

**THE MINUTES
FOR THE NOVEMBER 20, 2018
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING
6:30 PM.**

PRESENT: Mayor McMullen, Trustees Kehoe, Milligan and Smith, Village Clerk Donna Koch, Village Attorney Stuart Besen, Treasurer Len Marchese Police Chief Bill Ricca.

ABSENT: Trustee Maline, Village Administrator Tim Brojer,

ANNOUNCEMENTS: Rick Boziwick, from the Northport Yacht Club addressed the Board about fireworks on New Years Eve. Everything will remain the same as in years passed. Trustee Smith stated it will be the kick off for the year long celebration of the 125th Anniversary of the incorporation of the Village. The Board approved the fireworks.

PRESENTATIONS: no presentations this evening.

PUBLIC HEARINGS:

Mayor McMullen ask the 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 6:30 o'clock in the evening of the 20TH day of November, 2018 to consider the following proposed local law:

Proposed Local Law "I" of the year 2018
Village of Northport, County of Suffolk

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law § 3-c

Section 1. Legislative intent

It is the intent of this local law to allow the Village of Northport to adopt a budget for the fiscal year commencing March 1, 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local governments governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Override

The Village Board of Trustees of the Village of Northport, County of Suffolk, is hereby

authorized to adopt a budget for the fiscal year commencing on March 1, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, section, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation to be clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

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

On the motion of Trustee Milligan and seconded by Trustee Smith the public hearing was open.

Mayor McMullen stated that the Village passes this local law, each year, to be able, if needed, to pass the tax cap of 2%. We vote on it every year in case we exceed the cap. Trustee Kehoe questioned Mr. Marchese asking if it would look like we would "stay under the cap". Mr. Marchese answered it was too early to determine.

On the motion of Trustee Kehoe and seconded by Trustee Milligan the public hearing was closed.

PUBLIC PARTICIPATION:

Joe Schram, Ocean Ave. thanked the Mayor for his speedy response to his on-going issue to get his sidewalk repaired. The work is in progress.

Josephine Rozoni, asked if the Village would be leasing a portion of the fire truck or paying it off. The Mayor explained we would be putting down a large amount then making two more payments. This will ensure that we have money in the equipment fund in case of emergencies. Mr. Marchese stated the Village would be paying 4.5% interest.

BOARD APPROVAL OF WARRANT:

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

Fiscal Year 2018/2019 General Fund bills in the amount of \$18,165.12

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

Fiscal Year 2018/2019 Sewer Fund bills in the amount of \$ 6,992.81

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

Fiscal Year 2018/2019 Fire Department bills in the amount of \$ 35,292.89

COMMISSIONER REPORTS:

Trustee Kehoe reported the Business development Committee continues to meet. Ralph Notaristefano, has been doing a pedestrian, vehicle congestion study and gave some preliminary numbers today at the Business Development meeting today. The numbers are staggering. Mr. Notaristefano, will tweak the numbers and give a full report next month. The Village is also looking into the State-owned property at the corner of Elwood Rd and 25A. We have reached out to the State Assemblymen as well as the County Executive and County DOT. The Village might have to do a small engineering study. The idea would be to move the highway department there. The Town Highway and Maritime department along with Asharoken Village have also expressed interest in it.

Trustee Milligan reported that during the high tides last week, the sewer plant took in a lot of salt water. This past weekend we contracted with a company who filmed the inside of the sewer lines. The crew at the sewer plant have been doing a great job researching where the water is coming from. Also, tonight we will be awarding the contract for the Bluff Point Sewerline Expansion Project. The money for this phase of the project will be completely paid for by grants.

Trustee Smith, reported the 125th committee has had to cancel a couple of meetings due to re-scheduling and weather. But will get back on track starting this week. An oyster and brew celebration festival is also in the plans, brick pavers will also be part of a fund raiser. The idea is to fund a project that would play it forward. So that at the 150th celebration they can look back and say they came up with a great idea, funded and its still paying off today. As far as the scanning bids we are finalizing the contracts and that will begin hopefully the beginning of the year. The parks are starting to look a little bit like Christmas. Mayor McMullen reported the highway worked with Seymour's to remove the docks. The Christmas tree has been delivered. They have done concrete work on Woodbine Ave. the crew continues to do leaves. The Village did very well during the first snow storm. The new sweeper has arrived and men are being trained on it as it is twenty years newer than the one, we have today. They DOT will be doing a traffic study at Main Street, Vernon Valley Waterside and 25A. There is talk of a new drive-thru Dunkin Donuts at the corner of Vernon Valley and 25A.

