

**THE MINUTES  
FOR THE APRIL 21, 2009  
MEETING OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF NORTHPORT  
MEETING AT 6:00 P.M.**

Present: Trustees, Kehoe, McMullen, Maline and Tobin. Village Attorney James Matthews, Village Clerk Donna Koch, Superintendent Joseph Correia.

Mayor Doll arrived at 7:00 PM.

**ANNOUNCEMENTS:**

**PUBLIC HEARING(S)**

Deputy Mayor Tobin asked the Village Clerk to read the notice of public hearing to wit:

**PLEASE TAKE NOTICE:** that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 21<sup>st</sup> day of April, 2009, to consider the following proposed local law:

**LOCAL LAW "B" OF 2009  
A LOCAL LAW OF  
THE VILLAGE OF NORTHPORT  
TO AMEND CHAPTER 215  
OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

**Section 1. Legislative Intent**

The Board of Trustees finds that amending the Village Code to permit the Police Chief to determine the expiration dates for peddling and solicitation permits issued pursuant to Chapter 215 to coordinate regulation with other applicable laws and regulations will promote the public safety and welfare of the Village residents.

**Section 2. Statutory Authority and Supercession**

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, General Municipal Law and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code and Village Law.

**Section 3. Applicability**

The provisions of this Local Law shall apply as set forth in the amendments.

**Section 4. Amendments**

The code of the Incorporated Village of Northport shall be amended as follows:

## **CHAPTER 215: Peddling and Soliciting**

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### **§215-9 Permit Expiration**

All permits issued under the provisions of this chapter shall expire one year from the date of issuance unless an earlier expiration date is noted on the permit. *The Police Chief may set a fixed termination date for any category of permits if necessary to coordinate regulation and/or enforcement with other applicable laws or regulations. Provided due notice is given to all permit holders, the Police Chief may reduce the length of existing permits if necessary to coordinate regulation and/or enforcement with other applicable laws or regulations. No refunds or pro-rata adjustments of permit fees shall be authorized as a result of any action by the Police Chief under this section.*

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### **Section 5. Severability**

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

### **Section 6. Effective Date**

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Chief Bruckenthal explained that this amendment does not change the intent of the law but allows the permits to start and expire the same time as the Suffolk County permits.

Comments from the Public: None

Comments from the Board : none

### **PRESENTATIONS:**

### **PUBLIC PARTICIPATION:**

Jane Smith of Scudder Ave. addressed the Board to recommend to its residents to stop using fertilizers, which run into our harbors and waterways. Ms. Smith encouraged people to use indigenes plants that don't require any pesticides or fertilizers.

Judy Gorevic, of Bayview Ave. request the Village look into painting a crosswalk across Woodbine Ave. at Scudder Ave. The Board directed Mr. Correia to have the highway install it.

### **COMMISSIONER REPORTS:**

Trustee Maline stated that they have finished the interviews for the sewer plant positions and are interviewing for the position of Treasurer and Deputy Treasurer.

Trustee McMullen reported things are going well with the parks. The Scudder Ave. boat ramp

will be worked on this week if the weather is good. Trustee McMullen also reported that he had spoke in front of the Town of Huntington's Open Space Committee regarding several requests that he had put in for. From there it goes to the engineers in Huntington for review.

Trustee Kehoe stated the outdoor dining has been very well received by the residents and people coming into the Village. The business development committee continues to meet. Two items are the possible modifications of the master plan. It would just be more of a planning study along Main Street. Also interest in a skating rink down in one of the parks is in the very early stages of research and development.

Trustee Tobin stated that the web-site is moving along and the Village has a resolution on tonight's agenda to use Yahoo as the host.

**CHIEF OF POLICE REPORT:**

Chief Bruckenthal reported the Police Boat is in the water. There seems to be concern over abandon boats and the harbor patrol will be on the lookout for such.

**SUPERINTENDENT REPORT:**

1. Replacement of pedestrian signals at Ocean Ave. and Main Street. A resolution was added to tonight's agenda to replace the pedestrian signals at Main And Ocean Avenues.
2. Garbage pickup at James Street. Board members asked this item be placed on the next agenda giving them time to go look at the area in question.

**BOARD APPROVAL OF WARRANT:**

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following bills were approved for payment.

**Fiscal Year 2008/2009 General Fund bills in the amount of \$ 4,813.91**

On the motion of Trustee Maline and seconded by Trustee Kehoe the following bills were approved for payment.

**Fiscal Year 2009/2010 General Fund bills in the amount of \$ 136,620.16**

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following bills were approved for payment.

**Fiscal Year 2008/2009 Capital Fund bills in the amount of \$ 7,312.26**

On the motion of Trustee Kehoe and seconded by Trustee Maline the following bills were approved for payment.

**Fiscal Year 2009/2010 Capital Fund bills in the amount of \$ 12,088.03**

On the motion of Trustee Maline and seconded by Trustee Kehoe the following bills were approved for payment.

**Fiscal Year 2008/2009 Fire Department bills in the amount of \$ 13,921.00**

On the motion of Trustee Maline and seconded by Trustee McMullen the following bills were approved for payment.

**Fiscal Year 2009/2010 Fire Department bills in the amount of \$ 8,594.35**

On the motion of Trustee Kehoe and seconded by Trustee Tobin the Board moved into executive session. 7:10 PM.

