

MINUTES
SEPT 7, 2021 – 7:00 PM.

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

224 Main Street, Northport, NY 11768

PRESENT: Mayor McMullen, Trustee Milligan, Trustee Kehoe, Trustee Weber, Village Attorneys Stuart Besen and Edward Gathman, Treasurer Len Marchese, Police Chief Chris Hughes, Assistant to the Mayor Don Tesoriero, Village Clerk Amy Grandy.

OPEN MEETING: Meeting called to order at 7:02pm by Mayor McMullen

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

ANNOUNCEMENTS: The Mayor read a statement regarding the resignation of Deputy Treasurer, Laura-Whitney Kaplan. He then thanked the highway department for their exceptional storm clean-up work after the 2 recent storms (remnants of Hurricanes Henri and Ida). He also reminded residents to not feed the deer – there have been a few residents who had parasite infections, including one who spent several days in Huntington hospital. He also wished the community “La Shana Tov” for the Rosh Hashanah holiday.

REQUESTS:

“ChalkWalk 2021” – Sunday 9/26/2021 by Janet Hoeft, Northport Chamber of Commerce – A email was read on behalf of a committee of the Chamber of Commerce. The request was approved by the Board.

“ARTWALK” - Saturday 10/16/2021 - Amy Connor, the new executive director of the Northport Arts Council was present to make the request for the return of the ArtWalk. The request was approved by the Board.

“NOIT presentation” – Saturday 10/16/2021 - A email was read on behalf of a committee of the Chamber of Commerce. The request was approved by the Board.

CORRESPONDENCE:

The first item of correspondence was from the American Legion to inform the Board that they are planning a small, solemn ceremony in the park at the 9/11

The Town of Huntington sent us informing the Board and community they have reopening their Senior Center at

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 \$191,080.89

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

Fiscal Year 2021/2022 Sewer Fund Bills in the amount of \$30,390.58

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

Fiscal Year 2021/2022 Fire Department Bills in the amount of \$55,189.24

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

Fiscal Year 2021/2022 Payroll Week (08/13/21) General Fund \$264,414.43

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

Fiscal Year 2021/2022 Payroll Week (08/13/21) Sewer Fund \$14,115.33

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

Fiscal Year 2021/2022 Payroll Week (08/27/21) General Fund \$256,040.98

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

Fiscal Year 2021/2022 Payroll Week (08/27/21) Sewer Fund \$14,544.63

BUSINESS/COMMISSIONERS REPORTS:

Trustee Milligan reported the Dockmasters and Pump-out Boat will be running the week of Cow Harbor Day and then weekends only through Columbus Day.

He also commented on the Police Boat purchase on the agenda tonight. The current boat has been in service roughly 20 years which is much longer than typical and funding will be done thru the Federal ARPA funds. He stated that Chief Hughes researched it and this is a true Police Boat that should be in service for another long run.

Trustee Kehoe reported on the TOH's ceremony to recognize the Captain and crew of the James Joseph II from Huntington that participated in the 9/11 Operation Boatlift. He recommended that the Village look into recognizing Harbormaster Russ Bostock who coordinated the Boatlift.

Trustee Weber thanked Sharon Richman and the Npt/ENpt for the candle light vigil for families of opioid victims in the park on Northport-East Northport Community Drug and Alcohol Task Force. Over 100 people attended to show their support for families who suffered losses and to show support for recovery and prevention program. He also recognized the American Legion Hall for their ongoing memorial to the 13 servicemen who perished in Kabul at the hall. He also thanked the Highway Department for their preventative efforts and clean up after the two recent storms.

TREASURER REPORT: None

CHIEF OF POLICE REPORT: Chief Hughes reported that in August the Police department responded to 555 calls for service, issued 141 summonses and made 8 arrests. He distributed his monthly detail reports to the Mayor and Trustees.

NOTICES: None

RESOLUTIONS:

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

RESOLUTION: 2021 – 200 ~ APPROVAL OF THE MINUTES

BE IT RESOLVED: The minutes of the August 3rd, 2021 meeting are hereby accepted.

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

RESOLUTION 2021 – 201 ~ PURCHASE OF NEW POLICE BOAT

WHEREAS authorizing the purchase of equipment is a type II action pursuant to 6 NYCRR Section 617.5 (c) 31 and is not subject to any further action under SEQRA

BE IT RESOLVED: The Village Board hereby authorizes the purchase of a 23' center console police boat from Safe Boat International, as per GSA Contract #47QSWA18D005J, in an amount not to exceed \$225,000.00 further appropriating fund balance in the same amount, and authorizes the Treasurer to transfer said funds into account A.3410.0200 to allow for payment.

