A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Tuesday, **November 13, 2012** at 7:30 p.m. 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 |

Excused: Trustee Malatino

1. Clerk

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that the reading of the minutes of the Board of Trustees meetings of September 4, 2012 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. On motion of Trustee Cohen, seconded by Mayor Weitzner, it was unanimously
RESOLVED that the Board of Trustees designates the following offices as vacant at the end of the current official year, to be filled at the Village Election to be held on March 19, 2013 for the following terms:

| | |
|---|---|
| Mayor | - Two Years |
| Trustee | - Two Years |
| Trustee | - Two Years |

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

2. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously
RESOLVED that the reading of the Abstract of General Fund Vouchers #131, totaling $116,744.99, and the Abstract of Trust & Agency Vouchers #85, totaling $774.75, be waived and that they be and hereby are approved as prepared by Treasurer Gribbins.

B. On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously
RESOLVED that the Budget Report as of October 31, 2012, showing the General Fund Balance to be $2,012,082.34, and the Trust & Agency Fund Balance to be $0.00, be and hereby is accepted as prepared by Treasurer Gribbins.

3. Reports

A. Public Works

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

B. Building Department

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously
RESOLVED that the Building Department report for October 2012 be and hereby is accepted as presented.

C. Emergency Management

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was
RESOLVED that the Emergency Management report for the month of October 2012 be and hereby is accepted as presented by Commissioner Kaplan.

D. Justice Court

The Board accepted the Justice Court report for the month of September 2012.

4. Business

A. Fire Protection & Emergency Medical Service

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that the Board of Trustees of the Village of Port Washington North will hold a public hearing on Tuesday, December 4, 2012 at 7:45 pm at the Village Hall, 71 Old Shore Road, Port Washington, New York, with regard to a proposed contract with the Port Washington Fire Department, Inc. for the furnishing of fire protection and emergency medical service within the Village for the period of January 1, 2013 through December 31, 2013 at a cost to the Village of $371,870.00.

B. DASNY Grant – Pleasant Avenue

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that the Village of Port Washington North enter into an agreement with the Dormitory Authority of the State of New York for the Reconstruction of Pleasant Avenue including Sidewalk and Driveway Rehabilitation (Project ID# 5595) to receive a New York State Economic Development Assistance Program grant in the amount of $150,000.00.

C. Shore Road Crosswalks

On motion of Trustee Cohen, seconded by Trustee Scheff, the following resolution was unanimously adopted:
WHEREAS, the Village of Port Washington North has been advised by its consulting engineers the RBA Group that Huntington Paving Inc. is the sole provider of the paving product, this being the same paving product used on Shore Road for both phases of the Local Safe Streets & Traffic Calming project;
NOW, THEREFORE, BE IT RESOLVED that the Village of Port Washington North enter into an agreement with Huntington Paving Inc. to paint crosswalks on Shore Road in front of Stop & Shop at a cost not to exceed $24,960.00, as more particularly set forth in the plans and a written proposal dated October 9, 2012.

D. Shake-n-Go Donation

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously
RESOLVED that the Village of Port Washington North accepts the donation of Shake-n-Go in the amount of $10,000.00, *nunc pro tunc*, for trees and park beautification.

E. LED Street Light Bulbs

The Board reviewed the proposals submitted by Anker's Electric and Kapco to supply LED street light bulbs to the Village. It was the determination of the Board of Trustees that the Village will purchase LED street light bulbs from Anker's Electric.

F. Superstorm Sandy Aftermath Update

Mayor Weitzner gave a recapitulation of the Village's condition during and following Superstorm Sandy and the Nor'easter, and of the activities of Village officials and contractors in response to those storms.

5. Executive Session

On motion of Trustee Schenkler, seconded by Mayor Weitzner, 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 by and hereby is adjourned and the regular meeting is reconvened.

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

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

Palma Torrisi, Village Clerk

A Special Meeting of the Board of Trustees of the Village of Port Washington North was held on Tuesday, **November 27, 2012** at 5:25 p.m. at the Port Washington Public Library, Main Street, Port Washington, New York.

| | | | |
|---|---|---|---|
| Present: | Mayor | - | Robert S. Weitzner |
| | Trustees | - | Steven Cohen |
| | | - | Michael Malatino |
| | | - | Sherman Scheff |
| | | - | Michael Schenkler |
| | Clerk | - | Palma Torrisi |

1. Welcoming Remarks

The meeting was opened by Mayor Weitzner, who welcomed those in attendance to the community forum on superstorm Sandy. The Mayor introduced to the public the Trustees, Superintendent of Public Works Ronald Novinski, Village Clerk Palma Torrisi, Deputy Building Inspector Fred Lauria, Village Emergency Management Commissioner Steven Kaplan, New York State Assemblywoman Michelle Schimel, Port Washington-Manhasset Office of Emergency Management Commissioner Peter Forman, Building Inspector Robert Barbach and Deputy Clerk Linda Kropacek.

