

BOARD OF TRUSTEES
INC. VILLAGE OF EAST WILLISTON
REGULAR MEETING
MONDAY, AUGUST 13, 2012

Regular Meeting of the Board of Trustees of the Incorporated Village of East Williston was held on Monday, August 13, 2012 at 8:00 p.m. at the Village Hall, 2 Prospect Street, East Williston, New York.

There were present: Mayor David E. Tanner, Deputy Mayor Trustee Bonnie L.S. Parente, Trustees Caroline DeBenedittis, Christopher A. Siciliano, Village Attorney Jeffrey L. Blinkoff, Village Clerk Marie L. Hausner.

Trustee Robert M. Vella, Jr. was excused from the meeting.

Also present: EWFD Chief Patrick Theodore, John Ferro, Thomas DelaPorte, Barbara Seixas, Carla Strauss, James Sandquist, Leonard and Ellen Ritz, Michael Kelapire, Carol Bertalli, Connie Leonick.

The meeting commenced with public hearings to consider three local laws. The first public hearing was to consider Local Law No. 3-2012 amending Chapter 148 of the Municipal Code pertaining to parking, standing and stopping. A verbatim transcript of the hearing is on file in the office of the Village Clerk.

RESOLUTION #27-2012 A RESOLUTION APPROVING LOCAL LAW NO. 3-2012.

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

A Local Law amending Chapter 148 of the Municipal Code of the Incorporated Village of East Williston pertaining to vehicles and traffic.

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

Section 1. Adding to Section 148.19 an additional paragraph entitled "failure to answer summons; penalties for offenses" to read as follows:

Upon the failure of a person or owner of a vehicle to answer a summons charging said person or owner with an infraction or violation of any provision of this Chapter, late penalty fines (in addition to the fines imposed in the preceding paragraph of this Section) shall be imposed as follows:

- a) If said person or owner does not answer said summons within 30 days from the date of the issuance of said summons, a late penalty fine equal to the original fine shall be imposed;
- b) If said person or owner does not answer said summons within 60 days from the date of issuance of the summons, an additional penalty fine equal to the original fine shall be imposed;
- c) If said person or owner does not answer said summons within 90 days from the date of issuance of said summons an additional penalty of \$25.00 shall be imposed;

The above penalty fine schedule may hereafter be changed by Resolution of the Board of Trustees.

Section 2. 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 3. Effective Date. This law shall take effect immediately.

The next public hearing was to consider Local Law #4-2012 amending the Municipal Code to include a new Article pertaining to Alarm Systems.

RESOLUTION #28-2012 A RESOLUTION APPROVING LOCAL LAW NO. 4-2012.

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

A Local Law amending the Municipal Code of the Incorporated Village of East Williston to include a new Article pertaining to Alarm Systems as follows:

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

August 13, 2012

Page 3 of 10

Section 1. Adding an additional Article entitled "Alarm Systems" as follows:

§ 1. Purpose.

The purpose of this chapter is to provide regulations and standards applicable to alarm devices and alarm users and to provide a schedule of charges applicable for false alarms transmitted through such devices. This provision does not preempt any other applicable rule, regulation, statute or law of any kind.

§2. Definitions.

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

ALARM DEVICE.

Any device which, when activated by fire, smoke or other emergency requiring Fire Department response, transmits a recorded message or signal to police headquarters or to a private control alarm station and/or produces any audible or visual signal to which the Fire Department is expected to respond. Excluded from this definition and from the provisions of this chapter are devices commonly known as burglar alarms and devices designed to alert the occupants of a building of an emergency condition therein and which do not produce any audible or visual signal which is perceptible outside of such building. Also excluded from the definition and the provisions of this chapter are "alarm devices" installed in or on any motor vehicle.

ALARM USER

Any person or entity on whose premises an alarm device is installed in the Village. Where a person or entity other than the owner leases or occupies a premises, that person is also an alarm user.

FALSE ALARM

Any alarm activation to which Fire Department personnel respond which is not caused by anything other than result of anything other than fire, smoke, or other emergency shall be deemed a false alarm and shall constitute a violation. Production of proof that the device has been services following a prior violation will be a defense to a new violation.

