

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Wednesday, **July 6, 2016** at 7:30pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present: Mayor - Robert Weitzner  
Trustees - Steven Cohen  
- Matthew Kepke  
Clerk - Palma Torrisi  
Attorney - Stuart Besen  
Court Stenographer - Robert Pollack

Excused: Trustees Malatino & Scheff

1. Public Hearings

A. Restricting Right Turns at West Exit of Stop & Shop onto Shore Road

Mayor Weitzner opened the public hearing, adjourned from May 4, 2016, to consider restricting right turns onto Shore Road at the west exit of Stop and Shop. The Mayor stated that the public hearing will be continued on August 3, 2016 at 7:30 pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

B. Bill 3 of 2016 – Amending Senior Citizen Exemption Income Limits

Mayor Weitzner opened the public hearing, duly advertised in the *Port Washington News* on June 22, 2016, to consider the adoption of Bill 3 of 2016, Amending Senior Citizen Exemption Income Limits. 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 Assessment Form prepared by Attorney Besen. On motion of Trustee Cohen, seconded by Trustee Kepke, 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 3 of 2016, Amending Senior Citizen Exemption Income Limits; 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 Cohen, it was RESOLVED that Bill 3 of 2016 be and hereby is adopted as LOCAL LAW 3 of 2016 to read as follows:

**LOCAL LAW 3 of 2016**  
**Section 147-25 Income Limits**

	Currently	Proposed
A. Maximum amount of income:	\$28,899.99	\$34,399.99

B. Exemption table.

ANNUAL INCOME	Percent of Assessed Valuation Exempt from Taxation
No more than \$26,000.00	50%
More than \$26,000, but less than \$27,000	45%
At least \$27,000, but less than \$28,000	40%
At least \$28,000, but less than \$29,000	35%
At least \$29,000, but less than \$29,900	30%
At least \$29,900, but less than \$30,800	25%
At least \$30,800, but less than \$31,700	20%
At least \$31,700, but less than 32,600	15%
At least \$32,600, but less than \$33,500	10%
At least \$33,500, but less than 34,400	5%

[Amended 7-6-16 by L.L. 3-2016]

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

C. Bill 4 of 2016 – Amending Additional Notice of Tax Lien Sale

Mayor Weitzner opened the public hearing, duly advertised in the *Port Washington News* on June 22, 2016, to consider the adoption of Bill 4 of 2016, Amending Additional Notice of Tax Lien Sale. 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 Assessment Form prepared by Attorney Besen. On motion of Trustee Cohen, seconded by Trustee Kepke, 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 4 of 2016, Amending Additional Notice of Tax Lien Sale; 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 Cohen, it was RESOLVED that Bill 4 of 2016 be and hereby is adopted as LOCAL LAW 4 of 2016 to read as follows:

**LOCAL LAW 4 of 2016**  
**CHAPTER 147**

**Section 147-20.1. Notice of tax sale [Amended July 6, 2016 by L.L. No. 4-2016]**

A. Mailing of notices.

(1) In addition to the notice requirements set forth in Section 1452 of the Real Property Tax Law of the State of New York, as the same was in effect on December 31, 1994, the Village Clerk shall mail notice to all owners of the real property upon which taxes are unpaid with the amount of the tax, interest, and charges thereon and stating that such real property will, on a day subsequent to the expiration of the three weeks to be specified in such notice and the succeeding days be sold at public auction at a designated place in the Village, to discharge the tax, interest, and other charges, which may be due thereon at the time of sale. **[Amended 7-6-16 by L.L. 4-2016]**

(2) Said notice shall be sent not less than three weeks before the first day of such sale, by certified or registered mail, return receipt requested, and by first class mail, to such person's last known address. Mailing to the name of the owner at the address on the assessment rolls of the Village shall be deemed sufficient. Proof of such mailing shall be filed with the Village Clerk. **[Amended 7-6-16 by L.L. 4-2016]**

B. Additional charges. The cost of such mailing, posting, and any additional expenses in providing the notice required by this section, shall be an additional charge upon such real property to be collected with such taxes, interest and other charges. **[Amended 7-6-16 by L.L. 4-2016].**

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke-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 meeting of the Board of Trustees of May 4, 2016 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 Cohen, it was unanimously RESOLVED that the reading of the Abstracts of General Fund Vouchers #175, totaling \$266,398.77, and of Trust & Agency Vouchers #127, totally \$2,293.75, be waived and that they be and hereby are approved as presented by Treasurer Bella.

