

**MINUTES OF
PUBLIC HEARING/REGULAR MEETING
OF THE BOARD OF TRUSTEES
Monday, August 3, 2020**

The regular monthly meeting of the Board of Trustees was held on August 3, 2020. This meeting was held telephonically by conference call and computer. The meeting was called to order at 7:31 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
Mary Jo Collins	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 led by Trustee Genese. There were 15 people signed on for the meeting.

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

Public Hearing

The public hearing portion of the meeting was opened on motion of Trustee Rosenbaum, seconded by Trustee Beber.

The first public hearing was to consider proposed Local Law I-2020, Amending Chapter 227 "Vehicles and Traffic", Section 227-33 Schedule IX, "No Parking at Any Time", Removing Ridge Drive West, West Side, from Northern Blvd. north for a distance of 165 feet as a no parking zone. This proposed law's purpose is to prevent the parking of commercial establishment employees on a residential street, it will result in the gain of 5 parking spaces in the commercial zone. There were comments from both residents and Board members.

Resolution No. 39 – August 3, 2020

RESOLUTION ENACTING LOCAL LAW 8 OF 2020

The following resolution was offered by Trustee Beber, second by Deputy Mayor Rosenbaum:

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village to amend parking regulations on Ridge Drive West, this resolution hereby enacts proposed Local Law I – 2020 as Local Law 8- 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 8 - 2020; and

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

The Board was polled as follows:

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

The second 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 July 6, 2020. There were comments from both residents and Board members.

Proposed Local Law E – 2020

Amending Chapter 190, "Solid Waste" to add a section entitled "Source Separation and Segregation of Recyclable or Re-useable Materials"

1. The Board of Trustees hereby finds that it is in the public interest, in order to further the purposes of the state policy on solid waste management articulated in section 27-0106 of the Environmental Conservation Law and pursuant to New York Consolidated Laws, General Municipal Law - GMU § 120-aa, for the Village to adopt a local law to require the source separation and segregation of recyclable or re-useable materials from solid waste.
2. The Village hereby requires that solid waste and recyclable and/or re-useable materials which have been left by Village residents for collection by the Village carter, shall be separated by the cater at the location where such materials have been left by the residents for collection into recyclable, re-useable or other components.
3. For purposes of this section, "components" shall include paper, glass, metals, plastics, garden and yard waste, and may include other elements of solid waste as shall be designated by the Board of Trustees.

Resolution No. 40 – August 3, 2020

RESOLUTION ENACTING LOCAL LAW 7 OF 2020

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

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village to regulate the segregation and separation of recyclables in the waste stream, this resolution hereby enacts proposed Local Law E – 2020 as Local Law 7- 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 7 - 2020; and

BE IT FURTHER RESOLVED that this law shall take effect immediately

The Board was polled as follows:

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

The final public hearing was to consider Proposed Local Law J – 2020, amending Chapter 144 of the Village Code of the Incorporated Village of Flower Hill entitled “Landscaping Equipment and Use”. There were comments from both residents and Board members.

Resolution No. 41 – August 3, 2020
RESOLUTION ENACTING LOCAL LAW 9 OF 2020

The following resolution was offered by Deputy Mayor Rosenbaum, second by Trustee Genese: **WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to regulate the use of gas-powered blowers, this resolution hereby enacts proposed Local Law J – 2020 as Local Law 9- 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 9 - 2020; and

BE IT FURTHER RESOLVED that this law shall take effect immediately

The Board was polled as follows:

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

Local Law 9 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 waiver:

The Village Administrator shall have discretion upon written request by a homeowner, to grant a temporary waiver allowing the operation of landscaping for a special event such as a wedding, party, or other large social gathering.

(b) Exception: 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.

Section 2. Amending section 144-2 Definitions to include the definition of “Holiday” as follows:

New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

Section 3. Amending section 144-3 (6)(b) to include:

Exceptions:

a) 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.

b) Temporary waiver:

The Village Administrator shall have discretion upon written request by a homeowner, to grant a temporary waiver allowing the operation of landscaping for a special event such as a wedding, party, or other large social gathering.

