

**MINUTES**  
**JUNE 15, 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, and Weber, Village Attorneys Stuart Besen and Edward Gathman, Treasurer Len Marchese, 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 6:00pm by Mayor McMullen

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

**PROCLAMATION:** A Proclamation was issued for Donna Monteleone, an Ocean Ave. Teacher Aide who saved the life of a first grader who almost choked in the lunchroom.

**ANNOUNCEMENTS:** The mayor made an announcement that the Village Hall would be closed Friday 6/18/2021 in observance of Juneteenth. Treasurer Len Marchese questioned whether the Village had adopted it as a holiday and whether it was covered in the collective bargaining agreement with the highway union. It was later verified that the holiday was included as an observed holiday.

**PRESENTATIONS:** None

**PUBLIC HEARING:**

On the motion of Trustee Kehoe and seconded by Trustee Milligan, the following public hearing was opened.

**THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING 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**

The Village of Northport Board of Trustees considers the following 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.

Trustee Kehoe commented that he commended the village for bringing up this legislation as the beginning of the village entertaining how we are going to deal with the legalization of marijuana, its use and enforcement of this potential new law. Chief Hughes responded that this like most minor violations, a complaint is made by a civilian and the investigating officer has to observe the violation to write a summons as a code violation. Trustee Milligan added that county and town parks have these same restrictions and felt in light of the new environment, this legislation is essential. Trustee Weber also agreed with how the law is written and wished that sidewalks could also be covered.

A resident questioned if this law would allow him to smoke while standing in a parking lot. Attorney Stu Besen responded that the current law allows someone to smoke in a parking lot. Mayor McMullen clarified that the law allows some to smoke in the lot but once they step into the park, they are no longer allowed to smoke. Mr. Besen reiterated that this is the way the code currently is and the board could change the code to prohibit smoking in the parking lots of beaches. Another resident voiced his support that smoking should be prohibited in the parking lots for both cigarettes and marijuana smoking. The mayor brought up the point that there is a difference between Scudder Beach, Steers beach and Steers ball field are village properties but technically the Town of Huntington owns the main Village Park, Cow Harbor park and their respective parking lots which are leased to the village and questioned whether we could impose our laws on these properties. Mr. Besen responded that under our agreement we control, maintain and operate

these properties although an argument could be made in court but his recommendation is to enact the law and the Town of Huntington code is similar to the old code which is unclear. Mr. Besen said that we could change the wording to say this prohibition is intended to include parking lots of beaches and all parking lots. In response to a resident's question about the lease arrangement, Trustee Milligan explained that the land where the parks are (including Woodbine marina as well) was originally owned by the powerplant and a trade was made by the town for the land when the powerplant is currently located. Mayor McMullen continued that in the early 70's, Cow Harbor park was a dirt lot and there was a petition to the TOH to make it a park rather than a restaurant facility. An environmental group from the High school and other residents planted trees and repaired the bulkhead. Trustee Weber mentioned that he had read the lease agreement and noted there are some parcels that were deeded directly to the village in the 1930's so it is not the full width of the park. Trustee Weber stated that we have the right to determine the zoning and the regulations.

Chief Hughes raised the point that the way the marijuana laws were proposed, it only gives the ability to codify prohibiting smoking marijuana by prohibiting smoking in general. He mentioned that there is a provision in the new law that states that you can't smoke marijuana in a car. He brought up the example of residents that like to sit in their cars in lot #1 overlooking the water and smoke a cigarette in their car, if we change the code to prohibit all smoking in the parking lot, that takes that away. Trustee Milligan stated that that is why the parking lot wording was the way it was and mentioned the NYC prohibits smoking within 50 feet of a business, which would cover the entire bottom of Main St. The resident asked about Nassau County's prohibition of smoking on sidewalks which Mr. Besen confirmed that Nassau did enact it. Trustee Milligan stated that the village's intention is to keep smoking out of densely populated areas. Trustee Weber commented that he would like the ban to be more expansive. Mr. Besen stated that this section has to do with parks and beaches and a sidewalk ban would be in a different section in the code and he would rework the sentence regarding the parking lots for beaches, parks and athletic field and would present it again to the Board.

