

**THE MINUTES
FOR THE FEBRUARY 4, 2020
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING
6:30 PM**

PRESENT: Mayor McMullen, Trustees Maline, Milligan, Smith, and Kehoe, Village Clerk Donna Koch, Village Administrator Roland Buzard, Village Attorney Stuart Besen, Treasurer Len Marchese, Police Chief Chris Hughes.

SALUTE TO THE FLAG: Boy Scout Troop 42 lead the Board in the Pledge of Allegiance.

ANNOUNCEMENTS: no announcements.

PRESENTATIONS: Long Island Board of Realtors presented Trustee Smith and the Board with a check for \$26,000; after hearing of the Agriculture program LIBR felt that the FLUBSY program would be great cause for them to support.

PUBLIC HEARINGS: no public hearings.

PUBLIC PARTICIPATION: Blair Beaudet questioned the Bencor Retirement Fund and what it was all about. Treasurer Len Marchese explained it is an account that employees can contribute to. Something like a 401K. it is separate and additional too the New York State Retirement.

Joe Sabia questioned if the bushes on Norwood had been taken care of. Mr. Sabia also questioned why the part-time treasurer received a \$5,000 raise and does the part time Treasurer get 13 sick days per year. Mayor McMullen stated Mr. Marchese is entitled to whatever is in his letter of employment.

Effie Huber questioned what was going on with the Special prosecutor and 51 Mariners Lane and if the prosecutor could come give an update. Mr. Besen said the prosecutor would not come give an update on an on-going case. Mr. Besen stated it was going forward.

Mindy Lamantia stated she was here tonight to speak out against the installation of 5G, which is coming into our neighborhood. Thousands of studies have proven that 5G is dangerous to the health and welfare of our future generations. Mayor McMullen state we have been through this many times and that this is a federal issue and you need to speak to your local Congressman.

Chris O'Shea questioned what was going on with 51 Mariners Lane. Mr. Kehoe had told the Board of Trustees that he was dropping his lawsuit but yet he hasn't. Mr. Besen that is separate then the prosecution. Mr. Besen explained that after the notice of violation is served, there is a period of time where the person could cure the violation. If the

violation is not cured the next step would be for the special prosecutor to then serve a summons. They would summon the person to court. Any jurisdiction of the fees would be the determination of the judge. The Board has no jurisdiction to administrate fines.

Frank Cavagnaro questioned who was supervising the hotel project when the gas line ruptured. Mayor McMullen stated that Mr. O'Neil has engineers on site and the Village has the Building Inspector watching the project.

Kevin O'Neil addressed the Board on a building permit fee (for 225 Main Street) he felt did not correlate with the Village Code. Mr. O'Neil stated in his and his team's opinion the fees are being calculated incorrectly. Mr. O'Neil stated the building department has undergone a major change and it's a positive change. Mr. Tesoriero and Mr. Buzard are positive changes. Mr. O'Neil stated the fees should be (in his opinion) \$28,500 and not the \$87,130 he had to paid today.

Chris Modelewski addressed the board on the same issue. Mr. Modelewski stated several case laws in the defense of the Village building fees being calculated incorrectly.

Mayor McMullen stated this is not a public hearing on the Village Code. Mr. Modelewski continue to ask the Board to make sure the permit fees are in accord with a fair application to the statute and two to adjust this claim so we don't find one another in a courthouse.

Karen Jon, of Hoffman Grayson, stated she is the Architect who when asked by Mr. O'Neill to calculate the fee originally went to e-codes of New York State. She stated the Northport Code is on that website and the way the Village is calculating the fees is incorrect and urged the Board to read the code book.

BOARD APPROVAL OF WARRANT:

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

Fiscal Year 2019/2020 General Fund bills in the amount of \$ 113,193.89

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

Fiscal Year 2019/2020 Sewer Fund bills in the amount of \$ 9,470.07

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

Fiscal Year 2019/2020 Capital Fund bills in the amount of \$ 1,394.96

NEW BUSINESS/COMMISSIONER REPORTS:

1. Trustee Kehoe, reported the Chamber held their Winterfest Celebration and everything went well.
2. Trustee Milligan, the new pumps have been running for two weeks now without any issues, the gas service has been installed. The Yacht club did a test run and is ready to connect.
3. Trustee Smith, she has met with Cornell Corporative and the DEC to finalize

permits for the Oyster FLUPSY. The solid waste contract has been signed. Trustee Smith is also working on a global park bench policy. Regarding the fees Sand City Brewery pays to the Village for sludge removal, she had asked the Treasurers department for an update and the brewery billing. The brewery as of today have been billed \$18,000. Some of those fees are still outstanding as they were just billed last week for a portion of that. She has met with the Rotary who are interested in doing a 5K this fall. She and Trustee Maline have met with representatives from POM (our current parking meter company). They can retrofit our current parking meters and allow for credit card payments. This is less invasive and less expensive as some of the other companies we have looked at. She has met with the new Administrator and Assistant to the Mayor as far as technology.

