

AGENDA
December 7, 2021 – 6:00 PM.

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

**Northport Village Hall
224 Main Street
Northport, NY 11768**

Also available via Zoom – please register in advance:

<https://uso2web.zoom.us/meeting/register/tZApduitpj8pHtJSlrOMQHTWau2XAsVRwfUZ>

After registering, you will receive a confirmation email containing information about joining the meeting.

OPEN MEETING:

SALUTE TO THE FLAG:

PROCLAMATION: Northport High School Girls Field Hockey Team –
2021 NYS Champions: Coach Gina

PRESENTATIONS: Tentative Budget for Fiscal Year March 1, 2022 – Feb 28, 2023

ANNOUNCEMENTS:

REQUESTS:

Northport High School PTSA – request for Pre-Prom Activities in Village Park
Thursday, June 23, 2022 - noon – 4pm

Northport High School – request for Art & Music Festival in Village Park
Sunday, June 5, 2022

PUBLIC HEARINGS:

**LOCAL LAW INTRODUCTORY “L” of 2021 MODIFYING NORTHPORT VILLAGE
CODE SECTION 243-3 GENERAL RESTRICTIONS; PROHIBITED SIGNS, PERMITS**

The Village Board hereby proposes Local Law Introductory “L” of 2021 as follows:

§ 243 -3. General restrictions; prohibited signs; permits.

In any district, no lands shall be used and no buildings shall be erected, altered or used, insofar as the location and affixing of signs thereon are concerned, unless such signs conform to the following requirements for the districts in which located:

A. All districts. No signs shall be erected or maintained which:

(1) Extends outward over a sidewalk or street, except for:

- (a) Signs installed parallel to a building that project no more than 15 inches from the building façade. **or less when required by the Americans with Disabilities Act (ADA), the Building Codes of New York State, or other controlling regulations.**
- (b) Blade signs that maintain a minimum clearance of eight feet above the level of the sidewalk or grade immediately below.
- (c) One sidewalk sign, permissible only in business districts, one per building and only during business hours, which must be located so that a minimum sidewalk clearance of 48 inches is maintained and wheelchair passage is not hindered. The message area is restricted to 24 inches wide and 36 inches high. Height from the pavement may not exceed 43 inches. The sign surface must be black chalkboard, and the message must be written in white or colored chalk. The business name or logotype may be screen-printed onto the message area, provided it is not taller than four inches. Photographic depictions are prohibited. A sidewalk sign must be framed in wood, and the finish must be natural, stained or painted. If painted, the color must be muted and related to colors visible on the premises. Sidewalk signs require a sign permit, payment of the fee and proof of insurance coverage in favor of the Village, except sidewalk signs conforming to the special menu sign standard for outdoor dining in Chapter 306, Zoning, § 306-18.1 [Added 9-1-2009 by L.L. No. 4-2009].

(2) Are affixed to, painted on or supported by or from trees, stones or other natural objects, vehicles or objects other than buildings or signposts or sign frameworks erected for the support of such signs.

(3) Move or simulate motion by electrical, mechanical, natural or other means, except such signs within any commercial or industrial establishment not visible from any road, street, highway, walk or right-of-way, or residential use.

(4) Contain or depict scandalous, indecent or immoral matters.

(5) Are so illuminated at night as to interfere with the reasonable comfort of the inhabitants of adjacent residential uses.

~~(6) Extend horizontally or vertically beyond the building to which they are attached, except as provided in Subsection A(1) of this section.~~

- (7) Are located on the roof of any building unless no permissible location is a viable alternative when taking into consideration both the type of building and the lack of other alternatives that would provide decent exposure and visibility to pedestrians or vehicular traffic.
- (8) Are illuminated in such a manner that any red, green or amber light source is located in the line of vision from any highway, road, street or public way of a traffic light or signal.
- (9) Have illuminated surface with more than a maximum of 50 footcandles.
- (10) Are comprised of attention-getting devices such as banners, pennants, flags, streamers, posters, searchlights, string or festoon lights, flashing lights, inflatable objects or similar devices designed for purposes of attracting attention, promotion or advertising, except:
 - (a) Governmental or institutional flags;
 - (b) When approved by the Architectural Review Board as a component of a building's façade;
 - (c) When used to for special events on a temporary basis and with a temporary sign permit.
- (11) Are affixed to utility pole.
- (12) Advertise a business not located at the premises of the sign.
- (13) Utilize highly reflective materials such as mirrored glass or chrome metal.
- (14) Are so located, illuminated or of such a type as to interfere with or detract from the public health, safety and welfare.

LOCAL LAW INTRODUCTORY “M” of 2021 MODIFYING NORTHPORT VILLAGE CODE SECTION 13-8 (A) (2), REGARDING REFERRAL OF PERMIT APPLICATIONS TO THE ARCHITECTURAL AND HISTORIC REVIEW BOARD

The Village Board hereby proposes the following Local Law Introductory “M” of 2021 as follows:

§ 13-8. Waiver or Modification of Architectural and Historic Review.