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

#### **BOARD APPROVAL OF WARRANT:**

On the motion of Trustee Weber and seconded by Trustee Kehoe, the following warrant was approved.

Fiscal Year 2021/2022 Fire Department bills in the amount of \$24,204.15

On the motion of Trustee Weber and seconded by Trustee Kehoe, the following warrant was approved.

Fiscal Year 2021/2022 Payroll Week (06/04/21) General Fund \$219,363.71

On the motion of Trustee Kehoe and seconded by Trustee Milligan, the following warrant was approved.

Fiscal Year 2021/2022 Payroll Week (06/04/21) Sewer Fund \$13,870.03

#### **BUSINESS/COMMISSIONERS REPORTS:**

Trustee Kehoe reported that with the Governor lifting Covid restriction, the village is jumping. The warm weather is bringing crowds back to downtown and the restaurants and stores have been busy.

Trustee Weber reported on this years "Clean the Bay" clean up day. Northport Native Garden Initiative non-profit group helped spearhead it with family and scout participation. and there were over 50 participants and 15 bags of garbage were removed from Bird Island and there could have been more if they had more time. The kids receive community service credit sheets and learned a lot about what going on in the tall grass.

Trustee Weber also gave a FLUPSY update – the oysters have arrived in Hunting =ton seeds and are being grown and will be transferred in a few weeks. Sean Tammaro has been hired as supervisor and they are working on hiring HS interns as well.

Trustee Weber also commented on the 6 year-old Woodbine Marina – which is currently being demolished at a cost of \$78,000 to the Town of Huntington (TOH). The village is going to capture 2 slips and a gangway which will likely also break up but he hopes we can get one season out of them for the FLUPSY dock and village boats. The pilings will remain. A resident asked about the money TOH had spent and Trustee Weber confirmed that TOH already spent \$2 million on construction and has bonded an additional \$1.5 million for Bulkhead and other repairs. The Mayor commented that when it was being constructed he and then mayor Doll had told them it wouldn't work and then afterwards, the Village did consider taking it over but the TOH wanted to charge an enormous fee that didn't make sense. Although our residents currently have access to the parking lot, that may end as they make repairs to the bulkhead and other various repairs. The village has also offered to take over the parking lot and bathroom facility but we haven't been able to work it out.

**TREASURER REPORT:** Len Marchese reported that the auditors left on Friday which is why there was no time for a general warrant.

**CHIEF OF POLICE REPORT:** None

**CORRESPONDENCE:** None

**REQUESTS:** None

**NOTICES:** None

**RESOLUTIONS:**

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

**RESOLUTION: 2021 – 158 ~ APPROVAL OF THE MINUTES**

**BE IT RESOLVED:** The minutes of the June 1<sup>st</sup>, 2021 regular meeting and the June 7<sup>th</sup>, 2021 special meeting are hereby accepted.

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

**RESOLUTION: 2021 – 159 ~ AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TOWN OF HUNTINGTON FOR ACCESS AND USE OF THE SOUTHERNMOST DOCK OF THE WOODBINE MARINA**

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

FLUPSY program and Village boats

**WHEREAS**, the execution of an 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 agreement with the Town of Huntington for use and access of approximately 100 feet of the southernmost dock between designated markers A5 and A6 and agrees to defend, indemnify and hold harmless the Town of Huntington for the use and access of said area of the said dock.

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

**RESOLUTION: 2021 – 160~ ADOPTION OF RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)**

**BE IT RESOLVED:** By the Board of Trustees of the Village of Northport that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**BE IT FURTHER RESOLVED:** that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods

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

**RESOLUTION 2021- 161 ~ PREPROM PARKING RESTRICTIONS**

**WHEREAS:** Chief Hughes has requested the enactment of temporary parking restrictions in Municipal Lot #1 (Village Park) and on Main Street on June 24, 2021 from 12 noon to 6pm to facilitate the Northport/East Northport High School Pre-Prom party.

**WHEREAS:** Chief Hughes has outlined the required restrictions in a memorandum to the Board of Trustees dated June 15, 2021, now therefore

**BE IT RESOLVED:** That the temporary parking restrictions on the dates and times noted in the memorandum, which is annexed to this agenda and incorporated herein, are hereby approved and the Police Department is hereby authorized to take actions necessary to enforce said restrictions.

