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July 21, 2009

Rockville Centre, New York

The Board of Trustees held a public Briefing Session on the above date. The meeting was called to order at 7:30 p.m.

PRESENT: Mayor Mary W. Bossart, Deputy Mayor Charles Joyce, Trustee Kevin Glynn, Trustee David Krasula, Trustee Edward Oppenheimer.

ALSO PRESENT: Village Administrator, Francis D. Quigley, Jr., Police Commissioner, John McKeon, Fire Chief, Mark Murray

ALSO PRESENT: William Johnson, Superintendent of Schools, Cynthia Geones, District Clerk, Mark Masin, President of School Board, Stephen Kriss, Trustee of School Board, Jeannette Meoli, President, South Side High School PTA Mayda Kramer, Co-President of South Side High School PTA

ATTENDANCE: Approximately 110 persons

Meeting was called at 7:30 p.m. Mayor Bossart invited those present to offer comments regarding parking conditions at Fireman's Field and in the area around South Side High School.

Motion to authorize the Mayor to execute and submit an application for a 2009 Justice Court Assistance Program Grant from the New York State Unified Court System, as approved and recommended by the Village Justices. (See attached.)

Motion by Trustee David Krasula; Seconded by Trustee Edward Oppenheimer
Vote: 5 to 0 in favor

Trustee Krasula briefed Board and the public on the Worker's Compensation Excess Coverage Policy.

Mayor Bossart announced Village Blood Drive to be held at the Recreation Center on Monday, August 10th.

Trustee Krasula moved to go into Executive Session to discuss litigation. Seconded by Trustee Joyce.
Vote: 5 to 0 in favor

Executive Session commenced at 8:45 p.m.

PRESENT: Mayor Mary W. Bossart, Deputy Mayor Charles Joyce, Trustee Kevin Glynn and Trustee Edward Oppenheimer

ALSO PRESENT: Village Administrator, Francis D. Quigley, Jr.

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Motion to authorize settlement of Autotech litigation. Motion by Deputy Mayor Charles Joyce, Seconded by Trustee Edward Oppenheimer (Trustee David Krasula recused from vote)
Vote: 4 in favor-0 opposed-1 recusal

Motion to adjourn 9:10 p.m.

Motion by Deputy Mayor Charles Joyce, Seconded by Trustee David Krasula
Vote: 5 to 0 in favor

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August 6, 2009

Rockville Centre, New York

The Board of Trustees held a public Briefing Session on the above date in the Mayor's office. The meeting was called to order at 7:00 p.m.

PRESENT: Mayor Mary Whalen Bossart, Trustees Charles R. Joyce, David A. Krasula, Kevin Glynn and Edward J. Oppenheimer.

ALSO PRESENT: Village Administrator Francis D. Quigley, Jr., Deputy Village Administrator-Finance/Comptroller Michael Schussheim, Deputy Village Administrator-Operations/Village Engineer Paul Pallas, Superintendent of Parks and Recreation Anthony Brunetta, Superintendent of Buildings Dan Casella, Deputy Clerk Treasurer, Monica Derr, Superintendent of Water Anthony Iannone, Section 8 Coordinator Ruth Katz, Commissioner of Police John McKeon, Information Technology Director John Peters, Sgt. Chris Romance, Second Assistant Chief of the Fire Department John Thorp, Deputy Superintendent of Public Works Harry Weed and Village Attorney A. Thomas Levin.

The Hon. Jack Martins, Mayor of the Incorporated Village of Mineola, addressed the Board concerning the Village of Mineola's re-assessment program.

The Board discussed the agenda for August 10, 2009 without taking any action.

At 10:45 pm., on motion of Trustee Joyce, duly seconded by Trustee Krasula, and unanimously carried, the Board convened in executive session to discuss the hiring and firing of particular individuals and litigation.

PRESENT: Mayor Mary Whalen Bossart, Trustees Charles R. Joyce, David A. Krasula, Kevin Glynn and Edward J. Oppenheimer.

ALSO PRESENT: Village Administrator Francis D. Quigley, Jr., Deputy Village Administrator/Village Engineer Paul Pallas, Commissioner of Police John McKeon and Village Attorney A. Thomas Levin.

After discussion, on motion of Trustee Joyce, duly seconded by Trustee Oppenheimer and unanimously carried, the Board returned to public session and the meeting was adjourned at 12:50 a.m., August 7, 2009.