CHIEF OF POLICE REPORT: everything is good, nothing to report.

ADMINISTRATOR'S REPORT: no report.

TREASURER'S REPORT: Mr. Marchese stated the Board needs to schedule a public workshop for the budget. December 4, 2018 at 5:30 was selected.

NEW BUSINESS: no new business was discussed.

OLD BUSINESS: 1. Public Hearing on 20 James Street continuation. The public hearing was continued to the December 4th, 2018 meeting.

2. 165 Fort Salonga Rd. Mr. Besen explained the house was determined to be a safety hazard and needed to be demolished. The house is in the middle of a foreclosure of which the owners defaulted on. Eileen Ryan of Berkman Henoch was present representing the bank who now owns the property. At the meeting of October 16th, the bank was given two weeks to have the structure demolished. Upon hiring a company to demolish it was determined the house has asbestos and needs asbestos abatement. Ms. Ryan requested a short extension to get the house down. Mayor McMullen stated the house is a nuisance and is falling down on its own. Mr. Brojer will be back next Tuesday (November 27, 2018) and will be able to issue the permit then. The hearing was continued to December 4, 2018.

CORRESPONDENCE: 1. Letter of thanks from the Northport Chamber.

REQUESTS: no requests this evening.

RESOLUTIONS:

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

RESOLUTION 2018 -172 ~ NOVEMBER 7, 2018 MINUTES

BE IT RESOLVED: The minutes of the November 7, 2018, meeting are hereby accepted.

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

RESOLUTION 2018-173~ PARKING RESTRICTIONS

WHEREAS: Police Chief William Ricca has requested the enactment of certain temporary parking restrictions November 24th 2018 in order to facilitate the Northport Village Leg Lighting, and

WHEREAS: Chief Ricca has outlined the required restrictions in a memo dated November 8, 2018.

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

RESOLUTION 2018 -174~ LOCAL LAW No. 10 of 2018

WHEREAS: that a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:30 o'clock in the evening of the

20th day of November, 2018 to consider the following proposed local law:

Local Law No. 10 of the year 2018
Village of Northport, County of Suffolk

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law § 3-c

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

RESOLUTION 2018 –175 ~ SET PUBLIC HEARING ON PROPOSED LOCAL LAW “J” OF 2018

PLEASE TAKE NOTICE: a public hearing of the Board of Trustees of the Village of Northport will be held on December 4th, 2018 at 6:30 in the evening in the Northport Village Hall 224 Main Street to consider proposed local law “J” of 2018.

**PROPOSED LOCAL LAW “J” OF 2018
A LOCAL LAW TO AMEND CHAPTER 282 “VECHILES AND TRAFFIC” OF
THE CODE OF THE VILLAGE OF NORTHPORT**

As provided in § 282-4B, the making of a right turn at a steady red signal at the following locations is prohibited:

Name of Street	Days/Hours	At Intersection of
Church Street	School days/7:00 a.m. to 6:00 p.m.; Sundays/7:00 a.m. to 1:00 p.m.	Main Street
Laurel Avenue	School days/7:00 a.m. to 6:00 p.m.	Main Street
Main Street	School days/7:00 a.m. to 6:00 p.m.; Sundays/7:00 a.m. to 1:00 p.m.	Ocean Avenue
Norwood Avenue	School days/7:00 a.m. to 6:00 p.m.	Waterside Avenue
Ocean Avenue	School days/7:00 a.m. to 6:00 p.m.; Sundays/7:00 a.m. to 1:00 p.m.	Main Street
Waterside Avenue	School days/7:00 a.m. to 6:00 p.m.	Norwood Avenue

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

RESOLUTION 2018 –176 ~ G&M EARTH MOVING INC.

BE IT RESOLVED: The Mayor is hereby authorized to sign a contract with G&M Earth Moving Inc. 345 Ellsworth Street Holbrook, NY 11741 for the New Sanitary Sewer

Collections System Extension, Phase I Bluff Point Rd Area in an amount not to exceed \$3,671,000.00

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

RESOLUTION 2018 –177 ~ TAX CERTIORARI 83 MAIN STREET

WHEREAS, the Village of Northport is a party respondent in certain tax certiorari proceedings commenced by the owner of property located at 83 Main Street , Northport, New York, a/k/a Tax Map# 404-9-1-60 for assessment years 2015/16 through 2018/19 and,

WHEREAS, the parties to said litigation have attempted to narrow their differences, and,

