

**THE MINUTES
FOR THE APRIL 17, 2018
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING
6:00 PM.**

Present: Mayor McMullen, Trustees Maline, Milligan and Kehoe, Village Attorney Stuart Besen, Village Clerk Donna Koch, Administrator Tim Brojer, Treasurer Len Marchese Village, Police lieutenant Michael Cook.

ANNOUNCEMENTS: Mayor McMullen announced the passing of Robert Cannon. Mr. Cannon was a Trustee in the 1960s and served as the Village Assessor for many years.

PRESENTATIONS: no presentations.

PUBLIC HEARINGS:

Mayor McMullen asked the Clerk to read the notice of hearing to wit:

PLEASE TAKE NOTICE: a public hearing of the Board of Trustees of the Village of Northport will be held on April 17, 2018 at 6:00 PM in the Northport Village Hall 224 Main Street to consider the Asharoken Fire Agreement.

On the motion of Trustee Kehoe and seconded by Trustee Milligan the Public Hearing was open.

Mr. Besen stated this is the standard contract with one addition stating that if the Village was to go to full time paramedics, Asharoken would pay their percentage of the increase. This is a five-year contract with 3% interest each year.

Mr. Beaudet, questioned what the paramedics work now. Mr. Marchese, responded they work 16 hours days, 365 days a year. The Village is considering going 24 hours a day.

Joe Sabia, questioned why we don't share services with East Northport. Trustee Milligan responded that it's just too big an area to cover.

On the motion of Trustee Milligan and seconded by Trustee Kehoe the Public Hearing was closed.

PUBLIC PARTICIPATION:

Joe Sabia questioned what was going on the property on Ocean Ave. Mr. Brojer answered

that it took a while with the insurance company but they are now ready to move forward with the clean-up. Mr. Sabia, was also happy to see a public hearing on double utility poles.

Mr. Sabia asked if the Village would be holding a Town Hall meeting regarding the expansion. Mayor McMullen stated we are not quit there yet but yes that is the plan.

Joe Schramm, from Ocean Ave. questioned when the road would be repaved. Mr. Brojer responded by mid-summer. Mr. Schramm also commended the police department for a job well done in enforcing the speed limit in that area.

Josephine Rizzoni, asked if now that Spring is here will they continue to clean up Scudder Park? The Clerk responded that a group is coming in on Sunday to clean the park for Earth Day.

Trustee Milligan reported he has recently been assigned Commissioner of the Waster Water Treatment Plant and went on a tour and is learning the basic principles. Mayor McMullen and I went to the Water Quality Meeting together and spoke about what can be done to remediate the costs that the Steers Ave. homeowners will ensue with the lateral hook-ups. The docks will be put in within the next couple of weeks and dockmasters are in line to start working once the weather breaks. Also, we went and look at the new pump out boat which should be ready soon.

Mayor McMullen reported Highway has been busy with storm clean up, the sweeper has been out and tree work. They have done some asphalt work and continue to replace signs.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee Milligan and seconded by Trustee Kehoe the following bills were approved.

Fiscal Year 2018/2019 General Fund bills in the amount of \$82,138.25

On the motion of Trustee Maline and seconded by Trustee Milligan the following bills were approved.

Fiscal Year 2018/2019 Sewer Fund bills in the amount of \$5,246.68

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

Fiscal Year 2018/2019 Fire Department bills in the amount of \$11,746.40

COMMISSIONER REPORTS: Trustee Maline reported the new mat has been installed making it easier to get to the handicapped swing. Scudder Park will be raked after the clean up closer to the opening for the season. A tree fell on the slide in the main park and we are trying to repair it. We will be replacing the fence. Also finalizing the summer help. Trustee Kehoe started by thanking Mr. Besen and Mr. Brojer for being instrumental in getting the Brewery back open. Trustee Kehoe reported the Business Development Committee met prior to this meeting. The meeting is open to the public and start at 5:00 just before the Village Board meeting. Tonight's meeting was mostly in regards to parking.

We are looking for some residents who would like to join. Also, the highway has installed the speed meters along Ocean Ave. these meters register the speed, and what time the car came through.

CHIEF OF POLICE REPORT: nothing to report this evening.

ADMINISTRATOR'S REPORT: Mr. Brojer reported they have installed a couple of new handicapped ramps at Main St and School St. Also, PSEG have put in a permit to install electric back into 82 (Gunther's) Main. St.

TREASURER'S REPORT: nothing to report this evening.

NEW BUSINESS:

Mayor McMullen report going forward the meeting will begin at 6:30. We will do a trail run and see if it works.

Little League Contract. The Board has a resolution on tonight to sign an agreement.

Summer Schedule ~ Tentative July 17, 2018 and August 14, 2018. The Board approved the summer schedule.

OLD BUSINESS: no old business.

CORRESPONDENCE: letter from Cow Harbor Race Committee announcing Cow Harbor Race September 15, 2018. The Board approved this request.

REQUESTS: 1. Letter from Angels for Warriors to place flags in in front of Village Hall and Village Park from May 27th ~ July 7, 2018. The Board approved this request.