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August 10, 2009

Rockville Centre, New York

The Regular Meeting of the Board of Trustees was held on the evening of the above date in the Village Hall. Mayor Bossart opened the session at 8:15 p.m.

PRESENT: Mary Whalen Bossart, Trustees Charles R. Joyce, David A. Krasula, Kevin R. Glynn and Edward J. Oppenheimer.

ABSENT: None.

ALSO PRESENT: Village Administrator Francis D. Quigley, Jr., Village Attorney A. Thomas Levin (who joined meeting in progress) Deputy Village Administrator-Finance/Comptroller Michael Schussheim, Deputy Clerk Treasurer Monica Derr, Police Commissioner John McKeon 2nd Assistant Chief John Thorp, Superintendent of Buildings Daniel V. Casella, Superintendent of Water Anthony Iannone, Superintendent of Parks and Recreation Anthony T. Brunetta, Director of Senior Services Cyd B. Charrow and Information Technology Director John Peters.

ATTENDANCE: Approximately 40 people.

Mayor Bossart asked Tony Brunetta to lead the Pledge of Allegiance.

Mayor Bossart appointed Gary Kondor as Deputy Emergency Management Officer to serve

at the pleasure of the Mayor and Board of Trustees for a period of one official year, commencing August 10, 2009. On motion of Trustee Krasula, duly seconded by Trustee Krasula and unanimously carried, the Board approved the appointment.

Mayor Bossart appointed Vincent Iacobellis to serve as a member of the Board of Design Review Consultants for a period of one official year commencing August 10, 2009. On motion of Trustee Joyce, seconded by Trustee Krasula and unanimously carried, the Board approved the appointment.

Larry Quinn suggested that consideration be given to using Parking Field 12 for High School student parking. Mr. Quinn had surveyed this field 8 to 10 times since July 21 and sees 60 to 70 open spaces each time during the week days. Both the Village and the School District have bus fleets which could economically transport students from Field 12 to the High School and back. Mr. Quinn said that something has to be done for the people who live near the High School and that parking for students is a necessity.

In connection with the Darby Drugs Brownfield, Mr. Quinn inquired about the offsite remedial investigation. Village

Engineer Paul Pallas replied that the Village has been focused on the site remediation and has not yet had extensive dialogue with the Darby consultant to this point, and that the onsite investigation remains the present

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priority. Asked about the timing of the remediation, the Village Engineer explained that on site remediation applicant had submitted necessary applications and was awaiting a response before being allowed by the State to proceed to the next phase of the project. Mr. Quinn also inquired about the dewatering process; Mayor Bossart responded the D.E.C. had authorized the applicant to pump treated water through the sewer system and into Mill River.

Mr. Quinn thanked Building Superintendent Dan Casella for addressing complaints about a residence on Lakeview Avenue and emphasized that homeowners oppose the idea of rooming houses and boarding houses in the Village. He also thanked the Board for passing legislation to regulate housing occupancy.

Mr. Quinn also commented on the problem of adults who walk dogs on long leashes. The length of those leashes allow dogs to enter on the lawns of resident, even through the persons who are actually walking the dogs remain on the street. As a result, those dogs use the residents' lawns as a bathroom and create health hazards, particularly for children. Mr. Quinn asked dog owners to pick up after their dogs.

Dr. Eileen Gold, a resident of Hamilton Road, said that the condition of the roadway just east of Long Beach Road is very poor, and that cement can be seen beneath the upper layer of the street. She related that more and more automobile traffic utilizes the street every day causing further deterioration of the surface. Curbs are likewise in need of repair and replacement. Dr. Gold described the condition of the roads as devastated. She said that five years ago the Village had promised to re-evaluate Hamilton Road in the next year, but nothing has happened. Dr. Gold pointed out that the Village is conducting a road reconstruction project on the next street and she asked that the Village use that equipment to reconstruct Hamilton Road.

Building Superintendent Dan Casella called the Exterior Design Review Calendar. The first case was Number 07-2009, regarding the McDevitt residence at 60 Forestdale Road. Kate Dundees, architect, described the application and the homeowner. Mr. McDevitt also addressed the Board concerning the addition they wished to construct. On motion of Trustee Glynn, duly seconded by Trustee Oppenheimer, the Board voted 4-1 to approve the plan as presented with Trustee Krasula voting Nay.

