

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on Monday, September 27, 2021 with public viewing through video streaming on YouTube and in person.

The meeting was called to order at 6:00 p.m. by Deputy Mayor Krieger and Trustees Brinkman, Ferb, Felice, Keyes, McHeffey, Village Attorney Egan, Village Treasurer Krawczyk, Village Clerk Devlin, and Deputy Village Clerk Braile present. Mayor Pontieri was absent.

The flag salute was made, and the safety message was given.

Village Clerk Devlin asked the Board to approve Board Meeting minutes from September 13, 2021.

Upon a motion by Trustee McHeffey, seconded by Trustee Brinkman, and carried, by majority with Trustee Keyes abstaining and all others in favor, the Board approved the Board meeting minutes from September 13, 2021.

Village Treasurer Krawczyk stated the total bills for the period ending September 27, 2021 were \$338,812.47. The five largest bills were as follows: \$35,204.40 for Russel Reid; \$9,505.38 for Town of Brookhaven; \$7,920.00 for Deal Concrete; \$6,810.00 for Total Technology; and \$5,839.99 for Devo & Accoc.

General	\$ 243,845.40
Trust & Agency	\$ 210.00
Cap Projects	\$ 4,090.20
Sewer Fund	\$ 64,595.61
B.I.D. Fund	\$ 7,399.47
Housing Fund	\$ 0.00
CDA Fund	\$ 4,770.91
General Bills	\$ 13,900.88
Totals	\$ 338,812.47

Upon a motion by Trustee McHeffey, seconded by Trustee Brinkman, and unanimously carried, the Board approved payment of the bills as presented.

Village Treasurer Krawczyk reviewed the cash balances as of August 31, 2021 as follows:

General Fund	\$13,693,129.65
Trust and Agency	\$ 208,114.52
Sewer Fund	\$ 2,879,614.14
BID Fund	\$ <u>157,472.64</u>
	\$16,938,330.95

Village Clerk Devlin read notice of a public hearing to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate within the Village of Patchogue as follows:

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, September 27, 2021, 2021, at 6:00 p.m., by video conference, by the Village Board of Trustees of the Incorporated Village of Patchogue, TO OPT OUT OF ALLOWING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS TO LOCATE WITHIN THE VILLAGE OF PATCHOGUE, a copy of which proposed local law is on file at the Office of the Village Clerk and may be accessed at the following link: <https://patchogue.novusagenda.com/agendapublic/>. Members of the public may view the public hearing live on the Village’s Youtube Channel located at [https://www.youtube.com/channel/UCi4ied6ovcljay2uBK1a7w?view\\_as=subscriber](https://www.youtube.com/channel/UCi4ied6ovcljay2uBK1a7w?view_as=subscriber). Members of the public may participate in the live meeting to ask questions by registering as an “Attendee” for the Zoom Webinar. Please visit [www.patchoguevillage.org](http://www.patchoguevillage.org) for specific directions. Minutes of the meeting will be posted on the Village website after the meeting.

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Village Attorney Egan indicated that actions being considered this evening were pursuant to the Marijuana Regulation and Taxation Act which had been adopted by the state. This was not a referendum or debate on the use of or a discussion of who was in favor or against the use of cannabis as the possession and use of cannabis had been legalized by New York State. He noted that actual sales of cannabis from approved vendors were not expected until 2022-2023 at the earliest. Village Attorney Egan then noted that there had been limited framework provided thus far from the state. A New York State Cannabis Control Board (CCB) had been established which was similar in structure to the State Liquor Authority. This Board would manage all issues related to cannabis in New York State. He reminded everyone that this was not a referendum or debate on the benefits of cannabis use as this question had been resolved by the state. The question being considered within this public hearing was to determine whether the Village should opt out of allowing whatever form the CCB guidelines would be for retail dispensaries or on site consumption establishments in the Village. The Board could opt out now or default to opting in if a decision was not reached to opt out prior to the deadline of December 31, 2021. The legislation adopted by the state permitted municipalities to opt out of these two considerations prior to that date, otherwise, opting in would be established by default. Opting in would be an option the Board could consider at a later date once guidelines were actually prepared by Albany and the CCB, as well as having the opportunity to determine how those guidelines worked in other communities. However, the Village would be unable to opt out after December 31<sup>st</sup>. Village Attorney Egan then reviewed the tax revenue that the Village would actually receive. He indicated that a 13% state sales tax would be collected on all cannabis products sold. Out of that 13%, a local excise tax of 4% would be obtained with 25% of that amount sent to the County and 75% of that 4% split between the Town and Village. Thus, the Village's tax revenue received from cannabis sales would amount to 1.5%. Some of the municipalities which had already chosen to opt out were as follows: the Town of Islip, the Village of Southampton, the Village of Rockville Centre, the Town of Smithtown, the Village of Nissequogue, and the Village of Freeport. A couple of those who had chosen to opt in were the Town of Brookhaven and the Town of Riverhead. Village Attorney Egan indicated that the State's Cannabis Control Board consisted of five (5) members, the last of which had been just recently appointed. This Board would develop the regulatory framework for cannabis retail and consumption establishments and manage the number of sales and use permits which would be allowed per region. At this time, there was no way of knowing how many permits would be allowed per region. The Office of Cannabis Management (OCM) would also regulate the location of such establishments and create building codes for them. Even if the Village or other municipality should develop these standards, they could be overruled by the OCM. According to the legislation passed, retail and use establishments could not be presented with unreasonable and unpractical regulations. These standards had not yet been defined nor tested in the courts, so no one would know what they were until a judge decided on a case that challenged a standard that was put in place. It was entirely possible that any local law adopted by the Village could be overruled if a judge considered the local law to present an unreasonable and impractical standard. As the state had yet to adopt any framework or standards, the job of doing so would be left to those communities that opt in. However, it was possible that as the OCM developed its own standards, those adopted at a local level would be overruled. The question before the Board was whether to choose to opt out and let the state establish the framework to be followed. Village Attorney Egan expressed concern that the Cannabis Control Board web site had "more details coming soon" stated rather than specifics about many things. He noted that some towns which had defaulted to opting in had zoned retail sales and consumption of cannabis to industrial zones only. In his opinion, this presented a possible area to challenge as this could be viewed as unreasonable and impractical since these types of businesses would probably prefer to be on Main Streets near their active consumers. There were still many unanswered questions from the courts and Albany on these issues.

