

**THE MINUTES
FOR THE SEPTEMBER 15, 2015
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
RUGULAR MEETING
6:00 PM.**

Present: Mayor Doll, Trustees Maline, McMullen, Milligan and Tobin, Village Clerk Donna Koch, Village Administrator Tim Brojer, Village Attorney Stuart Besen, Police Lieutenant Ricca, Treasurer Len Marchese.

ANNOUNCEMENTS:

PRESENTATIONS:

PUBLIC PARTICIPATION: Several Beach Ave. residents addressed rumors they have heard regarding the Shoreline Sewer Project.

Trustee Milligan explained that the project has taken longer than expected. The project was riddled with complications. Each time there was/is a complication, procedures need to be followed. This is the site of a major construction project, one that we are mandated to do. After Cow Harbor Weekend the Highway Department will be going down to clean up the area around the house as well as trim and remove trees in the eastern section of the park. Mr. Augustyn of Beach Ave. stated one rumor was that the new pipe has cracked and will need to be replaced. The Board stated the new pipe has not been installed therefore did not crack. The second rumor was a top where the pipe sits needs a header or piling under it. Again the board stated that was not true. The conversation then moved to the condition of Scudder Park. The residents complained that the street needed to be swept, there were cars parked in front of fire hydrants during construction, the beach needs to be raked and the gardens need to be cleaned out. Mr. Niasio stated we need to come to an agreement as to the vision of Scudder Park.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee Milligan and seconded by Trustee Tobin the following bills were approved for payment.

Fiscal Year 2015/2016 General Fund bills in the amount of \$111,621.15

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

Fiscal Year 2015/2016 Sewer Fund bills in the amount of \$ 8,240.57

On the motion of Trustee Tobin and seconded by Trustee McMullen the following bills

were approved for payment.

Fiscal Year 2015/2016 Capital bills in the amount of \$ 14,326.00

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

Fiscal Year 2015/2016 Fire Department bills in the amount of \$ 13,850.93

COMMISSIONER REPORTS:

CHIEF OF POLICE REPORT: Lieutenant Ricca reported everything seems to be in place for Cow Harbor Race and Day.

ADMINISTRATOR'S REPORT:

NEW BUSINESS: no new business.

OLD BUSINESS: no old business.

CORRESPONDENCE: no correspondence.

REQUESTS: no requests.

RESOLUTIONS:

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

RESOLUTION 2015 -132 ~ APPROVAL OF THE SEPTEMBER 1, 2015 MINUTES

WHEREAS: Copies of the minutes of the September 1, 2015, 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 Tobin the following resolution was unanimously approved.

RESOLUTION 2015 -133 ~ BUDGET TRANSFER

BE IT RESOLVED: The Village Treasurer is hereby authorized to make the following budget transfers; see Schedule "A"

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

RESOLUTION 2015 -134 ~ COLLECTIVE BARGAINING AGREEMENT TITLES

BE IT RESOLVED: the following titles, approved by Suffolk County Civil Service

have been added to the Collective Bargaining Agreement between the Village of Northport and Local 342 Long Island Public Service Employees: Senior Waste Water Treatment Plant Helper, Waste Water Treatment Plant Trainee and Waste Water Treatment Plant Helper.

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

RESOLUTION 2015 – 135 ~ LOCAL 342 BARGAINING AGREEMENT

BE IT RESOLVED: That the Mayor is hereby authorized to execute a Memorandum of Agreement with Local 342 representing “blue collar” employees of the Village of Northport for the three year period from April 1, 2015 to March 31, 2018 providing for wage increases of 2% as of April 2015, 2% as of April 1, 2016 and 2% as of April 1, 2017, without interest for backpay and certain other modifications to the collective bargaining agreement relating to health care contributions and longevity pay and Increasing the Villages contributions to the Union Welfare fund. In a form approved by the Village Attorney.

