

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Wednesday, **September 2, 2015** at 7:30pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustees	-	Steven Cohen
		-	Matthew Kepke
		-	Sherman Scheff
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen
	Court Reporter	-	James Gill

Excused: Trustee Malatino

## 1. Public Hearings

### A. Bill 3 of 2015 - No Parking During and After Snowfall

Mayor Weitzner opened the public hearing, duly adjourned from August 5, 2015, to consider the adoption of Bill 3 of 2015, No Parking During and After Snowfall. A stenographic transcript of the hearing was made and 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 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 3 of 2015, No Parking During and After Snowfall; 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 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.

On motion of Trustee Scheff, seconded by Trustee Kepke, it was RESOLVED that Bill 3 of 2015 be and hereby is adopted as LOCAL LAW 4 of 2015 to read as follows:

### LOCAL LAW 4 of 2015

#### Chapter 162 VEHICLES AND TRAFFIC

##### **Section 162-6. No parking during and after snowfall**

The Board of Trustees of the Incorporated Village of Port Washington North does hereby find that an emergency exists at any time snow is permitted to accumulate on the streets of the Village of Port Washington North and that certain acts and omissions of the inhabitants of the Village impede the removal of snow. It is further found that such acts and omissions, by impeding the removal of snow from the streets of the Village, also impede the provisions of fire, police and ambulance service to the residents of the Village and impede the provisions of other

necessary services to Village residents. For the above reasons, the Board of Trustees of the Incorporated Village of Port Washington North enacts the following provisions.

A. It shall be unlawful for any motor vehicle (as that term is defined in the Vehicle and Traffic Law of the State of New York) to be parked or otherwise left unattended on any public highway and/or street upon declaration of a snow emergency by the Mayor. A snow emergency shall be deemed to exist whenever three inches of snow or more is predicted to fall by the Nassau County Office of Emergency Management within a twenty four hour period.

B. No motor vehicle shall be returned to the public highway and/or street until the public highway and/or street has been plowed by the local municipality and the emergency has been lifted by the Village of Port Washington North.

C. Notwithstanding the provisions of Chapter 162-6.A, the snow emergency regulations shall not be applicable to the following streets: Mill Pond Road, east side of Waterview Drive, and Soundview Drive only between the cross streets of Dock Lane and Waterview Drive.

#### **Section 162-7. Penalties for offenses.**

Any person convicted of any provision of this chapter shall be deemed an offense against this chapter and shall be punishable by a fine not to exceed \$250.00 for each violation. Each day a violation occurs shall be considered a separate and distinct offense against this chapter.

Effective date of this local law shall take effect upon filing with the Secretary of State.

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

#### **B. Regulating Parking on Morgan Place**

Mayor Weitzner opened the public hearing, duly adjourned from August 5, 2015, to consider establishing No Parking on Morgan Place. A stenographic transcript of the hearing was made and 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 Cohen, seconded by Trustee Scheff, it was:

RESOLVED, that the Board of Trustees hereby adopts that the parking of vehicles is prohibited at all times in the street designated as Morgan Place in the Incorporated Village of Port Washington North.

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

#### **C. Bill 4 of 2015 - Film and Movie Permits**

Mayor Weitzner opened the public hearing, duly advertised in the August 19, 2015 *Port Washington News*, to consider the adoption of Bill 4 of 2015, Film and Movie Permits. A stenographic transcript of the hearing was made and 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 Kepke, seconded by Trustee Scheff, the following resolution was 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 4 of 2015, Film and Movie Permits; 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 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.

On motion of Trustee Kepke, seconded by Trustee Scheff, it was RESOLVED that Bill 4 of 2015 be and hereby is adopted as LOCAL LAW 5 of 2015 to read as follows:

## **Local Law 5 of 2015**

### **CHAPTER 93**

#### **FILM AND MOVIE PERMITS**

##### **Section 93-1 Legislative Intent**

A. The Board of Trustees recognizes that the Village of Port Washington North has natural beauty, geographical location, historical sites and waterfront sites that are attractive to individuals, organizations, corporations, groups and other entities involved in the business of motion pictures, television, internet production, and still photography production.

B. It is the intent of the of the Incorporated Village of Port Washington North to regulate the activities of individuals, organizations, corporations, groups and other entities involved in the business of motion pictures, television, internet production, still photography production, so as to assure the health, safety and welfare of the residents of the Village of Port Washington North and to generate additional jobs for local residents and income for local businesses.