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

**RESOLUTION 2021 – 162 ~ SEASONAL HIRING**

**BE IT RESOLVED:** Andrew Jett is hereby hired as a Summer Intern for the Incorporated Village of Northport.

**BE IT FURTHER RESOLVED:** Andrew Jett will work no more than 17.5 hours per week for the months of June, July and August. at a rate of pay of \$0.00 per hour and

**FURTHER RESOLVED:** this is an unlisted 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 by Trustee Weber, the following resolution was unanimously approved.

**RESOLUTION 2021 – 163 ~ WELLNESS PROGRAM – GOLD'S GYM**

**WHEREAS:** The wellness program is a continuing program offered by the Village of Northport for the betterment of its residents.

**BE IT RESOLVED:** That the mayor is hereby authorized to execute an agreement with Nick Orlando of Gold's Gym to offer up to 40 classes as a part of the said Wellness Program for Summer 2021. No compensation is required as classes will be offered free to participants, and said agreement is subject to attorney review. All classes are to be compliant with CDC, State, and County COVID-19 Guidelines.

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

**RESOLUTION 2021 – 164 ~ WELLNESS PROGRAM – REVOLUTION FITNESS**

**WHEREAS:** The wellness program is a continuing program offered by the Village of Northport for the betterment of its residents.

**BE IT RESOLVED:** That the mayor is hereby authorized to execute an agreement with Vincent DeRiso of Revolution Fitness to offer up to 40 classes as a part of the said Wellness Program for Summer 2021. No compensation is required as classes will be offered free to participants, and said agreement is subject to attorney review. All classes are to be compliant with CDC, State, and County COVID-19 Guidelines.

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

**RESOLUTION: 2021 – 165 ~ DUMP TRUCK PURCHASE**

**BE IT RESOLVED:** The Village Board hereby authorizes the purchase of a new 2022 Freightliner Dump Truck from Trux Inc., as per Bid #2021-01 in the amount of \$192,076.00.

**BE IT RESOLVED:** The Village Board hereby authorizes the appropriation of Fund Balance in the amount of \$92,076.00 and authorizes allocation of the current years CHIP funding in the amount of \$100,000.00 to the purchase of this vehicle

**FURTHER RESOLVED:** this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(31), and, therefore, no further SEQRA review is required.

The Mayor commented that this purchase includes the plow package.

On the motion of Trustee Milligan and seconded by Trustee Weber, the following resolution was unanimously approved as corrected. The original agenda showed the amount of \$25,000 which was corrected to \$24,500.00.

**RESOLUTION: 2021 – 166 ~ RETAIN ENGINEERING SERVICES FOR EVALUATION OF VILLAGE DOCK**

**WHEREAS:** The Board of Trustees of the Village of Northport is desirous of an evaluation of the Village Dock that shall include but is not limited to a complete and thorough evaluation of existing pier, determination of the level of deterioration of all hardware and structural members, recommendations for repair, preparation of design drawings and associated written specifications, and assistance with bidding process.

**BE IT RESOLVED:** That the Village of Northport Board of Trustees hereby retains the engineering services of J. Pontieri, P.E. Consulting Engineers to perform a complete evaluation of the main dock in Village Park for an amount not to exceed Twenty Five Thousand dollars (\$24,500.00).

The Mayor commented that although there were emergency repair done earlier this season, the substructure of the village dock needs to evaluate to prolong its useful life,

**RESOLUTION: 2021 – 167 ~ REMOVED**

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

**RESOLUTION: 2021 – 168 ~TO SCHEDULE A PUBLIC HEARING TO CONSIDER LOCAL LAW INTRODUCTORY B of 2021 CREATING A LAW WITH REGARD TO OWNERSHIP OF DUCKS, CHICKENS, PIGEONS AND OTHER BIRDS TO BE CODIFIED IN NORTHPORT VILLAGE CODE SECTION 93-7 AND DENOMINATED ARTICLE II THEREIN**

**WHEREAS:** The Village Board of Trustees shall hold a public hearing on the 6th day of July, 2021 at 6:00 p.m. at American Legion Hall at 7 Woodside Ave, Northport, NY 11768 to consider adopting Local Law Introductory No. B of 2021 creating a Northport Village Code Provision concerning the ownership responsibilities of owners of various birds including but not limited to pigeons, duck, chickens and other birds, and

**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:** The Village Board of the Village of Northport considers adopting the following Local Law Introductory No. B of 2021; as follows:

Proposed Local Law to add to Local Law Article II Section 93-7:

Pigeons, Chickens, Ducks and Other Birds

(A) It shall be unlawful to cause, permit or allow chickens or ducks to be kept in such a manner as to constitute a nuisance or to create a hazard to public health or in any manner **which either, injures or endangers the birds or which cause a persistent, disturbance of the comfort, repose, health, peace or safety of the public.**

(B) Regulations.

