

**MINUTES OF
REGULAR MEETING/PUBLIC HEARING
OF THE BOARD OF TRUSTEES
JUNE 5, 2017**

The regular monthly meeting and public hearing of the Board of Trustees was held on June 5, 2017. The meeting was called to order at 7:37 PM by Mayor McNamara with the following in attendance:

Robert McNamara	Mayor
Brian Herrington	Trustee
Randall Rosenbaum	Trustee
Frank Genese	Trustee
Jay Beber	Trustee
Kate Hirsch	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
Richard Falcones	Public Works Supervisor

Trustee Rosenbaum led the assembly in the Pledge of Allegiance. There were five members of the public present.

Public Hearing

On motion of the Mayor, second by Trustee Hirsch, the Public Hearing portion of the meeting was opened at 7:40 pm.

The first hearing was to consider a special use permit application by the North Hempstead Country Club to allow a fireworks display on June 30, 2017 at approximately 9:30 pm. Dan Rogers, general manager, appeared on behalf of the club. He advised that the rain date was July 1 at the same time and that as always a viewing area would be made available for Flower Hill residents.

Resolution No. 38 – June 6, 2017

RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A FIREWORKS DISPLAY

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

WHEREAS, the Village requires a special exception permit in order to have a fireworks display within the Village, and

WHEREAS, the Board of Trustees having been made aware that an application for such a permit has been made by the North Hempstead Country Club for a display on June 30, 2017 in honor of Independence Day at approximately 9:30 pm, and

WHEREAS, the North Hempstead Country Club intends, as in years past, to include within the viewing area space for residents and families to observe the fireworks, and the Board being of the opinion that doing so serves a useful purpose within the Village,

NOW THEREFORE, as all appropriate insurances have been provided, and fire marshal, police and fire departments have been notified, it is resolved that the permit is approved and normally required fees relative to the issuance of the permit described above be, and the same hereby are, waived under the circumstances.

The Board of Trustees was polled as follows:

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

The second hearing was a continued hearing to consider - LL L – 2017 “Increase penalties for removal of trees without a permit”

**VILLAGE OF FLOWER HILL
PROPOSED LL L– 2017**

AMEND SECTION 219-5(B) “TRIMMING, REMOVAL” AND SECTION 219-12 “PENALTIES”

Section 1.

Replace the word “girth” with “diameter”; replace 219-5(B)(1), (2) and (3) with the italicized underlined text

No person who owns, leases, controls or otherwise occupies or possesses real property in the village shall, without a permit, cause, suffer, permit or allow the removal, destruction or the substantial alteration of the habitat of any tree located on real property in the village, nor shall any person or business without a permit remove, destroy or substantially alter the habitat of any tree located on real property in the village if said tree, or any trunk thereof where such tree has more than one trunk, shall have a diameter, as defined herein, of the following size, as measured from a height of 4’6” from the ground. In the event a tree is split the measurement shall be taken at the point just below the juncture of the split:

- (1) For specimen trees, 2.5 inch diameter or greater.
- (2) For all other evergreen trees, 4.5 inch diameter or greater.
- (3) For all other deciduous trees, 7.5 inch diameter or greater.

Section 2.

Replace 219-12 “Penalties for Offenses” with the following:

The penalty upon conviction for a violation of any provision of this chapter shall result in a fine as follows:

Fine class	A	B	C
Specimen	2.5"-10.4"	10.5"-20"	20"+
Evergreen	4.5"-12.4"	12.5"-20"	20+
Deciduous	7.5"-15.4"	15.5"-24"	24"+
Min Fine	\$1000	\$2500	\$5000
Max Fine	\$2500	\$5000	\$7500

Each tree removed or altered in violation of this chapter shall be treated as a separate offense.

In addition, such person or entity convicted of an offense under this section shall be required to replace, in kind, each and every protected tree cut down or destroyed. In the event a tree was so large and mature that it cannot be replaced, the court may require the planting of multiple trees. Further, in the event the subject property has insufficient area for re-planting, the court may direct that the re-planting occur in a location on Village property as determined by the Village. Any re-planting shall be conducted in the following manner: a person or entity required to re-plant trees shall submit a proposed planting plan for review by the Village Building Department and arborist. Planting shall then be made in accord with such plan once approved by the Village Building Department and arborist.

