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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
July 10, 2019
7:00 p.m.

VILLAGE HALL
1492 Laurel Hollow Road
Syosset, New York 11791-9603

PRESENT: DANIEL DeVITA, Mayor
KEVIN JUSKO, Trustee
RICHARD NICKLAS, Trustee
MARTIN NOVICK, Trustee
NICHOLAS TSAFOS, Trustee

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
ELIZABETH KAYE, Clerk/Treasurer
NANCY POPPER, Deputy Clerk and Court Clerk
MICHAEL MCNERNEY, Superintendent of Buildings

INTRODUCTORY LOCAL LAW B-2019

RONALD KOENIG
OFFICIAL COURT REPORTER

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1 MR. AVRUTINE: This is the public hearing with
2 respect to Introductory Local Law B of 2019.

3 The exhibits in connection with this hearing
4 are as follows:

5 First, an affidavit from the North Shore
6 Leader stating that the legal notice was published in
7 the North Shore Leader on June 26, 2019.

8 The next exhibit is an excerpt from the draft
9 minutes of the June 19, 2019 meeting setting the public
10 hearing for July 10, 2019.

11 The next exhibit is an affidavit from
12 Elizabeth Kaye that the legal notice was posted at
13 village Hall on June 21, 2019.

14 The next exhibit is an e-mail from the Village
15 Clerk to the Mayor and Board of Trustees sent on July 3,
16 2019 with the local law in final form attached.

17 The next exhibit is confirmation that the
18 notice of public hearing was published to the village of
19 Laurel Hollow website on June 20, 2019.

20 The next exhibit is confirmation that the
21 notice of public hearing was sent to village website
22 NEWS subscribers on July 5, 2019.

23 The next exhibit is a copy of the proposed
24 local law e-mailed to the Board of Trustees.

25 And the final exhibit is a letter from the

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1 Nassau County Planning Commission dated July 8, 2019
2 stating that the local -- it refers to the village,
3 action as deemed appropriate, and makes no
4 recommendation with respect to the local law.

5 As the Board will recall, Introductory Local
6 Law B-2019 or the proposed Local Law No. 2 of 2019 is
7 entitled Hawking, Peddling and Soliciting. This law is
8 intended to correct a situation where the federal courts
9 have found various prohibitions and restrictions on
10 soliciting to be unconstitutional violations of free
11 speech. This is one that we believe is constitutional
12 because it is modeled after a law from the village of
13 Floral Park which was enacted after litigation that they
14 were involved in and after a court ordered consent
15 decree settlement.

16 So essentially what the law does is it
17 requires that anyone who wishes to solicit within the
18 village obtain a license, and the procedures and the
19 requirements of the license are set forth in the law as
20 well as fees and the standards for approval of the
21 application for the permit. There restrictions are set
22 forth in accordance with federal law. The soliciting
23 activity must be conducted on weekdays and Saturdays
24 between the hours of 9 a.m. and dusk, which is defined
25 as thirty minutes after sunset.

1 There's also, significantly, a provision that
2 allows residents who do not wish to have solicitors
3 intrude on their property or bother them, that they can
4 be on a list and those who obtain licenses will be
5 precluded from contacting people who request to be on
6 the no-solicitation list.

7 All solicitors must also have identification
8 cards.

9 So that essentially rounds out what the law
10 purports to do. And this will bring us into
11 constitutional conformant.

12 Mayor?

13 MAYOR DEVITA: So this is, we talked about it
14 at the least meeting, it came about because a company
15 wishing to solicit for a pest control business sent us a
16 letter challenging our ordinance which was very old and
17 a legally outdated one. So we suspended enforcement
18 until we could pass this law which is modeled after
19 Floral Park which actually was in litigation with that
20 company and came up with this or passed this ordinance
21 to comply with the law. So as far as we're concerned,
22 this is the best and most defensible law. So, it's
23 detailed in terms of what it requires someone who wants
24 to solicit needs to do, and, importantly, provides an
25 out for those residents who don't wish to be subject of

1 any solicitation in any event.

2 I would just recommend to Liz and Nancy to
3 contact Floral Park to get their forms because there's
4 going to be all kinds of form requests for applying and
5 issuing, and I'm sure they've got it all hammered out by
6 now. Instead of reinventing the wheel, save a lot of
7 time.

