

**THE MINUTES
FOR THE JULY 21st, 2020
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING
11:00 AM**

PLEASE TAKE NOTICE: The Northport Village Board will hold a regular Board meeting July 21st, 2020 at 11:00 AM. Pursuant to the Governor's Executive Order 103 the meeting will be held via telephone conference call only and not at Northport Village Hall. There will be no public hearings, public participation or commissioner reports. The meeting will be strictly limited to necessary Northport Village business. The public will be able to hear the meeting by dialing the following phone number (267) 930-4000. Participants will be required to enter the following access code: 405 904 676. Any questions by the public can be asked through our website: <https://northportny.gov>.

PRESENT BY TELEPHONE CONFERENCE: Mayor McMullen, Trustees Maline, Smith, Milligan and Kehoe, Village Clerk Donna Koch, Village Attorney Stuart Besen, Assistant to the Mayor Don Tesoriero, Roland Buzard, Village Treasurer Len Marchese, Police Chief Chris Hughes.

Mayor McMullen: Alright, I hate to say this but we need to go into executive session to start off the meeting. I apologize to everyone. I am putting a half hour time limit on the session so I apologize to anyone who has called in. you will need to call back in at approximately 11:30. The topic is potential litigation and I need a motion for executive session please.

Trustee Maline: Motion to go into executive session.

Trustee Smith: Second.

Mr. Besen: you need to do a roll call.

Trustee Maline ~ YES

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

Joe Sabia: what is this executive session for.

Village Clerk: pending litigation.

Joe Sabia: OK, Thank you.

Mayor McMullen: Ok we are back. I'd like to start by thanking our fire department for all the great work they did at the LILCO fire. I appreciate that. It was done, that was one hell of a fire and I'm glad everyone is okay.

The other announcement I want to make is earlier this year we (meaning the Board) hired an attorney Mr. Leventhal to give us an opinion and an advisory opinion of the Public Officers Law regarding the removal of Trustee Kehoe. I'm just going to read the one line.

It is very lengthy. It will be available today through the Village Clerks office should anyone want to read the entire the entire opinion but the conclusion is based on the facts presented, grounds do not exist for the removal of Trustee Thomas Kehoe under the public officer's law § 36. It is a very touchy subject; I don't necessarily agree but that is the opinion that we've gotten from Mr. Leventhal and I this point I want us to move forward. It is up to the Board to discuss what is to follow Mr. Leventhal's opinion or to still pursue this and it is something that can still be pursued not only by the Board but any village resident, should they want to pursue the removal of Trustee Kehoe. As I said once before later today, the opinion letter will be available through the Clerk's office. That's all I have unless there are other announcements. Donna, besides that do you have any other announcements?

Village Clerk: I have no other announcements.

ANNOUNCEMENTS:

No announcements.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee Maline and seconded by Trustee Smith the following payment of bills was put to a roll call vote a roll call vote:

Trustee Maline ~ YES	Trustee Milligan ~ YES
Trustee Smith ~ YES	Mayor McMullen ~ YES
Trustee Kehoe ~ YES	

Fiscal Year 2020/2021 General Fund bills in the amount of \$320,465.94

On the motion of Trustee Smith and seconded by Trustee Kehoe the following payment of bills was put to a roll call vote a roll call vote:

Trustee Maline ~ YES	Trustee Milligan ~ YES
Trustee Smith ~ YES	Mayor McMullen ~ YES
Trustee Kehoe ~ YES	

Fiscal Year 2020/2021 Sewer Fund bills in the amount of \$ 8,641.14

On the motion of Trustee Kehoe and seconded by Trustee Maline the following payment of bills was put to a roll call vote a roll call vote:

Trustee Maline ~ YES	Trustee Milligan ~ YES
Trustee Smith ~ YES	Mayor McMullen ~ YES
Trustee Kehoe ~ YES	

Fiscal Year 2020/2021 Capital Fund bills in the amount of \$16,947.50

On the motion of Trustee Kehoe and seconded by Trustee Smith the following payment of bills was put to a roll call vote a roll call vote:

Trustee Maline ~ YES	Trustee Milligan ~ YES
Trustee Smith ~ YES	Mayor McMullen ~ YES

Trustee Kehoe ~ YES

Fiscal Year 2020/2021 Fire Department bills in the amount of \$36,682.28

BUSINESS: no business was discussed this morning.

RESOLUTIONS:

On the motion of Trustee Kehoe and seconded by Trustee Smith the following resolution was put to a roll call vote:

Trustee Maline ~ YES

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

RESOLUTION: 2020 – 77~ APPROVAL OF THE JULY 7, 2020 MINUTES

BE IT RESOLVED: The minutes of the July 7th, 2020 meeting are hereby accepted.