RESOLUTIONS:

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

RESOLUTION 2018 -76 ~ APPROVAL OF THE APRIL 3, 2018 MINUTES

WHEREAS: Copies of the minutes of the April 3, 2018, 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 Milligan the following resolution was unanimously approved.

RESOLUTION 2018 – 77 ~ ASHAROKEN FIRE AGREEMENT

WHEREAS: a public hearing of the Board of Trustees of the Village of Northport was held on April 17, 2018 at 6:00 PM in the Northport Village Hall 224 Main Street to consider the Asharoken Fire Agreement, so

BE IT RESOLVED: The Mayor is hereby authorized to execute an agreement between the Incorporated Village of Asharoken and the Incorporated Village of Northport to provide fire protection services for the calendar year 2018, 2019, 2020 2021, 2022.

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

RESOLUTION 2018- 78~ J.R. HOLZMACHER

BE IT RESOLVED: The Village hereby retains the services of J.R. Holzmacher P.E., LLC for engineering plans and specifications for the Bluff Point/Steers Pit Waste Water Treatment project, Influent Channel, at a cost not to exceed \$126,000.00 Subject to attorney review, and

FURTHER RESOLVED: The Treasurer is hereby authorized to make any budgetary adjustments he deems necessary.

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

RESOLUTION 2018 – 79 ~ AMEND RESOLUTION 2018 -31 TO INCLUDE DOUGLAS AND MCKINNEY AVENUES.

RESOLUTION 2018 –31 ~SUFFOLK COUNTY WATER AUTHORITY RESTORATION FUNDS

BE IT RESOLVED: The Village hereby accepts funds from Suffolk County Water for restoration of the following roads:

Grove Street, Washington Place and Johnston Ave. ~ \$95,188.90

Ocean Ave. from Highland Ave. to Steers Ave ~ \$73,911.12

Ocean Ave. from Valley Rd. to Highland Ave. ~\$108,988.90

Douglas Ave. & McKinney Ave. ~ \$32,133.30

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

RESOLUTION 2018 – 80~ LARKFIELD NORTHPORT LITTLE LEAGUE AGREEMENT

BE IT RESOLVED: The Mayor is hereby authorized to sign an agreement letter with the Larkfield Northport Little League, approved to form and content by the Northport Village Attorney.

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

RESOLUTION 2018 – 81~ SET PUBLIC HEARING ON LOCAL LAW “B” OF 2018

PLEASE TAKE NOTICE: a public hearing of the Board of Trustees of the Village of Northport will be held on May 1, 2018 at 6:30 PM in the Northport Village Hall 224 Main Street to consider proposed local law “B” of 2018

PROPOSED LOCAL LAW “B” OF 2018

A LOCAL LAW TO AMEND CHAPTER 256 STREETS AND SIDEWALKS BY ADDING SECTION 256-25 UTILITY POLES ON VILLAGE RIGHTS-OF-WAY

256-25 Legislative Intent.

This Village Board hereby finds and determines that public utility companies place poles on Village of Northport streets, roads and rights-of way to facilitate the delivery of electric, telephone, cable television and telecommunications services to the residents of the Village of Northport. This Board also finds that utility poles are frequently damaged by traffic accidents, adverse weather conditions and from time to time simply need to be replaced. This Village Board determines that public safety can be compromised when utility lines and equipment remain affixed to weather damaged and old poles for unreasonably long periods of time. This Village Board further determines that a utility’s delay in removing lines and equipment also delays the removal of the poles itself, which causes a proliferation of aesthetically unpleasant “double wood” or “double Poles” along roadways. This Village Board also finds that local governments have the authority to regulate their roads and rights-of-way to protect the public. Therefore, the purpose of this local law is to require utilities that use Village roads, streets and rights-of way to promptly remove the plants, cables, wires, equipment, terminals and old and damaged poles and to further require the prompt removal of double poles.

Section 256-26 Definitions.

As used in this chapter, the following shall have the meanings indicated:

Dangerous/Damaged Pole-any utility pole that is structurally compromised due to weather, a traffic incident, and/or age, and poses a potential threat to public safety.

Double Pole- Any damaged and/or old utility pole which is attached or in close proximity to a new utility pole.

Plant- The cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other communication services.

Public Utility-Any corporation, authority or other entity that provides electric, telephone, cable television, or other telecommunications service to the residents of the Village of Northport.

Utility Pole-A column or post used to support service lines for a public utility.

Section 256-27 Permit requirements.

A. No person, corporation or entity shall place or erect any pole for any purpose on any Village of Northport street, roadway or right-of way or change the location of any existing pole on any Village street, roadway or right-of –way without first having obtained a permit from the Village of Northport Building Department.

B. Application for a permit under this section shall be made upon a form to be provided by the Village of Northport and upon a payment of a permit fee of \$200.00.

Section 256-28 Notification and Time Frame for removal.

A. When the Village of Northport issues a permit for the installation of a utility pole which is directly next to or in close proximity to another utility pole on a Village street, road or right-of-way, the applicant shall have 30 days to remove the damaged or double pole following the installation of the new utility pole. Failure to do so may result in penalties as provided for in the Chapter.

