

**THE MINUTES  
FOR THE MAY 17, 2016  
MEETING OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF NORTHPORT  
REGULAR MEETING  
6:00 PM.**

Present: Mayor Doll, Trustees Maline, McMullen, Milligan and Tobin, Village Attorney Stuart Besen, Village Clerk Donna Koch, Village Administrator Tim Brojer Village Treasurer Len Marchese, Village Police Chief Bill Ricca

**ANNOUNCEMENTS:** Deputy Mayor Tobin announced the Village has received the full reimbursement check (minus \$5,000 deductible) from the insurance company in the case of Maryclaire Krumholz vs. the Village of Northport.

**PRESENTATIONS:**

**PUBLIC HEARINGS:**

**PUBLIC HEARING #1**

The Mayor asked the clerk to read the Notice of Public Hearing to wit:

**PLEASE TAKE NOTICE:** that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 17<sup>th</sup> day of May 2016, to consider the following proposed local law:

**LOCAL LAW "A" OF 2016  
A LOCAL LAW TO AMEND  
CHAPTER 282: "VEHICLES AND TRAFFIC"  
OF THE CODE OF THE VILLAGE OF NORTHPORT**

A Local Law regarding Vehicle and Traffic Regulations

BE IT ENACTED: by the Board of Trustees of the Village of Northport as follows:

Section 1.

By amending §282-17 and §282-60. Schedule XII: No Parking at Any Time

**ADD:**

Name of

Street

Ackerly Terrace

Side

West

Location

From its terminus at School Street to a

point approximately 385 feet west thereof.

Effective date of this local law shall take effect upon filing with the Secretary of State.

On the motion of Trustee Tobin and seconded by Trustee Milligan the public hearing was open.

No one from the public spoke for or against the proposed local law.

On the motion of Trustee Maline and seconded by Trustee Milligan the hearing was closed.

## **PUBLIC HEARING # 2**

The Mayor asked the clerk to read the Notice of Public Hearing to wit:

**PLEASE TAKE NOTICE:** that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 17<sup>th</sup> day of May 2016, to consider the following proposed local law:

### **LOCAL LAW "B" of 2016 A LOCAL LAW TO AMEND CHAPTER 106 BUILDING CONSTRUCTION OF THE VILLAGE OF NORTHPORT**

#### **Section 106-6. Permits required.**

##### **C. Plans required.**

(1) List of plans. All applications for permits, including alterations, except applications to move or demolish, shall be accompanied by the following plans, in duplicate, on paper, and drawn to the scale of not less than 1/8 inch equals one foot unless otherwise stated or approved, ***in addition, all plans shall be submitted in electronic form, in a form prescribed by the building department.***

- (a) Foundation plan.
- (b) Basement plan.
- (c) All floor plans.
- (d) Section showing riser diagram for plumbing and means of sewage disposal.
- (e) All elevations.
- (f) Such structural details as the *Building Department* may require.
- (g) Plot diagram (at scale and suitable size for filing). This must show accurately the sizes and exact locations of all proposed new construction or, in the case of demolition, of

the building or structures to be demolished and existing buildings or structures that are to remain. Structures on adjoining lots within 10 feet of the property lines shall also be shown.

- (h) Specifications which, together with the plans, will completely describe the proposed work.

Effective date of this local law shall take effect upon filing with the Secretary of State.

On the motion of Trustee Maline and seconded by Trustee McMullen the public hearing was opened.

Lesley Spencer, Woodbine Ave. questioned if plans would then become available on line for the public to access. The Board responded no not at this time. This law change only effects the building department, not the zoning board or planning boards' requirements. That will be looked into at a later date.

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

### **PUBLIC HEARING #3**

The Mayor asked the clerk to read the Notice of Public Hearing to wit:

**PLEASE TAKE NOTICE:** that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 17<sup>th</sup> day of May 2016, to consider the following proposed local law:

## **LOCAL LAW "C" of 2016 A LOCAL LAW TO CREATE CHAPTER 313 UNMANNED AIRCRAFT SYSTEMS OF CODE OF THE VILLAGE OF NORTHPORT**

### **Chapter 313 UNMANNED AIRCRAFT SYSTEMS**

#### **Section 313-1. Legislative Intent**

A. It is the intention of the Northport Village Board to protect the public health, safety, and welfare of the community by authorizing the establishment of procedures for the recreational operation of Unmanned Aircraft Systems (hereinafter "UAS"), commonly known as "model aircraft" or "drones" throughout the community.