On the motion of Trustee Smith and seconded by Trustee Kehoe the following resolution was put to a roll call vote:

Trustee Maline ~ no reply

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

RESOLUTION: 2020-78~ SECRETARY TO THE BOARD OF ARCHITECTURAL AND HISTORIC REVIEW (PART TIME POSITION):

BE IT RESOLVED: Grace Tierney, Huntington, NY is hereby appointed to the position of Secretary to the Board of Architectural and Historic Review at a rate of \$22.00/hr. not to exceed twenty-two (22) hours per week.

On the motion of Trustee Smith and seconded by Trustee Kehoe the following resolution was put to a roll call vote:

Trustee Maline ~ no reply

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

RESOLUTION 2020- 79 ~ DISBURSEMENT

BE IT RESOLVED: The Board approves Deputy Village Treasurer Laura Kaplan to cash out 35 hours of unused vacation time.

On the motion of Trustee Smith and seconded by Trustee Kehoe the following resolution was put to a roll call vote:

Trustee Maline ~ no reply

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

RESOLUTION 2020-80~ WELLNESS PROGRAM

BE IT RESOLVED: As part of the continued Wellness Program the Mayor is hereby authorized to sign an agreement with Nicolas Orlando of Golds Gym to conduct four free to the public bootcamp style sessions consisting of four classes per session in Northport Village Park (times to be announced). Class size will be limited to no more than 25, including instructor, to ensure compliance with social distancing guidelines,

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 Smith and seconded by Trustee Kehoe the following resolution was put to a roll call vote:

Trustee Maline ~ no reply

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

RESOLUTION 2020-81~ WELLNESS PROGRAM

BE IT RESOLVED: As part of the continued Wellness Program the Mayor is hereby authorized to sign an agreement with Jennifer Tzimas to conduct two (ten class) yoga sessions in Northport Village Park/Gazebo from 7/30/20 to 10/3/20 (Thursday 7-8 PM, Saturdays 9-10 AM). Class size will be limited to no more than 25, including instructor, to ensure compliance with social distancing guidelines.

FURTHER RESOLVED: Ms. Tzimas will be compensated at the rate of \$150 per class. For said series, 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 Smith and seconded by Trustee Kehoe the following resolution was put to a roll call vote:

Trustee Maline ~ no reply

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

On the motion of Trustee Smith and seconded by Trustee Milligan the following resolution was put to a roll call vote:

Trustee Maline ~ YES

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

RESOLUTION 2020-82 ~ WELLNESS PROGRAM

BE IT RESOLVED: As part of the continued Wellness Program the Mayor is hereby authorized to sign an agreement with the Long Island Rowing Club to conduct ten free to the public, adult rowing sessions Saturday mornings at Scudder Beach (dates/times to be announced). Class size will be limited to no more than 6 participants,

to ensure compliance with social distancing guidelines.

On the motion of Trustee Smith and seconded by Trustee Kehoe the following resolution was put to a roll call vote:

Trustee Maline ~ YES

Trustee Milligan ~ YES

Trustee Smith ~ YES

Mayor McMullen ~ YES

Trustee Kehoe ~ YES

RESOLUTION 2020 –83 ~ SEASONAL EMPLOYMENT

BE IT RESOLVED: that the seasonal applicants recommended by the Village Clerk and Highways and docks Commissioners are hereby approved:

Dockmaster:

Christi Clinton

\$13.00/hr.

RESOLUTION 2020 – 84 ~ REIMBURSEMENT OF PARK USAGE FEE

BE IT RESOLVED: the Village hereby approves the reimbursement of a park usage fee in the amount of \$25.00 to Kathleen Cleary.

CORRESPONDENCE: no correspondence.

PUBLIC PARTICIPATION:

Mayor McMullen: Before we start public participation if I may interrupt if I may. I am glad Jerry got back on the line. I just want the public to know, I'm sure they do already that this is Jerry's last meeting and Jerry and I came on board together in 2208 and I just want to personally thank you Jerry, you know, for all your hard work and support and your caring so much about the Village. Everybody worked very hard together, didn't always agree, kind of like a normal family but I really wish the best for you and your family moving out to Colorado Springs. I think you're going to really love it out there a lot. So, I just wanted to say the best to you and your family on your new adventure.

Trustee Maline: Thank you.

Mayor McMullen: you are going to be missed. That being said if you want to move onto public participation. Please Donna.

Village Clerk: okay, we are going to move onto public participation. I will need your name and address. Is there anyone who would like to go first?

Joseph Sabia: Cherry Street Northport, Mayor can you do me a favor and have Donna repeat what you said. You came in all gargled up on my end about what the lawyer said about Kehoe and you said something about the public can do it. Can Donna repeat that?

