

MINUTES
May 18th, 2021 – 6:00 PM.

MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING

American Legion Hall – 7 Woodside Ave, Northport, NY 11768

PRESENT: Mayor McMullen, Trustees Milligan, Kehoe, Smith, and Weber, Village Attorneys Stuart Besen and Edward Gathman, Asst Village Treasurer Laura Kaplan, Police Chief Chris Hughes, Assistant to the Mayor Don Tesoriero, Village Administrator Roland Buzard, Village Clerk Amy Grandy.

OPEN MEETING: Meeting called to order at 6:05pm by Mayor McMullen

SALUTE TO THE FLAG: The Pledge of Allegiance was recited.

The mayor announced that he was going to change the order of the meeting this night and asked the clerk to read the following resolutions first.

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

RESOLUTION 2021 – 135 ~ POLICE OFFICER OFFER OF EMPLOYMENT

BE IT RESOLVED: That the Village Board of Trustees hereby authorizes an offer of employment to Justin Solof who has been certified by Suffolk County Civil Service and the Suffolk County Police Department applicant investigation unit to the position of Police Officer, and that upon such certification Justin Solof shall receive all compensation and benefits associated with said position pursuant to the agreement between the Village and the Northport Police Benevolent Association, Inc, effective on or about March 18th, 2021.

WHEREAS: the offer of employment to the Northport Village Police Department 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.

Officer Solof was brought forward and the mayor administered his oath and he signed the village oath book. His family and coworkers were present and came forward for photographs to mark the occasion.

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

RESOLUTION 2018- 134 ~ DETECTIVE APPOINTMENT

WHEREAS: Due to the impending retirement of Detective Pete Howard, the Northport Police Department is in need of a replacement and

WHEREAS: after deliberation and due diligence and upon the recommendation of Chief Hughes;

BE IT RESOLVED: That the Village Board of Trustees hereby authorizes the Mayor to sign an

agreement with the Northport Police Benevolent Association (PBA) and the Incorporated Village of Northport (Village) to promote Stephen Kerekes to a full time position as Detective in the Northport Police Department effective immediately at the annual salary and other conditions and benefits of employment, as outlined in a memorandum of Agreement between the Village of Northport and the Northport Police Department .

BE IT FURTHER RESOLVED: The Stephen Kerekes will not receive the additional pay and benefits he is entitled to under the collective-bargaining agreement (CBA) until the day after Detective Peter Howard vacates his current position of detective.

Officer Kerekes was brought forward and the mayor administered his oath and he also signed the village oath book. His family and coworkers were also present and came forward for photographs to mark the occasion.

ANNOUNCEMENTS: Fire Department Chairman Phil Weber announced that the fire department finished paying off the bond that was issued 20 years ago. The bond included the substation, renovation of the fire house, and the purchase of two pieces of property. The payments of roughly \$375,000 per year and was covered entirely by the firemen's contract work for Asharoken Village at no cost to village residents. The mayor thanked Mr. Weber for his leadership and all the work he has done for the fire house through the years.

PROCLAMATION: A proclamation was presented by Trustee Weber to Northport resident Joe Amato for his heroic actions on the night of Thursday April 29, 2021 when recognized and reported a fire at his neighbor house and went in and carried his disabled neighbor, Ms. Hatfield to safety.

PRESENTATIONS: None

BOARD APPROVAL OF WARRANTS:

On the motion of Trustee Milligan and seconded by Trustee Kehoe, the following warrant was approved.
Fiscal Year 2021/2022 General Fund bills in the amount of \$656,756.44

On the motion of Trustee Kehoe and seconded by Trustee Smith, the following warrant was approved.
Fiscal Year 2021/2022 Sewer Fund bills in the amount of \$86,936.21

On the motion of Trustee Kehoe and seconded by Trustee Smith, the following Fire Department warrant was approved with corrections. Upon the reading of the warrant, Trustee Kehoe commented that the copy of the warrants showed a total of \$9,930.83. Asst Treasurer Laura Kaplan acknowledge there was one bill submitted late in the amount of \$995.00, which had been emailed separately and was left off the warrants.
Fiscal Year 2021/2022 Fire Dept bills in the amount of \$10,925.83

On the motion of Trustee Weber and seconded by Trustee Smith, the following warrant was approved.
Fiscal Year 2021/2022 Payroll General Fund bills in the amount of \$239,493.57