(1) No person shall keep, maintain, house or possess **more than eight (8) chicken, pigeons, ducks or birds per half acre of property,** or any combination of birds on any premises.

- (2) All pens, coops or houses maintained for the keeping of chickens or ducks in all zoning districts shall comply with the setback and side yard requirements set forth in the Northport Village Zoning Code for an Accessory Structure.
- (3) The pens, coops or houses in which such chickens or ducks are kept must be cleaned regularly and maintained in a sanitary condition, free of refuse, debris and any other dirt or excess food, so as not to endanger the public health and safety.
- (4) **Feed must be stored in commercially acceptable containers and securely covered.** Refuse shall be kept in commercially acceptable containers with covers or used as garden compost.
- (5) There shall be no less than three (3) square feet of floor space per chicken or duck in any pen, coop or house in which such chickens or ducks are kept. The pen, coop or house shall be large enough to provide adequate access for cleaning and egg collecting.
- (6) Pens, coops or houses shall be located in rear yards and screened from the view of surrounding residences and surrounding streets by a fence or by shrubs, unless said pen, coop or house is located in such a manner as not be by visible from the surrounding residences and streets.
- (7) Chickens and ducks and all fowl shall be confined at all times to the property on which they are kept, possessed or maintained.
- (8) Any chickens or ducks maintained, housed or possessed and all eggs produced from said chickens, or ducks shall be for the sole use and consumption of the homeowner or tenant in possession. ~~and shall not be offered for resale.~~
- (9) In no instance will roosters be permitted.

A violation of any provision of this Statute shall be subject to a fine of Two Hundred Fifty Dollars (\$250.00). Any second violation of this Statute within a five-year period of time shall be subject to a fine of Five Hundred Dollars (\$500.00).

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

**RESOLUTION: 2021 – 169 ~TO SCHEDULE A PUBLIC HEARING TO CONSIDER LOCAL LAW INTRODUCTORY G of 2021 LAW WITH REGARD TO AMENDING SECTION 219-18 OF THE NORTHPORT VILLAGE CODE ENTITLED SUBMISSION OF SITE PLAN**

**WHEREAS:** The Village Board of Trustees shall hold a public hearing on the 6th day of July, 2021 at 6:00 p.m. at American Legion Hall at 7 Woodside Ave, Northport, NY 11768 to consider adopting Local Law Introductory G of 2021 to consider amending Northport Village Code section 219-18 entitled Submission of Site Plan,

**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:** The Village Board of the Village of Northport considers adopting the following Local Law Introductory No. G of 2021; as follows:

219-18 Submission of Site Plan

An application for site plan approval from the Planning Board is required for :

- A. All new non residential property construction or reconstruction, or the construction or reconstruction of residential property for the use of more than three families.
- B. Any **exterior** alteration to and/or expansion of an existing building or property not in residential use.
- C. Any change in the number of uses or the type of use(s) of an existing property not in residential use; and
- D. The conversion of a residential **use** to a non residential use.

On the motion of Trustee Kehoe and seconded by Trustee Weber, the following resolution was unanimously approved without a complete reading.

