

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Tuesday, **May 6, 2014** at 7:30pm at the Village Hall, 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustees	-	Steven Cohen
		-	Matthew Kepke
		-	Michael Malatino
		-	Sherman Scheff
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen
	Public Stenographer	-	Joanne Horrocks

1. Public Hearings

A. Bill 1 of 2014 – Requiring Digital Carbon Monoxide Detectors

1. Mayor Weitzner opened the Public Hearing, duly advertised in the April 23, 2014 *Port Washington News*, to consider the adoption of Bill 1 of 2014, Requiring Digital Carbon Monoxide Detectors. 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.

Mayor Weitzner introduced the Short Environmental Impact Statement prepared by Attorney Besen. On motion of Trustee Cohen, seconded by Trustee Scheff, the following resolution was unanimously adopted:

WHEREAS, the Village has prepared and reviewed an environmental assessment form containing an explanation of the action and impacts and has conducted a public hearing with respect to Bill 1 of 2014, Requiring Digital Carbon Monoxide Detectors; and

WHEREAS, the Village Board of Trustees has declared its intention to declare itself lead agency; and

WHEREAS, the Village Board of Trustees has reviewed the environmental assessment form, and pursuant to said review of the relevant environmental factors affected by the proposed action, and the Village Board of Trustees has determined that said action be classified as not an action and be deemed a Negative Declaration, causing no significant adverse effect upon the environment, in accordance with the Environmental Conservation Law of the State of New York and its regulations thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees, as Lead Agency, finds that it is not an action and is classified as exempt pursuant to SEQRA and that it be deemed to constitute a Negative Declaration. The deeming of this action as a Negative Declaration indicates that it would cause no significant adverse effect on the environment.

2. Resolution in Support of Proposed New York State Legislation

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

WHEREAS, carbon monoxide is an odorless, colorless gas that is produced by burning fuels such as natural gas, propane, gasoline, oil, kerosene, wood or charcoal, which in low concentrations can cause headaches and breathlessness symptoms that can easily be overlooked; and

WHEREAS, carbon monoxide is called the “silent killer” because if early symptoms are ignored, exposure in higher concentrations can cause loss of consciousness rendering the victim unable to escape danger and death; and

WHEREAS, the Sustainability Institute at Molloy College reports that carbon monoxide poisoning is estimated to be responsible for 500 deaths and 15,000 emergency room visits annually; and

WHEREAS, the State of New York passed “Amanda’s Law” in 2009 requiring carbon monoxide detectors in residential homes; and

WHEREAS, the Village of Port Washington North is saddened by the recent death of a worker in Suffolk County by carbon monoxide poisoning and is determined to take proactive steps to prevent such a tragedy from occurring again;

NOW, THEREFORE, IT IS RESOLVED that the Port Washington North Mayor and Village Trustees hereby urge the Governor and State Legislature to enact legislation (S6657/A8887) requiring the New York State Uniform Fire Prevention and Building Code to create standards for the installation of carbon monoxide detectors in restaurants and other commercial buildings; and hereby directs the Village Clerk to forward certified copies of this resolution to Governor Andrew Cuomo, Senator Dean G. Skelos, Senator Jeff Klein, Senate Majority Co-Leaders, Assemblyman Sheldon Silver, Speaker of the Assembly and to the members of the Village State Legislature Delegation Senator Martins and Assemblywoman Schimel .

B. Bill 2 of 2014 – Amending the Tree Permit Application

Mayor Weitzner opened the Public Hearing, duly advertised in the April 23, 2014 *Port Washington News*, to consider the adoption of Bill 2 of 2014, Amending the Tree Permit Application. 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.

Mayor Weitzner introduced the Short Environmental Impact Statement prepared by Attorney Besen. On motion of Trustee Cohen, seconded by Trustee Scheff, the following resolution was unanimously adopted:

WHEREAS, the Village has prepared and reviewed an environmental assessment form containing an explanation of the action and impacts and has conducted a public hearing with respect to Bill 2 of 2014, Amending the Tree Permit Application; and

WHEREAS, the Village Board of Trustees has declared its intention to declare itself lead agency; and

WHEREAS, the Village Board of Trustees has reviewed the environmental assessment form, and pursuant to said review of the relevant environmental factors affected by the proposed action, and the Village Board of Trustees has determined that said action be classified as an Unlisted Action and be deemed a Negative Declaration, causing no significant adverse effect upon the environment, in accordance with the Environmental Conservation Law of the State of New York and its regulations thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees, as Lead Agency, finds that the Unlisted Action be classified as exempt pursuant to SEQRA and that it be deemed to constitute a Negative Declaration. The deeming of this action as a Negative Declaration indicates that it would cause no significant adverse effect on the environment.

On motion of Trustee Kepke, seconded by Trustee Malatino, it was RESOLVED that Bill 2 of 2014 be and hereby is adopted as LOCAL LAW 1 of 2014 to read as follows:

LOCAL LAW 1 of 2014

Amending the Tree Permit Application

CHAPTER 156

156.4 Application for permit.

A. Application for a permit shall be made to the Building Inspector.

B. The application shall be made on such form as may be prescribed by the Building Inspector and shall include, but not be limited to, the following:

(1) The name and address of the applicant.