On the motion of Trustee Smith and seconded by Trustee Weber, the following warrant was approved.
Fiscal Year 2021/2022 Payroll Sewer Fund bills in the amount of \$14,054.00

PUBLIC HEARINGS:

On the motion of Trustee Milligan and seconded by Trustee Weber and approved by all, the following public hearing was opened:

**THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW
INTRODUCTORY "C" OF 2021 TO CONSIDER AMENDING SECTION 306-39(H) OF
THE VILLAGE CODE TO PERMIT DRIVE THROUGH FACILITIES IN LIMITED**

LOCATIONS AS FOLLOWS:

306-39(h) Drive through facilities

~~(1) Drive through facilities shall be permitted only in the Highway Business District~~

(1) Drive through facilities shall be permitted only in the Highway Business district on parcels that are fronting on a state highway on a parcel of land in excess of one half acre and cannot be adjoining any residentially zoned or used property and upon a finding by the Planning Board that the general standards for the issuance of a special permit as set forth in Northport Village Code section 306-39(B)(1) have been met.

Applications for special use permits for drive through facilities shall be made to the Planning Board which shall have jurisdiction to issue special use permits for drive through facilities by applying the standards set forth in section 306-39(B)1

~~(2) Drive through facilities shall not be permitted for restaurants or food shops (see 306-5-Definitions Food shop with limited service restaurant) of any kind~~

~~(3) (2) A traffic impact study must be provided, including accident data for all roads and streets where an access connection will be located. The study shall demonstrate that:~~

- ~~(a) All streets and intersections to be impacted by the project shall have the same level of service or better than predevelopment conditions.~~
- ~~(b) All vehicle stacking for the proposed drive through facility will be contained completely on site at all times.~~
- ~~(c) All customer transactions in the drive through lane shall be accomplished in six minutes or less from the time of ingress to the time of egress.~~

~~(4) (3) Drive through facilities shall have one stacking lane only, unless the applicant can demonstrate a need for a second lane to facilitate traffic flow. No more than two stacking lanes shall be permitted.~~

~~(5) (4) Any outdoor service facilities including but not limited stacking lanes and transaction windows shall be a minimum of seventy five feet from the property line of residential uses~~
not be adjoining residentially used or zoned property.

The balance of this statute items (h) 6-16 shall be renumbered 5-15 and shall remain unchanged.

Mayor McMullen introduced Ed Gathman, one of the village attorneys to explain why there were 3 different code changes and three different hearings on this issue.

Ed Gathman explained that we are trying to establish a manner which we can have drive up facilities in limited locations, specifically in the highway business district. The code needs to be amended to allow

drive thru facilities- which had been previously prohibited. To allow the drive thru serve food products and then lastly, deals with some planning board requirements for site plan review. The stacking issues, parking questions and location questions would get reviewed by the planning board when an application moves forward. Presently there is no application pending. Trustee Kehoe asked if the legislation could be combined and a separate section of the code created pertaining to just drive thrus. Mr. Gathman explained that these are all different parts of the code and these are all modifications pertaining to where drive thrus are already mentioned in the existing parts of the village code. An addition section could contradict these sections if they were not modified.

Resident Joe Sabia complimented the Board for doing this and stated that he felt the village has been “living in the dark ages” as far as drive thru were concerned and is looking forward to getting rid of the building on 25A that has been an eyesore.

Another resident (unidentified) asked to define the business district. The Mayor explained that the high business district runs along the north side of 25A from Britannia to Waterside with a little bump out where Southdown Market was and where Hicksville Spring and Brake is. Mr. Gathman noted that Britannia is technically the Marine Business district. Trustee Milligan commented that one of the suggested modifications is that a drive thru can be adjacent to residential property so that limits it even further and those two business on the south side of 25A would not be eligible since they are adjacent to residential properties.

On the motion of Trustee Kehoe and seconded by Trustee Smith and approved by all, this section of the public hearing was closed.

On the motion of Trustee Milligan and seconded by Trustee Weber and approved by all, the following public hearing was opened:

**THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW
INTRODUCTORY “D” OF 2021 AMENDING SECTION 306.13 OF THE VILLAGE CODE WITH
REGARD TO THE ESTABLISHMENT OF DRIVE THROUGH FACILITIES AS FOLLOWS:**

Proposed Local Law to add to Local Law 306-13 A (10) Drive Through Facilities

306-13 Highway Business District.

