

**BOARD OF TRUSTEES MEETING
INC. VILLAGE OF SANDS POINT
TUESDAY, SEPTEMBER 27, 2011**

Present:	Edward A.K. Adler	Mayor
	Daniel Scheyer	Trustee
	Katharine M. Ullman	Trustee
	Marc Silbert	Trustee
	Lynn R. Najman	Trustee
	Randy Bond	Village Clerk
	Kenneth Auerbach, Esq.	Village Attorney

Absent:	Jean-Marie Posner	Treasurer
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Mayor Adler opened the Public Hearing at 8:05 p.m. to consider a **proposed local law entitled, "Amending Chapter 157 of the Village Code of the Incorporated Village of Sands Point Relating to Tree Removal and Penalties."**

The Mayor announced receipt of the affidavit of publication indicating that the proposed law was published in the Port Washington News on September 15, 2011 and announced receipt of the affidavit of posting, stating that the proposed law was posted on September 15, 2011 in the office of the Village Clerk.

Mayor Adler called for comments of the Public and discussion of the Board regarding the proposed local law for the Incorporated Village of Sands Point.

All those who wished to be heard, having been heard and there being no further call for discussion, on motion of Trustee Scheyer and seconded by Mayor Adler, and carried unanimously the Public Hearing on the proposed local law was closed at 8:07 p.m.

Mayor Adler opened the **Regular Meeting of the Board of Trustees** at 8:10 p.m.

The **Minutes** of the meetings held on August 23, 2011 were reviewed. On motion by Trustee Ullman, seconded by Trustee Najman and carried unanimously, the minutes were approved.

The **Treasurer's Report** showing cash balances as of August 31, 2011 was reviewed (copy attached). On motion by Trustee Silbert, seconded by Trustee Najman and carried unanimously, the Treasurer's Report was accepted and filed.

Claims as presented on **Abstracts 4A & 4B** for payment in September were reviewed. On motion of Trustee Silbert, seconded by Trustee Najman and carried

unanimously, the claims as contained on **Abstracts 4A & 4B** 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 August 2011 which showed:

- Building Permits issued - 9
- Building Permit Applications filed - 6
- Extensions of Building Permits Granted - 26
- Tree Removal of Applications Received - 22
- Certificates of Occupancy Issued - 12

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

Commissioner Scheyer announced that water pumpage during August of 2011 was 57,430,000 gallons pumped versus 75,460,000 gallons during August 2010.

The Board received the **Justice Court Report** for the month of August 2011 which showed:

- Arraignments - 42
- Trials - 0
- Total Amount Collected - \$3,345.00

A written request from the **Port Washington Community Chest re the Thanksgiving Day Run to be held on Thursday, November 24, 2011** was reviewed, a copy of which is appended hereto and made a part of the minutes. On motion of Trustee Silbert, seconded by Trustee Najman and unanimously agreed, the 36th Annual Port Washington Thanksgiving Day Run was approved. The Village Clerk confirmed that the Community Chest of Port Washington had submitted the proper insurance certificates. On vote as follows:

- Mayor Edward A.K. Adler voting - aye
- Trustee Daniel Scheyer voting - aye
- Trustee Katharine M. Ullman voting - aye
- Trustee Marc Silbert voting - aye
- Trustee Lynn R. Najman voting - aye

Placed on the table for consideration towards adoption was proposed **Local Law No. 7 of 2011 entitled, "Amending Chapter 157 of the Village Code of the Incorporated Village of Sands Point Relating to Tree Removal and Penalties."**

A copy of the local law is appended hereto and made a part of the minutes. Whereupon Trustee Silbert moved the adoption of the aforesaid local law, seconded by Mayor Adler and on vote as follows:

Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

Local Law No. 7 of 2011 was duly adopted.

Mayor Adler placed on the table for consideration a recommendation from Lt. Robert Follo of the Sands Point Police Department to purchase a replacement vehicle, 2011 Ford Crown Victoria and an extended pro-warranty contract, installation of graphics and new police equipment at a total cost of \$32,899.72, a copy of which is appended hereto and made a part of the minutes.

