

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Wednesday, **June 26, 2019** at 7:30pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present: Mayor - Robert Weitzner
Trustees - Steven Cohen
- Matthew Kepke
- Sherman Scheff
Clerk - Palma Torrisi
Attorney - Stuart Besen
Court Reporter - Wendy Silas

Excused: Trustee Malatino

1. Public Hearing: Conditional Use & Site Plan—Bombay Kitchens, 85 Channel Drive

Mayor Weitzner opened the public hearing, duly adjourned from May 22, 2019, to consider the application of Sanjiv Mody, of Ethic Foods Inc., d/b/a/ Bombay Kitchens, as both applicant and owner for 85 Channel Drive, Port Washington, New York (premises designated on the Nassau County Land & Tax Map as Section 4, Block 123, Lots 29 & 30), for a conditional use permit to manufacture and process food products. A stenographic transcript of the public hearing is on file with the Village Clerk. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that, all those present wishing to speak having been heard, the public hearing be closed and that the record remain open for submission of comments for ten days.

2. Clerk

A. Minutes

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of April 17, 2019 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. Tax Lien Sale

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously 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 **2018** 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 **2019** but not later than July 31, **2019** in accordance with Section 1452 subdivision 4 of the Real Property Tax Law; and BE IT FURTHER RESOLVED that pursuant to Section 1452 of the Real Property Tax Law, the Treasurer of the Village of Port Washington North will sell at Public Auction in the manner provided by law on the **30th day of July 2019** at 12:00 noon at the Village Hall, 3 Pleasant Avenue, Port Washington, New York, parcels of real estate to discharge taxes as assessments for the fiscal year ending May 31, **2018**, fees, interest and charges which may be due thereon at the time of such sale.

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

3. Treasurer

A. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously

RESOLVED that the reading of the General Fund Abstract of Vouchers #210, totalling \$124,173.44, and the Trust & Agency Abstract of Vouchers #153, totalling \$1,387.60, be waived and that they be and hereby are approved as presented by Treasurer Bella.

B. Trustee Scheff stated that he reviewed the bank statement reconciliations for May 2019.

4. Reports

A. Public Works

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the report of the Public Works Department for May/June 2019 be accepted as presented by Superintendent Novinski.

B. Building Department

1. On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Building Department report for May 2019 be and hereby is accepted as prepared by Superintendent Barbach.

2. Sign Permit Application – Diwan Bar-Be-Que LLC, 37 Shore Road

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the permit application of Diwan Bar-Be-Que LLC, 37 Shore Road, Port Washington, New York, (premises designated on the Nassau County Land & Tax Map as Section 4, Block 51, Lots 17, 108, 109 & 111) for a 58-inch high by 87-inch long ground sign for Ustad Kabab Bar be and hereby is approved in accordance with the schematic dated 06-12-2019.

C. Emergency Management & Traffic Safety

1. On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the Emergency Management & Traffic Safety reports for the month of May 2019 be and hereby are accepted as presented by Commissioner Kaplan.

2. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees will hold a public hearing on Wednesday, July 22, 2019 at 8:00 p.m. to consider the establishment of a "No Parking" zone, pursuant to Section 4-412, subdivision 3 (9) of the Village Law of the State of New York, on the northerly side of Soundview Drive from a point 122 feet west of the intersection of Soundview Drive and Dock Lane to a point 184 feet west of the intersection of Soundview Drive and Dock Lane.

D. Justice Court

The Board accepted the Justice Court report for May 2019 submitted by Court Clerk Kropacek.

5. Business

A. Eli Lefcowitz

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees hereby ratifies nunc pro tunc the engagement of Eli Lefcowitz as a communications consultant, to be paid at the rate of \$14.00 per hour, commencing June 12, 2019 and ending August 2019.

B. NYS DEC Stormwater Management MS4 Report

Mayor Weitzner announced that the 2018-2019 draft MS4 Annual Report for the Village of Port Washington North was made available for public review on May 15, 2018. The report was made available to solicit comments from the general public on the Village's stormwater management program. The final 2018-2019 MS4 Annual Report was filed on May 31, 2019. The final report is posted on the Village's website and is available for review at the Village Hall. On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the MS4 Annual Report 2018-2019 for the Village of Port Washington North is hereby approved.

C. Concrete Repair & Replacement Contract

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

WHEREAS the Board of Trustees has determined that it is not in the best interest of the Village for the Village to exercise its option to extend the term of the Concrete Repair & Replacement contract for a second year;

NOW, THEREFORE, BE IT RESOLVED that the current contractor for the Concrete Repair & Replacement contract shall be notified that the Village is not exercising its option to extend the term of said contract for a second year, to wit the 2019/2020 term; and be it further

RESOLVED that the invitation for bids for the Concrete Repair & Replacement 2019/20, 2020/2021 and 2021/2022 contract be advertised in the *Port Washington Times* and that the bids be received at the Village Hall by 12:00 noon on Tuesday, July 23, 2019, at which time all bids will be publicly opened and read aloud.