Section 4. 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 5. Effective Date. This law shall take effect upon filing with the Secretary of State.

On motion of Deputy Mayor Rosenbaum, second by Mayor Herrington, the public hearing portion of the meeting was closed.

See the stenographic record for further details.

Regular Meeting

Approval of Minutes

On motion of Deputy Mayor Rosenbaum, seconded by Trustee Lewandowski, the minutes of the July 6, 2020 regular meeting and public hearing were approved by all who were present.

Treasurer's Report

The monthly claims were approved by all on motion of Mayor Herrington, seconded by Deputy Mayor Rosenbaum. Ms. Tangredi updated the Board on tax collection status.

Resolution No. 42 - August 3, 2020

RESOLUTION AUTHORIZING THE VILLAGE TO ACCEPT A PAYMENT AND MAKE A PAYMENT

The following resolution was offered by Mayor Herrington, second by Deputy Mayor Rosenbaum: **WHEREAS** the Village annually collects property taxes for all properties in the Village unless they have an exemption; and

WHEREAS there existed a one-acre property formerly known as 1 East Gate Road, (Section 6. Block 5304. Lot 1529 on the Nassau County Land and Tax Map) that was approved for a subdivision into two one-half acre lots by the Village of Flower Hill Planning Board on June 21, 2017 and was assigned the following addresses (by the Village) and lot numbers (by Nassau County Planning Board): 1 East Gate Road - Section 6. Block 5304. Lot 1540 and 1 West Gate Road - Section 6. Block 5304. Lot 1539; and

WHEREAS the Village of Flower Hill adopts the Nassau County Tax Roll as its own however, the County has not updated the abovenamed properties on the 2018, 2019 and 2020 Rolls and still only lists the one-acre property, 1 East Gate Road, (Section 6. Block 5304. Lot 1529); and

WHEREAS the developer of the subdivided properties has sold each separate lot to Jeffrey Chernosky, 1 West Gate Road and Sara Piccone, 1 East Gate Road and Ms. Piccone has been paying the entire Village tax amount of \$2,336.50 for the one-acre property since she bought the home and Mr. Chernosky has paid no Village tax;

THEREFORE, upon this matter being brought to the Village's attention, the Village has billed Mr. Chenofsky for one-half of the tax amount (\$1,168.25) which was paid on July 27, 2020 and will issue that amount as a refund to Ms. Picone.

The Board was polled as follows:

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

Building Inspector's Report

Mr. Albinski reported on the Architectural Review Committee's meeting of July 28, 2020. The committee recommended approval with conditions on applications of 99 Birch Lane for a new residence, 54 Ridge Drive East for additions and alterations, 26 Dogwood Land for portico, windows and siding and 37 Greenbriar Lane for portico and siding. The applications of 102 Boulder Road for a new residence, 168 Dogwood Land for a new residence and 24 Wood Valley Land for first and second floor additions had no action taken. On motion of Trustee Lewandowski seconded by Trustee Genese, the Board unanimously approved the findings of the ARC.

Mr. Albinski has noted that many variances have been sought for structures in a side yard on corner properties. He is proposing legislation that would allow corner properties to do this type of construction without seeking a variance. He is discussing the various option with the Architectural Review Board and the Zoning Board of Appeals and will further advise the Board on their recommendations.

Public Works Superintendent Report

Mr. Falcones advised that the Public Works department is well prepared for the forecast hurricane Isaias. As the Village has been advised by its insurer that the public works crew will be covered by our own liability insurance for the clean-up of the Right-of-Ways on Middle Neck Road, Mr. Falcones has come up with a plan for the work. It should take the crew about a month or two to bring the road up to par.

Village Engineer's Report

Mr. Lawniczak reported that there has been a discrepancy in the bidding of the 2020 Pavement and Drainage Project so that the project will have to be re-bid.