A. Permitted uses. In the Highway Business District, lands shall be used and buildings shall be erected, altered and used only for the following purposes:

- (1) Any use permitted in the Central Business A District, § 306-11.
- (2) Place of business of a tradesman, such as a builder, cabinetmaker, carpenter, contractor, painter, electrician, mason, plumber, plasterer, printer, roofer or tinsmith.
- (3) Motor vehicle salesroom.
- (4) Business or public garage, automobile service or filling station, automobile repair shop or automobile body shop, provided that a permit is first obtained from the Board of Zoning Appeals under the provisions of § 306-39B hereof.
- (5) Wholesale business, including lumber and other building products for retail and wholesale, provided that a permit is first obtained from the Board of Zoning Appeals pursuant to § 306-39B hereof.
- (6) Storage or warehousing of materials, provided that a permit has first been obtained from

the Board of Zoning Appeals pursuant to § 306-39B hereof.

(7) Light industry of a type and nature approved by and subject to conditions required by the Board of Zoning Appeals and for which a permit has been issued pursuant to § 306-39B.

(8) Boat sales, marine sales, boat rental and boat repairs, provided that a permit has first been obtained from the Board of Zoning Appeals pursuant to § 306-39B (1) hereof.

(9) Place of entertainment, such as an indoor motion-picture theater, bowling alley, roller- or ice-skating rink, but not including nightclubs or dance halls, provided that a permit is first obtained from the Board of Zoning Appeals pursuant to § 306-39B (1) hereof.

(10) Applications for the establishment of drive through facilities shall require a Special Use Permit to be issued pursuant to conditions set forth in section 306-39 of the Village Code and shall be referred to the Planning Board for review. Drive through facilities which may include a restaurant, shall be permitted only in the Highway Business district where the property is fronting on a state roadway on a parcel of land of at least one half acre in size and which is not adjoining to a residentially zoned or used property, upon a finding by the Planning Board that the general standards for the issuance of a of a special use permit as set forth in Village code section 306-39B(l) (b) have been met.

Mr. Gathman explained that this section of the law proposed to require businesses wanted a drive thru to get a special use permit. An applicant would make an application to the planning board who would look at the entire site for purposes of ingress and egress, parking and stacking lanes and the applicant would still have to make an application for a special permit which means once the board grants some type of relief, they still have continuing jurisdiction – they always have the right to call that entity back before the board if they are doing something improperly and that is why we want it as a special use permit.

Resident Dave Ambro had a question on the number of cars proposed in the stacking lane – whether it as eight or ten. Mr. Gathman responded that that is addressed in the next section.

Another resident had a question if an applicant could get a variance on the conditions set forth in the code and Mr. Gathman replied that the planning board does have discretion and could make different conditions of approval. Mr. Gathman used the example of the number of cars in a stacking lane and said that they planning board could approve a different number if they thought it could work as well. The resident brought up the property that fronts on two different roads and Mr. Gathman said in theory they could approve it although in that particular situation unlikely since state road provides a much better method of ingress and egress right on 25A.

On the motion of Trustee Milligan and seconded by Trustee Smith and approved by all, this section of the public hearing was closed.

On the motion of Trustee Smith and seconded by Trustee Milligan and approved by all, the last public hearing was opened:

**THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW
INTRODUCTORY “E” of 2021 AMENDING VILLAGE CODE SECTION 247-2 (B) REGARDING
SITE PLAN REVIEW OF DRIVE THRU FACILITIES AS FOLLOWS:**

Proposed Local Law to add to Local Law Section 247-2 (B) (4)

247-2 Objectives

In considering and acting upon site development plans, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular. The Planning Board may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of chapter 306, zoning, of the Village of Northport and chapter 219, Planning Board Article IV, of the code of the Village of Northport and the accomplishment of the following objectives in particular:

A. Traffic access,

- (1) All proposed traffic access drives are adequate but not excessive in number
- (2) Traffic access is adequate in width, grade alignment and visibility.
- (3) Traffic access is not located too near street corners or places of public assembly.
- (4) Access points are spaced and situated to avoid conflict.
- (5) Traffic flow into and out of access points is controlled and clearly marked.

