

**THE MINUTES
FOR THE DECEMBER 1, 2015
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING
6:00 PM.**

Present: Mayor Doll, Trustees McMullen, Milligan and Tobin, Village Attorney Stuart Besen, Village Clerk Donna Koch, Village Administrator Tim Brojer, Village Treasurer Len Marchese, Police Chief Bill Ricca
Trustee Maline arrived after the Public Hearing and Commissioner reports but was present for resolutions.

PRESENTATIONS:

PUBLIC HEARINGS:

The Mayor asked the Village 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 1st day of December 2015, to consider the following proposed local law:

**PART II GENERAL LEGISLATION
Chapter 107-FIRE PREVENTION**

This chapter shall be known and may be cited as the “Fire Prevention Code.”

Section 107-1 Legislative Intent.

- A. It is the intention of the Village Trustees to establish regulations to safeguard life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of land or buildings, whether or not the land is improved or the building is occupied.
- B. The Village Trustees hereby adopts the provisions of the Fire Code of New York State and successor law for application within its jurisdictional borders, which shall be enforced in accordance with the enforcement provisions of this chapter to the fullest extent permitted by law.
- C. The Village Trustees intends to enforce the provision of the Fire Code of New York State; the standards and regulations published by the National Fire Protection Association; and the provisions of this Chapter to prevent the loss of life and the destruction of property.

D. Pursuant to Section 119.1 (Administration and Enforcement) of the New York State Uniform Fire Prevention & Building Code; 19 NYCRR Section 1203.2; Executive Law Section 381(2) and Section 382; Municipal Home Rule Law Section 10(1)(ii)(a)(11) and (12), Section 10(1)(ii)(d)(3), Section 10 (3)(b) and (4)(a) and (b); Town Law Section 130(3-a),(5),(11),(15) and (16); and other applicable laws, rules, and regulations, or successor laws, the enforcement provisions of this Chapter shall control and supersede any remedy or enforcement provision contained in the Fire Code of New York State, and other applicable state law, rule, regulation or successor law to the fullest extent permitted by law.

Section 107-2 Scope.

This chapter establishes regulations affecting or relating to buildings, structures, installations, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or fire alarm systems.

Section 107-3 Conflicting provisions.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 107-4 Definitions

For the purpose of this Chapter the following terms shall have the meanings indicated. Where terms are not defined in this chapter and are defined in the Fire Code of New York State, Building Code of New York State, Mechanical Code of New York State, Fuel Gas Code of New York State, Residential Code of New York State, Property Maintenance Code of New York State or the Plumbing Code of New York State, such terms shall have the meanings ascribed therein. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinary accepted meaning.

Approved

Acceptable to the fire code official.

Automatic Fire-Extinguishing System

A listed system of devices and equipment that automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

Automatic Sprinkler System

A sprinkler system, for fire protection purposes, is an integrated system of underground and overhead piping designated in accordance with fire protection engineering standards. The

system includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from fire and discharges water over the fire area.

Carbon Dioxide Extinguishing System

A system supplying carbon dioxide (CO₂) from a pressurized vessel through fixed pipes and nozzles. The system includes a manual or automatic actuating mechanism.

Clean Agent Extinguishing System

A fire-extinguishing system using electrically non-conducting, volatile, or gaseous fire extinguishant that does not leave a residue upon evaporation.

Construction Permit

A construction permit allows the applicant to install or modify fire protection equipment.

Dormitory

A building primarily providing sleeping and/or residential quarters for large numbers of people including but not limited to boarding school, college or university students.

Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

Fire Alarm System

A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarms or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Fire Code Official

The Village of Northport Chief Fire Marshal, Senior Fire Marshal or Fire Marshal charged with the administration and enforcement of the Fire Code of New York State or the Fire Prevention Code of the Village of Northport.

Fire Protection Equipment

Listed devices, equipment and systems or combinations of systems used to detect a fire, activate an alarm, extinguish or control a fire, control or manage smoke and products of a fire or any combination thereof. Fire protection systems include; automatic fire-extinguishing systems, automatic sprinkler systems, carbon dioxide extinguishing systems, clean agent extinguishing systems, fire alarm systems, foam-extinguishing systems, mechanical smoke control systems, and halogenated extinguishing systems.