B. This chapter applies only to recreational use of unmanned aircraft. The Village of

Northport recognizes that the Federal Aviation Administration (hereinafter “FAA”) currently authorizes and regulates the use of UAS by public entities and UAS used for commercial or business purposes. No person shall fly an unmanned aircraft or UAS for commercial purposes without express permission from the FAA.

### **Section 313.2. Scope Applicability.**

A. Scope. The provisions of this chapter shall apply to the operation of unmanned aircraft or UAS on or near all properties in the Incorporated Village of Northport in order to protect the health, safety and welfare of the residents and visitors of the Incorporated Village of Northport.

B. Applicability. The provisions of this Chapter shall be deemed to supplement applicable Federal, State and local laws, ordinances, codes and regulations. Nothing in this Chapter shall be deemed to abolish, impair, supersede or replace existing remedies of Federal, State County or Town laws, regulations or requirements. In case of conflict between any provisions of his chapter and any applicable law, regulation, code or requirement the more restrictive or stringent provision or requirement shall prevail.

### **Section 313.3. Definitions.**

As used in this chapter, the following terms shall have the indicated meanings:

**Aircraft**-A vessel used or designed for navigation of or flight in the air.

**Manned Aircraft**-Aircraft that is carrying or being operated by one or more persons.

**Unmanned Aircraft (also known as “Drone” or “Model Aircraft”)**- A non-human carrying aircraft weighing no more than 55 pounds capable of sustained flight in the atmosphere intended exclusively for sport, recreation, education and/or competition and is typically guided by remote control or onboard computers.

**Unmanned Aircraft System (UAS)**-An unmaned aircraft and associated elements, including communication links and components that control the unmanned aircraft.

**Pilot**-A person, entity, or agency that is responsible for flying, steering or guiding an unmanned aircraft or UAS; to operate or control the course of an unmaned aircraft or UAS.

**Recreational Use**-Use of an UAS for pastime or diversion for the purpose of affording relaxation and enjoyment.

**Visual Line of Sight (VLOS)**-The distance at which the pilot of an UAS is able to maintain visual contact with the aircraft and determine its orientation without enhancements other than corrective lenses.

### **Section 313.4. Use and Prohibitions of Unmanned Aircraft Systems.**

A. Except as otherwise provided in this Chapter, no person, business entity, or agency shall use an unmanned aircraft, for recreational purposes, in the following manner:

1. Use imaging technology for aerial surveillance with an unmanned aircraft and/or unmanned aircraft system having the capability of obtaining high resolution photographs and/or video, or using any types of sensors at any level of resolution, for the collection, retention, or dissemination of surveillance data or information, in a raw, filtered, transformed, aggregated or analysed format on individuals, homes, businesses, or property at locations where there is a reasonable expectation of privacy. Said conduct is strictly prohibited

unless written expressed permission is obtained from the individual property owner or manager.

2. Pilot an unmanned aircraft on private real property without the express written consent of the property owner and/or the property manager.
3. Pilot an unmanned aircraft within the border of any real property owned, used or leased by the Incorporated Village of Northport without the express written consent of the Incorporated Village of Northport Board of Trustees or its designated representative.
4. Pilot an unmanned aircraft outside of the pilot's Visual Line of Sight.
5. Pilot an unmanned aircraft higher than 400 feet from the ground.
6. Pilot an unmanned aircraft near or over unprotected persons or moving vehicles at a height less than 50 feet from same or over watercraft less than 50 feet above the craft's highest point or within 100 feet of any type of aircraft, balloon, kite or other airborne device.
7. Pilot an unmanned aircraft under the influence of drugs and/or alcohol.
8. Pilot an unmanned aircraft in adverse weather conditions such as in high winds or reduced visibility.
9. Pilot an unmanned aircraft near or over sensitive infrastructure or property such as power stations, sewage treatment facilities and roadways in the Incorporated Village of Northport.
10. Pilot an unmanned aircraft over any sporting event, ceremony, concert or any other gathering of people that is held on public property within the Incorporated Village of Northport.
11. Pilot any unmanned aircraft that is capable of launching, shooting or dropping or attaching a device to the unmanned aircraft that is capable of launching, shooting or dropping a projectile or object of any kind. This includes any form of laser light.

