

The **Annual Meeting** of the Board of Trustees of the Village of Port Washington North was held on Monday, **April 27, 2009** at 7:30pm at 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustees	-	Steven Cohen
		-	Michael Malatino
		-	Michael Schenkler
	Attorney	-	Anthony Sabino
	Clerk	-	Palma Torrisi
	Stenographer	-	Daniel Cohen

A. Annual Meeting

1. Acting Justice Howard Krebs administered the Oath of Office to Mayor-Elect Robert S. Weitzner.

2. Mayor Weitzner administered the Oath of Office to Trustees-Elect Sherman Scheff and Michael Schenkler.

3. On motion of Trustee Cohen, seconded by Trustee Malatino, it was RESOLVED that Mayor Weitzner's appointment of Michael Schenkler as Deputy Mayor for one official year, said term to expire April 2010 be approved.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Malatino-aye, Trustee Scheff-aye, Trustee Schenkler-abstains, Mayor Weitzner-aye. Motion carried.

Mayor Weitzner administered the Oath of Office to Deputy Mayor Schenkler.

4. On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously **RESOLVED** that the following appointments made by Mayor Weitzner for a term of two official years, term to expire April 2011, be approved:

- a. Palma Torrisi as Village Clerk
- b. Linda Kropacek as Deputy Village Clerk
- c. George Stack as Treasurer

5. On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously RESOLVED that the following appointments made by Mayor Weitzner for a term of one official year, term to expire April 2010, be approved:

- a. Palma Torrisi as Assessor
- b. Palma Torrisi as Receiver of Taxes
- c. George Stack as Budget Officer
- d. Robert Barbach as Building Inspector
- e. Fred Lauria as Deputy Building Inspector
- f. Ronald Novinski as Superintendent of Public Works
- g. Robert Keane as Environmental Commissioner
- h. Alex Moschos as Emergency Management Commissioner
- i. Peri Sue Zausner as Beautification Commissioner
- j. George Williams as Landmark Preservation Commissioner
- k. Steven Kaplan as Traffic Safety Commissioner
- l. Alex Moschos as Planning Board Chair
- m. Howard Krebs as Board of Appeals Chair
- n. Howard Krebs as Acting Village Justice
- o. Linda Kropacek as Clerk to the Village Justice
- p. Allan Nelson as Special Village Prosecutor

Mayor Weitzner administered the Oath of Office to those present.

6. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED Mayor Weitzner's appointment of Keith Kindler for a term of seven years, term to expire April 2016, as a member of the **Planning Board** is approved.

7. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously
RESOLVED Mayor Weitzner's appointment of Steven Hazelkorn for a term of five years, term to expire April 2014, as a member of the **Board of Appeals** is approved.

8. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously
RESOLVED that Anthony Sabino be engaged as **General Counsel** for legal work on behalf of the Village, in accordance with his retainer letter dated February 5, 2008, for a term to expire April 2010.

9. On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously
RESOLVED that firm Sidney B. Bowne & Son LLP and the firm Dvirka & Bartilucci Consulting Engineers be engaged as **Village Engineers** for engineering work on behalf of the Village for a term of one official year, term to expire April 2010.

10. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously
RESOLVED that the firm Coughlin Foundotos Cullen & Danowski LLP be engaged as **Independent Auditor** for auditing services on behalf of the Village, in accordance with its retainer letter dated February 6, 2009, for a term of one official year, term to expire April 2010, to perform an independent, external audit of the Village's finances for the fiscal year commencing June 1, 2009 and ending on May 31, 2010, and to file the Annual Financial Report electronically with the State Comptroller, to file the Annual Financial Report with the State Comptroller electronically, to complete a GASB 34 compliant financial statement, and to conduct an audit of the Village Justice Court, at a cost not to exceed \$8,500.00.

11. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously
RESOLVED that Leslie Gross be appointed as **Registrar of Vital Statistics** and James Burton as Deputy Registrar of Vital Statistics for the Village of Port Washington North for terms to expire December 2010.

12. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that the Port Washington News be and hereby is designated as the **official newspaper** for the Village of Port Washington North for the official year ending April 2010.