Trustee Felice asked for confirmation that there were no clear guidelines or regulations established by the state. Village Attorney Egan stated that this was correct. He noted that it was not unusual for Albany to pass legislation without details; but it was unusual for the Cannabis Control Board not have even been appointed until such a late date. Trustee Felice expressed concern about the "details to follow" statement on their web site. Village Attorney Egan concurred with these concerns and noted that the State Liquor Authority had been established for many years and had a long time to develop regulatory framework.

Deputy Mayor Krieger expressed concern that there were no regulations or guidelines in place and

that basically, anyone could open a retail dispensary for cannabis anywhere right now. Village Attorney Egan agreed that this was correct since the OCM still had to set up parameters. Deputy Mayor Krieger inquired as to the whether there would be a limited number of licenses permitted by region. Village Attorney Egan stated that he did not know what that number would be but noted that the cannabis medical industry had been surprised by the limited number of licenses that they had been permitted.

Trustee McHeffey expressed surprise that there were no parameters included in legislation that was 128 pages long when passed. Village Attorney Egan indicated that the CCB members had not even started to be appointed until June or July. Trustee McHeffey indicated that this was not the first time this issue had been considered by the state. Village Attorney Egan noted that he was not sure that this was an accurate statement as cannabis as a concept had been around for a long time, but he was not sure if this was the first time retail and on site consumption had been discussed. Trustee McHeffey noted that there had been a multi-department study done in 2018 by the state which found that the potential benefits outweighed the potential costs of legalizing cannabis sales and use. Village Attorney Egan indicated that legalization of use and sales of cannabis had been advocated and supported for decades, and Albany had taken the steps necessary to legalize cannabis. However, the question being considered is not relative to that topic. The question is whether the Board should wait for further clarity from Albany with regard to specific guidelines such as zoning regulations or default into allowing sales and use when no definitive standards had been adopted.

Trustee Brinkman expressed concern that legalization of cannabis had been attached to a budget item instead of following the usual process of legislation which would have included public input. She felt that the state had done a great disservice to communities by taking this action. Trustee McHeffey inquired if this was the manner in which this had been adopted. Village Attorney Egan stated that it was not unusual for legislation to be adopted this way rather than working through the legislative process; however, it was unusual to have so little guidance at this point provided by the state.

Trustee Ferb questioned why municipalities were choosing to opt in or out. Village Attorney Egan stated that he could not speak for all areas, but many of the local municipalities which had chosen to opt out had done so because they wanted to wait until further clarity had been provided on matters such as zoning and other regulatory areas.

Trustee Brinkman observed that it seemed as if the OCM would have a great deal of power. Village Attorney Egan reiterated that there was no way of determining what their level of control would be until regulations were actually adopted. If the OCM was going to be similar to the SLA, it was possible for them to exercise control in minute ways.

Deputy Mayor Krieger inquired if it would be possible right now for someone to purchase cannabis, come out, and start smoking right on the sidewalk. Village Attorney Egan stated that this could be done. Deputy Mayor Krieger inquired as to why it would be different for someone going into a liquor store, coming out, and opening up a bottle. Village Attorney Egan indicated that this was due to the laws put in place with regard to alcohol consumption.

