

**THE MINUTES
FOR THE JULY 17, 2018
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING
6:30 PM.**

PRESENT: Mayor McMullen, Trustees Kehoe, Maline, Milligan and Smith, Village Clerk Donna Koch, Village Administrator Tim Brojer, Village Attorney Stuart Besen, Village Treasurer Len Marchese, Police Chief Bill Ricca.

PUBLIC HEARINGS:

Mayor McMullen asked the Clerk to read the Notice of Public Hearing to wit:

CONTINUATION OF THE JUNE 5th, 2018 PUBLIC HEARING.

PLEASE TAKE NOTICE: a public hearing of the Board of Trustees of the Village of Northport will be held on June 5th, 2018 at 6:30 in the evening in the Northport Village Hall 224 Main Street to consider proposed local law "D" of 2018.

**PROPOSED LOCAL LAW "D" OF 2018
A LOCAL LAW TO AMEND CHAPTER 243 SIGNS OF THE CODE OF THE
VILLAGE OF NORTHPORT**

Section 243-5. Construction and design standards

The following restrictions and guidelines shall apply to all permanent signs for nonresidential uses unless otherwise specified.

A. Number of permitted signs. No more than two exterior signs shall be allowed for each business or activity separately owned and conducted on the premises, except for those permitted as additional signage in Section 243-5A (2) below.

B. Stays the same.

C. Stays the same.

D. Sign text.

(1) Sign text permitted shall include identification of the business name and function, telephone number, E mail address and hours of operation. This includes both exterior signs and interior windows signs. (Amended L.L. 2018).

Joe Sabia with a business on Fort Salonga Rd. stated he thought the law was a good

thing and that the businesses need it. He has traveled all over Long Island and everyone has signs with phone numbers.

Gary Blake stated 28% of accidents are caused by distracted drivers and rear-ending. He felt by adding lettering and/or numbers adds to the distraction as well as causing clutter. The code allows the numbers to be in the window and that has worked for the past years. Trustee Maline stated he was okay with allowing numbers on signs along 25A but not in the Village. The Mayor stated that was unconstitutional to allow them in one area and not others in the Village.

Frank Cavagnaro, stated if you don't allow the phone numbers, you are taking away someone's freedom of speech.

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

PUBLIC HEARING NO. 2

Mayor McMullen asked the Clerk to read the Notice of Public Hearing to wit:

PLEASE TAKE NOTICE: a public hearing of the Board of Trustees of the Village of Northport will be held on July 17th, 2018 at 6:30 in the evening in the Northport Village Hall 224 Main Street to consider proposed local law "E" of 2018.

PROPOSED LOCAL LAW "E" OF 2018 A LOCAL LAW TO AMEND CHAPTER 306 ZONING VILLAGE OF NORTHPORT BY ADDING CHAPTER 306-50 ~ ESTABLISHMENT OF MICRO-BREWERIES

Chapter 306-50

ESTABLISHMENT OF BREWERIES

Section 306-50.1. Purpose.

It is the intention of the Board of Trustees of the Incorporated Village of Northport to enact legislation to protect the public health, safety, welfare and the environment by regulating the establishment and operation of breweries that manufacture and produce craft beer.

Section 306-50.2 Definitions.

Brewery Distillery-A business located in a building where the primary use is for the manufacturing and production of craft beer and retail distribution of the craft beer it produces and manufactures and which is duly licensed as a Micro-Brewery with the New York State Liquor Authority which produces the minimum amount permitted by the New State Liquor Authority.

Tasting Room-A room that is attached to a brewery that allows patrons to sample and consume beer that is produced by the Brewery Distillery. No beer wine or any other alcoholic

beverages other than what is produced by the Brewery Distillery is permitted to be sampled or sold in a tasting room.

Biochemical Oxygen Demand (BOD)-The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty degrees centigrade (20 C.) expressed in parts per million (ppm) or milligrams per liter (mg/l).

