

**MINUTES
SEPT 21, 2021 – 6:00 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 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 6:02pm by Mayor McMullen

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

The Mayor opened the meeting by inviting Assemblyman Keith Brown to deliver a statement on the upcoming decision of the Village Board regarding the options on allowing marijuana sales in the Village. He spoke in favor of opting out and offered his office's assistance with information and research.

ANNOUNCEMENTS:

Mayor McMullen reminded everyone that the first meeting of November will be held on Wednesday, Nov. 3rd due to Election Day and in anticipation of larger turnout due to the opt In/Out public hearings, that meeting and the November 16th meeting would be moved to the American Legion Hall.

REQUESTS:

“Paws for a Cause” – Sunday, October 24, 2021 by Visiting Nurse Service
A letter email was read on behalf of a VNS for their annual charity dog walk. The request was approved by the Board.

Village Tree removal – 51 Doris Ave Owners: Briana Rickman & Kathleen Gavin
An email was read on behalf of the residents who submitted a plan to pay the expense of removing and replacing a village tree as part of their driveway reconstruction. The request was approved by the Board.

CORRESPONDENCE: none

PRESENTATION:

A presentation and report were delivered by Roland Buzard, Village Administrator regarding the conditions of 36 Douglas Avenue, Northport, NY and violations of Village Code § 223 - Property Maintenance also known as unsightly buildings and § 114 - Unsafe Structure. Mr. Buzard cited his own observances and prior visits by the Village Code Enforcement office.

The property owner was present and spoke on his own behalf. He apologized for his negligence in keeping the overgrowth under control and gave the village permission to come onto the property. The mayor asked if he had the ability to correct the situation and Mr. Morgenstern offered to hire an exterminator and landscaper again. Trustee Weber spoke in favor of the Board voting to take immediate action. Village Administrator Buzard offered to coordinate with the homeowner.

Several local residents who were present requested to speak. One neighbor stated that they had seen youths on the property and had safety concerns regarding structural issues, and the leaning chimney. He stated that cleaning up the property might make it attractive as a hang out again. The neighbor behind the property voiced concerns that sheds on the property are also infested with racoons. Another neighbor spoke on behalf of preserving the house which was originally built in 1890 for employees of the Edward Thompson Publishing Co. until 1915 when it was bought by Mr. Morgenstern ancestors.

PUBLIC HEARING:

On the motion of Trustee Weber and seconded by Trustee Milligan, the following public hearing was opened without complete reading of the proposed legislation.

THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW INTRODUCTORY "I" OF 2021 AMENDING CHAPTER 200 (NOISE) OF THE NORTHPORT VILLAGE 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.

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.

Trustee Milligan opened the commentary by reminding everyone that this is a draft proposal and is a starting point to have a respectful conversation and he welcomed everyone to share their opinion.

Mayor McMullen stated that he has heard several complaints regarding noise from leaf blowers and that other municipalities have enacted similar legislation.

The first resident to speak was homeowner Eldon Smith who felt the proposal was too restrictive especially eliminating summer usage. He also felt that the exception for municipal workers was unfair. Resident Jim Cantwell also spoke and agreed that summer prohibition was unreasonable and suggested limiting hours might be more acceptable. Mayor McMullen commented that the proposed restriction was for the louder gas power blowers and quieter electric ones would be acceptable. Resident Jim Kirby who is also a commercial landscaper commented that he felt the proposal was unfair since it was industry specific and there are other outside activities that are just as loud. He added that most commercial landscapers are not working weekends and he questioned measurement, enforcement and the complaint record. He suggested the village focus on regulating the landscaping businesses who operate in the village. Commercial landscaper Bill Koran spoke about the labor shortage, the need to use more efficient equipment to be efficient, the expense of the additional electric blowers, batteries and generators for charging and the fact that the additional expense will be pushed onto the homeowners. He also questioned the significance of the DbA levels of electric blowers (59-64) versus gas (74-79). Another resident also suggested regulating operators as well as monitoring hours of operation. He commented that professional operators typically do not operate late into the evening or on weekends.