Foam-Extinguishing System

A special system discharging foam made from concentrates, either mechanically or chemically, over the area protected.

Habitable Space

Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable space.

Halogenated Extinguishing System

A fire-extinguishing system using one or more atoms of an element from the halogen

chemical series: fluorine, chlorine, bromine and iodine.

High-Piled Combustible Storage

The storage of combustible materials in closely packed piles on pallets, in racks or on shelves where the top of the storage is greater than twelve (12) feet in height. High piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, roll paper, idle pallets and similar commodities, where the top of the storage is greater than six (6) feet in height.

High-Piled Storage Area

An area within a building or structure that is designated, intended, proposed or actually used for high-piled combustible storage.

Hot Work

Operations including cutting, welding, thermite welding, thawing pipe, installation of torch-applied roof systems or any other similar activity.

Hot Work Area

The area exposed to sparks, hot slag, radiant heat, or convective heat as a result of the hot work

Limited License

A limited license is issued to an individual to proceed with a specific activity concerning the installation, repair, or modification of fire protection equipment. Limited licenses are issued for Fire Suppression Clean Agent systems, Fire Suppression Industrial Systems, Fire Suppression Kitchen Systems, and Fire Sprinkler systems.

Listed

Equipment or materials included on a list published by an approved testing laboratory, inspection agency or other organization concerned with current product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states that equipment or materials comply with approved nationally recognized standards and have been tested or evaluated and found suitable for use in a specified manner.

Mixed Use Occupancy

A building or portion thereof that is utilized or occupied for more than one use or purpose. Mixed use occupancies may include residential dwelling units.

Multiple Residence

A building or portion thereof designed for or occupied by three or more family units living independently of each other and are classified as Group R-2 under the Fire Code of New York State.

Occupancy

The purpose for which a building or portion thereof is utilized or occupied.

Occupiable Space

A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or other purposes or in which occupants engage at labor, which is equipped with means of egress and light and ventilation facilities meeting the requirements of the Building Code of New York State.

Open Burning

The burning of materials where products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.

Operational Permit

An operational permit allows the applicant to conduct an operation, activity, or business for which a permit is required under this Chapter for either a prescribed period, or until renewed or revoked.

Permit

A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment, installation or modification for which the permit is issued.

Person

An individual, business entity, association, or a group acting as a unit.

Place of Assembly

The use of a building or structure, or a portion thereof, for the gathering of less than fifty (50) people for purposes including but not limited to civic, social or religious functions, recreation, food or drink consumption or awaiting transportation.

Place of Public Assembly

The use of a building or structure, or a portion thereof, for the gathering of fifty (50) or more people for purposes including but not limited to civic, social or religious functions, recreation, food or drink consumption or awaiting transportation

Recreational Fire

An outdoor fire burning materials other than rubbish for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Smoke Control System

An engineered system that uses mechanical fans to produce pressure differences across smoke barriers or to establish air flows to limit and direct smoke movement.

Torch Applied Roof System

Bituminous roofing systems using membranes that are adhered by heating with a torch and melting asphalt back coating instead of mopping hot asphalt for adhesion.

Section 107-5 Bureau Fire Prevention

The Bureau of Fire Prevention is a division of the Village of Northport Building Department, under the supervision of the Northport Village Administrator. The Fire Marshal(s) shall have such powers necessary for the proper administration consistent with applicable provisions of law. The Bureau shall have additional enforcement personnel including part time Fire Marshals, if deemed necessary.

Section 107-6 Qualifications of Fire Marshal

The Chief Fire Marshal shall be a graduate of a State Code Enforcement training program established by the State of New York and shall meet the requirements of all applicable laws and

regulations. If at the time of appointment he lacks completion of a state approved course of study in fire prevention and protection, such course shall be completed within eighteen (18) months after the appointment.

