

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Tuesday, **May 1, 2012** 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
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen
	Public Stenographer	-	Kimberly Clyne

Excused: Trustee Malatino

1. Public Hearing – Safavieh Conditional Use Application

Mayor Weitzner opened the public hearing, duly advertised in the April 26, 2012 Port Washington News, to consider the application of Majid Yaragui for a Conditional Use Permit to permit the conduct of retail sales in the months of May and November in the EDB Zone of the Village at the premises owned by Safavieh Glen Cove LLC at 2 Channel Drive, Port Washington, New York (designated on the Nassau County Land & Tax Map as Section 4, Block J, Lot 690 and Section 4, Block 123, Lots 8, 44A & 51). 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 Scheff, the following resolution was unanimously adopted:

**RESOLUTION AUTHORIZING the applicant Majid Yaragui and the owner of the premises Safavieh Glen Cove LLC a Conditional Use Permit to conduct a retail sale for May 19, 2012, May 20, 2012, May 26, 2012 , May 27, 2012 and May 28, 2012 under certain conditions.**

WHEREAS, the applicant Majid Yaragui and the Owner of the premises Safavieh Glen Cove LLC seek a conditional use permit to conduct a retail sale at the premises located at 2 Channel Drive, Port Washington, New York, specifically designated on the Nassau County Land and Tax Map as Section 4, Block J Lot 690 and Section 4 Block 123 Lots 8, 44a and 51 which is zoned Economic Development B which does not permit retail sale without a resolution by the Board of Trustees granting a Conditional use Permit

WHEREAS, a public hearing was conducted on May 1, 2012, where the applicant and owner presented testimony that the retail sale they were seeking to obtain a conditional use permit for would be limited to a few specific days in 2012, and under certain conditions that would not interfere with the quiet enjoyment of the Village of Port Washington North.

WHEREAS, at the public hearing it was determined that the following conditions shall be met by the applicant and owner in order to conduct said retail sale:

- a. The sale will be limited to the following dates May 19, 20, 26, 27 and 28 between the hours of 10 a.m. and 6 p.m;
- b. There will be no parking on the grass only in the paved parking lot and the grass area shall be secured with caution tape;
- c. Two security guards will be on duty during the sale hours one on Channel Drive to direct traffic to the proper parking lot and one located in the designated parking area;
- d. A shuttle bus shall be provided by the applicant/owner to bring customers from the designated parking lot to the entry of the premises. The Shuttle will only be on the applicant/owners property;
- e. No additional signs shall be posted, but a limited amount of balloons may be attached to the entry canopy;
- f. Prior to the issuance of any Conditional Use Permit the building inspector shall inspect the warehouse and premises to confirm submitted floor plan and to make sure that all fire and safety codes have been adhered to by applicant/Owner;
- g. No customer may pick up any merchandise after June 3, 2012;

h. The Safavieh web site shall specifically state that the above stated premises does not participate in the May 1, 2012 to May 15, 2012 sale and post signs that the premises is “not open to the public” except as stated above under this Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Port Washington North hereby authorizes the applicant Majid Yaragui and Owner Safavieh Glen Cove LLC to conduct a retail sale at the premises known as 2 Channel Drive, Port Washington, New York for the days of May 19, 20, 26, 27 and 28, 2012 under the above stated conditions and authorizes the building inspector to issue a conditional use permit conditioned on the above stated conditions.

2. 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 6, 2012 and March 15, 2012 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

3. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #125, totalling \$45,329.61, be waived and that they be and hereby are approved as presented by Treasurer Pisano.

B. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Budget Report as of March 31, 2012, showing the General Fund total assets to be \$1,633,380.05 and the Trust & Agency total assets to be \$86,660.11, and the modifications contained therein, be and hereby are accepted as prepared by Treasurer Pisano.

4. Reports

A. Building Department

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Building Department report for the month of April 2012 be and hereby is accepted as submitted by Inspector Barbach and Deputy Inspector Lauria.

B. Public Works

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that the Public Works Department report for the month of April 2012 be and hereby is accepted as presented by Superintendent Novinski.

C. Environmental Commission

Mayor Weitzner announced that the 2011-2012 Draft MS4 Annual Report for the Village of Port Washington North will be made available for public review by May 14<sup>th</sup>. The report will be posted on the Village's website, as well as being made available for review at the Village Hall. The report is being available to solicit comments from the general public on the Village's stormwater management program. The comment period for the report will be through May 28<sup>th</sup> and comments can be submitted in writing or emailed to the Village.

