

Present: Mayor - Robert Weitzner
 Trustees - Steven Cohen
 - Daria Hoffman
 - Michael Malatino
 - Michael Schenkler
 Attorney - Stephen Limmer
 Clerk - Palma Torrisi

1. Clerk

A. Minutes

On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of January 11, 2006 and January 23, 2006 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. Certification of Clerk's Tax Return

Whereas the Village Clerk on the 1st day of February 2006 did return and file an account of unpaid taxes to this Board for the year 2005, a copy of said certification is as follows:

VILLAGE OF PORT WASHINGTON NORTH
 CLERK'S TAX RETURN
 2005 TAXES
 FEBRUARY 1, 2006

<u>Year</u>	<u>Assessed To</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>\$ Amount</u>
2005	Angelo & Filomena Gaudio	4	J	38	1,193.04 + Penalties
2005	Angelo & Filomena Gaudio	4	Q	234	379.60 + Penalties
2005	Jose L. Garcia	4	51	3	505.41 + Penalties
2005	Madeline Petrone	4	118	21	1,122.54 + Penalties
2005	Edward & Victoria Moskowitz	4	124	1	927.32 + Penalties
2005	Elio Colasante	4	134	22	1,117.12 + Penalties
2005	Bruce & Madeline Yukelson	4	135	7	1,030.35 + Penalties

and, whereas the Board of Trustees, at a meeting at the Village Hall in the Village of Port Washington North on the 1st day of February 2006, examined such account and compared it with the original tax rolls, and found it to be correct; and

Whereas, from the account of unpaid taxes returned by the Clerk of the Village of Port Washington North, New York, to this Board for the year 2005, the following taxes still remain due and unpaid after diligent efforts have been made to collect the same, to wit:

<u>Year</u>	<u>Assessed To</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>\$ Amount</u>
2005	Angelo & Filomena Gaudio	4	J	38	1,193.04 + Penalties
2005	Angelo & Filomena Gaudio	4	Q	234	379.60 + Penalties
2005	Jose L. Garcia	4	51	3	505.41 + Penalties
2005	Madeline Petrone	4	118	21	1,122.54 + Penalties
2005	Edward & Victoria Moskowitz	4	124	1	927.32 + Penalties
2005	Bruce & Madeline Yukelson	4	135	7	1,030.35 + Penalties

Now, therefore, on motion of Trustee Schenkler, seconded by Trustee Malatino, it was

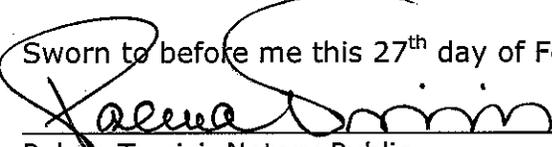
RESOLVED that we the undersigned, constituting the Board of Trustees of the Village of Port Washington North, hereby certify that we have compared the foregoing return and account of taxes remaining unpaid for the year 2005, as submitted by the Village Clerk, with the original tax roll for the Village for the year 2005, from which such account was


Steven Cohen, Trustee


Daria Hoffman, Trustee


Michael Malatino, Trustee


Michael Schenkler, Trustee

Sworn to before me this 27th day of February 2006

Palma Torrissi, Notary Public

PALMA TORRISI
NOTARY PUBLIC, State of New York
No. 4824270 - Nassau County
Term Expires July 30, 2006

And, be it further 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 2005 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 2006, but not later than June 30, 2006, in accordance with Section 1452 subdivision 4 of the Real Property Tax Law; that a copy of this resolution, certified by the Clerk shall be transmitted forthwith to the Treasurer of the Village with the account, affidavit, and certificate of such unpaid taxes, and that the Village Treasurer, upon receiving such account of unpaid taxes and a certified copy of this resolution, be and hereby is authorized and directed to cause to be published in the official paper of the Village, once each week for three consecutive weeks, a list as shown in the tax list with the amount of the tax, interest, and charges thereon, excepting therefrom such parcels of property on which the Village holds and owns one or more unredeemed certificates of tax sale; and also a notice that said real estate will, on a day to be determined by said Village Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Treasurer, to discharge the tax, interest, and charges aforesaid, which may be due thereon at the time of such sale, and that the said Village Treasurer, at the time and place specified in said notice, proceed with the sale of said real estate upon which such taxes are unpaid, as set forth above, and continue the same from day to day until the sale is completed. That such real estate shall be sold subject to any unpaid assessments thereon levied by the Village of Port Washington North and also subject to any unpaid tax liens purchased and held by the Village;

And be it further Resolved, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for any amount sufficient to pay the said tax, fees, interest, and charges, the said premises shall be deemed to have been sold to and purchased by the said Village of Port Washington North.