VILLAGE

The Village of East Williston.

§ 3. Responsibility for system, warnings and penalties;

- A. The property owner and the alarm user are each individually responsible for all false alarms and for all penalties.

August 13, 2012

Page 4 of

- B. Following two violations in a 365 day period year, each following violation shall result in fines of \$100.00 for the third violation; \$150.00 for the fourth violation; and \$250.00 for each succeeding violation occurring within the same 365 day period.
- C. The Village Clerk and Code Enforcer are hereby empowered to issue Notices of Violation.

Section 2. 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) 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 3. Effective Date. This law shall take effect immediately.

RESOLUTION #29-2012 A RESOLUTION APPROVING LOCAL LAW NO. 5-2012.

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

A Local Law amending the Municipal Code of the Incorporated Village of East Williston pertaining to trespassing as follows:

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

Section 1. Amending Section 135-2 of the Code entitled "Posting of notices" in its entirety as follows:

Notices of signboards including words indicating that trespassing is prohibited at such property shall be posted at a main entrance to such property. The property owner is permitted but is not required to also post notices at such other locations on the property as may be determined by the property owner.

Section 2 Exercise of supersession authority.

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) 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 3. Effective Date. This law shall take effect immediately.

August 13, 2012

Page 5 of 10

On the motion of Trustee Parente. Seconded by Trustee DeBenedittis, and with Mayor Tanner and Trustees Parente, DeBenedittis, and Siciliano all voting "aye", the Board unanimously approved the minutes of July 9, 2012 with corrections.

On the motion of Trustee Siciliano, seconded by Trustee DeBenedittis, and with Mayor Tanner and Trustees Parente, DeBenedittis, and Siciliano all voting "aye", the Board unanimously approved the minutes of the agenda meeting of July 30, 2012.

On the motion of Trustee Parente, seconded by Trustee DeBenedittis, and with Mayor Tanner and Trustees Parente, DeBenedittis, and Siciliano all voting "aye", the Board unanimously approved the abstracts of claims for July 2012 as follows: July 3, 2012 claim #20120064. July 18, 2012 claims 20120065 – 20120079.

Chief Patrick Theodore presented the Fire Department report for July 2012. The Department responded to a total of 19 calls; 11 fire calls, six EMS calls and two mutual aid calls.

Mayor Tanner thanked the Chief for his input for the newly approved local law on alarm systems.

TRUSTEE REPORTS

DEPUTY MAYOR/TRUSTEE BONNIE PARENTE.

Trustee Parente stated that she was pleased that the Board passed the local law on false alarms, as this will aid the fire department in preventing unnecessary calls.

TRUSTEE CAROLINE DEBENEDITTIS

Trustee DeBenedittis presented the Library report. The Summer Reading Program will be coming to a close with the annual pool party to be held tomorrow, August 14th. 108 children participated, 36 completed the program and 823 books were read.

North Hempstead Receiver of Taxes Charles Berman will give a presentation on property tax exemptions on Thursday, September 6, 2012 at 7pm.

In the absence of Trustee Vella, Trustee DeBenedittis stated that the Recreation Committee activities will be commencing again in the fall. Fall Tennis, Yoga and "Come Play with Me" will start in September. She reminded residents that children must be signed up for Movie and Game nights in advance; no walk-ins are permitted. The first movie night will be a showing of "I Bought a Zoo" and will be shown in the new basement Media Room.

Lastly, resident Ray Gaudio who is the Village designee for TVASNAC (Town Village Airline Safety and Noise Action Committee) has provided a phone number for a Port Authority

Complaint Hotline. The telephone number is 1-800-225-1071. Residents who notice low flying planes should call the number when they hear noise to report incidents to the hotline.

TRUSTEE CHRISTOPHER A. SICILIANO

Trustee Siciliano gave information to residents regarding the disposal of yard waste. Residents should use clear plastic bags to get rid of yard waste however, the Village will be distributing bright orange, fluorescent decals for use on black bags for yard waste. A flier will be mailed soon to residents outlining sanitation procedures. Lastly, he reminded residents that paint cans and similar materials are not to be placed in the garbage. They must be taken to Town of North Hempstead STOP Program facilities.