##### **Section 93-2 Definitions**

###### **FILMING**

The taking of still motion pictures on any type of analog or digital recording medium, for commercial, educational or institutional purposes, intended for viewing on any device, including, but not limited to, television, projector screen, computer, smart phone, tablet, or other electronic device, or for viewing over the internet or in any place of assembly, or for educational or institutional use. Filming includes all rehearsals, preparations, assembly and dismantling of all equipment and structures, including, but not limited to scaffolding, lights, backdrops, tools and food, and the loading and unloading of vehicles containing the equipment, structures and food.

###### **MOTION PICTURE, TELEVISION AND STILL PHOTOGRAPH**

All activity pertaining to production, staging or shooting motion pictures, television shows or programs involving music videos and commercials in any medium.

###### **INCIDENTIAL USE OF PUBLIC LANDS**

Public lands used in conjunction with filming that occurs on private property.

###### **PUBLIC LANDS**

Every public street, highway, sidewalk or square, public park or playground, public waters, waterfront property or other public place located within the jurisdiction and control of the Village of Port Washington North or involving the use of any Village owned or maintained facilities or equipment.

## PRIVATE PROPERTY

Any property other than public lands.

## VILLAGE OF PORT WASHINGTON NORTH FILM PERMIT

Written authorization to engage in film, motion picture, television, internet and still photography production on Village property or facilities and/or the incidental use of public lands for said production.

### **Section 93-3 PERMITS REQUIRED**

A. No individual, organization, corporation, group, and any other entity involved in the business of film, shall engage in motion pictures, television, internet and still photography production on public lands within the Village of Port Washington North without first applying for and obtaining a permit therefore from the Village Clerk in accordance with this Chapter, except as provided for in Section 55-4 hereof.

B. No individual, organization, corporation, group, and any other entity shall violate federal, state or local law or health and safety codes while engaging in motion picture, television, internet and still photography production on any Village property or facility.

C. No individual, organization, corporation, group and any other entity shall film or allow filming on private property within the Village of Port Washington North without first obtaining a permit from the Village Clerk in accordance with this chapter, except as provided for in Section 55-4 hereof. Any incidental use of public lands shall be fully disclosed, described and included in any application for a permit; provided, however, that nothing contained in this section shall prevent persons from temporarily loading or unloading filming equipment on any public right-of-way, provided that such loading or unloading is done without unnecessary delay, and provided that such filming equipment is not allowed or permitted to remain on such public right-of-way for a period longer than 15 minutes.

D. One (1) permit shall be required for each location and one (1) permit may authorize filming for up to a maximum of three (3) consecutive days. Thereafter, a new permit must be applied for and granted.

E. A non-refundable application fee of \$150.00 shall accompany any application submitted to the Village Clerk.

### **Section 93-4 EXEMPTIONS FROM PERMITS**

A. Notwithstanding the permit requirements of this chapter, the filming activities designated below do not require a permit to be obtained pursuant to this chapter, provided that such activity does not obstruct or interfere with the use of any public lands and facilities of the Village.

1. Filming and coverage by news media.
2. Any police, fire or emergency related activities.
3. Non-commercial filming, motion picture, internet or still photography by and intended for private family use.

### **Section 93-5 REVIEW OF PERMIT APPLICATION BY VILLAGE CLERK**

A. The Village Clerk, upon receipt of a complete application for a permit under this chapter, shall conduct a review of the application and consider any facts and circumstances that the Village Clerk deems relevant to the specific application, including but not limited to the following:

1. The location of the proposed filming;
  2. The date and duration of the proposed filming;
  3. Any complaints or objections raised by any neighboring property owners;
  4. Recommendations and or objections from the Police Department and/or Village Departments;
  5. The number of permits previously granted at the location of the proposed filming;
- and

6. Any facts and circumstances specific to the proposed filming that may impact the health, safety and welfare of the residents of the Village.

B. In conducting the review, the Village Clerk shall communicate with the Police Department, Fire Department and other Village Departments and officials regarding the application.