2. Opening Statement

Mayor Weitzner made the following statement:

Dear fellow Board of Trustee members, staff, residents and invited guests.

I want to thank you all for coming here tonight to discuss Port North's Emergency Preparedness and how it related to Superstorm Sandy. For a chilling 13 days the Village of Port Washington North, and many other communities in the tri-state area, recently went through what can only be categorized as utter hell due to what is known as Superstorm Sandy. As my role as Mayor, and as a concerned citizen, it was my duty and responsibility to prepare us for such an emergency, and along with staff, appointed officials and volunteers, get us through what turned out to be a very difficult time. I would like to give you a summary of what transpired before, during, and after Sandy so you may get a better sense of what happened, and at the same time put you in a position to evaluate and make suggestions to better prepare us in the future.

First, thank you to all the trustees, staff, commissioners and volunteers that helped us get through this nightmare. Special thanks to Trustee Cohen, Emergency Manager Steve Kaplan, Clerk Palma Torrisi, Deputy Clerk Linda Kropecek, PWMOEM Chairman Peter Forman, and especially Superintendant of Public Works Ron Novinski. They were with me from the first day and were there when we needed them most. Also special thanks to Dom's Tree Service and Cow Bay Contracting for cleaning us up after the storm.

Let me make a brief statement regarding our electric utility LIPA, who we as a community have entrusted to provide us with power, services their transmission lines, and most importantly, keep us informed when and how repairs will commence in the event of an outage. They have failed us in every aspect. Through my report of the events which occurred after the storm hit us in the evening of Monday, October 29th it will become clear that much is wrong with LIPA's management structure, leadership, and equally important, infrastructure. To put it simply, if LIPA had lived up to their moral and contractual obligations, we would not be here tonight rehashing the turmoil which occurred. While we all understand that Sandy was an unprecedented storm, LIPA must still be held accountable for the delays, lack of manpower, and lack of communication that permeated throughout the crisis, which finally ended for us on Nov 11th. Lessons should have been learned from Irene. Certainly we took notice. LIPA said they did also; by improving their communication and the way the dispatched crews and communicated with them. From my perspective, they learned nothing. If anything, they simply forgot what they promised us after Irene hit us barely a year before. What a shame.

In the days before the storm's anticipated day of arrival and severity, Port North Office of Emergency Management was directly involved with the Nassau County OEM, Town of North Hempstead OEM, and the Port Washington/Manhasset OEM. We held numerous meetings and conference calls, the purpose being to prepare for the worst scenarios of the storm's impact, inform our residents, and put into place both communication and personal. The concept was that the Town's 311 call center would be manned 24/7 for direct person to person contact, and that the PWMOEM would provide continuous local information and updates. The PWMOEM would serve as our main point of information to our residents until specific Village information became available. They were also tied into Town/County/FEMA representative who could provide all the essential safety and health information to our residents. As Sandy approached, reverse 311 calls were sent out to our residents initially thorough the County, Town and the PWMOEM. The message was to prepare for a severe storm with high winds and significant high tides. The PWMOEM message specifically mentioned registering with our peninsula alert system at www.northshorealert.org. There, you would be able to receive not only the standard land line calls that all residents receive, even those who do not subscribe, but also calls to your cell/smart phones, alternate land-line phones. You also would receive texts and emails to the numbers and email addresses you provided. As the trajectory of the storm focused on our area, on Sunday, Oct 30th, the County issued a mandatory alert to evacuate all residents whose elevations were 15 feet or less. Given that many of our residents did not know their elevation, I received a few calls and knocks on my door inquiring. We sent a Village message from our OEM informing residents that only Shore Road, Mill Pond Road, Harbor Road, and Smull Place were affected by the mandatory evacuation, and reiterated that it was in their best interest for those streets to leave to areas of higher elevation. (You cannot force someone to leave their home, but they must understand that the village/town/county is

not responsible for providing first response emergency help if you are in an area that is not accessible) We posted a Village elevation map on our website. We also alerted our building dept. to stay close by in case their services were needed to inspect property damage if needed.

