

The **Annual Meeting** of the Board of Trustees of the Village of Port Washington North was held on Monday, **April 23, 2007** at 7:30pm at 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustees	-	Steven Cohen
		-	Daria Hoffman
		-	Michael Malatino
		-	Michael Schenkler
	Attorney	-	Stephen Limmer
	Clerk	-	Palma Torrasi
	Stenographer-		Thomas Basile

A. Annual Meeting

1. Village Clerk Palma Torrasi administered the Oath of Office to Mayor-Elect Robert S. Weitzner.

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

3. On motion of Trustee Hoffman, seconded by Trustee Cohen, it was **RESOLVED** that Mayor Weitzner's appointment of Michael Schenkler as Deputy Mayor for one official year, said term to expire April 2008 be approved. Mayor Weitzner administered the Oath of Office to him.

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

4. On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously **RESOLVED** that the following appointments made by Mayor Weitzner for a term of two official years, term to expire April 2009, be approved:

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

5. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously **RESOLVED** that the following appointments made by Mayor Weitzner for a term of one official year, term to expire April 2008, be approved:

- a. Palma Torrasi as Assessor
- b. Palma Torrasi as Receiver of Taxes
- c. George Stack as Budget Officer
- d. Barbara Dzorney 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. Perri Sue Zausner as Beautification Commissioner
- j. George Williams as Landmark Preservation Commissioner
- k. Howard Krebs as Board of Appeals Chair
- l. Howard Krebs as Acting Village Justice
- m. Linda Kropacek as Clerk to the Village Justice
- n. Alan Nelson as Special Village Prosecutor

Mayor Weitzner administered the Oath of Office to those present.

6. On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously **RESOLVED** Mayor Weitzner's appointments of Henry Cosenza as a member of the **Board of Appeals** for a term of five years, term to expire April 2012, and Gail Ross as alternate member of the Board of Appeals, for term of one year, term to expire April 2008, be approved.

7. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously **RESOLVED** that Leslie Gross be appointed as the **Registrar of Vital Statistics** for the Village of Port Washington North for a term to expire December 2008.

8. On motion of Trustee Schenkler, seconded by Trustee Malatino, 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 2008.

9. On motion of Trustee Malatino, seconded by Trustee Schenkler, 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 **2008** 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 **2008** the Sewer Tax against the property of said Village within the limits of the Port Washington Water Pollution Control District.

10. On motion of Trustee Schenkler, seconded by Trustee Malatino, 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, North 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

Bank of New York

Bank of Smithtown

J. P. Morgan Chase

Citibank

First National Bank of Long Island

H S B C

North Fork Bank

State Bank of Long Island

Wachovia Bank

11. On motion of Trustee Schenkler, seconded by Trustee Hoffman, 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 21, 2007

June 25, 2007

July 23, 2007

August 27, 2007

September 24, 2007

October 22, 2007

November 26, 2007

December 19, 2007

January 28, 2008

February 4, 2008

February 25, 2008

March 10, 2008

March 24, 2008

April 28, 2008

12. 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	North Fork Bank
J. P. Morgan Chase	State Bank of Long Island
CitiBank	Wachovia 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.

13. On motion of Trustee Schenkler, seconded by Trustee Cohen, 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.

14. On motion of Trustee Schenkler, seconded by Trustee Hoffman, 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.

15. 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. Budget – Fiscal Year June 1, 2007 to May 31, 2008

1. Mayor Weitzner opened the public hearing, duly advertised in the **April 5, 2007** Port Washington News, to consider the adoption of the proposed **BUDGET** for the fiscal year June 1, **2007** through May 31, **2008**. Budget Officer Stack presented the proposed **\$13,621,905** budget and recommended that the tax rate be **\$11.4978** 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.

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

RESOLVED that the Budget for the fiscal year commencing June 1, **2007** through May 31, **2008**, as submitted by the Budget Officer, be and hereby is approved.