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

**RESOLUTION 09272011-01
PURCHASE OF A 2011 FORD CROWN VICTORIA
POLICE PATROL VEHICLE
EXTENDED PRO-WARRANTY CONTRACT
INSTALLATION OF GRAPHICS
REMOVAL AND INSTALLATION OF POLICE RELATED EQUIPMENT
SANDS POINT POLICE DEPARTMENT**

WHEREAS, the Sands Point Police Department is utilizing a vehicle replacement program which projects patrol vehicle mileage and provides a time table for the efficient replacement of police patrol vehicles; and

WHEREAS, one replacement 2011 Ford Crown Victoria will replace one 2008 Ford Crown Victoria (Car #699), VIN #2FAHP71V08X162604 with over 94,400 miles; and

WHEREAS, the 2008 Ford Crown Victoria will be sold at a later date; and

WHEREAS, the Board has reviewed the Lieutenant's recommendation and finds it acceptable; and

WHEREAS, the funds to pay for the vehicles and accessories are included in the 2011/2012 budget;

NOW, THEREFORE, BE IT RESOLVED that the Village Clerk be and hereby is authorized to purchase, under New York State Contract #PC 64839, one 2011 Ford Crown Victoria vehicle from Warnock Automotive Inc. 175 Route 10, East Hanover, NJ 07936 in the amount of \$21,750.20; and be it further

RESOLVED, that Signal 10 will decommission the old vehicle (2008 Crown Victoria) at a cost of \$600.00; and

BE IT FURTHER RESOLVED that Finishing Touch of Bayville will provide and install the Graphics to the Crown Victoria at a cost of \$900.00; and

BE IT FURTHER RESOLVED, that Warnock Parts will provide emergency equipment for the Crown Victoria at a cost of \$4,005.92 under New York State contract #PC62852; and

BE IT FURTHER RESOLVED, that Signal 10 will install the emergency lighting equipment at a cost of \$3,040.; and

BE IT FURTHER RESOLVED, that an extended warranty will be purchased for the new 2011 Ford Crown Victoria for 75,000 miles costing an additional \$2,603.60.

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

Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

Resolution 09272011-01 was duly adopted.

Mayor Adler placed on the table for consideration the **approval of the purchase of grass seed from Nassau Suffolk Turf for the maintenance of the golf course at the Village Club** of Sands Point, a copy of which is appended hereto and made a part of the minutes.

Whereupon Trustee Ullman proposed the following Resolution and moved its adoption:

**RESOLUTION 09272011-02
AUTHORIZING THE PURCHASE OF GRASS SEED
FROM NASSAU SUFFOLK TURF
AT THE**

THE VILLAGE CLUB OF SANDS POINT

WHEREAS, it has been determined by Grounds Superintendent Phil Anderson and Club Manager Ed Ronan that the golf course must be maintained at the highest level; and

WHEREAS, Superintendent Anderson has determined that seed is required to overseed the rough on the course; and

WHEREAS Superintendent sent out four quote requests; and

WHEREAS, the appropriate proposals have been received, copies of which are attached and appended hereto; and

WHEREAS, the funds to pay for these goods and services have been included in the 2011/2012 golf course budget; and

WHEREAS, the Board has reviewed the proposals for the purchase of these goods and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Nassau Suffolk Turf Services, 55B Central Avenue, Farmingdale, NY 11735 are engaged to provide goods in accordance with their proposal dated August 22, 2011, a copy of which is attached and appended hereto.

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

Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

Resolution 09272011-02 was duly adopted.

Mayor Adler placed on the table a request from **Club Manager Ed Ronan to attend the World Conference & Club Business Expo**; a copy of which is appended hereto and made part of the minutes.