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

County of Nassau)
State of New York) ss:

I, Palma Torrissi, Clerk of the Village of Port Washington North, Nassau County, New York, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of Trustees of the Village of Port Washington North at a regular meeting of said Board held on February 27, 2006 at which a quorum was present. Witness my hand and official seal of the said Village this 27th day of February 2006.

RESOLVED that the Board of Trustees will hold the following meetings at the Village Hall, 71 Old Shore Road, Port Washington, New York:

1. A Special Meeting on Thursday, March 16, 2006 at 8:00 p.m. regarding the Tentative 2006-2007 Budget and such other business as may come before the board;

2. The Regular monthly Meeting of the Board of Trustees on Monday, March 27, 2006 at 7:30 p.m.;

3. A Special Meeting on Tuesday, April 4, 2006 at 8:00 p.m. regarding the Tentative 2006-2007 Budget;

4. The Annual Meeting of the Board of Trustees of the Village of Port Washington North on Tuesday, April 11, 2006 at 7:30 p.m.; and

be it further RESOLVED that the Board of Trustees' meetings previously scheduled for April 3, 2006 and April 24, 2006 be and hereby are cancelled.

2. 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 # 47, totaling \$90,588.88, and the Trust & Agency Abstract of Vouchers #14, totalling \$5,445.66, 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 December 31, 2005, showing the General Fund Balance to be \$2,014,203, and the Trust & Agency Fund Balance to be \$4,220, be and hereby is accepted as prepared by Treasurer Stack.

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

RESOLVED that the Budget Modifications appearing in the January 31, 2006 Budget Report be and hereby are approved.

D. Wachovia Bank

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

of the State of NEW YORK; that the following is a true copy of Resolutions duly adopted by the

Board of Directors of said Corporation at its meeting duly held on the Feb 27, 2006

at which a quorum was present and acted throughout; and that such Resolutions are in full force and effect, have not been amended or rescinded, and that there is no provision in the Articles of Incorporation, Charter or By-Laws of said Corporation limiting the power of the Board of Directors of said Corporation to pass the following Resolutions, which are in full conformity with the provisions of said Articles of Incorporation, Charter and By-Laws:

(1) RESOLVED, the Wachovia Bank, N.A. (hereinafter the "BANK") is herewith designated as an authorized depository of this Corporation, and that one or more checking, savings, and/or other deposit accounts be opened and maintained with said Bank; that (only if checked here) any two - otherwise, each of the present holders of the following offices and/or positions of this Corporation and his (their) successors in office or position, to wit:

Treasurer must sign RVS. Either the Mayor or Deputy Mayor in conformity with

Vider to Bank Resolutions DATED February 27th, 2006

is/are authorized on behalf of this Corporation, and in its name however, more than one individual is solely for your convenience and internal control purposes: to sign checks, drafts, instruments, bills of exchange, acceptances and/or other orders for the payment of money from said Corporation account(s); to endorse checks, instruments, evidences of indebtedness, and orders payable, owned or held by this Corporation; to accept drafts, acceptances, instruments and/or other evidences of indebtedness payable at or through said Bank; to waive presentment, demand, protest and notice of protest or dishonor of any check(s), instrument(s), draft(s), acceptance(s), or other evidences of indebtedness made, drawn or endorsed by this Corporation; and otherwise to deal with said Bank in connection with the foregoing activities.

RESOLVED FURTHER, that in the opening and maintaining of the above corporate accounts and all transactions in connection therewith shall be governed by the provisions of the agreements pertaining to such account(s), as amended from time to time by the Bank, and by such rules and regulations as the Bank shall, from time to time, promulgate and establish. This Corporation is also authorized to purchase CDs, bonds, notes and other such savings instruments from the Bank. Further, this Corporation is authorized to obtain other related services from the Bank, such as the rental of safe deposit boxes from the Bank, obtaining of the night depository services; and the like. The rendering of such services by the Bank shall be governed by night depository agreement(s), safe deposit box lease agreement, and any other such agreement(s) contained on the application or signature cards pertaining to any such services offered to this Corporation by the Bank, as amended from time to time. Each of the above identified or described officers or representatives of the Corporation is herewith authorized to sign and execute such signature cards, applications and forms as the Bank shall deem appropriate, from time to time, in connection with the opening and maintaining of such account(s) and/or paying of such additional related services. Each is also authorized on behalf of this Corporation, and in its name to execute applications for the issuance of any such savings instrument in the name of this Corporation.

FURTHER, the foregoing authority shall not be limited to the above identified or described officers or other representatives of this Corporation.

Notwithstanding anything to the contrary set forth in any Village Bank Resolution executed simultaneously herewith or hereafter relating to accounts and/or deposits made or maintained by the Village with the Bank, including, without limitation, any form resolutions required by the Bank to be signed by the Village, it is hereby agreed that the Bank shall honor the following requirements of the Village with regard to each Village Account:

1. All Bank transactions shall require two signatures.

(a) One of said signatures must be the Village Treasurer

AND

(b) The other shall be either that of the Village's Mayor or Deputy Mayor.

