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|----------|----------|---|-------------------|
| Present: | Mayor    | - | Robert Weitzner   |
|          | Trustees | - | Steven Cohen      |
|          |          | - | Daria Hoffman     |
|          |          | - | Michael Malatino  |
|          |          | - | Michael Schenkler |
|          | Attorney | - | Stephen Limmer    |
|          | Clerk    | - | Palma Torrisi     |

1. Clerk

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meetings of September 6, 2006 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. On motion of Trustee Schenkler, seconded by Trustee Cohen, 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 20, 2007 for the following terms:

- |         |             |
|---------|-------------|
| Mayor   | - Two Years |
| Trustee | - Two Years |
| Trustee | - Two Years |

2. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the Abstract of Vouchers #55, totaling \$81,604.77, and the Abstract of Trust & Agency Vouchers #22, totaling \$556.99, be waived and that it be and hereby are approved as prepared by Treasurer Stack.

B. On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Budget Report as of August 31, 2006, showing the General Fund Balance to be \$2,690,874, and the Trust & Agency Fund Balance to be \$55,563, be and hereby is accepted as prepared by Treasurer Stack.

C. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board authorizes a budget modification to increase the monies for storm drains from \$20,000 to \$26,000 by moving \$6,000 out of the contingency fund.

3. Reports

A. Building Department

1. On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Building Department report for October 2006 be and hereby is accepted as presented.

2. The Board directed the Building Department to have Mill Pond Acres inspected for parking lot drainage and for an exposed pipe at an overflowing storm drain near the complex's entrance.

C. Environmental Commission

On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Environmental Commission report for the month of October 2006 be and hereby is accepted as presented by Robert Keane.

4. Business

A. Discharge & Appointment of Superintendent of Public Works

Mayor Weitzner announced that he has discharged Daniel LoMonte as Superintendent of Public Works and has appointed Ronald Novinski as Superintendent of Public Works to fill the remainder of the term, said term to expire April 2007.

Mayor Weitzner administered the oath of office to Mr. Novinski.

B. Appointment of Special Prosecutor

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that Alan Nelson be and hereby is appointed as Special Prosecutor of the Village of Port Washington North for a term of one official year, said year to expire April 2007; this appointment shall not preclude the utilization of an attorney from the firm of Ackerman, Levine, Cullen, Brickman & Limmer LLP in the event that Mr. Nelson has a conflict or for some other reason cannot prosecute a particular matter; and be it further RESOLVED that the rate of compensation for the position of Special Prosecutor for the Village shall be \$92.00 per hour.

Mayor Weitzner administered the oath of office to Mr. Nelson.

C. Bill 2 of 2006 - Notices of Tax Sales & Notices to Redeem

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Board of Trustees will hold a public hearing with regard to the proposed adoption of Bill 2 of 2006, a proposed local law amending certain provisions of the Village Code with regard to Notices of Tax Sales and Notices to Redeem, for the 27<sup>th</sup> day of November 2006 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

D. Bill 3A of 2006 - Limiting the Size of Restaurants

Deputy Mayor Schenkler introduced Bill 3A of 2006, a proposed local law amending certain provisions of the Code of the Village of Port Washington North to Limit the Size of Restaurants. A copy of the bill was delivered to each of the members of the Board of Trustees. The Mayor also presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Schenkler, seconded by Trustee Cohen, the following resolution was unanimously adopted:

WHEREAS Bill 3A of 2006, amending certain provisions of the Code of the Village of Port Washington North to limit the size of restaurants, has been submitted to the Board of Trustees for its consideration; and

WHEREAS a short environmental assessment form has been submitted on behalf of the Village; and

WHEREAS the members of the Board have carefully reviewed said assessment form; and

WHEREAS the subject bill concerns the legislative action of this Board;

NOW, THEREFORE, BE IT RESOLVED that this Board hereby designates itself as the lead agency for environmental review with regard to the adoption of the proposed local law

