

The **Annual Meeting** of the Board of Trustees of the Village of Port Washington North was held on Monday, **April 28, 2008** at 7:30pm at 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustees	-	Steven Cohen
		-	Michael Malatino
		-	Michael Schenkler
	Clerk	-	Palma Torrisi
	Attorney	-	Andrea Tsoukalas
	Stenographer-		Robin LaFemina

#### A. Annual Meeting

1. Mayor Weitzner administered the Oath of Office to Trustees-Elect Steven Cohen and Michael Malatino.

2. The Mayor announced that Daria Hoffman had resigned her position as Trustee a few hours ago.

3. On motion of Trustee Malatino, 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 2009 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 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 2009, 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. Alex Moschos as Planning Board Chair
- l. Howard Krebs as Board of Appeals Chair
- m. Howard Krebs as Acting Village Justice
- n. Linda Kropacek as Clerk to the Village Justice
- o. Allan Nelson as Special Village Prosecutor

Mayor Weitzner administered the Oath of Office to those present.

5. On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously

RESOLVED Mayor Weitzner's appointment of Irwin Kellner for a term of seven years, term to expire April 2015, as a member of the **Planning Board** is approved.

6. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously

RESOLVED that Anthony Sabino of the law firm Forchelli, Curto, Schwartz, Mineo, Carlino & Cohn LLP, 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 2009.

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

RESOLVED that firm Sidney B. Bowne & Son LLP and the firm Dvirka & Bartilucci

Bank of New York  
Bank of Smithtown  
J. P. Morgan Chase  
Citibank

H S B C  
Capitol One Bank  
State Bank of Long Island  
Wachovia Bank

14. On motion of Trustee Malatino, seconded by Trustee Schenkler, 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 19, 2008	October 27, 2008	February 23, 2009
June 23, 2008	November 24, 2008	March 23, 2009
July 28, 2008	December 15, 2008	April 6, 2009
August 25, 2008	January 26, 2009	April 27, 2009
September 22, 2008	February 4, 2009	

15. 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  
 Bank of New York  
 Bank of Smithtown  
 J. P. Morgan Chase  
 CitiBank

First National Bank of Long Island  
 H S B C  
 Capitol One Bank  
 State Bank of Long Island  
 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.

16. On motion of Trustee Malatino, seconded by Trustee Schenkler, 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.

17. On motion of Trustee Schenkler, seconded by Trustee Malatino, 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.

18. 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**

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**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 Hearings

1. Budget – Fiscal Year June 1, 2008 to May 31, 2009

a. Mayor Weitzner opened the public hearing, duly advertised in the **March 27, 2008** Port Washington News, to consider the adoption of the proposed **BUDGET** for the fiscal year June 1, **2008** through May 31, **2009**. Budget Officer Stack presented the proposed **\$11,185,888** budget and recommended that the tax rate be **\$11.8405** 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 Schenkler, seconded by Trustee Malatino, it was RESOLVED that the Budget for the fiscal year commencing June 1, **2008** through May 31, **2009**, as submitted by the Budget Officer, be and hereby is approved.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Malatino-aye, 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, **2008** through May 31, **2009** 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 **\$11.8405** 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, Schenkler-aye, Mayor Weitzner-aye. Motion carried.

d. On motion of Trustee Cohen, 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 **\$1,202,324** for the purposes set forth in a budget heretofore adopted for the fiscal year June 1, **2008** to May 31, **2009**, 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, **2008**, 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, 2009**; 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 **28, 2008**

Seal

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Robert S. Weitzner, Mayor

In witness whereof, I have hereunto set my hand as Clerk of the above Village this **28<sup>th</sup>** day of April **2008**.

e. On motion of Trustee Schenkler, seconded by Mayor Weitzner, it was unanimously RESOLVED that the **annual salaries** effective June 1, **2008** 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	\$80/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.

## 2. Bill 9B of 2007 - Regulating Signs

Mayor Weitzner opened the public hearing, duly adjourned from March 24, 2008, to consider the adoption of Bill 9B of 2007, regulating Signs. The Mayor adjourned the public hearing to May 19, 2008 at 7:30 p.m. at the Village Hall.

## 3. Special Franchise Application - Verizon FIOS

Mayor Weitzner opened the public hearing, duly adjourned from March 24, 2008, to consider the application of Verizon for a Special Franchise application to permit FIOS cable television service within the Village of Port Washington North. The Mayor adjourned the public hearing to May 19, 2008 at 7:30 p.m. at the Village Hall

## C. Regular Meeting

### 1. Clerk

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the reading of the minutes of the meetings of the Board of Trustees of February 25, 2008 and March 19, 2008 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 Malatino, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #73, totaling \$77,887.20, and the Trust & Agency Abstract of Vouchers #40, totalling \$24,894.63, be waived and that they be and hereby are approved as presented by Treasurer Stack.

b. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Budget Report as of February 29, 2007, showing the General Fund Balance to be \$1,981,329, and the Trust & Agency Fund Balance to be \$49,679, 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 contained in the March 31, 2008 budget report be and hereby are approved.

### 3. Reports

#### a. Building Department

1. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Building Department report for April 2008 be and hereby is accepted as submitted by Inspector Barbach and Deputy Inspector Lauria.

#### 2. Valet Parking – Training Station, 45 Channel Drive

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

RESOLVED that the Valet Parking Permit for the Training Station at 45 Channel Drive is conditionally approved for 30 days.

### 3. Staples – Sign Permits

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that application of Mauceri Sign Company for a Sign Permit to install a left elevation sign facing Shore Road at Staples, 1A Soundview Marketplace, Shore Road, Port Washington, New York, (premises designated on the Nassau County Land & Tax Map as Section 4, Block 129, Lots 1, 10, 12 & 14C) be and hereby is approved based upon the plans submitted; and be it further RESOLVED that the application of Mauceri Sign Company for a Sign Permit to install a pylon sign at Staples, 1A Soundview Marketplace, Shore Road, Port Washington, New York, be and hereby is denied based upon the plans submitted.

#### b. Public Works

On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Public Works Department report for the month of April 2008 be and hereby is accepted as presented by Superintendent Novinski.

#### c. Environmental Commission

Commissioner Keane announced that the draft MS-4 annual report will be presented for public comment. On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Environmental Commission report for the month of April 2008 be and hereby is accepted as presented by Commissioner Keane.

#### d. Emergency Management

Commissioner Moschos reported that the village of Port Washington North, Baxter Estates, Sands Point and Manorhaven are forming an emergency management consortium. On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Emergency Management report for the month of April 2008 be and hereby is accepted as presented by Commissioner Moschos.

#### e. Justice Court

The Board accepted the Justice Court report for March 2008 prepared by Court Clerk Kropacek.

### 4. Business - Shore Road Traffic Calming Grant

On motion of Trustee Malatino, seconded by Trustee Cohen, 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# 0758.40).

### 5. Executive Session

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the regular meeting be adjourned and that the Board enter into executive session to discuss contract negotiations with counsel.

On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously RESOLVED that the executive session be adjourned and that the regular meeting be reconvened.

Mayor Weitzner stated that no action was taken in executive session.

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 9:45 p.m.