Sandy hit early evening on Monday, Oct 29th. I was at Town Hall that day, and eventually volunteered to man their 311 call center. Once the storm showed its destructive head, calls came pouring in about loss of power, downed lines, and felled trees. I manned the center until the storm subsided at 11:00 that evening. LIPA's specific instructions to us were to inform resident that they should call them directly at the 800 number given. We provide this number to thousands of callers who suffered loss of power and line/pole damage. However, within 4 hours of Sandy's impact, the LIPA lines overloaded and no long took calls. The call center was forced to take and log every call and attempt to pass it on to LIPA. Their revamped communication plan from consumer to provider had failed.

Working the call center in itself was a traumatic event. I assisted a woman whose oxygen machine was without power, numerous people whose houses were damaged by the storm, and mostly people who wanted to report damage and outages. I left work that night exhausted to head home at 11:30pm. I was one of a few people on the road. Devastation was everywhere. No lights, no signals, downed trees, wires, and snapped and felled poles everywhere. It took me 45 minutes to get home. By that time, Shore Road/ Mill Pond Road, Mill Pond, was flooded all the way up to Valley Road.

The next day, Tuesday, I contacted our Superintendent of Public Works Ronny Novinski and asked about our personnel, community, and infrastructure. The Village sustained no injuries thank god, home damage was minimal, and we lost 32 streets trees, 26 of them Bradford pear trees planted some 12 years ago. We also sustained some sidewalk damage from lifting root balls, some minimal plant damage to our Bay Walk Park gardens and lost a few street lights. The art and pier at the Bay Walk were untouched. Ronny already had a plan in place to remove the fallen trees and clear our roads using contractors Dom's Tree Service and Cow Bay Contractors. They were amazing. Ronny was also personally ready to remove debris from the road, chainsaw in hand. All this to allow our residents safe passage on our road, and equally important, to allow LIPA to come in to trim the trees and fix the lines to get our power back. I informed Ronny that each and every damaged tree, sidewalk, etc, must be documented, and photographed if possible. We learned from Irene that the more evidence you have, the easier it is to get reimbursed by FEMA. By Tuesday evening, all trees were removed from the road, and by Thursday, all street trees along homeowner's homes were removed. There we questions as to whether we could have our contracted crews remove trees and limbs on power lines. That was absolutely not allowed. These lines could contain stored energy and could electrocute any worker removing trees from the lines. Essentially the Village was secured; we were just waiting for LIPA to show up. Discussions with Clerk Palma determined that for the 1st 2 days, rising waters from Manhasset Bay made it virtually impossible to get to Village Hall. The shopping center had no power. Palma said that possible voicemails from Village Hall could be retrieved, and eventually she was able to do so. She manned Village Hall each day until it became to cold to stay.

Communications from the Village initially came in the form of reverse 311 calls to all residents by way of the Town's system and PWMOEM. Information was distributed at least twice a day. The contents of the recordings were about shelters, comfort stations, care of the sick and elderly through the towns Dept. of Services for the Aging, PODS for disbursing of rations and water for those in need, and eventually a trickle of information from LIPA regarding substations. My feeling at the time was that given the Village was receiving valuable information from the Town and especially from PWMOEM, that we would not provide additional information until it became Village specific.

I was attending Town emergency meetings daily, spoke with LIPA reps daily, and initially was part of LIPA conference calls twice a day for elected officials. The subject of the calls was to hear when power was being restored to our communities. Eventually I gave this task to Trustee Cohen who already had a working relationship with various members of LIPA's management.

As the calls progressed, it was clear that we were not getting any valuable information from one day to the next. LIPA started telling us about additional crews coming in and how many were assigned to each substation. But they couldn't or wouldn't tell us if and how those crews were assigned to our community. So even thought 30 men might be assigned to a substation, it was possible, and even likely that none of those men were assigned to our Village. We, no pun intended, were in the dark. We reached out to LIPA executives, State Senator Martins and Assemblywoman Schimel. The Town Supervisor in turn reached out to the Governor and on two occasions President Obama looking for answers as to when we would have our power back.

Observation: LIPA could not assist in telling us which homes are on what grid, nor could/would they tell us which issues (transformers, downed wires, trees on lines) once repaired, would restore power to what homes.

The perceived need for specific village information regarding when power would be restored would not be available until the substation providing the power to the village was first restored, followed by the main transmission line. We finally found out that our substation was the Bar Beach Substation, and it was not operational until Friday, Nov 2. Once they repaired the substation, and then the main transmission line, they were able to in essence flick a switch and see who came up. For about half of our Village, power was restored then. That included Mill Pond Acres and the Garden Apts. But it was also at this time that residents began to feel we as a village, and the Mayor, were not reaching out to them or providing them with information. Some also questioned if I in fact was doing anything. Some thought I had power and didn't' care (I didn't and was in fact one of the last homes to have power restored. I also never left the village, weathering it out with the rest of the community). That was the furthest thing from the truth. But given that I received little or no direct inquiries or feedback, I was unaware that this was being perceived. It wasn't until Palma finally was able to retrieve messages from our answering machine, and I received a personal letter placed in my mailbox, that I started to understand what was going on. To make matters worse, homes that were already with power frustrated residents who didn't; wanting to know why their homes weren't up as well. My initial concern was that residents who <u>did not</u> sign up for northshortalerts.org were not getting any information whatsoever from either the PWMOEM or our village since the only message they would have received would go only to their land line phones, which were not operational.

