

A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Monday, **September 21, 2009** at 7:30pm at the Village Hall, 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustees	-	Steven Cohen
		-	Sherman Scheff
		-	Michael Schenkler
	Attorney	-	Anthony Sabino
	Clerk	-	Palma Torrisi

Excused: Trustee Malatino

### 1. Clerk

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was RESOLVED that the reading of the minutes of the meetings of the Board of Trustees of July 27, 2009 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

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

### 2. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was RESOLVED that the reading of the Abstract of Vouchers #90, totaling \$59,823.42, be waived and that it be and hereby is approved as prepared by Treasurer Stack.

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

B. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was RESOLVED that the following Budget Reports, and the modifications contained therein, be and hereby are accepted as prepared by Treasurer Stack:

- 1) As of June 30, 2009, showing the General Fund Balance to be \$2,191,192.24 and the Trust & Agency Balance to be \$72,113.81;
- 2) As of July 31, 2009, showing the General Fund Balance to be \$2,231,434.85 and the Trust & Agency Balance to be \$72,076.73;
- 3) As of August 31, 2009, showing the General Fund Balance to be \$2,214,222.20 and the Trust & Agency Balance to be \$73,121.92.

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

### 3. Reports

#### A. Building Department

1. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was RESOLVED that the Building Department reports for August/September 2009 be and hereby is accepted as presented by Inspector Barbach.

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

#### 2. Allstate Sign

The Board reviewed the Sign Permit application, submitted by Joseph H. Sala for a 12 square foot ground sign for the Allstate business at 85 Old Shore Road, Port Washington, (Section 4, Block Q, Lot 1).

#### 3. HSBC Sign

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was RESOLVED that the Sign Permit application, submitted by HSBC for a 13 square foot sign at the rear of the bank at 36 Soundview Marketplace, Shore Road, Port Washington, (Section 4, Block 129, Lots 1, 10, 12 & 14C), be approved provided that the ground sign shall be supported by a single leg clad to match the sign.

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

4. Joan Biscaro of Smull Place complained that there is supposed to be a fence installed between La Piccola Liguria and 1 Smull Place which was never erected.

5. Mary Snyder, Dorothy Rodgers, Dahlia Marcu and Paul Higgins complained that all aspects of the over-crowding at 7 and 9 Mill Pond Road have not been addressed by the Village.

#### B. Public Works

1. On motion of Trustee Scheff, seconded by Trustee Schenkler, it was RESOLVED that the Public Works Department report for the month of September 2009 be and hereby is accepted as submitted by Superintendent Novinski.

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

2. On motion of Trustee Scheff, seconded by Trustee Schenkler, it was unanimously RESOLVED that the tree in the utility strip in front of 93 Radcliff Avenue shall be removed and a new tree be replanted in its place at the Village's expense.

3. Richard Drazal of 8 Bay Drive complained that: due to Daly School personnel there should be no parking permitted on Bay Drive on Thursdays so that street cleaning can progress; a school bus is parking on Soundview Drive; water is pooling in the roadway in front of his house; the street tree is dropping slippery fruit on the sidewalk in front of his house; the Cornwall Cemetery's trees are blocking his swimming pool.

#### C. Environmental Commission

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was RESOLVED that the Environmental Commission report for the month of September 2009 be and hereby is approved as presented by Commissioner Keane.

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

#### D. Emergency Management

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was RESOLVED that the Emergency Management report for the month of September 2009 be and hereby is approved as presented by Commissioner Moschos.

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

### 4. Business

#### A. Street Light Maintenance Contract

Clerk Torrisi reported that, although bidding is not required for the Street Light Maintenance 2009-2010 contract, competitive prices will be obtained to continue the current contract terms.

B. Village Hall & Village Club

Trustee Cohen, Mayor Weitzner and Attorney Sabino discussed and answered questions from the public regarding the Village-owned "Eight Acres", the Village's intended purchase of the Red Wind property, and the Knickerbocker Yacht Club.

C. Parking 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 October 26, 2009 at the Village Hall with regard to the adoption of parking restrictions on Avenue C.

D. La Piccola Liguria – 3 Smull Place

The Board was apprised of Trustees Scheff's and Schenkler's site viewing of 3 Smull Place and discussions with Smull Place residents and La Piccola Liguria owner Jack Santomauro.

5. Executive Session

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board enter into Executive Session to seek advice of counsel.

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

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

4. Business (continued)

E. Steven Klein – Section 4, Block 123, Lots 16 & 26

On motion of Trustee Schenkler, seconded by Trustee Cohen, 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 Tax Certiorari, Small Claims & Assessment Consultant recommends that said proceeding be settled in accordance with a written memorandum to this Board dated September 21, 2009, now therefore be it RESOLVED, that the Village Tax Certiorari, Small Claims & Assessment Consultant is hereby authorized to settle the following tax certiorari proceeding on the basis indicated:

Steven Klein  
Section 4, Block 123, Lots 16 & 26

<u>Tax Year</u>	<u>Present Assessment</u>	<u>Proposed Assessment</u>	<u>Refund</u>
2003/04	\$50,000.00		Lump Sum Settlement of \$13,000.00
2004/05	\$50,000.00		
2005/06	\$50,000.00		
2006/07	\$50,000.00		
2007/08	\$50,000.00		
2008/09	\$50,000.00		
2009/10	\$50,000.00		
2010/11		\$25,000.00	

F. New York Community Bank – Section 4, Block 125, Lots 19, 22 & 23

On motion of Trustee Schenkler, seconded by Trustee Cohen, 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 Tax Certiorari, Small Claims & Assessment Consultant recommends that said proceeding be settled in accordance with a written memorandum to this Board dated September 21, 2009, now therefore be it RESOLVED, that the Village Tax Certiorari, Small Claims & Assessment Consultant is hereby authorized to settle the following tax certiorari proceeding on the basis indicated:

New York Community Bank  
Section 4, Block 125, Lots 19, 22 & 23

<u>Tax Year</u>	<u>Present Assessment</u>	<u>Proposed Assessment</u>	<u>Refund</u>
2005/06	\$91,450.00		Lump Sum Settlement of \$12,000.00
2006/07	\$91,450.00		
2007/08	\$28,200.00		
2008/09	\$28,200.00		
2009/10	\$28,200.00		
2010/11		\$20,000.00	

G. Port Bay Associates, et al. – Section 4, Block 129, Lots 1, 10, 12 & 14C

On motion of Trustee Schenkler, seconded by Trustee Cohen, 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 Tax Certiorari, Small Claims & Assessment Consultant recommends that said proceeding be settled in accordance with a written memorandum to this Board dated September 21, 2009, now therefore be it RESOLVED, that the Village Tax Certiorari, Small Claims & Assessment Consultant is hereby authorized to settle the following tax certiorari proceeding on the basis indicated:

Port Bay Associates, et al.  
Section 4, Block 129, Lots 1, 10, 12, & 14C

<u>Tax Year</u>	<u>Present Assessment</u>	<u>Proposed Assessment</u>	<u>Refund</u>
2005/06	\$555,000.00		Lump Sum Settlement of \$58,000.00
2006/07	\$555,000.00		
2007/08	\$555,000.00		
2008/09	\$555,000.00		
2009/10	\$555,000.00		
2010/11		\$400,000.00	

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 12:15 a.m.

Palma Torrisi, Village Clerk