

**BOARD OF TRUSTEES MEETING
INC. VILLAGE OF SANDS POINT
TUESDAY, APRIL 25, 2017**

Present:	Edward A. K. Adler	Mayor
	Katharine M. Ullman	Trustee
	Marc Silbert	Trustee
	Lynn R. Najman	Trustee
	Peter A. Forman	Deputy Mayor
	Daniel Scheyer	Water Commissioner
	Michael Sahn, Esq.	Village Attorney
	John Christopher	Village Attorney
	Liz Gaynor	Village Clerk

Mayor Adler opened the **Regular Meeting** of the Board of Trustees at 8:12 p.m.

The **Minutes** of the meeting held on March 28, 2017 and April 18, 2017 were reviewed. On motion by Trustee Silbert, seconded by Trustee Najman and carried unanimously, the minutes of March 28, 2017 and April 18, 2017 were approved.

The Board received the **Water Commissioner's Report**, which is appended hereto and made a part of the minutes.

Mayor Adler announced that water pumpage during March of 2017 was 8,932,900 gallons pumped vs. 12,632,800 gallons pumped during March of 2016.

The **Treasurer's Report** showing cash balances as of March 31, 2017 was reviewed (copy attached). On motion by Trustee Forman, seconded by Trustee Najman and carried unanimously, the Treasurer's Report was accepted and filed.

Claims as presented on **Abstracts 11A & 11B** for payment in March were reviewed. On motion of Trustee Forman, seconded by Trustee Najman and carried unanimously, the claims as contained on **Abstracts 11A & 11B** were approved for payment. Abstract of Claims is appended hereto and made a part of the minutes.

The Board received **Recommendations of the Building Commissioner** as to Granting of Building Permit Extensions that are appended hereto and made a part of the minutes. On motion of Trustee Najman, seconded by Trustee Silbert and carried unanimously, the Building Commissioner's recommendations were adopted.

The Board received the **Building Department Report of Activity** for the month of March 2017, which showed:

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Building Permits issued – 9
Building Permit Applications filed – 6
Extensions of Building Permits Granted – 26
Tree Removal of Applications Received – 31
Certificates of Occupancy Issued – 5

The Board received the **Justice Court Report** for the month of March 2017, which showed:

Arraignments - 31
Trials - 0
Total Amount Collected - \$53,349.00

Mayor Adler placed on the table for consideration toward **adoption** the **proposed budget and adoption of the tax rate** for the Incorporated Village of Sands Point for the fiscal year beginning June 1, 2017.

Whereupon, Deputy Mayor Ullman proposed the following Resolution and moved its adoption:

RESOLUTION 04252017-01
ADOPTION OF BUDGET JUNE 1, 2017 – MAY 31, 2018
FOR THE INCORPORATED VILLAGE OF SANDS POINT

WHEREAS, the Board of the Incorporated Village of Sands Point having, on March 28, 2017, duly had a public hearing on the budget for the fiscal year commencing June 1, 2017, and having heard all persons desiring to be heard in the matter, and the matter of the budget for such fiscal year having been fully discussed and considered, it is

RESOLVED, that said budget for the Incorporated Village of Sands Point is hereby adopted and established as the annual budget for the fiscal year beginning June 1, 2017 and that such annual budget as so adopted is detailed in the minutes of the proceedings of this Village Board; and be it further

RESOLVED, to adopt the Tax Levy for the fiscal year June 1, 2017 to May 31, 2018, said levy to be at a rate of 442.50 per \$100 of assessed valuation to be levied on a total assessed valuation of the Incorporated Village of Sands Point of \$2,100,837; and be it further

RESOLVED, that the Village Clerk shall prepare and certify as provided by law, duplicate copies of said annual budget hereby adopted, and deliver one of such copies to the Mayor and that she shall present such copy to the Board of Legislators of Nassau

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County as required by law, and that she shall present such copy to the Office of the State Comptroller as required by law.

The motion was seconded by Trustee Silbert. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Resolution 04252017-01 was duly adopted.