Total Suspended Solids (TSS)-The dry weight of suspended particles, that are not dissolved in a sample of water that can be trapped by a filter that is analyzed using a filtration apparatus when using an approved laboratory procedure expressed in parts per million (ppm) or milligrams per liter (mg/l).

Section 306-50.3 Permitted Zoning Districts.

A. The establishment and operation of breweries may only be located in the Central Business A District, Highway Business District and the Marine Business District subject to the following conditions and requirements.

- (1) All tasting and retail sale shall be conducted indoors.
- (2) No noxious fumes or odors to be generated from the premises.
- (3) The brewery shall have a prevention wastewater treatment retention facility (a/k/a an equalization tank) installed on premises and acceptable to Northport Village Administrator with the advice of and consultation with the Northport Village Engineer. All existing breweries shall have six (6) months from the enactment of this code to install on their premises a treatment retention facility (a/k/a an equalization tank) acceptable to the Village Administrator or be in violation of this code and be subject to the penalties as enumerated in this code.

B. A brewery shall be permitted to have as an ancillary use a tasting room as defined in Section 306-50.2.

Section 306-50.4 Surcharge Requirements.

A. Due to the characteristics of liquid waste from the production and manufacturing of craft beer from a brewery and more specifically the generating of excess BOD and excess TSS that enumerates levels that have a deleterious effect upon the Sewage Treatment Facility and the excess cost to the Village of Northport to safely treat, transport and dispose of the BOD and the TSS, the Village of Northport shall charge each Brewery a surcharge.

B. Any Brewery that discharges BOD into the Sewer Treatment Facility in excess of the limit specified below shall be charged a surcharge by the Village of Northport:

- (1) Five-day twenty-degree centigrade BOD: 300 parts per million maximum.

C. Any Brewery that discharges TSS into the Sewer Treatment Facility in excess of the limit specified below shall be charged a surcharge by the Village of Northport;

- (1) TSS: 300 parts per million maximum.

Section 306-50.5 Testing Requirements.

A. The Village of Northport shall have the right to enter and inspect any part of the premises served by the public Sewage Treatment Facility for the purpose of obtaining samples of wastes and inspecting flow-measuring devices or treatment facilities provided to prevent excess BOD discharge. The inspection shall be conducted by the Village of Northport or their respective designee and may enter upon the premises at any reasonable time to inspect for BOD discharge levels. Inspections shall be conducted no less than once a month and no greater than three times a month to compel compliance.

B. All measurements, tests and analysis of the characteristics of wastewaters, discharges or wastes called for under this article, shall be performed in accordance with the latest edition of Standard Methods for the Examination of Water and Waste Waters, published by the American Public Health Association, Inc., et. Al; ASTM Standards, Part 31, Water, Atmosphere Analysis, published by the American Society for Testing and Materials; Methods for Chemical Analysis of Water and Wastes, published by the United States Environmental Protection Agency; and/or 40 CFR Part 136, Guidelines establishing Test Procedures for the Analysis or Pollutants, including amendments to any of the foregoing at the option of the village administrator, such other standards he or she may designate.

C. All laboratory testing costs associated with analysis of the waste stream shall be borne by the owner of said facility at the current rate schedule of the testing facility employed to provide such services by the Village. The Village shall have the sole discretion to choose the laboratory testing facility. All fees associated with the testing including administrative and labor fees shall be borne by the owner of the facility.

Section 306-50.6 Surcharge calculations and charges.