13. On motion of Trustee Schenkler, seconded by Trustee Malatino, the following resolution was unanimously adopted:
WHEREAS before the incorporation of the Village of Port Washington North the territory was included within the limits of the following **SPECIAL DISTRICTS**: Port Washington Garbage District, Port Washington Police District and Port Washington Water District; and
WHEREAS a portion of the territory was included within the limits of the Port Washington Water Pollution Control District; and
WHEREAS the Board of Trustees, after due consideration, has determined that it is in the best interests of the Village that the Special Districts continue the service that they heretofore rendered;
NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Port Washington North does hereby request the officers of the Town of North Hempstead to extend for the year **2010** against the property in the area of the Village of Port Washington North the following Special Districts' taxes:
Port Washington Garbage District
Port Washington Police District
Port Washington Water District
and the said Board requests that the Town of North Hempstead extend for the year **2010** the Sewer Tax against the property of said Village within the limits of the Port Washington Water Pollution Control District.

14. On motion of Trustee Schenkler, seconded by Trustee Scheff, the following resolution was unanimously adopted:

WHEREAS the Board of Trustees has determined that Village Law § 4-412(3)(2) requires the designation of banks or trust companies for the deposit of all Village monies; and

WHEREAS the Village Treasurer has recommended Bank of America, Bank of New York, Bank of Smithtown, J. P. Morgan Chase, Citibank, First National Bank of Long Island, H S B C, Capitol One Fork Bank, State Bank of Long Island, and Wachovia, as **authorized depositories for Village funds**;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees designates the following institutions as depositories of all moneys received by the Village Treasurer, Clerk, and Receiver of Taxes:

Bank of America	First National Bank of Long Island
Bank of New York	H S B C
Bank of Smithtown	Capitol One Bank
J. P. Morgan Chase	State Bank of Long Island
Citibank	Wachovia Bank
Citizens Bank	

15. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously

RESOLVED that 71 Old Shore Road, Port Washington, New York, be and hereby is designated as the place of the regular meetings of this Board until further notice and that the day and time of said **regular meetings** shall be 7:30 p.m. on the following dates:

May 26, 2009	October 26, 2009	February 22, 2010
June 22, 2009	November 23, 2009	March 22, 2010
July 27, 2009	December 21, 2009	April 5, 2010
August 24, 2009	January 25, 2010	April 26, 2010
September 21, 2009	February 3, 2010	

16. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously

RESOLVED that the Board of Trustees hereby adopts the following:

Investment Policy

A. SCOPE. This investment policy applies to all moneys and other financial resources available for investment on the Village's own behalf or on behalf of any other entity or individual.

B. OBJECTIVES. The primary objectives of the local government's investment activities are, in priority order:

1. to conform with all applicable federal, state and other legal requirements;
2. to adequately safeguard principal;
3. to provide sufficient liquidity to meet all operating requirements; and
4. to obtain a reasonable rate of return.

C. DELEGATION OF AUTHORITY. The Board of Trustees' responsibility for administration of the investment program is delegated to the Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating descriptions and amounts of investments, transaction dates, and other relevant information, and regulate the activities of subordinate employees.

D. PRUDENCE. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village to govern effectively. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

E. DIVERSIFICATION. It is the policy of the Village to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

F. INTERNAL CONTROLS. It is the policy of the Village for all moneys collected by any officer or employee of the government to transfer those funds to the Treasurer within 10 days of receipt, or within the time period specified in law, whichever is shorter. The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

G. DESIGNATION OF DEPOSITORIES. The banks and trust companies authorized for the deposit of moneys are:

Bank of America	First National Bank of Long Island
Bank of New York	H S B C
Bank of Smithtown	Capitol One Bank
J. P. Morgan Chase	State Bank of Long Island
CitiBank	Wachovia Bank
Citizens Bank	

H. COLLATERALIZING OF DEPOSITS. In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Village, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities" with an aggregate "market value", as provided by General Municipal Law, Section 10, equal to the aggregate amount of deposits.

I. SAFEKEEPING AND COLLATERALIZATION. Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events that will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

J. PERMITTED INVESTMENTS. As permitted by General Municipal Law, Section 11, the Village authorizes the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts
- Certificates of deposit
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America
- Obligations of the Village, but only with any moneys in a reserve fund established pursuant to General Municipal Law, Section 6-c, 6-d, 6-e, 6-f, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

All investment obligations shall be payable or redeemable at the option of the Village within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village within two years of the date of purchase.

K. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS. The Village shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments that can be made with each financial institution or dealer. All financial institutions with which the Village conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a list of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

L. PURCHASE OF INVESTMENTS. The Treasurer is authorized to contract for the purchase of investments:

1. Directly from an authorized trading partner
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Board of Trustees
3. By utilizing an on-going investment program with an authorized tracking partner pursuant to a contract authorized by the Board of Trustees.

All purchased obligations, unless registered or inscribed in the name of the Village, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the village, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Village a perfected interest in the securities.

17. On motion of Trustee Schenkler, seconded by Trustee Malatino, the **PURCHASING POLICY AND PROCUREMENT PROCEDURE** was unanimously readopted as follows:

A. The Village shall not procure any goods or services without competitive bidding unless the Village Clerk has first determined and documented that such procurement is not required by law to be subject to competitive bidding.

B. Except for procurements made pursuant to subdivision 3 of section 103 or section 104 of the General Municipal Law, Section 175-b of the State Finance Law, Section 186 of the Correction Law, or the policies and procedures adopted pursuant to paragraph "f" of this resolution, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this resolution.

C. The method of procurement utilized shall be selected by the Village Clerk to take into account, in her discretion, the method that will best further the purposes of this resolution and the cost-effectiveness of the method.

D. Adequate documentation of each action taken in connection with each procurement subject to this resolution shall be maintained.

E. Documentation justifying any contract awarded to other than the lowest responsible dollar offeror, setting forth the reasons such an award furthers the purpose of this section shall be maintained.

F. The solicitation of alternative proposals or quotations will not be in the best interest of the Village in emergency situations or when entering into personal service contracts.

18. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously
RESOLVED that the **INVENTORY OF FIXED ASSETS** for this Village, as recommended by the New York State Department of Audit & Control, be accepted as set forth in the annual GASBE 34 report, which is on file with the Village Clerk.

19. On motion of Trustee Schenkler, seconded by Trustee Malatino, the following resolution was unanimously adopted:
WHEREAS, pursuant to Village Law Section 5-524(6), this Board, by resolution, may authorize certain payments in advance of its audit of claims, in order to provide for the smooth, continuous, and proper operation of the Village's affairs,
NOW, THEREFORE, BE IT RESOLVED that the Village Treasurer is hereby authorized to make **payment in advance** of audit of claims for **electric, gas, water, sewer, telephone services, cable, postage, freight and express charges**. All such claims shall be presented at the next regular meeting for audit, and the claimant and the officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by this Board.

Mayor Weitzner closed the Annual Meeting.

B. Public Hearing - Budget Fiscal Year June 1, 2009 to May 31, 2010

a. Mayor Weitzner opened the public hearing, duly adjourned from **April 6, 2009**, to consider the adoption of the proposed **BUDGET** for the fiscal year June 1, **2009** through May 31, **2010**. Budget Officer Stack presented the proposed **\$12,857,494** budget and recommended that the tax rate be **\$12.1013** per \$100 of assessed valuation. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, Mayor Weitzner closed the public hearing.

b. On motion of Trustee Scheff, seconded by Trustee Cohen, it was RESOLVED that the Budget for the fiscal year commencing June 1, **2009** through May 31, **2010**, as submitted by the Budget Officer, be and hereby is approved.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Malatino-aye, Trustee Scheff-aye, Trustee Schenkler-aye, Mayor Weitzner-aye. Motion carried.

c. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was RESOLVED that for the fiscal year June 1, **2009** through May 31, **2010** the tax be and hereby is levied against each and every parcel of real property within the Village of Port Washington North as shown on the last completed Assessment Roll at the rate of **\$12.1013** per \$100 of assessed valuation, and the Clerk is directed to extend and carry upon the Assessment Roll the amount to be levied against each parcel of real property shown thereon.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Malatino-aye, Trustee Scheff-aye, Trustee Schenkler-aye, Mayor Weitzner-aye. Motion carried.

d. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously
RESOLVED that a warrant for the collection of taxes be issued to the Clerk in the following form:

YOU ARE COMMANDED to receive and collect from the several persons named in the assessment roll, the several sums named in the last column thereof opposite their respective names, altogether a total of **\$1,199,279** for the purposes set forth in a budget heretofore adopted for the fiscal year June 1, **2009** to May 31, **2010**, a copy of which is annexed to the minutes; and

You are hereby COMMANDED to receive as much taxes as may voluntarily be paid to you from June first to and including July first of this year, without additional charge; and all taxes for which payment has not been received and remain unpaid after July 1,

2009, shall have added an additional five percent (5%) interest for the month of July, and for each month and fraction thereafter, an additional interest payment, which shall be computed at the maximum percentage rate permitted, pursuant to the Real Property Tax Law, until said taxes and accrued interest are paid in full; and you are to make a return of this warrant by **February 3, 2010**; and if any tax on real estate or any interest herein placed upon the tax roll shall be unpaid at the time when you are required to return this warrant and roll, you are to deliver to the Board of Trustees an account of the taxes remaining due containing a description of the lands upon which such taxes were unpaid as the same were placed upon the tax list, together with the amount of the tax so assessed and interest thereon.

Dated: April **27, 2009**

Seal

Robert S. Weitzner, Mayor

In witness whereof, I have hereunto set my hand as Clerk of the above Village this **27th** day of April **2009**.

e. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the **annual salaries** effective June 1, **2009** for the officials be and hereby are as follows:

Mayor	\$2,500	Treasurer	\$37,080	Board Appeals	\$3,000
Trustees	6,000	Clerk	64,214	Building Inspector	\$83/hr.
Planning Board	3,335	Deputy Clerk	48,589	Supt. Public Works	15,450

and established that the salary for the Deputy Building Inspector be \$39.86 per hour; and that the salary for the Clerk to the Village Justice be \$31.15 per hour.

C. Regular Meeting

1. Clerk

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the minutes of the meetings of the Board of Trustees of February 23, 2009 and March 17, 2009 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

2. Treasurer

a. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #85, totaling \$157,255.38, and the Trust & Agency Abstract of Vouchers #51, totalling \$6,725.00, be waived and that they be and hereby are approved as presented by Treasurer Stack.

b. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Budget Report as of March 31, 2009, showing the General Fund Balance to be \$1,865,972.96, and the Trust & Agency Fund Balance to be \$81,773.05, be and hereby is accepted as prepared by Treasurer Stack.

3. Reports

a. Building Department

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Building Department report for April 2009 be and hereby is accepted as submitted by Inspector Barbach and Deputy Inspector Lauria.

b. Public Works

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Public Works Department report for the month of April 2009 be and hereby is accepted as presented by Superintendent Novinski.

c. Environmental Commission

Commissioner Keane reported that the draft Stormwater Management Report will appear on the Village's website. On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously RESOLVED that the Environmental Commission report for the month of April 2009 be and hereby is accepted as presented by Commissioner Keane.

d. Justice Court

The Board accepted the Justice Court report for March 2009 submitted by Court Clerk Kropacek.

4. Business

a. Mill Pond Acres Bond

On motion of Trustee Schenkler, seconded by Trustee Malatino, the following resolution was adopted:

WHEREAS, the Planning Board of the Village of Port Washington (hereafter "Planning Board") by Resolution dated December 23 2002 and amended on January 24, 2003 (hereafter "Resolution") approved the subdivision application of Sandy Hollow Associates LLC. (hereafter the "Developer", for the premises known as Section 4, Block J, Lots 45 and 748 on the Nassau County Land and Tax Map (hereafter the "Premises"; and

WHEREAS, pursuant to the Resolution, the Developer, among other items, was required to furnish to the Village a material and performance bond in the amount of \$5,346,760 (hereafter the "Bond") to insure the completion of the Public Improvements (hereafter "Public Improvements") in accordance with the approved plans and specifications as set forth in the Resolution; and

WHEREAS, it has come to the attention of the Board of Trustees of the Village of Port Washington North (hereafter "Board of Trustees") that the Public Improvements have not been completed in accordance with the plans and specifications approved by the Planning Board and or said Public Improvements are not functioning as designed and planned; and

WHEREAS, the Board of Trustees held a public meeting on April 6th, 2009 on notice to the Developer and the Mill Pond Acres Condominium to take testimony and gather information relevant to the release, reduction or default of the Bond; and

