

A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Monday, **February 22, 2010** at 7:30 pm at the Village Hall, 71 Old Shore Road, Port Washington, New York.

Present: Mayor - Robert Weitzner
 Trustees - Steven Cohen
 - Michael Malatino
 - Sherman Scheff
 - Michael Schenkler
 Attorney - Anthony Sabino
 Clerk - Palma Torrissi

1. Clerk

A. Minutes

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was RESOLVED that the reading of the minutes of the Board of Trustees meeting of December 14, 2009 be waived and that they be and hereby are approved as prepared by Clerk Torrissi.

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

B. Board of Assessment Review

The Board of Trustees and the Assessor, sitting as the Board of Assessment Review, dealt with applications for correction of assessment and for exemptions.

1. Assessor Torrissi reported that **Grievance Day** was held on February 16, 2010 from 10:00 a.m. to 2:00 p.m. at the Village Hall. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was

RESOLVED that the following applications for Correction of Property Assessments be and hereby are denied and that the tentative assessments remain unchanged on the 2010 Village Assessment Roll:

<u>Applications for Correction</u>	<u>of</u>		<u>Property</u>	<u>2010</u>	<u>Assessments</u>	
	<u>Name</u>	<u>Section</u>			<u>Block</u>	<u>Unit</u>
Gerhard & Brigitta Clusener	4	J	37		18,000	4,500
Red Wind Property Group LLC	4	J	690		9,335	934
Jack Talve & Mark Talve	4	J	716		100,000	1,000
Daisy Brass	4	J	753	333	3,900	975
Audrey Robinson	4	J	753	339	3,900	975
Gulfway Marine Service Inc. 84 Shore Road Development	4	N-1	321, 322		52,250	13,062
Realty Stop & Shop Supermarket Company	4	N-2	411		18,250	1,825
Lawrence Harris	4	Q	10, 34, 128		122,550	12,255
Charles Cella	4	Q	18		3,600	900
Bernie Yatauro	4	Q	139		3,550	888
Bernie Yatauro	4	Q	226		12,500	1,250
15 Smull Place LLC	4	Q	227 & 4 - 48 - 49	A	6,720	672
15 Smull Place LLC	4	Q	227 & 4 - 48 - 49	B	5,760	576
15 Smull Place LLC	4	Q	227 & 4 - 48 - 49	C	5,760	576
15 Smull Place LLC	4	Q	227 & 4 - 48 - 49	D	5,760	576
Gr. Re. Annuity Trust of Amrit Sethi	4	Q	236		23,970	240
Stop & Shop Supermarket	4	Q	244		150,000	15,000