A. A Brewery Distillery as defined in Section 306-47.2 who discharge waste water in the Northport Sewer Treatment Facility shall be charged in an addition to the annual fee as stated in Section 239 of the Village Code, a surcharge for the excess BOD and TSS produced

- (1) The surcharge shall be calculated by the Brewery Distillery's discharge of BOD and TSS in excess of the limit as defined in Section 306-50.4 (B) (1) (also known as permitted discharge of BOD and TSS). The permitted BOD discharge will be subtracted from the BOD and TSS discharge level that is found during the monthly inspection conducted by the Village of Northport or its designee. If at the sole discretion the Village of Northport conducts more than one inspection in a given month period the BOD and TSS level shall be determined by averaging the samples collected from the Brewery Distillery's user's waste water discharge for that month.
- (2) The number of gallons of waste that contain BOD and TSS in excess of what is permitted is then multiplied by the Village's monthly cost per gallon to treat the BOD and TSS and the resulting number is the monthly surcharge that is semi-annually due by the Brewery Distillery.
- (3) The Village of Northport will estimate the incremental cost to treat and dispose of BOD and TSS expressed in dollars per pound for BOD and dollars for pound for TSS and will include these surcharge rates within its annual budget. The rates established for the Northport Village Fiscal year of 2018/2019 shall be a rate of BOD 67 cents per pound and for TSS shall be 69 cents per pound. These numbers shall be established by the Northport Village Board annually upon the adoption of the budget.

B. Said surcharge shall become due and payable on the first day of June and December in each year or such other day or dates as may be determined by the Board of Trustees. The invoices shall be mailed to the owner of the Brewery and the owner of the land in which the Brewery operates. They shall be collected by the Village Treasurer and shall constitute a lien on real property pursuant to Article 14-F of the General Municipal Law. There shall be an additional charge of 1% per month on any invoice that is not paid beginning 31 days after the date of the invoice is sent out.

Section 306-50.7 Penalties for offenses.

A. For each violation of the provisions of this article, the property owner, the person(s) in charge of or operator of the Brewery Distillery where such violation has been committed or exists shall be held liable, on conviction thereof, to a fine or penalty of not less than \$500.00 nor more than \$5000.00 for a conviction of a first offense, upon conviction of a second offense where the offense is committed within a period of two years of the first offense, a fine not less than \$1000.00 nor more than \$10,000.00; and the conviction of a third or subsequent violation

where the offense is committed within a period of two years of the first and second offense, upon conviction of a third offense punishable by a fine of not less than \$1500.00 nor more than \$15,000.00. Each day or part thereof such violation continues following notification by the Village or service of a summons shall constitute a separate offense punishable in like manner.

B. In addition to the criminal penalties set forth herein, the Village Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions, civil penalties in the amount not to exceed \$250.00 per day, or any part thereof, an action to compel compliance with or to restrain by injunctive the violation of this article, and any other remedies which in the opinion of the Village Attorney may seem necessary and proper. Such civil and equitable relief may be sought in a court of competent jurisdiction. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.

C. In any civil or equitable action or proceeding commenced in the name of the Village of Northport for violations of this article, if the Village is successful in its action or proceeding then the Village of Northport is authorized to seek recovery of its attorney's fees in addition to other civil penalties.

D. The remedies provided for in this article are not exclusive of any other remedies available under applicable federal, state or local law.

Section 306-50.8 Off Street Parking.

A. Any Brewery Distillery as defined by this code and lawfully existing in the Village of Northport at the time of adoption of this Code under either a Special Use Permit or Variance or both granted by the Zoning Board of Appeals shall be exempt from the application of Section 306-21 of the Northport Village Code respecting off street parking for Business Districts. Any Brewery Distillery proposed under this Code following the adoption of this code shall provide off street parking at the rate of one space for every 75 square feet of area of the premises of the Brewery Distillery.

Section 306-50.9 Construal of provisions; severability; repealer.

A. Application. No statement in this chapter shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

B. Separability. If any provision of this chapter shall be adjudged invalid, the judgment shall apply only to the provision so adjudged and shall not effect, impair or invalidate any other provision of this chapter.

C. Repealer. All ordinances or local laws or parts thereof in conflict with this chapter are

hereby repealed.

This code shall be in effect upon adoption by the Board of Trustees.

