

September 3, 2015

Rockville Centre, New York

The Board of Trustees held a Public Briefing Session at 9:00 a.m. on the above date in the Mayor's Office.

PRESENT: Mayor Francis X. Murray, Trustees Nancy Howard, Edward J. Oppenheimer, and Emilio F. Grillo

ABSENT: Trustee Michael Sepe

ALSO PRESENT: Village Administrator Keith Spadaro, Village Attorney A. Thomas Levin, Deputy Village Administrator Finance/ Comptroller Michael Schussheim, Deputy Village Administrator/Strategic Planning Kathleen Murray, Deputy Superintendent of Electric Thomas Cardile, Superintendent of Buildings Daniel V. Casella, Deputy Superintendent of Public Works John Thorp, Supervisor of Water Distribution Kevin Reilly, 1st Assistant Fire Chief Brian Cook, Superintendent of Recreation Anthony Brunetta, Police Commissioner Charles Gennario, Information Technology Director John Peters, Deputy Director of Senior Services Wendy Weinstock, Deputy Clerk/Treasurer Mary Schmeling, Public Relations Counsel Ed Grilli, Secretary to the Board of Trustees Gwynne Feiner

ATTENDANCE: Approximately 1 person

Mayor Murray appointed Kevin Reilly as Supervisor of Water Distribution to serve at the pleasure of the Mayor and Board of Trustees commencing August 31, 2015.

On motion by Trustee Howard, duly seconded by Trustee Oppenheimer and carried by a vote of four to none, said appointment was approved.

The Board reviewed the 9-8-15 agenda and the Briefing Session agenda without taking any further action.

On motion of Trustee Oppenheimer, duly seconded by Trustee Grillo and carried by a vote of four to none, the Board voted to convene in Executive Session at 9:50 a.m. to obtain legal advice and to discuss pending litigation.

PRESENT: Mayor Francis X. Murray, Trustees Nancy Howard, Edward J. Oppenheimer, and Emilio F. Grillo

ABSENT: Trustee Michael Sepe

ALSO PRESENT: Village Administrator Keith Spadaro, Village Attorney A. Thomas Levin, Deputy Village Administrator Finance/ Comptroller Michael Schussheim, Deputy Village Administrator Kathleen Murray

On motion of Trustee Howard, duly seconded by Trustee Oppenheimer and carried by a vote of four to none the Board voted to return to Public Briefing at 11:20 a.m.

On motion of Trustee Grillo, duly seconded by Trustee Howard and carried by a vote of four to none, the Board voted to authorize Attorney Susan Boland to negotiate a settlement regarding the claim of Lenora Coscia within the parameters discussed in Executive Session.

On motion of Trustee Grillo, duly seconded by Trustee Oppenheimer and carried by a vote of four to none, the Board voted to adjourn the meeting at 11:21 a.m.

September 8, 2015

Rockville Centre, New York

The Regular Meeting of the Board of Trustees was held on the above date in Village Hall. Mayor Murray opened the meeting at 7:00 p.m.

PRESENT: Mayor Francis X. Murray, Trustees Nancy Howard, Edward J. Oppenheimer,

Michael Sepe, and Emilio F. Grillo

ALSO PRESENT: Village Administrator Keith Spadaro, Deputy Comptroller Dorothy Hansman, Police Commissioner Charles Gennario, Superintendent of Public Works Harry Weed, Superintendent of Electric Philip Andreas, Superintendent of Recreation Anthony Brunetta, Deputy Superintendent of Buildings Thomas Domanico, Director of Information Technology John Peters, Deputy Clerk/Treasurer Mary Schmeling, Public Relations Counsel Andy Robles, Secretary to the Board of Trustees Gwynne Feiner

ATTENDANCE: Approximately 90 people

Trustee Grillo led the pledge of allegiance.

Mayor Murray introduced Mrs. Barbara Murray and Sal Giallombardo. September is Childhood Cancer Awareness Month. Mrs. Murray and Mr. Giallombardo each spoke poignantly of a family member diagnosed with childhood cancer. They communicated the need for funding for research of childhood cancers since the majority of money raised goes toward research for adult cancers.

Mayor Murray introduced the RVC Little League 2015 U11 Williamsport team and their coaches. Mayor Murray presented a Community Service Award to the team and their Manager Tommy Maher. The team met each Thursday at 8am and unloaded an Island Harvest truck that provided food for 8 different organizations that feed the hungry. Deputy Mayor Howard distributed certificates to the team for winning the District 30 Championship.