**RESOLUTION: 2021 – 170 ~TO SCHEDULE A PUBLIC HEARING TO CONSIDER LOCAL LAW INTRODUCTORY H of 2021 AMENDING SECTION 306-14 OF THE ZONING CODE TO ADD PERMITTED AS OF RIGHT USES**

**WHEREAS:** the Village Board of Trustees shall hold a public hearing on the 6th day of July, 2021 at 6:00 p.m. at American Legion Hall at 7 Woodside Ave, Northport, NY 11768 to consider adopting Local Law Introductory H of 2021 to consider amending Northport Village code section 306-14 to add certain as of right permitted uses, and

**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:** the Village Board of the Village of Northport considers adopting the following Local Law Introductory No. G of 2021; as follows:

MARINE BUSINESS DISTRICT

- a. Permitted uses. In the Marine Business District, lands shall be used and buildings shall be erected, altered or used only for the following purposes:
  - (1) Municipal park, playground or recreational area when operated when operated by the Incorporated Village of Northport or approved pursuant to Chapter 228. Recreational Facilities Article 1, Planning and Construction, of the Code of the Village of Northport.
  - (2) Nonprofit beach club, the facilities of which may not be utilized for purposes other than club activities.
  - (3) Nonprofit yacht club and marina, the facilities of which may not be utilized for purposes other than club activities.
  - (4) Boatyard, including new and used boat sales and brokerage and marine sales, rental, repair and storage.

- (5) Marina for private profit.
- (6) Insurance sales, provided boat insurance is available; sale of marine parts and accessories, such as inflatable rafts, rowboats, outboard motors, boat and fishing equipment, water sports equipment, marine electronics and communication equipment, boat covers, marine hardware and boating accessories; boaters clothing, footwear and swimwear; boat and marine engine repair and maintenance; seafood sales ,wholesale and retail; food provisions store, ~~which may have self service seating for no more than eight customers and will not be considered a restaurant use.~~
- (7) Food shops, retail stores offering merchandise for sale for individual, home or business use or enjoyment such as, wearing apparel, household supplies, antiques, furnishings or appliances, and as otherwise set forth in section 306-11 (A)7 Central Business ‘A’ district.**
- (8) Personal service shops such as barbers, beauty parlors, photographers and as otherwise set forth in 306-(A)9 Central Business ‘A’ district.**
- (9) Offices for business and Professional offices for doctors, dentists, attorneys, physical therapists, engineers and other New York State duly licensed professionals.**
- (10) Gyms, spas and fitness studios.**

Next the Mayor asked Attorney Stu Besen to present the details of the legal action taken against the Northport Fish market. He stated that on June 7, the Mayor called a special meeting of the Board of trustees authoring us to go into Supreme Court to attempt to get a temporary restraining order stopping any construction to the premises and to include stopping any occupants to go into the building. We prepared an Order to Show cause asking for a temporary restraining order for those two reliefs. Papers were filed Wednesday and were called before Judge Derrick Robinson on Friday who granted the relief and ordered us to serve the defendants which was done by overnight mail. On Saturday, Mr. Besen, the mayor, the building department and the police department went to the Fish market itself and the building department secured the building and since no one can go into the building, effectively the business was shut down. Pursuant to the Judge’s order, we were supposed to go back to court on Wednesday 6/. The case was passed to another Judge who recused herself and it was passed to Judge Martha Luft of the Supreme Court who administratively adjourned the case until June 29. The restraining order stays in place and the premises are not to be occupied until then.

Resident Joe Sabia commented that he has seem Mr. Luby has been back to the property several times with boat trailers and Mayor responded that he has been spoken. The mayor also suggested that the board consider a resolution to put fencing on the village property that abuts the premises. Roland Buzard commented that it would make it easier to prevent any additional activity but creating a border that would have to be penetrated and make it an obvious border. Mr Buzard also commented that he wanted the public to know why the

Judge approved the order so quickly. Mr. Besen confirmed that the Judge approved it based on the violations written by the Building Department and Fire Marshal and the thorough documentation presented made. He commented that although people had hoped this could have been done sooner but without proof of substantial and repeated acts, the case could have been denied and once denied, it is more difficult to have it presented again. When he argued it before the court, it was really the May 29<sup>th</sup> violations which included fire code violations that held support the immediacy of the case and put it over the top and allowed us to get the relief the Village needed. Mr. Besen detailed that there is nothing in the order that allows us to put up a fence unless we were to frame it as a safety concern. We could put it on Village property but the frontage is state property. Mr. Buzard commented that is a preventative measure. Mr. Besen advised that the next step would be to go back to court with a contempt of court order with documentation if they continue to access the premises.