The second case called was number 10-2009, relative to the Bracco residence at 124 Shellbank Place. Monte Leeper, architect, addressed the Board and described the application, and the applicants attorney, Jeanne Mulry, Esq., was present as well. On motion of Trustee Krasula, duly

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seconded by Trustee Joyce, the Board unanimously approved the plan as presented.

The third case called was Number 09-2009, concerning the former RKO movie theater at 340 Sunrise Highway. Kenneth Bart, of Matt DiGiamo Architects, described the application which provided for conversion of the existing vacant movie theater to retail stores with basement storage. On motion of Trustee Oppenheimer, duly seconded by Trustee Glynn, the Board voted unanimously to approve the plan as submitted.

The Mayor called a Public Hearing in regard to RVC Bill 2-09. Village Attorney A. Thomas Levin supervised the hearing which related to flood damage prevention.

Jeff Greenfield commented on the proposed law and noted that because of FEMA requirements, homeowners would be obligated to submit applications for flood insurance by the following night, in order to comply with the FEMA timetable.

On motion of Trustee Krasula, duly seconded by Trustee Joyce, the Board unanimously closed the public hearing and approved Bill 2-09.

RVC 2-09

A local law to amend the Code of the Village of Rockville Centre, in relation to Flood Damage Prevention

Section one. Chapter 188 of the Code of the Village of Rockville Centre is hereby REPEALED, and a new Chapter 188 is enacted, to read as follows:

"Chapter 188. Flood Damage Prevention.

SECTION 188-1.0

STATUTORY AUTHORIZATION AND PURPOSE

188-1.1 FINDINGS

The Board of Trustees of the Village of Rockville Centre finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Rockville Centre and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Chapter is adopted.

188-1.2 STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

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- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

188-1.3 OBJECTIVES

The objectives of this Chapter are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;

- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 188-2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Chapter or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the

lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above

the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Cumulative Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds fifty (50%) per cent of the market value of the structure at the time of improvement or repair when counted cumulatively for ten (10) years.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1- A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1- A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters;

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water,

accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of

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the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

Elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the Superintendent of Buildings.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure

is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, where such structures are

otherwise permitted by law, rule or regulation. The term does not include a "Recreational vehicle"

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"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale, where such uses are otherwise permitted by law, rule or regulation.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or **"100-year flood"** has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 188-4.4-2 of this Chapter.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. "Substantial improvement" also means "cumulative substantial

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improvement". The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code

specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) any alteration of an "Historic structure", provided that the alteration will not preclude the structure's continued designation as an "Historic structure".

"**Variance**" means a grant of relief from the requirements of this Chapter which permits construction or use in a manner that would otherwise be prohibited by this Chapter.

"**Village**" means the Village of Rockville Centre.

SECTION 188-3.0

GENERAL PROVISIONS

188-3.1 LANDS TO WHICH THIS CHAPTER APPLIES

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Rockville Centre.

188-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Village, Community Number 360488, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers:

36059C0210G, 36059C0216G, 36059C0217G, 36059C0218G, 36059C0219G, 36059C0228G, 36059C0236G, 36059C0238G whose effective date is September 11, 2009, and any subsequent revisions to these map panels

that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Nassau County, New York, All Jurisdictions" dated September 11, 2009. The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and/or maps are on file at the office of the Building Department, 110 Maple Avenue, Rockville Centre, New York.

188-3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Chapter includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare.

Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

188-3.4 SEVERABILITY

The invalidity of any section or provision of this Chapter shall not invalidate any other section or provision thereof.

188-3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Chapter and any other applicable regulations.

Any infraction of the provisions of this Chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Chapter or fails to comply with any of its

requirements shall, upon conviction thereof, be subject to a fine not to exceed \$250, or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure

found not compliant with the requirements of this Chapter for which the developer and/or owner has not applied for and received an approved variance under Section 188-6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

188-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the area of special flood hazards or uses permitted within

such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Village, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made there under.

SECTION 188-4.0

ADMINISTRATION

188-4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Superintendent of Buildings is hereby appointed Local Administrator to administer and implement this Chapter by granting or denying floodplain development permits in accordance with its provisions.