Police Commissioner Charles Gennario promoted Police Officer Matthew Vickery to Sergeant. Commissioner Gennario also introduced Sergeant Vickery's family members including his father, Michael Vickery, a member of the Rockville Centre Police Department since 1977.

Village Administrator Keith Spadaro introduced and welcomed Kevin Reilly. Mr. Reilly is the new Supervisor of Water Distribution and began at the Village on August 31, 2015.

Village Administrator Spadaro opened a Public Hearing regarding Proposed RVC 1504. A local law to amend the Code of the Village of Rockville Centre, in relation to prohibiting uses of property in violation of Federal, State or local law.

After hearing all interested persons in attendance, on motion of Trustee Oppenheimer, duly seconded by Trustee Sepe and unanimously carried, the Board voted to close the Public Hearing regarding proposed local law RVC 1504.

For details of the comments and discussions from the Board and public please refer to the DVD.

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On motion of Trustee Howard, duly seconded by Trustee Sepe and unanimously carried, the Board voted to approve proposed local law RVC 1504 as Local Law 5 of 2015. A copy of the local law is on file with these minutes.

Village Administrator Spadaro opened a Public Hearing regarding Proposed RVC 1505. A local law to amend the Code of the Village of Rockville Centre, in relation to repeal of Chapter 38 regarding adoption of ordinances.

After hearing all interested persons in attendance, on motion of Trustee Howard, duly seconded by Trustee Grillo and unanimously carried, the Board voted to close the Public Hearing regarding proposed local law RVC 1505.

For details of the comments and discussions from the Board and public please refer to the DVD.

On motion of Trustee Howard, duly seconded by Trustee Oppenheimer and unanimously carried, the Board voted to approve proposed local law RVC 1505 as Local Law 6 of 2015. A copy of the local law is on file with these minutes.

Village Administrator Spadaro opened a Public Hearing regarding Proposed RVC 1506. A local law to amend the Code of the Village of Rockville Centre, in relation to repeal of outdated and unnecessary portions of Chapter 166 regarding environmental review procedures.

After hearing all interested persons in attendance, on motion of Trustee Oppenheimer, duly seconded by Trustee Grillo and unanimously carried, the Board voted to close the Public Hearing regarding proposed local law RVC 1506.

For details of the comments and discussions from the Board and public please refer to the DVD.

On motion of Trustee Howard, duly seconded by Trustee Oppenheimer and unanimously carried, the Board voted to approve proposed local law RVC 1506 as Local Law 7 of 2015. A copy of the local law is on file with these minutes.

Village Administrator Spadaro opened a Public Hearing regarding Proposed Law RVC 1507. A local law to amend the Code of the Village of Rockville Centre, in relation to activities in Village parks.

After hearing all interested persons in attendance, on motion of Trustee Grillo, duly seconded by Trustee Oppenheimer and unanimously carried, the Board voted to close the Public Hearing regarding proposed local law RVC 1507.

For details of the comments and discussions from the Board and public please refer to the DVD.

On motion of Trustee Howard, duly seconded by Trustee Sepe and unanimously carried, the Board voted to approve proposed local law RVC 1507 as Local Law 8 of 2015. A copy of the local law is on file with these minutes.

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Rockville Centre, New York

On motion of Trustee Howard, duly seconded by Trustee Grillo and unanimously carried, the Board voted to approve the following SEQRA Resolution for upgrade of Skelos athletic fields.

**Determination Pursuant to New York State
Environmental Quality Review Act
Upgrade Athletic Fields**

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees prior to the approval or funding of such actions, and

WHEREAS, the Board of Trustees ("Board") is considering a project involving the upgrade of athletic fields at Skelos Athletic Fields, Peninsula Boulevard, Rockville Centre, , and

WHEREAS, the Board of Trustees has considered the nature of the proposed action and the Environmental Assessment Form submitted by the Deputy Village Administrator,

