

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Tuesday, **July 18, 2023** at 7:30 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York 11050

Present: Mayor - Robert Weitzner
Trustees - Steven Cohen
- Andrea Scheff
Clerk - Palma Torrisi
Attorney - Stuart Besen
Court Stenographer - Latonia Lewis

Excused: Trustees Kepke and Malatino

1. Public Hearing – Bill 1 of 2023 – Prohibiting Unsanitary Conduct in Public

Mayor Weitzner opened the public hearing, duly advertised in the July 7, 2023 *Port Washington Times*, to consider the adoption of Bill 1 of 2023 Prohibiting Unsanitary Conduct in Public. 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, Trustee Scheff made a motion, seconded by Trustee Cohen, unanimously RESOLVED that the public hearing be closed. Whereupon, the Mayor closed the public hearing. On motion of Trustee Cohen, seconded by Trustee Scheff, it was RESOLVED that Bill 1 of 2023 be and hereby is adopted as **LOCAL LAW 2 of 2023** to read as follows:

Local Law No. 2 of 2023

A LOCAL LAW ESTABLISHING CHAPTER 170-15 THROUGH 170-19 OF THE VILLAGE OF PORT WASHINGTON NORTH VILLAGE CODE PROHIBITING ANY PERSON FROM DEFICATING AND/OR URINATING IN ANY PUBLIC PLACE IN THE VILLAGE OF PORT WASHINGTON NORTH

170-15 Legislative Intent.

The Village of Port Washington North Board of Trustees determines that the peace good order, health, safety and ambience of the Village of Port Washington North has been jeopardized, diminished and eroded in certain areas of the Village of Port Washington North by the careless and unseemly custom and practice of some individuals who engage in human elimination in public and/or private places having no sanitary facilities and/or without the use of any sanitary facilities whatsoever. The Board of Trustees further finds that the continued occurrence of such conduct is detrimental to the health, safety and welfare of the general public, including but not limited to the residents and visitors of the Village of Port Washington North. It is thus the purpose of and intent of the Board of Trustees in creating the following provision to abate, limit and discourage such unhealthy and unsafe conduct.

A. Prohibition.

No person may defecate or urinate in any public place as such term is defined in subdivision one of section 240.00 of the Penal Law and acts amendatory thereto, including but

not limited to public park, garden, sidewalk, dock, or any public place in the Village of Port Washington North, except in a public or private toilet or restroom.

B. Penalties for Offenses.

Any person found guilty of violating this chapter shall be subject to a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00), imprisonment not to exceed fifteen (15) days, or both.

C. If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, 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, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

This Local Law shall take effect immediately upon the filing with the Secretary of State

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

2. Clerk

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the minutes of the meeting of the Board of Trustees of May 9, 2023 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

3. Treasurer

A. On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the Abstracts of General Fund Vouchers #259, totalling \$116,624.18, and Trust & Agency Vouchers #189, totalling \$1,875.05, be waived and that they be and hereby are approved as presented by Treasurer Bella.

B. Treasurer Bella stated that Trustee Scheff reviewed the bank statement reconciliations for May 2023.

4. Reports

A. Public Works

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Public Works Department report for the month of June 2023 be and hereby is accepted as prepared by Superintendent Poole.

B. Building Department

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Building Department report for June/July 2023 be and hereby are accepted as submitted by Superintendent Barbach.

C. Emergency Management & Traffic Safety

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Emergency Management & Traffic Safety report for June 2023 be and hereby is accepted as presented by Commissioner Steven Kaplan.

D. Beautification Commission

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Beautification report for June 2023 be and hereby is accepted as presented by Commissioner Roth.

E. Communications Commission

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Communications report for July 2023 be and hereby is accepted as presented by Commissioner Summa.

F. Justice Court

The Board accepted the Justice Court report for the month of May 2023.

5. Public Comment

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village will have the curb tree in front of the home of Mrs. DiLeo at 119 Radcliff Avenue removed due to continued interference with the premises' sewer line.

