

**MINUTES OF  
PUBLIC HEARING/REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
Monday, May 4, 2020**

The regular monthly meeting of the Board of Trustees was held on May 4, 2020. This meeting was held telephonically by conference call and computer. The meeting was called to order at 7:35 PM by Deputy Mayor Herrington with the following in attendance:

Brian Herrington	Deputy Mayor
Randall Rosenbaum	Trustee
Jay Beber	Trustee
Gary Lewandowski	Trustee
Frank Genese	Trustee
Kate Hirsch	Trustee
Jeff Blinkoff	Village Attorney
Ronnie Shatzkamer	Village Administrator
Suzanne Tangredi	Village Treasurer
Peter Albinski	Building Superintendent
Robert Rockelein	Code Enforcement Officer
Richard Falcones	Superintendent Public Works
Steven Lawniczac	Village Engineer

The assembly recited the Pledge of Allegiance.

Deputy Mayor Herrington asked for a moment of silence in remembrance of Mayor McNamara who passed away on April 14<sup>th</sup> and the mother of Justice Dennis Reisman who passed on May 1.

Ms. Shatzkamer reviewed then rules for participation in the meeting.

**Appointment of Mayor by the Board of Trustees**

**Resolution No. 22 - May 4, 2020**

**A RESOLUTION APPOINTING A MAYOR UPON VACANCY OF OFFICE**

The following resolution was offered by Trustee Rosenbaum, second by Trustee Genese:

**BE IT RESOLVED** that under Village Law Section 3-312 the Board of Trustees may appoint one of its members to fill the vacant position of Mayor; and

**FURTHER**, as the position of Mayor has been vacated due to the untimely death of former Mayor Robert McNamara;

**THEREFORE, BE IT RESOLVED**, that the Board of Trustees hereby appoints Trustee Brian Herrington to fill the position of Mayor until the next regularly scheduled Village Election.

The Board of Trustees was polled as follows:

Trustee Genese	Aye
Trustee Beber	Aye
Trustee Lewandowski	Aye
Trustee Hirsch	Abstain
Trustee Rosenbaum	Aye
Mayor Herrington	Aye

Mayor Herrington appointed Trustee Rosenbaum as Deputy Mayor.

**Public Hearing**

The public hearing portion of the meeting was opened on motion of Mayor Herrington, seconded by Trustee Beber at 7:52 pm.

The first hearing was to consider proposed Local Law C-2020, Amending Chapter 227 “Vehicles and Traffic”, Chapter 227-18 “Limited Time Parking”, Schedule XIII to allow limited time parking (2 hours) on Ridge Drive West from Northern Blvd. north to Peachtree Lane on both sides of the street. This hearing had been adjourned from March 9, 2020 and April 6, 2020.

The Board agreed that when businesses reopen after the current pandemic, the Village will hold a meeting between the business owners and residents to come to an equitable solution for all parties.

On motion of Deputy Mayor Rosenbaum, second by Trustee Lewandowski, the Board unanimously moved to abandon Local Law C-2020.

The second public hearing was to consider proposed Local Law D – 2020, “Add to Section A243 Attachment 1 “Fees, Charges and Deposits”, “Miscellaneous Fees”, Storage Container, 6 months, no renewals - \$100. This hearing was adjourned from April 6, 2020. After discussion, the following resolution was offered.

**RESOLUTION NO. 23 – May 4 2020  
RESOLUTION ADOPTING LOCAL LAW D OF 2020 AS LOCAL LAW 3 OF 2020, AND  
ADOPTING A SEQRA RESOLUTION PERTAINING TO SAID LAW**

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

**WHEREAS** the Board has determined that under the State Environmental Quality Review Act, (“SEQRA”), this local law under consideration falls within the definition of a Type II Action requiring no further action under SEQRA; and

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to control and limit the amount of time a storage container may be present on a residential property; and

**WHEREAS**, the Board of Trustees hereby approves the following amendment to Section A243, Attachment 1, “Schedule of Fees” by adding the following:

Add to Section A243 Attachment 1, Schedule of Fees, “Fees, Charges and Deposits”,  
85-3(F) Storage Containers                      6 months, no renewals                      \$100

**WHEREAS**, the Board hereby enacts Local Law 3 – 2020, and  
**BE IT FURTHER RESOLVED** that this law shall take effect immediately.