2. No ATM cards shall be issued.

3. Instructions bearing facsimile signatures are acceptable only if both of the following obtain:

(a) The facsimile signatures are of authorized signatories, one of which is the Village Treasurer, AND

(b) The beneficiary of the transaction is either the Village or the Depository Trust Corporation.

4. Bank shall follow no oral directions for any transactions apart from providing the Village's Treasurer, Mayor, or Deputy Mayor with balance information.

5. No signatory or group of signatories can delegate to other persons the authority to perform transactions.

6. The Bank's form of resolution to be executed by the Village, relating to Village accounts and deposits made or maintained with the Bank, and to which this Addendum is attached, shall be deemed modified for all purposes as follows: (a) each reference to "Secretary" shall be deemed to mean "Village Clerk"; (b) each reference to "Corporation" shall be deemed to mean "Village", as defined in this Rider; (c) the Bank acknowledges that the Village is a municipal corporation organized and existing under the New York State Village Law, and nothing in the form resolution shall be deemed to authorize or require the Village or any of its officers or agents to execute and deliver any instrument, or take any action, that it, he or she is precluded from doing under applicable laws, rules and regulations, and to the extent that any provision of such form resolution violates the foregoing, same shall be deemed null and void, and of no force or effect, but all remaining terms and conditions thereof shall be unaffected by the nullification in such manner of any other term or condition thereof.

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village enter into a Third Party Custodian agreement with Wachovia Bank N.A. and Bank of New York, as more particularly set forth in a written agreement dated February 27, 2006.

3. Reports

A. Building Department

On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Building Department report for January 18 to February 24, 2006 be and hereby is accepted as submitted.

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 February 2006 be and hereby is accepted as submitted.

associated with compliance with Storm Water Management. The Board directed Attorney
Limmer to work with Village Engineers Bowne Management to prepare and implement the legislation necessary for Storm Water Management compliance.

On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously RESOLVED that the report of the Environmental Commission be and hereby is accepted.

D. Emergency Management

Commissioner Alex Moschos has met with the Nassau County Village Officials Association to develop an intermunicipal arrangement for shared point of distribution services, for such items as medical supplies.

4. Business

A. Court Clerk Salary

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the salary for the Clerk to the Village Justice is \$28.00 per hour.

B. Liability Insurance

Trustee Schenkler disclosed that his brother-in-law is an officer with Wright Risk Management, an affiliate of NYMIR. On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Village of Port Washington North hereby authorizes Blach Associates to place the following Insurance, totaling \$21,680.36:

NYMIR Package Policy	\$9,792.66
Public Officials' Liability	6,172.10
Excess Liability	5,494.50
Auto Liability	221.10

C. Sweeping & Cleaning 2006 & 2007

Clerk Torrisi reported that the following bids were received by 12:00 noon on February

E. Policy on Disclosure of Personal Information

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

WHEREAS, the State of New York has recently adopted the Information Security Breach And Notification Act [the "Act", finding that identity theft and security breaches have affected thousands statewide and millions of people nationwide; that affected persons are hindered by a lack of information regarding breaches, and that the impact of exposing information that should be held private can be far-reaching; that state residents deserve a right to know when they have been exposed to identity theft; and that affected state residents deserve an advocate who can speak and take action on their behalf because recovering from identity theft can, and sometimes does, take many years; and

WHEREAS, the Act requires villages to develop a notification policy or to adopt a local law which is consistent with the Act; and

WHEREAS, the Village has determined that it is in the best interests of the residents of the Village and others who supply personal information to the Village to adopt a notification policy which is consistent with the Act which will provide Village residents the right to know what information was exposed during a breach, so that they can take the necessary steps to both prevent and repair any damage they may incur because of the Village's failure to make proper notification;

NOW THEREFORE, BE IT RESOLVED, that the Village hereby adopts the following policy:

INFORMATION SECURITY BREACH AND NOTIFICATION POLICY

1) Definitions.

a) As used in this Policy, the following terms shall have the following meanings:

i) "Private information" shall mean personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- (1) social security number;
- (2) driver's license number or non-driver identification card number; or
- (3) account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account

ii) "Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

iii) "Breach of any computerized data system maintained by or for the Village" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by or for the Village. Good faith acquisition of personal information by an employee or agent of a state entity for the purposes of the agency is not such a breach, provided that the private information is not used or subject to unauthorized disclosure.

iv) "State entity" shall mean any state board, bureau, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the state of New York, including the judiciary and all cities, counties, municipalities, villages, towns, and other local agencies.