Section 107-7 Duties of the Fire Marshal

- A. The Fire Marshal shall administer and enforce the Fire Prevention Code of the Village of Northport, the Fire Code of the State of New York, and the provisions of all other applicable laws and rules, and shall perform the following duties:
- (1) Investigation of fires: all major fires within the Village shall be investigated for cause and origin.
 - (2) Plan, review: review of all system plans and design specifications, pertaining to the issuance of construction permits.
 - (3) Inspection: inspection of sprinkler system installations, standpipe system installations, commercial fire detection and fire alarm system installations, alternate agent suppression system installations; and preparation of inspection reports.
 - (4) Enforcement: issuance of notices of violation and summonses and provide assistance to the Village Attorney and other village departments in the prosecution of violations in the Village of Northport, including but not limited to Section 87-25 of the Village code.
 - (5) Complaints: review and assign personnel to investigate all complaints pertaining to the existence of conditions or activities that fail to comply with the Fire Code of New York State, the provisions of this chapter and, or other applicable laws and rules.
 - (6) Instructional: preparation and distribution of literature on fire prevention and protection, and training of Fire Code Officials regarding the inspection procedures.
 - (7) Permits: the granting or denial of construction permits; the granting or denial of operating permits after inspection and report by the Fire Code Officials, except that permits for household or commercial burning may also be granted or denied by local fire district authorities.
 - (8) Records: maintenance of records and preparation of statistics on matters pertaining to fire prevention in the Village of Northport, such as permits, violations, complaints, summonses issued, disposition of court cases and number, location, cause and type of fires.
 - (9) Standard forms: standardization of forms and procedures utilized by all Fire Code Officials regarding matters which pertain to the Fire Prevention Code of the Village of Northport and Fire Code of New York State.
 - (10) Liaison: liaison between all fire service agencies and other Village departments.
 - (11) Fees: collection of fees resulting from the review and inspection of construction permits, operating permits, and property maintenance inspections.

- (12) Reports: submission of an annual report to the Village Trustees containing a review of the operations of the Bureau, recommending necessary changes and providing related statistics and other information requested by the Village Trustees.
- (13) Supervision: coordinate the activities of Fire Code Officials.

Section 107-8 Authority to enter premises.

If, in the judgment of the Fire Code Official, an emergency exists as when a condition or hazard is an immediate peril to the public health and safety, or a serious and immediate danger to property, he may enter any building or structure, during reasonable hours, to inspect and investigate.

Section 107-9 Notification of fire or explosion

The chief of any fire department providing firefighting services within the Village of Northport shall promptly notify the Chief Fire Marshal of any fire or explosion involving any structural damage to a building, fuel burning appliance, chimney or gas vent on property within his jurisdiction.

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

Mayor Doll explained the purpose of this local law is to adopt the New York State fire Code as our own. The state mandates that we enforce their code. If there are violations New York State deems the violation a misdemeanor. Under Village Code they would be considered a violation. It also directs the Village to conduct inspections on regular basis. Recent incidents that have brought this forward are two structure fires in multi dwelling buildings. In one building one they changed the walls to increase the number of apartments thereby making the rooms unescapable. Another on had the exit door bolted shut. There was a restaurant fire recently where the Ansel system didn't work. Fortunately they were able to put out the fire. I know that people are interested in this and worried about any fees related to the inspections. The Village has had a fee schedule in the codebook since 2008 for these inspections. Those fees are a minimal fee of \$50.00 or \$2.00 per-person of public assembly. Since that time the Village has not charged a fee. Trustee McMullen stated that under title 19 of the New York State Code, we are required to do these inspections. I know there's been concern that other agencies perform these inspections as well. This doesn't mitigate from actually having to do the inspections. Our concern is the safety of the Village and its residents. As an older community we need to protect our properties.

Trustee Tobin stated that when a level of government adopts a whole new set of regulations the first thought is that this is more onerous to deal with and it will make life harder. However in this case. Adopting this code actually makes things easier and reduces possible consequences. We have to follow New York State Code by adopting it as our own so it does not become a misdemeanor with the chance of having a criminal

record but to make it our own where it would be a violation.

