

BOARD OF TRUSTEES
INC. VILLAGE OF EAST WILLISTON
REGULAR BOARD MEETING
MONDAY, MAY 13, 2019

Regular meeting of the Board of Trustees of the Incorporated Village of East Williston was held on Monday, May 13, 2019 at 7:30 p.m. at the Village Hall, 2 Prospect Street, East Williston, New York.

There were present: Mayor Bonnie L.S. Parente, Deputy Mayor/Trustee Christopher A. Siciliano, Trustees James Iannone, Raffaella Dunne Village Attorney Jeffrey L. Blinkoff, Village Clerk Marie L. Hausner

Excused from meeting: Anthony J. Casella, Trustee

Also present: Joseph Masters, James J. Daw, Jr. , James Clark, Kevin Parente, Mildred Clinton, Ray Gaudio, Michael Guglielmo, Mildred Clinton, Anthony Doulous.

Excused from meeting: Trustee Anthony Casella.

The meeting commenced with a public hearing to consider proposed local law No. 1-2019 amending the Village Code Chapter 18A to include additional provisions as to commercial landscaping within the Village. A verbatim transcript of said hearing is on file the office of the Village Clerk.

RESOLUTION NO. 2019-16 A RESOLUTION ADOPTING LOCAL LAW #2019-1
ADDING A NEW CHAPTER 18A TO THE VILLAGE CODE OF THE
INCORPORATED VILLAGE OF EAST WILLISTON ENTITLED "LANDSCAPING
EQUIPMENT"

On the motion of Trustee Siciliano, seconded by Trustee Dunne and with Mayor Parente and Trustees Siciliano, Iannone and Dunne all voting "aye", the Board approved the following resolution

VILLAGE OF EAST WILLISTON Local Law One of the Year 2019 A Local Law adding a new Chapter 18A to the Village Code of the Incorporated Village of East Williston entitled "Landscaping Equipment" as follows:

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

Section 1. Adding Chapter 18A as follows:

Chapter 18A

Landscaping Equipment

§ 18A-1 **Legislative intent.**

A. This local law adds Chapter 18A to the Village Code entitled "Landscaping Equipment" 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

§ 18A-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.

GROUNDKEEPING --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.

§ 18A-6 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 2:00 p.m. except as provided in section 18A-7; and

(c) Weekdays before 8:00 a.m. or after 5:00 p.m.

(7) Operate any equipment in violation of Chapter 18 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.

§ 18A-7 Power equipment including gasoline powered leaf blower.

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.

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.

§ 18A-9 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.

§ 18A-10 Severability.

If any clause, sentence, paragraph, section, word or part of this chapter is adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section, word or part of this chapter directly involved in the controversy in which judgment is rendered.

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.

**RESOLUTION NO. 2019-17 A RESOLUTION AMENDING FEES FOR
COMMERCIAL LANDSCAPERS PURSUANT TO CHAPER 18 OF THE VILLAGE
CODE**

On the motion of Trustee Iannone, seconded by Trustee Siciliano, and with Mayor Parente and Trustees Siciliano, Iannone and Dunne all voting "aye", the Board approved the following resolution:

WHEREAS, Chapter 18 of the Village Code at Section 18-5(C) provides that the fees paid by commercial landscapers to work in the Village shall be as provided by resolution of the Board of Trustees (Board), and

WHEREAS, commercial landscapers currently ay a fee of \$100 for a yearly permit to work within the Village, and

WHEREAS, the Board recognizes the environmental benefits when commercial landscapers use equipment either powered by a "four stroke" engine or by electricity, therefore,

BE IT RESOLVED, that any commercial landscaper who provides sufficient documentation to show that the equipment used by that landscaper to conduct work within the Village is powered only by either "four stroke" engines or by electricity shall be assessed the same \$100 fee to work in the Village, but if no such documentation is provided, the commercial landscaper fee will be increased to \$125 for a yearly permit.

On the motion of Trustee Siciliano, seconded by Trustee Iannone, and with Mayor Parente and Trustees Siciliano, Iannone and Dunne voting "aye", the Board approved the minutes of the annual organizational meeting of April 1, 2019.

