

**BOARD OF TRUSTEES MEETING
INC. VILLAGE OF SANDS POINT
TUESDAY, OCTOBER 27, 2020**

Present:	Edward A.K. Adler	Mayor
	Katharine M. Ullman	Trustee
	Peter A. Forman	Deputy Mayor
	Jeffrey Moslow	Trustee
	Rita Sethi	Trustee
	Liz Gaynor	Village Clerk
	Daniel Scheyer	Water Commissioner
	Michael Sahn, Esq.	Village Attorney
	Joshua D. Brookstein, Esq.	Village Attorney

At 8:02 p.m. **Mayor Adler closed the Public Hearing on a Proposed Local Law to regulate signage within the Village and tabled the matter** for a future Board meeting.

Mayor Adler opened the **Regular Meeting of the Board of Trustees** at 8:04 p.m.

The **Minutes** of the meeting held on September 15, 2020 and September 29, 2020 were reviewed. On motion by Deputy Mayor Forman, seconded by Trustee Ullman and carried unanimously, the minutes were approved.

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

Commissioner Scheyer submitted that water pumpage during September of 2020 was 58,273,700 gallons pumped vs. 63,800,700 gallons pumped during September of 2019.

Claims as presented on **Abstracts 5A & 5B** for payment in October were reviewed. On motion of Trustee Moslow, seconded by Deputy Mayor Forman and carried unanimously, the claims as contained on **Abstracts 5A & 5B** 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 Sethi, seconded by Trustee Ullman and carried unanimously, the Building Commissioner's recommendations were adopted.

The Board received the **Building Department Report of Activity** for the month of September 2020 which showed:

Building Permits issued – 17

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Building Permit Applications filed – 2
Certificates of Occupancy Issued – 7
Extensions of Building Permits Granted – 32
Tree Removal of Applications Received – 19

The Board received the **Justice Court Report** for the month of September 2020 which showed:

Arraignments – 65
Trials - 0
Total Amount Collected - \$1,078.00

Mayor Adler placed on the table for consideration *in the matter of awarding LOSAP points during COVID-19 pandemic.*

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

**RESOLUTION 10272020-01
PORT WASHINGTON FIRE DEPARTMENT
LOSAP (Length of Service Award Program)
COVID-19 POINTS**

WHEREAS, the Village is one of seven co-sponsors of a Length of Service Award Program (LOSAP) on behalf of the Port Washington Fire Department (Fire Department) in accordance with Article 11-A of the New York State General Municipal Law (GML); and

WHEREAS, in accordance with an Inter-Municipal Agreement signed by each of the seven municipalities that contract with the Fire Department for fire protection, a Municipal Sponsoring Board was created to exercise the powers and duties of a sponsor of a LOSAP as provided in the GML, with members of the Board comprised of a representative from the Village as well as a representative from the other six municipalities; and

WHEREAS, during the COVID-19 pandemic and in response to the Governor's Executive Order 202 of 2020, the Fire Department modified its emergency response protocols and cancelled many events during the period March 13, 2020 to May 31, 2020 (Period); and

WHEREAS, as a result of these modifications and cancellations, active volunteer firefighters will have fewer opportunities to earn points during calendar year 2020,

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making it more difficult to earn the required 50 points to earn the LOSAP benefit for calendar year 2020; and

WHEREAS, the GML has been amended to add § 217(p), which allows a sponsor of a LOSAP to award up to five (5) points per month during the Period, with a pro-rated amount awarded for a partial month, by resolution of the governing board of the sponsoring political subdivision; and

WHEREAS, during a meeting of the Municipal Sponsoring Board, the Fire Department provided a memorandum explaining the events that were cancelled which resulted in firefighters missing an opportunity to earn at least twenty (20) points during the Period; and

WHEREAS, the Memorandum from the Fire Department further requested that the sponsoring municipalities grant five (5) points per complete month for the Period to supplement the cancelled activities; and