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

(insert budget)

3. On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was RESOLVED that for the fiscal year June 1, **2007** through May 31, **2008** 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 **\$11.4978** 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 Hoffman-aye, Trustee Malatino-aye, Trustee Schenkler-aye, Mayor Weitzner-aye. Motion carried.

4. On motion of Trustee Malatino, seconded by Trustee Schenkler, 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 **\$1,168,158** for the purposes set forth in a budget heretofore adopted for the fiscal year June 1, **2007** to May 31, **2008**, 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, **2007**, 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 4, 2008**; 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 **23, 2007**

Seal

Robert S. Weitzner, Mayor

In witness whereof, I have hereunto set my hand as Clerk of the above Village this **23rd** day of April **2007**.

5. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the **annual salaries** effective June 1, **2007** for the officials be and hereby are as follows:

Mayor	\$2,500	Treasurer	\$36,000	Bd. Appeals	\$3,000
Trustees	6,000	Clerk	62,344	Building Inspector	84.46/hr
Planning Bd.	3,335	Deputy Clerk	47,174	Supt. Public Wks.	15,000

and established that the salary for the Deputy Building Inspector be \$38.70 per hour; and that the salary for the Clerk to the Village Justice be \$30.24 per hour.

C. Regular Meeting

1. Public Hearing – Red Wind Property Group LLC - Special Use Permit Application for 2 Channel Drive

Mayor Weitzner opened the public hearing, duly adjourned from March 26, 2007, to consider the application of Red Wind Property Group LLC for a special use permit for the premises at 2 Channel Drive. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor closed the public hearing. On motion of Trustee Schenkler, seconded by Trustee Hoffman, the following resolution was adopted:

WHEREAS, the application of Red Wind Property Group, LLC., as contract vendee, for the premises located 2 Channel Drive, Port Washington, New York [the “Premises”], which are owned by Thomson Industries, Inc., for a similar use permit pursuant to § 176-106(B)(14) of the Code of the Village of Port Washington North [the “Village Code”], has come before this Board for the following proposed use: general administrative offices, warehouse and storage, and assembly and finishing of articles and products such as watches, jewelry, other fashion-related accessory items, hand-crafted table-top items, dishes, glassware, linens, and home décor items. The Premises are also known as Section 4, Block J, Lot 690 and Section 4, Block 123, Lots, 8, 21, 44A, and 51 on the Nassau County Land and Tax Map, and are located in an Economic Development B District of the Village; and

WHEREAS, the application was submitted to the Nassau County Planning Commission as required by law and said Commission, having no objections or modifications, has recommended that this Board take such action as it deems appropriate; and

WHEREAS, this Board has duly conducted a hearing with respect to said application, at which all parties in interest were given an opportunity to be heard; and

WHEREAS, the members of this Board have inspected the Premises and have carefully reviewed the application and all matters offered in support thereof and in opposition thereto; and

WHEREAS, this Board has made the following FINDINGS OF FACT:

1. The Premises consist of approximately 11.03 acres, with their principal access along Channel Drive.
2. The Premises are improved with a two-story factory building, with a floor area of approximately 170,000 square feet (130,000 square feet on the first floor and 40,000 square feet on the second floor) [the “Factory Building”]; a one-story office building, with a floor area of approximately 10,000 square feet [the “Office Building”]; and a parking and loading and unloading area. The Premises also have an extensive lawn that continues to the southeast beyond the boundary line of the Village of Port Washington North into the Village of Manorhaven for an additional approximately 3 acres. The Manorhaven portion fronts on the east side Shore Road.
3. The applicant contends that the proposed use is similar to those otherwise permitted in the Economic Development B District.
4. Such use consists of two companies:
 - a. One company that makes accessories, house wares, products for the table top, dishes, wall decorations, and lifestyle decorative products.
 - b. Another company, which is a fashion accessory business, that assembles affordable to mid-price costume jewelry and makes other fashion accessories, such as belts and scarves.
5. The applicant plans on moving its entire facility presently located in Jamaica, New York to the Premises.
6. The applicant receives some of its products after those products have been assembled in factories around the world. Those products include, but are not limited to, porcelain, ceramic, terra cotta, linens, and napkin rings. Those products are often combined with other products and then packaged.
7. For items, such as watches, the applicant buys the cases, movements and dials and assembles them on the premises. The applicant buys sections of beads and chains and then cuts the chain and assembles the chain.
8. Only assembly will be taking place at the Premises. That assembly will be performed with hand tools. There will be no large machinery.
9. There will also be packing, warehousing, shipping, and distributing.
10. The applicant is not going to have what is defined in the Village Code as a “food establishment”, although it does propose to have two lunchrooms on the premises, which will not be open to the public; a refrigerator and microwave in the administrative office area; and some food and/or beverage vending machines.