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

RESOLUTION 2015 –136~ AMENDING CHAPTER 42-3 (c) OF THE CODE OF THE VILLAGE OF NORTHPORT

BE IT RESOLVED: Chapter 42-3 (c) is hereby amended as follows: Village Clerk, Deputy Clerk, Treasurer, Deputy Treasurer, Secretary of the Planning Board, Secretary of the Board of Zoning Appeals and full-time clerical employees, none of whom are members of a bargaining unit that is party to a collective bargaining agreement with the Village. A longevity award of \$1000 shall be granted upon reaching 20 years of service, and an award of \$850 shall be granted upon reaching 15 years of service, effective within 30 days of the date of adoption of this resolution.

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

RESOLUTION 2015- 137~ ACA COMPLIANCE

BE IT RESOLVED: The Mayor is hereby authorized to sign a three year contract with Automatic Data Processing (ADP) for processing of the Affordable Care Act (ACA) reporting. \$1560 annually.

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

RESOLUTION 2015 - 138 ~PROPOSED LOCAL LAW “E” OF 2015

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 6th day of October, 2015 to consider the following proposed local law:

**LOCAL LAW "E" OF 2015
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 239 (Sewers)**

Chapter 239

SEWERS

Section 239-32. Determination and administration of charges.

A. All property owners may apply to the Board of Trustees of the amount of their water usage which is used to calculate the sewer rents due hereunder. Such application shall include all evidence to establish the degree and amount of water usage which is claimed to be applied for any water uses which do not result in discharges into the sewerage system or any reason why the property owner claims that the water usage amount is incorrect. Based upon the preponderance of the evidence presented, the Board may grant an adjustment of the water usage, depending on the volume of water usage it finds is not discharged into the sewerage system. Deadlines for requesting this adjustment shall be determined by the Board of Trustees with written notice by regular mail to all commercial properties and notices posted in Village Hall and on the Village website. The Board may designate other Village officials to hear the evidence presented and to make recommendations to the Board. The filing of an application for an adjustment does not relieve property owners from the obligation to make timely payment of sewer rents. In the event the Board grants an adjustment and the sewer rent has already been paid, a refund shall be promptly made but in no event more than 90 days from the date the application was made. Interest at the rate of 3% per annum shall be paid on all refunds paid after this deadline

Section 239-32. Determination and administration of charges.

A. All property owners *who install a water meter approved by the Village of Northport* shall be eligible to apply for an adjustment in their sewer rent due hereunder. **The Village of Northport approved water meter shall be used to calculate any reduction to the property owners sewer rent bill. The water meter shall be the exclusive method in which a property owner can establish the degree of and amount of water usage which is not being discharged into the sewer system, thereby be eligible to receive a credit from their the sewer rent bill. Such application shall be the exclusive method to establish any reduction in the sewer rent due hereunder. The type, model and installation of the water meter must be approved by the Village of Northport and the property owner must consent to Village personnel going on their property for the purposes of reading the water meter. If a property owner decides not install a water meter authorized and approved by the Village of Northport the property owners recourse shall be limited to**

an automatic reduction of ten percent (10%) off their sewer rent bill for water that does not enter the sewer system. Notwithstanding the above, If a property owner does not install a water meter approved by the Village of Northport, but the property owner can establish by a preponderance of the evidence and said evidence is substantiated by the Suffolk County Water Authority that the property owner had a leak causing the property owners water usage to substantially increase because of said leak, and said water usage did not result in discharges to the sewer system then the property owner may apply to the Board for a reduction greater than ten percent (10%). Deadlines for requesting this adjustment shall be determined by the Board of Trustees with written notice by regular mail to all commercial properties and notices posted in Village Hall and on the Village website. The Board may designate other Village officials to hear the evidence presented and to make recommendations to the Board. The filing of an application for an adjustment does not relieve property owners from the obligation to make timely payment of sewer rents. In the event the Board grants an adjustment and the sewer rent has already been paid, a refund shall be promptly made but in no event more than 90 days from the date the application was made. Interest at the rate of 3% per annum shall be paid on all refunds paid after this deadline

Effective date of this local law shall take effect upon filing with the Secretary of State.

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

RESOLUTION 2015 - 139 ~ASSISTANT FIRE MARSHAL

BE IT RESOLVED: Bob Varese is hereby appointed to the position of Assistant Fire Marshal. Term to expire at the annual organizational meeting April 2016.

