

May 13, 2014 City Council Resolutions

Resolution 6A

Resolution offered by Mayor Spinello and seconded
by _____

Local Law 01-2014

BE IT RESOLVED that Chapter 257 of the Glen Cove City Code is amended, as follows:

Title: Tobacco and Nicotine Products

§ 257-1 Definitions

For the purposes of this chapter, the following terms shall be defined as follows:

CHILD DAY-CARE CENTER Any child-care arrangement, public, private or parochial child-care center, school-age child-care program, day nursery school, kindergarten, play school or other similar school or service operating pursuant to authorization, license or permit of the State of New York, County of Nassau or City of Glen Cove; any facility that provides child-care services as defined in § 410-p of the New York State Social Services Law; or any child day-care center as defined in § 390 of the New York State Social Services Law. The definition of child day-care center applies whether or not care is given for compensation, but does not include child day-care centers located in private dwellings and multiple-dwelling units.

CIGARETTE Any product which consists of:

- A. Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or
- B. Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filter or its packaging and labeling, is offered for use or purchase by consumers as a cigarette described in Subsection A of this definition.

CIGARETTE TOBACCO Any product that consists of loose tobacco and is intended for use by consumers in a cigarette.

MULTIPLE DWELLING Any building or structure that may lawfully be occupied as the residence or home of three or more families living independently of each other.

NICOTINE PRODUCT Any product containing the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine, including, but not limited to, the product marketed as “electronic cigarette” or “e-cigarette”. For purposes of this Chapter only, the term ‘nicotine product’ shall not

include nicotine patches or gum that are sold with or without a prescription for the purpose of eliminating a dependence upon or addiction to nicotine.

PERSON Any natural person, partnership, copartnership, firm, company, corporation, limited liability corporation, agency, association, joint-stock association or other legal entity.

PLAYGROUND Any outdoor premises or grounds owned or lawfully operated by or on behalf of the City, the City school district or any public, private or parochial school, any child day-care center or any youth center, which contains any device, structure or implement, fixed or portable, used or intended to be used by persons under the age of 18 for recreational or athletic purposes, including, but not limited to, play equipment such as a sliding board, swing, jungle gym, sandbox, climbing bar, wading pool, obstacle course, swimming pool, seesaw, baseball diamond, athletic field, ice skating rink or basketball court.

PRIVATE DWELLING Any building or structure or portion thereof that may lawfully be occupied for residential purposes by not more than two families, including the grounds of such building or structure.

SCHOOL BUILDING Any building or structure, or any portion thereof, owned, occupied by or under the custody or control of any public, private or parochial institution and lawfully used for the primary purpose of providing educational instruction to students at or below the twelfth-grade level.

SMOKELESS TOBACCO Any product that consists of cut, ground, powdered or leaf tobacco that is intended to be placed by the consumer in an oral cavity.

TOBACCO PRODUCT A cigarette, cigar, smokeless tobacco or cigarette tobacco.

TOBACCO PRODUCT ADVERTISEMENT Any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to or identifiable with those used for any brand of tobacco product, or any combination thereof, the purpose or effect of which is to promote the use or sale of a tobacco product through such means as, but not limited to, the identification of a brand of a tobacco product, a trademark of a tobacco product or a trade name associated exclusively with a tobacco product.

TOBACCO PRODUCT PROMOTION Any item or service marketed, licensed, sold or distributed, whether indoors or outdoors, which is not a tobacco product but which bears the brand of a tobacco product, a trademark of a tobacco product or a trade name associated exclusively with a tobacco product, alone or in conjunction with any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other indicia or product identification identical or similar to, or identifiable with, those used for any brand of tobacco product; or any gift or item, other than a tobacco product, offered or caused to be offered to any person purchasing a tobacco product in consideration of the purchase thereof, or to any person in consideration of furnishing evidence, such as credits, proofs-of-purchase or coupons, of such purchase; provided, however, that a tobacco product promotion shall not include any gift or item provided through the exchange or redemption through the mail of any such credits, proofs-of-purchase, coupons or other evidence of the purchase of a tobacco product.

YOUTH CENTER Any building or structure or portion thereof lawfully occupied by any person for the primary purpose of operating an indoor recreational center (including recreational, cultural, physical fitness or sports programs) for persons under the age of 18

years and which has been certified as such by the City of Glen Cove, County of Nassau or State of New York.

§ 257-2 Tobacco product and nicotine product advertisement restriction.

A. It shall be unlawful for any person to place, cause to be placed, to maintain or cause to be maintained, an advertisement of any tobacco product or nicotine product within 1,000 feet, in any direction, of any school building, playground, child day-care center or youth center, in any outdoor area, including, but not limited to, billboards, roofs and sides of buildings, rolling shutters or gates, any enclosures into which rolling shutters or gates retract, water tanks and towers and freestanding signboards; provided, however, that any tobacco product advertisement on an awning projecting from the outside of a premises where tobacco products are sold or offered for sale may be retained until six months from the effective date of this chapter.