4. Trustee Maline, added about the parking meters. The Board will have to decide if we want to expand the area of parking meters. This will all have to be explored and RFPs will be put out if necessary.

Trustee Maline proposed a resolution to be put on tonight's agenda (regarding 51 Mariners Lane) to authorize the Board to engage outside council to give us an opinion to ask Trustee Kehoe to be removed for his actions with his building permit. It just seems we are being dragged along. \$3000, is not a large investment to see whether this is worthwhile to go forward. Trustee Maline was looking for a second. Mr. Besen explained that he represents the Board of Trustees and Ed Gathman represents other boards in this Village so they could not give opinion. Trustee Kehoe asked to reconsider this action temporarily. His attorney is speaking to the attorney that the Board hired and also the attorney for the insurance company and we are aware of the calendar and date and asked if Deputy Mayor Maline could wait another week or so. Trustee Maline stated this is not something he wants to do or is her doing it irrationally. Seventy percent of the questions I get asked are "what's going on with 51 Mariners Lane"? Since this started sometime in August the Village Administrator has been arrested, the largest commercial project in quit some time is taking place with the hotel across the street and all people ask is what's going on with 51 Mariners Lane. I'm just asking for an opinion. We have gotten a lot of empty promises over the last few months from Trustee Kehoe. Trustee Kehoe stated for the record that he is giving the Board his word that there will be a resolution on this matter in the next couple of days. Trustee Smith asked for a summary of the resolution: to engage outside council to research the law to petition the appropriate New York State Second Supreme Court for the removal of Village Trustee Thomas J. Kehoe for losing the public trust under section 36 of the New York State Public Officers Law. There is every little case law on this. Mr. Besen read the resolution; authorizing the Mayor to enter into a retainer agreement with outside council to issue an opinion letter to this board regarding the removal of Trustee Thomas J. Kehoe from the Northport Village Board, under section 36 New York Public Officers Law, in an amount not to exceed \$3,000. There was no second to the resolution therefore it was not place on the agenda.

Trustee Smith stated, she wanted to make sure of what she was voting on and was not ready to vote on it tonight. She stated for the record that she does not disagree with Trustee Maline, Tom's (Trustee Kehoe) situation has been a tremendous disruption and has taken up too much time. The bottom line is this is new information and I would like time to research it for myself. I'd like to read section 36.

Mayor McMullen stated he wanted to wait until after the prosecutor has been heard.

Trustee Milligan stated this is a difficult position that the Board has been put in, it is unfortunate and a huge waste of time, we have a responsibility to the public. This is something that must be looked at very carefully. It must be discussed. It needs to be discussed without the defendant in the room.

5. Mayor McMullen stated his request to the New York State DOT for a light at the corners of Main Street and 25A has been denied.

CHIEF OF POLICE REPORT: In January of 2020 the Northport Police Department responded to 397 calls for service, issued 282 summonses and made 12 arrests.

On January 27, 2020, Daniel Carney a criminal justice student from SUNY Morrisville began an unpaid internship with the department. Mr. Carney will work both in the precinct and in the field for approximately 600 hours which will count towards his baccalaureate degree and he will assist the department and Village Hall staff in various ways.

FIRE DEPARTMENT REPORT: Commissioner Paul Latuso, reported for the department stating the department had a total of 80 calls, 55 ambulance and 25 general alarms. The department is getting bids on new computer hardware. We are looking into upgrading our dispatching software.

TREASURER'S REPORT: Mr. Marchese reported he has completed the spreadsheet on the 20 Beach Ave expenses. The overall costs the Village incurred was \$252,000. There were some issues managing the construction. There were a lot of issues that came up in the arrest that we felt should have been prosecuted. He has a good lawyer and they negotiated and the plea agreement did not identify a lot of the area we had concerns. Therefore, once the plea agreement is approved by the court, we had to accept it. So, there is some restitution coming back to the Village roughly \$5,000. The construction adds up to \$178.00 a square foot. Joe Sabia asked if a deck will be put on the house. Mayor McMullen stated no. Dave Weber questioned if there will be a line item in the budget going forward for maintenance on this building. Mayor McMullen stated it will come out of budget line 1620. 200 Building maintenance.

CORRESPONDENCE: Thank you letter from the Chamber of Commerce.

REQUESTS: no requests this evening.

RESOLUTIONS:

On the motion of Trustee Milligan and seconded by Trustee Smith with Trustee Maline abstaining the following resolution was approved.

RESOLUTION 2020 –17 ~ APPROVAL OF THE JANUARY 21, 2020 MINUTES

BE IT RESOLVED: The minutes of the January 21, 2020 meeting are hereby accepted.