- A. The Architectural and Historic Review Board, may in appropriate cases and upon written application, dispense with or modify the requirements for its review, described herein and

in Chapter 243, Signs. **In addition, the Chairman or if unavailable Vice Chairman, shall have the authority to waive architectural review for minor exterior modifications including but not limited to in kind replacement of windows, doors or minor modifications to the exterior of a commercial building or residential home.**

Any waiver shall be in writing and filed with the secretary to the Architectural and Historic Review Board.

- B. Applicants seeking a waiver of the requirement for architectural review, or any modification to the standards and guidelines such review is subject to, shall apply to the Board in writing. Such application shall demonstrate that:
 - (1) Because of the nature or size of the project such requirements would not be applicable or would be an unnecessary burden upon the Applicant.
 - (2) A waiver would not violate the general intent and purposes of this ordinance or be detrimental to the general health, safety, and welfare of the Village, or aesthetics of the neighborhood.
 - (3) The condition for which a waiver from a design standard is sought is unique to the property.
 - (4) The request for a waiver is not based on mere inconvenience to the applicant or a self-created hardship.
 - (5) A waiver is necessary for the preservation and enjoyment of substantial property rights possessed by the applicant.
- C. Applicants seeking a waiver based on economic hardship shall demonstrate that compliance with the rules and regulations of this chapter will result in significant economic or financial injury and/or will render the property incapable of earning a reasonable return.
- D. Any waiver or modification of requirements granted by the Board shall provide only the minimum relief necessary to alleviate the hardship.

LOCAL LAW INTRODUCTORY “N” of 2021 MODIFYING NORTHPORT VILLAGE CODE SECTION 13-7 (A) (2), REGARDING REFERRAL OF PERMIT APPLICATIONS TO THE ARCHITECTURAL AND HISTORIC REVIEW BOARD

The Village Board hereby proposes the following Local Law Introductory “N” of 2021 as follows:

13-7 Referral of Permit Applications.

A. Copies of the following applications shall be referred to each reviewing member of the Board of Architectural and Historic Review within five business days of receipt of the application:

- (1) All applications for sign permits, pursuant to Chapter 243, Signs, of the Code of the Village of Northport.
- (2) All applications for building permits for exterior construction, reconstruction, alteration or demolition of any structure other than a one-, two- or three-family residence.
- (3) All applications for the design of landmarks or historic districts.
- (4) All applications for demolition permits or building permits for the construction, reconstruction, alteration or demolition of any building or structure that has been designed as a landmark through the process described herein (§ 13-12, Designation of landmarks), or that is listed on either the National or the New York State Register of Historic Places or the equivalent registers, if any, maintained by the County of Suffolk or the Town of Huntington.
- (5) **If a building permit is requested to remove only a non-permitted (built without a building permit) addition or structure and the building is to be restored to its original condition before the installation of the non-permitted structure or addition, then an application to the Architectural Review Board is not required .**

BOARD APPROVAL OF WARRANTS:

Fiscal Year 2021/2022 General Fund bills in the amount of \$ 1,747,743.70
Fiscal Year 2021/2022 Sewer Fund Bills in the amount of \$ 14,489.69
Fiscal Year 2021/2022 Capital Fund Bills in the amount of \$13,725.00
Fiscal Year 2021/2022 Payroll Week (12/3/21) General Fund \$ 404,137.34
Fiscal Year 2021/2022 Payroll Week (12/3/21) Sewer Fund \$ 15,771.19

BUSINESS/COMMISSIONERS REPORTS:

TREASURER REPORT:

CHIEF OF POLICE REPORT:

CORRESPONDENCE:

NOTICES:

RESOLUTIONS:

RESOLUTION: 2021 – 264 ~ APPROVAL OF THE MINUTES

BE IT RESOLVED: The minutes of the November 16th, 2021 meeting are hereby accepted.

RESOLUTION 2021 – 265 ~ ENACTING LOCAL LAW NO. 9 OF 2021 OPT-OUTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNIBIS DISPENSARIES AND ON-SITE CANNIBIS CONSUMPTION ESTABLISHMENTS WITHIN THE INCORPORATED VILLAGE OF NORTHPORT PURSUANT TO §131 OF THE NEW YORK STATE MARIJUANA REGULATION AND TAXATION ACT (THE “CANNABIS LAW”)

WHEREAS: the following Local Law was proposed as Introductory Local Law “K” of 2021 by Resolution 2021-240 on October 19, 2021:

WHEREAS: a public hearing was conducted on November 16th, 2021 and the public had an opportunity to be heard;

WHEREAS: the Village Board of Trustees has determined that the action is a type II action pursuant to 6 NYCRR part 617.5 (c)33 and not subject to any further action under SEQRA;

BE IT RESOLVED: The Board of Trustees of the Village of Northport hereby adopts Village Law Chapter 118 - CANNABIS LAW Article 1 - MARIJUANA REGULATION AND TAXATION ACT – OPT-OUT as follows:

Section 1. Legislative Intent.