Trustee McHeffey inquired if the Village could ban consumption of marijuana on the street. Village Attorney Egan stated that this would be discussed during the second public hearing scheduled for tonight.

Deputy Mayor Krieger stated that Mayor Pontieri had submitted a letter to be read into the record with regards to this public hearing and proceeded to read it as follows:

“As you may know I have concerns about the Cannabis Legislation and the long and short term effect on the community. My major concerns:

1. If we OPT-IN we are bound by that decision and can never OPT-OUT. We do not have to be the first Village in.
2. The Cannabis Legislation was put in just prior to the Budget Vote and has not been fully vetted by the Legislature or the Public. They did not hold Public Hearings or meet with the municipal entities that are going have to enforce it. Example:

Currently we give violations for open container violations. Two people are standing on the Four Corners; one drinking a bottle of Bud, the other smoking a joint. The question is; what do we do; do we ignore the open container or give him/her a violation and ignore the guy smoking weed - your thoughts. What agencies are going to enforce the regulations - the SCPD, the County, the State Liquor Authority or is the responsibility going to the only authority that has no authority - the Village!

3. I keep hearing about the money we will make if we OPT-IN; 13% will be collected - 2% to TOB, and we will receive 1% - 1% of what!
4. I believe the real question is - What do we want to be? That is the question that you must ask yourselves.

The issue is not a simple issue. It is a social issue; an economic issue; a political issue; and a personal one. This administration, after 17 years of hard work, may be remembered, not for the \$600,000,000 worth of investment, but for this single vote.”

Trustee McHeffey stated that several letters had been submitted to the Village Clerk with regard to this public hearing. These letters were from the following individuals: Jayme Sanfratello, 101 Cedar Avenue; Kathleen Becker Langlan, 96 Cedar Avenue; and Andrea Stolz, 156 E. Lakewood Street. As they were lengthy, he would summarize them and attach the full letters to the minutes of the meeting. Ms. Stolz had indicated that she was in favor of opting in as she felt that local government should be looking out for the best interests of all the residents. Residents should have access to standardized marijuana with strong oversight available rather than sales being banned which would force residents to travel in order to make a purchase. Ms. Becker Langlan expressed concern that if the Village did not take advantage of the opportunity to opt in then another town would which would cost residents in terms of property value and tax revenue. Ms. Sanfratello had indicated that she did not have a problem with cannabis retail shops in the Village as long as the number of shops and proximity to schools was limited.

Deputy Mayor Krieger inquired if anyone from the public wished to comment on the public hearing. He asked those commenting to refrain from repeating remarks made by previous speakers. If they were in agreement with a previous speaker, that could be stated. In addition, he asked if comments could be kept as brief as possible.

Dennis Ross, 17 Lager Lane, stated that he agreed with Mayor Pontieri’s statement. He felt that the Village could always opt in at a later date, especially since there was no real tax revenue benefit. Mr. Ross then inquired if there would be any type of application fee for stores that wanted to sell cannabis. Village Attorney Egan stated that he did not know. Mr. Ross indicated that if an individual had to pay for a permit for a fence then they should need to do so for a store of this nature. Village Attorney Egan indicated that an argument might be able to be made that charging a fee could be considered unreasonable and impractical. He just could not say what rules would be adopted. Mr. Ross inquired if the Village could opt in for retail sales but not for allowing consumption inside an establishment. Village Attorney Egan stated that it was possible to opt in or out to one or both, but if no opt out decision was made, it would be considered an automatic opt in. Trustee Ferb inquired if customers would bring their own cannabis into establishments which were approved for on-site consumption if they were not permitted to sell it on their premises. Village Attorney Egan stated that he could not answer that question as there was no guidance provided on this issue. He would guess that it might be considered similarly to a bar versus a beer distributor. Mr. Ross indicated that he had done some research and determined that property values had not increased based on the proximity of retail sales of cannabis in states where this was permitted. Actually, property values decreased the closer they were located to such establishments and increased the further away they were. He expressed hope that the Village would choose to opt out for now and take a wait and see approach, especially since legislation at the state level was constantly changing.

Preston Warren, 30 Smith Street, indicated that he was generally opposed to public consumption of cannabis, alcohol, and similar types of items as opposed to strolling down the street eating ice cream. However, there were polls that showed that 70% of Americans were in favor of this. He had experienced much stress following Superstorm Sandy and Hurricane Irene after he had lost his house from these storms, and his doctor had prescribed medically licensed marijuana which had worked like magic to help him. Medical marijuana was strictly controlled by the state, and he

fully expected that the same thing would happen now. Patchogue was the happening place to be, and he believed that there was a universally positive view of the community. With the many restaurants and bars in the Village, there were approximately 73 establishments where alcohol could be bought or consumed. Patchogue had the opportunity to be a leader for destination travel and entertainment. Mr. Warren suggested that the Village should have a limited trial of one or two places where cannabis could be bought and/or consumed. He felt it was much less likely for there to be fights in such businesses as opposed to what could occur at a bar at any given time.