The following resolution was offered by Deputy Mayor 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 L - 2017 as Local Law11– 2017; and

BE IT FURTHER RESOLVED that this law shall take effect immediately

The Board of Trustees was polled as follows:

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

On motion of Trustee Hirsch, seconded by the Trustee Rosenbaum, the public hearing was closed at 8:10 pm. *See the hearing transcript for further detail.*

Approval of Minutes

The minutes of the May 1, 2017 regular meeting/public hearing were unanimously approved as submitted on motion of Trustee Rosenbaum seconded by Deputy Mayor Herrington.

Treasurer's Report

The claims were unanimously approved on motion of Trustee Rosenbaum, seconded by Trustee Hirsch.

Public Comment

Mr. and Mrs. Eric Linder, 200 Elderfields Rd., asked the Board for relief under section 85-5(F) of the Code. All of the building extensions have run out and rather than starting a new application under the revised state building code, they asked for an extension of the existing permit.

RESOLUTION NO. 40 - June 5, 2017

RESOLUTION TO GRANT RELIEF UNDER SECTION 85-5(F)

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

WHEREAS Section 85-5(F)(2) of the Code of the Village of Flower Hill allows a Building Permit to be extended no more than 3 times, after which no further extensions may be granted; and

WHEREAS Mr. and Mrs. Eric Linder, 200 Elderfields Road, Manhasset, NY 11030 also known as Section 3, Block 197 , Lot 1 on the Nassau County Land and Tax Map, have extended their building permit to the maximum allowed by Code; and

WHEREAS Mr. and Mrs. Linder have asked the Board of Trustees for relief under Section 85-5(F)(3) which states "Any person aggrieved by the action of the Building Superintendent may appeal to the Board of Trustees, which may modify and grant further time as it deems appropriate.";

THEREFORE the Board of Trustees resolves to grant an additional 45 days extension at the full extension fee for all work to be completed on the house and landscaping including the punch list of work to be done on adjacent properties.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Genese	Aye
Trustee Beber	Aye
Trustee Hirsch	No
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

Architectural Review Committee Report

Mr. Lawrence reported on the May 22, 2017 meeting.

The following applications were recommended for approval: Gabrielli, 205 Elderfields Road, new one family dwelling; Tucker, 75 Knollwood Road, roof railing; Baum, 20 Bonnie Heights Road amendment to previously approved plans; Lo, 25 Dogwood Road, façade change.

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

Public Works Superintendent's Report

Mr. Falcones reported that he has hired two college students for temporary summer work. He is purchasing swing equipment through the New York State contract so no bidding was required. He received three bids for the installation of swings in the park. As the low bidder excluded excavation work in his bid, the board agreed to award the bid to the second lowest bidder.

RESOLUTION NO. 41 - June 5, 2017

RESOLUTION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF PLAYGROUND EQUIPMENT

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

WHEREAS the Village has determined that it is in the best interests of the Village to install swing play equipment in the Village Park; and

WHEREAS the Village has found a vendor who has a contract with New York State through the Office of General Services, that fits the needs of the Village therefore obviating the need for the issuance of an RFP;

THEREFORE the Board of Trustees hereby authorizes Mayor McNamara to enter into a contract with Landscape Structures, Inc, 601 7th Street South, Delano, MN 55328 for four bay swing equipment as per NYS Contract PC66734 in the amount of \$7,831.33.

The Board of Trustees was polled as follows:

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

RESOLUTION NO. 42 - June 5, 2017

RESOLUTION TO AWARD A BID FOR THE INSTALLATION OF SWINGS

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

WHEREAS the Village of Flower Hill issued an RFP for swing equipment installation on May 5, 2017; and

WHEREAS three contractors submitted bids which were opened on Friday, June 3, 2017 at 10 am as per the RFP specifications; and

WHEREAS, M & M Site Improvements, Inc., 53 Gladstone Road, New Rochelle, NY 10804 was the lowest bidder with the inclusion of all site preparation work in their bid in the amount of \$13,800;

THEREFORE BE IT RESOLVED that the Board of Trustees hereby authorizes Mayor McNamara to enter into a contract with M & M Site Improvements, Inc., for the installation of playground equipment.

The Board of Trustees was polled as follows:

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

Engineer's Report

Mr. Lawniczak will have the sports wall staked out for approval by Trustees. He is working on the 2017 Road Improvement bid which will include Crabapple, part of Country Club, Ridge Drive West and the Farmview intersection.