B. Vehicular circulation and parking.

- (1) Off street parking and loading spaces are provided that are adequate in size and quantity.
- (2) The number of parking and loading spaces provided is sufficient, but not excessive, for the use of uses(s) on the site. Opportunities for shared parking are factored into assessments for parking needs.
- (3) The interior circulation system is adequate to provide safe accessibility to all required off street parking.

247 (B) (4) Required loading zones and loading areas shall not utilize any area designated as a driveway, an aisle way, parking stall or walkway and shall be designed to adequately protect nearby parking stalls during vehicle maneuvering, and shall be physically separate from off-street parking stalls, parking lot aisles, vehicular stacking or drive-through lanes, and driveways to prevent conflicts with internal vehicular maneuverability as determined necessary and at the discretion of the reviewing agency. Where a loading space is not required by the Zoning Code, the Planning Board may require an unmarked loading space to be shown on the site plan. Any expected delivery trucks must be able to fit and maneuver into the unmarked space and must not need to back into or out of the property from/to the street. Unmarked spaces may block dumpsters or parking spaces, but cannot block handicapped parking spaces or site entranceways. Where the site development incorporates a drive-in facility, queuing or stacking lanes no less than twelve (12) feet in width (typical of that required for minimum one-way driveway circulation) for queued vehicles shall be provided. The minimum number of vehicles stacked shall be eight (8) vehicles for one drive-in facility and five (5) additional vehicles for each additional drive-in facility. The reviewing agency may permit a lesser number of stacked vehicles if determined reasonable for the use proposed only upon receipt of a stacking study for the same use or a use similar in character to that proposed. Each vehicular stall within the stacking lane shall have a dimension of no less than nine (9) feet wide by twenty (20) feet in length and shall be oriented through practical vehicular turning radii to fit within the confines of the stacking lane width. The vehicle one-way stacking lanes shall be separate from and shall not interfere with parking stalls, parking and driveway aisles, and loading spaces through installation of a physical separation barrier. The stacking lanes shall not cause any hazard or congestion to occur on a public street or highway or restrict ingress, egress or parking.

Mr. Gathman explained that this section deals with the amendment to our site plan regulations and proposes a certain size for stacking lanes, minimum of vehicles in the stack of eight for a one drive facility and an additional five for a two drive in facility. The planning board would have some authority to modify those numbers if the site plan required it. The goal is to allow the planning board decide what is permissible and what is reasonable and to make sure drive thru lane don't affect the parking. What we want to avoid is having difficulty parking in a lot because there are stacking lanes – we want people to be able to park and go in if they want or alternatively, go thru a drive thru lane.

A question was raised by the owner of the shopping area on 25A where Starbucks is a current tenant. He questioned why we didn't follow the town of Huntington's lead and require 10 cars in a stacking lane. Mr. Gathman responded that it could be modified by the board but there would need to be a much large area to accommodate 10 vehicles. Mr. Gathman reinforced that there aren't many properties that qualify is no application yet but there is a site has been vacant for a very long time and is dilapidated and we hope to have something there soon. The questioner was concerned that extra cars would hang out in the street but Mr. Gathman said we are trying to avoid that situation and the development would be a comparison was made to the McDonald and the amount of cars that line up and overflow onto the road. Mr. Gathman said it is hard to know how many cars would cause a back up and how many cars can be accommodated because there hasn't been a site plan submitted yet.

Trustee Kehoe commented that any plan submitted needs to have room for people to get on line as well as have room to part. The mayor agreed that would be the perfect plan.

On the motion of Trustee Kehoe and seconded by Trustee Milligan and approved by all, this section of the public hearing was closed.

Attorney Sue Besen commented that this could not be voted upon yet because we had just sent it into the Suffolk County planning board and we need to wait for them to say it is local determination. The Mayor commented that the 30 day mark would be before the June 15th meeting and Mr. Besen commented that it didn't need to be scheduled now but it would be added to the agenda.

BUSINESS/COMMISSIONERS REPORTS:

Trustee Kehoe announced that Skippers would be officially opening next Wednesday 5/26 with a grand opening and ribbon cutting ceremony followed by a cocktail hour. They have completed a thorough renovation with new full size windows and the barriers have all been removed and they are looking forward to re-opening for business.