Joe Sabia, Cherry St. addressed the Board stating he has run a business in this Village for the past 40 years and has had 3 fire inspections. Other restaurants get inspected yearly. Mr. Sabia commended the board for going forward with this but asked that the fees be cut back for the first year. Let's get up and running and then the fees should be introduced next year. Mr. Sabia would like the law to be equitable to everyone.

Frank Cavagnaro, felt it was a good idea. My insurance company inspects once a year. They charge me \$1500. A year for these inspection. The Village needs to go after the illegal apartments. There are more illegal apartments then legal apartments.

Artie Glad spoke that every year New York State comes and does a fire inspection. The fee was \$50.00 at first for a yearly inspection, then it was raised to \$100.00 annually. Now they are coming every six months charging me \$100.00. So now I pay \$200.00 a year to do what you're saying you're going to do. I have my fire sprinklers inspected once a year for \$400.00. Then my Ansul System is checked once a year. I pay \$800.00 a year for what you say you're going to do.

Trustee Tobin stated he would look into if under state law if the inspections you have relive us of that obligation.

Fred Richtberg, a Main Street merchant questioned how many inspections would be done a year. The answer was one would be done annually. Mr. Richtberg stated he wanted to make sure the Village would be inspecting all commercial buildings and not just the downtown district.

On the motion of Trustee McMullen and seconded by Trustee Milligan the Public Hearing was closed.

PUBLIC PARTICIPATION:

Jeff Bartels, Lloyd Harbor addressed the Board stating that roughly around 1650 Asharoken was originally four islands and that the sound came into Northport Bay. Also Lloyd Harbor was connected to Cold Spring Harbor. Now he is trying to get money from the Federal Government to reconnect the Harbors. He was here tonight because he wants to be able to bring Oysters, clams back into Northport Harbor. Mr. Bartel would like to see batteries a thing of the past. He would only like to see rechargeable batteries.

Joe Sabia, Cherry St. questioned the Board regarding phone numbers on signs are popping up all over the Village. He felt the ordinance of no phone numbers was outdated and that having phone numbers on signs on the south side of 25A has not caused any hazards. I would like to see the Board be proactive and let everyone have a number on their signs. He would like to put his number on his sign. The Village needs to either change the law or enforce it.

Several High School students were on hand to ask permission to hold the second annual Bark for Life in the park. The Board approved this and asked that they connect with the Village Clerk to make final arrangements.

BOARD APPROVAL OF WARRANT:

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

Fiscal Year 2015/2016 General Fund bills in the amount of \$ 35,162.53

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

Fiscal Year 2015/2016 Sewer Fund bills in the amount of \$ 4,802.18

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

Fiscal Year 2015/2016 Capital Fund bills in the amount of \$ 30,158.51

COMMISSIONER REPORTS:

Trustee McMullen reported all is well at the Sewer Plant.

Trustee Tobin reported the Board needed to schedule another workshop, December 9, 2015 at 5:00PM was decided on.

Trustee Milligan reported Trustee McMullen the Mayor and himself attended a meeting at Britannia regarding dredging. Also there was the Doc Spencer and Assemblyman Raia, DEC, Army Corps of Engineers, It is something that is going to have to be done for water quality and marine navigation. It will be a daunting task but must be done. Mr. Sabia asked from the audience where the dredge spoils go. Trustee Milligan explained there a several different methods and that will need to be worked out.

Mayor Doll reported highway has been busy with cement, getting the plows ready for winter, Holiday decorations. The tree at the end of Main Street is probably the most magnificent we've ever had.

ADMINISTRATOR REPORT:

CHIEF OF POLICE REPORT: Chief Ricca reported the department responded to 480 calls for service, issued 137 summonses and made 32 arrests. The department also acquired a search warrant and arrested two people selling heroin and cocaine. Detective Hayes was able to make an arrest for grand larceny. The Department was able to partner with Stop and Shop and supplied a needy family with a Thanksgiving dinner. The Tree Lighting went off without a hitch with an estimate of about 3000 people.

NEW BUSINESS: no new business was discussed this evening.

OLD BUSINESS: no old business was discussed this evening.

REQUESTS: no requests.