Observation: Village residents can be broken up into a number of categories:

1. Those who did not subscribe to the Northshorealert.org notification system. They only get information if their land line phones are working. For these people, they were likely getting no information from Monday evening till Saturday, Nov. 3rd.

2. Those who did subscribe to the Northshorealert.org notification system. They were getting 2-3 messages a day from the Town and or PWMOEM. But they did not perceive these calls as coming indirectly from the Village, therefore believed we were not reaching our residents.

3. Those who got all messages and were satisfied that the community was being kept informed.

4. Those who got all messages and were sick and tired of them. Perceived OVERKILL.

Side note regarding those who tried to call me at my home- those who tried to contact me at my home were greeted to a Verizon answering machine that apparently switched on when I lost power (we prefer a digital answering machine and turned off the Verizon answering service the moment we switched over from Cablevision) . They left message that not only could I not initially retrieve, but messages that I didn't know existed.

To resolve the information vacuum issue, Ii went around the village to those homes still without power, which was much of Soundview. I also immediately got in touch with our Emergency Manager of the Port North OEM Steve Kaplan. He

was in Albany and had power and the ability to send messages to the village. He initiated the first message on Sunday, Nov 4th , providing residents with a way to reach us via email to report outages/damage that we in turn, could report to LIPA. He returned from Albany with a generator that allowed him to access the internet and send additional messages. The very next day Nov, 5th, I personally sent out my own message. It was then that I provided the Village's phone number and my village email address. Upon doing so I received over 50 emails, and the mailbox at Village Hall was filled by the following morning. Daily messages were sent by the Village from that day on. It seems people just wanted to hear from us, even if we really had no new information.

Observation: It was apparent that many residents who wanted to reach out to me either didn't know the Village Hall phone number and did not know my village email address.

Once that personal contact was made, I was in the mode of addressing individual residents and commercial businesses needs. I responded immediately, as did the staff, in fielding the phone messages left at village hall. A few emails and messages were quite nasty and accusatory. But by and large the majority just wanted to report outages and tree/pole/line damage. Most specifically wanted to make sure LIPA was aware of their specific problem and were appreciative of the reach out. At that time LIPA was telling everyone that 90% of the homes would have their power restored by Wednesday Nov. 7th. On Nov. 6th, Trustee Cohen was on a call and specifically asked if they were sticking to their estimates of Wed and if in fact Port North was included in the 90%. They said yes to both. On subsequent calls, frustration by local elected officials was elevated. Most felt we were getting the same information from LIPA. There was no community specific information.

Wed Nov 6th came and went, and for the 40% of us still left with no power, frustration set in. Then the temperature dropped and gas became scarce. Tempers were rising even more and residents wanted answers. The problem was LIPA was not providing them. They continued to update their substation crew counts of lineman and tree trimmers. Again, that provided little help for us in the village. It was at this time that I decided we were asking LIPA the wrong question. I didn't care what their estimates were to restore power. Frankly, I didn't believe them and thought their estimates were meaningless. The question I wanted answered was when crews would be coming into our village to fix our problems. Up until now, a truck or two would show up, fix a few things, and leave. Nobody in the Village thought LIPA or any outside crew were in the Village at all. Once we saw the crews, it was only a matter of time before power came back. Assuming the crews would be staying. Steve Kaplan took all of the streets that were out, added the downed tree and pole information, and the problem lines, and put it in a map for LIPA to use. He sent them the map daily, updating it when we got power on, or received information of additional problem areas. (This continued till the last house was lit. LIPA said it was invaluable information and made a huge difference)

Then Nov. 8th arrived, along with the Nor'easter that dumped 3 inches of snow on us, just to rub it in. Another 8 trees down, mostly Bradford pears. And then we started running out of gas. That was the last straw.