B. It shall be unlawful for any person to place, cause to be placed, to maintain or cause to be maintained, an advertisement of any tobacco product or nicotine product in the interior of a building or structure which is within 1,000 feet, in any direction, of any school building, playground, child day-care center or youth center, when such advertisement is within five feet of any exterior window or any door which is used for entry or egress by the public to the building or structure; provided, however, that tobacco product advertisements may be placed or maintained in the interior of any such premises where such advertisements are parallel to the street and face inward or affixed to a wall panel or similar fixture that is perpendicular to the street, regardless of whether such advertisements are illuminated or not illuminated.

C. Nothing in this chapter shall prevent a person from placing, causing to be placed, maintaining, or causing to be maintained, a single sign, poster, placard or label no larger than six square feet and containing only black text, in any language, not exceeding eight inches in height on a white background stating "TOBACCO PRODUCTS SOLD HERE" or "E-CIGARETTES SOLD HERE" or such words translated into any language, within 10 feet of an entrance to the premises where tobacco products are sold or offered for sale.

D. Nothing in this chapter shall prevent a tobacco product or nicotine product manufacturer, distributor or retailer from placing, causing to be placed, maintaining or causing to be maintained, its corporate or other business name on a building or structure, in any location, where such building or structure or portion thereof is owned, operated or leased by such manufacturer, distributor or retailer and that building or structure is the principal place of business of such manufacturer, distributor or retailer in the City; provided, however, that the corporate or other business name of such manufacturer, distributor or retailer is registered or filed in the United States or such manufacturer, distributor or retailer is authorized to do business in any state, and the corporate or business name of such manufacturer, distributor or retailer does not include any brand name or trademark of a tobacco product or nicotine product, alone or in conjunction with any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of a tobacco product or nicotine product.

E. Nothing in this section shall be construed to authorize the placement of a tobacco product advertisement or nicotine product advertisement in a location where such placement is otherwise prohibited by the rules, ordinances or laws of the City of Glen Cove, County of Nassau or State of New York.

§ 257-3 Noncompliant advertisements to be removed.

The person, owner, operator or lessee of any location or premises where a tobacco product advertisement and nicotine product advertisement is prohibited or restricted pursuant to the requirement of this chapter shall have 30 days from the effective date of this chapter, as amended, to remove any noncompliant tobacco product advertisements and nicotine product advertisements, except as set forth in § 257-2A hereof.

§ 257-4 Tobacco product sale and promotion restriction.

A. It shall be unlawful for an owner, lessee, manager or employee of an establishment where tobacco products or nicotine products are sold or given away to sell provide, supply or give such tobacco products and/or nicotine products to a person younger than 19 years of age or for any person to offer or cause to be offered a tobacco product promotion or nicotine product promotion, as defined in § 257-1 of this Code, to any person younger than 19 years of age.

B. It shall be unlawful for a person 19 years of age or older to sell, provide, supply or give a tobacco product or nicotine product to a person younger than 19 years of age.

C. Any person selling, providing, supplying, offering or causing to be offered a tobacco product or a tobacco product promotion or a nicotine product or nicotine product promotion shall verify, through a driver's license or other photographic identification card issued by a government entity or educational institution, that a person to whom a tobacco product or a tobacco product promotion or nicotine product or nicotine product promotion has been offered is at least 19 years of age. Such identification need not be required of any individual who reasonably appears to be at least 25 years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the offering of a tobacco product or a tobacco product promotion to an individual under 19 years of age.

§ 257-5 Sponsorship of and at events.

Nothing in this chapter shall prevent a tobacco product or nicotine product manufacturer, distributor or retailer who sponsors, in whole or in part, any athletic, musical, artistic or cultural event, or team or entry in a competition or exhibition in any location, from displaying or causing to be displayed the corporate or other business name of such sponsor; provided, however, that the corporate or other business name of such sponsor is registered or filed in the United States or such sponsor is authorized to do business in any state, and the corporate or other business name of such sponsor does not include any brand name or trademark of a tobacco product or nicotine product, alone or in conjunction with any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other indicia or product identification identical or similar to, or identifiable with, those used for any brand of a tobacco product or nicotine product.

§ 257-6 Enforcement.

The requirements established by this chapter shall be administered and enforced jointly by the Police Department, Building Department and such other employees and/or officials authorized by the City Council from time to time. Violation of any provision of this chapter shall be cause for a ticket/information to be issued.

§ 257-7 Penalties for offenses.

Any person who violates any provision of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to penalties in the following manner:

- A. Upon a first conviction, by a fine not less than \$100 and not more than \$250 or by imprisonment for a period not to exceed seven days, or by both such fine and imprisonment.
- B. Upon a second conviction, by a fine not less than \$250 and not more than \$1,000 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment.
- C. Upon a third conviction, by a fine not less than \$500 and not more than \$3,000 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.
- D. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

Resolution 6B

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the City Council hereby authorizes the adoption of Serial Bonds, in the amount not to exceed \$4,777,766, to fund 2014 Capital Plan.