Steven King, 21 Cleveland Street., noted that he had written an essay as a senior in high school detailing why marijuana should never be legalized. However, as an adult, he had visited places where it was legalized and been impressed by what he had seen and had changed his opinion and perspective. Every storefront he had observed had been clean and looked like an Apple store. The actual culture of those who smoked marijuana recreationally was far different than the stereotypical viewpoint. Most of those he had observed were blue collar, hardworking people which was far from the Saturday night bar crowd that was witnessed here on a regular basis. In his opinion, the best thing for many in these bar crowds might be some marijuana to help calm them down.

A woman from the audience indicated that she had dreams of opening a cannabis business on Main Street. She wanted to showcase different ways of using cannabis rather than just smoking it, such as using it in cooking. There were many ways that cannabis could be used within the community. Opting out would say no to innovation, creativity and new businesses and would prevent people like her from following their dreams here. She felt that Patchogue was known for being pro-business, for innovation, and for moving forward, and she would like to see the Village continue to be a leader. Dispensaries were already planned for Riverhead and Huntington, and Port Jefferson was looking to welcome one as well. She hated to see the Village left behind and asked that the Board consider opting in.

Mark Siegel, Blums, indicated that he had recently witnessed people smoking marijuana and drinking on Main Street, and a girl had gotten so ill that she could not even get off of a bench. He had contacted Village Code who had told him to call the police. Mr. Siegel indicated that he would rather have Code investigate first, and then they contact the police if they thought such action was warranted. All he wanted was for people to be peaceful whether they were smoking cannabis or drinking.

Kevin McHale, 18 Railroad Avenue, stated that he had owned a CBD dispensary on Railroad Avenue for 3 years and dealt with all types of people ranging in age from 30 to 105 years old. He did not have any issues on this block, and he did not think that his business negatively impacted the community. His customers were not aggressive nor did they pay with cash on a regular basis. Most payments were made through Square, Venmo, or digitally. Even those who were drunk, calmed down after using CBD and were probably more likely to go into a restaurant to eat. Village Attorney Egan inquired as to what the difference would be between a retail cannabis dispensary regulated by the OCM and what he did now. Mr. McHale indicated that regular cannabis had THC in it which was a psychoactive drug while CBD did not. CBD simply relaxed the body and was more similar to cigarettes. Deputy Mayor Krieger inquired if he would like to be a retail dispenser of regular cannabis as well as CBD. Mr. McHale that he would like to be. Trustee McHeffey inquired as to what made him choose Patchogue for his business. Mr. McHale stated that he had attended Patchogue-Medford High School and knew the community. This was home to him, and he believed he had a fun store with a good vibe. He was also looking to expand into scooters and other items as well. Mr. McHale stated that he believed that Patchogue was the best Village on Long Island.

Mark Jackson, 19 Grenville Avenue, stated that he felt that the Village had the opportunity to set the standard with regard to cannabis retail sales and consumption establishments and noted that the state might have left regulations open ended in order to clear the way for municipalities to set the groundwork. He believed that the Village should challenge the negative stereotypes. Mr. Jackson noted that he had been in other states where cannabis was legal, and all such businesses he had observed had been professional and clean. He did not believe that the negative connotations were entirely true based on his experiences.

Mr. Vittorio, 107 Park Street, congratulated Village Clerk Devlin and Trustee McHeffey on their new positions. He noted that some villages and towns were planning to wait and obtain more

information on these issues before moving forward. He felt that this was the best way to proceed. More information should be obtained before making the decision to opt in or out. Mr. Vittorio stated that he was not against people using cannabis, though he had a negative opinion in the past but had become more educated on the subject. However, he did not want to see it used in public or on Main Street, but people should be able to choose to use it on their own property.

David Kennedy, 48 Cedar Avenue, stated that he was speaking on this topic as a resident and not as a representative of the Chamber. The Chamber had not reached a consensus on this issue as many wanted to wait and see and have more time to review the issue. Though there were many questions, he believed that Patchogue was a leader, and he felt that the Village had the opportunity to lead with this topic as well. Many local laws passed in the Village, such as the bans of Styrofoam and plastic bags worked on by Trustee Keyes, had eventually been adopted by the state. Riverhead and Port Jefferson had already opted in, and Patchogue had gained the reputation as being a progressive community. Mr. Kennedy questioned if there was the opportunity to opt in and limit participation to a pilot program to see how it would work. Village Attorney Egan stated that this was a good question, but the legislation had set a date where communities could opt out by or be automatically opted in. Even if the community opted out, it could opt in at any time. He stressed that opting in at a later date was always an option but opting out could only be done by December 31, 2021. Should the state develop a brilliant set of standards, the Village would always have the opportunity to opt in. As far as he knew, the state had never given municipalities the chance to opt out of participation in particular legislation, and he believed many were taking the opportunity to opt out because of the lack of guidelines provided in this case. The state realized that there needed to be more definitive guidelines developed. Mr. Kennedy stated that this made logical sense, but he liked to see Patchogue be a leader and ahead of the curve. He felt that this was another opportunity to do so.