Mayor McMullen: well if you want, I'll repeat it. The questioned present was whether

there are grounds that exist to remove Trustee Kehoe. The attorney that we hired for this Mr. Leventhal gave us a report and I was just reading the conclusion that said based on the facts presented grounds do not exist for the removal of Trustee Kehoe under the public officer's law § 36. But I had said that within the opinion document he does state that not only can a Village Board go to the appellant division to have him removed but any Village resident has that right if they so choose.

Joseph Sabia: why doesn't the Village Board want to take action to do that? Why are you relying on the Village people when the Village people already gave you a big consensus, no one wants him to stay on the Board. Why doesn't the Board vote to spend the money to have him remove?

Mayor McMullen: Because part of the opinion Joe, and I've said this from the beginning, is that by the time we go through the appellant process and appeals through the appellant division, Trustee Kehoe's term basically would have concluded. I don't want to waste taxpayer's money when by the time we get to the end he is out of office anyway. You know I have been trying to use Village funds as best as possible and I'd rather be paving roads or concert work, or upgrading sections of the sewer system. It is my personal opinion that would be throwing good money after bad. By the time we get through it, his term of office will basically have concluded. So why spend the money.

Joe Saba: OK, if that's your opinion, OK, got to respect it. The other thing I want to ask about is that I have noticed now more then ever on the fire department, on the rescue calls. The calls are going out over and over, there not getting enough crews and now I hear there's no paramedics available, multiple times. Can you tell me what's going on with that? Are you aware of it?

Mayor McMullen: we are in the process of hiring more paramedics. Actually, I will be meeting with Roland and speaking to Chief later on after this meeting is over, making sure that the process is moving forward and we have enough paramedics on hand. I will be dealing with that later n today.

Joe Saba: are you short paramedics as we speak? Because when I hear calls go out it says there is no paramedic available. There was even a daytime call the other morning and the other night I heard the same thing happen on a midnight tour. So, I was wondering what the situation was. Are you actually down men?

Mayor McMullen: We need to hire more paramedics, yes. Today I know that there's 3 or 4, that we are doing the background checks on. That's taken place as we speak.

Joe Sabia: so, as we speak, right this moment we don't have 24/7 coverage?

Mayor McMullen: we don't have 24/7 of the paramedics, there are some open slots. We are dealing with hiring new people to fill those slots.

Joe Sabia: OK, OK, that's all I have thank you.

Blair Beudet: 34 Crestfield Place. I just wanted to add my voice to Joe's. I mean we are well aware we are short paramedics. I don't know if we pay enough, I don't know why we aren't getting people. We know how important it is to have these guys. The fire department is so busy, especially the ambulance crews. They need help. That falls right

back on the residents. They can't come out and we don't have anyone else that will come out. We are going to start losing residents. I just wanted to add my voice to what's going on. I realize you are interviewing people but I wonder if the salary should be better for them. They are well trained and it's a hard job. There's no two ways about that. I used to be a firefighter myself and I know the ambulance and I was on the ambulance, there was a lot of work and its even triple, at least today.

Mayor McMullen: Blair, we probably pay more then anybody else for paramedics, so we are paying high wages for these paramedics. We are paying more then other department. I though the same thing as you; are we paying enough? We are paying at least \$2.00 more an hour then other department. Which is a lot over the course of a year.

Blair Beudet: oh, I agree it is but it is necessary in this day and age. One other question I wanted to ask I know other fire departments if there aren't enough, not enough people to run the ambulance that the houseman can go out and at least drive the ambulance. The paramedic would be the medic on board. I would think that would help us out a bit too.

Mayor McMullen: I just got a text saying, we have two new paramedics that just came on board yesterday.

Blair Beudet: alright.

Mayor McMullen: that will help. We need two or three more. Make sure we have more than enough coverage.

Blair Beudet: being a senior citizen I was a little worried. I am, there's a lot of us.

Mayor McMullen: so am I. Thank you Blair.

Blair Beudet: Thank you guys.

Village Clerk: Is there anyone else who would like to speak today?

Josephine Rizzoni: 14 Beach Ave. Hi everyone. I just have a question about the wellness program. I see that the only one getting paid a fee is the Yogi class. Is the guy from Golds Gym and the Rowing Club getting a fee from the Village or are they volunteering?

Mayor McMullen: Mercy could you answer that please.

Trustee Smith: yes, absolutely. Hi Josephine, how are you?

Josephine Rizzoni: fine thank you and yourself?

