

**MINUTES OF  
PUBLIC HEARING/REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
Monday, June 1, 2020**

The regular monthly meeting of the Board of Trustees was held on June 1, 2020. This meeting was held telephonically by conference call and computer. The meeting was called to order at 7:34 PM by Mayor Herrington with the following in attendance:

Brian Herrington	Mayor
Randall Rosenbaum	Deputy Mayor
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.

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

**Appointment**

Mayor Herrington appointed MaryJo Collins as Trustee to fill the vacancy caused by his appointment to Mayor.

**Public Hearing**

The public hearing portion of the meeting was opened on motion of Deputy Mayor Rosenbaum, seconded by Mayor Herrington at 7:38 pm.

The first 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 May 4, 2020. The Board received a question about whether the language of the law meant that recycling would only be done when there is a market for recyclables. This was not the intent of the Board. Mr. Blinkoff changed the language so that the law would require recycling at all times. After discussion, a unanimous motion was made by Trustee Lewandowski, second by Trustee Genese to adjourn the hearing to July 6, 2020 hearing.

The second hearing was to consider proposed Local Law F- 2020 which amends that Code to add a chapter on landscaping which requires that Saturday landscaping be "quiet". The Mayor made a presentation on the proposed law and added the ability to get a special permit allowing Saturday clean ups for special events. There was public comment by residents, landscapers and medical experts both pro and con.

**Resolution No. 27 – June 1, 2020  
RESOLUTION ENACTING LOCAL LAW 4 OF 2020**

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

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to regulate commercial landscapers, this resolution hereby enacts proposed Local Law F – 2020 as Local Law 4 - 2020; 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 4 - 2020; and

**BE IT FURTHER RESOLVED** that this law shall take effect immediately

## **LOCAL LAW 4 - 2020**

### **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;
    - 1) Exception: the operation of gasoline- or diesel-powered leaf blowers operated in the course of performing groundskeeping, gardening or landscaping services at golf courses, shall be permitted during these hours so long as not being conducted within 100 feet of a lot containing a residence.
    - 2) A resident may obtain a special permit upon request from the Board of Trustees for a Saturday clean-up of their property for a social event. No more than two such permits may be issued in any one calendar year.
  - (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.

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 G -2020, limiting the use of gas-powered leaf blowers. There was Board discussion and public comment

**Resolution No. 28 – June 1, 2020**  
**RESOLUTION ENACTING LOCAL LAW 5 OF 2020**

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

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to limit the use of gas powered leaf blowers, this resolution hereby enacts proposed Local Law G – 2020 as Local Law 5 - 2020; 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 5 - 2020; and

**BE IT FURTHER RESOLVED** that this law shall take effect immediately

**Local Law 5 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:

Be it enacted by the Board of Trustees of the Incorporated Village of Flower Hill, New York as follows:

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

**§ 144-4** No landscaper shall operate any gas-powered leaf blower during the period from June 15 through and including September 15. This time period may be changed by resolution of the Board of Trustees as it deems appropriate.

(a) Temporary permit:

The Board of Trustees may, in its discretion and upon written application, grant a temporary permit to allow the operation of one or more gas-powered leaf blowers to accommodate a special circumstance. By way of illustration, a "special circumstance" includes, among other things, the remediation of an abandoned or neglected property, the cleanup of streets and roadways following a severe storm or any emergency situation which presents an immediate danger to public health and safety.

(b) This subsection shall not apply to the operation of gasoline- or diesel-powered leaf blowers operated in the course of performing groundskeeping, gardening or landscaping services at golf courses, except when the equipment is operated within 100 feet of a lot containing a residence.

**§ 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.

The Board was polled as follows:

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

On motion of Mayor Herrington, second by Deputy Mayor Rosenbaum, the Board unanimously moved to close the public hearing portion of the meeting at 9:10 pm.

*See the stenographic record for further details.*

## Regular Meeting

### Approval of Minutes

On motion of Trustee Beber, seconded by Deputy Mayor Rosenbaum the minutes of the May 4 2020 regular meeting and public hearing were unanimously approved

### Treasurer's Report

The monthly claims were approved, on motion of Mayor Herrington, seconded by Deputy Mayor Rosenbaum. The Mayor announced that the Village's insurance carrier would be paying the costs of litigation on the Extenet case.