Deputy Mayor Krieger inquired as to when someone could open a cannabis retail shop. Village Attorney Egan stated that no one could answer this as there was no guideline available yet as to the number of permits that would be issued, how they would be issued, or any other specific information available.

Trustee McHeffey inquired as to what the process would be if the Village chose to opt out now and opt in at a later date. Village Attorney Egan stated that he was not entirely sure but believed that a public hearing would need to be held to repeal the local law that would be adopted to opt the Village out.

Trustee Ferb inquired as to what the down side of opting in would be. Village Attorney Egan stated that the Village would need to start accepting applications for these types of businesses immediately should any be submitted. Trustee Ferb asked for confirmation that there would be no guarantee that these applicants would receive a permit from the state. Village Attorney Egan stated that this was correct, but the Village would still need to determine zoning regulations and proceed with planning review, even though there was the possibility that no permits would be granted within Patchogue or the nearby area by the OCM. Trustee Ferb asked for confirmation that the Village would need to create its own set of guidelines for these businesses. Village Attorney Egan stated that this was correct. He noted that he was not sure of how restrictive the Village could be with any guidelines they established and might open itself up to potential legal challenges. Deputy Mayor Krieger inquired if an individual wanting to open a cannabis retail store or consumption establishment in Patchogue could start the process right away if the Village chose to opt in. Village Attorney Egan stated that this could be done even though there were no regulations in place.

Mr. Ross observed that the state had lost its battle to limit the number of locations lotto tickets could be sold, and he believed that this could be done with any attempt to limit the number of retail cannabis locations. He felt that eventually cannabis would be sold everywhere just like cigarettes and lotto tickets. Mr. Ross also noted that Mr. McHale ran a clean establishment and noted that he had less problems walking down Railroad Avenue than other areas in the Village.

Trustee Keyes stated that through his discussions with the Village attorney he believed that the Board was voting on two separate issues in this public hearing – whether to opt out of allowing retail cannabis dispensaries was the first and whether to opt out of allowing on-site cannabis consumption establishments was the second. He offered a motion to split these two issues into separate motions to be considered by the Board. Village Attorney Egan stated that this was fine.

Trustee Ferb questioned how you could differentiate between establishments that sell versus those that offer a space for consumption. In his opinion, those establishments who offered a place to consume cannabis would also be selling it as well. He was opposed to splitting this vote.

Upon a motion by Trustee Keyes, seconded by Trustee McHeffey, and carried by majority with Trustee Ferb against and all others in favor, the Board approved separating the vote for whether to opt out of allowing retail cannabis dispensaries and whether to opt out of allowing on-site cannabis consumption establishments.

A motion was offered by Trustee Keyes and seconded by Trustee McHeffey to allow the Village to opt in to allowing retail cannabis dispensaries to locate in the Village of Patchogue. The motion was defeated based on the following roll call vote with four against and two in favor: Deputy Mayor Krieger – no, Trustee Felice – no, Trustee Ferb – no, Trustee Brinkman – no, Trustee Keyes – yes, and Trustee McHeffey – yes.

Trustee Felice stated that he felt that there were still too many unknowns about this subject and the fact that the state's own web site stated "details to follow" did not sit right with him. He believed that the Village would eventually opt in to allowing these types of businesses but much more detailed information would need to be provided before doing so. Trustee Brinkman agreed with this observation. Trustee Ferb indicated that the Village would need to invest resources to determine what actions to take at this point. The state should have already developed guidelines, and he did not see why the Village should take these actions when other organizations would do it for them. He felt it was ridiculous that no guidelines had been developed as yet. Trustee Brinkman concurred that there needed to be more clarity on this issue.

Upon a motion by Trustee Keyes, seconded by Trustee Felice, and carried by majority with Trustee Ferb abstaining and Trustee McHeffey opposed, the Board resolved to opt out of allowing on-site cannabis consumption establishments to locate within the Village of Patchogue.

Village Attorney Egan indicated that for the purposes of clarity, especially since this was a new issue to be dealt with by the state, he asked that the Board vote on whether the Village wished to opt out of allowing retail cannabis dispensaries to locate within the Village of Patchogue.