Mayor Adler placed on the table for consideration in accordance with the requirements of the Election Law of the State of New York the following resolution to **appoint the Inspectors of Elections for the general Village election to be held on Tuesday, June 20, 2017.**

Whereupon, Trustee Forman proposed the following Resolution and moved its adoption:

**RESOLUTION 04252017-02
GENERAL VILLAGE ELECTION
TUESDAY, JUNE 20, 2017**

WHEREAS, the next General Village Election will be held on Tuesday, June 20, 2017; and

WHEREAS, no person shall be entitled to vote whose name does not appear on the Register of the Inspectors of Election for the Incorporated Village of Sands Point; and

WHEREAS, Inspectors of Election are needed to verify voters; and

NOW THEREFORE, BE IT RESOLVED that the following persons be appointed Inspectors of Election for the Incorporated Village of Sands Point:

Genoveffa Napolitano, 15 Clent Rd, Great Neck, NY
Robin Gershon, 196-59 McLaughlin Ave, Holliswood, NY
Joan Naughton, 826 Pleasant Ave, Westbury, NY
John Keough, 88 Cliff Drive, Hicksville, NY

and be it further

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RESOLVED THAT each shall serve at a compensation of \$200.00 per day; and; be it further

RESOLVED THAT Genoveffa Napolitano be and hereby is appointed as Chairperson of the Inspectors of Election; and be it further

RESOLVED THAT the General Village Election shall be conducted at the Village Hall, 26 Tibbits Lane, Sands Point, New York on Tuesday, June 20, 2017 from 12 noon to nine o'clock in the evening; and be it further

RESOLVED THAT the Village Clerk be and hereby is directed to publish the Notice of Election as required by Election Law of the State of New York in the official newspaper of the Village and to post copies of said Notices in six conspicuous places in the Village, one of which is the Office of the Village Clerk.

The motion was seconded by Trustee Silbert. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Mayor Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Resolution 04252017-02 was duly adopted.

Mayor Adler placed on the table for consideration a **Transfer of Village Funds from the 2016-17 Fiscal Year Budget to the 401(A) Qualified Defined Contribution Program Account for Terminal Pay of Police Officer John R. Nickdow.**

Whereupon, Trustee Forman proposed the following Resolution and moved its adoption:

RESOLUTION 04252017-03
TRANSFER OF VILLAGE FUNDS FROM THE CONTINGENT ACCOUNT TO
401(A) QUALIFIED DEFINED CONTRIBUTION PROGRAM ACCOUNT FOR THE
TERMINAL PAY
OF POLICE OFFICER JOHN R. NICKDOW

WHEREAS, pursuant to the 401(a) Plan Agreement by and between the Village of Sands Point and the Sands Point Police Benevolent Association, dated August 25, 2015 (the "Plan Agreement"), the Village authorized implementation and administration of a 401(a) Qualified Defined Contribution Program to be used to deposit accumulated sick and/or vacation leave, terminal retirement pay, or other incentive payments on behalf of the officers of the Village of Sands Point Police Department; and

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WHEREAS, under the Plan Agreement, the Village is authorized to fund a retiring officer's 401(a) account with the maximum annual contribution permitted by law for up to three (3) years prior to retirement; and

WHEREAS, the maximum annual contribution to a 401(a) Plan account currently permitted under the law is \$54,000.00; and

WHEREAS, as a condition precedent to the funding of the 401(a) account, the retiring officer is required to submit to the Village a Notification of Intention to Retire and a Promissory Note for the amount to be pre-funded on the forms approved by the Village; and

WHEREAS, on March 8, 2016, Police Officer John R. Nickdow of the Sands Point Police Department submitted a Notification to Retire to the Village, setting forth his intention to retire effective December 1, 2018, a copy of which is annexed hereto and made a part hereof; and

WHEREAS, in addition, Police Officer Nickdow has provided the Village with promissory notes in the aggregate amount of \$107,000.00; and

WHEREAS, including the amounts deposited in Police Officer Nickdow's 401(a) account, he is entitled to termination pay in the total amount of \$118,539.84 (the "Termination Pay"), as set forth on the Retirement Compensation Worksheet annexed hereto and made a part hereof; and

WHEREAS, Police Officer Nickdow's Termination Pay is being paid as follows:

- 1) The Village funded \$53,000.00 to Police Officer Nickdow's 401(a) account on May 24, 2016;
- 2) Pursuant to this resolution, the Village is funding an additional \$54,000.00 to Police Officer Nickdow's 401(a) account; and

WHEREAS, the Village's Fund Balance Policy states that where expenditures are incurred for a purpose for which amounts are available in multiple fund balance classifications, the expenditure is to be spent from restricted fund balance first, then unrestricted; and

WHEREAS, the current balance in the Restricted Fund-Reserve for Employee Benefits Accrued Liability is only \$86,423.52; and