WHEREAS, the Village's representative to the Municipal Sponsoring Board has reported that the Municipal Sponsoring Board was in agreement with the Fire Department's request, subject to approval of a resolution of the governing board of each of the seven sponsoring political subdivisions; and

WHEREAS, the Board of Trustees recognizes the selfless contributions made by the membership of the Port Washington Fire Department during the COVID-19 pandemic, and believes it appropriate and necessary to award the requested points for the Period; NOW, THEREFORE BE IT

RESOLVED, that the Board of Trustees approves the granting of five (5) points for each complete month of the Period, pro-rated for the partial months; and be it further

RESOLVED, that based on the Period and the necessary pro-ration for the partial months, each active volunteer firefighter is to be awarded a total of twelve and one-half (12.5) points in 2020, in addition to any points earned by the active volunteer firefighter during calendar year 2020; and be it further

RESOLVED, that the Village Clerk is authorized to provide a copy of this resolution to Firefly Admin Inc, the third-party administrator retained to assist in the administration of the LOSAP, for further dissemination to the Municipal Sponsoring Board and the Fire Department.

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

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Mayor Edward A.K. Adler voting - aye
Trustee Katharine M. Ullman voting - aye
Deputy Mayor Peter A. Forman voting - aye
Trustee Jeffrey Moslow voting - aye
Trustee Rita Sethi voting - aye

Resolution 10272020-01 was duly adopted.

Mayor Adler placed on the table for consideration **Resolution 10272020-02 Authorizing the Execution of Firefly Admin Inc.'s Engagement Letter, dated September 9, 2020, for the purpose of retaining Firefly Admin Inc. ("Firefly") to Administer the existing Defined Benefit Length of Service Award Program for Volunteer Firefighters** of the Port Washington Fire Department. Upon motion of Trustee Moslow and seconded by Deputy Mayor Forman and carried unanimously the Board of Trustees authorized the Mayor to execute the document.

On roll call:

Mayor Edward A.K. Adler voting - aye
Trustee Katharine M. Ullman voting - aye
Deputy Mayor Peter A. Forman voting - aye
Trustee Jeffrey Moslow voting - aye
Trustee Rita Sethi voting - aye

Resolution 10272020-02 was duly adopted.

Mayor Adler announced the **Bid Opening Results for the 2020 Road Improvements Program**, 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 10272020-03
AWARD OF CONTRACT
2020 ROAD IMPROVEMENTS PROGRAM
SHOREWOOD DRIVE AND HOLLOW COURT**

WHEREAS, by Resolution 08252020-03 adopted on August 25, 2020 eleven bids were received for the 2020 Road Improvements Program; and

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WHEREAS, D&B Engineers and Architects, Inc., Village Engineers have reviewed the bids and recommends that the bid be awarded to the lowest responsible bidder; and

WHEREAS, the Board has received and reviewed those bids and concurs with D&B's recommendation,

NOW, THEREFORE, BE IT RESOLVED that **John McGowan & Sons, Inc., 323 Glen Cove Avenue, Sea Cliff, New York 11579** be and hereby is awarded the contract as the lowest responsible bidder for the Improvement of Shorewood Drive and Hollow Court in the amount of \$474,484.00; and,

BE IT FURTHER RESOLVED that the Board authorizes the Mayor to execute the bid contract.

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

Mayor Edward A.K. Adler voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Deputy Mayor Peter A. Forman voting	-	aye
Trustee Jeffrey Moslow voting	-	aye
Trustee Rita Sethi voting	-	aye

Resolution 10272020-03 was duly adopted.