NOW, THEREFORE, IT IS

RESOLVED, that the Board of Trustees hereby finds and concludes that

- A. the Board is the lead agency with respect to environmental review of the proposed action;
- B. the proposed project consists of upgrades to existing athletic facilities, involving repair and replacement in kind of existing facilities and the Board finds that the proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act and the regulations adopted pursuant thereto;
- C. after consideration of the following factors in respect to the environmental impacts of such proposed action the Board concludes as follows as to each such proposed action and factor:
- i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
 - iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
 - v. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;
 - vii. the proposed action would not create a hazard to human health;
 - viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
 - x. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
 - xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
 - xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- D. the proposed action(s) would not have a significant adverse environmental impact; and
- E. no further environmental review is required with respect to the proposed action.
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September 8, 2015

Rockville Centre, New York

On motion of Trustee Oppenheimer, duly seconded by Trustee Sepe and unanimously carried, the Board voted to approve the following SEQRA Resolution for improvements to an existing playground.

**Determination Pursuant to New York State
Environmental Quality Review Act
Improvements to Existing Playground**

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees prior to the approval or funding of such actions, and

WHEREAS, the Board of Trustees ("Board") is considering a project involving the improvement of an existing playground located at Hickey Park on the north side of Sunrise Highway, west of North Forest Avenue, Rockville Centre, and

WHEREAS, the Board of Trustees has considered the nature of the proposed action and the Environmental Assessment Form submitted by the Deputy Village Administrator,

NOW, THEREFORE, IT IS

RESOLVED, that the Board of Trustees hereby finds and concludes that

- A. the Board is the lead agency with respect to environmental review of the proposed action;
- B. the proposed project consists of upgrades and improvements in existing playground facilities, including the establishment of a playground with equipment suitable for children with special needs;
- C. the Board finds that the proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act and the regulations adopted pursuant thereto;
- D. after consideration of the following factors in respect to the environmental impacts of such proposed action the Board concludes as follows as to each such proposed action and factor:

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- i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
- ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
- iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
- iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
- v. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;
- vii. the proposed action would not create a hazard to human health;

viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

x. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

E. the proposed action(s) would not have a significant adverse environmental impact; and

F. no further environmental review is required with respect to the proposed action.

On motion of Trustee Howard, duly seconded by Trustee Oppenheimer and unanimously carried, the Board voted to approve the attendance of Ian Manning at Grade 1 Advanced Operations and Grade 1 Supervisor Courses in Plainview, NY on Monday nights from 2/2/16 through 6/16/16 at a cost of \$1,329.95.

On motion of Trustee Grillo, duly seconded by Trustee Howard and unanimously carried, the Board voted to approve the attendance of Patrick Croutier at Grade B and Grade D Courses for Plant Operator in Plainview, NY on Monday nights from 9/28/15 through 2/1/16 at a cost of \$1,149.97.

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On motion of Trustee Oppenheimer, duly seconded by Trustee Howard and unanimously carried, the Board voted to approve the attendance of Supervisor of Water Distribution, Kevin Reilly at Grade B, Grade 1 Adv. Operations and Supervision Courses in Plainview, NY on Monday nights from 9/28/15 through 6/27/16 at a cost of \$1,880.00.

On motion of Trustee Oppenheimer, duly seconded by Trustee Howard and unanimously carried, the Board voted to approve the EAP Contract with ESI Employees Assistance Group subject to Village Attorney approval as to form in the amount of \$8,496.00.

On motion of Trustee Howard, duly seconded by Trustee Sepe and unanimously carried, the Board voted to approve the following Resolution authorizing the Mayor to execute and agreement with Avalon Bay Communities, Inc.

**RESOLUTION TO AUTHORIZE MAYOR TO EXECUTE
AGREEMENT WITH AVALON BAY COMMUNITIES, INC.**

Whereas, Avalon Bay Communities, Inc. ("Avalon") has obtained approvals from the Board of Appeals and the Planning Board of the Village of Rockville Centre for a 165 unit multi-family housing

development on approximately 2.2 acres of land located within the Village, commonly known as 80 North Centre Avenue, Rockville Centre, New York (the "Project"); and

WHEREAS, Avalon has entered into an agreement with the Town of Hempstead Industrial Development Agency which *inter alia*, provides for payments in lieu of real property taxes ("PILOT"); and

WHEREAS, among the conditions of approval of the Project by the Planning Board is a requirement that Avalon enter into a Village Services Assistance Payment Agreement ("VSAP Agreement") to assure the Village that adequate funds will be available for services provided to Avalon and to provide for other obligations being assumed by Avalon with respect to the Project;

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor or his designee is authorized on behalf of the Village to execute the VSAP Agreement(s) in substantially the same form as similar agreement(s) made with respect to the previous project developed by Avalon in the Village, subject to the approval of the Village Attorney and Village Comptroller as to the form of such agreement(s).

