

**THE MINUTES  
FOR THE AUGUST 6, 2009  
MEETING OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF NORTHPORT  
MEETING AT 5:30 P.M.**

A regular meeting of the Board of Trustees was held oat Northport Village Hall.

Present: Mayor Doll, Trustees Kehoe, Maline, McMullen and Tobin, Village Clerk Donna Koch, Superintendant Joseph Correia.

**ANNOUNCEMENTS:**

**PUBLIC HEARING(S)**

**PRESENTATIONS:** Dr. Avrum, Golub, gave a presentation on the MS4 draft annual report and progress the Village has made towards compliance. The Village has been very diligent this past year with the purchase of the jet-vac truck. Several storm drains have been installed, education through the web-site and cooperation between the town and neighboring Villages have also been implemented.

General questions from the public were answered by the Board and Dr. Golub. The Board of Trustees and public were given 10 days to submit written comments (none were received) that will be incorporated into the report.

**PUBLIC PARTICIPATION:**

Michael Konic, of Maple Ave. questioned what insurance the Village had in regards to the Cow Harbor Race. The Board responded saying each race participant has to sign a release discharging the Village of all liability.

Dan Sheehan and Rich (last name unknown), presented the Board with an idea of outdoor movie nights in the Village. The movies would be once in August and twice in September. The "G" rated movies would be shown Cow Harbor Park. People could bring blankets or lawn chairs. The Board suggested they get a sponsor such as the Rotary, Kiwanis or the Chamber. Mr. Sheehan was directed to get sponsorship and bring his proposal back to the Village Hall. Chief Bruckenthal stated to keep in mind that everywhere you have public assembly you need crowd control.

**BOARD APPROVAL OF WARRANT:**

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 \$140,614.30**

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

**Fiscal Year 2009/2010 Capital Fund bills in the amount of \$ 66,967.18**

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

**Fiscal Year 2009/2010 Fire Department bills in the amount of \$13,629.85**

**TREASURER REPORT:** no Treasurers report this evening.

**COMMISSIONER REPORTS:** Trustee Kehoe reported that the Tuesday Family Nights are going along well. Outdoor dining is bringing people into the Village. Trustee Tobin reported that the Treasurer's department has handed in a report on the budget and where the Village stands at this point. Trustee McMullen reported that the summer help for the parks will be leaving so someone from the highway will be moving over to the parks until the end of the season.

Mayor Doll reported that the highway is busy with tree trimming.

**CHIEF OF POLICE REPORT:** the Chief reported everything went fine on the first Tuesday night fun day.

**SUPERINTENDENT REPORT:** no Superintendents report this evening.

**NEW BUSINESS:** no new business.

**OLD BUSINESS:** no old business.

**REQUESTS:**

1. Request from the Village Clerk to attend NYCOM Fall Training School September 21 ~ 24, 2009. The Board approved this request.
2. Request from Cow Harbor Race Committee to hold 32<sup>nd</sup> Cow Harbor Day Race September 26<sup>th</sup>, 2009. The Board approved this request.
3. Request from Donna Bee to attend certification classes in Buffalo New York. At a cost not to exceed \$4200.00. The Board asked for more information and put this on hold.

**CORRESPONDENCE:**

## **RESOLUTIONS:**

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

### **RESOLUTION 2009 – 106~ APPROVAL OF THE JULY 7, 2009 MINUTES**

**WHEREAS:** Copies of the minutes of the July 7, 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 Tobin and seconded by Trustee McMullen the following resolution was unanimously approved.

### **RESOLUTION 2009 – 107~ APPROVAL OF THE JULY 27, 2009 MINUTES**

**WHEREAS:** Copies of the minutes of the July 27, 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 Tobin and seconded by Trustee McMullen the following resolution was unanimously approved.

### **RESOLUTION 2009 – 108 ~ AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT FOR REPAIRS, MAINTENANCE AND USE OF 20 BEACH AVENUE**

**BE IT RESOLVED:** That the Board of Trustees, having determined that it is in the best interest of the Village to enter into a License Agreement with Dominick Farriella to provide for the repair and maintenance of 20 Beach Avenue and the surrounding grounds, beach and fencing, hereby authorizes the Mayor to enter into a revocable License Agreement, in a form approved by the Village Attorney.

