

**THE MINUTES
FOR THE MARCH 3rd, 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.

ANNOUNCEMENTS:

PRESENTATIONS:

PUBLIC HEARINGS:

The Mayor asked 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 3rd day of March, 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.**

BE IT ENACTED by the Board of Trustees of the Village of Northport as follows:

Section One.

Chapter 215 of the Code of the Village of Northport entitled "Peddling and Soliciting" is repealed in its entirety.

Section Two.

A new Chapter 215 of the Code of the Village of Northport entitled "PEDDLING AND SOLICITING" is enacted to provide as follows:

215-1 Legislative Intent

The Board of Trustees recognizes that, while door to door hawking, peddling and solicitation is a form of expression that is entitled to First Amendment protection, the Village of Northport has a substantial governmental interest in seeking to protect the well-being, tranquility and privacy of the home and safety of its residents. The Board of Trustees finds that in order to advance this governmental interest, reasonable regulations on hawking, peddling and soliciting are necessary.

215-2 Restrictions

A. No person, organization, society, association, company or corporation, or their agents or representatives, shall canvass, solicit business take orders for goods or services or distribute handbills, pamphlets or other written material or solicit donations or contributions of money or property or financial assistance of any kind upon private property in the Village of Northport by door-to-door solicitation before the hour of 9:00 a.m., of any day or after dusk (i.e., thirty (30) minutes after sunset) of any day, except upon the invitation of the owner or occupant.

B. No person, organization, society, association, company or corporation, or their agents or representatives, shall enter private property to canvass, solicit business, take orders for goods or services or distribute handbills, pamphlets or other written material or solicit donations or contributions of money or property or financial assistance of any kind, whereon there is affixed or displayed to public view from the street any sign or other notice containing any of the following words: "No Hawkers", "No Peddlers", "No Solicitors" or other wording, the purpose of which purports to prohibit hawking, peddling or soliciting on the premises.

C. No person, organization, society, association, company or corporation, or their agents or representatives, shall ring the bell or knock upon or enter any building to canvass, solicit business, take orders for goods or services or distribute handbills, pamphlets or other written material or solicit donations or contributions of money or property or financial assistance of any kind, whereon there is affixed or displayed to public view any sign or other notice containing any of the following words: "No Hawkers", "No Peddlers", "No Solicitation," or other wording, the purpose of which purports to prohibit hawking, peddling or soliciting on the premises.

215-3 PENALTIES FOR OFFENSES

Any person, organization, society, association, company or corporation, or their agents or representatives, who violates any section of this chapter shall be deemed guilty of a violation and upon conviction thereof shall be punished by a fine not to exceed \$500.00 for the first violation, and by a fine not less than \$500.00 nor more than \$750.00 for a second violation, and by a fine not less than \$750.00 nor more than \$1000.00 or by imprisonment for a period not to exceed 15 days, or both, for a third succeeding violations.

215-4 Severability

If any action, subsection, clause, phrase or other person of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions thereof, which other portions shall continue in full force and effect.

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:

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

On the motion of Trustee Maline and seconded by Trustee Milligan the Board moved into executive session: 6:40 PM.

On the motion of Trustee Milligan and seconded by Trustee Smit the Board moved out of executive session: 6:55 PM.

PUBLIC PARTICIPATION: Mindy LaMantia addressed the Board regarding 5G. (See annexed letter). Mayor McMullen stated this has to be addressed on the federal level. The Villages have no jurisdiction.

Christine O'Shea, asked for an update on 51 Mariners Lane. Mr. Besen responded that in regards to litigation (civil action) the Board went into executive session where they were given an update. The Board was updated on dates, process and procedure. Special Prosecutor Cindy Mangano, reported to the Board that summonses have been issued, there is a court date scheduled for Monday March 9th.

Mr. Kehoe explained that he had the house on the market and the sign is still up. Because of encumbrances with the property, (that he crated). People were reluctant to buy it. He had his architect design a new plan, greatly reduced from the original plan. The new plan calls for the house to be pushed back from the street 6 to 8 feet. We submitted the plans to the building permit. I was denied because of the foundation. I paid \$1500 for the Village to hire an outside surveyor. If the survey is back in time the house will be on for the March ZBA meeting if not, we will go in April. I will be going to court Monday March 9, 2020 to answer the summonses issued. Mr. Kehoe explained he has not dropped his lawsuit and cannot talk about it tonight.