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and onsite cannabis consumption sites in the Incorporated Village of Northport that would be otherwise allowed under the Cannabis Law.

Section 2. Authority.

This Local Law is adopted pursuant to Cannabis Law §131, which expressly authorizes a Village to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate and operate within its boundaries.

Section 3. Local Cannabis Opt-Out

The Northport Board of Village Trustees hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Jurisdiction of the Incorporated Village of Northport.

Section 4. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, corporation, or circumstance, shall be invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph,

subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date; Permissive Referendum.

This Local Law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law §131 and article 9 of the New York Village Law, this Local Law is subject to a permissive referendum and thus may not be filed with the Secretary of State until thirty days (30) after adoption, unless there shall be filed with the Village Clerk a petition signed and acknowledged by the electors of the Village in number equal to at least twenty percent of such electors in the Village, as shown on the register of electors for the previous general election, protesting against this resolution and requesting that the matter be submitted to the electors of the Village for their approval or disapproval in the manner provided by the Village Law. Within ten (10) days after the adoption of this resolution, the Village Clerk is hereby authorized and directed to cause to be published at least once in the official newspaper of the Village, and to be posted in at least six (6) public places in the Village, a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subjective to a permissive referendum.

RESOLUTION 2021 – 266 ~ PURCHASE OF UNPAID VILLAGE PROPERTY TAXES

WHEREAS: An account of unpaid Village taxes for the fiscal year 2021/2022 in the amount of \$93,281.12 has been received by the Board of Trustees, now therefore,

WHEREAS That the tax sale will be conducted in the Village Hall Office, 224 Main Street Northport, NY 11768 beginning at twelve noon December 15Th, 2021,

BE IT RESOLVED: That the Board of Trustees on behalf of the Village of Northport is hereby authorized to purchase all unpaid tax for the year 2021/2022 and authorize the Treasurer’s office to undertake all necessary measures to undertake same.

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

RESOLUTION 2021 – 267~ DESIGNATION OF ADDITIONAL DEPOSITORY FOR FUNDS

BE IT RESOLVED:

1. Signature Bank and its subsidiaries and affiliates, are authorized to do business in Northport, New York, are hereby designated as depositories of this Public Entity.

2 The Treasurer and Mayor of the Public Entity, or any one of them, is/are hereby authorized to open a bank account or accounts from time to time with Signature Bank and its subsidiaries and affiliates (each being hereinafter referred to as “Bank”) for and in the name of the Public Entity with such title or titles as he/she or they may designate.

3. Until the further order of the Governing Board, pursuant to paragraph 11 hereof, the requirement of a maximum amount which may be kept on deposit at bank at any time is not applicable.

4. The Treasurer Leonard Marchese, Deputy Treasurer Janine D’Orio, Mayor Damon

McMullen, Deputy Mayor Ian Milligan, Village Clerk Amy Grandy and Deputy Clerk Georgina Cavagnaro of Public Entity, signing jointly on any and all checks issued by the Village, their successors and any other person authorized by statute, regulation or court order on behalf of Public Entity("Authorized Person(s)") is/are hereby authorized to sign, by hand or by facsimile (including, but not limited to, electronically generated) signatures(s), checks, drafts, acceptances and other instruments (hereinafter collectively referred to as "Items(s)"). Notwithstanding the above, any Authorized Person is authorized singly to: (1) initiate Automated Clearing House ("ACH") debits without a signature; (2) initiate payments by use of Depository Transfer Checks ("DTC") without a signature provided that the name of the Public Entity is printed on the DTC; or (3) give instructions, by means other the signing of an item, with respect to any account transaction, including, but not limited to , the payment, transfer or withdrawal by wire, computer or other electronic means (now existing or hereafter developed), of funds, credits, items or property at any time held by bank for account of the Public Entity ("Instructions").

5. The Treasurer and Mayor of the Public Entity is/are hereby authorized without further action of this Governing Board to execute the banks' form entitled Appointment of Designated Person(s) to Provide Call Back Verifications and Written Confirmations in Connection with Payment Orders", thereby designating one or more individuals, whether or not such individuals be designated as "Authorized Persons", for the purpose of the verification of payment orders and issuance of written confirmations.