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WHEREAS, the Village does not wish to deplete the reserve at this time; and

WHEREAS, the funds for terminal pay are in the 2016/17 Fiscal Year Budget - Contingent Account; and

NOW, THEREFORE, BE IT RESOLVED, that a contribution in the amount of \$54,000.00, constituting a portion of Police Officer Nickdow's terminal pay, is authorized to be drawn from the 2016-17 fiscal year budget and deposited in the 401(A) Qualified Defined Contribution Program Account for Police Officer Nickdow; and

FURTHER RESOLVED that the following budgetary transfer be authorized for this payment:

From: A1990.0400	Contingent Account	\$54,000.00
To: A3120.0482	Police/Retirement 401A	\$54,000.00

The motion was seconded by Trustee Silbert. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Resolution 04252017-03 was duly adopted.

Mayor Adler placed on the table for consideration a **Transfer of Village Funds from the 2016-17 Fiscal Year Budget to the 401(A) Qualified Defined Contribution Program Account for Terminal Pay of Sergeant Christina J. Howes**

Whereupon, Trustee Forman proposed the following Resolution and moved its adoption:

RESOLUTION 04252017-04
TRANSFER OF VILLAGE FUNDS FROM THE CONTINGENT ACCOUNT TO
401(A) QUALIFIED DEFINED CONTRIBUTION PROGRAM ACCOUNT FOR THE
TERMINAL PAY
OF SERGEANT CHRISTINA J. HOWES

WHEREAS, pursuant to the 401(a) Plan Agreement by and between the Village of Sands Point and the Sands Point Police Benevolent Association, dated August 25, 2015 (the "Plan Agreement"), the Village authorized implementation and administration of a 401(a) Qualified Defined Contribution Program to be used to deposit accumulated sick

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and/or vacation leave, terminal retirement pay, or other incentive payments on behalf of the officers of the Village of Sands Point Police Department; and

WHEREAS, under the Plan Agreement, the Village is authorized to fund a retiring officer's 401(a) account with the maximum annual contribution permitted by law for up to three (3) years prior to retirement; and

WHEREAS, the maximum annual contribution to a 401(a) Plan account currently permitted under the law is \$54,000.00; and

WHEREAS, as a condition precedent to the funding of the 401(a) account, the retiring officer is required to submit to the Village a Notification of Intention to Retire and a Promissory Note for the amount to be pre-funded on the forms approved by the Village; and

WHEREAS, on March 31, 2016, Sergeant Christina J. Howes of the Sands Point Police Department submitted a Notification to Retire to the Village, setting forth his intention to retire effective December 1, 2018, a copy of which is annexed hereto and made a part hereof; and

WHEREAS, in addition, Sergeant Howes has provided the Village with promissory notes in the aggregate amount of \$107,000.00; and

WHEREAS, including the amounts deposited in Sergeant Howes's 401(a) account, he is entitled to termination pay in the total amount of \$152,598.67 (the "Termination Pay"), as set forth on the Retirement Compensation Worksheet annexed hereto and made a part hereof; and

WHEREAS, Sergeant Howes's Termination Pay is being paid as follows:

- 1) The Village funded \$53,000.00 to Sergeant Howes's 401(a) account on May 24, 2016;
- 2) Pursuant to this resolution, the Village is funding an additional \$54,000.00 to Sergeant Howes's 401(a) account; and

WHEREAS, the Village's Fund Balance Policy states that where expenditures are incurred for a purpose for which amounts are available in multiple fund balance classifications, the expenditure is to be spent from restricted fund balance first, then unrestricted; and

WHEREAS, the current balance in the Restricted Fund-Reserve for Employee Benefits Accrued Liability is only \$86,423.52; and

WHEREAS, the Village does not wish to deplete the reserve at this time; and

WHEREAS, the funds for terminal pay are in the 2016/17 Fiscal Year Budget - Contingent Account; and

NOW, THEREFORE, BE IT RESOLVED, that a contribution in the amount of \$54,000.00, constituting a portion of Sergeant Howes's terminal pay, is authorized to be drawn from the 2016-17 fiscal year budget and deposited in the 401(A) Qualified Defined Contribution Program Account for Sergeant Howes; and

FURTHER RESOLVED that the following budgetary transfer be authorized for this payment:

From: A1990.0400	Contingent Account	\$54,000.00
To: A3120.0482	Police/Retirement 401A	\$54,000.00

The motion was seconded by Trustee Silbert. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Resolution 04252017-04 was duly adopted.