Mayor Adler placed on the table for consideration a **Resolution for the Conversion of the Village Hall heating system from Oil to Gas.**

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

**RESOLUTION 10272020-04
CONVERSION FROM OIL TO GAS
PURCHASE AND INSTALLATION OF A NEW BOILER FOR VILLAGE HALL**

WHEREAS, Superintendent of Water and Public Works, Brian Gunderson has determined that the boiler at Village Hall is unsafe and not working properly and should be replaced; and

WHEREAS, Supt. Gunderson further recommends conversion from oil to gas; and

WHEREAS, proposals were requested from two vendors and two written proposals were received, copies of which are attached and appended hereto; and

WHEREAS, Supt. Gunderson recommends the engagement Plumbing Pro who submitted the lowest proposal; and

WHEREAS, the Board has reviewed the proposal and finds it acceptable;

NOW, THEREFORE, BE IT RESOLVED that **Plumbing Pro, 38 Sintsink Drive East, Port Washington, NY 11050 be and hereby is engaged to convert existing heating system from oil to gas and removal of existing boiler, oil fired water heater, two 275 gallon oil tanks and related equipment in accordance with their proposal in the amount of \$18,050.00.**

BE IT FURTHER RESOLVED that the Board authorizes the Mayor to execute the agreement between Plumbing Pro and the Village.

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

Mayor Edward A.K. Adler voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Deputy Mayor Peter A. Forman voting	-	aye
Trustee Jeffrey Moslow voting	-	aye
Trustee Rita Sethi voting	-	aye

Resolution 10272020-04 was duly adopted.

Mayor Adler placed on the table for consideration a **Resolution to Award Contracts for purchase of chemicals and fertilizer for the golf course and grounds maintenance at The Village Club of Sands Point.**

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

**RESOLUTION 10272020-05
AWARD OF CONTRACTS - VARIOUS VENDORS
FOR PURCHASE OF CHEMICALS & FERTILIZER
GOLF COURSE/GROUNDS MAINTENANCE
FOR THE 2021 SEASON AT THE VILLAGE CLUB OF SANDS POINT**

WHEREAS, seven bids were received per Resolution 09152020-04 adopted on September 15, 2020 for the purchase of chemicals and fertilizer for the 2021 Season of the Village Club of Sands Point; and

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WHEREAS, Grounds Superintendent Ethan Johnson has reviewed those bids and has made recommendation for purchase from several of the vendors, his recommendation is attached and appended hereto; and

WHEREAS, the Club Operations Committee concurs with Supt. Johnson’s recommendations; 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 following vendors are engaged to provide goods in accordance with their proposals, copies of which are attached and appended hereto: All Pro Horticulture; Harrell’s; Nassau Suffolk Turf; Metro Turf; Winfield Solutions; Turf Trade and Plant Food.

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

- Mayor Edward A.K. Adler voting - aye
- Trustee Katharine M. Ullman voting - aye
- Deputy Mayor Peter A. Forman voting - aye
- Trustee Jeffrey Moslow voting - aye
- Trustee Rita Sethi voting - aye

Resolution 10272020-05 was duly adopted.

Mayor Adler placed on the table for consideration a **Request from Club Manager Jeff Shepard for authorization to request bid proposals for the cleanup of the dump area at The Village Club of Sands Point.**

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

**RESOLUTION 10272020-06
 AUTHORIZATION TO
 REQUEST BID PROPOSALS
 FOR CLEANUP OF DUMP AREA
 THE VILLAGE CLUB OF SANDS POINT**

WHEREAS, Club Manager Jeff Shepard has requested authorization to solicit bids for a cleanup of the dump area on Village Club property; and

WHEREAS, the Board approves the request,

NOW, THEREFORE, BE IT RESOLVED, that Village Club is authorized to solicit bids for the aforesaid project.

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

Mayor Edward A.K. Adler voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Deputy Mayor Peter A. Forman voting	-	aye
Trustee Jeffrey Moslow voting	-	aye
Trustee Rita Sethi voting	-	aye

Resolution 10272020-06 was duly adopted.

