediately.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

The second hearing was to consider the enactment of Proposed Local Law B – 2017 amending Chapter 85-5(F) of the Municipal Code of the Incorporated Village of Flower Hill entitled “Building Construction”. After discussion by the Board it was agreed that the proposed law needed further development. Trustee Hirsch offered a resolution to adjourn the hearing until March 6, 2017, seconded by Trustee Genese and unanimously carried.

The third hearing was to consider the enactment of Local Law C - 2017 providing for an amendment to Chapter 7 of the Municipal Code of the Incorporated Village of Flower Hill entitled “Architectural Review Committee”.

RESOLUTION NO. 05 – February 6, 2017
RESOLUTION APPROVING LOCAL LAW 2- 2017

The following resolution was offered by Mayor McNamara, seconded by Deputy Mayor Herrington:

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village; and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, (“SEQRA”), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law “A” as Local Law “2” of the Year 2017 providing for an amendment to the Village Code chapter 7, “Architectural Review Committee” as follows:

SECTION ONE. AMENDING CHAPTER 75 SECTION 7-2 (A) TO READ AS FOLLOWS:

A. The Architectural Review Committee (ARC) shall consist of no less than three members, and may be increased to five members by Resolution of the Board of Trustees. The Chairperson of the Committee may be compensated at the discretion of the Board of Trustees and at an amount determined by Resolution of the Board of Trustees.

SECTION TWO. REPEALING SECTION 7-2(A)(1)

Section 7-2 (A)(1) is hereby repealed.

SECTION THREE. SEVERABILITY.

Severability is intended throughout and within the provisions of this Local Law. If any section, sub-section, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

SECTION FOUR. EXERCISE OF SUPERSESSION AUTHORITY.

The Village hereby exercises the power of supersession granted to it pursuant to Municipal Home Rule Law Section 10(1)(ii)(e)(3) with respect to the within Local Law and hereby supersedes Village law 7-706(2) to the extent it requires notice or publication other than has been, or will be, provided as to the within Local Law.

SECTION FIVE. EFFECTIVE DATE.

This law shall take effect immediately.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
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Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

The final hearing was to consider the enactment of Proposed Local Law D – 2017 amending Chapter 85-15) of the Municipal Code of the Incorporated Village of Flower Hill entitled “Building Construction”.

RESOLUTION NO. 06 – February 6, 2017
RESOLUTION APPROVING LOCAL LAW 3- 2017

The following resolution was offered by Mayor McNamara, seconded by Trustee Hirsch:

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village; and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, (“SEQRA”), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law “D” as Local Law “3” of the Year 2017 providing for an amendment to the Village Code chapter 85 -15, “Building Construction”.as follows:

SECTION ONE. AMENDING CHAPTER 85 SECTION 85-15 TO READ AS FOLLOWS:

- A. Definition. A *surety bond* is defined as a three-party agreement that legally binds together a principal who needs the *bond (property owner or contractor)*, an obligee who requires the *bond (Village)* and a *surety* company that sells the *bond*. If the principal fails to perform the agreement by not completing all work that would result in a certificate of occupancy, the *bond* will cover the cost of full completion by the Village or surety company.
- B. A surety bond or deposit (may also be known as a performance bond, construction bond, site improvement bond, contract bond or by some other name), in the sum set forth in Chapter A243, “Fees, Charges, and Deposits”, shall be posted by an applicant who is required to do so, in order to guarantee completion by the surety company or reimbursement to the Village for any costs incurred by the non-completion of a project to the point where a certificate of occupancy would be issued.
- C. The bond or deposit amount shall be established by resolution of the Board of Trustees and may be changed from time to time as the Board deems necessary.
- D. For the purposes of this section, the completion of construction and issuance of a certificate of occupancy shall be a reimbursable event..

SECTION TWO. SEVERABILITY.

Severability is intended throughout and within the provisions of this Local Law. If any section, sub-section, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

SECTION THREE. EXERCISE OF SUPERSESSION AUTHORITY.

The Village hereby exercises the power of supersession granted to it pursuant to Municipal Home Rule Law Section 10(1)(ii)(e)(3) with respect to the within Local Law and hereby supersedes Village law 7-706(2) to the extent it requires notice or publication other than has been, or will be, provided as to the within Local Law.

SECTION FOUR. EFFECTIVE DATE.

This law shall take effect immediately.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye

Trustee Genese Aye
Deputy Mayor Herrington Aye
Mayor McNamara Aye

On motion of Trustee Beber, seconded by Trustee Rosenbaum, and unanimously carried, the public hearing portion of the meeting was closed at 8:10 pm.

See the hearing transcript for further detail.

Approval of Minutes

The minutes of the January 4, 2017 regular meeting and the January 11, 2017 work session were unanimously approved as submitted on motion of Trustee Hirsch, seconded by Deputy Mayor Herrington.

Treasurer's Report

After discussion, the claims were unanimously approved on motion of Mayor McNamara, seconded by Trustee Rosenbaum. The budget timeline was reviewed. The Budget Committee will meet sometime during the week of March 1.