Village Administrator's Report

Ms. Shatzkamer reminded the Board that the memorial for Scott Hislop will be held on Friday, June 7 at 8:45 in the Village park. She informed the Board that the Village has done street sweeping for Munsey Park under an intermunicipal agreement. The Board considered that the amount we are billing may not be sufficient to cover the amortization on the sweeper. They asked for a cost comparison of current charges vs. a base charge of \$650 per sweeping day plus labor and expenses. The Village staff is now observing summer hours. The office closes Fridays at 2 pm between Memorial Day and Labor Day. The Village has contracted with Richard Gibney a licensed landscape architect and arborist for tree inspection services. The Secretary of State would not accept our submission of an amendment to Local Law 4 (regarding issuance of permits and extensions) so we need to pass it as a new law.

RESOLUTION NO. 43 - June 5, 2017

RESOLUTION INTRODUCING LOCAL LAW "N" OF THE YEAR 2017 AND PROVIDING FOR PUBLIC NOTICE AND HEARING

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

BE IT RESOLVED, that Local Laws "N" of the Year 2017 providing for minor language clarification amendments to Chapter 85 "Building Construction", has been introduced; and **BE IT FURTHER 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 Tuesday, July 5, 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 Genese	Aye
Trustee Beber	Aye
Trustee Hirsch	No
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

Attorney's Report

Mr. Blinkoff presented the summary of the May 10 Board of Zoning Appeals Hearing. Mr. Blinkoff advised the Board that it would be in the best interests of the Village to hold off on any review of the cellular telecommunication booster installation application until we see what the Town of North Hempstead is doing and follow their lead.

Trustees Report

Trustee Genese asked the Board to review the lighting legislation from Munsey Park and Muttontown for further discussion on how the Village can regulate outdoor lighting. Trustee Rosenbaum has reviewed all the telephone service provider proposals and recommends that the Village enter into a contract with Broadview Networks.

Mayor's Report

The Mayor reported on the County Shared Services Initiative Program mandated by Governor Cuomo. We are working with the Plandomes and Baxter Estates on several initiatives. The takeover of Middle Neck Road is also one of our initiatives that we are sharing with the County. The DOT invited the Village and St. Francis Hospital to a meeting regarding traffic calming on Port Washington Blvd. The state will be repaving the road next year and is looking into ways of widening and re-striping the road that will allow safer driving. They still anticipate doing a full traffic study to reconfigure the intersection with Middle Neck Road.

Old Business

The Board reviewed the change of the village wide speed limit to 25 mph. On motion of the Mayor, seconded by Trustee Genese, the unanimously moved to send a home rule request to the senate and assembly and directed Mr. Blinkoff to prepare the appropriate documents.

New Business

RESOLUTION NO. 44 – June 5, 2017

RESOLUTION INTRODUCING LOCAL LAW “M” OF THE YEAR 2017 AND PROVIDING FOR PUBLIC NOTICE AND HEARING

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

BE IT RESOLVED, that Local Laws “N” of the Year 2017 providing for amendment of the Zoning Code of the Village, has been introduced; and

BE IT FURTHER 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 Tuesday, July 5, 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 Genese	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

RESOLUTION NO. 45 - June 5, 2017

RESOLUTION PURSUANT TO 2019-A OF THE NEW YORK UNIFORM JUSTICE COURT ACT

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

WHEREAS, Village Justices are required to annually provide the Court records and dockets to the respective auditing board in accord with Uniform Justice Court Act section 2019-a (“UJCA”) with such records to be then examined or audited with the fact of the same being entered in the minutes of the board’s proceedings, and

WHEREAS, the Village Justice of the Inc. Village of Flower Hill has provided such records to the Board of Trustees of the Village, and

WHEREAS, the records and dockets have been duly examined,

NOW, THEREFORE, IT IS RESOLVED, that the fines collected have been turned over to the proper officials of the Village as required by law, and it is further,

RESOLVED, that a copy of the examination report and a copy of the within resolution shall be transmitted by the Village Clerk/Administrator to Joan Casazza, Internal Control Liaison, NYS Office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033.

The Board of Trustees was polled as follows:

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

On motion of Trustee Genese, second by Trustee Beber, the meeting was adjourned at 9:55pm.

Respectfully submitted,

Ronnie Shatzkamer
Village Administrator