6. Business

A. Road Repair (Asphalt) Contract Award

Clerk Torrasi reported that the following bids for the Road Repairs 2023/2024 – 2025/2026 contract were received by 10:00 a.m. on July 17, 2023:

<u>Bidder's Name</u>	<u>2023/24</u>	<u>2024/25</u>	<u>2025/26</u>
Stasi General Contracting LLC	\$4.00	\$4.25	\$4.50

American Paving Inc.	\$3.10	\$3.10	\$3.10
Stasi Brothers Asphalt Corp.	\$4.95	\$4.95	\$4.95
John McGowan & Sons Inc.	\$5.48	\$5.48	\$5.48
Roadwork Ahead Inc.	\$9.00	\$9.50	\$11.00

Mayor Weitzner stated that American Paving Inc. was the lowest responsible bidder. On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village hereby awards the contract for Road Repairs 2023/24 to American Paving Inc., as the lowest responsible bidder, for the period September 1, 2023 through August 31, 2024, in accordance with its bid dated July 13, 2023.

B. Snow Plowing, Sanding & Salting 2023/24-2025/26 Contract

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the invitation for bids for the Snow Plowing, Sanding and Salting of Village Streets and Bay Walk Park 2023/24 to 2025/26 contract be advertised in the *Port Washington Times* and that the bids be received at the Village Hall by 10:00 a.m. on Monday, August 14, 2023, at which time all bids will be publicly opened and read aloud.

C. Road Reconstruction Project Authorization

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North hereby authorizes Posillico Civil Inc., Farmingdale, New York, under the Town of North Hempstead contract for On-Call Services for Milling and Paving Town Roadways, title DPW Project No. 19-01, to perform the 2-inch milling and NYS Type 6 paving of the following roadways in the Village of Port Washington North, upon the recommendation of Superintendent of Public Works Chuck Poole, in accordance with its written proposal dated 6/38/2023 at a cost not to exceed \$372,749.25: Angler Lane, Channel Drive, Marlin Lane, Schooner Lane, Seagull Lane, Smull Place and Waterview Drive; and be it further RESOLVED that the Village Board of Trustees has determined that this action is considered routine and continuing agency administration and management, and that, therefore, this action is a Type II action pursuant to N.Y.C.R.R. part 617.5 (c) (5) and not subject to any further action under SEQRA.

D. Stormwater Management Program Plan – H 2 M

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North hereby engages H 2 M Architects & Engineers to update the Village’s Stormwater Management Program Plan (SWMP) in accordance with its written proposal dated July 14, 2023 at a cost not to exceed \$10,800.00.

E. EPF Grant Application Authorization – Accessible Children’s Playground

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village of Port Washington North applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under the Environmental Protection Fund for the purpose of funding the Port Washington North Accessible Playground and Recreational Facility Project; RESOLVED that the Village of Port Washington North is authorized and directed to accept these grant funds in an amount not to exceed \$500,000.00 for the project described in the grant application; RESOLVED that the Village of Port Washington North is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such Port Washington North Accessible Playground and Recreational Facility Project; RESOLVED that the Village of Port Washington North is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and RESOLVED that the governing body of the municipality delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual who holds the following elected municipal office: Mayor.

F. New York State Deferred Compensation – ROTH Opt In

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North hereby elects to offer the ROTH Contributions provision of the New York State Deferred Compensation Plan to officers and employees of the Village of Port Washington North, effective immediately.

G. Village Gateway Signs

Clerk Torrisi reported that price quotes were solicited from three firms for the fabrication and installation of thirteen Village gateway signs, and that the following estimates were received:

A+ Graphics & Signs Inc.	\$25,473.00
Eclipse Signs & Graphics	\$27,043.47

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village hereby engages A+ Graphics & Signs Inc. to fabricate and install thirteen Village gateway signs in accordance with its written estimate dated 6/12/2023 at a cost not to exceed \$25,473.00.

H. Bay Walk Park Emergency Hydration Station

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

WHEREAS, emergency construction was necessary as the result of an excessive leak in Bay Walk Park; now, therefore, it is

RESOLVED that the Village engages Creative Landscaping by Cow Bay to build a concrete pit and water hook-up with filtration system for a water hydration station in Bay Walk Park in accordance with its written proposal dated 6/29/23 at a cost not to exceed \$3,380.00.

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 8:45 p.m.

Palma Torrisi, Village Clerk