A motion was offered by Deputy Mayor Krieger and seconded by Trustee Brinkman to resolve for the Village to opt out of allowing retail cannabis dispensaries to locate in the Village of Patchogue. The motion was approved based on the following roll call vote with four in favor and two against: Deputy Mayor Krieger – yes, Trustee Felice – yes, Trustee Ferb – yes, Trustee Brinkman – yes, Trustee Keyes – no, and Trustee McHeffey – no.

The final resolution approved by the Board with regard to this public hearing was as follows:

A local law adopted pursuant to Cannabis Law §131 opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Village of Patchogue.

#### Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Patchogue out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

#### Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

#### Section 3. Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

The Board of Trustees of the Village of Patchogue, County of Suffolk, hereby opts-out of licensing and establishing cannabis retail dispensaries and cannabis on-site consumption establishments within its boundaries.

**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 or corporation, or circumstance is 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**

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

Deputy Mayor Krieger asked for confirmation that the Board could choose to opt in on January 1, 2022. Village Attorney Egan stated that opting in could be done at any time. Deputy Mayor Krieger asked for confirmation that opting out would allow time to see what occurred on a state level with these issues. Village Attorney Egan indicated that this was correct. The Village would simply be waiting for more detailed information from the state. Deputy Mayor Krieger stated that he felt that too many details were not in place from the state. The Village could create legislation such as limiting sales and consumption to 100 feet from schools and churches, and the state could come in and change these regulations. He did not believe it was a good idea to proceed until the state established regulations and guidelines.

Trustee Ferb stated that he fully believed that cannabis was eventually going to be permitted to be sold everywhere.

Village Clerk Devlin read notice of a public hearing to amend Section 302-2.1 of Chapter 302 of the Village Code as follows:

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, September 27, 2021, at 6:00 p.m., by video conference, by the Village Board of Trustees of the Incorporated Village of Patchogue, TO AMEND SECTION 302-2.1 OF CHAPTER 302 OF THE VILLAGE CODE TO PROHIBIT THE SMOKING OF CANNABIS, TOBACCO, AND SIMILAR SUBSTANCES ON VILLAGE PROPERTY AND OTHER LOCATIONS WITHIN THE VILLAGE, a copy of which proposed local law is on file at the Office of the Village Clerk and may be accessed at the following link: <https://patchogue.novusagenda.com/agendapublic/>. Members of the public may view the public hearing live on the Village's Youtube Channel located at [https://www.youtube.com/channel/UCi4ied6ovcljay2uBK1a7w?view\\_as=subscriber](https://www.youtube.com/channel/UCi4ied6ovcljay2uBK1a7w?view_as=subscriber). Members of the public may participate in the live meeting to ask questions by registering as an "Attendee" for the Zoom Webinar. Please visit [www.patchoguevillage.org](http://www.patchoguevillage.org) for specific directions. Minutes of the meeting will be posted on the Village website after the meeting.

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Village Attorney Egan indicated that this was part two of the legislation that many villages and towns in New York were adopting in reaction to the cannabis legalization. However, just like with tobacco smoking, there were certain regulations which were attached. Under the Clean Indoor Air Act, Article 13-e of the Public Health Law, cannabis was included on par with tobacco. He noted that if tobacco use was prohibited in certain areas, then cannabis use was also prohibited in those areas. It was also added to the appropriate sections of the Penal Law. Section 302 of the Village Code also contained parallel sections to the Clean Indoor Air Act which prohibited the smoking of cigars, cigarettes, and similar items in certain locations. These included within a fifty-foot radius of all entrances to all Village municipal, government, educational, or library buildings and facilities located within the Village of Patchogue which are designated as accessible by the public as well as within municipal parking lots. The purpose of this public hearing was to add cannabis

to the list of tobacco and similar substances prohibited from use in these areas as well as prohibit these items use within a fifty-foot radius of any outdoor dining area and the public sidewalks along Main Street between West Avenue and Maple Avenue. Village Attorney Egan indicated that concerns had been expressed that there was consumption of these items in areas which were interfering with public dining. Deputy Mayor Krieger inquired if these complaints had originated from individuals in the Village. Village Attorney Egan stated that this was correct.