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

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

### **RESOLUTION 2009 – 109~SOLE SOURCE FOR FIRE HOUSE MANAGEMENT SOFTWARE AND HARDWARE**

**BE IT RESOLVED:** that Redalert is hereby approved as the sole source for the Firehouse management software and hardware program for the fire department dispatch office and LOSAP program at a cost not to exceed \$20,000.00. and that the Village purchasing guidelines regarding the obtaining of price quotations be waived.

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

### **RESOLUTION 2009 – 110 ~ PLANNING BOARD MEMBER**

**WHEREAS:** Harvey Sussman, has submitted his resignation as Planning Board member effective immediately, and

**WHEREAS:** Paul Ersboll has been an alternate member of the Planning Board, so now  
**BE IT RESOLVED:** That Paul Ersboll will fill the unexpired of Harvey Sussman, (term to expire 2013).

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

**RESOLUTION 2009- 111 ~ NORTHPORT YOUTH CENTER SOCCER AGREEMENT**

The Mayor is hereby authorized to execute an agreement with Northport Youth Center Soccer for use of public parks in a form approved by the Village Attorney.

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

**RESOLUTION 2009 – 112~SOLE SOURCE FOR REPLACEMENT PUMP FOR SEWER PLANT**

**BE IT RESOLVED:** that Ketchum Pump Company is hereby approved as the sole source for the replacement pump for the Village Hall at a cost not to exceed \$3245.00. and that the Village purchasing guidelines regarding the obtaining of price quotations be waived.

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

**RESOLUTION 2009- 113 ~DRAINAGE FUNDS**

**WHEREAS:** The applicant John and Carol James of 40 Highland Ave, Street work Permit #219, offered the Village \$1500.00 in lieu of the required drainage for their driveway expansion, and

**WHEREAS:** The Superintendent of Public Works memo dated July 31, 2009 recommends acceptance including the proposed use of the funds, now therefore

**BE IT RESOLVED:** that the funds are hereby accepted, and

**BE IT FURTHER RESOLVED:** That the funds be used to install the leaching catch basin requested by the applicant and recommended by the Superintendent of Public Works.

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

**RESOLUTION 2009 – 114 ~ PUMP STATION AND LINES – JUSTIFICATION REPORT**

**WHEREAS:** In a memo dated July 30, 2009 the Superintendent of Public Works recommends that the additional expense, for the DEC required Justification Report, be approved, now therefore

**BE IT RESOLVED:** that the additional \$5,800 expense, as per the May 26, 2009 Gannett Fleming proposal, is hereby approved.

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

**RESOLUTION 2009 - 115 ~PROPOSED LOCAL LAW “D” OF 2009**

**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 1<sup>st</sup> day of September, 2009, to consider the following proposed local law:

**PROPOSED LOCAL LAW “ D ” OF 2009  
A LOCAL LAW OF  
THE VILLAGE OF NORTHPORT  
TO AMEND CHAPTERS 243 (SIGNS), 282 (VEHICLES  
AND TRAFFIC) AND 306 (ZONING)  
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 Zoning Code of the Village to permit sidewalk signs that comply with certain requirements and temporary for sale and for rent signs in commercial districts that comply with a sign format approved by the Board of Architectural and Historic Review and to amend the zoning code to permit outdoor sidewalk dining year round will be an economic benefit to local business and will enhance the social and dining experience in the Village consistent with the character of the Village.

**Section 2. Statutory Authority and Supersession**

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.

**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:

Explanation of notations:

Existing zoning text is reproduced in regular type

Text to be added is indicated in *italics*.

Text to be deleted is indicated in with a ~~Strikethrough~~.

\* \* \* Existing text to remain-

## CHAPTER 243: SIGNS

\* \* \*

### § 243-2 Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

\* \* \*

*SIDEWALK SIGN*—A two-sided sign, hinged at the top, which is temporarily located on or near a sidewalk.