Company					
Kathleen Brown	4	Q	205		9,400 2,350
Richard A. LaPera	4	29	208		7,650 765
John Fico	4	31	99		7,200 1,800
Stop & Shop Supermarket Company	4	48	8,27,34,35,36,37		108,743 10,874
Bayland Leasing LLC	4	48	38		12,000 2,000
Jack Santomauro	4	48	39		8,400 2,100
V & S Realty Corp.	4	48	40		10,000 2,500
Vittorio Raimondo	4	48	42		2,050 513
Adrian Romero	4	48	48		2,740 685
R. B. S., LLC	4	51	17		5,235 52
S. K. Foods Corp.	4	51	17		5,235 1,309
R. B. S., LLC	4	51	109		6,500 65
S. K. Foods Corp.	4	51	109		6,500 1,625
R. B. S., LLC	4	51	111		23,265 233
S. K. Foods Corp.	4	51	111		23,265 5,816
Barry Schulman	4	115	5		10,880 2,720
Thomas Colligan	4	115	17		7,920 1,980
Evan Wollis	4	115	43		9,170 2,293
Lawrence Potter	4	115	59		10,050 2,513
Michael Vaitzman	4	115	73		11,760 2,940
Tonia Finkelstein	4	115	74		10,180 2,545
Philip Ninan	4	115	88		12,360 3,090
Debra Meo	4	116	1		10,550 2,638
Gail Whelan	4	116	13		7,300 1,825
Robert Lorenzini	4	116	32		8,050 2,013
Glenn Kustal	4	117	4		9,600 2,400
Andrew Hausspiegel & Shelly Goodman	4	117	9		9,300 797
Gerald Fine	4	117	12		8,360 2,090
Robert Adler	4	117	27		7,200 1,800
Sandra Pittman	4	118	45		10,450 2,613
Sondra Winder	4	119	1		9,660 2,415
Joe Pugliese	4	119	14		11,500 2,875
Andrew Hollander	4	119	17		13,650 3,413
Louis & Phyllis Bordonaro	4	119	21		7,680 1,920
Lloyd Karmel	4	120	10		9,420 2,355
Virginia Contino	4	120	12		10,470 2,618
Angela Kadnar	4	120	24		8,150 2,038
Michael Galluccio	4	120	27		9,300 2,325
Ronald DeMeo	4	120	34		10,490 2,623
ALK Abbello	4	123	4		70,000 14,000
Red Wind Property Group LLC	4	123	8 & 44A		250,000 25,000
Thomas E. Hoar, Inc.	4	123	15		35,000 7,000
Steven Klein	4	123	16 & 26		25,000 2,500
Publishers Clearing House	4	123	18, 20, 23, 24, 43		350,000 70,000
Red Wind Property Group LLC	4	123	21		25,000 2,500
Albert Oswald Realty Holding Corp.	4	123	27		43,000 10,750
Fab-Con Machinery Development Corp.	4	123	28		37,000 7,400
Channel Drive Inc.	4	123	29, 30		50,000 10,000
Richard Scallon	4	123	31		8,300 2,075
Publishers Clearing House	4	123	50		60,000 12,000
Red Wind Property Group LLC	4	123	51		2,020 202
Rajender Jain	4	124	5		11,450 2,863
Howard Krebs	4	124	15		8,250 2,063
Arlene Cummings	4	124	26		8,300 2,075

Nina Dioguardi	4	124	28	8,300	2,075
Bernard Werner	4	124	30	8,150	2,038
Rebecca Robinson	4	124	40	9,300	2,325
Shahin Farahan	4	125	9	9,700	2,425
New York Community Bank	4	125	19	1,560	390
New York Community Bank	4	125	22	16,670	4,168
New York Community Bank	4	125	23	1,770	443
Rhoda Cahn	4	128	1	9,060	2,265
Franco Petruzzello	4	128	12	8,250	2,063
Soundview Gardens, Inc.	4	128	17	134,000	26,800
Spivak Realty Co.	4	128	21	96,000	19,200
Spivak Realty Co.	4	128	23	103,800	20,760
Spivak Realty Co.	4	128	24	100,200	20,040
King Kullen, ACI Soundview, HSBC Bank, Genovese Drugs	4	129	1	108,100	10,810
99 Shore Road LLC	4	129	7	5,100	1,020
ACI Soundview LLC & HSBC Bank, Genovese Drug Stores	4	129	10, 12, 14C	291,900	29,190
99 Shore Road LLC	4	129	15A*	18,400	3,680
Teddy Charney	4	134	8	9,750	2,438
Eleanor Colasante	4	134	22	10,300	2,575
Carole Corbo	4	134	31	10,000	2,500
Richard Gallucci	4	134	41	11,300	2,825
Bong Oh	4	135	2	9,150	2,288
Adam & Karen Finkelstein	4	135	5	10,100	2,525
Linda Lejman	4	135	17	10,200	2,550
David Goh	4	135	24	9,700	2,425
Kenneth & Lisa Roedel	4	135	25	7,872	787
Frederic Liberman	4	135	36	10,100	2,525
Joseph Calderone	4	136	4	8,775	2,194
Elaine Berman	4	136	10	9,500	2,375
Jane Mason	4	136	15	7,488	1,872
Maxine Felsen	4	136	29	10,200	2,550
Adam & Ilyse Wofse	4	137	2	7,680	1,920
Debra Wiener	4	137	25	8,450	4,225
Vasilios Petratos	4	137	26	8,950	2,238
Marvin Mersack	4	137	34	10,950	2,738
Ora Geiringer	4	137	37	10,050	2,513
Charles Sax	4	137	46	10,550	2,638
Sheldon Greenbaum	4	137	47	10,250	2,563
Ilissa & Joshua Sternlicht	4	138	4	9,500	3,428
Esther Levine	4	138	10	10,650	2,663
Harold Ratner	4	138	25	9,650	2,413