On motion of Trustee Howard, duly seconded by Trustee Oppenheimer and
unanimously carried, the Board voted to approve the following negative SEQRA
declaration resolution regarding proposed Bill RVC 1508.

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Rockville Centre, New York

RVC 1508 – Negative Declaration Pursuant to
New York State Environmental Quality Review Act

Bill RVC 1508. A local law to amend the Code of the Village of Rockville Centre, in relation to prohibiting sale, dispensing, consuming or use of electronic cigarettes on non-residential premises.

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of legislation designated RVC 1508 to prohibit the sale, distribution, or use of electronic cigarettes as a use or ancillary use of non-residential premises; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action,
NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review as defined in the State Environmental Quality Review Act and its regulations, and

(a) the proposed adoption of RVC 1508 is an Unlisted Action;

(b) the Board has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

(i) the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(ii) the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(iii) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

(iv) the proposed action would not conflict with the community's current plans or goals as official approved or adopted;

(v) the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) the proposed action would not result in a major change in the use of either the quantity or type of energy;

(vii) the proposed action would not create a hazard to human health;

(viii) the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

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(x) the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xii) the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

(c) the proposed action would not have a significant adverse environmental impact;

(d) no further environmental review is required with respect to the proposed action, and

(e) the Mayor, or his designee, is authorized to complete the Environmental Assessment Form in relation to this proposed action in a manner consistent with the foregoing findings.

On motion of Trustee Grillo, duly seconded by Trustee Oppenheimer and unanimously carried, the Board voted to approve the following Resolution to publish a Legal Notice to schedule a public hearing regarding Bill RVC 1508.

LEGAL NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Incorporated Village of Rockville Centre (Village) will hold a public hearing with respect to the following proposed local laws:

Bill RVC 1508. A local law to amend the Code of the Village of Rockville Centre, in relation to prohibiting sale, dispensing, consuming or use of electronic cigarettes on non-residential premises.

Time and Place of Hearing: Eugene J. Murray Village Hall, Second Floor
One College Place, Rockville Centre, New York

Date of Hearing: October 6, 2015

Time of Hearing: 7:30 pm

The Board of Trustees, as lead agency pursuant to the State Environmental Quality Review Act (SEQRA), has determined that this proposed legislation is an Unlisted Action and has issued a Negative SEQRA Declaration.

The proposed local law is available for public inspection at the Village Clerk's office at One College Place, Rockville Centre, New York, between 8:00 am and 4:00 pm, Monday through Friday, except legal holidays.

All interested persons will have an opportunity to be heard at the public hearing.

The Village complies with the Americans With Disabilities Act. Disabled persons with special needs should contact the Village Clerk's office at 516-678-9212 at least three business days prior to the hearing, so that reasonable efforts may be made to accommodate such needs.

Dated: September 9, 2015

September 8, 2015

Rockville Centre, New York

On motion of Trustee Oppenheimer, duly seconded by Trustee Grillo and unanimously carried, the Board voted to approve the following minutes:

Briefing Session ----- July 9, 2015
Executive Session ----- July 9, 2015
Board Meeting ----- July 13, 2015
Briefing Session ----- August 5, 2015
Executive Session ----- August 5, 2015
Board Meeting ----- August 5, 2015

Village Administrator Spadaro advised that properly advertised Bid #1606E2(809) Pad Mounted Switchgears & H-Bus Cable Joints was opened on August 14, 2015 with the following results.