Mayor Adler placed on the table for consideration a **resolution authorizing the release in the amount of cash bond or of irrevocable letters of credit in connection with the fill application of Lalezarian Sands, LLC.**

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

RESOLUTION 10272020-07

**RESOLUTION RELEASING REMAINING FUNDS IN CONNECTION WITH THE
FILL APPLICATION OF LALEZARIAN SANDS, LLC (the "Applicant") FOR
PREMISES LOCATED AT 35 STERLING LANE, SANDS POINT AND KNOWN
AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS
SECTION 4, BLOCK B, LOTS 93,99,290,291,292, 295 AND 296 (THE "PREMISES")**

WHEREAS, per Resolution 102222019-04 the Board of Trustees approved and directed the Treasurer to release \$350,000.00 of the funds held by the Village and directed the Treasurer to retain the remaining \$50,000.00 as security upon the application of Lalezarian Sands, LLC in consideration of the completion of fill operations on the Premises; and

WHEREAS, the Village Engineer and Superintendent of Village Building Department have inspected the Premises and fill operations are complete; and

WHEREAS, by Resolution of the Board of Zoning Appeals, dated October 19, 2020 directed the Village Clerk to place this matter on the Board of Trustees Agenda for consideration of a Resolution releasing the remaining \$50,000.00 cash bond; and

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WHEREAS, the Board of Trustees has reviewed the request and recommendations,

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves and directs the Treasurer to release the remaining \$50,000.00 of the funds currently being held by the Village as security upon the application of Lalezarian Sands, LLC for the premises known and designated on the Nassau County Land and Tax Map as Section 4, Block B, Lots 93,99,290,291,292, 295 AND 296

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

Mayor Edward A.K. Adler voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Deputy Mayor Peter A. Forman voting	-	aye
Trustee Jeffrey Moslow voting	-	aye
Trustee Rita Sethi voting	-	aye

Resolution 10272020-07 was duly adopted.

Mayor Adler placed on the table for consideration a **Resolution Authorizing the Mayor to Execute a Second Amendment to the KemperSports Professional Services Agreement.**

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

**RESOLUTION 10272020-08
AUTHORIZING THE MAYOR TO FINALIZE AND
EXECUTE A SECOND AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT WITH
KEMPER SPORTS MANAGEMENT, INC., FOR
CONTINUED PROFESSIONAL SERVICES TO THE
VILLAGE CLUB OF SANDS POINT**

WHEREAS, THE VILLAGE OF SANDS POINT (the "Village") and KEMPER SPORTS MANAGEMENT, INC. ("Kemper"), previously entered into a five (5) year agreement to provide professional services to the Village Club of Sands Point, that commenced on February 1, 2014 (the "2014 Professional Services Agreement"); and

WHEREAS, in October 2017, the Village and Kemper executed an amendment to the 2014 Professional Services Agreement (the "First Amended Agreement"); and

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WHEREAS, the First Amended Agreement is set to expire by its terms on October 31, 2020; and

WHEREAS, the Mayor and Board of Trustees have negotiated the principal terms of a three (3) year two (2) month extension to the First Amended Agreement (the "Second Amended Agreement"); and

WHEREAS, the Second Amended Agreement will expire on December 31, 2023; and

WHEREAS, the proposed Second Amended Agreement is fair and reasonable, meets all Village requirements, and is in the best interests of the Village.

NOW, THEREFORE, BE IT RESOLVED, that Board authorizes the Mayor to finalize and execute the Second Amended Agreement with Kemper.

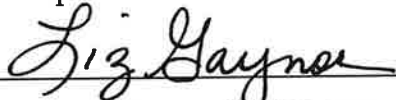
The motion was seconded by Trustee Moslow. On roll call:

Mayor Edward A.K. Adler voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Deputy Mayor Peter A. Forman voting	-	aye
Trustee Jeffrey Moslow voting	-	aye
Trustee Rita Sethi voting	-	aye

Resolution 10272020-08 was duly adopted.

Mayor Adler announced the last two Board of Trustees meetings for 2020 will be held on Tuesday, November 24, 2020 and December 15, 2020.

There being no further business to come before the Board, on motion of Trustee Moslow, seconded by Trustee Ullman and carried unanimously, the meeting adjourned at 8:30 p.m.



Liz Gaynor, Village Clerk