

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Monday, **October 8, 2013** at 7:30pm 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
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen

1. Clerk

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the minutes of the meetings of the Board of Trustees of August 6, 2013 and September 3, 2013 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. Clerk Torrisi reported that an error had been made with respect to the refund to Betsy Harris in the amount of \$1,752.33 for what was believed to be a duplicate payment of the tax, interest, fees and penalties for the 2012 Tax Bill #594 of the Tamara M. Harris Irrevocable Trust. The Village is pursuing return of the erroneous refund. Mayor Weitzner stated that going forward the Village will not make any refunds without first getting copies of the cancelled checks.

C. On motion of Trustee Schenkler, seconded by Trustee Scheff, 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 18, 2014 for the following terms:

Trustee	- Two Years
Trustee	- Two Years
Village Justice	- Four Years

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

2. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the Abstract of Vouchers for the General Fund #142, totalling \$57,440.43, and for the Trust & Agency Fund #95, totalling \$442.50, be waived and that they be and hereby are approved as prepared by Treasurer Bella.

B. 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, 2012 and ending on May 31, 2013. 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, 2012 and ending on May 31, 2013, 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, 2012 and ending May 31, 2013. 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, 2012 and ending May 31, 2013;

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, 2012 and ending May 31, 2013, 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.

3. Reports

A. Public Works

1. On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Public Works report for the September 2013 be and hereby is accepted as presented by Superintendent Novinski.

2. Tree Removal 40/42 Soundview Drive

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that, upon recommendation of a certified arborist, the defoliated Bradford pear curb tree between 40 and 42 Soundview Drive shall be removed.

B. Building Department

1. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Building Department reports for September 2013 be and hereby are accepted as submitted by Inspector Barbach and Deputy Inspector Lauria.

2. Sign Permit: Stop & Shop, 65 Shore Road

Regional Real Estate Manager Larry Grant explained Stop & Shop's proposed order online service with delivery to the customer's vehicle. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that Sign Permit application #PA2013-169, submitted by Robert Tschopp of Insign Inc., to erect a 56-inch high by 117-inch wide store front advertising sign at Stop & Shop Supermarket Co., 65 Shore Road, Port Washington, New York, (designated on the Nassau County Land & Tax Map as Section 4, Block Q, Lots 10, 34 & 128 and Section 4, Block 48, Lots 8, 27 & 34-37), be and hereby is approved, in accordance with the plan submitted on June 28, 2013.

3. Sylvie and Korel Oben of 54 Soundview Drive complained about the trees removed by adjoining property owners Robin and Brandon Semiloff. Inspector Barbach stated that his site visit to 52 Soundview Drive revealed the Semiloffs had acted beyond the scope of the Tree Permit issued to them and that the Building Department will pursue the matter.

C. Emergency Management & Traffic Safety

1 The Board of Trustees concurred with Traffic Safety Commissioner Kaplan that the New York 811 one-call center should be notified when the Village will be planting a tree in the grass strip so that mark outs can be performed where utilities are present.

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

RESOLVED that the Emergency Management and Traffic Safety report for the month of September 2013 be and hereby is approved as presented by Commissioner Kaplan.

D. Justice Court

The Board accepted the Justice Court report for the month of August 2013.

4. Business

A. Removal of Leaves 2013, 2014 & 2015 Contract

Clerk Torrisi reported that the following bids were received by 12:00 noon on October 3, 2013 for the Removal of Leaves Fall 2013, 2014 & 2015 contract:

	<u>2013</u>	<u>2014</u>	<u>2015</u>
Dom's Lawnmaker Inc.	23,275.00	23,275.00	23,275.00

Superintendent Novinski recommended Dom's Lawnmaker as a responsible bidder. On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that the contract for the Removal of Leaves from Village Streets during the Fall of 2013 be and hereby is awarded to Dom's Lawnmaker Inc., as more particularly set forth in its bid document dated October 2, 2013.

B. Street Sweeping & Cleaning Bids

On motion of Trustee Schenkler, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North hereby invites the submission of sealed bids on the "Sweeping and Cleaning of Village Streets during the Spring, Summer and Fall of 2014, 2015 and 2016" contract. Bids will be received until 12:00 noon on the 7th day of November 2013 at the Village Hall, 71 Old Shore Road, Port Washington, New York 11050.