BE IT FURTHER RESOLVED the Village of Northport has determined that this expenditure can be offset by applying the recently received ARPA coronavirus fiscal recovery funds

A resident asked if the existing boat would be sold and Trustee Milligan confirmed that it would be.

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

RESOLUTION 2021 – 202 ~ INSTALLATION OF AN EMERGENCY STANDBY GENERATOR

WHEREAS: The Village Administrator received bids for the installation of an emergency standby generator for the Village Treasury Department at 20 Beach Avenue, and

WHEREAS: The lowest qualified bidder was Gen Ready Inc., 128 Pulaski Road, Kings Park, NY 11754, with a bid not to exceed \$14,725.00,

WHEREAS: authorizing the purchase of equipment is a type II action pursuant to 6 NYCRR Section 617.5 (c) 31 and is not subject to any further action under SEQRA

BE IT RESOLVED: The Village Administrator is hereby authorized to sign any necessary contracts with Gen Ready Inc. for the installation of said emergency standby generator.

Trustee Kehoe asked if multiple bids had been received and Mayor Assistant Don Tesoriero confirmed that it had been done.

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

RESOLUTION 2021 – 203 ~ TRAFFIC STUDY

WHEREAS: authorizing the execution of an agreement is a type II action pursuant to 6 NYCRR Section 617.5 (c) 31 and is not subject to any further action under SEQRA

BE IT RESOLVED: The Mayor is hereby authorized to sign a contract with J.R. Holzmacher P.E., LLC, 3555 Veterans Memorial Hwy, Suite A, Ronkonkoma, NY 11779 in amount not to exceed \$6,000.00 to perform a traffic study at the intersection of Scudder Ave and Woodbine Ave.

Trustee Kehoe asked if there were any other engineers considered that had more experience with that type of study and the mayor replied that other companies were looked at but since Holzmacher is already under village contract and they have staff with this expertise, they are qualified to do the

study and know the NYS guidelines and the village's liability and insurance concerns. The chief input was also considered.

A resident commented that the crosswalk needs repainting still and the sign is still out of place. Trustee Milligan replied that the paint for concrete is unavailable and sign has been replaced. Another resident asked why can't the Police Chief make the decision and Trustee Milligan replied when redesigning traffic controls, we need to have a professional evaluation and possible grant opportunities. Another resident asked if the trolley tracks could be removed and Mayor McMullen said we would have to see what the traffic study results reveal.

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

RESOLUTION 2021 – 204 ~ PARAMEDIC

WHEREAS: Melissa Blom Creter has applied to be a per diem Paramedic (RSI certified) for the Village of Northport,

WHEREAS: 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;

BE IT RESOLVED: Melissa Blom Creter is hereby hired for the position of Paramedic (RSI certified) for the Incorporated Village of Northport, and as with all applicants, Melissa Blom Creter will be subject to a background check and confirmation of all certifications necessary to hold the position of Paramedic (RSI certified), and

BE IT FURTHER RESOLVED: Paramedic Melissa Blom Creter will work no more than 17.5 hours a week at a rate of pay of \$33.50 per hour.

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

RESOLUTION 2021 – 205 ~ PARAMEDIC

WHEREAS: Matthew Bessen has applied to be a per diem Paramedic for the Village of Northport, now therefore

WHEREAS: 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;

BE IT RESOLVED: Matthew Bessen is hereby hired for the position of Paramedic for the Incorporated Village of Northport, and as with all applicants, Matthew Bessen will be subject to a background check and confirmation of all certifications necessary to hold the position of Paramedic, and

BE IT FURTHER RESOLVED: Paramedic Matthew Bessen will work no more than 17.5 hours a week at a rate of pay of \$32.00 per hour.

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

RESOLUTION 2021 – 206 ~ PARAMEDIC

WHEREAS: Erin Thomas has applied to be a per diem Paramedic for the Village of Northport

WHEREAS: 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;

BE IT RESOLVED: Erin Thomas is hereby hired for the position of Paramedic for the Incorporated Village of Northport, and as with all applicants, Erin Thomas will be subject to a background check and confirmation of all certifications necessary to hold the position of Paramedic, and

BE IT FURTHER RESOLVED: Paramedic Erin Thomas will work no more than 17.5 hours a week at a rate of pay of \$32.00 per hour.

A resident asked how many paramedics are currently on the roster to which h the Mayor responded he didn't know the exact number but there has been recent turnover despite recent pay raises and the village is trying to hire so we can have 100% coverage at all time.