Trustee Siciliano gave the Justice Court report. The Court received \$500 in fines during the month of July. Court is not held in July or August.

The Public Works department will be going around with the tree company pruning trees, where low hanging branches are hitting the fire trucks when they pass through streets.

Lastly, Trustee Siciliano reminded residents to check on elderly neighbors during extreme temperature conditions.

MAYOR DAVID E. TANNER

Mayor Tanner stated that the Village is working on obtaining bid documents to demolish or repair the structures at 8 Sumter Avenue, pursuant to the Court Order. The Village Code states that the Village can recoup costs for repairs (or demolition) of the house.

RESOLUTION #30-2012 A RESOLUTION AUTHORIZING THE VILLAGE TO OBTAIN QUOTES FOR THE PREPARATION OF BID DOCUMENTS FOR THE REPAIR OR DEMOLITION OF 8 SUMTER AVENUE.

On the motion of Trustee DeBenedittis, seconded by Trustee Siciliano, and with Mayor Tanner and Trustees Parente, DeBenedittis, and Siciliano voting "aye", the Board authorized to obtain quotes for the preparation of bid documents for the repair or demolition of buildings at 8 Sumter Avenue to achieve the necessary steps as outlined in the Court Order of the Hon. Vito M. DeStefano of the Supreme Court, Nassau County.

Jeffrey Blinkoff stated that the Judge did not set an amount in the Court decision, so that amount is yet to be determined.

John Ferro stated that if the buildings are repaired by the Village, given the history with the property owner, the house will fall back into disrepair. There is no guaranty that the house will be kept up to code after repairs. He felt the only thing to do will be to knock the house down.

August 13, 2012

Page 7 of 10

Mayor Tanner stated that he is sympathetic to what Mr. Ferro stated however, the Village has to act responsibly and is following the letter of the law, set forth in the Court Order.

Mr. Ferro stated that the Village should take into consideration the aggravation that the neighbors have put up with for many years.

RESOLUTION #31-2012 A RESOLUTION AUTHORIZING THE VILLAGE CLERK TO OBTAIN PROPOSALS FOR THE REMOVAL OF RACCOONS, VERMINE AND OTHER INSECTS AT 8 SUMTER AVENUE, EAST WILLISTON.

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

WHEREAS, the Incorporated Village of East Williston, in accord with a court order of the Hon. Vito M. DeStefano of the Supreme Court, Nassau County, arranged for an investigation by a licensed engineer of premises at 8 Sumter Avenue within the Village to assess what steps would be needed to render the structure at the location to be safe and habitable, and

WHEREAS, the Village of East Williston Board of Trustees ("Board") received a report with respect to the same from Dean Koutsoublis, a licensed engineer with the firm of Koutsoubis, Alonso Associates, P.E., P.C., and

WHEREAS, the Board has also received reports from neighbors of the subject property of the effect that raccoons have been seen in large numbers at the property and coming in and out of the main building as well as additional structures on the property, and

WHEREAS, the Board has determined that the removal of the raccoons and the sealing of the buildings is necessary to maintain the safety of the building and its potential habitability,

WHEREAS, the Board has determined that the removal of the raccoons and the sealing of the buildings is necessary to maintain the safety of the building and its potential habitability,

NOW, THEREFORE IT IS RESOLVED, that the Village Clerk is to arrange for proposals to be provided for the removal of the raccoons, vermin, and other insects for the sealing of the structures as needed to preclude their return, and it is further,

RESOLVED, that upon the submission of proposals, the Board is to assess the appropriate person or entity to conduct the work required with the Mayor being authorized to thereafter execute a contract for such services as the Board shall determine needed.

Ellen Ritz asked if the Village had given any thought into buying the property.

August 13, 2012

Page 8 of 10

Carol Bertalli asked why the property has not been condemned.

Mr. Blinkoff stated that in order to condemn a property, it has to be in the form of a court order.

Sgt. Brown from the Nassau County Police Department Third Precinct addressed those present about burglaries in the area. There was particular concern about a burglary at 207 Bengeyfield Drive. He stated that the number of burglaries is down recently. The police have found that most of the burglaries are the result of drug addiction and prescription pills. He stated that the police are trying to determine if the home was targeted. He also noted that it is hard to disable an alarm

Sgt. Brown also reported that the Third Precinct is dealing with youth problems. Most recently at the North Side School, tickets were issued.