11. The applicant plans on using approximately 40,000 square feet of the Factory Building for administrative offices and approximately 80,000 feet of the Factory Building for the rest of its business. The applicant may lease the 50,000 square foot balance of the Factory Building and may sell the Office Building to the Village. The applicant understands that the use of the balance of the premises or any change in use is subject to compliance with the Village Code and shall require the Village's prior approval.

12. The applicant acknowledged that the heliport on the Premises had been discontinued, that such use could not be legally reinstated, and that it had no intention of seeking to reinstate any heliport use.

13. Pursuant to the Village Code, in considering the subject application, the Board must first find that the proposed use and improvements, if any, will conform to the general character of the neighborhood; that the public health, morals, safety, and general welfare of that neighborhood will be secured; and that the proposed use will be in accordance with the comprehensive plan of the Village and in accordance with the provisions as set forth in the Village Code to lessen congestion in the streets, to secure safety from fire, panic, or other danger, to prevent overcrowding of land, to avoid undue concentration of population, to safeguard the adequate provision of water, sewage disposal, parks, and other public requirements, and to protect and secure the nature and character of the existing neighborhood and the values of the property therein.

a. In order to assist in that consideration, the Village Code sets forth certain performance standards in order to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to lessen traffic congestion, and to facilitate development of areas in accordance with the development policy of the Village, and in furtherance thereof.

14. The specific performance standards are for noise; vibration; smoke, dust and other atmospheric pollutants; odorous matter; toxic or noxious matter; air pollution; radiation hazards; fire and explosive hazards; humidity, heat or light; electromagnetic interference; and vehicular traffic.

a. Noise:

i) Based on the applicant's representations at the hearing, the proposed use will not result in any violation of any Village Code restriction regarding noise.

b. Vibration:

i) Based on the applicant's representations it appears that no activity shall cause or create a steady state or impact vibration on a lot line with a vibration displacement by frequency bands in excess of that indicated in the table set forth in Village Code § 176-106(E)(3).

c. Smoke, dust, and other atmospheric pollutants:

i) Based on the applicant's representations, there will be no smoke, or other particulate matter, the emission thereof would be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare, or cause damage or injury to property.

d. Odorous matter:

i) Based on the applicant's representations, no odor will be emitted outside the building in which the use is conducted.

e. Toxic or noxious matter:

i) Based on the applicant's representations, the proposed use will not cause any dissemination of toxic or noxious matter.

f. Air pollution:

i) Based on the applicant's representations, no matter will be emitted of such characteristics or in such quantities as to be detrimental or dangerous to the public health, safety, comfort, or other aspects of the general welfare or to cause damage or injury to property.

g. Radiation hazards:

i) The proposed use will not use any radioactive materials.

ii) There will be no operation in the proposed use that exceeds the standards established in Title 10, Chapter I, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," as amended, or as it may hereafter be amended, or which violates any regulations of any other administrative body charged with the responsibility of controlling radiation.

h. Fire and explosive hazards:

i) The applicants have been in business for many years and they have never had a situation with fire, hazardous materials, or explosive materials.

ii) The building to be used for the proposed business has a fire sprinkler system.

i. Humidity, heat, or light:

i) The only exterior lights are those used to illuminate the immediate area of the exit. All of those lights are on stanchions and are directed downward and inward.

ii) All exterior lighting and other illumination is of such design, so shaded, and so located, that the light sources will not be seen beyond the boundaries of the plot on which located.

j. Electromagnetic interference:

i) Based on the applicant's representations, the proposed use does not entail the use of any electronic equipment that might generate electromagnetic interference with any neighboring properties.

k. Vehicular traffic:

i) Based on the applicant's representations, the proposed traffic at its most intense foreseeable use is minimal as compared to the traffic at the site when Thomson Industries, the previous use was in full operation. In its present facility, the applicant now employs approximately 110 people. It anticipates a maximum number of about 130 people.