C. The Village Clerk shall complete the review in five (5) business days from the date the application is submitted.

D. The Village Clerk may deny an application for a permit under this chapter after a review of the application and consultation with police, whenever a determination is made that the proposed filming would violate any law or ordinance or would unreasonably interfere with the public's use of public lands, unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the flow of vehicular or pedestrian traffic, would be detrimental to the community because of anticipated excessive noise, illumination or other effect, caused by the proposed filming, including, but not limited to, a potentially dangerous activity or creation of a dangerous condition otherwise endanger the public's health, safety or welfare. Such denial shall be in writing and shall specify the reasons for the denial.

### **Section 93-6 APPEALS TO THE BOARD OF TRUSTEES**

A. Any person aggrieved by a decision of the Village Clerk to deny a permit may appeal to the Board of Trustees. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Village Clerk within ten (10) days of the Village clerk's decision. The Board of Trustees shall render a decision in the form of a resolution.

### **Section 93-7 FEES**

A. Fees for filming shall be as follows:

1. Five Hundred Dollars (\$500.00) for a full day anything over four (4) hours a day.
2. Two hundred and fifty Dollars (\$250.00) for a half day up to and including four (4) hours.

B. Film permit fees may be waived or modified in connection with filming done for charitable, educational, student films, public service or other non-profit purpose.

C. The applicant shall pay actual cost, if any, for the incidental use of any Village of Port Washington North personnel, service or equipment in connection with permitting filming activities.

### **Section 93-8 PENALTIES FOR OFFENCES**

A. The violation of any provision of this chapter shall be punishable by a fine of not less than \$1500.00 nor more than \$2500.00 for a first offence; by a fine of not less than \$2500.00 nor more than \$5000.00 for a second or subsequent offence committed within a period of three (3) years. Each day's continued violation shall be a separate, additional violation of this chapter.

B. During the course of the filming, any authorized Village Code enforcement official or a police officer may suspend any permit where public health or safety risks are found or where exigent circumstances warrant such action.

### **Section 93-9 SEVERABILITY**

A. If any section or provision of this local law shall be adjudged to be invalid by any Court of competent jurisdiction, such section or provision shall not affect, impair or invalidate any other part of this Local Law or the remainder thereof, but shall be confined in its operation to the section or provision thereof directly involved in the controversy in which such judgment shall be rendered.

Effective date of this local law shall take effect upon filing with the Secretary of State.

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

## 2. Clerk

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the reading of the minutes of the meetings of the Board of Trustees of July 1, 2015 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

## 3. Treasurer

A. On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the Abstract of Vouchers for the General Fund #165, totalling \$1,312,675.28, and the Trust & Agency Abstract of Vouchers #114, totalling \$100,000.00, be waived and that they be and hereby are approved as prepared by Treasurer Bella.

B. Trustee Scheff stated that he reviewed the bank statement reconciliations for July 2015.

## 4. Reports

### A. Public Works

On motion of Trustee Scheff, seconded by Trustee Kepke, it was unanimously RESOLVED that the Public Works Department report for the month of August 2015 be and hereby is accepted as submitted by Superintendent Novinski.

### B. Building Department

1. On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Building Department reports for August 2015 be and hereby are accepted as submitted by Superintendent Barbach and Inspector Lauria.

2. On motion of Trustee Kepke, seconded by Mayor Weitzner, it was unanimously WHEREAS Juan Carlos Escobar has submitted application PA2015-178 for a permit for a Spirit Halloween sign to be erected at 20 Soundview Marketplace, Shore Road, Port Washington, New York 11050 (premises designated on the Nassau County Land & Tax Map as Section 4, Block 119, Lots 1, 10, 12 & 14C); now, therefore, be it

RESOLVED that Sign Permit S2015-101 to erect a 3-foot high by 16-foot long by 1/2-inch deep store front advertising sign at the aforesaid premises be and hereby is approved in accordance with the plans submitted on August 10, 2015.

### C. Justice Court

The Board accepted the Justice Court report for the month of July 2015.

## 5. Business

### A. Park Maintenance Contract Extension

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North is hereby exercising its option to extend the Park Maintenance contract with Bucky Demelas & Son Landscape Contractors Inc. for the period from November 1, 2015 to October 31, 2016, at the

cost of \$36,500.00, in accordance with the terms of the original contract, dated September 2, 2014.

B. Justice Court Grant

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village of Port Washington North Justice Court is hereby authorized to submit an application to the New York State Court System for a Justice Court Assistance Program Grant in an amount not to exceed \$30,000.00.

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:30 p.m.

Palma Torrisi, Village Clerk