188-4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

188-4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 188-3.2, without a valid floodplain development permit.

Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

188-4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee in an amount to be established by resolution of the Board of Trustees. In addition, the applicant shall be responsible for reimbursing the Village for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

188-4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

(1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1- A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to

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the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

(2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon

completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

(3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 188-5.2-3, UTILITIES.

(4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 188-5.4, NONRESIDENTIAL STRUCTURES.

(5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA)

to revise the documents enumerated in Section 188-3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

(6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

(7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

188-4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

188-4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

(1) Review all applications for completeness, particularly with the requirements of subsection 188-4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this Chapter.

(2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 188-5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 188-5.1-1 SUBDIVISION PROPOSALS.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 188-5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may

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revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

(4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

188-4.4-2 USE OF OTHER FLOOD DATA

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 188-4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this Chapter.

(2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this Chapter.

188-4.4-3 ALTERATION OF WATERCOURSES

(1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.

(2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

188-4.4-4 CONSTRUCTION STAGE

(1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

188-4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

188-4.4-6 STOP WORK ORDERS

(1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 188-3.5 of this Chapter.

(2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this

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law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 188-3.5 of this Chapter.

188-4.4-7 CERTIFICATE OF COMPLIANCE

(1) In areas of special flood hazard, as determined by documents enumerated in Section 188-3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Chapter.

(2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 188-4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

188-4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

(1) Floodplain development permits and certificates of compliance;

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 188-4.4-4(1) and 188-4.4-4(2), and whether or not the structures contain a basement;

(3) Floodproofing certificates required pursuant to sub-section 188-4.4-4(1), and whether or not the structures contain a basement;

(4) Variances issued pursuant to Section 188-6.0, VARIANCE PROCEDURES; and,

(5) Notices required under sub-section 188-4.4-3, ALTERATION OF WATERCOURSES.

SECTION 188-5.0

CONSTRUCTION STANDARDS

188-5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 188-3.2.

188-5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

(1) Proposals shall be consistent with the need to minimize flood damage;

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

188-5.1-2 ENCROACHMENTS

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or, (ii) the Village agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village for all fees and other costs in relation to the

application. The applicant must also provide all data, analyses and mapping and reimburse the Village for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 188-3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless: (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or, (ii) the Village agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village for all costs related to the final map revisions.

(3) Whenever any portion of a flood plain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

188-5.2 STANDARDS FOR ALL STRUCTURES

188-5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

188-5.2-2 CONSTRUCTION MATERIALS AND METHODS

(1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

188-5.2-3 UTILITIES

(1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part

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of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

(2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters.

Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

188-5.3 RESIDENTIAL STRUCTURES

188-5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 188- 5.1-1, SUBDIVISION PROPOSALS, and 188-5.1-2, ENCROACHMENTS, and Section 188-5.2, STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

(2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

(3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated

above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 188-3.2 (at least two feet if no depth number is specified).

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

188-5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 188-5.1-1, SUBDIVISION PROPOSALS, and 188-5.1-2, ENCROACHMENTS, and Section 188-5.2, STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either: (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(2) Within Zone AO, new construction and substantial improvements of non-residential structures shall: (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary

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facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 188-5.4(1)(ii)

(3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 188-5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

(5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

188-5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 188-5.1, GENERAL STANDARDS, and Section 188-5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard and which are otherwise permitted by law.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either: (i) be on site fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the requirements for manufactured homes in paragraphs 188-5.5(2), (3) and (4). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

(4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 188- 3.2 (at least two feet if no depth number is specified).

SECTION 188-6.0

VARIANCE PROCEDURE

188-6.1 APPEALS BOARD

(1) The Village Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.

(2) The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Chapter.

(3) Those aggrieved by the decision of the Board of Appeals may appeal such decision to the Supreme Court pursuant to

(4) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other applicable laws and in sections of this Chapter and: (i) the danger that materials may be

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swept onto other lands to the injury of others; (ii) the danger to life and property due to flooding or erosion damage; (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (iv) the importance of the services provided by the proposed facility to the community; (v) the necessity to the facility of a waterfront location, where applicable; (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; (vii) the compatibility of the proposed use with existing and anticipated development; (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area; (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles; (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding; (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

(5) Upon consideration of the factors of Section 188-6.1(4) and the purposes of this Chapter, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

(6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

188-6.2 CONDITIONS FOR VARIANCES

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 188-6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that: (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that: (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justification of:

(i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing laws, rules or regulations.