Architectural Review Committee Report

Mr. Lawrence reported on the January 23, 2017 meeting.

No action was taken on the following applications: Park, 22 Fernwood Lane for additions and alterations; Boutros, 21 Country Club Drive for a new one family dwelling; Marino, 4 Greenway for legalization of landscaping & hardscaping. Resubmission was required for JV2 Inc, 17 Sycamore Drive for a new one family dwelling; Elderfields LLC, 170Elderfields for a new one family dwelling; Hegarty, 40 Chestnut Road for a rear addition. .

Approved as submitted were Tsongas, 135 Mason Dr. for additions & alterations; Strianese, 64 Elderfields Road for driveway piers, gates and fencing; Sahn, 33 Ridge Drive East for a rear addition.

On motion of Trustee Rosenbaum, seconded by Deputy Mayor Herrington, the Board unanimously approved the recommendations of the Committee.

Building Superintendent's Report

Mr. Lawrence and Ms. Shatzkamer presented the proposals for a wide format document scanner lease.

RESOLUTION NO. 07 – February 6, 2017 RESOLUTION APPROVING A LEASE AGREEMENT

The following resolution was offered by Trustee Hirsch, seconded by Deputy Mayor Herrington:

WHEREAS the Board of Trustees has determined that the Village and the environment would benefit by reducing the use of paper; and the use of a wide format scanner to electronically scan blueprints would allow the Village to store files with very little space used; and

WHEREAS it was agreed that the best pricing would be obtained through a leasing agreement and upon investigation into pricing options it was found that the best pricing would be obtained through Ricoh, a US Communities Purchasing Group partner;

THEREFORE be it resolved that upon receipt of final pricing, the Board hereby authorizes Mayor McNamara to enter into a leasing contract with Ricoh at a rate of no more than \$295.00 per month.

The Board of Trustees was polled as follows:

Trustee Rosenbaum Aye
Trustee Beber Aye
Trustee Hirsch Aye
Trustee Genese Aye
Deputy Mayor Herrington Aye
Mayor McNamara Aye

Engineer's Report

Mr. Lawniczak presented the final plans for the sports wall. He will be meeting with the Highway Superintendent shortly to firm up plans for the 2017 Road Project. The pedestrian path

extension should begin sometime in the spring. He will be in touch with Plandome Manor Building Superintendent Ed Butt to coordinate.

RESOLUTION NO. 08 – February 6, 2017
RESOLUTION AUTHORIZING THE PREPARATION OF BIDS FOR 2017 ROAD IMPROVEMENT PROJECT AND SPORTS WALL

The following resolution was offered by Mayor McNamara, seconded by Trustee Herrington:

BE IT RESOLVED that the Board of Trustees has authorized Village Engineer Steven Lawniczak of SHL Engineering to prepare bidding documents for the 2017 Village Road Improvement Project and the Flower Hill Park Sports Wall; and **FURTHER** such bids shall be let in a timely manner so that the Board may approve the related contracts no later than the April 3, 2017 meeting.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

Village Administrator's Report

RESOLUTION NO. 09 – February 6, 2017
RESOLUTION APPOINTING ELECTION INSPECTORS FOR GENERAL VILLAGE ELECTION

The following resolution was offered by Trustee Rosenbaum, seconded by Deputy Mayor Herrington:

WHEREAS, pursuant to Article 15 section 15-116 of the New York State Election Law the Board of Trustees of the Incorporated Village of Flower Hill, is authorized to appoint individuals to serve as Inspectors of Elections for General and Special Village elections;

WHEREAS, the General Village Election will be held on March 21, 2017;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby appoints the following persons to serve as Inspectors of Elections at the General Village Election:

Leslie House and Anthony Rowland; in the event that neither of the above can serve, any other qualified individual may be appointed, and be it further

RESOLVED, that each of these individuals are duly qualified to serve as Inspectors under New York State Election Law; and be it further

RESOLVED, that the compensation paid to the Inspectors shall be one hundred twenty five dollars (\$125.00) for the Inspectors; and be it further

RESOLVED, that all Inspectors must file a Constitutional oath with the Village Clerk prior to the assumption of his or her duties.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

On motion of Trustee Genese, seconded by Deputy Mayor Herrington, the Board unanimously approved Ms. Shatzkamer's attendance at the NYCOM Winter Legislative Meeting in Albany, February 12-13, 2017.

Ms. Shatzkamer received a bill from the Manhasset Port Washington Office of Emergency Management. The Board agreed that no action should be taken until the Mayor meets with its director, Peter Forman.

Attorney's Report

Mr. Blinkoff submitted a report on the Zoning Board hearing of January 11, 2017

RESOLUTION NO. 10 – February 6, 2017
RESOLUTION ALLOWING MAYOR TO ENTER INTO AN AGREEMENT

The following resolution was offered by Trustee Genese, seconded by Deputy Mayor Herrington **WHEREAS**, the Village has several outstanding commercial tax certiorari proceedings; and **WHEREAS**, It has been agreed that the Village should hire specialized outside counsel to deal with these proceedings;

NOW BE IT RESOLVED that the Board of Trustees, upon advice of counsel, hereby authorizes the Mayor to execute, on behalf of the Village, a contract setting forth the terms and conditions of said representation with Spellman, Rice, Gibbons, Polizzi & Truncale, LLP of Garden City, NY to represent the Village at an hourly rate of \$300.00; and

BE IT FURTHER RESOLVED, that the provisions of this resolution shall take effect immediately.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

Trustees Report

Trustees Hirsch and Beber reviewed the progress of the newsletter.