Trustee Milligan discussed the staffing moves at the police department, all done under the guidance of Chief Hughes who did the selection of highly qualified individuals and planning in such a way that there is continuity in the department and no loss of man power. Trustee Milligan also mentioned that pending approval for one of the officers to get special drug recognition training which is especially important with the new legalization of marijuana where there is no current testing but this is an approved method and it is a sought after class with limited availability. There is a limited number of officers with this training and will allow us to add shred services to the reciprocal pool for Suffolk County. He thanked the Chief for getting ahead of this as it is predicted that it will soon be difficult to get into these types of training programs.

Trustee Smith commented that as she prepares to step out of her role she is still running at 200% and trying to leave the village better than when she came into office and thanked all the support departments for their help and for doing the day to day operations that help her accomplish so much.

Trustee Weber thanked Trustee Mercy for all help and guidance when he came on as a trustee and how she really helped him learn the ropes and get things done. He commented that he will be taking on her many, many projects and roles. He announced the first “Clean the Bay” that he will be doing with the Northport Native Garden Initiative on June 12th at 7:30am where they will be going to clean up Bird Island as well as some derelict boats and traps. They will be using the village work boat and bringing these back to the dumpsters at Scudder Beach.

TREASURER REPORT: None

CHIEF OF POLICE REPORT: None

CORRESPONDENCE:

The first item of correspondence was a letter from the Cow Harbor 10K Run board of Directors stating that they have begun organizing this year’s race and asked the village’s permission to have the race on Saturday, September 18th and will base their planning on prevailing COVID restrictions at the time of the event.

The next piece of correspondence was from the Northport Volunteer Fire Dept who unfortunately announced that that they would not be having the fireman’s fair this year but are asking the community of support with a fundraising raffle instead.

There was also a flyer for the Grand Re-Opening for Skipped shared.

There was also a flyer for the Angels for Warriors flag placement which was taking place Saturday may 22nd at 8am.

REQUESTS: None

NOTICES: None

RESOLUTIONS:

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

RESOLUTION: 2021 – 131 ~ APPROVAL OF THE MINUTES

BE IT RESOLVED: The minutes of the May 4th, 2021 meeting are hereby accepted.

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

RESOLUTION: 2021 – 131 ~ ACCEPTANCE OF DONATION

WHEREAS: In a letter dated May 12, 2021, Joseph Schmitz states that he would like to donate plantings and 4 picnic tables to improve the southeast corner of Woodbine Avenue and Scudder Avenue, and

WHEREAS: It is understood that said improvements will be available for public use, and
WHEREAS: The Board of Trustees has considered this contribution, and has determined that that the acceptance of such gift(s) is in the best interest of the village, now therefore
BE IT RESOLVED: That the Village of Northport gratefully accepts the generous donation by Joseph Schmitz of plantings and picnic tables, in a manner and form to be approved by the Village Administrator, and hereby directs the Village Clerk to forward the donor a letter of appreciation.

A question was asked by Trustee Kehoe regarding which section of property this was and Roland Buzzrd responded that it would be available to residents as well as patrons of local restaurants.

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

RESOLUTION: 2021 – 133 ~ NYS RETIREMENT STANDARD FOR JUDGE BIUNNO

BE IT RESOLVED: That the Village Board of Trustees approves and posts a standard workday for Judge Mary Louise Biunno that she be reported 3.65 days for days in months with two pay-periods and 5.47 for days in months with three pay-periods. For years with 27 bi-weekly pay-periods, she should be reported for 3.52 days in months with two pay-periods and 5.27 days in months with three pay-periods as per NYS Retirement Systems Standards.

A question was asked by Trustee Kehoe regarding this resolution had being presented already but the Mayor informed him that this was a correction.

(See earlier in the meeting for
RESOLUTION 2021 - 134 ~ DETECTIVE APPOINTMENT
RESOLUTION 2021 - 135 ~ POLICE OFFICER OFFER OF EMPLOYMENT)

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

RESOLUTION 2021 –136 ~ APPROVAL OF TRAINING AND TRAVEL FOR POLICE OFFICER SEAN SAGISTANO

BE IT RESOLVED: That the Village Board of Trustees approves Police Officer Sean Sagistano to attend a Drug Recognition Expert Training offered by the New York State Governor's Traffic Safety Committee at a time and location to be determined. Officer Sagistano is authorized in accordance with the Village of Northport's Travel Policy to be reimbursed for travel, lodging and meal expenses not to exceed \$5,000. . Officer Sagistano is authorized to use a village vehicle as appropriate.