On the motion of Trustee Kehoe and seconded by Trustee Maline the Public Hearing was opened:

Mr. Besen stated that the gneisses of this law is that the Village has two breweries, which both have gone to the Zoning Board and were approved. However, the Board felt it was time to enact local law. In some ways it helps the breweries by bringing them up to NYSLA standards. In addition, breweries have BODs which go into our sewer treatment plant. The Village needed to look into how those BODs effect the sewer plant.

Bob Holtzmacher of Holtzmacher Engineering gave a lengthy explanation on the effects of BODs on the sewer plant.

Jim Clark, of Chestnut Circle (attorney for Sand City Brewery) commended the law saying it invites more of this type of businesses to the area. We believe there are other ways to control the discharge of the BODs besides installing an equalization tank. Also, the charging back to the breweries for testing, while we understand the need for the charge back, there is no indication of the cost. Under the proposed code we could be tested three times a month and whatever that testing costs we would be charged. It needs to be clarified.

Kevin Siller, of Sand City Brewery Company. We understand what we put down the drain has an impact on the plant. An equalization tank is one part of the solution. If we were to sidestream; where we collect all that material and dump it off site. Sidestreaming requires us to go to our tanks and make sure that stuff is not going into the drain.

Mayor McMullen stated it is our duty and responsibility to protect the plant.

Trustee Maline stated the law should read Farm Brewery and Micro Brewery and we should outlaw a full-blown brewery.

PUBLIC PARTICIPATION:

Effie Huber, requested that the flags in the park around the gazebo remain until Labor Day. The Board approved.

Josephine Rizonni, of Beach Ave. questioned why the highway department was down at Scudder Park at 5:00 AM removing debris and a float. She also questioned whose debris it was and why was the Village removing it. The Mayor stated he would have to look into why the Village was there at 5:00 am and that the debris was picked up in and around the harbor.

Homeowners on both sides of 56 Ocean Ave. questioned the Board as to what is being done to clean up the property. They are concerned there is vermin running around and the stink coming from the burned-out house is horrendous. Mr. Brojer stated the house has been cleaned out and the car was going to the fire department fair grounds for a practice. Once that happens we will go and clean-up the front yard and put down wood chips. Mr. Dillion felt the Village has the authority to condemn the house. Mr. Brojer felt

that the house doesn't warrant being condemned. The Mayor instructed Mr. Brojer to put out rat traps and make sure the house is secure.

BOARD APPROVAL OF WARRANT:

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

Fiscal Year 2018/2019 General Fund bills in the amount of \$191,513.29

On the motion Trustee Smith and seconded by Trustee Kehoe the following bills were approved for payment.

Fiscal Year 2018/2019 Sewer Fund bills in the amount of \$ 17,586.72

On the motion Trustee Smith and seconded by Trustee Kehoe the following bills were approved for payment.

Fiscal Year 2018/2019 Capital Fund bills in the amount of \$3,074.50

On the motion Trustee Smith and seconded by Trustee Kehoe the following bills were approved for payment.

Fiscal Year 2018/2019 Trust Fund bills in the amount of \$855.00

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

Fiscal Year 2018/2019 Fire Department bills in the amount of \$10,994.96

COMMISSIONER REPORTS: Trustee Kehoe reported the Business Development Committee continues to tackle the parking problem and are looking to invite more traffic consultants to come speak.

Trustee Milligan reported that new LED lights have been installed through out Village Hall. Also, Wednesday night the 18th, there will be a meeting at the American Legion Hall for residents of the pit area who are going to be affected by the sewer project. The meeting will talk about planning, funding, timeline and the field study.

Trustee Smith reported the park department is on a regular weekly maintenance schedule with the parks. Also, the tire swing was broken and needs to be replace and the merry-go-round is in for repair. The summer intern has begun for the website design. Giving the website more functionality will be paramount. The Village continues to research companies for our scanning and records retention.

Mayor McMullen, reported the highway has been busy with tree work and stump grinding. The new sweeper should be in by the end of August, they continue to work on sidewalks, handicapped ramps and paving.