Resident Josephine Rizzuto commented that as a resident by the park, she felt it was unfair that she could be disturbed by village employees using blowers but the local business owners would be restricted. Trustee Weber reiterated that this was a draft and would be reworked. Someone asked what other municipalities have similar legislation and (42:28) Attorney Stu Besen listed Baxter Estates and Port Washington North as well as Huntington which is less restrictive but hasn't been finalized. Resident Joe Schramm admitted to be annoyed by leaf blowers but stated he doesn't complain because of they improve the properties. He commented that we should focus on the times of operation and in regard to noise regulation, other sources of noise should be considered. Blair Beaudet also commented on his preference to limit weekend use.

On the motion of Trustee Weber and seconded by Trustee Kehoe, the public hearing was adjourned to October 5, 2021.

BOARD APPROVAL OF WARRANTS:

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

Fiscal Year 2021/2022 General Fund bills in the amount of \$ 215,898.03

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

Fiscal Year 2021/2022 Sewer Fund Bills in the amount of \$133,702.14

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

Fiscal Year 2021/2022 Fire Department Bills in the amount of \$44,261.17

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

Fiscal Year 2021/2022 Trust Fund Bills in the amount of \$8,125.18

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

Fiscal Year 2021/2022 Payroll Week (09/10/21) General Fund \$340,885.36

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

Fiscal Year 2021/2022 Payroll Week (09/10/21) Sewer Fund \$14,513.97

BUSINESS/COMMISSIONERS REPORTS:

Trustee Milligan commented on the success of the Cow Harbor Weekend and thanked all the workers, committees, departments and volunteers who made it possible.

Trustee Weber also commented on the weekend and stated that he was impressed that after all that had transpired, he walked down Main Street at 6pm on Sunday and it was all back to normal. He also thanked the many other volunteer Fire Departments that came to our village to help with the race. He also reported that as part of the next phase of the FLUPSY program started by former Trustee Mercy Smith, he along with staff from the TOH Maritime Services and Cornell Cooperative, released 100,000 oysters into the harbor. The Cornell supervisor stated that the harbor was a highly suitable environment and the oysters had grown more than anticipated. The project will continue without taxpayer funds and the next phase of funding will come from sales of bricks for a memorial path. Trustee Weber thanked Roland Buzard and the Highway department for the successful design and build of the FLUPSY floats.

TREASURER REPORT: None

CHIEF OF POLICE REPORT: Chief Hughes also thanked the Highway, Fire Departments and all the other volunteers for their assistance during Cow Harbor weekend.

RESOLUTIONS:

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

RESOLUTION: 2021 - 210 ~ APPROVAL OF THE MINUTES

BE IT RESOLVED: The minutes of the September 7th, 2021 meeting are hereby accepted.

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

RESOLUTION 2021 – 211 ~ AUTHORIZING APPROPRIATE ACTION(S) IN

ACCORDANCE WITH NORTHPORT VILLAGE CODE § 223 - PROPERTY MAINTENANCE ALSO KNOWN AS UNSIGHTLY BUILDINGS AND § 114 - UNSAFE STRUCTURE ACTION BY THE VILLAGE OF NORTHPORT FOR EMERGENCY WORK FOR THE SAFETY OF THE PUBLIC

WHEREAS, on June 10th, 2021 the Village of Northport conducted an inspection of the property at 36 Douglas Ave. which was determined to be overgrown with weeds, grasses and various plant vegetation. There are openings at the ground floor level that are allowing rodents to gain access into the dwelling. The detached garage is leaning.

WHEREAS: the Village Board wishes to authorize certain actions to protect the health and safety of the residents and neighbors of 36 Douglas Ave;

WHEREAS, the Village Board of the Village of Northport hereby invokes its authority under Village code § 223 and § 114 and will undertake clean-up of said property and take all steps necessary to protect the health and safety of the residents;

WHEREAS, the property owner Edward Morgenstern had been duly notified by the Village of Northport building department official of the hearing scheduled for September 21st, 2021;

WHEREAS, the authorization of the action to is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(42) and, therefore, no further SEQRA review is required.

BE IT RESOLVED: The Village Board of Trustees directs the Building Department officials to undertake any and all steps necessary to clean up said property and to protect the health and safety of the residents;

BE IT FURTHER RESOLVED: the Village Building Department Official is to provide notice to the property Owner Edward Morgenstern in accordance with Village code section § 223 and § 114;

BE IT FURTHER RESOLVED: If the Village is not reimbursed for the expense of the clean-up, the cost of said repairs accrued by the Village will be assessed to the Northport Village property tax roll as per Village Code § 223-6.