The Board of Trustees was polled as follows:

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

The third public hearing was to consider proposed Local Law E-2020. Amend Chapter 190, “Solid Waste” to add a section entitled “Source Separation and Segregation of Recyclable or Re-useable

Materials". This hearing was adjourned from April 6, 2020. After discussion, a unanimous motion was made by Trustee Hirsch, second by Trustee Lewandowski to adjourn the hearing to June 1, 2020 hearing.

On motion of Deputy Mayor Rosenbaum, second by Deputy Trustee Beber, the Board unanimously moved to close the public hearing portion of the meeting at 8:13 pm.

*See the stenographic record for further details.*

## **Regular Meeting**

### **New Business**

#### **Resolution No. 24 – May 4, 2020**

#### **RESOLUTION INTRODUCING LOCAL LAW F-2020, ADDING A NEW CHAPTER 144 “LANDSCAPING EQUIPMENT & USE”**

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

**BE IT RESOLVED**, that Local Law “F” of the Year 2020, regarding quiet landscaping only on Saturdays 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 Monday, June 1, 2020 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 Genese	Aye
Trustee Beber	Aye
Trustee Lewandowski	Aye
Trustee Hirsch	Aye
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye

#### **1VILLAGE OF Flower Hill Proposed Local Law F of the Year 2020**

**A Local Law adding a new Chapter 144 to the Village Code of the Incorporated Village of Flower Hill entitled “Landscaping Equipment and Use” as follows:**

### **Section 1. Adding Chapter 144 as follows:**

#### **Landscaping Equipment and Use**

##### **§ 144-1 Legislative intent.**

- A. This local law adds Chapter 144 to the Village Code entitled "Landscaping Equipment and Use" to advance the interests of Village residents in encouraging green landscaping practices, protecting public health by reducing emissions from the use of gas-powered leaf blowers and similar power equipment.

- B. The Board enacts this chapter after discussions between concerned residents, and after reviewing legislation enacted by other communities on similar matters.
- C. Based on this research and testimony, the Board finds that certain commercial landscaping and gardening activities may pose a risk of noise, odor, pollution or other nuisances and may otherwise disturb the public health and welfare of Village residents.
- D. It is the intent of this chapter to use the Village's power under the Village Law and the Municipal Home Rule Law to limit the use of gas-powered leaf blowers and other power equipment used in commercial landscaping

**§ 144-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**COMMERCIAL LANDSCAPING** --The business or trade of rendering any landscaping, gardening or grounds keeping services, as defined herein, either as principal, independent contractor, or through an agent or employee, for a fee, charge, or other compensation, to or for the benefit of any owner, tenant, or occupant of lands, grounds, or buildings.

**GARDENING** --The tilling, sowing, cultivating, trimming, fertilizing, pruning, cutting, shaping, treating, spraying, or otherwise maintaining and/or providing care for any lawn, sod, tree, flower, shrub, bush, plant, or other flora on any lot, plot, or parcel of land.

**GAS-POWERED LEAF BLOWER** --Any device powered by a gasoline, diesel or similar fuel engine which is used, designed, or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris.

**GROUNDSKEEPING** --The cleaning of any lot, plot, or parcel of land by means of gathering and/or removing weeds or any fallen, diseased, dead, or discarded tree limbs, branches, brush, leaves, grass, or lawn clippings, fruit or flower waste, or other plant waste and any litter, dirt, debris, rubbish, or other refuse or waste present or engendered on or about the premises. Groundskeeping does not include the removal of litter, dirt, debris, rubbish, or other refuse or waste by a commercial refuse carter which is not performing any other commercial landscaping services to or for the benefit of the owner, tenant, or occupant of the lands, grounds, or buildings from which the removal is taking place.

