A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Wednesday, February 7, 2018 at 7:30 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present: Mayor - Robert Weitzner
Trustees - Michael Malatino
- Sherman Scheff
Clerk - Palma Torrisi
Attorney - Stuart Besen
Court Reporter - Carissa Ahearn

Excused: Trustees Cohen and Kepke

1. Public Hearings

A. Bill 1B of 2017 – Permitted Uses in the Economic Development B Zone

Mayor Weitzner opened the public hearing, adjourned from January 3, 2018, to consider the adoption of Bill 1B of 2017, Amending Permitted Uses in the Economic Development B Zone in the Village of Port Washington North. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor adjourned the public hearing to March 14, 2018 at 7:30 p.m.

B. Bill 1 of 2018 – Prohibiting Double Utility Poles on Village Rights-of-Way

Mayor Weitzner opened the public hearing, duly advertised in the January 17, 2018 Port Washington News, to consider the adoption of Bill 1 of 2018, Prohibiting Double Utility Poles on Village Rights-of-Way in the Village of Port Washington North. 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.

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

WHEREAS, the Village of Port Washington North is considering the adoption of Bill 1 of 2018, a proposed local law to prohibit double utility poles on Village rights-of-way in the Village of Port Washington North; and
WHEREAS, the Village Board of Trustees has reviewed an environmental assessment form containing an explanation of the action, 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 relevant environmental factors affected by the proposed action, and the Village Board of Trustees pursuant to said review has determined that said action be classified as a Type 2 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 action be classified as a Type 2 action; and be it further RESOLVED, that in accordance with the provisions of Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113 of the N.Y.S. Environmental Conservation Law and its applicable regulations thereon (6NYCRR, Part 617), the Village Board of Trustees determines that the action 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 Malatino, it was RESOLVED that Bill 1 of 2018 be and hereby adopted as LOCAL LAW 2 of 2018 to read as follows:
158-12 Legislative Intent.

This Village Board hereby finds and determines that public utility companies place poles on Village of Port Washington North streets, roads and rights-of-way to facilitate the delivery of electric, telephone, cable television and telecommunications services to the residents of the Village of Port Washington North. This Board also finds that utility poles are frequently damaged by traffic accidents, adverse weather conditions and from time to time simply need to be replaced. This Village Board determines that public safety can be compromised when utility lines and equipment remain affixed to weather damaged and old poles for unreasonably long periods of time. This Village Board further determines that a utility’s delay in removing lines and equipment also delays the removal of the poles itself, which causes a proliferation of aesthetically unpleasant “double wood” or “double Poles” along roadways. This Village Board also finds that local governments have the authority to regulate their roads and rights-of-way to protect the public. Therefore, the purpose of this local law is to require utilities that use Village roads, streets and rights-of-way to promptly remove the plants, cables, wires, equipment, terminals and old and damaged poles and to further require the prompt removal of double poles.

Section 158-13 Definitions.

As used in this chapter, the following shall have the meanings indicated:

**Dangerous/Damaged Pole**—any utility pole that is structurally compromised due to weather, a traffic incident, and/or age, and poses a potential threat to public safety.

**Double Pole**—Any damaged and/or old utility pole which is attached or in close proximity to a new utility pole.

**Plant**—The cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other communication services.

**Public Utility**—Any corporation, authority or other entity that provides electric, telephone, cable television, or other telecommunications service to the residents of the Village of Port Washington North.

**Utility Pole**—A column or post used to support service lines for a public utility.

Section 158-14 Permit requirements.

A. No person, corporation or entity shall place or erect any pole for any purpose on any Village of Port Washington North street, roadway or right-of-way or change the location of any existing pole on any Village street, roadway or right-of-way without first having obtained a permit from the Port Washington North Building Department.

B. Application for a permit under this section shall be made upon a form to be provided by the Village of Port Washington North and upon a payment of a permit fee of $200.00.

Section 158-15 Notification and Time Frame for removal.

A. When the Village of Port Washington North issues a permit for the installation of a utility pole which is directly next to or in close proximity to another utility pole on a Village street, road or right-of-way, the applicant shall have 30 days to remove the damaged or double pole following the installation of the new utility pole. Failure to do so may result in penalties as provided for in the Chapter.

B. When the Village of Port Washington North determines that a utility pole in a Village road, street or right-of-way is damaged and poses a threat to public safety, the Village shall notify the public utility with a plant on the damaged pole that it must remove its plant from the pole and remove the damaged pole or be subject to a penalty as provided in this article. A public utility must remove its plant from the damaged pole, any other plants affixed to the damaged pole, and the damaged pole itself within 15 days of receiving such notification from the Village of Port Washington North.