Effie Huber asked for a light be put in on the gazebo along Bayview Ave. the area is very dark.

Dave Weber asked where the FLUBSY will be located, and have we entered into any talks with Huntington possibly turning the Woodbine Marina into an agricultural farm for the local Bayman? Trustee Smith stated she thought Huntington would be going out to bid for the Marina. The DEC permit will require us to have security as well as access to a dock, with electric and lighting.

BOARD APPROVAL OF WARRANT:

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

Fiscal Year 2019/2020 General Fund bills in the amount of \$149,018.36

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

Fiscal Year 2019/2020 Sewer Fund bills in the amount of \$25,360.61

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

Fiscal Year 2019/2020 Capital Fund bills in the amount of \$ 238,336.50

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

Fiscal Year 2019/2020 Fire Department bills in the amount of \$39,320.38

NEW BUSINESS/COMMISSIONER REPORTS:

1. **Trustee Kehoe**~ reported that tonight's agenda has on a resolution to hire Steve Leventhal as outside council to research the removal of himself. Stating Mr. Leventhal was also part of a review by an ethics committee. Also, Trustee Kehoe felt the building fee for the Hotel should be addressed. The building fees should be similar to the town.
2. **Trustee Milligan**~ reported he has had a lot of discussion on the hotel building fee and it is something that won't be hashed out tonight. The old pump station is completely out of service and will be abandoned. The Scudder Beach floats will be re-built. We continue to repair the main dock
3. **Trustee Smith** ~ reported to the hotel fees; she has met several times with Kevin O'Neil and is waiting for legal opinion before she votes either way. Parks is doing early Spring clean-up and working on the community garden. There is a resolution on tonight for Cornel Cooperative in connection to the FLUPSY program. She will be hiring a summer intern. Also, working on a bid to replace the electric down at the main park.
4. **Trustee Maline** read the following statement: It is with some regret especially the timing that I have to announce that I will not be campaigning nor can I accept a position though it appears I have to stay on the ballot. I have received a promotion at work and I will be moving to Colorado Springs.
I would like to thank everyone for their support over the last 12 years. I always tried to do what was right for the Village long term. Whether it was the 2 long term Police contracts which has led to the hiring of a younger less expensive police department, the Sewer expansion, the reorganization of the building department or the Hotel, it was always my goal to determine what would benefit the Village long term. I like to think that I contributed to reduced legal costs and fiscal responsibility which led to stability over the years and has put Northport Village on a strong financial footing with the flexibility to bond when and if necessary.
There are some issues I would have liked to see through. The Hotel Project, the Parking situation and the issue with Mr. Kehoe. I would like to take a few minutes to address each of these.

As to the Hotel project, there is no doubt in my mind that the Hotel will be a boon to the economy of Northport Village and the businesses on Main St. and 25a. There is future opportunity for the savvy business person. There is some controversy regarding the building permit fee for the Hotel and how the fees are being computed. During my 12 years there has not been a project of this size and or magnitude. The Hotel is at a point where they believe the building department fees are being calculated incorrectly. They are at a point where they are threatening to sue. Unfortunately, the way the law is written it is difficult to adjust the building fee without amending the code which in most if not all cases is never done retroactively. The Hotel has paid the \$87,000 fee in protest. I suggest that compromise be reached as it appears clear to me that the original intent of the 2013 amendments to the building department fee schedule was to make it more objective and less subjective. There would need to be some type of account taken for the engineering fees already paid for this project. There should be a reasonable compromise and would likely be cheaper than defending a lawsuit and is a unique situation as this project is so large. Why pay the attorneys on each side to litigate this issue when moving forward we can fashion a compromise which strengthens the building code fee schedule. I also suggest that the Village Board and attorneys decide precisely how they want the building fees to be computed and make the code more precise.