VENDOR

STUART C. IRBY

DESCRIPTION	QUANTITY	COST	TOTAL COST
PME -9 Pad Mounted Switchgear	2	\$19,359.00	\$38,718.00
PME -9 Option (Year 2)	1	\$20,378.00	\$20,378.00
PME -9 Option (Year 3)	1	\$21,450.00	\$21,450.00
PME -11 Pad Mounted Switchgear	1	\$21,274.00	\$21,274.00

PME -11 Option (Year 2)	1	\$22,395.00	\$22,395.00
PME -11 Option (Year 3)	1	\$23,575.00	\$23,575.00
175E Fuses	24	\$128.00 ea.	\$3,072.00
175E Fuses PME-9 Option (Year 2)	6	\$128.00 ea.	\$768.00
175E Fuses PME-9 Option (Year 3)	6	\$128.00 ea.	\$768.00
175E Fuses PME-11 Option (Year 2)	3	\$128.00 ea.	\$384.00
175E Fuses PME-11 Option (Year 3)	3	\$128.00 ea.	\$384.00
Fuse End Fittings	21	\$289.00/set	\$6,069.00
Fuse End Fittings PME-9 Option (Year2)	6	\$289.00/set	\$1,734.00
Fuse End Fittings PME-9 Option (Year3)	6	\$289.00/set	\$1,734.00
Fuse End Fittings PME-11 Option (Year 2)	3	\$289.00/set	\$867.00
Fuse End Fittings PME-11 Option (Year 3)	3	\$289.00/set	\$867.00
H –Bus Cable Joints		NO BID	NO BID
Total			\$164,437.00

The following companies did not respond: Prime Vendor, Eaton, Powercon Corp., S & C Electric Company, and Sheridan Electric.

On motion of Trustee Howard, duly seconded by Trustee Grillo and unanimously carried, the Board voted to award the bid to the sole bidder substantially meeting all required specification, namely Stuart C. Irby, for an expenditure of \$69,133.00 with the option to procure up to (1) PME-9 and (1) PME-11 switchgears in Option Years 2 and 3 with associated fuses and fuse end fittings for a total expenditure not to exceed \$164,437.00.

September 8, 2015

Rockville Centre, New York

Village Administrator Spadaro announced that the Fire Department had submitted a report regarding changes in department membership as of August 18, 2015. They had no changes in Department membership. Membership is at 341 members.

On motion of Trustee Oppenheimer, duly seconded by Trustee Grillo and unanimously carried, the Board voted to approve the Fire Department Membership Report.

This concluded the business portion of the meeting. For a verbatim record, and for the special comment period, please refer to the DVD.

On motion of Trustee Oppenheimer, duly seconded by Trustee Sepe and unanimously carried, the Board voted to convene in Executive Session to discuss the hiring and firing of one or more particular individuals and to obtain legal advice at 8:45 p.m.

PRESENT: Mayor Francis X. Murray, Trustees Nancy Howard, Edward J. Oppenheimer, Michael Sepe, and Emilio F. Grillo

ALSO PRESENT: Village Administrator Keith Spadaro, Village Attorney A. Thomas Levin

On motion of Trustee Oppenheimer, duly seconded by Trustee Howard and unanimously carried, the Board approved the following Resolution to remove the

stipend received for Superintendent of Public Works Water Department duties.

Whereas, effective January 1, 2012, the Village instituted a stipend in the amount of \$36,000 per annum for the Superintendent of Public Works as additional compensation in recognition that he was then also performing the functions and duties of Supervisor of Water Distribution in addition to his regular duties; and

Whereas, effective June 1, 2015 the said stipend was increased to \$40,518.00 per annum; and

Whereas, effective August 31, 2015, the Village has appointed a Supervisor of Water Distribution, and as of that date the Superintendent of Public Works is no longer providing those additional services; and

Whereas, due to the foregoing circumstances, is it no longer appropriate for the Village to pay the said additional stipend to the Superintendent of Public Works, as of August 31, 2015,

Now, therefore, it is

RESOLVED, that effective August 31, 2015 the stipend formerly being paid to the Superintendent of Public Works as additional compensation for his performance of the additional duties of Supervisor of Water Distribution is discontinued.

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On motion of Trustee Oppenheimer, duly seconded by Trustee Howard and unanimously carried, the Board voted to return to public briefing and adjourn the meeting at 9:55 p.m.

Keith Spadaro
Village Administrator

KS/gf

September 8, 2015

Rockville Centre, New York

Local Law 5-2015

A local law to amend the Code of the Village of Rockville Centre, in relation to prohibiting uses of property in violation of federal, State or local law.