CORRESPONDENCE: no correspondence.

RESOLUTIONS:

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

RESOLUTION 2015– 166~ APPROVAL OF THE NOVEMBER 4, 2015 MINUTES

WHEREAS: Copies of the minutes of the November 4, 2015, 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 McMullen the following resolution was unanimously approved.

RESOLUTION 2015 –167 ~ LOCAL LAW NO. 7 OF 2015

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 1st day of December 2015, to consider the following proposed local law:

**LOCAL LAW NO. 7 OF 2015
PART II GENERAL LEGISLATION
Chapter 107-FIRE PREVENTION**

This chapter shall be known and may be cited as the “Fire Prevention Code.”

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

RESOLUTION 2015 –168 ~ 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 McMullen and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2015- 169 ~ APPOINTMENTS

BE IT RESOLVED: Daniel Stahl, Northport is hereby appointed to the position of Harbor Master at an hourly rate of \$25.75 per hour. Said appointment shall expire at the annual organizational meeting 2016.

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

RESOLUTION 2015- 170 ~ SET PUBLIC HEARING

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 15TH day of December 2015, to consider the following proposed local law:

**LOCAL LAW "G" OF 2015
A LOCAL LAW TO AMEND
CHAPTER 282 VEHICLES & TRAFFIC
SCHEDULE XXI
OF THE CODE OF THE VILLAGE OF NORTHPORT**

Handicapped Parking:

Adding:

One additional handicap parking spot on the East side of Church St. between Main St. and Prospect Avenue, for a total of 5 spaces.

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 following resolution was unanimously approved.

RESOLUTION 2015- 171 ~ ANNUAL MAINTENANCE AGREEMENT

BE IT RESOLVED: The Mayor is hereby authorized to sign a one year maintenance agreement with Inter County Mechanical for HVAC maintaince in an amount not to exceed \$2397.00.

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

RESOLUTION 2015– 172~ APPROVAL OF THE NOVEMBER 17, 2015 MINUTES

WHEREAS: Copies of the minutes of the November 17, 2015, meeting were sent to the Board for approval, therefore,

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

The next regular meeting of the Board of Trustees will be on Tuesday, December 15, 2015 at 6:00 P.M

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

Respectfully submitted,

Donna M. Koch, Village Clerk

Budget Transfer:

From:	Increase	Amount	
A.1110.0400.0001 Village Justice Trial Costs	A.1110.0400.0000 Village Justice Contractual	\$3,000.00	Expense Line Overage
A.1680.0200.0000 Computers Equip.	A.1680.0400.0000 Computers Misc.	\$873.00	Expense Line Overage
A.1930.0400.0000 Judgements & Claims	A.3120.0101.0000 Police OT	\$25,000.00	Expense Line Overage
A.1930.0400.0000 Judgement & Claims	A.3120.0122.0000 Dispatch OT	\$10,000.00	Expense Line Overage
A.3410.0409.0000 FD Misc	A.3410.0101.0000 FD Houseman Salary	\$6,148.60	Expense Line Overage
A.3410.0409.0000 Auto Insurance	A.3410.0418.0000 Rescue Squad	\$701.45	Expense Line Overage
A.5110.0409.000 Highway Misc	A.5110.0406.0000 Highway Patching & Paving	\$803.92	Expense Line Overage
A.5182.0200.0000 Street Lighting Equipment	A.5182.0400.0000 Street Lights Contractor	\$1,241.34	Expense Line Overage
A.7140.0409.0003 Parks Garden Exp.	A.7140.0409.0000 Parks Misc	\$563.92	Expense Line Overage
A.8020.0400.0000 Planning Board Exp.	A.8010.0400.0000 Zoning Board Exp.	\$341.86	Expense Line Overage
G.8120.0200.0000 Sewer Line Equip	G.8130.0200.0000 Sewer Plant Equip.	\$7,231.00	Sewer Insurance Line Overage

BUDGET ADJUSTMENT

A.0000.2706.0000	Increase Rev		\$36,000.00
Grants-Local 911			
A.3120.0211.0000	Increase	Exp	\$36,000.00