Hope finally arrived on Friday, Nov. 9th. Tree trimming crews from Asplundh arrived from Ok. I counted 8 trucks lined up in front of Roslyn Saving Bank. With them were Bill and Martha Langley from Storm Services out of Miss. His job was to guide the Asphundh crew around Port North to cut trees and make way for the line crews to repair the lines and restore power. The crew worked from 9:00am to about 11:30am and just stopped. They said they were waiting for orders to proceed. Those orders were to be given by Bill Langley. I searched the Village for Bill and finally caught up with him. He is an older man with over 50 years of electrical experience. He and I spoke for some time before he confessed that he was in a bind. He told me he could not send his workers behind homes to remove trees from lines until the lines were doubled grounded and free of electricity. To do this he needed to know where the electric was coming from and where it was going. The maps LIPA gave him didn't tell him that information. He was wandering endlessly in and out of backyards, only to become more confused. I took him around to various areas, as did residents, including the worst hit, 10 Cove Lane. It wasn't even on his list from LIPA, even though it certainly was on ours. He stated that the problem was

that upper management didn't have enough people authorized to make decisions at the local level, and that they did not give decision making to the middle management to move things along. He also stated our lines were 50 years old, outdated, and not properly maintained, and without a LIPA representative with him, he would be wasting his time trying to ground these lines. That was at 4:30pm. His men sat around doing nothing for over 5 hours waiting for instructions, hours that could have been spent removing trees. What a waste of time. He left with his men at 5:00pm promising to return early Sat. morning. I said I would meet them at Cove Lane at 7:00am. That night another crew showed up. Aerial Contractors LTD from British Columbia. I spoke to a few crewmen who said it took them almost 4 days of constant driving to get there. They started looking around upper Soundview Drive and Radcliff, and then left, also promising to return the next day.

Saturday morning was a sight for sore eyes. 15 trucks from AC and Asphundh arrived. It was then that I met AC owner Bill Dawson and his wife Shelly. Nicest people in the world. (As a side note their company maintains the electric towers for Whistler Mountain, real pros)

**Human interest story**-Bill and Shelly drove down with his company to assist us! He told me his boys were sleeping in their trucks on the way down and last night they were sleeping in tents without heat. This was a tent city set up by FEMA. No heat and latrines that were not emptied. Are you kidding me? I couldn't believe it. I was sick to my stomach. How could LIPA/FEMA treat these workers that way? They started working on 10 Cove, which had 2 downed poles, I dead transformer, and a ton of lines down. I left the site knowing I had to do something for these guys. Within an hour, I spoke with one of our community businesses, Safavieh. Owners Arash and Michael Yaraghi agreed to allow all 15 of AC's crew stay at their facility on Channel Drive. They gave them mattresses, blankets, and access to 2 bathrooms. Even better, they could keep their equipment in the Village, saving them hours in mobilization time. Needless to say, they were thrilled and so was I. Better yet, I had Safavieh agree to keep them there for as long as AC was on the Island working.

I was with the crews for most of Saturday and Sunday. I emailed residents when they inquired about timing and if they homes were powered. I continued to inform all who emailed me until every home was up.

By the end of the day, one day, AC fixed 10 Cove, hit a switch and over 100 homes came back on. The LIPA representative assigned, also named Bill, said it would have taken a normal crew 4 days to do the work. While AC was attending to Cove, Asphundh was working behind other resident's homes to remove trees. Once done, AC came in and turned on the juice there as well. By 3:00pm Sunday, all power was restored to Port North.

We instructed Superintendent Ronny to finish removing debris and then the tree stumps before Thanksgiving. Then he could attend to replacing all damaged sidewalks. All tree removal, debris removal, and sidewalk repair work should be covered by FEMA reimbursement.

Final note. While the storm and its aftermath tested our patience and resourcefulness, it also showed us how wonderful our community is and how many wonderful people populate it. There are stories of pet sitting, electric sharing, home relocations, etc. For some, they even got to meet neighbors they didn't know and made new friends. So with the bad came some good after all. A sincere thanks to all of our residents who gave their homes, heat, and hearts to those left without power. It was your kind deeds that helped many of us get through these difficult times.

So here we are reflecting on what took place before, during, and after Superstorm Sandy. My intentions going forward are to make sure we continue to practice what we did right, and certainly improve where it is necessary. There is no doubt that with all of your help, we will be a better prepared Village, and will face these emergencies with even better processes, resources and resolve.

Thank you.

The Mayor gave a chronology of the Village's activities leading up to, during and following the Hurricane Sandy and Nor'easter that wrecked historic devastation on the Village of Port Washington North and left residents and businesses without electric power for two weeks.