As to the parking situation. The parking study revealed that Northport Village does not have a parking problem other than approximately 8 times per year (Cow harbor Parade and Race day and the Concert series in the summer and Family fun nights.). That being said, it would help the businesses on main St. if those spots turned over more than they currently do. This is why we need to obtain the Woodbine Marina property from the Town of Huntington. On information and belief, Huntington is contemplating putting out an RFP for the marina, meanwhile, we need that parking and Northport Village has expressed interest in taking over the Marina. I believe the Village can provide a tremendous public service by obtaining the parking lot and at some point rebuilding the Marina. We would be able to manage it better than Huntington for the sole reason that it is within our jurisdiction for policing by Police and Northport Harbor master. We could do it with less resources than Huntington. I urge you to contact the Huntington Town Council and ask them to negotiate with Northport Village in good faith and not put the Marina and parking in the hands of a private entity.

Lastly as to Mr. Kehoe. Tom, I urge you to do the right thing by your oath of office, morally and for the good of the Village. Please resign. I personally believe that if Northport Village brought legal action against you that they would be successful to have you removed. I hesitated to state this publically because I foolishly believed your false promises regarding tearing down the framing and the basement stairs among other promises you made in public. Look at the national political stage, the public has a great ability to forgive people and politicians who admit to mistakes and BY THEIR ACTIONS show remorse and try to remedy the mistakes. It is not too late for you to do that. If you once again refuse to resign then I am urging the Northport Village Board to hire an

attorney to Petition the Appellate Division 2nd department to have you removed. I also note that I believe the law permits any resident or residents to start an action against you to have you removed. Do the right thing and resign tonight.

5. **Mayor McMullen** reported highway has been busy with storm drains, park benches, cobblestone work along Main Street. They are working on new guard rail along Woodbine Ave. they will be doing dock repair and building new floats.

CHIEF OF POLICE REPORT: In February of 2020 the Northport Police Department responded to 333 calls for service, issued 208 summonses and made 2 arrests.

FIRE DEPARTMENT REPORT: Commissioner Phil Weber reported the department responded to 65 call for the month of February, there were five (5) call today. Also, there will be a photo opt on Thursday at 6:00 PM with the new hook & ladder truck. Commissioner Weber invited the Board to a photo opt with the new Ladder truck, Thursday evening at 6:00 o'clock.

TREASURER'S REPORT: Mr. Marchese reported March 1st, is the start of our new fiscal year. We are submitting grant applications to Senator Gaughran's office.

CORRESPONDENCE:

1. Letter from Cow Harbor Race Committee.

REQUESTS: 1. Request from Northport Chamber to hold annual Hayride Sunday October 25, 2020 in Northport Park. The Board approved this request.

2. Request to hold Farmers Market from June 6, 2020 through Saturday November 21st, 2020 excluding October 3, 2020, (Cow Harbor Race Day). The Board approved this request.

3. Request from Visiting Nurse to hold 20th Annual Run for Health 5K on Saturday May 9, 2020. The Board approved this request.

4. Request from Chamber to reserve the gazebo for Summerfest Wednesday evenings August 5th, 12th, 19th, 26th, 2020. The Board approved this request.

5. Request from Chamber to hold Northport Harbor Family Nights, Tuesday July 14th, & 21st 2020 from 6:30 to 9:30 PM. The Board approved this request.

6. Request form homeowners at 56 James Street to place a POD and dumpster on property for the length of construction phase of home alterations. The Board approved this request.

RESOLUTIONS:

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

RESOLUTION 2020 –25 ~ APPROVAL OF THE FEBRUARY 3, 2020 MINUTES

BE IT RESOLVED: The minutes of the February 3, 2020 meeting are hereby accepted.

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

RESOLUTION 2020- 26 ~ APPOINTMENT OF ALTERNATE SCHOOL CROSSING GUARD

BE IT RESOLVED: that Jodi Bonura, is hereby appointed (effective 2/10/20) as an alternate “School Crossing Guard” at a salary defined in the Collective Bargaining Agreement between the Village of Northport and Local 342.

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

RESOLUTION 2020 –27 ~ LOCAL LAW No. 1, of 2020

WHEREA: 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 3rd day of March, 2020 to consider the following proposed local law:

**Local Law No.1 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 by Trustee Smith the following resolution was unanimously approved.