B. When the Village of Northport determines that a utility pole in a Village road, street or right-of-way is damaged and poses a threat to public safety, the Village shall notify the public utility with a plant on the damaged pole that it must remove its plant from the pole and remove the damaged pole or be subject to a penalty as provided in this article. A public utility must remove its plant from the damaged pole, any other plants affixed to the damaged pole, and the damaged pole itself within 15 days of receiving such notification from the Village of Northport.

C. When the Village of Northport determines that a double pole is in a Village road, street or right-of way, the Village shall notify the public utility which has its plant on the double pole that such plant must be removed within 30 days or be subject to a penalty pursuant to this Article. Upon removal, each subsequent public utility with plant on a double pole will have 30 days to remove such plant from the date it receives notification from the Village of Northport.

D. After all plants have been removed from the double pole, the public utility which owns the double pole shall remove said pole within 30 days, or be subject to a penalty pursuant to this article. In the event it cannot be determined who owns the double pole then in such instance the last utility to remove its plant is responsible for removing the double pole within 30 days. This provision shall not nullify or limit any private agreement between and among public utilities that assign responsibility for pole removal.

Section 256-29 Penalties for Offenses.

A. Any person, firm, corporation or public utility convicted of a violation of the provisions of this chapter shall be guilty of a violation, for a first conviction, punishable by a fine not exceeding \$500.00; for a second or subsequent conviction, punishable by a fine not exceeding \$1000.00. Every day that the violation continues shall be deemed a separate offense.

B. In addition to the penalties provided above, any person, firm, corporation or public utility that violates the provisions of this chapter shall be subject to a civil penalty not to exceed \$500.00 for each such violation. Every day that the violation continues shall be deemed a separate violation.

C. If a person, firm or corporation or public utility violates the provisions of this chapter, the Village of Northport may authorize its attorney to commence an action in the name of the Village of Northport in a court of competent jurisdiction seeking any remedy provided by law or equity, including any civil and/or injunction proceeding necessary to enforce compliance and/or enjoin noncompliance with this chapter. Such action may seek to remove the damaged poles and or double poles, or to remove plants from such poles, the imposition of civil penalties is authorized by this chapter, the recovery of costs of the action and other remedies as may be necessary to prevent or enjoin a dangerous condition from existing on a Village street, roadway or right-of-way.

Section 256-30 Applicability

A. This chapter shall apply to all utility poles located on any Village road, street, or right-of-way, and to all utility poles installed hereinafter.

B. The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations; and nothing in this chapter shall be deemed to abolish impair supersede or replace existing remedies of the Village or existing requirements of any other applicable state or local laws, ordinances, codes or regulations. In case of conflict between any provision of this chapter and any applicable state or local law the more restrictive or stringent provision or requirement shall prevail.

Section 256-31 Severability

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, then such order or judgment shall not affect impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its specific application.

Section 256-32 Effective Date

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

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

RESOLUTION 2018 – 82~ SET PUBLIC HEARING ON LOCAL LAW “C” OF 2018

PLEASE TAKE NOTICE: a public hearing of the Board of Trustees of the Village of Northport will be held on May 1, 2018 at 6:00 PM in the Northport Village Hall 224 Main Street to consider proposed local law “C” of 2018

**PROPOSED LOCAL LAW “C” OF 2018
A LOCAL LAW TO AMEND CHAPTER 306 ZONING
SECTION 306-30 CESSATION OF USE**

Section 306-30. Cessation of use.

If active and continuous operation of a nonconforming use is not carried on for a period of one year, the building, structure or land on which such use was conducted shall thereafter be used only in conformance with the regulations of the district or zone in which it is situated. The casual or intermittent use of the building, structure or land shall not establish the existence of a lawful nonconforming use. In the event that the continuous operation of a nonconforming use is not carried on for a period of one year, the owner of the building, structure or land on which such use was conducted may apply to the Northport Village Board for an extension of time of the nonconforming use and the Northport Village Board in their discretion may grant an extension of time up to and including one year, in order to continue the operation of the nonconforming use that was permitted prior to the cessation of the operation. (Amended by L.L. 2018).

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

RESOLUTION 2018- 83 ~ CREATE CAPITAL PROJECT; NORTHPORT BAY ESTATES SEWER EXPANSION

BE IT RESOLVED: The Village Treasurer is hereby authorized to create an appropriations line entitled Northport Bay Estates Sewer Expansion and make all necessary budgetary adjustments to affect this modification;

Create appropriations for Northport Bay Estates Sewer Expansion ~ \$5,126,000.00

Increase revenue State Aid (H.0000.3289)	\$5,000,000.00
Increase revenue County Aid (H0000.3988)	\$70,000.00
Reduce Village Buildings appropriations (H1620.0200)	\$56,000.00

On the motion of Mayor McMullen and seconded by Trustee Milligan the Board moved into executive session for a litigation matter. 7:00 PM

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

The next regular meeting of the Board of Trustees will be on May 1, 2018 at 6:00 P.M

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

Respectfully submitted,

Donna M. Koch
Village Clerk