On the motion of Trustee Siciliano, seconded by Trustee Dunne, and with Mayor Parente and Trustees Siciliano, Iannone and Dunne all voting "aye" the Board approved the minutes of the agenda meeting of April 29, 2019

On the motion of Trustee Siciliano, seconded by Trustee Iannone, and with Mayor Parente and Trustees Parente, Siciliano, Iannone and Dunne voting "aye", the Board approved the abstracts for April 2019 Nos. 20180537 - 20180585 .

Chief James Clark gave the report of the East Williston Fire Department for the month of April 2019. The department responded to a total of 17 calls. Nine emergency service calls, five general alarms, one auto accident and two mutual aid calls to neighboring departments. He noted that the Department will attend fire school at the Nassau County Fire Service Academy in Old Bethpage in May.

Chief Clark stated that the department will be participating in the Memorial Day parade on Monday May 27th.

Mayor Parente congratulated Chief Clark on his election to Chief of Department.

The Mayor also thanked the Chief and department members for accommodating the Village in the change of training drill locations from the North Side School, to the Village parking lot on Sagamore Avenue.

TRUSTEE REPORTS

DEPUTY MAYOR/TRUSTEE CHRISTOPHER SICILIANO

Trustee Siciliano stated that public works will conduct semi-annual hydrant flushing May 12 through 16. The hours of flushing will take place from 11pm to 4am.

He advised that resident may experience rusty water and should run the cold water tap at the lowest point in the house to clear it from the system.

Public works is also starting to plant street trees around the Village. He added that any resident who has sidewalk flags that are being lifted by Village trees to call the Village office so that they can be placed on a list for repair this summer. He also advised residents to call the office to report any street light outages.

Lastly, the Village will be looking at spot locations on some roads where road resurfacing to correct pot holes should take place and perhaps traffic calming methods to prevent speeding.

Trustee Siciliano presented the report of the East Williston Library. Mahjong classes take place every Tuesday in May. The movie screening of The Upside will take place in May. Other upcoming events will include Adult Coloring Days, a presentation by the National Circus Project, Tween Cake Wars, afternoon and evening book clubs, pre-school and toddler story times, blood pressure screening and the upcoming Summer Reading Program. If anyone has a suggestion for a library program, they should contact Jamie Cutinella or Erin Urkiel.

TRUSTEE JAMES IANNONE

Trustee Iannone reiterated the report given by Chief Clark for the East Williston Fire Department, and congratulated the Chief on his election. He added that if anyone is interested in joining the department, he urged them to come to the firehouse on Thursday nights and speak to one of the chiefs for commissioners.

Trustee Iannone stated that the East Williston Senior Group will meet on May 16th for a light lunch and dessert. A guest comedian will entertain that afternoon. Looking ahead to June, the Senior Group will host an ice cream social.

TRUSTEE ANTHONY CASELLA

In the absence of Trustee Casella, Clerk Hausner presented the Recreation Committee report advises that yoga classes continue on Monday and Wednesday mornings from 9:30 to 11am and gentle yoga classes take place on Wednesdays from 5:45 – 7:15pm. Come Play with Me program takes place pm Wednesdays at 10:30am. The 40th Annual Memorial Day 5K Race will take place on Monday, May 26th at 8:30am. The 7th annual Village-wide tag sale will take place on June 8, 2019 from 9am-2pm.

The Justice Court report for April 2019 reported 13 parking violations, one moving violations and no Village ordinance violations, with \$743.00 total monies collected and \$93.00 in New York State surcharges.

TRUSTEE RAFFAELA DUNNE

Trustee Dunne stated that the East Williston Little League will hold it's annual All Star Game on May 24th at 6pm. Food and drinks will be served. The Little League also held it Night at the Mets on May 10th with a great many tickets sold.

A "Vaping Awareness" presentation by the Nassau County Police Department Third Precinct through a jointly sponsored effort of the Villages of East Williston and Williston Park will take place on June 4th at 7pm at the East Williston Village Hall. The presentation is geared toward making parents aware of what is out there and the signs to be on the lookout for.

The Beautification Committee has been installing plantings in the area of the Village Hall and Village Green. With the cooperation of the department of public works, damaged pavers are also being replaced.