- [Bond Resolution - Capital Improvements](#)
- [Capital Plan](#)

Resolution 6C

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the City Council hereby authorizes the Mayor to enter into an agreement with Frank Ciotta & Associates, Inc., for the preparation of an appraisal report, for 121 Landing Road, Sec. 31, Block 1, Lot 1, for a fee not to exceed \$950.

Resolution 6D

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the City Council hereby authorizes the Mayor to enter into an agreement with CPG Consulting LLC, for special investigative and code enforcement services, for a fee not to exceed \$65.00 per hour, maximum 10 hours per week, effective through December 31, 2014.

Resolution 6E

Resolution 6E

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the City Attorney is hereby authorized to settle the following claims in full and final settlement thereof:

<u>Name</u>	<u>Claim Number</u>	<u>Amount</u>
Allen Bauman	GC 14-2453	\$233.51
Elizabeth Mestress	GC 14-2460	\$488.81

Resolution 6F

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the Glen Cove Memorial Day Parade Committee is hereby authorized to host their annual "Memorial Day Parade" on May 26, 2014, 11:30 to 1:00 p.m. and the closing of parts of the following roads:

Forest Avenue

School Street

Glen Street

Pulaski Street

Glen Cove Road (Arterial Highway)

Pratt Blvd.

Glen Cove Avenue

Resolution 6G

Resolution offered by Mayor Spinello and seconded
by _____

-

BE IT RESOLVED, that the City Council hereby authorizes All Saints Catholic School to erect 20 lawn signs, May 17, 2014 through June 3, 2014, to advertise annual "Tag Sale".

Resolution 6H

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the City Council hereby authorizes North Country Reform Temple to erect 20 lawn signs, May 19, 2014 through June 2, 2014, to advertise annual "Tag Sale".

Resolution 6I

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the City Council hereby authorizes Webb Institute to conduct a pyrotechnic display on May 27, 2014, with a rain date of May 18, 2014, at approximately 9:30 p.m. with a duration of approximately 5-6 minutes, pending the following conditions are adhered to:

1. Recommendation for event from Nassau County Bomb Squad;
2. A member of the Nassau County Police Department Arson/Bomb Squad will be present at the event;
3. Having present at time and place of event City of Glen Cove Volunteer Fire Department.

Resolution 7A

Resolution offered by Mayor Spinello and seconded
by _____

WHEREAS, an examination for Emergency Medical Technician (Advanced) was given and certified by the Municipal Civil Service Commission of Glen Cove; and

WHEREAS, a continuous recruitment eligible list has been established by the Municipal Civil Service Commission of Glen Cove; and

WHEREAS, Valentina Kalmeta-Thomaidis, Ryan A. Mavros and Robert J. Faderl are eligible under said list by the Glen Cove Municipal Civil Service Commission;

NOW, THEREFORE, BE IT RESOLVED, that Valentina Kalmeta-Thomaidis, Ryan A. Mavros and Robert J. Faderl are hereby appointed as part-time Emergency Medical Technicians (Advanced) effective May 19, 2014 at \$14.50 per hour.

(A4540 -51120)

Resolution 7B

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the below individuals are hereby appointed as seasonal employees with the Youth Bureau as indicated:

Name	Title	Rate of Pay	Effective Date
Albert J. Thurmond Jr.	Youth Services Worker	\$10.00 per hour	5 /14/2014 - 9 /19/2014
Bria C. Smith	Youth Services Worker	\$10.50 per hour	5 /14/2014 - 9 /19/2014
Erika Y. Ali	Youth Services Worker	\$12.00 per hour	5 /14/2014 - 9 /19/2014
Melissa D. Rivas Cruz	Laborer	\$8.00 per hour	6 /16/2014 - 8 /29/2014
Jenna D. Cunniff	Laborer	\$8.00 per hour	6 /16/2014 - 8 /29/2014
Kyhan S. D. Cullum	Laborer	\$8.00 per hour	6 /16/2014 - 8 /29/2014
Monica B. Salinas	Laborer	\$8.00 per hour	6 /16/2014 - 8 /29/2014
Brittany A. S. Brown	Laborer	\$8.00 per hour	6 /16/2014 - 8 /29/2014

(A7050-51120)

Resolution 7C-1

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that Willie Greer is hereby appointed as a part-time Laborer at the Golf Course at \$13.00 per hour effective May 14, 2014.

(CR7180-51120)

Resolution 7C-2

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that William M. McDonnell is hereby appointed as a seasonal Golf Course Starter , at the Golf Course, \$7.25 per hour, effective retroactively to April 7th, 2014 and ending by November 30th, 2014.

(CR7180-51120)

Resolution 7D

Resolution offered by Mayor Spinello and seconded
by _____

BE IT RESOLVED, that the below individuals are hereby appointed as seasonal Laborers in Beautification effective May 19th, 2014 through November 30th, 2014:

Name	Rate of Pay
Vincent F. Martinez Sr.	\$12.00 per hour
Timothy J. Maher	\$9.00 per hour
John J. Giambrone	\$9.00 per hour

(CR7140-51121)