E. Bill 4B of 2006 - Amending Set Backs from Shore Road

Deputy Mayor Schenkler introduced Bill 4B of 2006, a proposed local law to regulate take-out food restaurants and delivery vehicles within certain areas of the Village of Port Washington North. A copy of the bill was delivered to each of the members of the Board of Trustees. The Mayor also presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Schenkler, seconded by Trustee Hoffman, the following resolution was unanimously adopted:

WHEREAS Bill 4B of 2006, to regulate take-out food restaurants and delivery vehicles within certain areas of the Village of Port Washington North, has been submitted to the Board of Trustees for its consideration; and

WHEREAS a short environmental assessment form has been submitted on behalf of the Village; and

WHEREAS the members of the Board have carefully reviewed said assessment form; and

WHEREAS the subject bill concerns the legislative action of this Board;

NOW, THEREFORE, BE IT RESOLVED that this Board hereby designates itself as the lead agency for environmental review with regard to the adoption of the proposed local law and this Board determines that the proposed local law is an unlisted action as determined by the Commissioner of the Department of Environmental Conservation, and that it will not have an adverse impact on the environment, and sets a public hearing with regard to the proposed adoption of this local law for the 27<sup>th</sup> day of November 2006 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

F. Park Maintenance Contract

Clerk Torrissi reported that the following bid was received by 12:00 noon on October 10, 2006 for the Park Maintenance contract:

	<u>2006/7</u>	<u>2007/8</u>
Robert E. Keogh Inc.	\$5,750.	\$6,000.

Superintendent Novinski recommended Robert Keogh as the lowest responsible bidder. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Park Maintenance contract for 2006/7 and 2007/8 be and hereby is awarded to Robert E. Keogh Inc., as the lowest responsible bidder, in accordance with its bid submitted on October 10, 2006.

G. Local Safe Streets & Traffic Calming Project

Clerk Torrissi reported that the following bid was received by 12:00 noon on October 5, 2006 for the Shore Road Traffic Calming & Pedestrian Improvements contract:

New York Paving Inc.	\$333,901.50
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Mayor Weitzner recommended New York Paving Inc. as the lowest responsible bidder. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the Shore Road Traffic Calming & Pedestrian Improvements contract be and hereby is awarded to New York Paving Inc., as the lowest responsible bidder, at a cost not to exceed \$333,901.50 and in accordance with its bid submitted on October 5, 2006.

H. Fire Protection & Emergency Medical Service

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously

## I. Allocation of Settlement Fees – La Piccola Liguria

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

WHEREAS La Piccola Liguria has made application to the Zoning Board of Appeals of the Village of Port Washington North and, with regard to said application, has an accumulated balance of \$8,282.86; and

WHEREAS the principals of La Piccola Liguria, V&S Realty, Inc., as the corporate owner, and Jack Santomauro and Vittorio Raimondo as the principals thereof, on behalf of La Piccola Liguria have previously paid to the Village the sum of \$48,333.09, pursuant to an escrow agreement, in order to off-set certain other costs and expenses of the Village with regard to the operation of La Piccola Liguria, which was voluntarily made by said principals on behalf of La Piccola Liguria, and not otherwise required to be paid to the Village; and

WHEREAS La Piccola Liguria is now challenging and denying its obligation to pay the aforesaid balance of \$8,282.86 on various grounds, including, but not limited to, the ground that it was its understanding, and that of its aforesaid principals, that said \$48,333.09 included the subject \$8,282.86; and

WHEREAS La Piccola Liguria is willing to settle the matter by paying to the Village the sum of \$5,000.00 and receiving a credit against the difference of \$3,282.86 from the aforesaid payment of \$48,333.09; and

WHEREAS La Piccola Liguria, in good faith expectation that its said settlement offer will be accepted by the Board of Trustees, has already deposited with the Village, in good faith, the sum of \$5,000.00, to be used in fulfillment of its obligation under such settlement, if such settlement is approved by the Board of Trustees; and

WHEREAS the Board of Trustees finds that it is in the best interest of the Village to enter into a settlement of said outstanding bill with La Piccola Liguria in order to save extensive litigation costs and the inherent unpredictability of litigation;

NOW THEREFORE BE IT RESOLVED that the receipt by the Village of the sum of \$5,000.00 from La Piccola Liguria toward its outstanding balance of \$8,282.86 for its application to the Village's Zoning Board of Appeals is hereby acknowledged, the Village does hereby credit the balance of \$3,282.86 against the \$48,333.09 sum previously paid to the Village on behalf of La Piccola Liguria, and declares that, therefore, there is no remaining balance owed by La Piccola Liguria to the Village for its said application to the Village's Zoning Board of Appeals.