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

RESOLUTION 2020 – 18 ~ ELECTION INSPECTORS

BE IT RESOLVED: that the Board of Trustees of the Incorporated Village of Northport hereby appoints, pursuant to Section 15-116 of the Election Law, the following Inspectors of Election for each of the three Village Election Districts to preside at all Village Elections in such districts until their successors are appointed; each Inspector shall receive compensation at the rate of \$13.00 per hour;

Election District No. 1	Election District No. 2	Election District No. 3
Susan Ronneburger (Chairperson)	Dorothea Walsh (Chairperson)	MaryIn Barker (Chairperson)
Kathryn Llewellen	Janet Hayes	Linda Grace

AND BE IT FURTHER RESOLVED: That the Board of Trustees of the Incorporated Village of Northport hereby appoints, Georgina Cavagnaro and Joy Nygren to serve as Election Inspectors/Computer Operators, and

FURTHER RESOLVED: That Georgina Cavagnaro and Joy Nygren will receive their regular days' pay and an additional 9 hours in compensation time, and

FURTHER RESOLVED: The Village Clerk shall receive nine (9) hours of compensatory time for hours work in the March 18, 2020 village election, and

FURTHER RESOLVED: said compensatory time will be paid out in next payroll cycle.

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

RESOLUTION 2020 –19~ ACCEPTATION OF DONATION

BE IT RESOLVED: The Village hereby accepts the donation of \$26,000 from Long Island Board of Realtors for the Oyster FLUPSY Program and hereby authorizes the Treasurer to appropriate said money for the use of said program, and

WHEREAS, this is a type II Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

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

RESOLUTION 2020-20 ~ REPLACEMENT OF LOWER GRIT COLLECTOR PARTS

BE IT RESOLVED: The Village Board authorizes the purchase of the continuous bucket grit collector replacement parts from GP Jager Inc. 328 W. Main Street Boontown, NJ 07005, in an amount not to exceed \$57,395. and

FURTHER RESOLVED: this is a type II Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

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

RESOLUTION 2020-21 ~ REPLACEMENT OF LOWER GRIT COLLECTOR

BE IT RESOLVED: Merrick Utility Association Inc, is hereby retained to do the labor associated with the replacement of the lower grit chamber at the Northport Sewer Plant in an amount not to exceed \$14,600. And

FURTHER RESOLVED: this is a type II Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

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

RESOLUTION 2020-22 ~

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 26TH day of February, 2020 to consider the following proposed local law:

Proposed Local Law "A" of the year 2020
Village of Northport, County of Suffolk

A local law to amend chapter 215 Peddling & Soliciting of the Code of the Village of Northport.

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

RESOLUTION 2020 -23~ 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 Milligan and seconded Trustee Smith the following resolution was unanimously approved.

RESOLUTION 2020 -24 ~ AUDITING FIRM

BE IT RESOLVED: The firm of Nawrocki Smith is hereby retained to assist the Village in the year ending 2019 audit in an amount not to exceed \$30,000.00

The next regular meeting of the Board of Trustees will be on February 25th, 2020 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

INC VILLAGE OF
NORTHPORT
Budget Transfers

2/4/2020
2019-2020

AMOUNT	APPROPRIATION LINE FROM	APPROPRIATION LINE TO	AMOUNT
\$500.00	A.1440.0100 VILLAGE ADMIN EQUIP	A.1440.0400 VILLAGE ADMIN CONT.	\$500.00
\$9,913.27	A.3120.0401 POLICE CELL PHONES	A.3120.0101 POLICE OT	\$9,913.27
\$2,849.41	A.3120.0416 POLICE BOAT MAINT	A.3120.0101 POLICE OT	\$2,849.00
\$10,000.00	A.3120.0102 POLICE TEMP SALARIES	A.3120.0101 POLICE OT	\$10,000.00
\$4,000.00	A.3410.0412 FIRE DEPT RADIO MAINT	A.3410.0410 FIRE CONTRACT	\$4,000.00
\$40,000.00	A.3410.0200.0001 FIRE DEPT EQUIP	A.3410.0111 FD PARAMDEICS SAL	\$40,000.00
\$200.00	A.1910.0400 INSURANCE	A.3620.0409 SAFETY INSPECTION	\$200.00
\$1,500.00	A.5110.0430 HAZARD MITIGATION	A.51100406 HWY PATCHING & PAVING	\$1,500.00
\$50.00	A.5110.0430 HAZARD MITIGATION	A.5112.0200.0002 CHIPS EQUIPMENT	\$50.00
\$3,995.00	A.7180.0100 DOCK SALARIES	A.7140.0409.0006 PARK SALARIES	\$3,995.00

\$3,000.00	A.7140.0409.0003 PARK RAIN GARDENS	A.7140.0409.0006 PARK SALARIES	\$3,000.00
\$9,000.00	A.7180.0200 DOCK EQUIP	A.7140.0409.0006 PARK SALARIES	\$1,500.00