Resolution No. 43 – August 3, 2020

A RESOLUTION REJECTING ALL RECEIVED BIDS FOR A PROJECT AND AUTHORIZING PREPARATION OF A NEW BID

The following resolution was offered by Mayor Herrington, second by Trustee Collins:

WHEREAS, pursuant to a prior resolution of the Board of Trustees ("Board") bids were duly advertised and received 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 ("Project"); and

WHEREAS, bids having been received and reviewed and it having been determined that there were potential discrepancies in the bid packet provided to at least one bidder; and

WHEREAS, the Board recognizes that all bidders should be provided just consideration, and

WHEREAS, pursuant to General Municipal Law section 103 the Village of Flower Hill ("Village") has the power to reject all bids and proceed anew with awarding the contract for the Project; and

WHEREAS, it is the determination of the Board that rejecting all bids and proceeding anew with awarding the contract will provide just consideration to all potential bidders,

NOW, THEREFORE,

BE IT RESOLVED, that all bids previously received pursuant to the prior resolution with respect to the Project be, and the same are, hereby rejected and that the project shall be re-bid, and

BE IT FURTHER RESOLVED, that the Board of the Village hereby authorizes Village Engineer Stephen Lawniczak, PE of SHL Engineering, Huntington Station, New York ("Engineer") to prepare contract documents and bid packets for the Project to be re-bid; and

BE IT FURTHER RESOLVED, that the Engineer is to then work in conjunction with the Village Administrator and arrange for and re-bid said project in accord with General Municipal Law 103.

The Board of Trustees was polled as follows:

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

Administrator's Report

RESOLUTION NO. 44 – AUGUST 3, 2020 RESOLUTION PURSUANT TO 2019-A OF THE NEW YORK UNIFORM JUSTICE COURT ACT

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

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

RESOLUTION NO. 45 – August 3, 2020 RESOLUTION APPOINTING ELECTION INSPECTORS FOR GENERAL VILLAGE ELECTION NEW YORK UNIFORM JUSTICE COURT ACT

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

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 September 15, 2020;

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
Anthony Rowlands

Carolyn Mastropieri

Michael Putre

In the event that any of the above cannot serve, any other qualified individual may be appointed, and

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

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

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

The Board of Trustees was polled as follows:

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

Ms. Shatzkamer suggested the Board look into formalizing the process for granting approval for applicants seeking to allow structures in the Village's ROW as the Village has recently received a few of these requests. She will research the issue and report back.

Attorney's Report

Mr. Blinkoff reported on the July 15, 2020 Board of Zoning Appeals hearing. He updated the Board on the progress made with Nassau County on the Inter Municipal Agreement (IMA) to acquire Middle Neck Road and the re-opening of Village Court on August 26th.

He next reported on outside counsel updates. Ed Ross, counsel on the Extenet case, reports that the next important date are the motions for summary judgement at the end of August. A report from the attorneys retained to investigate harassment complaints is due next week. The Ethics Committee has held a hearing with counsel on July 30 and will schedule further hearings. The Article 78 brought against the Village by Trustee Hirsch has been discontinued without prejudice.

Mayor's Report

The Mayor clarified that the law abolishing the Village Planning Board was valid but because of questions raised about it he offered the following resolution.

RESOLUTION NO. 46 – August 3, 2020 RESOLUTION RATIFYING A LOCAL LAW

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

BE IT RESOLVED that as Local Law 5 – 2019, entitled "A Local Law Amending Village Code Chapter 30 (Planning Board) by re-naming said chapter, "Planning Board Powers of the Board of Trustees"", was adopted by the Board of Trustees on May 6, 2019; and

FURTHER that the Board of Trustees hereby elects to ratify said law; and

BE IT FURTHER RESOLVED, that the Board of Trustees hold a public hearing on said ratification at the Village Hall in the Incorporated Village of Flower Hill at the address of One Bonnie Heights Road, Manhasset, New York or at an electronically held meeting remote meeting pursuant to Executive Order 202.1, at 7:30 p.m. on Tuesday, September 8, 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 Collins	Aye
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye

The Mayor updated the Board on Covid-19 safety operations as well as an update on the Landscaping, Park and Sustainability Committees.

