

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Thursday, **May 22, 2008** at 8:30pm at the Village Hall, 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
	Public Stenographer	-	Robin LaFemina

### 1. Public Hearing – Verizon Cable Television Special Franchise Application

Mayor Weitzner opened the public hearing, duly advertised in the May 8, 2008 Port Washington News, to consider granting a special franchise for cable television service within the Village of Port Washington North to Verizon FIOS. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor adjourned the public hearing to June 23, 2008 at 7:30 p.m. at the Village Hall.

### 2. Phase II Stormwater Management Program Annual Report

Environmental Commissioner Keane presented the draft Phase II Stormwater Management Program Annual Report, notice for which was published in the May 8, 2007 Port Washington News and posted at the Village Hall on May 2, 2008 and May 19, 2008. He summarized the Village's completion of the following steps for the MS-4 report: public education, public involvement, illicit discharges, erosion control, storm drain cleaning. Commissioner Keane stated that the Village's next MS-4 permit status review will be in five years, and accepted comments from the Board and others in attendance at the meeting with regard to the report.

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Phase II Stormwater Management Program Annual Report be and hereby is accepted as prepared by Commissioner Keane.

### 3. Clerk

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of March 24, 2008 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

### 4. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #74, totaling \$45,850.38, and the Trust & Agency Abstract of Vouchers #41, totalling \$240.00, 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, 2008, showing the General Fund Balance to be \$1,957,547, and the Trust & Agency Fund Balance to be \$73,597, be and hereby is accepted as prepared by Treasurer Stack.

### 5. Reports

#### A. Building Department

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

2. The Board directed that the fences on the Village-owned property between the Roslyn Savings Bank parking lot and 109 Cow Neck Road and 24 Soundview Drive be repaired by the Village.

#### B. Public Works

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

#### C. Environmental Commission

Commissioner Keane mentioned that his son, Adam, won one of the three Nassau County awards for best environmental poster award, with the subject "Keep construction sand out of the wetlands." On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Environmental Commission report for the month of May 2008 be and hereby is accepted as presented by Commissioner Keane.

#### D. Emergency Management

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Emergency Management report for the month of May 2008 be and hereby is accepted as presented by Commissioner Moschos.

#### E. Beautification Commission

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Beautification Commission report for the month of May 2008 be and hereby is accepted as prepared by Commissioner Zausner.

#### F. Justice Court

The Board accepted the report of the Clerk to the Village Justice, showing revenues of \$1,815.00 in the month of April 2008.

### 6. Business

#### A. Sidewalk Replacement Contract

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that Village's contract with Castle Industries Inc. for Sidewalk Repair and Replacement Work be extended for a third year, said term to begin August 1, 2008 and end July 31, 2009, upon the terms and conditions, including prices for a third year, set forth in the 2006/7 contract for Sidewalk Repair and Replacement Work.

#### B. Shore Road Local Safe Streets & Traffic Calming

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

WHEREAS, a Project for the Implementation of Traffic Calming Effects and Pedestrian Enhancements on Shore Road between Old Shore Road and Manorhaven Boulevard/Cow Neck Road, PIN# 0759.11.121 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ration of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Village of Port Washington North desires to advance the above Project by making a commitment of 100% of the Federal and non-federal share of the costs of Preliminary Engineering for Traffic Calming and Pedestrian Improvements;

NOW, THEREFORE, the Board of Trustees of the Village of Port Washington North, duly convened, does hereby

RESOLVE that the Village of Port Washington North hereby approves the above-subject Project; and it is hereby further

RESOLVED that the Village of Port Washington North hereby authorizes the sum of \$58,000.00 to pay in the first instance 100% of the Federal and non-federal share of the cost of Preliminary Engineering for the Project or portions thereof; and it is further RESOLVED that the sum of \$58,000.00 is hereby appropriated pursuant to this resolution and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED that in the event the full Federal and non-federal share costs of the Project exceed the amount appropriated above, the Village of Port Washington North shall convene as soon as possible to appropriate said excess amount immediately upon the notification to the New York State Department of Transportation thereof; and it is further

RESOLVED that the Mayor of the Village of Port Washington North be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal aid on behalf of the Village of Port Washington North with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and it is further

RESOLVED that this resolution shall take effect immediately.

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Village enter into an agreement with the RBA Group, at a cost not to exceed \$58,000.00, for professional engineering services for the preliminary and final design of Shore Road from Old Shore Road to Cow Neck Road/Manorhaven Boulevard in accordance with the New York State Department of Transportation's Local Safe Streets Traffic Calming and Pedestrian Enhancements grant for Phase II.

#### C. Ackerman Levine Conflict of Interest

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Board of Trustees hereby waives any actual or potential conflicts of the law firm of Ackerman, Levine, Cullen, Brickman & Limmer LLP's ("Ackerman Levine") representation of Delco Development of Port Washington LP ("Delco") arising from Ackerman Levine's prior representation of the Village of Port Washington North ("Village") with the understanding that, if at any time the Village determines that the circumstances pertaining to actual conflicts warrant the use of other counsel by Delco then Ackerman Levine will abide by that decision in accordance with its letter dated May 13, 2008.

#### D. Regulating Traffic on Avenue C

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board of Trustees will hold a public hearing at 7:30 p.m. on June 23, 2008 at the Village Hall to consider the adoption of a resolution creating a no parking zone on the northerly side of Avenue C from the intersection of Pepperday to the intersection of Shadyside.

#### 7. Executive Session

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board enter into executive session to discuss contract negotiations.

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

Mayor Weitzner reconvened the regular meeting and stated that no action was taken in executive session.

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 11:30 p.m.

Palma Torrisi, Village Clerk