(1) The 30 to 40 warehouse people employees come in anywhere between 7:30 a.m. and 9:00 a.m.

(2) The office people come in anywhere between 9:00 a.m. and 10:30 a.m.

(3) They all have flexible or staggered departure times from 4:00 p.m. to 7:30 p.m.

(4) At 7:30 p.m. the business closes for the day.

ii) With regard to parking, loading, and unloading:

(1) The Village Code requires a paved area of 75,000 square feet.

(2) At the present time, the applicant's present plant in Jamaica employs 110 people and only requires parking for approximately 40 cars.

(3) The applicant does not believe that its proposed increase of 20 employees will result in a demand for more than an additional 10 cars.

(4) The applicant does not believe that more than 50 or 60 cars will ever be needed for its proposed use.

(5) The applicant plans on continuing the use of the existing parking and loading and unloading areas, which, in part, are located in a front yard.

(6) Although the Village Code prohibits parking and loading and unloading areas in a required front yard, the Village Code also permits preexisting legal nonconforming uses and structures to be continued under certain circumstances, which include the circumstance in the instant application and the proposed use. Accordingly, the applicant may continue to utilize the existing parking and loading and unloading areas as such, notwithstanding the fact that they are partially located in a front yard.

iii) Deliveries:

(1) There are two kinds of deliveries: routine, day-to-day, type deliveries by courier services such as Federal Express, DHL, and UPS; and warehouse and product deliveries.

(2) The courier service deliveries are usually around 8:30 a.m.

(3) The warehouse and product deliveries are by common carriers, sporadically, approximately 4 or 5 times a day.

(4) The applicant does not have its own trucks. The applicant presently uses Yellow Road Freight, which the applicant has observed is already servicing other industrial businesses in the neighborhood a couple of times a day.

(5) The common carriers usually drop off one trailer, leaving it to be emptied, and, simultaneously, pick up either an empty trailer or a loaded trailer for distribution to the applicant's customers.

(6) The applicant does not allow the trucks to idle in the parking lot.

(7) No one is in the warehouse before 7:30 a.m. or after 7:30 p.m. so there will be no deliveries before 7:30 a.m. or after 7:30 p.m.

(8) Although there are presently two curb cuts (both along Channel Drive) for the Premises, if the Board of Trustees so requests, the applicant is willing to limit all truck access to the Premises solely via the northeast curb cut.

iv) According to the applicant's traffic expert, the proposed use will not result in any significant adverse impact upon the Village.

v) The proposed use will not create undesirable vehicular traffic congestion or prevent the normal flow of traffic on any street or highway within or in the vicinity of the Premises.

15. Additionally, this Board finds that there is adequate potable water and sanitary sewage disposal for the proposed use.

a. The applicant will be continuing the existing connections in the building to both public water supply and the public sewage system.

b. There will be no potable water demands or sanitary waste water production other than with regard to the proposed restrooms and two small lunchrooms.

16. The proposed use is of the same general character as those specifically permitted in the ED B District and will conform to the development policy of the Village.

i) There shall be no outside storage of any nature and no warehousing or storage of building materials or other heavy products.

b. The existing landscaping and fencing will remain.

i) The entire building is fenced.

ii) There is an electronic gate when you first pull in from Channel Drive.

iii) There is a chain-link fence at the ends of the parking lot.

iv) There is a stockade fence on a berm, where the townhouse community to the rear has recently been developed.

v) The premises are completely fenced in.

c. The applicant acknowledges that it cannot use any of the space that it is not using without compliance with the Village Code and the prior approval of the use by Village.