MAYOR BONNIE L.S. PARENTE

Mayor Parente stated that with the annual Village wide tag sale coming on June 8th, some resident have asked the Village to revisit this topic for next year. The Board will discuss this issue at the July Board meeting welcoming residents comments on the event.

Mayor Parente noted that Trustee James Iannone met with Dr. Elaine Kanas of the East Williston School District on May 1st to discuss the proposed installation of the fence at

North Side School. It was hoped that the School District could strike a balance of the safety of the children and the aesthetic appeal of the property.

Mayor Parente addressed increased communication on social media, in that when an email blast is sent out by the Village, she also places the information on Facebook. She also noted that with any mass email alert system, emails can go into a persons spam box. Subscribers should always check their spam to see if an email blast from the Village sent into spam. It has happened to her and the village clerk on a few occasions.

The Concert on the Green will take place on Friday, May 17th at 6:30pm

Mayor Parente reported that she met with Commanding Officer of the Nassau County Police Department Third Precinct. Issues addressed were security, speeding, traffic among other things. She asked that the precinct increase patrols in the area and to please issue tickets.

The commanding officer advised that staffing at the precinct is light and work has increased in many areas. The Village and the Third Precinct will continue to work together.

Lastly, the Memorial Day parade and ceremony will take place on Monday, May 27th with the parade commencing at 11:30 am near the North Side School, and the ceremony taking place at 12 noon on the Village Green.

Trustee Iannone stated that with work and input from residents, and with the Village and Nassau County taking the safety of students seriously, steps to make the crosswalk on East Williston Avenue near the North Side School safer is coming to fruition. The County is taking a more proactive response to requests by considering significant enhancements to the crosswalk such as a relay, rapid flashing beacon and a redoing of the crosswalk itself.

Legislator Richard Nicoletto should be credited with help in this regard getting all of the parties together to form a dialogue on the safety issues of the crosswalk.

VILLAGE CLERK MARIE HAUSNER

The following building permits were issued in April 2019: 204 Bengeyfield Drive, legalize and maintain a patio, addition to home, hot tub and fire place. 53 Donald Street, installation of HVAC system. 38 Ridge Road, installation of central air conditioning. 405 Congress Avenue, addition/alterations to home, installation of patio, air conditioning system, finished basement. 37 Orchard Drive, major renovations. 34 School Street, window and door replacement. 43 Robbins Drive, installation of patio.

The Nassau County Police Department Third Precinct report for April noted no auto. Eight aided cases (other than auto). No reports of burglary or larceny from autos. One report of criminal mischief. One moving violation were issued, and one parking violation were issued.

The Mayor opened the meeting to residents.

Michael Guglielmo asked what the opposition was to the annual Village-wide tag sale. Mayor Parente stated that some residents felt that people who came to the tag sale were scoping out their homes for possible crime. Some were not happy with the garbage that is left out for a couple of days waiting to be picked up.

He wondered why this event was not done on the Village Green.

Trustee Siciliano stated that it was done this way many years ago, but residents did not like hauling their items over to the Village Green, and then have to take unsold items back home.

James Daw felt it was a good idea to revisit the issue in July, as the sale will be fresh in everyone's mind.

Anthony Doulos felt in light of recent events in the Village, he would like the tag sale cancelled.

Mr. Guglielmo felt that if someone was scoping out your house, they have 365 days to do so

James Daw addressed traffic and speeding along Downing Street. At the start and end of the school day, a parade of cars line up on Downing Street to pick children up at school, making it impossible to move from one's driveway. Consequently, after a train arrives at the station, cars travel on Downing Street at a blistering rate of speed.

He felt the Village may want to explore traffic calming solutions, the installation of a stop sign at Latham Lane, and the installation of pavers, similar to that on Sagamore Avenue near the ball field.

Mr. Doulos agreed that the traffic on Downing Street is a problem, as well as speeding cars. He added that vehicles also speed down the street from 10pm to midnight. Perhaps the Village should look into checking videos to see cars that are parking in the area at night.

He stated that he installed outside LED lights that work on 50% capacity and go to 100% capacity when motion is detected. The lights are energy efficient with a substantial cost savings, and the lights being on at a home are a possible deterrent to those looking to scope out a house.

There being no further business, on the motion of Trustee Siciliano, seconded by Trustee Iannone, the meeting was adjourned at 9:07 pm.