C. When the Village of Port Washington North determines that a double pole is in a Village road, street or right-of-way, the Village shall notify the public utility which has its plant on the double pole that such plant must be removed within 30 days or be subject to a penalty pursuant to this Article. Upon removal, each subsequent public utility with
plant on a double pole will have 30 days to remove such plant from the date it receives notification from the Village of Port Washington North.

D. After all plants have been removed from the double pole, the public utility which owns the double pole shall remove said pole within 30 days, or be subject to a penalty pursuant to this article. In the event it cannot be determined who owns the double pole then in such instance the last utility to remove its plant is responsible for removing the double pole within 30 days. This provision shall not nullify or limit any private agreement between and among public utilities that assign responsibility for pole removal.

Section 158-16 Penalties for Offenses.

A. Any person, firm, corporation or public utility convicted of a violation of the provisions of this chapter shall be guilty of a violation, for a first conviction, punishable by a fine not exceeding $500.00; for a second or subsequent conviction, punishable by a fine not exceeding $1000.00. Every day that the violation continues shall be deemed a separate offense.

B. In addition to the penalties provided above, any person, firm, corporation or public utility that violates the provisions of this chapter shall be subject to a civil penalty not to exceed $500.00 for each such violation. Every day that the violation continues shall be deemed a separate violation.

C. If a person, firm or corporation or public utility violates the provisions of this chapter, the Village of Port Washington North may authorize its attorney to commence an action in the name of the Village of Port Washington North in a court of competent jurisdiction seeking any remedy provided by law or equity, including any civil and/or injunction proceeding necessary to enforce compliance and/or enjoin noncompliance with this chapter. Such action may seek to remove the damaged poles and or double poles, or to remove plants from such poles, the imposition of civil penalties is authorized by this chapter, the recovery of costs of the action and other remedies as may be necessary to prevent or enjoin a dangerous condition from existing on a Village street, roadway or right-of-way.

Section 158-17 Applicability

A. This chapter shall apply to all utility poles located on any Village road, street, or right-of-way, and to all utility poles installed hereinafter.

B. The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations; and nothing in this chapter shall be deemed to abolish impair supersede or replace existing remedies of the Village or existing requirements of any other applicable state or local laws, ordinances, codes or regulations. In case of conflict between any provision of this chapter and any applicable state or local law the more restrictive or stringent provision or requirement shall prevail.

Section 158-18 Severability

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, then such order or judgment shall not affect impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its specific application.

Section 158-19 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

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

2. Clerk

A. Minutes

On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of December 6, 2017 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.
B. Tentative Assessment Roll

Clerk Torrisi reported that she, as the Assessor of the Village of Port Washington North, has completed the Assessment Roll of the Village of Port Washington North for the year 2018, and that a copy thereof has been filed with the Village Clerk on February 1, 2018. On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the Board of Trustees acting as the Board of Assessors have completed and accepted the Assessment Roll of the Village of Port Washington North for the year 2018, that a copy thereof has been filed with the Village Clerk on February 1, 2018, and that a legal notice shall be published stating that the Assessment Roll may be seen and examined by any person during business hours at the Village Hall, 3 Pleasant Avenue, Port Washington, New York 11050, until the 20th day of February 2018.

C. Clerk’s Tax Return

Clerk Torrisi submitted to the board a written report of taxes for the year June 1, 2017 to May 31, 2018 assessed against various properties in the Village which are unpaid and past due. On motion of Trustee Malatino, seconded by Trustee Scheff, the following resolution was unanimously adopted:
WHEREAS the Village Clerk on the 1st day of February 2018 did return and file an account of unpaid taxes to this Board for the year 2017, to wit:

VILLAGE OF PORT WASHINGTON NORTH
CLERK’S TAX RETURN
2017 TAXES
FEBRUARY 1, 2018

<table>
<thead>
<tr>
<th>Year</th>
<th>Assessed To</th>
<th>Section</th>
<th>Block</th>
<th>Lot</th>
<th>Unit</th>
<th>$ Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Franklin Stainless Corp.</td>
<td>4</td>
<td>J</td>
<td>636</td>
<td></td>
<td>106.22 + Penalties</td>
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<tr>
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<td>545.05 + Penalties</td>
</tr>
<tr>
<td>2017</td>
<td>Lorin &amp; Jon Bogensberger</td>
<td>4</td>
<td>115</td>
<td>13</td>
<td></td>
<td>1,419.93 + Penalties</td>
</tr>
<tr>
<td>2017</td>
<td>Ange Zurich</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td></td>
<td>26.55 + Penalties</td>
</tr>
</tbody>
</table>