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

RESOLUTION 2021 – 207 – OPIOID LITIGATION

WHERE AS: The execution of an agreement is a type II action pursuant to 6 NYCRR Section 617.5 (c) 26 and is not subject to any further action under SEQRA;

BE IT RESOLVED: The Board of Trustees authorizes the retention of the legal counsel of Tate Grossman Kelly & Iaccarino, LLP and the commencement of legal action against New York State in connection to the opioid litigation involving municipalities throughout LI and the retainer agreement authorized by the Board of Trustees and executed by the Mayor on Nov 19, 2019. This action is authorized nunc pro tunc from the date the action was commenced by Tate Grossman Kelly & Iaccarino, LLP.

Attorney Stu Besen explained that the Village and other municipalities retained this law firm to pursue damages against the manufacturers and distributors of opioids but while that case was pending, NYS settled with them and terminated local lawsuits. NYS retained control over the settlement money. Tate Grossman is challenging the settlement and is trying reestablish the local municipalities lawsuits. The original agreement did not include NYS in the action and this resolution is needed for the new version of the litigation. There is no cost to village for this action.

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

RESOLUTION 2021 – 208 – TO SCHEDULE A PUBLIC HEARING ON 36 DOUGLAS AVENUE

WHEREAS: the Building Department desires to notify the Village Board of Trustees of a potential hazardous, dangerous and unsafe condition of 36 Douglas Ave, Northport, NY

WHEREAS: Pursuant to Village Code § 223 - Property Maintenance and § 114 - Unsafe Structures, the building department is requesting that the Board of Trustees conduct a hearing on said property

WHEREAS: the Village Board of Trustees has determined that the action is a type II action pursuant to 6 NYCRR part 617.5 (c) 8 and not subject to any further action under SEQRA;

BE IT RESOLVED: The Village Board of Trustees shall hold a public hearing on the 21st day of September, 2021 at 6:00 p.m. at Northport Village Hall, 224 Main Street, Northport, NY 11768 to consider to undertake any and all steps necessary to protect the health and safety of the residents and neighbors of 36 Douglas Avenue Pursuant to

Village Code §223 - Property Maintenance also known as unsightly buildings and §114 - Unsafe Structure.

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

RESOLUTION: 2021 – 209 ~TO SCHEDULE A PUBLIC HEARING TO CONSIDER LOCAL LAW INTRODUCTORY “I” OF 2021 AMENDING CHAPTER 200 (NOISE) OF THE NORTHPORT VILLAGE CODE AND ADDING SECTION 200-25 RESTRICTING THE USE OF GASOLINE -POWERED LEAF BLOWERS IN THE INCORPORATED VILLAGE OF NORTHPORT AND TO ESTABLISH REGULATIONS INCLUDING BUT NOT LIMITED TO LIMITING THE TIME AND USE OF THE GASOLINE-POWERED LEAF BLOWERS IN THE INCORPORATED VILLAGE OF NORTHPORT.

WHEREAS: The Village Board of Trustees shall hold a public hearing on the 21st day of September, 2021 at 6:00 p.m. at Northport Village Hall, 224 Main Street, Northport, NY 11768 to consider amending Chapter 200 of the Northport Village Code (Noise) and adopting Local Law Introductory “I” of 2021 to consider enacting Section 200-25 of the Northport Village Code restricting the use of gasoline-powered leaf and lawn blowers in the Village of Northport and establishing regulations involving the time and use of gasoline-powered leaf blowers in the Village of Northport.

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 hereby proposes the following Local Law Introductory “I” of 2021; as follows:

Chapter 200: NOISE

Section 200-25.

A. The Board of Trustees finds that noise emanating from certain conduct, activity or conditions related to the operation of gas-powered leaf blowers unreasonably annoys, disturbs, the comfort health, peace and safety of others within the Village of Northport and such activity shall be restricted as follows:

B. Use of gas-powered leaf blowers shall be restricted as follows:

1. The use and operation of gas-powered leaf blowers or diesel- powered leaf blowers shall be prohibited between the dates of June 15 to September 15.

(i) For purposes of this section a gasoline or diesel leaf blower shall be defined as any device which is used, designed, or operated to produce a current of air for the purpose of pushing, propelling, or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris.

C. Gas and diesel-powered leaf blowers may be used from September 16 until June 14 but no earlier than 8:00 a.m. and or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays and Sundays and Federal and State holidays.