Mayor Adler placed on the table for consideration a **Transfer of Village Funds from the 2016-17 Fiscal Year Budget to the 401(A) Qualified Defined Contribution Program Account for Terminal Pay of Police Chief Richard P. Lertora.**

Whereupon, Trustee Forman proposed the following Resolution and moved its adoption:

RESOLUTION 04252017-05
TRANSFER OF VILLAGE FUNDS FROM THE CONTINGENT ACCOUNT TO
401(A) QUALIFIED DEFINED CONTRIBUTION PROGRAM ACCOUNT FOR THE
TERMINAL PAY
OF CHIEF RICHARD P. LERTORA

WHEREAS, pursuant to the 401(a) Plan Agreement by and between the Village of Sands Point and the Sands Point Police Benevolent Association, dated August 25, 2015

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(the "Plan Agreement"), the Village authorized implementation and administration of a 401(a) Qualified Defined Contribution Program to be used to deposit accumulated sick and/or vacation leave, terminal retirement pay, or other incentive payments on behalf of the officers of the Village of Sands Point Police Department; and

WHEREAS, under the Plan Agreement, the Village is authorized to fund a retiring officer's 401(a) account with the maximum annual contribution permitted by law for up to three (3) years prior to retirement; and

WHEREAS, the maximum annual contribution to a 401(a) Plan account currently permitted under the law is \$54,000.00; and

WHEREAS, as a condition precedent to the funding of the 401(a) account, the retiring officer is required to submit to the Village a Notification of Intention to Retire and a Promissory Note for the amount to be pre-funded on the forms approved by the Village; and

WHEREAS, on April 14, 2017, Chief Richard P. Lertora of the Sands Point Police Department submitted a Notification to Retire to the Village, setting forth his intention to retire effective May 31, 2019, a copy of which is annexed hereto and made a part hereof; and

WHEREAS, in addition, Chief Lertora has provided the Village with promissory notes in the aggregate amount of \$54,000.00; and

WHEREAS, including the amounts deposited in Chief Lertora's 401(a) account, he is entitled to termination pay in the total amount of \$418,770.00 (the "Termination Pay"), as set forth on the Retirement Compensation Worksheet annexed hereto and made a part hereof; and

WHEREAS, Chief Lertora's Termination Pay is being paid as follows:

WHEREAS, pursuant to this resolution, the Village is funding \$54,000.00 to Chief Lertora's 401(a) account; and

WHEREAS, the Village's Fund Balance Policy states that where expenditures are incurred for a purpose for which amounts are available in multiple fund balance classifications, the expenditure is to be spent from restricted fund balance first, then unrestricted; and

WHEREAS, the current balance in the Restricted Fund-Reserve for Employee Benefits Accrued Liability is only \$86,423.52; and

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WHEREAS, the Village does not wish to deplete the reserve at this time; and

WHEREAS, the funds for terminal pay are in the 2016/17 Fiscal Year Budget - Contingent Account; and

NOW, THEREFORE, BE IT RESOLVED, that a contribution in the amount of \$54,000.00, constituting a portion of Chief Lertora's terminal pay, is authorized to be drawn from the 2016-17 fiscal year budget and deposited in the 401(A) Qualified Defined Contribution Program Account for Chief Lertora; and

FURTHER RESOLVED that the following budgetary transfer be authorized for this payment:

From: A1990.0400	Contingent Account	\$54,000.00
To: A3120.0482	Police/Retirement 401A	\$54,000.00

The motion was seconded by Trustee Silbert. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Resolution 04252017-05 was duly adopted.

Mayor Adler placed on the table for consideration a **recommendation to engage Johnson Control, Inc. to provide a service contract to the Village Club to maintain the pneumatic controls at the Village Club**, a copy of which is appended hereto and made a part of the minutes.

Whereupon, Trustee Najman proposed the following Resolution and moved its adoption:

**RESOLUTION 04252017-06
MAINTENANCE & SERVICE CONTRACT
JOHNSON CONTROLS, INC.
PNEUMATIC SYSTEM
THE VILLAGE CLUB OF SANDS POINT**

WHEREAS, the existing service contract to maintain the pneumatic system at the Village Club is expired; and

WHEREAS, Assistant General Manager Meyveci has requested and received two proposals, copies of which are attached; and

WHEREAS, Club's Operation Committee recommends the proposal of Johnson Controls, Inc., who has submitted the lowest quote, be engaged to provide the service contract; and

WHEREAS, the Board of Trustees has reviewed the proposal and found it acceptable,

NOW, THEREFORE, BE IT RESOLVED, that **Johnson Controls, Inc., 6 Aerial Way, Syosset, NY 1191 be and hereby is engaged to provide pneumatic system services in accordance with their proposal dated April 2, 2017 in the amount of \$3,462.00**, a copy of which is appended hereto and made a part of the minutes.