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

RESOLUTION 2015 – 140 ~ SETTLEMENT AGREEMENT

BE IT RESOLVED: The Mayor is hereby authorized to execute a settlement agreement with WHM Plumbing & Heating Inc. in an amount not to exceed \$130,000.00 For worked performed by WHM in connection with the Northport Village Shoreline Sewer/Beach Ave pump station replacement.

On the motion of Trustee McMullen the following resolution was put to a roll call vote:

Trustee Maline ~ YES

Trustee Tobin ~ YES

Trustee McMullen ~ YES

Mayor Doll ~ YES

Trustee Milligan ~ YES

RESOLUTION 2015 -141 ~SERQA DETERMINATION

WHEREAS, the Board of Trustees of the Village of Northport, in the County of Suffolk, a municipal corporation of the State of New York, has given due consideration to the proposed improvement and maintenance to the existing sanitary sewer collection and treatment system;

WHEREAS, the Board of Trustees of the Village of Northport has reviewed the opinion of the engineer J.R. Holzmacher, P.E., LLC, through an opinion letter dated September 1, 2015, that describes the improvements and maintenance of each of four (4) component parts of the said work on this project;

WHEREAS, based on the recommendations in the opinion letter, and the preparation and review of the environmental assessment form containing an explanation of the action and impacts of said project and its component parts prepared by J.R. Holzmacher, P.E., LLC, dated September 1, 2015 on behalf of the Village of Northport, the Board of Trustees determines that each component part of the said project constitutes a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and there is no significant adverse environmental impact; and

RESOLVED: The Northport Village Board as lead agency hereby determines and declares that such project and each component part of said project constitutes a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617 and that each component part of said project be deemed to constitute a Negative Declaration and has accepted the findings of the short form EAF for each subproject and no further environmental review is required.

On the motion of Trustee McMullen the following resolution was put to a roll call vote:

Trustee Maline ~ YES

Trustee Tobin ~ YES

Trustee McMullen ~ YES

Mayor Doll ~ YES

Trustee Milligan ~ YES

RESOLUTION 2015 -142 ~BOND RESOLUTION FOR VARIOUS IMPROVEMENTS TO THE VILLAGE SEWER SYSTEM.

BOND RESOLUTION OF THE VILLAGE OF NORTHPORT, NEW

YORK, ADOPTED SEPTEMBER 15, 2015, AUTHORIZING THE

CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE

VILLAGE SEWER SYSTEM, STATING THE ESTIMATED

MAXIMUM COST THEREOF IS \$2,250,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$2,250,000 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTHPORT, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Northport, in the County of Suffolk, New York (herein called the “Village”), is hereby authorized to construct various improvements to the Village sewer system, consisting of the replacement of a seawall and replacement of outflow pipes, including any ancillary or related work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,250,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$2,250,000 to finance said appropriation and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$2,250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the

payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the

Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in "*The Observer*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF NORTHPORT, NEW YORK

PLEASE TAKE NOTICE that on September 15, 2015, the Board of Trustees of the Village of Northport, in the County of Suffolk, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Northport, New York, adopted September 15, 2015, authorizing the construction of various improvements to the Village sewer system, stating the estimated maximum cost thereof is \$2,250,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$2,250,000 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Northport to construct various improvements to the Village sewer system, consisting of the replacement of a seawall and replacement of outflow pipes, including any ancillary or related work in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,250,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$2,250,000 to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$2,250,000 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable

usefulness of the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: September 15, 2015

DONNA KOCH
Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The resolution was declared adopted.

The next regular meeting of the Board of Trustees will be on Tuesday, October 6, 2015 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

Schedule A

**Inc Village of Northport
For Board Approval
9/15/2015**

Budget Amendment:	Increase	Amount		
Increase in Revenue line not determined until after budget	A.0000.2706 GRANTS - LOCAL GOV'T 911	\$38,000.00	Revenue Line	
	A.3120.0211.0000 E911 GRANT EQUIPMENT	\$38,000.00	Expense Line	
Budget Transfer:				
Capital Warrant (\$8554.00 is part of \$350,000.00 allocation from GF for Shoreline Rehab)	A.000.0200.0002 General Fund	\$14,326.00	H.0000.0200 Capital Fund	\$14,326.00