The Deputy Mayor will set up a meeting with the neighbors on Sunnyvale Lane to review this year's holiday light situation.

Mayor's Report

Mayor McNamara made the following appointments: Zachary Mankes, Chair of the Tree Committee; Howard Bernstein & Michael Brennan to the Tree Committee; Jay Silverman and David Silverstein to the Planning Board; David Jarach to the Ethics Committee.

Old Business

The Port Washington Fire Contract has been signed upon advice of counsel.

RESOLUTION NO. 11 – February 6, 2017
RESOLUTION TO ENTER IN A CONTRACT FOR FIRE & RESCUE SERVICES WITH THE ROSLYN FIRE DEPARTMENT FOR 2017

The following resolution was offered by Trustee Rosenbaum, seconded by Trustee Hirsch: **BE IT RESOLVED** that as the Village Attorney and Village insurer have both reviewed the contract and made recommendations for the amendment of the rider reflecting increased insurance coverage; and

WHEREAS in all other respects they have found the contract to be acceptable;

THEREFORE the Board of Trustees hereby authorizes Mayor Robert McNamara to execute a contract for fire protection and rescue services with the Roslyn Fire Department for the year 2017 upon submission of the updated rider to the contract.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

New Business

RESOLUTION NO. 12 – February 6, 2017
RESOLUTION ALLOWING MAYOR TO ENTER INTO AN AGREEMENT

The following resolution was offered by Trustee Beber, seconded by Trustee Genese
:

WHEREAS, the Village has determined that there is a need to update their IT services; and
WHEREAS, as these services are considered professional services of a specialized nature not requiring a bidding process; and

NOW BE IT RESOLVED that the Board of Trustees, hereby authorizes the Mayor to execute, on behalf of the Village, a contract with Total Technology of Melville, NY based upon their expertise and familiarity with Village and local government IT needs and software, at a cost of \$927.00 per month and a 10 hour technical support time block at \$1,700.00;

BE IT FURTHER RESOLVED, that the provisions of this resolution shall take effect immediately.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

The Board agreed that they should empower the Planning Board to hear all site plan applications and advise the Trustees thereon as stated on Code Section 35-5. The Board directed Mr. Blinkoff to prepare the appropriate resolution.

The Board considered imposing an impact fee for new construction and a per lot fee for sub-divisions. They will continue this discussion at the next meeting.

A discussion was held on the use of a survey to lower the speed limit. This topic will be put off until the spring.

RESOLUTION NO. 13 – February 6, 2017

1RESOLUTION PROVIDING FOR PUBLIC NOTICE AND CONTINUED HEARING LOCAL LAW C OF 2017

The following resolution was offered by Mayor McNamara, seconded by Trustee Beber:

BE IT RESOLVED, that Local Law B – 2017 providing for an amendment to Chapter 85 “Building Construction”, Section 85-14 “Expiration of Permit” been previously introduced; and
THEREFORE BE IT RESOLVED, that the Board of Trustees hold a public hearing on said proposed Local Law at the Village Hall in the Incorporated Village of Flower Hill at the address of One Bonnie Heights Road, Manhasset, New York at 7:30 p.m. on Monday, March 6, 2017 and

BE IT FURTHER RESOLVED, that the Village Administrator publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least three days prior thereto.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Lewandowski	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

Public Comment

Michelle Spagnoletti, 86 Knollwood Road, Roslyn, asked for relief of expired permit fees. The Board decided to take the matter under advisement and will contact her with a decision at a later date.

Executive Session

The Board went into executive session at 9:35 on motion of Trustee Hirsch, second by Deputy Mayor Herrington, to discuss a legal settlement. The Board came out of executive session and passed the following resolution.

RESOLUTION NO. 14 – February 6, 2017
RESOLUTION TO SETTLE A LAWSUIT

The following resolution was offered by Trustee Genese, seconded by Trustee Beber:

BE IT RESOLVED that upon advice of counsel, the Board of Trustees has hereby authorized Village Attorney Jeffrey Blinkoff to settle the pending litigation with Haberman Associates for an amount not to exceed \$5,750.00; and

BE IT FURTHER RESOLVED, that the provisions of this resolution shall take effect immediately.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Trustee Genese	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

A motion was offered by Trustee Genese, seconded by Trustee Beber and unanimously carried that the Board will grant Michelle Spagnoletti of 86 Knolwood Road a 90 day stay in order to resolve her open permit issues.

The meeting was adjourned at 10:00 pm on motion of Mayor McNamara, second by Trustee Beber.

Respectfully submitted,

Ronnie Shatzkamer
Village Administrator