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

2. On motion of Trustee Scheff, seconded by Trustee Schenkler, it was

RESOLVED that the following applications for **Senior Citizens Exemption**, totaling \$10,674.00, for the 2010 Assessment Roll be and hereby are approved:

<u>Name</u>	<u>Section-Block-Lot-Unit</u>			<u>Amount</u>
Mario & M. Bertha Catu	4	J	11	\$ 460.00
Nicoletta Chimienti	4	J	40	2,389.00
Diana Tadler	4	J	753 205	1,600.00
Isabel DeOliveira	4	J	753 240	1,600.00
Mary Roper	4	31	86	3,500.00
Takashi & Kazuko Yoshida	4	120	3	1,125.00

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

3. On motion of Trustee Scheff, seconded by Trustee Schenkler, it was RESOLVED that the following applications for **Veteran Exemptions** for the 2010 Assessment Roll, totaling \$7,500.00, be and hereby are approved:

<u>Name</u>	<u>Section-Block-Lot-Unit</u>				<u>Additional \$ Amount</u>
Elizabeth Monaco	4	J	753	115	480.
Gregory & M. Malanga	4	J	753	210	0. (transfer)
Harold & Elsie Cohen	4	J	753	305	745.
David & C. Kratenstein	4	J	753	377	585.
Anthony & V. Pergola	4	J	753	387	2,388.
Vito Derasmo	4	117	19		1,170.
Morton & Sondra Gold	4	124	31		5 85.
Richard & J. Aronstein	4	137	30		1,547.

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

4. Assessment Roll Completed

Assessor Torrisi reported that the **Assessment Roll** for the year 2010 was finally completed and filed in the office of the Village Clerk.

C. Budget Hearing & Annual Meeting

On motion of Trustee Scheff, seconded by Trustee Schenkler, it was RESOLVED that the Board of Trustees of the Village of Port Washington North will hold a **Public Hearing** at 7:30 p.m. on Tuesday, April 6, 2010 at 71 Old Shore Road, Port Washington, New York 11050, with respect to the **Tentative Budget** of the Village for the fiscal year June 1, 2010 to May 31, 2011. The Tentative Budget provides an annual salary of \$2,500 for the Mayor and an annual salary of \$1,500 for each Trustee; and be it further

RESOLVED that the Board of Trustees will hold the **Annual Meeting** of the Village of Port Washington North at the Port Washington North Village Hall, 71 Old Shore Road, Port Washington, New York, on Tuesday, April 27, 2010 at 7:30 p.m.

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

D. Board Meetings

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that regular meeting of the Board of Trustees for the month of March is rescheduled for Thursday, March 18, 2010 at 7:30 p.m. at the Village Hall.

3. Treasurer

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was **RESOLVED** that the reading of the General Fund Abstract of Vouchers #95, totaling \$298,710.06, and the Trust & Agency Abstract of Vouchers #60, totalling \$2,5529.75, be waived and that they be and hereby are approved as prepared by Treasurer Stack.

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

4. Reports

A. Building Department

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was **RESOLVED** that the Building Department report for January/February 2010 be and hereby is accepted as submitted by Inspector Barbach.

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

B. Public Works

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was **RESOLVED** that the Public Works report for February 2010 be and hereby is accepted as submitted by Superintendent Novinski.

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

5. Business

A. Sandy Court Stop Sign

Elaine Abramson of 24 Sandy Court expressed to the Board her objections to the Stop sign that the Village recently installed in front of her home.

B. Financial Consultant

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was **RESOLVED** that the Village engage the services of Susan Pisano as a financial consultant for the period February 18 through March 18, 2010 at the rate of \$2,416.66 per month.