D. Emergency Management & Traffic Safety

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

RESOLVED that the Emergency Management & Traffic Safety reports for the month of April 2012 be and hereby are accepted as presented by Commissioner Kaplan.

E. Justice Court

The Board accepted the Justice Court report for March 2012 submitted by Court Clerk Kropacek.

4. Business

A. Bill No. 1 of 2012 – Changing Certain Parcels in the Economic Development Zone B to Economic Development A and Amending Certain Provisions of Economic Development Zone A

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North will hold a public hearing with regard to the adoption of Bill 1 of 2012, Changing Economic Development Zone B to Economic Development A and Amending Certain Provisions of Economic Development Zone A, on June 5, 2012 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

B. Stormwater Management Engineering Services – H2M Group

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North hereby engages H2M Group for the provision of engineering services to file the New York State Stormwater Management MS-4 Annual Report for 2011-2012 at a cost not to exceed \$3,500.00, as more particularly set forth in a written proposal dated April 24, 2012, and that Mayor Weitzner is hereby authorized to sign the agreement.

C. Intermunicipal Agreement – Town of North Hempstead Landfill

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village of Port Washington North hereby enters into an Intermunicipal agreement with the Town of North Hempstead to provide the Village with a full and vigorous defense in connection with any claim, demand, suit or action arising under any environmental laws attributable or related to the processing of any waste delivered by or for the Village to the Town of North Hempstead or the Town's Solid Waste Management Authority, as more particularly set forth in a proposal dated April 16, 2012, and that Mayor Weitzner is hereby authorized to execute the Agreement.

D. Concrete Repair & Replacement - Bids

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that bids for the Concrete Repair & Replacement 2012-2015 contract will be received at the Village Hall of the Village of Port Washington North, located at 71 Old Shore Road, Port Washington North, New York, until 11:00 a.m. on May 31, 2012, at which time all bids will be publicly opened and read aloud.

E. Disclosure of Conflict of Interest – Goldberg Segalla LLP

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

WHEREAS, the Law firm of Goldberg Segalla, LLP, was assigned by NYMIR to represent the Village of Port Washington North in two actions *Picardi v. Village of Port Washington North* and *Le Blanc v. Village of Port Washington North*.

WHEREAS, the Law firm has since the inception represented the Village of Port Washington North as a defendant in both actions and desires to continue to represent the Village of Port Washington North in both actions.

WHEREAS, On April 11, 2012, Goldberg Segalla, LLP, sent the Village correspondence notifying the Village of Port Washington North of a potential conflict of interest regarding these two actions. In said letter it was stated that several attorneys from another law firm has joined Goldberg Segalla, L.L.P., and they represent the Town of North Hempstead in other matters not related to the above referenced actions. The Town of North Hempstead is a co-defendant in the above referenced actions and each of the co-defendants has cross claims against each other. Goldberg Segalla, L.L.P., does not represent the Town of North Hempstead with regard to these actions.

WHEREAS, Goldberg Segalla, LLP, has requested the Village of Port Washington North to waive any potential conflict of interest with continuing to represent the Village of Port Washington North in the above actions.

WHEREAS, the Village of Port Washington North after consultation with the Village Attorney and after assessing the liability and damages of the actions and the limited conflict of interest and finds in the best interest of the Village that Goldberg Segalla continue representing the Village of Port Washington North in the above stated actions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Port Washington North hereby authorizes Goldberg Segalla to continue representing the Village of Port Washington North in *Picardi* and *LeBlanc* and hereby waives any potential conflict of interest.

F. Shore Road LSSTC II – RBA Additional Engineering Service

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North hereby engages RBA Group, effective April 9, 2012, for the provision of consulting engineering services, at a cost not to exceed \$10,000.00, for additional inspections of the Shore Road LSSTC II project due to delays caused by Nassau County, as more particularly set forth in a written proposal dated April 3, 2012.

G. Helicopters – Len Schaier

Len Schaier addressed the Board of Trustees about helicopters and the noise that they produce in the community. Flight patterns, the website QuietSkies.net, and the need to demand that environmental studies be reviewed by federal agencies were discussed.

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 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.

6. Business (continued) - Legal Counsel

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was RESOLVED that the law firm Sahn, Ward, Baker is hereby released from representing the Village with respect to the Mill Pond Acres Performance Bond counterclaim; and be it further

RESOLVED that Stuart Besen, Esq., be engaged as counsel with respect to the aforementioned counterclaim, upon the same terms and conditions as in Mr. Besen's annual retainer letter with the Village.

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

On motion of Trustee Schenkler, seconded by Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 11:00 p.m.

Palma Torrisi, Village Clerk