2) The Village shall disclose any breach of any computerized data system maintained by or for the Village, whether or not owned by the Village, which includes private information, following discovery or notification of the breach in the security of the system to any resident of the Village and/or the owner or licensee of the information, and/or such other person whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision 3 of this Policy, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

3) The notification required by this Policy may be delayed if a law enforcement agency determines that such notification would impede a criminal investigation. The notification required by this Policy shall be made after such law enforcement agency determines that such notification does not compromise such investigation.

of the following methods:

- a) written notice;
- b) electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the Village; provided further, however, that in no case shall the Village require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;

On motion of Trustee Hoffman, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Village enter into a contract with Saccardi & Schiff Inc. to provide a residential planning study, at a cost not to exceed \$6,000.00 and as more particularly set forth in a written agreement.

G. Code Enforcement Officer

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

WHEREAS, this Board finds that it would be in the best interests of the health, safety, and welfare of the Village of Port Washington North if there was more stringent enforcement of the provisions of the Village Code; and

WHEREAS, this Board finds that in order to provide for more stringent enforcement of the Village Code, it is in the best interests of the health, safety, and welfare of the Village to create the part-time position of Code Enforcement Officer;

NOW THEREFORE, be it RESOLVED as follows:

- 1) This Board hereby creates the part-time position of "Code Enforcement Officer."
- 2) The duties of the Code Enforcement Officer ["CEO"] shall be:
 - a) To investigate situations in which it appears that a violation of the Village Code or the New York State Building Code may exist. Such investigations may be made upon the CEO's own inspections, complaints, and/or directions from officials or other employees of the Village.
 - b) In the event that the CEO determines that such a violation does exist, in his or her discretion, to issue a notice to remedy, a notice of violation, and/or an appearance ticket.
 - c) In appropriate cases, such notices and/or appearance tickets may be based upon information and belief when the CEO is furnished with an affidavit that sets forth sufficient facts, which the CEO believes to be true, upon which to determine that a violation of the Village Code or the New York State Building Code exists.
 - d) To appear in court and to otherwise assist the prosecutor in prosecuting or entering into dispositions with regard to any notices of appearance with which the CEO has knowledge or information.
- 3) The CEO shall be an "employee" of the Village, appointed by the Mayor, subject to the approval of the Board of Trustees, and shall serve at the pleasure of the Mayor and, unless terminated sooner by the Mayor, until the end of the official year of the Village in which he or she was last appointed.
- 4) The CEO shall be compensated at an hourly rate to be determined from time to time by resolution of the Board of Trustees.

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

WHEREAS, this Board has created the position of Code Enforcement Officer; and

WHEREAS, Mayor Weitzner, upon the recommendation of the Building Inspector, has appointed Michael W. Bogart as Code Enforcement Officer for the Village of Port Washington North;

NOW THEREFORE, be it RESOLVED as follows:

Inspector and the Superintendent of Public Works.

3) Until further resolution by this Board, the CEO shall be compensated at the rate of \$65.00 per hour.

5. Executive Session

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

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

6. Business (continued)

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

A. Thomson/Danaher Land Swap

The Board of Trustees reviewed and discussed the Environmental Analysis of the 8.0 Acre Parcel (4-J-754) and the 11.0 Acre Parcel (Thomson/Danaher), submitted by the Village's environmental consultants Freudenthal & Elkowitz.

On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Board of Trustees will hold the following meetings at the Village Hall, 71 Old Shore Road, Port Washington, New York:

1. A Special Meeting on Monday, March 6, 2006 at 8:00 p.m. for the purpose of discussing the proposed Village land swap for the Thomson/Danaher property;
2. A Special Meeting on Wednesday, March 8, 2006 at 7:00 p.m. for the purpose of discussing the proposed Village land swap for the Thomson/Danaher property.

B. Publishers Clearing House Tax Certiorari Settlement

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

WHEREAS there is now pending in the Supreme Court, Nassau County, a proceeding by the owner of certain property within the Village of Port Washington North to reduce the assessed valuation placed on its property for village tax purposes; and WHEREAS the Village Attorney recommends that said proceeding be settled in accordance with a written memorandum to this Board dated February 21, 2006; NOW, THEREFORE, the Village Attorney is hereby authorized to settle the following tax certiorari proceeding on the basis indicated:

Publishers Clearing House						
Section 4, Block 123, Lots 18, 20, 23-24, 43						
Tax Year	Present Assessment	Proposed Assessment	Reduction	Total Tax Rate/	Refund	
2003/04	\$600,000				Lump Sum Settlement \$69,000, payable as follows: Aug. 2006...\$23,000 July 2007....\$23,000 July 2008....\$23,000	
2004/05	\$600,000					
2005/06	\$600,000					
2006/07		\$350,000				

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