Trustee Smith: good, the Rowing Club and Golds Gym both of whom are Village residents. So, we give priority to Village residents and village owned businesses, Just as a factual side note. They have chosen to waive their fee. The Yogi instructor is certified and that is her primary business, whereas the rowing Club and Golds Gym (inaudible) is not their primary business. So, she has asked to be compensated. I will say that traditionally or I should say historically over the years the yogi instructor has brought in equal to her total pay with a little bit of excess revenue which we generally use to help pay for the indoor course. So, it ends up being a wash as far as cost to the Village.

Josephine Rizzoni: that's all I wanted to know. Thank you.

Trustee Smith: Thank you Josephine.

Mayor McMullen: Donna.

Village Clerk: OK, is there anyone else who would like to speak?

Doug Roberts: 221 Scudder Ave. First of all I want to start with a thank-you and shout out to Roland and Don in the building department, you guys have always been communicative and professional as we moved back to town and helped us with our projects. I've been in touch with Janet and the Clerk about the boat rack situation down at Scudder Beach and other places. I was eventually able to get off the wait list and get and get into a kayak rack which is great. I see a lot of empty racks down at Scudder Beach and I called to see if I could get another rack because we have another boat and I was told all the racks are spoken for and there is paperwork in processing, which I guess with the pandemic could be the case but it is a little hard to believe looking at half a beach of empty boat racks and boats strewn all over the beach that no one seems to be claiming. So I just wanted to ask about that and understand the process a little better.

Village Clerk: OK, Janet has reached out to everyone on the waiting list. You were here you got a spot. Its just because the pandemic, people aren't coming into hand in tier paperwork so we have to mail them paperwork, we mail them the application, they mail it back and we mail them the sticker for their Kayak. We did notice that there were a lot of kayaks that didn't have stickers, so they were posted wit a warning. I know Janet, we were down to four or five spots left and she continues to work among her other duties to get those spots filled. When she is done with Scudder, she'll move down to Steers and get that filled up. It's a matter of calling the next person n the list and then if you have to leave a message, the wait a couple of days to see if that person calls you back. It is a process.

Doug Roberts: OK, thank you, I'm certainly glad to have gotten my spot. I'm not really on this call for me. I would submit that there is a more efficient way to do this. Using technology, using e-mail using something like a shared document.

Village Clerk: yes, but I can't mail you a sticker.

Doug Roberts: anyway, there is probably a more efficient way to do this. If anyone wants some ideas, I'd be happy to share them. Our waterfront is our most precious assists here in the Village and I hope everything is being done and I wanted to bring it to the attention of the Mayor and Board. If you haven't been down there in a while take a walk down there and take a look. I think there is so much more we could be doing to make sure we get access for all the residents and kids in boats and I think you might want to look at this process and see if it can't be updated, modernized, etc. you know we do have a code the governs how this is suppose to happen and I'm not sure if it is being followed. I urge you all to review it. I would urge if you're not going to follow the code that we've got. Its probable a simple change, I know that changing code is not easy but you might consider revising the code to reflect what the practice it actually is instead of what's in our laws. Thank you for your time and for listening.

Trustee Maline: I'd like to thank my fellow board members and residents who came to the board meetings. Thank you for keeping us on our toes and keep coming to the

meetings. Keep asking the questions. I think that's important. Encourage other people to come to the meetings. The issues that I spoke about in February, I thought I was leaving in March but COVID slowed everything down. My house is being moved today. I am driving out on Thursday. I just urge the Village Board to look for innovated ways to solve problems. I believe we have an issue with our building code. It needs to be revised. There is potential litigation there and I urge you to resolved anything possible and as you all know the hotel paid their building fee under protest. I urge you to solve that without litigation. I submit to you that litigation is going to cost a lot more then adjusting the fee. It seems to me and this is my opinion that the fee was amended in 2014 and we didn't change how we were applying the fee which doesn't make any sense to me. We've had an abatement on this 51 Mariners Lane and Mr. Kehoe's issue, the building is still there and falling down. The legal opinion says we shouldn't sue and that it's the length. It does not say anything about what the cost of litigation would be. There nothing in there about that and its really just interrupting the facts. Really to me what Mr. Kehoe did was a violation of public trust and was intentional and exhibited moral turpitude. It was not done in error. It was done intentionally and he got caught, and like I said in February Tom, if you had fessed up and resigned, work it out that would be different. That building is still standing there and your trying to sell it as if its a brand-new house don't understand it and the public doesn't understand it. Those are facts that aren't addressed in the legal opinion. They are important facts. Its unfortunate that I have to go out like this but I feel that its something I got in the middle of and not able to finish it out. I am disappointed about that but my career has led me to Colorado Springs Colorado. I'll end on a good note, thank out for your kind words Damon and Thank you everybody.

The next meeting of the Board of Trustees will be a teleconference regular meeting August 4th, 2020 at 11:00 AM Northport Village Hall.

Respectfully submitted,

Donna M. Koch
Village Clerk