#### **Section 313.5. Administration and Enforcement.**

A. This chapter and its provisions shall be enforced by the Village of Northport Police Department or County of Suffolk Police Department and/or by employees of the Incorporated Village of Northport responsible for the enforcement of Village ordinances and codes.

B. Any person or entity committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation, punishable by a fine not exceeding one thousand (\$1000.00) dollars or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

#### **Section 313.6. Severability.**

A. If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by a court of competent

jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional or invalid parts therein.

**Section 313.7. Effective Date.**

Effective date of this local law shall take effect upon filing with the  
Secretary of State.

On the motion of Trustee Maline and seconded by Trustee McMullen the public hearing was open.

Sherry Pavone, Fairwind Ct. stated she was happy the Village was able to put something on the books regarding drones. Last year after a sailboat blew up onto the beach a drone captured the removal operation of the boat but while doing so was also capturing the interior of her home.

Village resident Brad Beshaw, stated that he is a licensed drone operator and felt the law was done very well.

Betty Koerner was glad to see the Village taking the stance on drones.

**PUBLIC PARTICIPATION:**

Helena Duskiewicz, Terry Rd. addressed the Board with concerns as to the recent activity down at the Steers Ballfields. Ms. Duskiewicz stated the Village has been removing tons of dirt and is also using the area as a dumping ground for catch basin material. Mr. Brojer explained that the area has been used as a storage area for many years and has DEC approval for all activities down there. When the Village puts in new drainage the dirt from that site is moved down to steers for use at a later date. Right now dirt that has been stored down there for years is being used to raise the elevation of the property down at Scudder Park where a new generator building for the sewer plant is being built. All in accordance with FEMA regulations. He, then explained the dewatering of the storm drain material is also a permitted use. Once the material dries out it is then carted away to a resource facility where it is further processed. A lengthy back and forth continued. Ms. Duskiewicz was not satisfied with any of the answers and vowed to return to further meetings.

**BOARD APPROVAL OF WARRANT:**

On the motion of Trustee McMullen and seconded by Trustee Tobin the following bills were approved for payment.

**Fiscal Year 2016/2017 General Fund bills in the amount of \$ 42,659.19**

On the motion of Trustee Maline and seconded by Trustee McMullen the following bills were approved for payment.

**Fiscal Year 2016/2017 General Fund bills #2 in the amount of \$420.00**

On the motion of Trustee Tobin and seconded by Trustee Milligan the following bills were approved for payment.

**Fiscal Year 2016/2017 Sewer Fund bills in the amount of \$ 6,472.93**

On the motion of Trustee McMullen and seconded by Trustee Maline the following bills were approved for payment.

**Fiscal Year 2016/2017 Fire Department bills in the amount of \$ 38,694.09**

On the motion of Trustee Maline and seconded by Trustee Tobin the following bills were approved for payment.

**Fiscal Year 2016/2017 Capital Warrant bills in the amount of \$ 7,733.54**

**COMMISSIONER REPORTS:** Trustee Maline report the Scudder Park Committee has roughly 9 people and their looking to meet sometime in the near future.

Trustee McMullen reported the generator project is going well and also tonight there is a resolution to hire a new Police Officer bring the department up to a full roster.

Trustee Tobin re-announced the Village receiving the insurance check after seven years of litigation.

Trustee Milligan reported the first phase of dock decking has been replaced and the project went well. He hopes that every year one or two sections can be completed.

Mayor Doll reported the highway has been working on the dock installing new ladders and decking as well as day to day operations, painting lines, grass cutting, and tree work.

**CHIEF OF POLICE REPORT:** Chief Ricca commended Detective Hayes on a recent sting operation and arrest he was able to execute. A mother, son duo where stealing thousands of dollars' worth of merchandise from the local CVS and Rite Aid.

#### **ADMINISTRATOR'S REPORT:**

**NEW BUSINESS:** 1. Move June 7<sup>th</sup> meeting to Wednesday June 8<sup>th</sup>. The Board approved this change.

**OLD BUSINESS:** 2. Waste Water Treatment Plant shore line project financing. This item was put on hold until further notice.