## J. Danaher Property – Memorandum of Understanding

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Village of Port Washington North enter into an Memorandum of Understanding with the Town of North Hempstead set forth as follows:

WHEREAS, the Parties believe that it is in the best interests of the health and welfare of their respective residents to have the four properties in Port Washington, Town of North Hempstead, Nassau County, New York, identified below, and hereinafter referred to, collectively, as the "Properties", acquired for public park, village hall, and/or other municipal purposes:

- 2 Channel Drive, also known as Section 4, Block J, Lot 690 on the Nassau County Land and Tax Map (the "Tax Map");
- certain real property along Channel Drive known as Section 4, Block 123, Lots 8, 44A, 44C, and 49 on the Tax Map;
- certain real property along Channel Drive known as Section 4, Block 123, Lot 51 on the Tax Map; and
- 1 Pleasant Avenue, also known as Section 4, Block 123, Lot 21 on the Tax Map; and

WHEREAS, pursuant to Resolution No. 537-2006, duly adopted by the Town Board at its meeting held on October 24, 2006, the Town has expressed an interest in working cooperatively with the Village and the County of Nassau in acquiring that portion of the Properties consisting of Section 4, Block 123, Lots 21, 44A, and 44C, and the unimproved portion of the Section 4, Block 123, Lot 49 consisting of approximately one acre and located between the eastern curb line of Channel Drive and the manufacturing facility on said Lot 49 (collectively, the "Property of Interest to the Town"); and

WHEREAS, the County has allocated \$600,000 in bonds issued pursuant to the County Environmental Bond Act (the "Bond Proceeds") towards the acquisition of the Properties by one or both of the Parties (the "Acquisition"); and

WHEREAS, the Parties desire to execute this Memorandum to assure that the County will continue to set the Bond Proceeds aside to partially fund the Acquisition;

NOW THEREFORE, the following understanding between the Parties is hereinafter set forth:

1. The Village shall use its best efforts to
  - enter into a formal contract to acquire the Properties as soon as possible, but hopefully not later than within the next six months.
  - close title pursuant to the said contract to acquire the Properties (the "Closing") as soon as possible, but hopefully not later than within one year from the execution of the contract.
2. The Town represents to the Village and the County that it is interested in working cooperatively with them to acquire the Property of Interest to the Town. Such interest is significantly conditioned upon the County's setting aside of the Bond Proceeds to partially fund the Acquisition.
3. At the Closing, the Village will use its best efforts to have the County provide the Bond Proceeds to use to pay part of the Village's portion of the sales price for the Acquisition.

#### K. Storm Drains

Mayor Weitzner announced that prices for the cleaning of storm water inlets had been received from E. Cook Industries Inc., Dejana Industries Inc. and the Town of North Hempstead. The Mayor stated that the proposal submitted by Dejana Industries Inc. contained the lowest price. On motion of Mayor Weitzner, it was unanimously

RESOLVED that Dejana Industries Inc. be and hereby is engaged to provide Storm Water System Cleaning Services for 2006/7 at a cost not to exceed \$19,000, as more particularly set forth in its proposal dated October 23, 2006.

#### 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 a personnel issue and contract negotiations.

On motion of Trustee Hoffman, seconded by Trustee Malatino, it was unanimously RESOLVED that the executive session be closed and that the regular meeting be reconvened.

Mayor Weitzner announced that no action was taken during the Executive Session.

#### 6. Business (continued)

On motion of Trustee Cohen, seconded by Trustee Malatino it was unanimously RESOLVED that the meeting be and hereby is adjourned at 11:15 p.m.

Palma Torrisi, Village Clerk