WHEREAS, after a review of the relative merits of the petitioners' claims, the parties have agreed to settle the above tax certiorari claims on terms set forth on the annexed Stipulation of Settlement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Board of Trustees hereby approves of and has no objection to the settlement of the claims of the petitioner (Farid Investments, LLC.) on the terms as set forth on the annexed Stipulation of Settlement, as in the best interests of the Village and its taxpayers, and, it is,

FURTHER RESOLVED, that the Village Attorney or Special Counsel is authorized and directed to execute the appropriate Stipulations of Settlement, and consent to the entry of an Order or Judgment, if any, implementing the aforesaid settlement, and be it,

FURTHER RESOLVED, that in accordance with the agreement, and as consented to by the Village Assessor, the 2019/20 assessment and Village tax bill shall be adjusted to reflect a new assessment of 31,000, and be it,

FURTHER RESOLVED, that the Village administrators, if needed, are hereby authorized and directed to make the necessary arrangements, pursuant to the Local Finance Law or otherwise, for payment as agreed in the amount of \$15,000, and be it,

FURTHER RESOLVED, that the Village Clerk provide the Village's Legal Counsel with a copy of this resolution upon adoption.

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

RESOLUTION 2018 –178~ TAX CERTIORARI, 229 LAUREL AVE.

WHEREAS, the Village of Northport is a party respondent in certain tax certiorari proceedings commenced by the tenant responsible for taxes of property located at 229 Laurel Avenue, Northport, New York, a/k/a Tax Map# 404-16-2-42 for assessment years 2011/12 through 2018/19 and,

WHEREAS, the parties to said litigation have attempted to narrow their differences, and,

WHEREAS, after a review of the relative merits of the petitioners' claims, the parties have agreed to settle the above tax certiorari claims on terms set forth on the annexed Stipulation of Settlement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Board of Trustees hereby approves of and has no objection to the settlement of the claims of the petitioner (R & D Realty Corp.,) on the terms as set forth on the annexed Stipulation of Settlement, as in the best interests of the Village and its taxpayers, and, it is,

FURTHER RESOLVED, that the Village Attorney or Special Counsel is authorized and directed to execute the appropriate Stipulations of Settlement, and consent to the entry of an Order or Judgment, if any, implementing the aforesaid settlement, and be it, **FURTHER RESOLVED**, that in accordance with the agreement, and as consented to by the Village Assessor, the 2019/20 assessment and Village tax bill shall be adjusted to reflect a new assessment of 11,650, and be it,

FURTHER RESOLVED, that the Village administrators, if needed, are hereby authorized and directed to make the necessary arrangements, pursuant to the Local Finance Law or otherwise, for payment as agreed in the amount of \$15,000, and be it,

FURTHER RESOLVED, that the Village Clerk provide the Village's Legal Counsel with a copy of this resolution upon adoption.

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

RESOLUTION 2018 -179~ TAX CERTIORARI, 75 MAIN STREET.

WHEREAS, the Village of Northport is a party respondent in certain tax certiorari proceedings commenced by the tenant responsible for taxes of property located at 75 Main Street, Northport, New York, a/k/a Tax Map# 404-9-1-58.5 for assessment years 2011/12 through 2018/19 and,

WHEREAS, the parties to said litigation have attempted to narrow their differences, and,

WHEREAS, after a review of the relative merits of the petitioners' claims, the parties have agreed to settle the above tax certiorari claims on terms set forth on the annexed Stipulation of Settlement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Board of Trustees hereby approves of and has no objection to the settlement of the claims of the petitioner (Weitzen Realty Corp..) on the terms as set forth on the annexed Stipulation of Settlement, as in the best interests of the Village and its taxpayers, and, it is,

FURTHER RESOLVED, that the Village Attorney or Special Counsel is authorized and directed to execute the appropriate Stipulations of Settlement, and consent to the entry of an Order or Judgment, if any, implementing the aforesaid settlement, and be it,

FURTHER RESOLVED, that in accordance with the agreement, and as

consented to by the Village Assessor, the 2019/20 assessment and Village tax bill shall be adjusted to reflect a new assessment of 6,000, and be it,

FURTHER RESOLVED, that the Village administrators, if needed, are hereby authorized and directed to make the necessary arrangements, pursuant to the Local Finance Law or otherwise, for payment as agreed in the amount of \$4,300, and be it,

FURTHER RESOLVED, that the Village Clerk provide the Village's Legal Counsel with a copy of this resolution upon adoption.

The next regular meeting of the Board of Trustees will be on Tuesday December 18, 2018, at 6:30 P.M

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

Respectfully submitted,

Donna M. Koch, Village Clerk