- (2) The name and address of the owner of the property including Nassau County Tax Map number. **(amended.)**
- (3) The purpose of the proposed removal or alteration.
- (4) The site of the proposed removal or alteration including photograph(s) of the tree to be removed or substantially altered and photographs from the trees showing the view toward all neighboring properties. All photographs shall include a point of reference to determine scale, such as a yardstick or person. **(amended).**
- (5) The size and location of the tree to be removed. In the event, the Building Inspector determines that the proposed tree(s) to be removed or altered is close to a boundary/property line, then at the Building Inspector's sole discretion the applicant shall provide a survey from a licensed surveyor. **(amended).**
- (6) The condition of the tree with respect to disease, hazard, proximity to existing or proposed structures, and interference with utility services.
- (7) The recommendation of a certified arborist or the tree service that will be performing the removal. Only a certified arborist or experienced tree service shall be permitted to remove or substantially alter the habit of a tree within the Village. Any proposed tree service shall be required to provide satisfactory proof of its experience to the Building Inspector upon request.
- (8) The written and acknowledged authorization of the owner of the property.
- (9) Each tree(s) to be removed and/or altered shall be identified by attaching a ribbon at least 5 feet high measured from the ground to the tree, to identify the proposed tree(s) to be removed or altered. The ribbon signifying the tree(s) to be removed or altered shall be on said tree(s) for at least 10 days before any permit is issued by the Building Department **(amended).**

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

2. Clerk

On motion of Trustee Kepke, seconded by Trustee Malatino, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meetings of March 4, 2014 and March 19, 2014 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

3. Treasurer

A. On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #149, totalling \$281,117.31, and the Trust & Agency Abstract of Vouchers #100, totalling \$4,279.75, be waived and that they be and hereby are approved as presented by Treasurer Bella.

B. On motion of Trustee Scheff, seconded by Trustee Kepke, it was unanimously RESOLVED that the Budget Report as of April 30, 2014, showing the General Fund total assets to be \$1,284,883.20 and the Trust & Agency total assets to be \$6.57, and the modifications contained therein, be and hereby are accepted as prepared by Treasurer Bella.

4. Reports

A. Public Works

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Public Works Department report for the month of April 2014 be and hereby is accepted as presented by Superintendent Novinski.

B. Building Department

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Building Department report for the month of April 2014 be and hereby is accepted as submitted by Inspector Barbach and Deputy Inspector Lauria.

C. Emergency Management & Traffic Safety

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Emergency Management & Traffic Safety reports for the month of April 2014 be and hereby are accepted as presented by Commissioner Kaplan.

D. Beautification

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Beautification report for the month of April 2014 is accepted as presented by Commissioner Roth.

E. Justice Court

1. The Board accepted the Justice Court report for March 2014 submitted by Court Clerk Kropacek.

2. On motion of Trustee Malatino, seconded by Trustee Kepke, it was unanimously RESOLVED that the Parking Ticket Fine Schedule for guilty pleas by mail for the Village Justice Court be and hereby is amended to read as follows:

Failure to Answer

A Parking Ticket is to be answered and returned to the Village Justice Court within a specified time frame established by the date of issuance. The following language is established for *failure to answer*:

Return date: Prescribed by summons for first appearance in court.

Failure to Answer Summons: Penalties for Offenses

Upon the failure of a person or owner of a vehicle to appear or answer, on or before the return date or any subsequent adjourned date, a summons or summonses charging that said person or owner permitted a vehicle to be parked, stopped or standing in violation of the provisions of Chapter 162 of the Code of the Village of Port Washington North, late penalties shall be imposed as follows:

If the aforementioned fine is not paid by the return date listed on the summons, a late penalty equal to the original fine shall be added to the fine;

If the fine is still not paid within thirty (30) days from the return date listed on the summons, a second late penalty equal to the original fine shall be added to the fine;

If the fine is still not paid within sixty (60) days from the return date listed on the summons, a third late penalty of an additional twenty (\$20) dollars shall be added to the fine; and

If the fine is still not paid within ninety (90) days from the return date listed on the summons, a fourth late penalty of an additional thirty (\$30) dollars shall be added to the fine.

5. Business

A. Manhasset Bay Protection Committee Report

The Mayor announced that the Village of Port Washington North is a member of the Manhasset Bay Protection Committee and reported on the committee's activities.

B. Stormwater Management MS4 Annual Report

Mayor Weitzner announced that the 2013-2014 Draft MS4 Annual Report for the Village of Port Washington North was made available for public review on April 30th. The report is posted on the Village's website and is available for review at the Village Hall. The report is being made 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 19th, and comments can be submitted in writing or emailed to the Village.

C. Snow Plowing, Sanding & Salting of Streets & Bay Walk 2014/5-2016/7

On motion of Trustee Malatino, seconded by Trustee Kepke, it was unanimously RESOLVED that the invitation for bids for the Snow Plowing, Sanding and Salting of Village Streets and Bay Walk Park 2014/15 to 2016/17 contract be advertised in the *Port Washington News* and that the bids be received at the Village Hall by 12:00 noon on Thursday, May 29, 2014, at which time all bids will be publicly opened and read aloud.

D. Aaron Morgan – Bay Walk Park Art Proposal

On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village enter into an agreement with artist Aaron Morgan to create a four-foot wide by five-foot high "Dalle de Verre" stained glass sculpture for installation in Bay Walk Park in accordance with a written proposal dated April 21, 2014, at a cost not to exceed \$13,900.00.

E. Arbor Day

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that henceforth the 21st of April shall mark the observance of Arbor Day in the Village of Port Washington North.

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:15 p.m.

Palma Torrisi, Village Clerk