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

RESOLUTION 2021 – 212 ~ TRANSFER OF EMPLOYEE

WHEREAS: Ryan Kennedy was hired in June 2021 (Res. 2021-149) as a seasonal highway employee and fulfilled the duties of that position in a satisfactory manner,

WHEREAS: Ryan Kennedy was interviewed by the Fire Department and determined to meet the qualifications necessary of a part time houseman;

WHEREAS: the Village Board of Trustees has determined that this employment 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: Ryan Kennedy is hereby transferred to the position of part-time Houseman for the Fire Department of the Incorporated Village of Northport, and will work no more than 17.5 hours a week at a rate of pay of \$18.45 per hour.

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

RESOLUTION 2021 -213 ~ AUDITING FIRM

BE IT RESOLVED: The firm of Nawrocki Smith is hereby retained to assist the Village in the year ending 2021 audit in an amount not to exceed \$32,000.00

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

RESOLUTION 2021 - 214 ~ APPROPRIATE FUND BALANCE

BE IT RESOLVED: The Village Board of Trustees hereby authorizes the Village Treasurer to appropriate fund balance in the amount of \$24,500.00 to fund the engineering study of the Village Dock approved in resolution 2021-166 at the June 15th, 2021 meeting

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

RESOLUTION 2021 - 215 ~ BUDGET TRANSFERS

BE IT RESOLVED: The Village Board of Trustees hereby authorizes various budget transfers per schedule A, which is annexed to this agenda and incorporated herein.

Trustee Weber prefaced the following 3 resolutions by commenting that upgrades were being planned for the three of the parks in the Village but the main play area in the Village Park will need additional planning due to its size and OSHA and ADA compliance.

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

RESOLUTION: 2021 – 216 ~ PLAYGROUND EQUIPMENT PURCHASE

BE IT RESOLVED: The Village Board hereby authorizes the purchase and installation of new playground equipment for Scudder Park from American Recreational Products, estimate #18503, as per the Town of Islip purchasing contract #419.52 in an amount not to exceed \$26,988.48.

BE IT FURTHER RESOLVED: The Village Board hereby authorizes the Village Treasurer to appropriate fund balance in the same amount and make any and all transfers necessary to fund this purchase.

BE IT FURTHER RESOLVED: this is a type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(31), 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 without complete reading.

RESOLUTION: 2021 – 217 ~ PLAYGROUND EQUIPMENT PURCHASE

BE IT RESOLVED: The Village Board hereby authorizes the purchase and installation of new playground equipment for Soper Park from American Recreational Products, estimate #18366, as per the Town of Islip purchasing contract #419.52 in an amount not to exceed \$15,697.44.

BE IT FURTHER RESOLVED: The Village Board hereby authorizes the Village Treasurer to appropriate fund balance in the same amount and make any and all transfers necessary to fund this purchase.

BE IT FURTHER RESOLVED: this is a type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(31), 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 without complete reading.

RESOLUTION: 2021 – 218 ~ PLAYGROUND EQUIPMENT PURCHASE

BE IT RESOLVED: The Village Board hereby authorizes the purchase and installation of new playground equipment for Village Park from American Recreational Products, estimate #18504, as per the Town of Islip purchasing contract #419.52 in an amount not to exceed \$7178.40.

BE IT FURTHER RESOLVED: The Village Board hereby authorizes the Village Treasurer to appropriate fund balance in the same amount and make any and all transfers necessary to fund this purchase.

BE IT FURTHER RESOLVED: this is a type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(31), 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 without complete reading.

RESOLUTION: 2021 – 219 ~ ROAD WORK

BE IT RESOLVED: The Village Board hereby authorizes the installation of new concrete curb at the corner of Main Street and Route 25A by Laser Industries, quote #Q091521-SD7, as per the Suffolk County purchasing contract #ADA-090519-A2 in the amount of \$8,478.68.

BE IT FURTHER RESOLVED: The Village Board hereby authorizes payment out of CHIPS funding appropriation and authorizes the Village Treasurer to make any and all transfers necessary

BE IT FURTHER RESOLVED: this is a type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(5), 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 without complete reading.

RESOLUTION: 2021 – 220 ~ ROAD WORK

BE IT RESOLVED: The Village Board hereby authorizes the installation of new concrete curb on Norwood Avenue, from Sea Cove Road to #109 Norwood Avenue, by Laser Industries, quote #Q091521-SD9, as per the Suffolk County purchasing contract #ADA-090519-A2 in the amount of \$40,638.60.