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(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that: (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required in Section 188-4.4-8 of this Chapter." Section two.

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

On the action calendar, the first item for consideration was a resolution to establish that the two hour training session for the Planning Board, the Board of Zoning Appeals, including alternate members would constitute two hours of continuing education credit, of the four hours of continuing education credit mandated by the New York State Village Law for members and alternate members of the Boards.

On motion of Trustee Oppenheimer, duly seconded by Trustee Joyce, the Board unanimously approved Action Item Number One and adopted the resolution.

**ETHICS
RESOLUTION**

WHEREAS, New York State Village Law section 7-712 sets forth the procedure for the appointment of members of the Zoning Board of Appeals which includes the requirement for four hours of training annually for each member and alternate members and,

WHEREAS, New York State Village Law section 7-718 sets forth the procedure for the Planning Board, including the procedure for appointment of the members of the Planning Board which also includes the requirement for four hours of training annually for each member and alternate members and,

WHEREAS, such training shall be approved by the Village Board of Trustees and,

WHEREAS, a training session has been scheduled for members and alternate members of the Village of Rockville Centre Board of Zoning Appeals and Rockville Centre Planning Board to be held on Wednesday, August 19, 2009 at 7:30 p.m. to include two hours of instruction including a one hour presentation on Ethics requirements under New York State Law and a one hour presentation on lessons learned from recent Village litigation,

NOW THEREFORE BE IT RESOVED, that the two hour training session scheduled for August 19, 2009 will enable members of the Rockville Centre Zoning Board of Appeals and the Rockville Centre Planning Board who attend, to more effectively carry

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out their duties, and will constitute two of the four required training hours required by New York State Village Law section 7-712 and 7-718.

Action Item Number Two concerned a proposed bond resolution in the amount of \$330,000.00 to fund additional costs necessary to install a new HVAC system in the Recreation Center.

Comptroller Schussheim advised that the Village intends to apply for grant money that has been committed by the County to the Village for this project, but that

under the terms of the agreement with the County, it is necessary for the Village to expend its own funds in the first instance before seeking reimbursement.

On motion of Trustee Krasula, duly seconded by Trustee Oppenheimer, the Board approved Action Item Number Two and authorized the proposed bond authorization.

BOND RESOLUTION DATED AUGUST 10, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$330,000 BONDS OF THE VILLAGE OF ROCKVILLE CENTRE, NASSAU COUNTY, NEW YORK, TO PAY PART OF THE \$425,000 ESTIMATED MAXIMUM COST OF VARIOUS RENOVATIONS, INCLUDING AUDITORIUM RENOVATIONS, AT THE VILLAGE RECREATION CENTER, IN AND FOR SAID VILLAGE.

WHEREAS, the Village of Rockville Centre, Nassau County, New York has previously authorized \$95,000 in bonds to finance auditorium ceiling renovations at the Village Recreation Center, a specific object or purpose with an estimated maximum cost established in the bond resolution adopted March 26, 2007, of \$95,000;

WHEREAS, it has been determined that the maximum estimated cost of the aforesaid specific object or purpose together with additional renovation work is \$425,000.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Trustees of the Village of Rockville Centre, Nassau County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of various renovations, including auditorium renovations, at the Village Recreation Center, in and for the Village of Rockville Centre, Nassau County, New York, including incidental expenses

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in connection therewith, there are hereby authorized to be issued \$330,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The estimated maximum cost of the aforesaid class of objects or purposes is hereby determined to be \$425,000, and the plan for the financing thereof is by the issuance of the \$330,000 bonds authorized hereby, (but the amount of such bonds ultimately to be issued shall be reduced by the amount of Government aid received for this class of objects or purposes by said Village) and by the issuance of the \$95,000 bonds authorized for auditorium renovations by the bond resolution adopted on March 26, 2007.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty-five years, as the Village Recreation Center is a class "A" building within the meaning of subdivision twelve of paragraph a of Section 11.00 of the Local Finance Law. The period of probable usefulness shall be measured from the date of the first obligation issued under the aforesaid March 26, 2007 bond resolution. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Rockville Centre, Nassau County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Rockville Centre, Nassau County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds,

are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so

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collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in full in the *Rockville Centre Herald*, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

Action Item Number Three concerned a proposed resolution to publish an announcement of a public hearing to be held on September 15, 2009 with respect to proposed water consumption rates.