6. Bank is hereby authorized to honor and pay items, whether signed by hand or by facsimile (including, but not limited to electronically generated) signature(s). In the case of facsimile signatures, Bank is authorized to pay any item if the signature, resembles the specimens filed with Bank by Public Entity, regardless of how or by whom such signature was affixed and whether or not the form of signature used on such Item was actually prepared by or for the Public Entity. Bank is further authorized to honor and pay DTC's, ACH's Instructions, and other orders given singly by any Authorized Person or employee individually, without limit as to amount.

7. Bank is hereby authorized to accept for deposits, for credit, for collection, or otherwise, Items whether or not endorsed by any person or by stamp or other impression in the name of the public Entity without inquiry as to the circumstances of the endorsement or lack of endorsement of the endorsement or the disposition of the proceeds.

8. Public Entity agrees to be bound by the "Terms and Conditions for Business Accounts and Services," currently in effect and as amended hereafter, as well as any signature card, deposit ticket, checkbook, passbook, statement of account, receipt, instrument, document or other agreement, such as, but not limited to, funds transfer agreements and security procedures delivered or made available to Public Entity from bank, and by all notices posted at the office of Bank at which the account of the Public entity is maintained, or on a website that the Bank maintains or participates in, in each case with the same effect as if each and every term thereof were set forth in full herein and made part hereof.

9. The Treasurer and Mayor of the Public Entity or any one or more of them is/are hereby authorized to act for the Public Entity in all matters and transactions relating to any of its business with the Bank including, but not limited to, the execution and delivery of any agreements or contacts necessary to affect the foregoing Resolution.

10. Each of the foregoing Resolutions and the authority thereby conferred shall remain in full force and effect until written notice of revocation or modification by presentation of

new resolutions and Bank Signature Card Form shall be received by Bank; provided that such notice shall not be effective with respect to any revocation or modification of said authority until Bank shall have had a reasonable opportunity to act following receipt of such notice and shall not be effective with respect to any checks or other instruments for the payment of money or the withdrawal of funds dated on or prior to the date of such notice.

11. The Village Clerk, Deputy Clerk or Treasurer of the Public Entity is hereby authorized and directed to certify, under the seal of the Public Entity or not, but with like effect in the latter case, to Bank the foregoing Resolutions, the names of the officers, Authorized Personal and other representatives of the Public Entity and any changes from time to time in the said Officers, Authorized Persons and representatives and specimens of their respective signatures. Bank may conclusively assume that the persons at any time certified to it to be officers, Authorized Persons or other representatives of the Public Entity continue as such until receipt by Bank of written notice to the contrary.

12. The authority given hereunder shall be deemed retroactive and any and all acts hereunder performed prior to the passage of these Resolutions are hereby ratified and approved

RESOLUTION: 2021 – 268 ~ ROAD WORK

BE IT RESOLVED: The Village Board hereby authorizes the removal/replacement of the existing Belgium block shoulder at the corner of Main Street and Route 25A by Laser Industries, quote #Q112921-SD1, as per the Suffolk County purchasing contract #ADA-090519-A2 in the amount of \$53,072.00, and

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, and

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.

RESOLUTION 2021 – 269 ~ COURT CLERK’S FALL CONFERENCE

WHEREAS: 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.

BE IT RESOLVED: Village Senior Court Clerk Tanya Karpf and Court Clerk Dawn Belefonte are authorized nunc pro tunc to attend the NYS Association of Magistrates Court Clerk Conference September 12 through September 14, 2021 in Albany, New York in the amount of not to exceed \$2,176.01.

RESOLUTION 2021 – 270 ~ ONLINE PROCESSING OF BUILDING PERMIT APPLICATIONS

BE IT RESOLVED: The Village Board hereby authorizes the expanded use of Municipality 5, a cloud-based multi-platform software for municipalities, and integration with City Squared for online application processing of Building Permits and Value Payment Systems for fee processing.

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.

RESOLUTION 2021 – 271 ~ PROMOTION

WHEREAS: Raymond Desmond has been a Maintenance Mechanic III for the Village of Northport at a pay rate of \$36.10/hourly,

WHEREAS: the Village Board of Trustees has determined that this 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: Raymond Desmond is hereby promoted to the position of Automotive Mechanic for the Incorporated Village of Northport, at an hourly rate of \$37.98/hour.

RESOLUTION 2021 – 272 ~ PROMOTION

WHEREAS: Jake Milliken has been a Heavy Equipment Operator for the Village of Northport at a pay rate of \$34.34/hourly,

WHEREAS: the Village Board of Trustees has determined that this 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: Jake Milliken is hereby promoted to the position of Maintenance Mechanic for the Incorporated Village of Northport, at an hourly rate of \$36.10/hour.

PUBLIC PARTICIPATION:

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

The next meeting of the Board of Trustees will be Tuesday, December 21st, 2021 at 6:00 pm to be held at Northport Village Hall.

Respectfully submitted - Amy Grandy, Village Clerk