CHIEF OF POLICE REPORT:

In June of 2018 the Northport Police Department responded to 547 calls for service, issued 236 summonses and made 10 arrests.

On June 15, 2018 a 19-year-old male was arrested after he was observed by a Northport Police Officer selling marijuana in front of his home on Franklin Street in Northport. He was charged with Criminal Sale of Marijuana 2 Degree as the male buyer was under the age of 18.

Sergeant Christopher Hughes completed an instructors level active shooter course given by the U.S. Department of Homeland Security. While all our officers have had extensive training in active shooter response, we now have an in-house expert on the subject. After completing the course, he made arraignments with the Northport-East Northport school district to use any, an/or all of their buildings as needed, to conduct this enhanced training with all our personnel. We plan on having a full cycle of training done before the start of school in September.

Additionally, Sgt. Hughes has arranged for us to have electronic key phobs from the school district that will give us unlimited access to all their facilities in an emergency.

ADMINISTRATOR'S REPORT: Mr. Brojer reported the conditions of 20 James Street warrant the Village to issue it a safety hazard. The Village will need a full engineers report, then schedule a public hearing. The house has serious structural issues.

TREASURER'S REPORT: Mr. Marchese reported the Village has sent in all the reimbursement forms for the 5 million dollar grant from the New York State Dormitory Authority.

NEW BUSINESS:

1. Fire Alarms. This was postponed until the August meeting.
2. Parking Consultant. At the last Business Development Committee meeting we had Gerard Giosa of Level G Associates come and discuss parking. He then gave the Village a proposal for parking consulting. Trustee Maline and Trustee Kehoe thought it's a great idea and a resolution was put on to hire Level G Associates for consulting.

OLD BUSINESS: No old business was discussed this evening.

CORRESPONDENCE: No correspondence this evening.

REQUESTS: No requests this evening.

RESOLUTIONS:

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

RESOLUTION 2018 -118~ JUNE 19, 2018 MINUTES

BE IT RESOLVED: The minutes of the June 19, 2018 meeting are hereby accepted.

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

RESOLUTION 2018 -119~ JUNE 28, 2018 MINUTES

BE IT RESOLVED: The minutes of the June 28, 2018 meeting are hereby accepted.

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

RESOLUTION 2018-120 SEQRA

WHEREAS, the Village Board of Trustees has declared itself lead agency; now **THEREORE BE IT RESOLVED** that the Village Board of Trustees, as lead agency, finds that the action is a type II action pursuant to 6 NYCRR part 617.5 (27 &37) and finds there is no adverse impact on the environment and not subject to any further action under SEQRA.

On the motion of Trustee Milligan and seconded by Trustee Smith with Trustee Maline opposing the following resolution was approved.

RESOLUTON 2018-121~ LOCAL LAW # 5 OF 2018

WHEREAS: a public hearing of the Board of Trustees of the Village of Northport was held on June 5th, 2018 and continued on July 17, 2018 at 6:30 in the evening in the Northport Village Hall 224 Main Street to consider local law No. 5 of 2018.

**LOCAL LAW No. 5 OF 2018
A LOCAL LAW TO AMEND CHAPTER 243 SIGNS OF THE CODE OF THE
VILLAGE OF NORTHPORT**

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

RESOLUTION 2018-122~ SEQRA

WHEREAS, the Village Board of Trustees has declared itself lead agency; now **THEREORE BE IT RESOLVED** that the Village Board of Trustees, as lead agency, finds that the action is a type II action pursuant to 6 NYCRR part 617.5 (27 &37) and finds there is no adverse impact on the environment and not subject to any further action under SEQRA.

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

RESOLUTION 2018- 123 ~ LOCAL LAW # 6 of 2018

WHEREAS: a public hearing of the Board of Trustees of the Village of Northport was held on July 17th, 2018 at 6:30 in the evening in the Northport Village Hall 224 Main Street to consider proposed local law “E” of 2018.