The motion was seconded by Deputy Mayor Ullman. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Resolution 04252017-06 was duly adopted.

Mayor Adler placed on the table for consideration a **Resolution for Repair of Cart Path and Installation of Walkway at The Village Club of Sands Point.**

Whereupon, Trustee Silbert proposed the following Resolution and moved its adoption:

RESOLUTION 04252017-07
CART PATH REPAIRS
THE VILLAGE CLUB OF SANDS POINT

WHEREAS, the Board of Trustees is devoted to maintaining the Village Club cart paths in a condition of safety for its members and guests; and

WHEREAS, the cart path on hole 15 that runs from the 3rd Green to the 4th Tee needs repair; and

WHEREAS, a new walkway is needed from the Mansion parking lot to the cart path that runs from the 3rd Green to the 4th Tee;

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WHEREAS, three proposals were obtained for the work, copies of which are appended hereto and made a part of the minutes; and

WHEREAS, Club's Operation Committee recommends the proposal of DeNardis Contracting Corp., who has submitted the lowest quote, be engaged to repair the cart paths; and

WHEREAS, the Board of Trustees has reviewed the proposal and finds it acceptable,

NOW, THEREFORE, BE IT RESOLVED, that **DeNardis Contracting Corp., 97 Harbor Road, Port Washington, New York** be and hereby is engaged to perform repairs to the cart path at Hole 15 that runs from the 3rd Green to 4th Tee in the amount of \$3,650.00 and installation of the new walkway from the Mansion parking lot to the cart path in the amount of \$7,430.00 for a total amount of \$12,530.00.

The motion was seconded by Deputy Mayor Ullman. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Resolution 04252017-07 was duly adopted.

Mayor Adler placed on the table for consideration **2017 & 2018 event requests from the Sands Point Preserve Conservancy**; copies of the pending requests are appended hereto and made a part of the minutes. Upon motion by Trustee and seconded by Trustee and carried unanimously the Board approved the following event requests:

2017 Event Requests:

Sunday, July 9th – Wedding – Zamir

Saturday, September 9th – Yoga Festival – One Love Long Island

2018 Event Request:

Friday, June 8th – Wedding - Amar

On roll call:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

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Mayor Adler placed on the table for consideration a request from the Huntington Bicycle Club to hold a charity bicycle tour through the Village on Sunday, July 9, 2017, a copy of the request and details of the tour are appended hereto and made a part of the minutes. A motion was made by Trustee Forman and seconded by Deputy Mayor Ullman and then carried unanimously approving the tour subject to the submission of proper insurance.

On roll call:

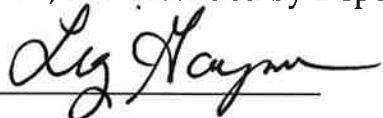
Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Mayor Adler placed on the table for consideration a recommendation from Deputy Water Commissioner Richard Sirow for an adjustment to the April 2017 Water Bill Charge (which includes outstanding August & December 2016 charges plus penalties) for Mark & Stephanie Grossman of 210 Sands Point Road, a copy of the Deputy Commissioner's recommendation is appended hereto and made a part of the minutes. A motion was made by Deputy Mayor Ullman and seconded by Trustee Najman and carried unanimously the Board resolved to approve the reduction of Mr. & Mrs. Grossman's water charge from \$15,747.07 to \$10,418.23, provided the total bill is paid within by May 8, 2017 or the unpaid balance will be applied as a water levy on their 2017/18 tax bill. The vote was as follows:

Mayor Edward A.K. Adler voting	-	aye
Deputy Mayor Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye
Trustee Peter A. Forman voting	-	aye

Mayor Adler announced that the next Board of Trustees' meeting will be held Monday, May 22, 2017.

There being no further business to come before the Board, on motion of Trustee Najman, and seconded by Deputy Mayor Ullman, the meeting ended at 9:15 p.m.



Liz Gaynor
Village Clerk

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