D. Asphalt (Road Repair) Contract

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North hereby exercises its option to extend the contract for Road Repairs (Asphalt) with American Paving & Masonry Corp., for the period September 1, 2019 through August 31, 2020, in accordance with its bid dated June 20, 2017.

E. Port Washington Water District Water Main Agreement

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 designates itself as the lead agency for environmental review with regard to the proposed Water Main Improvements of the Soundview Drive Area, and this Board determines that the proposed action is a Type II Action pursuant to SEQRA 6 NYCRR 617.5 (c)(5)(6), and that it will not have an adverse impact on the environment, and that no further SEQRA review is required.

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village enter into an agreement with the Port Washington Water District for Water Main Improvements of the Soundview Drive Area, and that the Mayor is authorized to sign the Memorandum of Understanding, prepared by D&B Engineers and Architects PC and described as PWWD No. 2019-03.

F. DASNY Grant for Radcliff Avenue Road Improvements

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

WHEREAS the Village desires to undertake a project for Road Improvements to Radcliff Avenue; and

WHEREAS the proposed action involves repaving of existing highways and does not involve new travel lanes; and

WHEREAS the members of the Board have carefully reviewed said proposed project; and

WHEREAS the subject project concerns the action of this Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Port Washington North hereby designates itself as the lead agency for environmental review with regard to the proposed action to repave and repair Radcliff Avenue and this Board determines that the proposed project is a Type II Action pursuant to SEQRA 6 NYCRR 617.5(c)(5), and that it will not have an adverse impact on the environment, and that no further SEQRA review is required.

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

WHEREAS, a project for Road Improvements to Radcliff Avenue (the "Project") is eligible for funding under the State and Municipal Facilities Program of the Dormitory Authority of the State of New York; and

WHEREAS, the Inc. Village of Port Washington North desires to advance the above project by making a commitment of 100% of the State and non-State share of the costs of Construction, Construction Inspection and Construction Supervision;

NOW, THEREFORE, the Board of Trustees of the Inc. Village of Port Washington North, duly convened, does hereby

RESOLVE that the Inc. Village of Port Washington North hereby approves the above-subject Project; and it is hereby further

RESOLVED that the Inc. Village of Port Washington North hereby authorizes the sum of \$127,833.00 to pay in the first instance 100% of the State and non-State share of the cost of Construction, Construction Inspection and Construction Supervision work for the Project or portions thereof; and it is further

RESOLVED that the sum of \$127,833.00 is hereby appropriated pursuant to this resolution and made available to cover the cost of participation in the above Project; and it is further

RESOLVED that in the event the full State and non-State share costs of the Project exceed the amount appropriated above, the Board of Trustees of the Inc. Village of Port Washington North shall convene as soon as possible to appropriate said excess amount immediately; and it is further

RESOLVED that the Mayor of the Inc. Village of Port Washington North be and is hereby authorized, subject to the approval of all terms by counsel, to execute all necessary Agreements, certifications or reimbursement requests for funds from the State and Municipal Facilities Program on behalf of the Inc. Village of Port Washington North with the Dormitory Authority of the State of New York in connection with the advancement or approval of the Project; and it is further

RESOLVED that a certified copy of this resolution be filed with the Dormitory Authority of the State of New York in connection with the Project; and it is further RESOLVED that this resolution shall take effect immediately.

6. Executive Session

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board enter into executive session to discuss proposed tax certiorari settlements with counsel.

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

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

5. Business (continued)

G. Tax Certiorari Settlement

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

WHEREAS there is now pending the Supreme Court, Nassau County, proceedings by the owners of certain real properties within the Village of Port Washington North to reduce the assessed valuations placed on property for Village Tax purposes; and

WHEREAS the Village Attorney recommend that said proceeding be settled in accordance with a written memorandum to the Board dated June 7, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Village Attorney is hereby authorized to settle the following tax certiorari proceeding on the basis indicated:

J & V Realty Associates Inc.
and
V S Realty Corp.

Section 4, Block 48, Lots 39 & 40

<u>Tax Year</u>	<u>Present Assessment</u>	<u>Proposed Assessment</u>	<u>Refund</u>
2007	\$18,400	--	{
2008	\$18,400	--	{
2009	\$18,400	--	{ Lump
2010	\$18,400	--	{
2011	\$18,400	--	{ Sum
2012	\$18,400	--	{
2013	\$18,400	--	{ Settlement
2014	\$18,400	--	{
2015	\$18,400	--	{ of
2016	\$18,400	--	{
2017	\$18,400	--	{ \$10,000.
2018	\$18,400	--	{
2019	\$18,400	--	{
2020	--	\$12,760	

BE IT FURTHER RESOLVED that the Assessor is hereby directed to place the tax year 2020/21 assessment of Section 4, Block 48, Lot 39 upon the Village roll at \$5,825 and the assessment of Section 4, Block 48, Lot 40 upon the Village roll at \$6,935; and BE IT FURTHER RESOLVED that there shall be a three-year moratorium on filing tax certioraris for the aforesaid properties.

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:45 p.m.

Palma Torrisi, Village Clerk