Trustees Report

Trustee Beber noted that the summer Newsletter was received by residents with a reduction in postage from the last newsletter.

He also noted that he and Deputy Mayor Rosenbaum have been working on the revamp of the Village Website, making it more logical and searchable. We should start to see the live updates next week.

Old Business

The Board also received a referral from the Board of Zoning Appeals to determine whether driveway posts with a signal box in the ROW at 170 Elderfields can remain or must be moved. The BZA approved the other variances on the property.

Resolution No. 47 – August 3, 2020

A RESOLUTION ALLOWING A STRUCTURE TO REMAIN IN THE VILLAGE RIGHT-OF-WAY

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

BE IT RESOLVED that the Board of Trustees of the Village of Flower Hill received a request from Mr. James Goldrick, 170 Elderfields Road, Manhasset, NY 11030, also known as Section 3, Block 197, Lot 9 on the Nassau County Land and Tax Map to allow the maintenance of two call box posts outside his property line within the Right of Way owned by 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;

BE IT RESOLVED, that Board of Trustees hereby grants the right to maintain the posts on the condition that the property owner enter into an agreement with the Village whereby he relinquishes all claims and liability arising from the installation of the posts directly adjacent to said property against the Inc. Village of Flower Hill, that may occur within the Village of Flower Hill Right of Way, adjacent to 170 Elderfields Road. He also agrees to hold the Village of Flower Hill harmless for any third-party claims that may arise for bodily injury or property damage caused by said structures in the Right-of-Way. He agrees that he shall be held liable in tort for such damages to another.

Alternatively, should the Village be called upon to make such payment to a third party, the Village will look to him for contribution and indemnity.

The Board of Trustees was polled as follows:

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

New Business

The Board issued an RFP for a Village wide traffic study. Two responses were received.

Resolution No.48 – August 3, 2020

RESOLUTION AWARDING A TRAFFIC STUDY; AND APPROVING PURCHASE OF TRAFFIC CALMING DEVICES AND PILOT PROGRAM

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

BE IT RESOLVED THAT the Board of Trustees has considered means of improving traffic safety throughout the Village and toward that end has solicited bids for a traffic study from several traffic engineering firms; and

WHEREAS two proposals have been submitted and reviewed by the Board;

THEREFORE, the Board of Trustees hereby awards said study to Nelson & Pope Engineers, 70 Maxess Rd., Melville, NY 11747, in the amount of \$29,500.00; and

FURTHER directs said firm to include a plan for the use of speed tables to be purchased through the New York State Office of General Services Purchasing Program, to be implemented as a pilot program to gauge their effectiveness throughout the Village.

The Board of Trustees was polled as follows:

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

Village Historian Rhoda Becker gave a very interesting report on why the Village was formed.

To address a resident's question, Mayor Herrington went over the history, rationale and disbandment of the Planning Board and explained how any future St. Francis expansion would be handled.

There was a very large fireworks display at a residence on Maple Drive last weekend. The Code Enforcer was charged with sending a letter and possible summonses to the homeowners. Mr. Rockelein was asked to propose legislation that would prevent this type of display in the future.

**Resolution No.49– August 3, 2020
RESOLUTION TO HOLD A SPECIAL MEETING**

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

BE IT RESOLVED that the Board of Trustees of the Village of Flower Hill will hold a Special Meeting on Monday, August 17, 2020 at 5:30 pm. This meeting will be an electronically transmitted remote meeting pursuant to Executive Order 202.1.

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 Collins	Aye
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye

On motion of Mayor Herrington second by Trustee Genese, the regular meeting was adjourned at 10:22 pm.

Respectfully submitted,
Ronnie Shatzkamer
Village Administrator