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

RESOLUTION 2021 – 137 – APPOINTMENT OF ASSISTANT HIGHWAY SUPERVISOR

WHEREAS: The Assistant Highway Supervisor position includes, but is not limited to, the following job duties: Organizes, assigns, supervises and participates in the work of highway ws engaged in a variety of routine tasks related to all Highway Department duties; Computer literate - ability to use all necessary related programs; Ability to complete work orders; Assists in the maintenance of time records; Purchasing of material; Must obtain and maintain the "C" operator certification for fuel operations (will train); AB operator certification for fuel operations preferred (will train); Maintains fuel logs; Oversees vehicle logs; Fabrication/maintenance of

signs; CDL license required.

BE IT RESOLVED: After a thorough evaluation of all candidates by the Village Administrator, the Commissioner of Parks, and the Commissioner of Public Works and Highway, William S. Forster is hereby appointed to the position of Assistant Highway Supervisor for the Village of Northport, and

BE IT FURTHER RESOLVED: The Assistant Highway Supervisor is a union position, and will be full-time at a rate of pay of \$37.98 per hour, with the possibility of overtime. William S. Forster will be subject to a job performance review after 4 months, as well as complete a 6-month probationary period, as per the Union Local 342/LISPSE Collective Bargaining Agreement and

BE IT FURTHER RESOLVED: that the Village Board of Trustees has determined that the action is a type II action pursuant to 6 NYCRR part 617.5 (c) 26 and not subject to any further action under SEQRA;

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

RESOLUTION 2021 – 138 ~ HIGHWAY/PARKS DEPARTMENT LABORER

BE IT RESOLVED: Philip F. Macedonio is hereby appointed to the position of Laborer for the Incorporated Village of Northport, and

BE IT FURTHER RESOLVED: The Laborer position is a union position, and will be full-time at a rate of pay of \$23.20 per hour with the possibility of overtime. Philip F. Macedonio will be subject to and must pass a full background check as well as complete a 6-month probationary period, as per the Union Local 342/LISPSE Collective Bargaining Agreement.

BE IT FURTHER RESOLVED: the Village Board of Trustees has determined that the action is a type II action pursuant to 6 NYCRR part 617.5 (c) 26 and not subject to any further action under SEQRA

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

RESOLUTION: 2021 – 139 ~ AUTHORIZING THE MAYOR TO EXECUTE A INTERMUNICIPAL AGREEMENT WITH TOWN OF HUNTINGTON

WHEREAS, the Village of Northport is desirous to enter into an intermunicipal agreement with the Town of Huntington for the use of Woodbine Marina

WHEREAS, the execution of an intermunicipal agreement is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c) (18)(21), and therefore no further SEQRA review is required.

BE IT RESOLVED: The Northport Village Board hereby authorizes the Mayor to execute an intermunicipal agreement with the Town of Huntington for the use of marina with water and electricity for a sum not to exceed \$100.00 per month for one year. Subject to attorney review for form and content.

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

RESOLUTION 2021 – 140 ~ MS-4 REPORTING

BE IT RESOLVED: The Northport Village Board hereby accepts the draft MS-4 annual report

for the period of March 10, 2020 to March 9, 2021 and makes the draft MS-4 report available to the public through its website at Northportny.gov “for a period of 30 days for public comment.”

On the motion of Trustee Milligan, seconded by Trustee Smith and approved by all, the following resolution was approved without a complete reading.

RESOLUTION 2021- 141 ~ FLUPSY

BE IT RESOLVED: The Mayor is authorized to procure services and execute contract for services to Advanced Plastic Fabrications to construct 4 High Density polyethylene plastic FLUPSY boxes in support of the Village Aquaculture program, in the amount not to exceed \$1,520.00.

BE IT FURTHER RESOLVED: This is a type II Action pursuant to 6 N.Y.C.R.R. Section 617.5, and therefore, no further SEQRA review is required.

On the motion of Trustee Milligan, seconded by Trustee Smith and approved by all, the following resolution was approved without a complete reading.