3. Plaque Presentation

Mayor Weitzner presented a plaque to Michael Yaraghi and Arash Yaraghi of Safavieh Home Furnishings on Channel Drive. After Hurricane Sandy and the Nor'easter left residents and businesses without electric power for two weeks; and the Village was dependent upon the Long Island Power Authority's outside contractor crews, which came from as far away as British Columbia and Oklahoma, driving three-and-a-half days; and said contractors arrived without a place to stay; Michael and Arash Yaraghi of Safavieh Home Furnishings provided shelter, bedding, warmth and a place to store their trucks and equipment. Michael and Arash Yaraghi's hospitality saved LIPA's contractors valuable time so that they could devote their full efforts to the complete restoration of electric power to the Village. In recognition of their service to the Village, the Mayor proclaimed that November 11th shall henceforth be known as Safavieh Day.

4. Port Washington-Manhasset Office of Emergency Management

Commissioner Peter Forman explained how for three years the Port Washington-Manhasset Office of Emergency Management, with a budget of approximately $12,000.00 per year, has been providing mutual aid, disaster planning and emergency communications to all of Port Washington's and Manhasset's incorporated villages and to the unincorporated areas of the Town of North Hempstead on the peninsula.

5. New York State Assembly Response

New York State Assemblywoman Michelle Schimel stated that three separate commissions have been established to look into the actions and inactions of both the Long Island Power Authority and National Grid in response to Hurricane Sandy and the Nor'easter that followed. She said that she spoke with Tom King, president of National Grid, and urged local resident to keep the pressure on Governor Andrew Cuomo and the New York State Legislature to take action. The Assemblywoman explained that suggestions would not be forthcoming until the findings of the commissions are revealed and that any possible switch from National Grid to PSE+G would have to be handled at the level of the Governor. The best approach, she suggested, would be comprehensive legislation.

6. Long Island Power Authority Response

Trustee Cohen read aloud the following letter from the Long Island Power Authority:

November 20, 2012

Dear Mr. Cohen:

Thank you for your invitation to attend your village board meeting in Port Washington North next Tuesday, November 27, 2012.

Hurricane Sandy was a deadly, epic storm that not only caused extraordinary damage to LIPA's electric system, but to the region as a whole. At this time, all our efforts remain heavily focused on restoring service and communicating with the many customers who are working to repair their damaged homes and businesses caused by the significant flooding conditions along the extreme south shore and the Rockaway Peninsula.

We have worked very closely with the Village in the past and understand your desire to plan for the future. As you can expect, there are a significant number of requests for meetings and information regarding Hurricane Sandy. We recognize the importance of these discussions and will work to coordinate a dialogue with the Village as soon as reasonably possible.

Sincerely,

Tracy Burgess Levy
Executive Director
LIPA Community and Government Affairs

Trustee Cohen stated that both the executives who were the Village's liaisons with LIPA--Michael Hervey and Bruce Germano—have resigned. Trustee Cohen further explained that LIPA has consistently maintained that it would be too expensive to bury the electric lines underground within the Village.

7. Village Emergency Management Commission

Village Emergency Management Commissioner Steven Kaplan gave an assessment of the damage sustained within Port Washington North and offered an overview of the Village's current level of disaster preparedness.

8. Photo Slide Presentation

Mayor Weitzner delivered an extensive PowerPoint presentation that provided visual evidence of the state of the Village before, during and after Hurricane Sandy and the Nor'easter.

9. Public Comment

Upon receiving numerous remarks from those present, the Board directed Village Attorney Stuart Besen to draft a bill to address emergency gas-powered generators as accessory structures with respect to safety, set-backs, gas storage and such other concerns as may be relevant to the health and welfare of the community.

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:00 p.m.

Palma Torrisi, Village Clerk

A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Monday, **December 4, 2012** at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

| | | | |
|---|---|---|---|
| Present: | Mayor | - | Robert Weitzner |
| | Trustees | - | Steven Cohen |
| | | - | Michael Malatino |
| | | - | Sherman Scheff |
| | | - | Michael Schenkler |
| | Attorney | - | Stuart Besen |

1. North Hempstead Deputy Town Clerk Mary Hayes

In observance of October as National Archives Month, Deputy Town Clerk Mary Hayes presented the Village with a copy of the Village's July 6, 1932 papers of incorporation. Ms. Hayes stated that the Village in 1928 had a population of 681, that 15 people voted in favor of incorporation and none voted in opposition, and that the 2010 U.S. census records a population of 3,166 for the Village.

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 meetings of October 9, 2012 and October 12, 2011 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 Malatino, it was unanimously
RESOLVED that the reading of the Abstract of General Fund Vouchers #132, totalling $87,228.86, and the Abstract of Trust & Agency Vouchers #86, totalling $1,041.25, and the modifications contained therein, be waived and that they be and hereby are approved as prepared by Treasurer Gribbins.

B. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that the Budget Report as of November 30, 2012, and the modifications contained therein, showing the General Fund Balance to be $1,929,455.17, and the Trust & Agency Fund Balance to be $0.00, be and hereby is accepted as prepared by Treasurer Gribbins.