On motion of Trustee Oppenheimer, duly seconded by Trustee Krasula, the Board unanimously voted to approve the resolution.

RESOLUTION

Publication of legal notice for public hearing

Proposed Water Consumption Rates

WHEREAS, the Board of Trustees is considering the adoption of new proposed water consumption rates; and

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WHEREAS, no public hearing is required for the adoption of such rates, but the Board of Trustees wishes to provide a reasonable opportunity for public comment and participation in the process of considering such rates;

NOW, THEREFORE,

IT IS HEREBY RESOLVED that the Village Administrator shall cause a legal notice to be published in the next available edition of the official paper of the Village of Rockville Centre (the Rockville Centre Herald) to announce that a public hearing will commence on September 15, 2009, at 8:15 pm., with respect to proposed water consumption rates, and shall give such other notice as may be required by law.

Action Item Number Four concerned the proposed Cablevision Franchise Agreement and the publication of a legal notice to advertise a public hearing scheduled for September 15, 2009.

On motion of Trustee Krasula, duly seconded by Trustee Joyce, the Board unanimously voted to approve publication of the legal notice to advertise the public hearing in the proposed Cablevision Franchise Agreement scheduled for September 15, 2009.

RESOLUTION

Publication of legal notice for public hearing

**Proposed cable television franchise agreement
with Cablevision Systems Long Island Corporation**

WHEREAS, the Village has been in negotiations with Cablevision Systems Long Island Corporation for renewal of a non-exclusive cable television franchise; and

WHEREAS, the Board of Trustees previously held public hearings with respect to the proposed franchise agreement, which hearings were continued to a date to be established when the proposed agreement was in form sufficiently complete for public presentation; and

WHEREAS, the Board of Trustees now wishes to continue the public hearing, for the purposes of bringing the franchise renewal process to a conclusion;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Village Administrator shall cause a legal notice to be published in the next available edition of the official paper of the Village of Rockville Centre (the Rockville Centre Herald) to announce that a public hearing will commence with respect to a

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proposed cable television franchise agreement with Cablevision Systems Long island Corporation on September 15, 2009, at 8:15 pm., and that the Village Administrator also shall give such other notice of hearing as may be required by law.

Action Item Number Five related to a proposed professional services contract with AK Associates, professional land surveyors, to perform surveying and mapping services in preparation for the calendar year 2010 Road Program, on a not to exceed cost of \$25,900.

On motion of Trustee Krasula, duly seconded by Trustee Joyce, the Board voted unanimously to approve the proposed professional services contract.

Action Item Number Six pertained to a proposed contract with the Hispanic Brotherhood of Rockville Centre whereby the Hispanic Brotherhood would provide to the Village administrative and clerical assistance in support of the Village's Section 8 Housing Choice Voucher Program; and the Village would pay the Hispanic Brotherhood \$20,000 annually, payable on a monthly basis for one year.

On motion of Trustee Joyce, duly seconded by Trustee Krasula, the Board unanimously voted to approve the contract.

The final Action Item related to the Solid Waste Removal Contract with Omni Recycling of Babylon, Inc. Trustee Krasula stated that additional language should be added to page four of the document under the heading of Bulk Waste, to read: "Bulk waste means oversized items typically disposed by residents including but not limited to....."With that amendment, Trustee Krasula moved acceptance of the contract. Trustee Joyce duly seconded the motion and the Board voted unanimously to accept the contract with Omni Recycling of Babylon, Inc., with the amended language included.