RESOLUTION 2021- 142 ~ FLUPSY

BE IT RESOLVED: The Mayor is authorized to procure services and execute contract for services to Advanced Plastic Fabrications to construct 4 High Density polyethylene plastic FLUPSY boxes in support of the Village Aquaculture program, in the amount not to exceed \$1,520.00.

BE IT FURTHER RESOLVED: This is a type II Action pursuant to 6 N.Y.C.R.R. Section 617.5, and therefore, no further SEQRA review is required.

On the motion of Trustee Milligan, seconded by Trustee Smith and approved by all, the following resolution was approved without complete reading.

RESOLUTION 2021- 143 ~ FLUPSY

BE IT RESOLVED: The Mayor is authorized to procure services and execute contract for services to Advanced Plastic Fabrications to construct High Density polyethylene plastic welded joints to construct FLUPSY boxes in support of the Village Aquaculture program, in the amount not to exceed \$710.00.

BE IT FURTHER RESOLVED: This is a type II Action pursuant to 6 N.Y.C.R.R. Section 617.5, and therefore, no further SEQRA review is required.

On the motion of Trustee Weber, seconded by Trustee Milligan and approved by all, the following resolution was approved without complete reading.

RESOLUTION 2021 – 144 ~ TO SCHEDULE A PUBLIC HEARING TO CONSIDER LOCAL LAW INTRODUCTORY “F” OF 2021 AMENDING SECTION 207-8: USE REGULATIONS AND RESTRICTIONS WITH REGARD TO PROHIBITING SMOKING IN VILLAGE OF NORTHPORT PARKS AND BEACH AREA

WHEREAS: the scheduling of a public hearing to consider a code amendment is not an action pursuant to SEQRA and no further SEQRA review is required at this time.

BE IT RESOLVED: that the Village of Northport Board of Trustees will hold a Public Hearing on the 15TH day of June, 2021 at 6:00 p.m. at American Legion Hall at 7 Woodside Ave, Northport, NY 11768 to consider adopting Local Law Introductory No.2021-F to amend section 207-8(A)(1) and (2) of the Northport Village Code to prohibit smoking at all times in all parks, athletic fields and beaches located within the lands and jurisdiction of the Incorporated Village of Northport, and

Local Law Introductory No. 2021-F as follows:

Chapter 207: PARKS AND BEACH AREAS
Section 207-8 Use regulations and restrictions.

A. Smoking prohibited

(1) No person shall smoke a tobacco product; herbal product; **marijuana; marijuana derivatives,** electronic cigarette; pipe or cigar; vapors; e-liquids; or other smoking devices in an outdoor playground, **park, athletic field or beach** located within the lands and jurisdiction of the Incorporated Village of Northport. This prohibition applies ~~only~~ to public playgrounds **parks athletic fields and beaches** and is not intended to include private property to which the general public does not generally have access or private areas used exclusively for private functions. "No Smoking" signs, or the international "No Smoking" symbol which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, or such other sign that is reasonably calculated to give notice of the no-smoking restrictions imposed by this section, shall be prominently posted where smoking is regulated by this section. ~~In the event a playground is not enclosed by fencing or other partition, no smoking shall be permitted beyond the signs posted in accordance with the section.~~ This prohibition is not intended to include parking lots of beaches.

(2) ~~No person shall smoke a tobacco product, herbal product, cigarette, pipe, cigar or other smoking device during a public event or public gathering, including but not limited to concerts, holiday services, fairs, charity events and arts and crafts displays and/or sales, occurring on public property within the lands and jurisdiction of the incorporated Village of Northport. "No Smoking" signs, or the International "No Smoking" symbol which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, or such other sign that is reasonably calculated to give notice of the no-smoking restrictions imposed by this section, shall be prominently posted where smoking is regulated by this section, or, alternatively, public announcement of this prohibition and/or temporary signs will be sufficient compliance with this requirement.~~

Everything else in this section remains unchanged.

PUBLIC PARTICIPATION:

The first resident to speak was Effie Huber who discussed an email she sent to the village clerk with photos of the obstructed and bleached parking signs and Roland Buzard stated that once the new signs arrive, they will clear and replace as needed. Effie also wanted to highlight that there is only one on the west side of the street. The Mayor and Mr. Buzard stated they will review the code to make sure that the street is properly marked. Trustee Weber asked if parking was an issue lately and Mrs. Huber said there has been more parking lately and even overnight. Mrs. Huber also wanted to address people coming down James Street and picking up speed and wanted to see if there was a way to remedy this and even suggested making one side one way. There is even a bus stop there and the problem is even worse during the summer with traffic due to lessons at the Yacht Club.