WHEREAS, on April 6th, 2009 the Board of Trustees provided all interested parties the opportunity to be heard and closed the public meeting and allowed the record of the proceedings to remain open until April 17, 2009 for submission of any additional material relevant to the proceedings; and

WHEREAS, the only submission received by the Village was from Cohen & Warren, P.C., attorneys for the Mill Pond Condominium; now therefore be it

RESOLVED, the Board of Trustees finds as follows:

1. It is the opinion of the Village engineer, James Antonelli, and the Village inspector assigned to monitor certain aspects of the construction of the subdivision, Richard Weber, that some of the construction of the Public Improvements by the Developer does not conform to the plans and specifications approved by the Planning Board and or is not functioning as planned. As a result, based on their personal observations and opinion the Bond should not be released.
2. Specifically reported to the Board of Trustees were examples of improper construction

and failure to follow the approved plans including but not limited to:

- i. improper or inadequate drainage of many areas of the Premises and its roadways.
- ii. failure to adhere to grading called for in the approved plans causing flooding and ponding.
- iii. failure to provide a road crown called for in the approved plan.
- iv. numerous examples of concrete deterioration and cracking far in excess of normal wear and tear.
- v. numerous examples of sunken drainage structures, curbs and concrete slabs.
- vi. deviation from approved plan with respect to berms, landscaping, planting, curb construction, slab, sidewalk and building elevations.
- vii. improper compaction of soils and sub-bases causing extensive settlement on surface and sub-surface structures.
- viii. There have been numerous attempts by the Condominium and the Village building inspector to have the Developer address the above items without success.
- ix. Issuance by the building department of various Orders To Remedy conditions which have not been address by the Developer.

BE IT FURTHER RESOLVED that based on the above findings the Board of Trustees declares that significant Public Improvements have not been constructed and installed in a workman like manner or according to the approved plan; and be it further

RESOLVED that the Board of Trustees, in accordance with the Village Law §7-730 (9) declares the Bond to be in default and that the Village take all necessary and appropriate actions to collect the sum necessary from the Bond to complete and repair the Public Improvements located at the premises.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Malatino-aye, Trustee Scheff-recused, Trustee Schenkler-aye, Mayor Weitzner-aye. Motion carried.

b. Shore Road Traffic Calming Grant

On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Village will request for a no-cost time extension for the New York State Department of Transportation Shore Road Traffic Calming and Pedestrian Enhancement grant (PIN# 0759.11).

c. Bill 2 of 2009 – Flood Damage Prevention

Mayor Weitzner introduced Bill 2 of 2009, regarding Flood Damage Prevention. A copy of the bill was delivered to each of the members of the Board of Trustees. The Mayor also presented a Short Environmental Assessment Form prepared by the Village Attorney. On motion of Trustee Schenkler, seconded by Trustee Malatino, the following resolution was unanimously adopted:

WHEREAS Bill 2 of 2009, Flood Damage Prevention, has been submitted to the Board of Trustees for its consideration; and
WHEREAS a short environmental assessment form has been submitted on behalf of the Village; and
WHEREAS the members of the Board have carefully reviewed said assessment form; and
WHEREAS the subject bill concerns the legislative action of this Board;
NOW, THEREFORE, BE IT RESOLVED, that this Board hereby designates itself as the lead agency for environmental review with respect to the adoption of the proposed local law and this Board determines that this local law is a not an unlisted action as

determined by the Commissioner of the Department of Environmental Conservation, and that it will not have an adverse impact on the environment, and sets a public hearing with regard to the proposed adoption of Bill 2 of 2009 for the 26th of May 2009 at 7:30 p.m. at the Village Hall.

d. Concrete Repair & Replacement

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that bids for the Concrete Repair & Replacement 2009/10 – 2011/12 contract will be received at the Village Hall of the Village of Port Washington North, located at 71 Old Shore Road, Port Washington North, New York, until 12:00 noon on Thursday, May 21, 2009, at which time all bids will be publicly opened and read aloud.

e. Soundview Site Visit

There will be a special meeting of the Board of Trustees on Wednesday, May 6, 2009 at 6:00 p.m. at Soundview Marketplace, Shore Road, Port Washington, New York, with regard to the proposed site plan for Soundview Marketplace.

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:15 p.m.

Palma Torrisi, Village Clerk