Village Administrator Quigley advised that properly advertised Bids for a lease purchase of marked Ford Crown Victoria Police Interceptor for the Police Department had been opened by the Purchasing Department on July 16, 2009 with the following results:

Marked Crown Victoria	60 Payments	48 Payments	36 Payments	5 Payments	4 Payments	3 Payments
	\$	\$	\$	\$	\$	
Motors Fleet	568.60	687.39	886.72	6,586.18	7,974.77	\$10,314.66
	\$	\$	\$			
	34,116.00	32,994.72	31,921.92	\$32,930.90	\$31,899.08	\$30,943.98
	\$	\$	\$	\$	\$	
Major Ford	620.64	750.31	967.87	7,188.99	8,704.68	\$11,258.74
	\$	\$	\$			
	37,238.40	36,014.88	34,843.32	\$35,944.95	\$34,818.72	\$33,776.22
	\$	\$	\$	\$	\$	
Acme Auto Leasing	641.14	777.58	1,001.07	7,395.00	8,895.00	\$11,495.00

\$	\$	\$			
38,468.40	37,323.84	36,038.52	\$36,975.00	\$35,580.00	\$34,485.00

On motion of Trustee Joyce, duly seconded by Trustee Krasula and unanimously carried, the Board confirmed the award to the low bidder, namely Motors Fleet, for a three year lease purchase with a total expenditure not to exceed \$30,943.98.

Village Administrator Quigley advised that properly advertised bids to supply chemical hydrated lime for the Water Department had been opened by the Purchasing Department on May 21, 2009, with the following results:

<u>Bidders</u>	<u>Quoted Price Per Ton</u>
Velvetop Products	\$287.00
Crescent Chemical	N/B

After negotiations with the low bidder, the vendor agreed to lower its price from \$287.00 per ton to \$280.00 per ton.

On motion of Trustee Oppenheimer duly seconded by Trustee Krasula and unanimously carried, the Board awarded the Bid to the sole bidder, namely Velvetop Products, for a one year contract for a total expenditure not to exceed \$31,000.

Village Administrator Quigley advised that properly advertised bids for HVAC work at the Recreation Center had been opened by the Purchasing Department on June 18, 2009, with the following results:

<u>Bidders</u>	<u>Quoted Price</u>
Talty Construction Inc.	\$390,240.00
High Tech Air Conditioning	N/B

On motion of Trustee Oppenheimer, duly seconded by Trustee Joyce, the Board voted 4 to 1 to award the bid to Talty Construction for a total expenditure not to exceed \$390,240. Trustee Krasula voted nay.

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On motion of Trustee Krasula, duly seconded by Trustee Oppenheimer and unanimously carried, the Board approved the Minutes of the Briefing Session of July 6, 2009.

On motion of Trustee Joyce, duly seconded by Trustee Krasula, and unanimously carried, the Board approved the Minutes of the Regular Meeting of July 6, 2009.

On motion of Trustee Krasula, duly seconded by Trustee _____ and unanimously carried, the Board approved the minutes of the Briefing Session of July 9, 2009.

On motion of Trustee Oppenheimer duly seconded by Trustee Krasula and unanimously carried the Board voted to approve the minutes of the Briefing Session of July 10, 2009.

On motion of Trustee Krasula duly seconded by Trustee Oppenheimer and unanimously carried, the Board approved the Minutes of the Briefing Session of July 21, 2009.

On motion of Trustee Oppenheimer duly seconded by Trustee Joyce and unanimously carried, the Board accepted in the Village official record a communication from the Fire Department Secretary, Bruce Schwarting, dated July 21, 2009 with the following changes:

New members:

James M. Kondor	Reliance Hose Company No. 3
Henry J. Gillett	Reliance Hose Company No. 3
Christopher Schroeder	Live Oak Engine Co. No. 1

Total Membership 324 members

This concluded the business portion of the meeting. For a verbatim record, please refer to the DVD.

At 10:25 p.m. on motion by Trustee Krasula duly seconded by Trustee Joyce and unanimously carried, the Board voted to convene in executive session to discuss litigation, and the hiring or firing of particular persons.

PRESENT: Mayor Mary Whalen Bossart, Trustees Charles R. Joyce, David A. Krasula, Kevin R. Glynn and Edward J. Oppenheimer.

ALSO PRESENT: Village Administrator Francis D. Quigley, Jr. Deputy Village Administrator-Finance/Comptroller Michael Schussheim and Village Attorney A. Thomas Levin.

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At 10:48 p.m., on motion by Trustee Krasula, duly seconded by Trustee Oppenheimer and unanimously carried, the Board voted to continue the meeting in Executive session at 5:00 p.m. on Thursday, August 13, 2009. On motion of Trustee Krasula, duly seconded by Trustee Glynn and unanimously carried, the Board voted to return to public session and the meeting was adjourned.

Francis D. Quigley, Jr.
Village Administrator

FDQ/lb