Trustee Ferb inquired as to where cannabis could be smoked. Village Attorney Egan indicated that it could be smoked anywhere where tobacco consumption was permitted. Trustee Ferb inquired if cigarettes could be smoked on Main Street. Village Attorney Egan stated that the proposed legislation would prohibit smoking of any substances on public sidewalks between West Avenue and Maple Avenue. Deputy Mayor Krieger asked for confirmation that this would prohibit smoking of all products. Village Attorney Egan stated that this was correct. Deputy Mayor Krieger inquired if this also included Village parks and Village Hall parking lots. Village Attorney Egan indicated that this was correct. Trustee McHeffey inquired as to what specific other locations were included. Village Attorney Egan stated that the locations were listed within Section 302-2.1 of the Code. Trustee McHeffey asked for confirmation that residents would not have to worry about being penalized for being in an area not listed in this section of the Code. Village Attorney Egan noted that the specific locations where any type of smoking was to be prohibited were laid out clearly within the proposed legislation. He reviewed the list of areas where smoking would be prohibited as follows:

- A. Smoking is prohibited within a fifty-foot radius of all entrances to all Village municipal, government, educational, or library buildings and facilities located within the Village of Patchogue which are designated as accessible by the public.
- B. Smoking is prohibited in any area of any public park, municipal parking lot, and Village Property.
- C. Smoking is prohibited in the following outdoor areas of public places:
  - (1) within a fifty-foot radius of an outdoor dining area; and
  - (2) the public sidewalks along Main Street between West Avenue and Maple Avenue.

Deputy Mayor Krieger inquired if anyone from the public wished to comment on the public hearing.

Dennis Smith, BID Director, asked for confirmation that individuals who went outside restaurants to smoke would need to move 50 feet away from public dining areas to do so. Village Attorney Egan stated that this was correct. Mr. Smith noted that this occurred a lot now, so he wanted to confirm that this would be a new law put in place. Village Attorney Egan stated that this was correct.

Mr. Ross asked for confirmation that this legislation would prohibit any type of smoking on the property that the Village owned along the river within Riverwalk including the center islands and the gazebo. Village Attorney Egan stated that this was correct. Mr. Ross noted that this was where they encouraged residents to smoke and enjoy cigars. Village Attorney Egan noted that tobacco use was already prohibited in this area since it was considered a public park. Mr. Ross expressed concern that the 50 ft. radius would encompass a lot of other areas in Riverwalk. Village Attorney Egan stated that the 50 ft. radius was for outdoor dining areas only. Otherwise, it included any public park, municipal parking areas, and the public sidewalk on Main Street between West Avenue and Maple Avenue. Trustee McHeffey asked for confirmation that the river walk areas on the Riverwalk property were Village property. Village Attorney Egan stated that they were.

Trustee McHeffey asked for confirmation that cannabis would be treated the same way that tobacco was treated. Village Attorney Egan indicated that this was correct. Trustee McHeffey asked if the same applied to smoking outside of a restaurant. Village Attorney Egan noted that this legislation added the 50 ft. radius from any outdoor dining area which was the only change. Trustee Ferb asked for confirmation that smoking of any kind would not be permitted outside of a restaurant. Village Attorney Egan stated that it would be 50 ft. from an outdoor dining area. He noted that this had resulted from the desire for outdoor dining areas which had been caused by the pandemic, and the problems which occurred if a person stepped outside the restaurant to smoke

but was right next to someone dining outside. Trustee Felice asked for confirmation that smoking would also be prohibited along the sidewalks in the main area of Main Street. Village Attorney stated that this was correct.

A woman who had spoken previously inquired as to who would be enforcing this regulation. She noted that she had worked many late nights on Main Street and could not get public safety officers to respond for a safety issue. Deputy Mayor Krieger inquired if she had called for assistance. She indicated that she had done so many times. This included being offered to have a public safety officer walk her to her car after closing a restaurant at 2:00 a.m., but no one had ever responded when she called or she was told they could come in two hours. She noted that she had called many times about a homeless person on Main Street, and no one had responded or she had been told to call the police. In her opinion, this would only be used as a reason to give people a hard time based on her experience with public safety.

Mr. Siegel also questioned who was going to enforce this law. Many times, he had called for public safety assistance and been told to call the police. He reiterated that public safety officers should come to assess the situation and then they should call the police if that was a warranted response.

Mr. Kennedy indicated that he was now speaking on behalf of the Chamber. Several restaurant owners had expressed concern about cannabis smoking near their establishments, and he felt that it was fair that it should be treated the same way as tobacco. However, he was not sure that they were aware that they would now have to be dealing with angry customers who were used to stepping outside of a restaurant for a smoke and would not be able to do so now. Mr. Kennedy asked if he could be given time to speak with restaurant owners and make sure they were fully aware that this was what was going to happen, especially those who had regular patrons who were used to just stepping outside to smoke.

A gentleman indicated that he was a non-smoker who was bothered by smoke. He felt that he was entitled to be able to walk along Main Street and breathe fairly clean air while walking and shopping in the Village. Though he understood that people wanted and needed to smoke, he preferred that a certain area was designated for smoking away from Main Street.