8 Questions?

9 TRUSTEE TSAFOS: what happens if somebody is
10 in violation of this law?

11 MR. AVRUTINE: There's a penalty section that
12 is proposed. Section --

13 TRUSTEE TSAFOS: I got it. I'm sorry.

14 MR. AVRUTINE: Just for the record, it will be
15 a minimum fine of \$500, a maximum fine of \$1,500 or --
16 and/or 15 days in jail.

17 MAYOR DEVITA: Or both. I want to check and
18 see.

19 MS. POPPER: Maybe it is and/or.

20 TRUSTEE NOVICK: where is the jail?

21 MAYOR DEVITA: They go to the Nassau County
22 jail.

23 Rich.

24 TRUSTEE NICKLAS: How are we going to
25 promulgate to the citizens the list to do not solicit?

1 I want to sign on that list.

2 MAYOR DeVITA: I was going to send a
3 SwiftReach telling people about this and send an e-mail
4 to contact us at LaurelHollow.org, and we'll compile a
5 list.

6 The people, if they come to apply, it will be
7 a public record if someone wants to come and see who is
8 on the list.

9 TRUSTEE NICKLAS: I guess you guys have to
10 make up some kind of login.

11 TRUSTEE NOVICK: When they're issued a
12 license, they'll be on there, they will receive that
13 with a list where they cannot go.

14 TRUSTEE NICKLAS: How do I get on the list?

15 MAYOR DeVITA: But it wouldn't be effective
16 until it's filed.

17 How long is that?

18 MS. KAYE: I'm going to file it tomorrow.

19 MAYOR DeVITA: Any other questions?

20 Audience?

21 MR. AVRUTINE: A motion to close the public
22 hearing?

23 MAYOR DeVITA: I'll make a motion. I'll move.
24 Seconded by Trustee Nicklas.

25 All in favor?

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1 TRUSTEE NICKLAS: Aye.

2 TRUSTEE JUSKO: Aye.

3 TRUSTEE TSAFOS: Aye.

4 TRUSTEE NOVICK: Aye.

5 MAYOR DeVITA: Aye.

6 MR. AVRUTINE: Next is a motion for the Board
7 to declare itself lead agency under the New York State
8 Environmental Quality Review Act.

9 MAYOR DeVITA: Trustee Jusko is moving. I'll
10 second.

11 All in favor?

12 TRUSTEE NICKLAS: Aye.

13 TRUSTEE JUSKO: Aye.

14 TRUSTEE TSAFOS: Aye.

15 TRUSTEE NOVICK: Aye.

16 MAYOR DeVITA: Aye.

17 MR. AVRUTINE: The next motion is to declare
18 the matter unlisted under the New York State
19 Environmental Quality Review Act.

20 MAYOR DeVITA: I'll make the motion.

21 Seconded by Trustee Nicklas.

22 All in favor?

23 TRUSTEE NICKLAS: Aye.

24 TRUSTEE JUSKO: Aye.

25 TRUSTEE TSAFOS: Aye.

1 TRUSTEE NOVICK: Aye.

2 MAYOR DeVITA: Aye.

3 MR. AVRUTINE: The Board of Trustees, being
4 the decision maker in connection with this, qualifies as
5 lead agency under the New York State Environmental
6 Quality Review Act, because every action the Board takes
7 has to take into account impacts to the environment.

8 I would recommend, based upon my review, that
9 the Board enact a negative declaration under the New
10 York State Environmental Quality Review Act that the
11 adoption of this law will not have adverse environmental
12 impacts.

13 MAYOR DeVITA: I'll so move.

14 Second, Trustee Tsafos.

15 All in favor?

16 TRUSTEE NICKLAS: Aye.

17 TRUSTEE JUSKO: Aye.

18 TRUSTEE TSAFOS: Aye.

19 TRUSTEE NOVICK: Aye.

20 MAYOR DeVITA: Aye.

21 MR. AVRUTINE: A motion to adopt the law as
22 presented?

23 MAYOR DeVITA: A motion to adopt the law,
24 Trustee Jusko.

25 Second, Trustee Novick.

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All in favor?

TRUSTEE NICKLAS: Aye.

TRUSTEE JUSKO: Aye.

TRUSTEE TSAFOS: Aye.

TRUSTEE NOVICK: Aye.

MAYOR DeVITA: Aye.

CERTIFIED THAT THE FOREGOING IS A TRUE AND
ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES
IN THIS CASE.

Ronald Koenig

RONALD H. KOENIG
Senior Court Reporter