B. It was reported that Trustee Scheff had reviewed the bank statement reconciliations for May 2016.

4. Reports

A. Public Works

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Public Works Department report for the month of June 2016 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 reports for June 2016 be and hereby are accepted as presented.

C. Justice Court

The Board accepted the Justice Court report for the month of May 2016.

5. Business

A. Summer Intern

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Board of Trustees hereby ratifies nunc pro tunc the Mayor's engagement of Anna Fox as an environmental consultant for the Village's MS-4 plan, to be paid at the rate of \$12.00 per hour, commencing June 27, 2016 and ending August 12, 2016.

B. Road Repairs (Asphalt) Contract Extension

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Village of Port Washington North is hereby exercising its option to extend the term of the Road Repairs (Asphalt) contract with American Paving & Masonry Corp. for a successive one-year period, commencing September 1, 2016 and ending August 31, 2017, in accordance with the terms of the contract, dated July 1, 2014.

C. Snow Plowing, Sanding & Salting Contract Extension

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Village is hereby exercising its option to extend the Snow Plowing, Sanding & Salting of Village Streets contract with Dejana Industries Inc. for the period October 1, 2016 to April 30, 2017, in accordance with the terms set forth in the original bid proposal dated May 27, 2014.

D. Street Light Maintenance 2016/7

The Board directed Clerk Torrisi to solicit a minimum of three written price quotes for the Street Light Maintenance 2016-2017 contract, pursuant to the Village's purchasing policy for public works contracts.

E. Goldberg Segalla – Conflict of Interest Waiver

On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North hereby waives a potential conflict of interest in connection with Goldberg Segalla LLP's representation of the Village in the matter of Downing v. County of Nassau, et al., and authorizes the Village Clerk to sign an agreement to this end.

F. Request for Proposals – 21 Soundview Drive & 107 Cow Neck Road

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North will receive Request for Development Proposals for the Village-owned lands at 21 Soundview Drive (designated on the Nassau County Land & Tax Map as Section 4, Block 125, Lot 10) and/or 107 Cow Neck Road (designated on the Nassau County Land & Tax Map as Section 4, Block 125, Lot 20), until 2:00 p.m. on September 2, 2016 at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

G. Mill Pond Acres – Request to Amend Zoning

The Board of Trustees reserved decision on the June 29, 2016 letter from Michael F. Cohen of Cohen, Warren, Meyer & Gitter P.C., attorneys for Mill Pond Acres, requesting an amendment to the Village's Zoning Code with respect to the age

restriction of the Senior Citizen Housing District, Village Code Chapter 176, Article VII.

6. Executive Session

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the regular meeting be adjourned and the Board enter into executive session to discuss certiorari litigation and contract negotiations with counsel.

On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the executive session be ended and the regular meeting reconvened.

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

7. Tax Certiorari Settlement – Bernie Yatauro, 17 Smull Place

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

WHEREAS there is now pending in the Supreme Court, Nassau County a proceeding by the owner of certain real property within the Village of Port Washington North to reduce the assessed valuation placed on its property for Village Tax purposes; and WHEREAS the Village Attorney recommends that said proceeding be settled in accordance with a written memorandum to the Board dated June 20, 2016; NOW, THEREFORE, BE IT RESOLVED that the Village Attorney is hereby authorized to settle the following tax certiorari proceeding on the basis indicated:

Bernie Yatauro  
and  
Cass Realty Ltd.

Section 4, Block Q, Lot 226

<u>Tax Year</u>	<u>Present Assessment</u>	<u>Proposed Assessment</u>	<u>Refund</u>
2009	\$12,500	--	{Lump
2010	\$12,500	--	{
2011	\$12,500	--	{Sum
2012	\$12,500	--	{
2013	\$12,500	--	{Settlement
2014	\$12,500	--	{of
2015	\$12,500	--	{
2016	\$12,500	--	{ \$3,500
2017		\$9,500	

AND BE IT FURTHER RESOLVED that the Assessor is hereby directed to place the assessment of \$9,500 for the aforementioned property upon the 2017 roll, pursuant to the settlement of the tax certiorari proceeding.

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 9:00 p.m.

Palma Torrisi, Village Clerk