LOCAL LAW No.6 OF 2018
A LOCAL LAW TO AMEND CHAPTER 306 ZONING VILLAGE OF NORTHPORT
BY ADDING CHAPTER 306-50 ~ ESTABLISHMENT OF MICRO-BREWERIES
Chapter 306-50
ESTABLISHMENT OF BREWERIES

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

RESOLUTION 2018 – 124 ~ PART TIME BUILDING DEPT. CLERICAL

BE IT RESOLVED: Georgina Cavagnaro be and hereby is hired to the part time position of Building Department Clerical effective July 16, 2018 at an hourly rate of \$20.00/hr. not to exceed 17.5 hours a week.

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

RESOLUTION 2018 – 125~ COW HARBOR 10K RACE PARKING RESTRICTIONS

WHEREAS: Police Chief William Ricca has requested the enactment of temporary parking restrictions in connection with the conduct of the Cow Harbor 10K race to be held on Saturday, September 15th, 2018, and

WHEREAS: Chief Ricca has outlined the required temporary parking restrictions in a memorandum to the Board of Trustees, so

BE IT RESOLVED: that the temporary parking restrictions on September 15, 2018 for the times and locations listed in the memorandum from Police Chief Ricca be, and hereby are, approved, and the Police Department is hereby authorized to take actions

necessary to enforce said restrictions, be, and hereby are, adopted.

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

RESOLUTION 2018 - 126 ~ COW HARBOR DAY PARKING RESTRICTIONS

WHEREAS: Police Chief William Ricca has requested the enactment of temporary parking restrictions and Sidewalk Sales Rules and Regulations in connection with the conduct of the Great Cow Harbor Day Festival to be held on Sunday, September 16TH, 2018 from 4:00 a.m. to 5:00 p.m. and,

WHEREAS: Chief Ricca has outlined the required temporary parking restrictions and Sidewalk Sales Rules and Regulations in a memorandum to the Board of Trustees and

WHEREAS: Chief Ricca has recommended that the Board of Trustees empower, the Great Cow Harbor Day Committee - 2018 with the authority to issue permits for sidewalk and park sales on Cow Harbor Day, and

WHEREAS: Chief Ricca has recommended that the Board of Trustees adopt Rules and Regulations governing sidewalk and park sales as recommended by the Great Cow Harbor Day Committee - 2018, now therefore

BE IT RESOLVED: that the temporary parking restrictions on the dates and for the times listed in the memorandum from Police Chief Ricca be, and hereby are, approved, and the Police Department is hereby authorized to take actions necessary to enforce said restrictions, and

BE IT FURTHER RESOLVED: that the Great Cow Harbor Day Committee -2018 be, and hereby is, authorized to issue permits for sidewalk and park sales on Cow Harbor Day, and

BE IT FURTHER RESOLVED: that the rules and regulations governing sidewalk and park sales, as recommended by the Great Cow Harbor Day Committee - 2018, be, and hereby are, adopted.

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

RESOLUTION 2018- 127 ~ DISBURSEMENT

BE IT RESOLVED: The Board approves Deputy Treasurer Laura Kaplan to cash out 56 hours of unused vacation time.

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

RESOLUTION 2018 –128~ FIRE CONTRACT WITH THE TOWN OF HUNTINGTON

BE IT RESOLVED: The Mayor is hereby authorized to execute an agreement with the Town of Huntington to provide fire protection services for fire protection District No. 1 for a period of one year from January 1, 2018 through December 31, 2018 in the amount of one million four hundred seventy-four thousand twenty-one and 00/100

dollars (\$1,474,021.00) and on such other terms and conditions as may be acceptable to the Village Attorney, subject to the approval of the volunteers of the Northport Fire Department as provided by law.

The next regular meeting of the Board of Trustees will be on August 14, 2018, at 6:30 P.M

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

Respectfully submitted,

Donna M. Koch, Village Clerk