County of Nassau )
State of New York ) ss:
I, Palma Torrisi, Clerk of the Village of Port Washington North, Nassau County, New York, do hereby certify that the foregoing is a true and correct statement of the Tax Return of the Village of Port Washington North for the 2017 tax year as of February 1, 2018. Witness my hand and official seal of the said Village this 1st day of February 2018.

Seal
Palma Torrisi, Village Clerk

WHEREAS the Board of Trustees, at a meeting at the Village Hall in the Village of Port Washington North on the 7th day of February 2018 did examine such account and did compare it with the original tax rolls and did therefore certify to the effect that they found it to be correct, a copy of which certification is affixed hereto; and WHEREAS from the account of unpaid taxes returned by the Clerk of the Village of Port Washington North, New York, to this Board for the year 2017, the following taxes still remain due and unpaid after diligent efforts have been made to collect the same, to wit:

<table>
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<td></td>
<td>26.55 + Penalties</td>
</tr>
</tbody>
</table>
NOW, THEREFORE, BE IT RESOLVED that this Board, pursuant to Article 14 of the Real Property Tax Law of the State of New York, determines to collect the amount of such unpaid taxes levied or assessed for the year 2017 by a tax sale in the manner and after the form and requirements as provided and prescribed by said Article, and completed subsequent to the 20th day of March 2018, but not later than June 30, 2018, in accordance with Section 1452, subdivision 4, of the Real Property Tax Law; that a copy of this resolution, certified by the Clerk shall be transmitted forthwith to the Treasurer of the Village with the account, affidavit and certificate of such unpaid taxes, and that the Village Treasurer, upon receiving such account of unpaid taxes and a certified copy of this resolution, be and hereby is authorized and directed to cause to be published in the official newspaper of the Village, once each week for three consecutive weeks, a list as shown in the tax roll with the amount of the tax, interest, fees and charges thereon, excepting therefrom such parcels of property on which the Village holds and owns one or more unredeemed certificates of tax sale; and also a notice that said real estate will, on a day to be determined by said Village Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Treasurer, to discharge the tax, interest, fees and charges aforesaid, which may be due thereon at the time of such sale, and that the said Village Treasurer, at the time and place specified in said notice proceed with the sale of said real estate upon which such taxes are unpaid, as set forth above, and continue the same from day to day until the sale is completed; that such real estate shall be sold subject to any unpaid assessments thereon levied by the Village of Port Washington North and also subject to any unpaid tax liens purchased and held by the Village; and

BE IT FURTHER RESOLVED that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for any amount sufficient to pay the said tax, interest, fees and charges, the said premises shall be deemed to have been sold to and purchased by the said Village of Port Washington North.

State of New York )
County of Nassau  ) ss:

We the undersigned, constituting the Board of Trustees of the Village of Port Washington North, hereby certify that we have compared the foregoing return and account of taxes for the year 2017, as submitted by the Village Clerk, with the original tax roll for the Village for the year 2017, from which such account was transcribed and find it to be correct.

____________________________
Robert Weitzner, Mayor

____________________________
Michael Malatino, Trustee

____________________________
Sherman Scheff, Trustee

Sworn to before me this 7th day of February 2018

____________________________
Palma Torrisi, Notary Public

State of New York )
County of Nassau  ) ss:

I, Palma Torrisi, Clerk of the Village of Port Washington North, Nassau County, New York, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of Trustees of the Village of Port Washington North at a regular meeting of said Board held on February 7, 2018 at which a quorum was present. Witness my hand and official seal of the said Village this 7th day of February 2018.

SEAL

____________________________
Palma Torrisi, Village Clerk
D. Village Election

1. On motion of Trustee Scheff, seconded by Trustee Malatino, the following resolution was unanimously adopted:
WHEREAS, the Village Clerk, as election officer of the Village of Port Washington North, has attempted to obtain the names of six residents of the Village of Port Washington North who would qualify to hold the office of Inspector of Election, in accordance with the election Law of the State of New York; and
WHEREAS, the Village Clerk has not been able to find six persons who reside within the Village of Port Washington North who reside within the Village of Port Washington North and who meet the requirements to be appointed as Inspectors of Election as specified in the Election Law and who are willing to serve as such;
NOW, THEREFORE, BE IT RESOLVED that the requirement that Inspectors of Election of the Village of Port Washington North reside within the Village of Port Washington North, is hereby amended pursuant to Village Law Section 3-300 to provide that this Board of Trustees is hereby authorized to appoint any resident of the county of Nassau, who is otherwise duly qualified to act as an Inspector of Election, to act as an Inspector of Election for the Village of Port Washington North for the Village of Port Washington North’s 2018 General Election.