Section one. Section 340-118(A) of the Code of the Village of Rockville Centre is hereby amended, by adding thereto a new paragraph, to be paragraph (21), to read as follows:

“(21) the sale, dispensing, or consumption of any good, substance, material or product, whether as a principal, primary, accessory, incidental or ancillary use of the building or premises, in violation of any law, rule or regulation of the United States or the State of New York, or of any other governmental body having jurisdiction over such activity or property. For the purposes of this paragraph, the term ‘dispensing’ shall mean the preparation or physical delivery of, but not the issuance of an order, authorization or prescription for, a good, substance, material or product.”

Section two. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

September 8, 2015

Rockville Centre, New York

Local Law 6-2015

A local law to amend the Code of the Village of Rockville Centre, in relation to repeal of Chapter 38 regarding adoption of ordinances.

Section one. Chapter 38 of the Code of the Village of Rockville Centre pertains to adoption of ordinances. However, since the codification of the New York Village Law in 1972, the Village no longer has authority to enact ordinances, and the provisions of Chapter 38 are no longer relevant. Accordingly, this law is enacted to remove those anachronistic provisions from the Code.

Section two. Chapter 38 of the Code of the Village of Rockville Centre is hereby REPEALED.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

September 8, 2015

Rockville Centre, New York

Local Law 7-2015

A local law to amend the Code of the Village of Rockville Centre, in relation to repeal of outdated and unnecessary portions of Chapter 166 regarding environmental review procedures.

Section one. Chapter 166 of the Code of the Village of Rockville Centre pertains to procedures for environmental review of actions pursuant to the State Environmental Quality Review Act. However, since the adoption of that State legislation, and the promulgation of extensive rules of implementation, many of the provisions of chapter 166 now are in conflict with the provisions of State law, duplicative of State law, and/or unnecessary. Accordingly, this law is enacted to remove those anachronistic provisions from the Code.

Section two. The following sections of the Village Code be, and hereby are, REPEALED:

- A. Section 166-2
- B. Sections 166-4 through 166-6, inclusive
- C. Sections 166-8 through 166-17, inclusive.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

September 8, 2015

Rockville Centre, New York

Local Law 8-2015

A local law to amend the Code of the Village of Rockville Centre, in relation to regulation of activities in Village parks.

Section one. The Code of the Village of Rockville Centre is hereby amended, by adding thereto a new chapter, to be Chapter 241, to read as follows:

“Chapter 241. PARKS

§241-1. Definitions. Unless otherwise expressly provided, as used in this chapter the following words shall have the meaning herein indicated:

Adult. A person 18 years of age or older.

Board. The Village Board of Trustees.

Director. The Director of the Village Recreation Department.

Park or Parks. Includes all parks, playgrounds, athletic field and other recreation areas and facilities under the jurisdiction of the Village.

Person. An individual person or an entity.

Village. The Village of Rockville Centre.

§241-2. Applicability. Use of the parks in the Village shall be subject to the provisions of this chapter. All other provisions of this Code also shall be applicable except where expressly provided otherwise in this chapter, or where such other Code provision is inconsistent with a provision of this chapter; in the event of any inconsistency, the provisions of this chapter shall prevail.

§241-3. Regulations.

A. The Director may issue such regulations for the use of a park or parks as the Director shall determine to be appropriate for the protection of the public health, safety and general welfare. No such regulation may be inconsistent with any provision of this chapter. Each such regulation shall be deemed to be enforceable as if it were a provision of this chapter and set forth herein.

B. The Board of Trustees shall have authority, by resolution, to alter, amend or repeal any regulation issued by the Director pursuant to this chapter.

§241-4. Advertising. Except with the written permission of the Director or pursuant to regulation issued by the Director, no person shall post, distribute, cast or leave about any bills, placards, tickets, handbills, circulars, advertisements in any form or any other matter for advertising purposes directly in or in the immediate vicinity of any park.

§241-5. Alcoholic beverages. Except with the written permission of the Director or pursuant to regulation issued by the Director, no person shall bring into any park, nor consume or possess in any park with the intent to consume, any liquor, ale, beer, wine, spirits or other alcoholic beverages in a keg, case, can, bottle or other container.

§241-7. Smoking in parks. No person shall smoke or carry any lighted smoking substances, including but not limited to cigarettes, cigars, pipes and the like, in or at any park within the Village, except in designated smoking areas established by regulation of the Director.

§241-8. Animals. No person shall bring or harbor any animal in any park except as authorized by regulations with respect thereto as may be promulgated by the Director. A person owning or having custody of any animal shall not cause or permit such animal to enter or be in any park in violation of such regulations, nor shall such person commit any act in violation of such regulations.