RESOLUTION 2020- 28 ~ PITNEY BOWES POSTAGE MACHINE

BE IT RESOLVED: The Mayor is hereby authorized to sign an agreement contact with Pitney Bowes for postage meter services in an amount not to exceed \$190.00 per month for a period of sixty (60) months.

The following resolution was put to a roll call vote:

Trustee Maline ~ YES

Trustee Smith~ YES

Trustee Kehoe ~ NO

Trustee Milligan~ YES

Mayor McMullen ~ YES

RESOLUTION 2020- 29~ OUTSIDE COUNCIL

BE IT RESOLVED: The Mayor is hereby authorized to enter into a retainer agreement with Steve Leventhal for the purposes of offering a legal opinion on the removal of Trustees Thomas J. Kehoe under section 36 of the Public Officers Law,

FURTHER RESOLVED: that said retainer shall not exceed \$3,000.

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

RESOLUTION 2020- 30 ~ LITTLE LEAGUE AGREEMENT

BE IT RESOLVED: The Mayor is hereby authorized to sign a one-year agreement with the Larkfield ~ Northport Little League. Approved to form and content by the Northport Village Attorney.

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

RESOLUTION 2020- 31~ INTERMUNICIPAL AGREEMENT WITH NORTHPORT SCHOOL DISTRICT

BE IT RESOLVED: The Mayor is hereby authorized to enter into an intermunicipal agreement to allow the Northport Middle School baseball team to practice at the Steers Ave ball fields starting on or about March 23, 2020 and ending May 29th, 2020 Monday through Friday 3:45 to 5:30 approved to form and content by the Northport Village Attorney.

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

RESOLUTION 2020- 32~ BUDGET ADJUSTMENTS

BE IT RESOLVED: The Treasurer is hereby authorized to make the following budget adjustments: Increase Highway (5110.0100) \$59,000.00 & Parks (7140.0100) \$40,000.00 salary lines

Decrease Judgments & Claims (1930.0400) \$90,000.00

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

RESOLUTION 2020- 33~ BUDGET ADJUSTMENTS

BE IT RESOLVED: The Treasurer is hereby authorized to make the following budget adjustments: Increase Village Administrator line (1440.0400) \$30,000.00 for Holzmacher fees for engineering reviews

Decrease fund balance \$30,000.00

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

RESOLUTION 2020- 34~ PROMOTION

BE IT RESOLVED: Alberto Reyes, be and hereby is promoted to the full-time position HEO, (Heavy Equipment Operator) effective March 1, 2020, at the annual salary and other conditions of employment, pursuant to the collective Bargaining Agreement between the Village of Northport and Local 342, Long Island Public Service Employees.

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

RESOLUTION 2020- 35~ CORNELL COOPERATIVE

BE IT RESOLVED: The Board of Trustees authorizes the Mayor to execute a service agreement with Cornell Cooperative Extension to support, maintain, and provide supervisory staff to operate the Incorporated Village of Northport's aquaculture program and oyster FLUPSY, approved to form and content by the Village Attorney.

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

RESOLUTION 2020- 36 ALTERNATE MEMBER OF THE BOARD OF ARCHITECTURAL AND HISTORIC REVIEW BOARD

BE IT RESOLVED Gene Spivak is hereby appointed to the position of Alternate Member of the Board of Architectural and Historic Review.

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

RESOLUTION 2020- 37 RAVE 911

BE IT RESOLVED: The Mayor is hereby authorized to sign a three (3) year renewal contract with RAVE 911 (computer program) approved by the Village Attorney as to form and content, in an amount not to exceed \$12,000.

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

RESOLUTION 2020- 38~ TECHNOLOGY SUMMER INTERN

BE IT RESOLVED: On the recommendation of Commissioner of Technology Trustee Smith, James Connor is hereby hired as a Summer Intern for Technology, not to exceed 120 hours at a rate of \$14.00/hr.

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

RESOLUTION 2020 -39 ~ BUDGET TRANSFERS

BE IT RESOLVED: The Village Treasurer is hereby authorized to make the following budget transfers, see schedule A.

On the motion of Trustee Maline and seconded by Trustee Smith the Board moved into executive session.

The next regular meeting of the Board of Trustees will be on **Thursday** March 19th, 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	A.7140.0409.0006	\$1,500.00

DOCK EQUIP

PARK SALARIES