17. Accordingly, this Board finds that the proposed use and minimal improvements will conform to the general character of the neighborhood; that the public health, morals, safety, and general welfare of that neighborhood will be secured; and that the proposed use will be in accordance with the comprehensive plan of the Village and in accordance with the provisions as set forth in the Village Code to lessen congestion in the streets, to secure safety from fire, panic, or other danger, to prevent overcrowding of land, to avoid undue concentration of population, to safeguard the adequate provision of water, sewage disposal, parks, and other public

requirements, and to protect and secure the nature and character of the existing neighborhood and the values of the property therein.

NOW, THEREFORE, Based upon the foregoing findings of fact, it is the determination of this Board that the application be granted upon the following conditions:

Condition One: The use shall be limited to general administrative offices, warehouse and storage, and assembly and finishing of articles and products such as watches, jewelry, other fashion-related accessory items, hand-crafter table-top items, dishes, glassware, linens and home décor items, as more fully set forth in the findings of fact set forth above.

Condition Two: All assembly, finishing, and fabricating equipment shall be accomplished solely with hand tools.

Condition Three: There shall be no heavy equipment or machinery.

Condition Four: The decibels resulting from the proposed activities shall not exceed at any point on or beyond any lot line six decibels less than the maximum decibel levels permitted for the designated octave band as set forth in § 176-106(D)(3) of the Village Code.

Condition Five: The proposed use shall not result in any violation of any other Village Code restriction regarding noise.

Condition Six: There shall be no outside storage of any nature.

Condition Seven: There shall be no food establishment.

Condition Eight: The two lunchrooms in the warehouse area shall not be open to the public. Outdoor eating shall be confined to the rear of the building.

Condition Nine: The heliport use shall not be reinstated.

Condition Ten: No activity shall cause or create a steady state or impact vibration on a lot line with a vibration displacement by frequency bands in excess of that indicated in the table set forth in § 176-106(E)(3) of the Village Code.

Condition Eleven: All yards, service roads, and parking and other open areas either shall be paved or appropriately landscaped and maintained so that there shall be no dust or other types of air pollution resulting therefrom.

Condition Twelve: Any substances that require special handling or storage by the federal Environmental Protection Agency or the New York State Department of Environmental Conservation shall be handled and stored in full compliance with those regulations.

Condition Thirteen: No emission of smoke, gas, dust, odor or other atmospheric pollutant, or other matter shall be emitted of such characteristics or in such quantities as to be detrimental or dangerous to the public health, safety, comfort, or other aspects of the general welfare or to cause damage or injury to property.

Condition Fourteen: There shall be no radioactive materials on the Premises.

Condition Fifteen: The fire sprinkler system in the Factory Building shall at all times be maintained in proper working order and in compliance with all applicable codes.

Condition Sixteen: There shall be no exterior lights other than those used to illuminate the immediate area of the exits and parking areas. All of those lights shall be directed downward and inward and away from residential areas.

Condition Seventeen: All exterior lighting and other illumination shall be so designed, shaded, and located, so that the light sources shall not be seen beyond the boundaries of the plot on which located.

Condition Eighteen: The maximum occupancy of the building shall not exceed 150 employees at any one time. There shall be no trucks with their engines idling on the Premises.

Condition Nineteen: All truck traffic for the proposed use shall be limited for its access, ingress and egress, solely via the northeast curb cut on Channel Drive.

Condition Twenty: The existing fencing and landscaping shall be maintained and replaced as necessary in substantially the same location as shown on the plans submitted by the applicant, as signed by the Mayor on the 23rd day of April, 2007.

Condition Twenty-One: These conditions may be modified only with the express consent of the Village.