- (i) *Notwithstanding the above, a gas or diesel powered leaf blower device may be used by governmental entities on public land; or*
- (ii) *when responding to an emergency or clean-up after a major storm when the Mayor has declared a state of emergency.*
- (iii) *Notwithstanding the above it shall be prohibited for commercial landscapers performing landscaping services to operate and use any gas powered or diesel-powered leaf blower on Sundays and Federal and State holidays before noon or after 5:00 p.m. on Saturdays.*

D. Both the owner and operator undertaking, using or causing the conduct, activity or conditions related to the use and operation of a gas- or diesel-powered leaf blower as herein provided shall be deemed to be in violation of the chapter and section. Property owners who cause, permit, or allow a person to engage in such conduct of operating a gas- or diesel-powered leaf blower to occur on his/her property, with or without direct knowledge shall also be deemed to be in violation of this chapter and section.

E. No gasoline or diesel-powered leaf blower may be used unless it meets the current Environmental Protection Agency (EPA) exhaust standards and is operated and maintained in accordance with manufacturer's instructions and specifications.

F. Penalties of an offense of this section shall be governed by Section 200-22 of this chapter.

G. The proposed local law is enacted pursuant to Section 4-412 of the New York State Village Law, as well as Municipal Home Rule Law Sections 10(1)(i) and 10(1) (ii)(a)(1).

H. If any section or subsection, paragraph, clause, phrase or provision of law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

This local law shall take effect upon the filing with the Secretary of State.

Before the resolution was read, Trustee Kehoe asked what precipitated this legislation to which the Mayor replied that there had been numerous complaints from residents. Trustee Kehoe asked if a list could be compiled of other municipalities that have similar laws on the books and Attorney Stu Besen said he would prepare that for the Public Hearing.

PUBLIC PARTICIPATION:

The first resident to speak was Steven Chassman who is the executive director of the LI Council on Drug and Alcohol and a licensed social worker who spoke to ask the Board to vote to opt out of allowing Marijuana sales in the village. Mr Chassman spoke of his years of experience and pointed out that the Opioid settlement is an example of monetary gain versus public health. The Mayor thanked him for his input and referenced that Public Hearings will be set up in November for additional input before the vote in December. Trustee Weber also thanked him and stated that this is an issue that needs more than 3 minutes of public commentary and he wanted to continue to get more

input from the public as the village considers their options.

Next to speak was Joe Sabia who also spoke to show his support of the opt out option and that the 3% tax revenue should not be an influence. He then asked about the last meeting purchase of a first responder truck and why it came out of the Village budget instead of the Fire Department budget. Mayor McMullen responded that it was coming out of the recovery grant which allows the Fire department to use their budget for different expenses such as the new radio and on board computer system.

Next was Michael Butler who lives on Woodside Ave, next to the Douglas Ave property addressed in Resolution 2021-208. He stated that there are raccoons and other vermin on the property that are scaring his family and asked what the village is doing about it. Mayor McMullen responded that we have to follow the process and asked him to come to the next meeting for the public hearing.

Next was resident Josephine Rizzuto asked why a back up generator was needed at the Plank House on top of all the money that has already been spent. The Mayor responded that there are computer systems there and we need to safeguard the Village's infrastructure.

Blair Beauchamp asked if board meeting could be both Zoom and live. Attorney Stu Besen responded that the law just changed last week to give the Village an option until January to zoom meetings. The mayor responded that the Board will consider this. She also asked about a warrant of \$6900 for Tim a Tree for tree and stump removal and Trustee Weber responded that they were still under contract for some services but he would look into it. She also asked if the money from ARPA could be held for reserve and the mayor responded that is actually has to be spent. Trustee Milligan added that the projects we are using it in – such as dock improvements- are ones that will last a long time and save us money in the long run.

Joe Sabia asked if a report will be issued by the engineering review firm on the condition of the dock. Trustee Milligan responded that it will be released for public record. Preliminary findings are showing that some of the pilings need be replacing but the report isn't complete yet.

Resident Effie Huber expressed her thanks to the Highway Dept and Roland Buzard since the construction parking issues on James Street and the replacement of the "No parking" signs on Bluff Point were resolved. She also brought up the corner cut thru in the Village Park which she said was dangerous and Trustee Weber responded that he and Roland have been working on ideas to address it. She also expressed a general concern regarding steep slope permitting.

Next resident Donna Koch asked if the Fire Department truck committee of the Chiefs were involved in the purchase of the paramedic vehicle to which the Mayor responded no.

The next meeting of the Board of Trustees will be Tuesday, September 21, 2021 at 6:00 PM.

A motion for executive session with no action for litigation matters was made by Trustee Kehoe and seconded by Trustee Weber and unanimously approved.

The general meeting was adjourned at 8:02 pm.

Respectfully submitted,
Amy Grandy
Village Clerk