§241-9. Bathing regulations. No person shall bathe, wade or swim, or engage in any aquatic or recreational activities, in any waters within any park except at such times and places, in such proper attire, and in such time, place or manner, as authorized by regulation promulgated by the Director.

§241-10. Disorderly Conduct in a Park.

A. No person shall perform any act in violation of this chapter or any regulation lawfully issued pursuant to this chapter.

B. No person shall disobey a lawful order of a police officer, peace officer, law enforcement officer or any person authorized to enforce the provisions of this chapter, or any person employed in the Village Recreation Department in a supervisory capacity.

C. No person shall perform any act in violation of instructions on any park sign; throw stones or other missiles; interfere with, encumber, obstruct or render dangerous any drive, road, path, walk or area of a park; climb upon any wall, fence, shelter, cabana or other structure not intended as climbing apparatus; enter or leave any park area except at established entranceways or exits; introduce, carry or fire any fireworks; engage in, instigate, aid or encourage a contention or fight, whether or not a ring or prizefight; assault any person; spit on any walk, platform or stairway; or urinate or defecate except in public restrooms.

D. No person shall make or permit the making of excessive or unreasonable noise which would create a nuisance and prevent park patrons or residents of the area surrounding the park from participating in their usual activities.

§241-11. Fires.

A. No fire shall be permitted in any park except as authorized by the regulations promulgated by the

Director or with the written permission of the Director.

B. Except as authorized by such regulations or written permission of the Director, no person shall kindle, build, maintain or use a fire anywhere within any park. Where a fire is authorized by such regulation or permission, each such fire shall be continuously under the care and direction of an adult from the time it is kindled until it is extinguished, and no fire shall be built within 10 feet of any tree or building, or beneath the branches of any trees or in any underbrush.

D. No person shall throw away or discard any lighted match, cigar, cigarette or other lighted object, and all such objects shall be deposited in suitable receptacles. No shall dump, lay or place or dispose of any hot coals, ashes or embers except in suitable receptacles.

§241-12. Fishing. Fishing is prohibited in any park area except where authorized by regulation promulgated by the Director or with the written permission of the Director.

§241-13. Games. The following activities are prohibited in any park except in areas where authorized by the Director: throwing or using any type of ball, bean bag, frisbee, knife, missile or other object; playing any ball game; flying any model aircraft of any size; engaging in kite flying or model boating; riding bicycles, scooters, go-carts, motor bikes, motorcycles, beach buggies or other such vehicles other than on roads; roller skating, skate-boarding; engaging in archery; using air rifles, pistols, BB guns or any type of firearm or other such device or instrumentality which may create a hazard to person or property or which may cause a nuisance or discomfort to any person.

§241-14. Loss, damage or theft. The Village is not responsible for loss, damage or theft of motor vehicles or other personal property brought into any park, unless said property is received by persons authorized by the Village and at designated facilities provided for that purpose under a written agreement with the Village, and in the event of receipt by such authorized person in no event shall the Village's liability exceed the sum of \$150. Persons checking clothing and parking motor vehicles as authorized herein do so at their own risk and without any liability on the part of the Village except as provided herein.

§241-15. Opening and closing. The regulations promulgated by the Director may include provisions with respect to the dates and times when any park is open to the public, and any such dates and times shall be posted at the park. No person shall be in any park without the written permission of the Director at any time when such park is closed to the public. The Director is authorized to pen or close any park at any time, in the sole discretion of the Director, for emergency, health or safety reasons.

§241-16. Payment of charges. Where a fee is applicable for the use of any park or any facility in a park, no person shall use or attempt to use or gain admittance to such park or facility unless such person first shall have paid any such charges or fees.

§241-17. Prohibition against use or landing of airborne vehicles. Except as authorized by regulation or written permission issued by the Director, no person shall voluntarily use or land any airborne vehicle, object or apparatus in any park.

§241-18. Protection of property. No person shall injure, deface, displace, remove, fill in, raze, destroy or tamper with any park property, drive, path or walk; take up, remove or carry away trees, shrubs, turf or other material; remove, deface or destroy any structure, building or any appurtenances connected with the park or any other property or equipment, real or personal owned by the Village or others under the jurisdiction and control of the Village.