Trustee DeBenedittis stated that she received a report that three cars were recently rifled through to steal personal property. Sgt. Brown stated that residents must call the police to make a report.

Michael Kelapire asked if there was any evidence that private security deters crime. Sgt. Brown stated that while he cannot say a definite "now", it may not be worth the cost involved in hiring a security firm. Security guards are not up to the task of policing areas.

Patrick Theodore thanked Sgt. Brown and the Nassau County Police for their enforcement. He has seen a definite improvement in and around the Train Station Pavilion.

Sgt. Brown stated that if residents have a problem they wanted to discuss (not an emergency), to call 573-6300, ask for him and leave a message on his voice mail and he will call back.

VILLAGE CLERK MARIE HAUSNER

The following building permits were issued in July 2012: 5 Atlanta Avenue, reconfigure driveway, 10 Post Lane, legalize and maintain a screened porch. 9 Sumter Avenue, replace front porch. 24 Meritoria Drive, new front portico. 26 Orchard Drive, construct new two car garage.

The Police Report for July 2012 is as follows: No reports of burglaries or robberies. No parking or moving violations were issued. Two auto accidents were reported, but no auto injuries.

No reports of grants for July 2012.

August 13, 2012

Page 9 of 10

Mayor Tanner addressed the subject of the planting of bamboo. He was advised that a New York State Law will be taking effect in the near future and he wanted the opportunity to review the law with the Village Attorney.

Mayor Tanner addressed the issue of water with Williston Park. He stated that the Court ruled in favor of East Williston in the Article 78 proceeding, in that the Village of Williston Park did not follow its own laws in increasing the water rate to East Williston. Williston Park may appeal the decision. On August 6, 2012, Williston Park once again raised the water rate to East Williston to \$4.33 per 1,000 gallons to take effect August 1, 2012. Two separate meetings took place with Mayor Ehrbar and Deputy Mayor Kevin Rynne (the first with Mayor Tanner and Deputy Mayor Parente, and the second with Mayor Tanner and Trustee Vella). Both meetings were unsuccessful in terms of negotiations. Village Attorney Jeffrey Blinkoff and Trustee Vella attended Williston Parks' public hearings.

The key difference is a new cost allocation mode that shifts operating costs to the Village of East Williston. This type of cost allocation was never used in 50 years. The Mayor stated that the Village owes it to its residents to continue to work on this issue, as well as pursuing every alternative source of water.

Mayor Tanner also stated that the Village is working toward installing remote water meters and improvements to the overall water system.

Carol Bertalli asked what the Village gained by the lawsuit, other than Williston Park holding another public hearing and raising water rates once again.

Mayor Tanner opened the meeting to residents.

Michael Kelapire had three items he wanted to bring up. First, he asked if the Village could send out emails when a break-in occurs to alert residents.

Second, since the many storms, trees in the right of way had to come down due to damage. He wanted to know if the Village will replace the trees. Mayor Tanner stated that the Village will try to accommodate requests.

Third, Mr. Kelapire asked about the issue of curbing being installed on the right of way on School Street. He felt the Village should be telling resident exactly where the curbing should be placed when the permit is approved. Mayor Tanner stated that the Village Code allows Belgian block curbing to be installed. Regardless of what is put in a particular plan, it does not usurp the Village Code. Mr. Kelapire stated that through the use of survey, the Village should stake out the placement of the curbing. He said the same thing should be applied to driveways, as

August 13, 2012

Page 10 of 10

some are larger than others. The Mayor stated that the Code permits certain size driveways; it is a question where the curb cut exists.

Carol Bertalli stated that the placement of boulders on the edge of properties on the right of way is dangerous. She felt the Village should encourage the installation of Belgian block curbing.

Barbara Seixas wanted to inform those present that Jack Giunta of Boy Scout Troop 201 recently made the rank of Eagle Scout.

On the motion of Trustee Siciliano, seconded by Trustee Parente, there being no further business, the meeting was adjourned at 9:59 p.m.