#### Resolution No. 29 – June 1, 2020

### A RESOLUTION ADDING SIGNATORIES TO THE VILLAGE BANK ACCOUNTS

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

**BE IT RESOLVED** that Mayor Brian Herrington and Deputy Mayor Randall Rosenbaum be added as official signatories to all Village of Flower Hill Bank Accounts at the First National Bank of Long Island as per banking policy.

The Board was polled as follows:

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

The Mayor announced that the Governor has granted the Village a tax payment extension until July 22, 2020. No penalties will be charged until July 23.

#### Resolution No.30 - June 1, 2020

### A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT

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

**BE IT RESOLVED** that the Village is entering into an agreement with Danziger & Markhoff LLP (D&M), located at 1133 Westchester Avenue, White Plains, NY 10604 for the performance of GASB #75 services for the Village's post-employment benefit program as required by the Office of the New York State Comptroller for the fee of \$2,750.00; and

**FURTHER**, the Village issued an RFP for such services in 2019 and D&M was the lowest responsible bidder;

**THEREFORE**, the Board of Trustees hereby authorizes the Mayor or his designed the authority to sign the agreement.

The Board was polled as follows:

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

### Building Inspector's Report

Mr. Albinski reported on the Architectural Review Committee's meeting of May 26, 2020. The committee recommended approval of an application for 15 Greenway for a two-story addition and

alterations. On motion of Trustee Genese seconded by Trustee Lewandowski, the Board unanimously approved the findings of the ARC.

Mr. Albinski announced the temporary policy for building permit refunds caused by the Covid-19 crisis:

Any applicant for a permit who paid a fee beginning in January 2020 through March 15, may be entitled to a refund as follows: The Village will retain a minimum of \$200 or 10% of the fee (whichever is greater). The applicant may apply the fee as a credit to future projects. The credit will be valid for up to five (5) years. The permit fee can also be transferred to a new owner of the same property.

As construction has re-opened, Mr. Albinski has put together a packet of information and required reporting for a construction in the Village which has been distributed to contractors.

### **Public Works Superintendent Report**

Mr. Falcones announced that the new dump truck has been delivered after a long wait. He reviewed the Annual Road Survey report and map and discussed a proposed paving project rating all 67 roads in the village from good to bad.

### **Resolution No.31 - June 1, 2020**

#### **A RESOLUTION AUTHORIZING PREPARATION OF A BID**

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

**BE IT RESOLVED** that the Board of Trustees of the Village of Flower Hill hereby authorizes Village Engineer Stephen Lawniczac, PE of SHL Engineering, Huntington Station, NY to prepare contract documents for the 2020 Roadwork and Drainage Project to include paving and gutter work on Farmview, Brook and Hemlock Roads and Mallard and Drake Lanes as an add-on.

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

### **Administrator's Report**

Ms. Shatzkamer asked that any articles for the upcoming newsletter be submitted no later than the end of next week.

### **Attorney's Report**

Mr. Blinkoff gave an update on the abandoned house on Woodhill Lane.

### **Mayor's Report**

Mayor Herrington gave a Covid-19 update. He notified the Board that the Village had been contacted by Limani Restaurant, asking if they could put tables in the parking lot. Mr. Albinski advised that they would need a site plan showing the location of tables and how they would deal with parking. The Village will wait until the Governor's Executive Orders are clear on how restaurant re-opening will be handled.

The Village received a letter and petition asking for a guard rail on Port Washington Blvd near Wood Valley rd. He reached out to the DOT and our state elected officials asking for this to be done.

**New Business**

The Mayor reported that the Village had placed a thank you sign to essential workers opposite St. Francis Hospital and that he has been informed that some residents had begun a food drive.

On motion of Mayor Herrington second by Trustee Beber, the Board went into Executive Session to discuss the Extenet case updates. No action was taken.

On motion of Mayor Herrington second by Trustee Lewandowski, the Executive Session and regular meeting was adjourned at 10:14 pm.

Respectfully submitted,  
Ronnie Shatzkamer  
Village Administrator