\* \* \*

### § 243-3 General restrictions; prohibited signs; permits

In any district, no lands shall be used and no buildings shall be erected, altered or used, insofar as the location and affixing of signs thereon are concerned, unless such signs conform to the following requirements for the districts in which located:

A. All districts. No signs shall be erected or maintained which:

(1) Extends outward over a sidewalk or street, except for:

- (a) Signs installed parallel to a building that project no more than 15 inches from the building facade.
- (b) Blade signs that maintain a minimum clearance of eight feet above the level of the sidewalk or grade immediately below.
- (c) *One sidewalk sign, permissible only in business districts, one per building and only during business hours, which must be located so that a minimum sidewalk clearance of 48 inches is maintained and wheelchair passage is not hindered. The message area is restricted to 24 inches wide and 36 inches high. Height from the pavement may not exceed 43 inches. The sign surface must be black chalkboard and the message must be written in white or colored chalk. The business name or logotype may be screen-printed onto the message area provided it is not taller than 4 inches. Photographic depictions are prohibited. A sidewalk sign must be framed in wood and the finish must be natural, stained or painted. If painted, the color must be muted and relate to colors visible on the premises. Sidewalk signs require a sign permit, payment of the fee and proof of insurance coverage in favor of the Village, excepting sidewalk signs conforming to the special Menu Sign standard for Outdoor Dining in Chapter 306, Zoning, Sec. 18.1.*

\* \* \*

D. Temporary signs.

\* \* \*

*(4) In non-residential districts, temporary “For Rent” and “For Sale” signs that conform to a sample sign format approved by the Board of Architectural and Historic Review shall be exempt from review and permitting requirements. Such signs shall be permitted only when the premises or a portion thereof is available for rent or sale. Therefore, such signs shall be removed when a lease agreement is signed or a contract for sale of the premises has been entered into. The Board of Architectural and Historic Review is hereby authorized and directed to create a sample sign format or multiple formats for use in non-residential districts. The code compliance officer may consult with the Board if he needs assistance to determine whether a temporary sign complies with the sample sign format(s) approved by the Board. Property owners retain the option of applying to the Board of Architectural and Historic Review for approval of a sign design other than the pre-approved sample sign format.*

\* \* \*

**CHAPTER 282      VEHICLES AND TRAFFIC**

\* \* \*

§ 282-27      Authority to impound vehicles.

\* \* \*

*F.      The authority for the Chief of Police or his designated representative to impound vehicles under this section shall mean and include the authority to “boot” vehicles so that such vehicles are immovable.*

§ 282-28      Storage and charges.

After removal *or booting* of any vehicle as provided in this article, the Chief of Police or designated representative may cause said vehicle to be stored by a member of the Police Department of the Incorporated Village of Northport or employee of the Incorporated Village of Northport, or by any other person, firm or corporation. Such owner, or the person in charge of the vehicle, may redeem the same upon payment of the amount of all expenses actually and necessarily incurred in effecting such removal *or booting*, together with any charges for storage. *The Chief of Police may establish and revise from time to time a schedule of fees for removal, booting and storage of any vehicle.*

\* \* \*

## CHAPTER 306: ZONING

\*\*\*

### § 306-18.1. Outdoor Dining

A. Outdoor sidewalk dining in the Central Business A and B, Central Business A and B, Highway Business and Neighborhood Business Districts only shall be permitted subject to compliance with the following:

1. Permitted only for the restaurants and deli-style businesses in the Central Business A and B, Highway Business and Neighborhood Business Districts (hereinafter referred to as “Applicants”) ~~during the period April 1 through November 1.~~ *Permits shall be applied for annually on or before April 1.*

\*\*\*

### **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.

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

## **RESOLUTION 2009-116 FLOODPLAN MANGEMENT PUBLIC HEARING**

### **NOTICE OF PUBLIC HEARING LOCAL LAW “ E ” OF 2009**

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Incorporated Village of Northport, New York at a regular meeting thereof, held at Village Hall, 224 Main Street, Northport, New York on the 6<sup>th</sup> day of August, 2009 duly adopted resolutions, abstracts of which are as follows:

**NOTICE IS HEREBY GIVEN** that at the aforesaid regular meeting, the Board of Trustees of the Incorporated Village of Northport scheduled a public hearing to be held

on September 1, 2009 at 6:00 p.m. at Village Hall, 224 Main Street, Northport, New York to consider a proposed local law that would add Chapter 32: Floodplain Management, to the Village Code, for the purpose of regulating uses in areas with special flood hazards, to protect against flood damage and filling, grading, dredging and other development which may increase erosion or flood damages; to regulate the construction of flood barriers and to qualify and maintain flood hazard areas for participation in the National Flood Insurance Program. The full text of the code amendments are on file and may be inspected in the Office of the Village Clerk, 224 Main Street, Northport, New York during regular business hours.

**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 September 1, 2009 at 6:00 PM.

Respectfully submitted,

---

Donna M. Koch,  
Village Clerk