### **PUBLIC PARTICIPATION:**

Resident Joe Sabia was the first to speak and he brought up his displeasure that the Fish Market situation took so long to be resolved and that the building department issued permits despite the shoddy work being done such as jackhammered foundation walls, no running water, a non-working and unvented bathroom and unsupported electrical box and that the village laws have no "bite" that allowed this to happen. He brought up how he knows Angela from the Dept of Agriculture and she admitted to him that her violations and her authority does not allow her to shut a building down. The Mayor agreed that he was shocked when the Dept of Agriculture gave the Fish Market an "A" rating during their inspection. Joe continued comment that he was disappointed that the village is now incurring the additional expense of going to Supreme Court and he asked what the next step would be. Stu Besen replied that it wouldn't be a permanent injunction but it would be an injunction until the major safety violations – such as the May 29<sup>th</sup> fire code violations – were resolved. The building code violation do not rise to the level of injunctive relief. Joe also thanked Roland for sending the payloader over to clean up the dead fish that have been left behind. Lastly Joe asked that now with the Covid restrictions being lifted, what will the Village be doing about a local restaurant that had been allowed to erect a large tent to accommodate for outside dining. The mayor responded that since the restrictions were just lifted today, there hadn't been time to decide what will happen with them. Trustee Milligan commented that the tent were allowed as part of the forgiveness regarding zoning regulations and Len Marchese cited how NYC and the Town of Huntington have announced that they will continue to allow their accommodations thru the end of the year as a continued effort to support economic recovery.

Josephine Rizzuti discussed how she had heard from two Ocean Ave mothers complaining about graffiti in Scudder Park playground which she relayed to Trustee Weber and Roland Buzard and it was cleaned up within 24 hours. She asked about the signs that used to be at Scudder Beach that there is no life guard and that swimming is prohibited that are no longer there. She also asked why swimming continues to be prohibited. Trustee Milligan responded that although the water is cleaner, in part thanks to the sewer plant, but the Board of Health continues to reject it because it is a confined harbor with inadequate waterflow and pollution leaching from household septic systems. The Mayor commented that the Village recently met with Congressman Suozzi and the Army Corps of Engineers regarding dredging the harbor and combine the project with others at the federal and county level. This dredging will allow for a greater tidal flush of the harbor which will naturally clean the water. Josephine also commented on the sorry state of the swing set at the park and

the nighttime traffic in the park which she assumes is drug related. She asked for more police patrols. Chief Hughes responded that there are already frequent patrols but they cannot station a police car there to monitor why people are using the lot. He stated that the gates are not locked because there is frequent and early traffic of fisherman at the boat launch and if the board wants it locked, that would be something that they could do again. Trustee Weber commended the Chief for addressing the “No Parking” zone issue that Josephine had brought up during the last meeting and Josephine thanked him and said that the street has been clearer lately.

Joe Sabia asked another questions regarding if disregarding a stop work order was a violation or misdemeanor to which Mr. Besen replied it is a violation. Mr Sabia continued to ask in the example of a homeowner who had multiple building violations but no safety violations, what would really stop him. Mr Besen replied that each and each violation could result in a \$1000 fine but it would stay in the Village Court and they would not be shut down. Effie Huber had only 2 quick questions – one was about the historical review board and the mayor replied that it us an independent board. She asked in regard to the house on at – Woodbine and Attorney Ed Gathman responded that in the process of doing the renovation but the work that is being done is done with permits and after historical review and they will be doing the work under their guidelines such as using cedar shingles and other details that were of significance. She also asked about the house at the corner of Rutland and Woodside and if they receive approval for steep slope work. Ed Gathman commented that he didn’t recall when they came to the planning board but he would verify that it had been done.

**MOTION FOR AN EXECUTIVE SESSION:** if necessary, for personnel, contractual and/or litigation matters.

The mayor confirmed that the Board would be moving to the summer schedule where there will be only one meeting per month and now that the Covid restrictions have been lifted, the meetings would be moved back to Village Hall.

The next meeting of the Board of Trustees will be July 6, 2021 at 6:00 PM at the American Legion Hall, 7 Woodside Ave, Northport, NY 11768.

On the motion of Trustee Kehoe and seconded by Trustee Milligan the meeting was adjourned at 7:15pm

Respectfully submitted,  
Amy Grandy, Village Clerk