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

RESOLUTION 09272011-03 APPROVAL OF ATTENDANCE AT CONFERENCE FOR CLUB MANAGER ED RONAN OF THE VILLAGE CLUB OF SANDS POINT

WHEREAS, it is necessary for golf industry personnel to acquire up to date information on club management, products, and maintenance; and

WHEREAS, Club Manager, Ed Ronan has researched various conferences and has requested that he be allowed to attend the World Conference & Club Business Expo in order to further his knowledge and expertise; and

WHEREAS, the Board has reviewed his request and finds that the conference is important in order to maintain the Village Club at the highest possible level,

NOW THEREFORE BE IT RESOLVED that Club Manager, Ed Ronan be and hereby are authorized to attend the World Conference & Club Business Expo, February, 2012, in New Orleans, LA in an amount no greater than \$5,000.00 in accordance with his request a copy of which is appended hereto and made a part of the minutes.

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

- Mayor Edward A. K. Adler voting - aye
- Trustee Daniel Scheyer voting - aye
- Trustee Katharine M. Ullman voting - aye
- Trustee Marc Silbert voting - aye
- Trustee Lynn R. Najman voting - aye

Resolution 09272011-03 was duly adopted.

Mayor Adler placed on the table a recommendation from Club Manager Ed Ronan to **approve attendance at the PGA National Teaching Summit in Orlando Florida for Golf Pro Ann Obermeyer**, a copy of which is appended hereto and made part of the minutes.

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

**RESOLUTION 09272011-04
APPROVAL OF ATTENDANCE
AT PGA NATIONAL TEACHING SUMMIT
FOR GOLF PRO ANN OBERMEYER
OF THE
VILLAGE CLUB OF SANDS POINT**

WHEREAS, it is necessary for the golf pro to acquire up to date information on golfing and teaching techniques; and

WHEREAS, Club Manager, Ed Ronan has researched various conferences and has requested that his staff be allowed to attend courses to further their knowledge and expertise; and

WHEREAS, the Village Club Commission has reviewed and approved of Golf Pro, Ann Obermeyer's attendance at this teaching summit; and

WHEREAS, the Board has reviewed the request and finds that the conference is essential in order to maintain the Village Club at the highest possible level.

NOW THEREFORE BE IT RESOLVED that the Ann Obermeyer be allowed to attend the LPGA National Teaching Summit from November 13, 2011 to November 15, 2011 in Orlando, FL at a cost not to exceed \$945, as per the request from Club Manager, Ed Ronan dated September 14, 2011.

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

Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

Resolution 09272011-04 was duly adopted.

Mayor Adler placed on the table for consideration a **Settlement Agreement between Jeffrey & Meryl Rosenblum of 30 Forest Drive and the Incorporated Village of Sands Point re a tax certiorari matter for tax years: 2009/10, 2010/11 and 2011/12.** Village tax attorney Dan Baker has recommended settlement in the amount of \$8,000.00; his recommendation and supporting documents are appended hereto and made a part of the minutes. After careful review and upon motion by Mayor Adler and seconded by Trustee Scheyer and carried unanimously the Board agreed upon the settlement amount. On vote as follows:

Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

Mayor Adler placed on the table for consideration a **Resolution Authorizing Execution of a 2nd Amendment to a License Agreement between the Village of Sands Point and T-Mobile Northeast, LLC** for premises located at the Tibbits Lane water tower site.

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

RESOLUTION 09272011-05
AUTHORIZING AMENDMENT NO. 2 TO
LICENSE AGREEMENT DATED OCTOBER 28, 1997 BY AND BETWEEN
THE VILLAGE OF SANDS POINT AND T-MOBILE NORTHEAST, LLC
FOR PREMISES LOCATED AT THE TIBBITS LANE WATER TOWER SITE

WHEREAS, the Village (Licensor) and Omnipoint Communications, Inc., predecessor in interest to T-Mobile Northeast, LLC (Licensee), entered into a License agreement, dated October 28, 1997 for the use of a portion of premises located at the Tibbits Lane Water Tower Site to operate a telecommunications system; and

WHEREAS, the Village and T-Mobile amended the License Agreement in 2003; and

WHEREAS, the term of the License Agreement is set to expire on January 5, 2012; and

WHEREAS, the parties desire to extend the term by providing for five (5) additional renewal terms and to make certain other amendments as substantially contained in a document entitled "Amendment No. 2 to License Agreement", annexed hereto,

NOW, THEREFORE, BE IT RESOLVED:

1) The Mayor be and he is hereby authorized to enter into and execute an Amendment to the 1997 License Agreement, as revised, with T-Mobile Northeast, LLC in substantial conformity with a document entitled "Amendment No. 2 to License Agreement", annexed hereto and made part hereof.