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

C. Registrar of Vital Statistics

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was

RESOLVED that Leslie C. Gross be and hereby is appointed Registrar of Vital Statistics and that James W. Burton Sr. be and hereby is appointed Deputy Registrar of Vital Statistics for the Village of Port Washington North for the term commencing January 1, 2010 and ending December 31, 2013.

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

6. Executive Session

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was **RESOLVED** that the Board enter into Executive Session to discuss litigation with counsel.

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

On motion of Trustee Scheff, seconded by Trustee Schenkler, it was unanimously **RESOLVED** that the Executive Session be adjourned and the regular meeting be reconvened.

Mayor Weitzner stated that no action was taken in Executive Session.

7. Business (continued)

A. Mill Pond Acres Bond

On motion by Trustee Cohen, seconded by Trustee Schenkler, the foregoing resolution was adopted:

VILLAGE OF PORT WASHINGTON NORTH BOARD OF TRUSTEES RESOLUTION
DECLARING A CONTRACTOR DEFAULT PURSUANT TO ARTICLE 3 OF BOND
NUMBER SB0084651 DATED JUNE 3, 2005, RELATING TO THE DEVELOPMENT OF
MILL POND ACRES

WHEREAS, the Planning Board of the Village of Port Washington (hereafter "Planning Board"), by Resolution dated December 23, 2002, as amended January 24, 2003 (hereafter "Resolution"), granted final subdivision plat and site plan approval to Sandy Hollow Associates LLC. (hereafter "Sandy Hollow"), to develop a senior citizen residential condominium community known as Section 4, Block J, Lots 45 and 748 on the Nassau County Land and Tax Map and commonly known as "Mill Pond Acres" in the Village of Port Washington North (hereinafter the "Village"); and

WHEREAS, pursuant to the Resolution, the Planning Board required Sandy Hollow to perform certain items of work identified as "Public Improvements" and furnish to the Village labor, material and performance bonds in form and substance satisfactory to the Village in the amount of \$5,346,760 (hereafter the "Bond") to insure the performance of such work; and

WHEREAS, Sandy Hollow entered into a contract with Port North Construction, LLC (hereinafter "Port North") to develop and construct the condominium at Mill Pond Acres, including the Public Improvements (hereinafter the "Development Contract"); and

WHEREAS, Port North entered into a contract with J.D. Posillico, Inc. (hereinafter "J.D. Posillico") on or about August 26, 2003, to perform certain site work at Mill Pond Acres, including the Public Improvements (hereinafter the "Site Work Contract"); and

WHEREAS, on or about June 3, 2005, XL Specialty Insurance Company (hereinafter "XL" or "Surety"), as surety, and J.D. Posillico, as contractor, issued bond number SB0084651 to Port North as owner/obligee and Sandy Hollow and the Village as additional obligees, insuring the performance of the site work at Mill Pond Acres, including the Public Improvements (hereinafter the "Bond"); and

WHEREAS, it has been determined by the Village that J.D. Posillico has failed to complete and/or has defectively performed the work for the Public Improvements; and

WHEREAS, by letter dated December 11, 2009, special counsel to the Village, called for, pursuant to Article 3 of the Bond, a conference to discuss methods of completing and correcting the incomplete and/or defective work for the Public Improvements (hereinafter the "Conference"); and

WHEREAS, the Conference was held at the offices of Sahn Ward & Baker, PLLC, on January 12, 2010; and

WHEREAS, at the Conference, the parties did not reach an agreement on completing and/or correcting the defective work and J.D. Posillico remains in default;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees, in accordance with the Resolution, and Article 3 of the Bond, declares J.D. Posillico in Contractor Default, as that term is defined in the Bond, for Public Improvements; and be it further

RESOLVED, that special counsel to the Village, is directed to send written notice to the Surety demanding that the Surety perform its obligations under the Bond and take all necessary legal action to enforce the Village's rights under the Bond.

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

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:30 p.m.

Palma Torrisi, Village Clerk