**HOLIDAY** -New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

**LANDSCAPER** --An individual, firm, corporation, or other entity performing commercial landscaping services.

**LANDSCAPING** --The planting, transplanting, arranging, placing, and/or removal of any lawns, sod, trees, flowers, shrubs, bushes, plants, or other flora on any lot, plot, or parcel of land for a planned design or purpose or to achieve some aesthetic effect.

**POWER EQUIPMENT** --Any equipment used in the work of a commercial landscaper that is powered by gas or diesel fuel.

**QUIET LANDSCAPING-** Any landscaping conducted without the use of power equipment.

§ 144-3 **Regulations.**

A. No landscaper or other person shall individually or cause or permit any other person who is providing commercial landscaping services for them or who is otherwise within their employ or control to:

- (1) Blow, rake, place, spill, dump, or otherwise deposit any leaves, grass, garbage, refuse, cuttings, wood, oil, pesticides or other materials or debris from one property onto any public property, including, but not limited to, streets, sidewalks and rights-of-way, or the private property of another person, without such other person's permission. In any prosecution for a violation of this provision, it shall be an affirmative defense that such other person gave the alleged offender permission to blow, rake, place, spill, dump or otherwise deposit such material or debris on such other person's property.
  - (2) Remove leaves, clippings or other yard waste in a truck, dump truck, van, or other motor vehicle, trailer, container, or other towable device without securing a tarpaulin or other cover to prevent spillage where such leaves, clippings or other yard waste do not remain on the property as mulch.
  - (3) Spill or dump any oil, gasoline or other petroleum products within the Village.
  - (4) Fill or refill any machinery or equipment with any fuel or lubricant except over a drop cloth or other device designed to catch and retain any accidental spillage.
  - (5) Remove, destroy, or alter any tree in violation of Village Code or otherwise in violation of state law.
  - (6) Perform any commercial landscaping on:
    - (a) Sundays and holidays;
    - (b) Saturdays before 9:00 a.m. or after 5:00 p.m. and, further, the only landscaping to be permitted between the hours of 9:00 a.m. and 5:00 p.m. shall be quiet landscaping and;
    - (c) Weekdays before 8:00 a.m. or after 5:00 p.m.
  - (7) Operate any equipment in violation of Chapter 144 of the Village Code.
  - (8) Operate any equipment which emits excessive fumes.
  - (9) Burn any wastepaper, rubbish, leaves, cuttings, wood, or other waste materials.
- B. All commercial landscaping shall be performed in accordance with the laws, ordinances, rules, and regulations of the United States, the State of New York, and the County of Nassau.

§ 144-4 (Intentionally left blank)

§ 144-5 Penalties for offenses.

- A. Any person or persons who shall violate any of the provisions of this chapter, shall be subject to the following penalties:
- (1) For conviction of a first offense, by a fine of not less than \$500 and not more than \$1,000 or by imprisonment not exceeding five days, or by both.
  - (2) For conviction of the second of two offenses, both of which were committed within a period of five years, by a fine of not less than \$1,500 and not more than \$2,500 or by imprisonment not exceeding 10 days, or by both.
  - (3) For conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine of not less than \$3,000 and not more than \$10,000 or by imprisonment not exceeding 15 days, or by both.
- B. In addition to the fines as set forth above, upon conviction for any violation of the provisions of this Chapter the permit of any commercial landscaper convicted of such violation shall be suspended for one year. Upon a second conviction within a three-year period, the permit of such commercial landscaper shall be revoked, and may only be reinstated upon good cause shown to the Board of Trustees following a hearing.