2) Said Amendment shall include five (5) year renewal terms and an annual year-over-year increase of three (3%) percent, amongst other revisions as set forth in the Amendment No. 2 to the License Agreement.

3) T-Mobile Northeast, LLC shall reimburse the Village for reasonable legal fees actually incurred in accordance with the 1997 License Agreement.

4) The License Agreement and First Amendment shall otherwise be and remain in full force and effect.

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

Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

Resolution 09272011-05 was duly adopted.

Trustee & Water Commissioner Scheyer placed on the table correspondence from **Leo & Katharine Ullman of 5 Seacoast Lane seeking a reduction in their water bill for sprinkler usage for the period ending August 2011.** Commissioner Scheyer recommends the reduction due to an unforeseen lightning strike which resulted in a tree falling and creating numerous cracks in the piping of their sprinkler system; a copy of his recommendation is appended hereto and made a part of the minutes. On motion of Trustee Scheyer and seconded by Trustee Silbert and carried unanimously the reduction was approved. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	recused
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

Mayor Adler placed on the table for **consideration a written request from resident Peter Striano of 5 Ariel Court seeking relief from the penalty that levied on his 2011/12 Village tax bill.** It was noted by Village Clerk Randy Bond that New York State Real Property Law §1432 states that "No village officer or employee can waive interest and penalties on real estate taxes received after the due date for any reason." The Board declined the request.

Trustee & Building Commissioner Lynn Najman placed on the table for consideration a **request from Djeto Ivezaj of 10 Shorewood Drive seeking the following: a withdrawal of his permit to erect a shed; a fifty percent refund of the building permit fee and a waiver of any extension fees.** No shed was built. Upon motion of Trustee Najman and seconded by Trustee Ullman and carried unanimously the Board approved the withdrawal; the partial refund of the permit fee and waiver of any extension fee in regards to the shed. On vote as follows:

Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

Mayor Adler placed on the table for consideration to hold a Public Hearing on a **Proposed Local Law to Revise Chapter 72 of the Village Code of the Incorporated Village of Sands Point Relating to Dogs and other Animals**. This matter would be a continuation from a previous public hearing held on July 26, 2011. On motion of Trustee Silbert and seconded by Trustee Scheyer and carried unanimously the Board resolved to **continue the Public Hearing at their October 25, 2011 meeting**. On vote as follows:

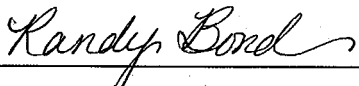
Mayor Edward A.K. Adler voting	-	aye
Trustee Daniel Scheyer voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Trustee Marc Silbert voting	-	aye
Trustee Lynn R. Najman voting	-	aye

The Board received copies of correspondence between residents Paul Bruce **Wright and Arnold Saltzman regarding Shepherds Lane**; copies of which are appended hereto and made a part of the minutes. Mr. Saltzman has been directed by the Village to apply to the Planning Board for an amendment to his subdivision decision and order.

The Board received a letter from the Turf Survey Advisor from the United States Golf Association (USGA). Ed Ronan, General Manager of The Village Club had asked for assistance from the advisor **regarding the golf course layout**. Suggestions were made to take trees down on the green at Hole 11 and to clean up at Hole 14. It was noted that Hole 14 was a landmarked site. Trustee Scheyer inquired the protocol for removal of trees on Club property – response was made that no permit is required. Trustee Lynn Najman suggested that she and Building Inspector Dennis Davison look at the trees on behalf of the Village.

Mr. Richard Albert who was in attendance addressed the Board and spoke about problems with the Long Island Power Authority (LIPA) that occurred during and after Hurricane Irene.

There being no further business to come before the Board, on motion of Trustee Scheyer, seconded by Trustee Silber and carried unanimously, the meeting ended at 8:40 p.m.



Randy Bond, Village Clerk