The next resident to speak was Joe Sabia who brought some neighbors as well who are also having issues due to what is happening at the Fish Market. Joe stated that They were again doing work despite the stop work order. They were spreading grave today. Joe asked if a site plan had been filed yet. He had made a FOIL request and did not see one nor a survey or architectural drawing. Joe also commented that the front door swings inwards which is a fire code violation and he also wanted to go on record complaining

that he felt the sign is unsafe. He complained that Sammy has been using blowers too early and has broken his fence multiple times as well as unregistered boats and trailers.

Another neighbor, Martha, complained about the use of extremely offensive language and referenced a detailed letter that she had send in Feb of this year with complaint about their methods of storage and food preparation and called the area a junk yard with many vehicles with no plates.

The mayor responded that the village has done everything within their power and Stu Besen asked if he has violated any laws. Mr Sabia said he has seen some orange tickets but the chief did not have any records with him. Joe said the next time there is an issue, he will ask to have him press charges for criminal mischief, menacing and harassment although Joe thinks he (Sammy) will claim it was an accident, he will pay for it and it will be thrown out and a waste of time. Joe brought up past issues with snow and other junk in his yard that he has had to remove and a new issue with a race car that he races up the street. Stu Besen clarified that there are two issues – one that seems to potentially be criminal issues and the other that are building code violations, which he referred to Ed Gathman. The owner, Eric will be coming into court on June 7th but Joe continued to voice complaints about Sammy. Eric has not been active in the business for a year and a half and Sammy is now acting as store manager. Roland Buzard stated that the stop work order only pertains to the work that had been permitted – today's gravel work isn't covered.

Neighbor Ray Gneiser asked if the village could make him put up a fence. Roland Buzard responded that he can't tell him what to do and can only make suggestions.

The Chief stated that the problem with enforcement is that they come and go and they catch him when they can and take care of what they can take care of. The mayor reinforced that the village has to act within the code and laws.

One of the neighbors asked if the village could approach it from a property maintenance angle and Stu Beson commented that the building, not the individual, would have to claimed as an imminent danger and they would need to have an engineer certify it as such.

Joe then brought up an issue with the bathroom / cesspool vent and Roland stated that that permit has been pulled. Joe also brought up that they replaced a wall with no insulation and Roland responded that only the rough construction had been approved. A question was brought up regarding how many violations are needed to shut them down and Trustee Milligan asked if there is a different threshold for commercial buildings versus residential properties and what can be done with and without permits. Ed Gathman stated that the owner has been instructed to come in for site plan review and said they would meet again with the building department to see if they have changed the site plan and that they will need to come into compliance. This should address the concerns about the addition. He will also need to come to the planning board with his plans.

Josephine Rizzoni who lives on Beach Ave spoke regarding people disregarding the no parking zone on Beach Ave. There is a house under construction and there are extra cars due to the workers in the area but the speaker did not know who was parking there. The mayor commented that the Chief would send someone down to check it out.

Another resident to speak was Doug Roberts who thanked Trustee Smith for all the work that she has done and then asked the Mayor if he has decided on a replacement yet. The mayor responded that he hasn't yet.

The last resident to speak was Blair Beaudet voiced a complaint the Trinity Church had been denied the opportunity to have their annual picnic at Scudder beach. The mayor responded that it had to do with when they applied and asked them to apply again and the village follows the most current Covid guidelines to the approvals. But Blair said it was now too late.

Christine Ruggeri asked that now that the CDC has changed the mask mandate if there was any guidance from the village for businesses. Trustee Milligan responded that the state is allowing businesses to decide what they want to allow in their business but there will be no additional positioning from the village. Stu Besen reiterated the state position that a mask is no longer required if you are fully vaccinated except in certain businesses like doctor's office and hospitals.

The next meeting of the Board of Trustees will be June 1st, 2021 at 6:00 PM.

Meeting adjourned at 7:36pm.

Respectfully submitted,
Amy Grandy
Village Clerk