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

2. Clerk

a. 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 20, 2007, February 26, 2007, March 8, 2007 and March 14, 2007 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

b. On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that this Board, pursuant to Article 14 of the Real Property Tax Law of the State of New York, determines to collect the amount of such unpaid taxes levied or assessed for the year **2006** by a tax sale in the manner and after the form and requirements as provided and prescribed by said Article and completed subsequent to the 20th day of March **2007** but not later than July 31, **2007** in accordance with Section 1452 subdivision 4 of the Real Property Tax Law; and BE IT FURTHER RESOLVED that pursuant to Section 1452 of the Real Property Tax Law, the Treasurer of the Village of Port Washington North will sell at **PUBLIC AUCTION** in the manner provided by law on the **21st** day of **June 2007** at 12:00 noon at the Village Hall, 71 Old Shore Road, Port Washington, New York, parcels of real estate to **DISCHARGE TAXES** as assessments for the fiscal year ending May 31, **2007**, fees, interest and charges which may be due thereon at the time of such sale.

3. Treasurer

a. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #61, totaling \$320,298.84, and the Trust & Agency Abstract of Vouchers #28, totalling \$5,997.15, 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 February 28, 2007, showing the General Fund Balance to be \$1,812.933, and in the Trust & Agency Fund to be \$79,014, be and hereby is accepted as prepared by Treasurer Stack.

c. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the budget modifications appearing in the Budget Report dated April 23, 2007 be and hereby are adopted.

4. Reports

a. Building Department

On motion of Trustee Malatino, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Building Department report be and hereby is accepted as prepared by Inspector Dzierney for March 21, 2007 to April 17, 2007 and by Deputy Inspector Lauria for February 14, 2007 to April 18, 2007.

b. Public Works

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Public Works Department report for the month of March 2007 be and hereby is accepted as presented by Superintendent Novinski.

c. Environmental Commission

1. On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Environmental Commission report, dated April 23, 2007, be and hereby is accepted as presented by Commissioner Keane.

2. On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board of Trustees will present and hear comments on the Phase II Stormwater Management Program Annual Report at the public meeting on May 21, 2007, at the Village Hall, 71 Old Shore Road, Port Washington, New York 11050.

d. Emergency Management

Commissioner Moschos presented the Emergency Management report for the month of March 2007.

5. Business

a. Bill 3A of 2007 – Regulating Gardening Activities

Mayor Weitzner introduced Bill 3A of 2007, a proposed local law regulating Gardening Activities in the Village of Port Washington North. 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 Cohen, seconded by Trustee Hoffman, the following resolution was unanimously adopted:

WHEREAS Bill 3A of 2007, regulating Gardening Activities in the Village of Port Washington North, 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 regard to the adoption of the proposed local law and this Board determines that the proposed local law is 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 this local law for the 21st day of May 2007 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York

b. Town of North Hempstead – Intermunicipal Public Works Agreement

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village of Port Washington North enter into an Intermunicipal Agreement with the Town of North Hempstead for the provision of equipment, labor, materials and disposal for public works projects substantially in accordance with the form of contract emailed to the Village on April 18, 2007, a copy of which is on file with the Village Clerk, subject to the approval of any changes by the Mayor and the Village Attorney.

c. Village Hall Lease

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the continuation of the lease for the Village Hall at 71 Old Shore Road, Port Washington, New York, be and hereby is authorized on a month to month basis and on the same terms and conditions as the existing lease.

d. Copier Lease

On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously

RESOLVED that the Village enter into a 48-month lease with General Electric Capital Corp. for a Kyocera Copy Star CS-3050 digital copier/printer with color scanning and faxing, upon the terms and conditions set forth in a proposal submitted by DEC Copiers Inc., dated April 23, 2007, at a cost not to exceed \$298.00 per month, including service; and directed the Village Clerk to deliver notice to Canon Business Solutions and Citicapital that the Village's lease for an IR3300i copier will not be renewed.

e. Road Repair Contract

On motion of Trustee Hoffman, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Road Repair contract with Stasi Brothers Asphalt Corp. will be extended for an additional one-year term for the period September 1, 2007 to August 31, 2008 in accordance with the terms and conditions set forth in the 2006/7 Road Repair contract.

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

Palma Torrisi, Village Clerk