C. Chris Reino, of Cullen & Danowski LLP, addressed the Board with respect to the annual update document and independent audit report for the fiscal year commencing June 1, 2011 and ending on May 31, 2012. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was
RESOLVED that the *Audit Report and Annual Update Report for the General Fund, and the Audit Report and Annual Update Report for the Village Court*, for the fiscal year commencing June 1, 2011 and ending on May 31, 2012, prepared by Cullen & Danowski LLP, be and hereby are accepted.

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

The Board was presented with the Annual Report for the General Fund and the Annual Report and Management Letter for the Village Justice Court for the fiscal year commencing June 1, 2011 and ending May 31, 2012. On motion of Trustee Schenkler, seconded by Trustee Cohen, the following resolution was adopted:

WHEREAS the Board of Trustees has been presented with the Annual Report for the General Fund and the Annual Report and Management Letter for the Village Court for the fiscal year commencing June 1, 2011 and ending May 31, 2012;
NOW, THEREFORE, BE IT RESOLVED that the *Annual Report* for the General Fund and the Annual Report and Management Letter for the Village Court, for the fiscal year commencing June 1, 2011 and ending May 31, 2012, be and hereby are accepted as prepared by Cullen & Danowski LLP.

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

4. Reports

A. Public Works

1. On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously
RESOLVED that the Public Works report for the month of November 2012 be and hereby is accepted as submitted by Superintendent Novinski.

2. Upon complaint by Mrs. Petratos of 123 Radcliff Avenue that the curb tree is dropping fruit that make a "huge mess", the Board directed that an inquiry be made of Village arborist Frank Suppa as to whether there is a spray or other means to stop the tree from producing fruit.

B. Building Department

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

C. Justice Court

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

5. Business

A. Town of North Hempstead Intermunicipal Disposal Agreement

On motion of Trustee Schenkler, seconded by Trustee Malatino, the following resolution was unanimously adopted:
WHEREAS the Village of Port Washington North did experience, on an emergency basis, the need to dispose of storm debris generated from clean-up measures related to Hurricane Sandy at the Town of North Hempstead Transfer Station; now, therefore, be it
RESOLVED that the Village of Port Washington North enter in to an intermunicipal agreement, nunc pro tunc, with the Town of North Hempstead for the Town of North Hempstead Transfer Station to receive, process and dispose of storm debris from Hurricane Sandy generated within the Village of Port Washington North, at a rate of $73.25 per ton as more particularly set forth in a written agreement between the parties, and that the Mayor is authorized to sign said agreement.

B. Fire Protection & Emergency Medical Service

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously
RESOLVED that the Board of Trustees of the Village of Port Washington North will hold a public hearing on Tuesday, January 8, 2012 at 7:30 pm at the Village Hall,

71 Old Shore Road, Port Washington, New York, with regard to a proposed contract with the Port Washington Fire Department, Inc. for the furnishing of fire protection and emergency medical service within the Village for the period of January 1, 2013 through December 31, 2013 at a cost to the Village of $371,870.00.

C. Street Sweeping Contract

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Village of Port Washington North is hereby exercising its option to extend its contract with E. Cook Industries, Inc. for the Sweeping and Cleaning of Village Streets during the Spring, Summer and Fall of 2013, as more specifically set forth in the contract dated January 4, 2011.

D. Zoning Map Revision

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village engage the professional engineering services of *H 2 M* to produce a Zoning Map for the Village, incorporating changes to the Village Zoning Code adopted since October 11, 2006, subdivisions, and lot changes made by the Nassau County Department of Assessment, at a cost not to exceed $1,632.06, in accordance with its proposal dated October 24, 2012.

E. ALK-Abello Inc. Conditional Use Application for 2 Channel Drive

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees will hold a Public Hearing at 8:00 p.m. on January 8, 2013 at the Village Hall, 71 Old Shore Road, Port Washington, New York 11050, with respect to the application of ALK-Abello Inc. for a Conditional Use Permit to occupy office space and for storage space for a pharmaceutical company, at 2 Channel Drive, Port Washington, New York 11050 (premises designated on the Nassau County Land & Tax Map as Section 4, Block 123, Lots 8 & 51 and Section 4, Block J, Lot 690).

F. Appraisal of 2 Channel Drive

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village engage the professional services of Breslin Appraisal Co., Inc. to prepare an appraisal of the vacant properties designated on the Nassau Count Land & Tax Map as Section 4, Block 123, Lots 44C, 49 & part of Lot 44A, at a cost not to exceed $2,500.00, and as more particularly set forth in its proposal dated December 3, 2012.