**Resolution No. 25 – May 4, 2020**

**RESOLUTION INTRODUCING LOCAL LAW G-2020, ADDING A NEW SECTION 144-4  
“POWER EQUIPMENT INCLUDING GASOLINE POWERED LEAF BLOWERS”.**

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

**BE IT RESOLVED**, that Local Law “G” of the Year 2020, regarding use of power equipment including gasoline powered leaf blowers 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 Monday, June 1, 2020 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 Genese	Aye
Trustee Beber	Aye
Trustee Lewandowski	Aye
Trustee Hirsch	Aye
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye

**1VILLAGE OF Flower Hill**

**Proposed Local Law G of the Year 2020**

A Local Law amending Chapter 144 of the Village Code of the Incorporated Village of Flower Hill entitled “Landscaping Equipment and Use” as follows:

## **Section 1. Adding Chapter 144, section 144-4 as follows:**

§ 144-4 Power equipment including gasoline powered leaf blowers.

No landscaper shall operate any gas-powered leaf blower or power equipment to conduct work in the Village on Saturdays during the period from May 1 through and including October 31. This time period may be changed by resolution of the Board of Trustees as it deems appropriate.

1) Exception: A resident, or landscaper on behalf of a resident, may request an exception to the above for a particular date. Such request is to be provided to the Village Clerk at least two days prior to the date for which the exception is requested.

Public comment was made by several residents who were very much in favor of these proposed laws.

### **Approval of Minutes**

On motion of Mayor Herrington, seconded by Deputy Mayor Rosenbaum the minutes of the April 6, 2020 regular meeting and public hearing and the April 13, 2020 special meeting were unanimously approved

### **Treasurer's Report**

Ms. Tangredi reported that the Village Tax Rate for 2020 – 2021 would be \$41.70 per \$100 of assessed value.

The monthly claims were approved, on motion of Mayor Herrington, seconded by Deputy Mayor Rosenbaum with Trustee Hirsch abstaining.

### **Public Works Superintendent Report**

Mr. Falcones notified the Board that the National Grid gas line replacement will not take place this year. He prepared a report card on the condition of all Village roads. The Mayor deferred a decision on road work for this year to next month.

### **Engineer's Report**

Mr. Lawniczac has not gotten a response from the County on the remediation of Middle Neck Road. The Mayor spoke with County Legislator Delia DiRiggi-Whitton and asked her to reach out to Jen Arnold of the County DPW about the ponding issue and clean-up of the road.

### **Architectural Review Committee Report**

Mr. Albinski presented the recommendations from the April 28, 2020 meeting. The applications of 245 Crabapple Road, for a new one family residence; and 15 Greenway for a two-story addition and alterations had no action taken.

On motion of Trustee Lewandowski, second by Deputy Mayor Rosenbaum, the findings of the Architectural Review Committee were unanimously approved.

### **Administrator's Report**

Ms. Shatzkamer reported that the Governor has moved Village election to September 15, 2020. The Arbor Day tree giveaway has been scheduled for May 7<sup>th</sup> and 8<sup>th</sup>.

### **Trustee's Report**

Trustee Lewandowski gave an update on the Volunteer Corps.

## Mayor's Report

Mayor Herrington advised the Board that the Covid 19 update on Village operations was previously sent by email. He and the Deputy Mayor are forming a committee to work on a memorial for Mayor McNamara. The Village has reached out to the Governor asking that the deadline for Village tax payments and penalties be extended.

## Old Business

### Resolution No. 26 - May 4, 2020 RESOLUTION CLOSING PUBLIC FACILITIES

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

**WHEREAS** Governor Cuomo has issued an Executive Order instituting the NY – PAUSE policy; and

**WHEREAS** this policy is in place to prevent the public gathering of large numbers of people in order to prevent the transmission of the Covid-19 virus;

**THEREFORE**, the Board of Trustees of the Village of Flower Hill hereby declares the Village basketball court and children's play equipment to be closed until such time as the Governor's policy is lifted.

The Board of Trustees was polled as follows:

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

## Public Comment

Howard Miller of Center Drive commended the Board for holding the meeting in such a way so that residents could participate.

On motion of Mayor Herrington second by Trustee Hirsch, the Board went into Executive Session to discuss legal strategy on the Extenet case with their attorney. No action was taken.

On motion of Mayor Herrington second by Trustee Lewandowski, the Executive Session and meeting was adjourned at 10:27 pm.

Respectfully submitted,  
Ronnie Shatzkamer  
Village Administrator