BE IT FURTHER RESOLVED: The Village Board hereby authorizes payment out of CHIPS funding appropriation and authorizes the Village Treasurer to make any and all transfers necessary

BE IT FURTHER RESOLVED: this is a type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(5), 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 without complete reading.

RESOLUTION: 2021 – 221 ~ ROAD WORK

BE IT RESOLVED: The Village Board hereby authorizes the installation of new concrete curb on Cherry Street, at the corner of Route 25A, by Laser Industries, quote #Q091521-SD8, as per the Suffolk County purchasing contract #ADA-090519-A2 in the amount of \$5,906.40.

BE IT FURTHER RESOLVED: The Village Board hereby authorizes payment out of CHIPS funding appropriation and authorizes the Village Treasurer to make any and all transfers necessary

BE IT FURTHER RESOLVED: this is a type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(5), 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 without complete reading.

RESOLUTION: 2021 – 222 ~ ROAD WORK

BE IT RESOLVED: The Village Board hereby authorizes the installation of new concrete sidewalk, curb and apron on Norwood Avenue, north of Main Street, by Laser Industries, quote #Q091521-SD5, as per the Suffolk County purchasing contract #ADA-090519-A2 in the amount of \$48,545.90.

BE IT FURTHER RESOLVED: The Village Board hereby authorizes payment out of CHIPS funding appropriation and authorizes the Village Treasurer to make any and all transfers necessary

BE IT FURTHER RESOLVED: this is a type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(5), 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 without complete reading.

RESOLUTION 2021 - 223 ~ REFERRAL OF APPLICATION FOR 139 WOODBINE AVE MARINE STRUCTURE PER CHAPTER 124 - MARINE CONSERVATION AND REGULATION OF MARINE STRUCTURES AMENDMENT

WHEREAS: Stephen Tyrer of 139 Woodbine Avenue, has filed an application to construct a 137-foot-long fixed pier with a square footage of 544, and

WHEREAS: The Village of Northport's Code section §124-4(A)(1) permits a fixed pier to a distance not to exceed 100 feet, and square footage not to exceed 400 square feet, and

WHEREAS: The Village of Northport's Code section §124-4(A)(4)(i) allows either the Northport Village Board of Trustees to hear the application, or that the Board of Trustees can refer the application to the Northport Village Zoning Board, therefore

BE IT RESOLVED: As per Village of Northport's Code section §124-4(A)(4)(i), the Northport Village Board of Trustees hereby refers the application of Stephen Tyrer of 139 Woodbine Avenue, to construct a 137-foot-long fixed pier with a square footage of 544, to the Northport Village Zoning Board.

BE IT FURTHER RESOLVED: this is a type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

PUBLIC PARTICIPATION:

Effie Huber was the first resident to speak and stated that the Flags that had been displayed by the Angels for Warriors have now been removed. She also asked about the street line painting and Roland Buzzard responded that now that the paint had been received, they are getting painting areas throughout the village. She also asked if a speed limit monitor sign could be placed on Scudder Ave and Chief Hughes responded there are 4 units but one is no longer operable. Two are semi-permanent and will be rotated to other areas and the remaining smaller unit is being used in the Main St construction area. He offered to have an additional police presence on the road.

Blair Asked about the Fish Market since he had seen activity on the premises. Attorney Stu Besen replied that just yesterday the court is allowing limited activities by licensed contractors as determined by the permits for electrical, demolition and fire alarms under the supervision of the building department. The next court date is October 26 and if the building is in full compliance, the judge could then lift the temporary restraining order

The next resident to speak was Josephine Rizzuto asked if the Board was considering Zoom access in addition to the in person meetings. Mayor McMullen responded that the village clerk and IT department were working on getting the equipment in place to resume access, especially in time for the November meetings. Trustee Weber offered a suggestion of hiring an outside consultant who specializes in these services who also happens to be a village resident. He stated he would give the village clerk the referral for follow up.

MOTION FOR AN EXECUTIVE SESSION: On the motion of Trustee Milligan and seconded by Trustee Weber, a motion was made for an executive session without action for litigation matters.

The next meeting of the Board of Trustees will be October 5th, 2021 at 6:00 PM.

The meeting was adjourned at 7:15pm.

Respectfully submitted,

Amy Grandy
Village Clerk