**CORRESPONDENCE:** there was no correspondence this evening.

**REQUESTS:** 1. Request from LaMantia Gallery to place POD in street June 14, 2016 requiring two parking spaces. The Board approved this requests but asked that it be moved into the Dorothy Walsh parking lot.

**RESOLUTIONS:**

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

**RESOLUTION 2016- 87~ APPROVAL OF THE MAY 3<sup>rd</sup>, 2016 MINUTES**

**WHEREAS:** Copies of the minutes of the May 3<sup>rd</sup>, 2016, meeting were sent to the Board for approval, therefore,

**BE IT RESOLVED** that said minutes are approved without reading, at this time.

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

**RESOLUTION 2016 - 88 ~ LOCAL LAW No.1 OF 2016**

**WHEREAS:** a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 17<sup>th</sup> day of May 2016, to consider the following local law, now

**THEREFORE BE IT RESOLVED:** That the Board of Trustees of the Village of Northport hereby adopts the following:

**LOCAL LAW No.1 OF 2016  
A LOCAL LAW TO AMEND  
CHAPTER 282: "VEHICLES AND TRAFFIC"  
OF THE CODE OF THE VILLAGE OF NORTHPORT**

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

**RESOLUTION 2016 - 89 ~ LOCAL LAW No. 2 OF 2016**

**WHEREAS:** that a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 17<sup>th</sup> day of May 2016, to consider the following local law, now

**THEREFORE BE IT RESOLVED:** That the Board of Trustees of the Village of Northport hereby adopts the following:

**LOCAL LAW No. 2 of 2016  
A LOCAL LAW TO AMEND CHAPTER 106 BUILDING  
CONSTRUCTION OF THE VILLAGE OF NORTHPORT**

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

**RESOLUTION 2016 - 90 ~ LOCAL LAW No. 3 OF 2016**

**WHERRAS:** a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 17<sup>th</sup> day

of May 2016, to consider the following local law, now

**THEREFORE BE IT RESOLVED:** That the Board of Trustees of the Village of Northport hereby adopts the following:

**LOCAL LAW No. 3 of 2016**  
**A LOCAL LAW TO CREATE CHAPTER 313 UNMANNED AIRCRAFT SYSTEMS**  
**OF CODE OF THE VILLAGE OF NORTHPORT**

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

**RESOLUTION 2016 – 91 ~ TASER INTERNATIONAL**

**BE IT RESOLVED:** the Board hereby authorizes the Mayor to sign a financial agreement with Taser International for the purchase of Tasers and related equipment not to exceed \$7000.

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

**RESOLUTION 2016 – 92~ GENERAL RELEASE**

**BE IT RESOLVED:** The Mayor is hereby authorized to sign a general release and assignment of rights in regards to the Village of Northport vs. Maryclaire Krumholz

On the motion of Trustee Tobin and seconded by Trustee McMullen the following resolution was unanimously approved.

**RESOLUTION 2016-93 ~ POLICE OFFICER**

**BE IT RESOLVED:** That the Village Board of Trustees hereby authorizes an offer of employment effective May 22, 2016 to Devin Humphreys, who has been certified by Suffolk County Civil Service the position of Police Officer in the Village Police Department Devin Humphreys shall receive all compensation and benefits associated with said position pursuant to the agreement between the Village and the Northport Police Benevolent Association, Inc.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

**RESOLUTION 2016–94 ~ BUDGET TRANSFER**

**BE IT RESOLVED:** The Village Treasurer is hereby authorized to make the following budget transfers; see Schedule “A”

On the motion of Trustee Maline and seconded by Trustee Tobin the following resolution was unanimously approved.

**RESOLUTION 2016 -95**

**BE IT RESOLVED:** The Mayor is hereby authorized to sign a distribution agreement from Gen Worth Financial to Empire National Bank for the full value of the Gen Worth annuity in relationship to the Length of Service Wards Program (LOSAP)

The next regular meeting of the Board of Trustees will be on June 8<sup>th</sup>, 2016 at 6:00 p.m.

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

Respectfully submitted,

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Donna M. Koch  
Village Clerk