G. Marvin Mersack, 167 Soundview Drive – No Parking Sign

Upon written request by Marvin Mersack of 167 Soundview Drive, Trustee Malatino made the motion, duly seconded by Trustee Schenkler, whereupon it was unanimously
RESOLVED that the "No Parking" restriction in front of 167 Soundview Drive is hereby rescinded and that the "No Parking" sign shall be removed.

H. Bill 1 of 2013 - Accessory Structures

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North will hold a public hearing with respect to the proposed adoption of Bill 1 of 2013, regulating Accessory Structures, on January 8, 2013 at 7:45 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

I. Extension of Deadline to Submit RFP to Purchase 7.45 Acres

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

WHEREAS the Village of Port Washington North is selling approximately 7.45 acres of vacant land in the Village of Port Washington North, Town of North Hempstead, designated on the Nassau County Tax Map as Section 4, Block 28, Lot 82; and
WHEREAS the Village of Port Washington North is interested in working with the winning developer, and will entertain all ideas for the development of the land that enhances and benefits the community. The parcel has been previously approved for 44 senior townhouses, but all ideas will be entertained by the Village; and
WHEREAS the Board of Trustees believes that it is in the best interest of the Village to extend the time to allow those entities that were unable to complete the process due to the recent storm "Sandy" and subsequent damage to submit their proposals;
NOW, THEREFORE, BE IT RESOLVED that the Village of Port Washington North hereby extends, due to the recent storm "Sandy", the date for developers and other individuals/entities to submit proposals for the purchase and development of the land at the Port Washington North Village Hall, located at 71 Old Shore Road, Port Washington, New York 11050, to no later than January 31, 2013 at 12:00 noon.

6. Executive Session

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board enter into executive session to discuss a proposed settlement of claims and actions with counsel.

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

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

5. Business (continued)

J. Mill Pond Acres Condominium & Sandy Hollow Associates - Settlement

**RESOLUTION AUTHORIZING MAYOR TO EXECUTE SETTLEMENT AGREEMENT AND ALL OTHER DOCUMENTS TO EFFECTUATE SETTLEMENT OF THE FOLLOWING STATED CLAIMS AND ACTIONS**

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

WHEREAS, on or about December 3, 2009, the Village commenced an action in Supreme Court of the State of New York, County of Nassau bearing Index No.: 24765-09 against SANDY HOLLOW, J.D., POSILLICO INC., XL SPECIALTY INSURANCE COMPANY, DALLAS REALTY LLC, MILL POND ACRES CONDOMINIUM, MICHAEL F. PUNTILLO MICHAEL S. PUNTILLO ROBERT M. PASUCCI and MARIO POSILLIICO;

WHEREAS, Mill Pond asserted a counterclaim against the VILLAGE under the same Index No;

WHEREAS, on or about February 1, 2011, all claims asserted by VILLAGE against SANDY HOLLOW, MICHAEL F. PUNTILLO, MICHAEL S. PUNTILLO and ROBERT M. PASCUCCI were dismissed; and

WHEREAS, on or about June 15, 2009, MILL POND commenced an action in the Supreme Court of the State of New York, County of Nassau, bearing Index No.: 12989-09 against SANDY HOLLOW and its principals;

WHEREAS, the Village desires to resolve all matters and issues between the parties and determines that it is in the VILLAGE'S best interest without conceding any liability or

wrongdoing whatsoever to enter into this agreement to avoid additional expense and cost of protracted litigation and trial;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Trustees hereby authorizes the Mayor to execute a Settlement Agreement between the INCORPORATED VILLAGE OF PORT WASHINGTON NORTH, MILL POND ACRES CONDOMINIUM and SANDY HOLLOW ASSOCIATES, and its principals and all documents necessary to effectuate same by and between Sandy Hollow Associates LLC, Incorporated Village of Port Washington North and MILL POND ACRES CONDOMINIUM upon the condition that the authorized representative(s) of MILL POND ACRES and SANDY HOLLOW ASSOCIATES, LLC, execute the said settlement agreement on or before ten (10) days from the date of this resolution and that if said condition is not satisfied then the Mayor is not authorized to execute said settlement agreement and this resolution becomes null and void; and be it further

RESOLVED, that the VILLAGE hereby approves the Settlement Agreement, Stipulation of Discontinuance and all Releases and Escrow Agreement and all other documents necessary to effectuate the Settlement Agreement between the above stated parties upon the above stated term and condition.

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

On motion of Trustee Malatino, seconded by Trustee Cohen, ~~it was~~ unanimously RESOLVED that the meeting be and hereby is adjourned at 10:00 p.m.

Palma Torrisi

Palma Torrisi, Village Clerk