§241-19. Refuse and garbage. No person shall take, carry, leave, throw, lay, drop, discard or in any manner discharge any cans, bottles, broken glass, refuse, garbage, rubbish or waste or debris into or on any park. All such materials shall be placed in receptacles provided for that purpose.

§241-20. Restrictions on taking photographs. Except as authorized by law or regulation, or with the written permission of the Director, no person shall take, cause to be taken, or assist to be taken any photograph or other visual or video record for commercial purposes.

§241-21. Structures, platforms, picnics, outings and special events. Except as authorized pursuant to regulation or with the written permission of the Director, no person shall erect any structure, stand or platform, hold any meetings, perform any ceremony, make a speech or address, give or exhibit any performance or form any parade or procession in any park, unless authorized by the Board or Director.

§241-26. Traffic control. In addition to any other applicable provisions of this Code, no person shall operate

or park a vehicle in any park except as authorized by regulation promulgated by the Director, or by rule or regulation adopted by resolution of the Board of Trustees. It shall be unlawful for the operator of any to disobey the direction of any sign or marking relating to traffic control in any Village which shall be placed in accordance with any such provision, rule or regulation.

A. Except as otherwise posted, the speed limit applicable to any vehicle authorized to be operated in any park shall be 15 miles per hour.

B. Driving instruction of persons operating motor vehicles, motorcycles or minibikes, either under a New York State learner's permit or otherwise, is prohibited in all parks.

C. No person shall solicit for hire passengers in any park.

D. Hitchhiking is prohibited in any park.

E. Obstruction of traffic by vehicle or otherwise, except in case of emergency, is prohibited.

F. Exemption of emergency and municipally owned or leased vehicles and equipment. Nothing herein contained shall be construed to prohibit the standing, parking or operation of police or fire vehicles, ambulances and other emergency vehicles or government owned or leased vehicles and equipment when being operated or parked or otherwise used in connection with an emergency.

§241-27. Miscellaneous restrictions. Except where authorized by regulation or written permission of the Director:

A. no person under the age of 10 years shall be admitted to a park unless accompanied by an adult who shall assume full responsibility for his or her safety and conduct.

B. no person shall use park property for business or professional purposes, including the sale or offering for sale of any goods or the rendering of or offer to render any service for a fee or for the purpose of soliciting alms or contributions.

§241-28. Unhygienic activities. No person shall use any water fountain, drinking fountain, sprinklers, reservoir, lake or any other water contained in a park for the purpose of washing or cleaning any person, or the clothing or personal belongings of any person. This section shall not apply to those areas or facilities within a park which are specifically designated for personal hygiene purposes (i.e., bathroom, shower room, wash basins, etc.); provided, however, that no person shall wash clothes or personal belongings in such areas, nor shall any person who has not been using a facility in a manner authorized by this chapter for park or recreational purposes use a shower room or other facility for personal hygiene purposes.

§241-29. . Penalties for offenses.

A. Any person found to violate any of the provisions set forth in this chapter, or any regulation issued by the Director pursuant to this chapter, shall be guilty of a violation punishable by a fine as provided herein. In addition, where such violation results in damage to the property of any person, a person found to have committed such violation may be required to make restitution in whole or in part to the owner of such property.

B. Each offense against any provision of this chapter or such regulation shall constitute a separate violation.

C. Upon conviction of an offense as provided herein, a person shall be subject to the following fine:

(1) A first offense within any period of ninety days shall be punishable by a fine of not less than \$50 nor more than \$250 or by imprisonment for a period not exceeding 5 days for each offense, or by both such fine and imprisonment;

(2) A second offense within such period of ninety days shall be punishable by a fine of not less than \$100 nor more than \$350 or by imprisonment for a period not exceeding 10 days for each

offense, or by both such fine and imprisonment;

(3) Each additional offense within such period of ninety days shall be punishable by a fine of not less than \$150 nor more than \$500 or by imprisonment for a period not exceeding 15 days for each offense or by both such fine and imprisonment.

Section two. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law. Notwithstanding the foregoing, any existing rule or regulation regarding activity in Village parks, as promulgated by the Director of the Village Recreation Department or any other Village official or body or as currently displayed at any Village park or recreation facility, is hereby adopted and reaffirmed as a valid rule or regulation until amended, superseded or repealed by a rule or regulation adopted pursuant to this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.