On the motion of Trustee Kehoe and seconded by Trustee Tobin the Board moved out of executive session. 8:00 PM.

### **NEW BUSINESS:**

1. Food Shops ~ Trustee Kehoe stated that tonight is the first chance that the Board has gotten to discuss this issue and no decision will be made tonight. Trustee McMullen stated he had some concerns regarding the establishments being exempt of the parking requirements, if they are within 300 feet of a parking area. Trustee Kehoe stated that it would allow pizzerias and delis to allow seating up to 15.

Mr. Matthews explained that as a deli or retail establishment you are require to have one parking space for every two hundred square feet of floor space. Once you become a restaurant you need one parking space for every seventy five square feet of floor space.

Trustee Tobin suggested we not adopt this at all. His concern was that we would be on a slippery slope allowing Main Street to become a one industry town and drive out retail. Retail on Main Street is threatened.

Trustee Kehoe stated there are businesses in the Village struggling, this would allow existing businesses to have a limited expansion of use in very tough economic times.

Trustee Maline questioned Mr. Matthews, if this law would allow for food stuff shops to go into empty stores. Trustee Maline stated the Village needs to proceed with caution.

**OLD BUSINESS:** Trustee Tobin spoke about how the restaurants might delineate the areas of the outdoor dining. Maybe having a line painted on the sidewalk or some other way. It was the consensus of the Board that yes the Village needed a uniformed way of designating their areas.

### **REQUESTS:**

1. Request from Roy Erlandson, (representing Loraine Barker and Ciro Alfieri) for improvements on Village right of way. This request was approved, subject to the following terms, A) Submission of a hold harmless agreement in a form approved by the Village Attorney. B) That the minimum first step set-back, from the edge of the pavement, shall be determined by the Superintendant of Public works.

### **CORRESPONDENCE:**

1. Letter from Sarah Connor regarding planting trees.

### **RESOLUTIONS:**

Mayor Doll was not present during the reading of the resolutions.

The following resolution was postponed to the May 5<sup>th</sup> meeting.

#### **RESOLUTION 2009 – 67 ~ APPROVAL OF THE MARCH 18, 2009 MINUTES**

**WHEREAS:** Copies of the minutes of the March 18, 2009, meeting were sent to the Board for approval, therefore,

**BE IT RESOLVED** that said minutes are approved without reading, at this time.

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following resolution was unanimously approved.

#### **RESOLUTION 2009 – 68 ~ APPROVAL OF THE APRIL 7, 2009 MINUTES**

**WHEREAS:** Copies of the minutes of the April 7, 2009, meeting were sent to the Board for approval, therefore,

**BE IT RESOLVED** that said minutes are approved without reading, at this time.

The following resolution was postponed until the Mayor arrived so that he was able to vote.

On the motion of Trustee McMullen and seconded by Trustee Tobin with Trustee Maline and Kehoe abstaining the following resolution was unanimously approved.

#### **RESOLUTION 2009 – 69 ~ APPROVAL OF THE APRIL 13, 2009 MINUTES**

**WHEREAS:** Copies of the minutes of the April 13, 2009, meeting were sent to the Board for approval, therefore,

**BE IT RESOLVED** that said minutes are approved without reading, at this time.

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following resolution was unanimously approved.

**RESOLUTION 2009-70 LOCAL LAW No. 2 of 2009**

**WHEREAS:** a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 21<sup>st</sup> day of April, 2009, to consider the following proposed local law:

**LOCAL LAW No. 2 OF 2009  
A LOCAL LAW OF  
THE VILLAGE OF NORTHPORT  
TO AMEND CHAPTER 215  
OF THE CODE OF THE VILLAGE OF NORTHPORT**

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

**RESOLUTION 2009 71 ~ SUFFOLK COUNTY STOP DWI CONTRACT**

**BE IT RESOLVED:** that the Board of Trustees of the Village of Northport hereby authorizes the Mayor to execute a contract with the County of Suffolk to participate in the STOP DWI program for calendar year 2009.

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following resolution was unanimously approved.

**RESOLUTION 2009- 72 YAHOO! WEB HOSTING**

**BE IT RESOLVED:** the Village Clerk is hereby authorized to agree to the Yahoo! web hosting terms of service on behalf of the incorporated village of Northport for the purpose of establishing a village website in a form approved by the village attorney.

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following resolution was unanimously approved.

**RESOLUTION 2009 -73 PEDESTRIAN CROSSWALKS**

**BE IT RESOLVED:** Welsbach Electric of Long Island is hereby authorized to remove and replace all pedestrian inserts in the traffic signals at the intersection of Church Street and Main Street at a cost not to exceed \$2,600.00.

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

**RESOLUTION 2009-74 FENCING**

**BE IT RESOLVED:** The Village is hereby authorized to enter into an agreement with Residential Fence Corp. to provide fencing per quote No. Q040908-1 dated 4/18/09 in an amount not to exceed \$6,123.00.

**A RESOLUTION FOR AN EXECUTIVE SESSION:** if necessary, for personnel and/or litigation matters.

The next regular meeting of the Board of Trustees will be May 5<sup>th</sup> , 2009 at 6:00 PM.

Respectfully submitted,

Donna M. Koch,  
Village Clerk