C. Stop & Shop – Conditional Use Permit Application

Store Manager Paul Gallo addressed the Board with respect to Stop & Shop's application for a conditional use permit. On motion of Trustee Schenkler, seconded by Trustee Cohen, the following resolution was unanimously adopted:

WHEREAS, the applicant Stop & Shop Supermarket Company L.L.C., seeks a conditional use permit to display and sell merchandise on its sidewalk at the premises located at 65 Shore Road, Port Washington, New York, specifically designated on the Nassau County Land and Tax Map as Section 4, Block 48, Lots 8, 27 34-37, which is zoned Business District, which does not permit certain activities without a resolution by the Board of Trustees granting a Conditional Use Permit; and

WHEREAS, a public meeting was conducted on October 8, 2013, where the applicant presented testimony that the outdoor display and sale of merchandise would be limited as to both the merchandise and outdoor area where it would be sold. The building department was satisfied with the conditional use permit as long as certain conditions were met by the applicant. It was determined at the public meeting that this conditional use permit would not interfere with the quiet enjoyment of the Village of Port Washington North; and

WHEREAS, at the public meeting it was determined that the following activities would be permitted:

- a. Stop & Shop shall be permitted to display and sell certain limited seasonal merchandise outside on their premises, limited to their recessed entry areas;

- b. There shall be no bulk inventory and storage merchandise displayed or sold from the outside including but not limited to cereal boxes and cans;
- c. There at all times shall be a six (6) foot clearance on the sidewalk for pedestrians to walk on the sidewalk; and
- d. The conditional use permit is valid for one (1) year with the right of applicant to renew before the Village Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Port Washington North hereby authorizes the building department to issue the applicant Stop & Shop Supermarket L.L.C., a conditional use permit to display and sell certain limited seasonal merchandise under the conditions as set forth above.

D. Village Hall Relocation

Mayor Weitzner spoke about the Board's desire to relocate the Village Hall to the Woods Building at 1 Pleasant Avenue. Negotiations are being conducted with Arthur H. Buhr, President of Total Dollar Insurance, the owner of the premises.

E. Gold Coast Film Festival

Mary Oldak, General Manager of Soundview Cinema, explained the nature of the Gold Coast Film Festival activities that will be taking place in the Village. On motion of Trustee Schenkler, seconded by Trustee Malatino, the following resolution was unanimously adopted:

WHEREAS, the applicant GCIFF and the Owner of the premises Soundview Shopping Center by its receiver Wayne Wink, Esq., seek a conditional use permit to conduct a film festival at Soundview Cinemas located at Soundview market the premises located at 10 Shore Road, Port Washington, New York, specifically designated on the Nassau County Land and Tax Map as Section 4, Block 129, Lots 1, 10, 12 and 14C which is zoned Business District which does not permit certain activities without a resolution by the Board of Trustees granting a Conditional use Permit; and

WHEREAS, a public meeting was conducted on October 8, 2013, where the applicant presented testimony that the film festival and outside activities will be beneficial to the Village of Port Washington North, and the outside activities would be limited to two days during the weekend of October 26 and 27, 2013, and under certain conditions that would not interfere with the quiet enjoyment of the Village of Port Washington North; and

WHEREAS, at the public meeting it was determined that the following activities would be permitted:

- a. GCIFF would be permitted in support of the film festival to have a horse in a corral in the plaza in front of Soundview Cinemas;
- b. A putting green in the plaza in front of Soundview Cinemas; and
- c. Display movie theme cars including but not limited to the original bat mobile.

The above conditions are conditioned upon the following:

1. The conditional use permit is limited to October 26 and October 27, 2013;
2. GCIFF will be responsible for security;
3. GCIFF will be responsible for all cleanup upon the completion of the activities; and
4. GCIFF will provide a certificate of insurance naming as additional insured The Village of Port Washington North.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Port Washington North hereby authorizes the applicant GCIFF to conduct the above listed activities

for the limited time under the above stated conditions and authorizes the issuance of a conditional use permit conditioned on the above stated conditions.

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 potential litigation with counsel.

On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously RESOLVED that the executive session be adjourned and that the regular meeting be 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 10:30 p.m.

Palma Torrisi, Village Clerk