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

2. On motion of Trustee Malatino, seconded by Trustee Scheff, it was
RESOLVED that Maria D’Urso, Judith Epstein, Theodore Knopp, Mary Lardner and Margaret Malanga be and hereby are appointed Inspectors of Election for the next General Village Election, that Janet Knopp and Stanley Strauss be and hereby are appointed Alternate Inspectors of Election, and that said Margaret Malanga be and hereby is appointed Chairperson of said Inspectors; and
BE IT FURTHER RESOLVED that said Inspectors and Alternate Inspectors, except for the Chairperson, shall be compensated at the rate of $175.00 per day and that said Chairperson shall be compensated at the rate of $200.00 per day; and
BE FURTHER RESOLVED that the Inspectors of Election of the Village of Port Washington North shall prepare the Register of Voters for the General 2018 Election of the Village of Port Washington North on March 15, 2018 at the Village Hall, 3 Pleasant Avenue, Port Washington, New York, commencing at 9:00 a.m.

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

3. Treasurer

A. Abstract of Vouchers
On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #194, totalling $63,306.97, and the Trust & Agency Abstract of Vouchers #140, totalling $1,941.40, be waived and that they be and hereby are approved as prepared by Treasurer Bella.

B. Budget Report
On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously RESOLVED that the Budget Report as of January 31, 2018, showing the General Fund Balance to be $1,431,191.69 and the Trust & Agency Fund Balance to be $0.00, and the modifications contained therein, be and hereby are accepted as prepared by Treasurer Bella.

C. Trustee Scheff stated that he reviewed the bank statement reconciliations for December 2017.
4. Reports

A. Public Works

On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously
RESOLVED that the Public Works Department report for the month of January 2018
be and hereby is accepted as submitted by Superintendent Novinski.

B. Building Department

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously
RESOLVED that the Building Department report for January 2018 be and hereby is
accepted as submitted by Superintendent Barbach.

C. Emergency Management

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously
RESOLVED that the Emergency Management report for the month of January 2018
be and hereby is accepted as presented by Commissioner Kaplan.

D. Justice Court

The Board accepted the Justice Court report for the month of December 2017.

5. Business

A. On motion of Trustee Scheff, seconded by Trustee Malatino, it was
unanimously
RESOLVED that Wayne Wink be appointed as Registrar of Vital Statistics and
Eileen Kraneburg as Deputy Registrar of Vital Statistics for the Village of Port
Washington North for terms to commence January 1, 2018 and expire December
31, 2021.

B. On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously
RESOLVED that the meeting be and hereby is adjourned at 8:30 p.m.

Palma Torrisi, Village Clerk
Grievance Day for the Village of Port Washington North was convened on Tuesday, February 20, 2018 at 10:00 a.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York. The Assessor and the Board of Trustees, sitting as the Board of Assessment Review, met for the purpose of hearing complaints in relation to assessments for the year 2018. No complaints were received. At 2:00 p.m., there being no further business, Grievance Day was adjourned.

Palma Torrisi, Village Clerk

A Special Meeting of the Board of Trustees of the Village of Port Washington North was held on Thursday, February 22, 2018 at 6:00pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present: Mayor - Robert Weitzner
        Trustees - Steven Cohen
                  - Michael Malatino
                  - Sherman Scheff

Excused: Trustee Kepke

1. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North enter into a contract with Hummingbird Web Design LLC for website development for the computer kiosk in Bay Walk Park for a cost not to exceed $4,000.00, and as more particularly set forth in the written agreement, specifications and fee schedule dated February 23, 2018 [sic].

2. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village Treasure is hereby directed to make a budget modification to increase the computer hardware/software line by the amount of $5,000.00.

3. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the expenditure of $2,000.00 for the first payment to Hummingbird Web Design LLC for website development is hereby approved, and that the payment will appear on the March 2018 abstract of vouchers.

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 6:15 p.m.

Robert Weitzner, Acting Secretary