Mr. Kennedy indicated that he felt that this was a bigger change than business owners had been anticipating. He felt that tobacco smoking would not have been even discussed if the cannabis issue had not come up. Tobacco smoking in front of establishments had been going on for many years. Trustee Brinkman indicated that she felt that the outdoor dining had contributed to requests for this change as well. Mr. Kennedy agreed but noted that many restaurants did not have outdoor dining, and smoking still would not be permitted outside their establishment due to the proposed ban on smoking on this section of Main Street. Village Attorney Egan stated that he felt that everyone from the local to the state and even the nation were dealing with a unique experience. Many businesses had spent a lot of money on their outside appearances. In addition, though people might be used to tobacco scents, cannabis was a different scent that would take some time for people to adjust to coming in through open doors and windows. The Village was attempting to manage potential issues which were also occurring due to the prevalence of outdoor dining. Mr. Kennedy indicated that he felt that many business owners were unaware that this public hearing was occurring, and he felt that allowing more time for an open discussion of the proposed change would help the Board to avoid negative feedback. He wanted time to ensure that all of the business owners impacted were aware of this change to reduce any anxiety in an already stressful time.

Deputy Mayor Krieger inquired if this public hearing could be adjourned in order to allow Mr. Kennedy time to discuss this issue with the business owners. Village Attorney Egan stated that this would be fine.

Mr. Warren noted that though the smell of marijuana might be very pungent at a concert or other venue where there was concentrated use, it was barely perceptible on a more individual use basis.

Deputy Mayor Krieger asked for a motion to adjourn the hearing.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Felice, and unanimously carried, the Board adjourned the public hearing to amend Section 302-2.1 of Chapter 302 of the Village Code to prohibit the smoking of cannabis, tobacco, and similar substances on Village property and

other locations within the Village until a future date.

Deputy Mayor Krieger indicated that the Village had unfortunately lost a long term business owner earlier in the day, Ralph Zegal. He had been involved in the Chamber and BID for many years including serving as Executive Director. Deputy Mayor Krieger offered his condolences to the Zegal family and indicated that Mr. Zegal would be greatly missed by the community. Village Attorney Egan indicated that this was a great Patchogue family and business.

Mr. Smith reviewed the BID and special projects report. He took a moment to remember Ralph Zegal as he had been an integral part of the community for six decades serving as a past president and lifelong member of the Chamber of Commerce and Executive Director of the BID. Mr. Zegal was always active in moving the community forward. On behalf of the directors and members of the Business Improvement District, he offered his condolences and thoughts and prayers to the Zegal family. Mr. Smith continued by noting that the BID was ending its summer programs and was moving into the fall season. All of the container plantings had been converted to fall plants. Hopefully, the Waverly circle would be weeded and planted with mums by next week. He thanked Paula Murphy and the members of the Garden Club for all of their hard work as well as the DPW staff who were assisting them. The hanging baskets were scheduled to be taken down by the end of October before Halloween. Mr. Smith continued by noting that the Sunday Market was going well and would be ending on October 31<sup>st</sup>. There were consistently 30 to 35 vendors in attendance with great customer traffic. He indicated that the 180 degree camera he had discussed in August for the bus stop at the railroad station should be installed by the next or following day. Cameras had also been ordered for in front of the Bank of America building on West Main Street, the Church Street lot, and the Staudinger Walkway. These cameras had been encouraged by the Suffolk County Police as a safety measure, especially since these areas were designated as ride share pick up spots on the weekends. Consideration was also being given to installing a camera in front of Fr. Tortora Park in order to provide better views of the playground equipment area. Deputy Mayor Krieger inquired as to how many cameras the Village now had. Mr. Smith stated that there were currently cameras providing 86 views. They were seeking to increase that by 14 more views. He also believed that Public Safety had additional views available that only they could see. Suffolk County PD also had access to the public views. Mr. Smith continued by noting that the clock on East Main Street had been repaired just in time for it to be ready for the upcoming time change in November. The commercial dumpster study was progressing well and included the western portion of the Terry Street lot, the Church Street lot, and the Oak Street lot. He had provided pertinent information to the firm conducting the study as well as taking a recent onsite tour of the lots with them along with Code Enforcement Officer Brandi. The next step for them would be to attend the next Restaurant Committee meeting to be held on October 13<sup>th</sup>. Restaurants were the biggest contributors to dumpster issues, and it was important to get their feedback on this study. Cahill and Cashin hoped to be able to provide the Village with a couple of options to choose from when the study was concluded to control the unsightly trash and dumpster situation. This report was scheduled to be provided to the Board by the middle of January. Johnson Controls continued to work on schedule and was making good progress with the Village's renewable energy and infrastructure upgrade program. New boilers had been installed at Village Hall, natural gas hook ups had been secured, and streetlighting had been improved with the installation of LED energy efficient bulbs. Savings on electricity should be seen as soon as with the next bill. Roof replacement at the Theatre was underway, and a minor leak from the Village Hall roof was being addressed. Solar panel placement on several buildings was scheduled to begin in late fall and continue through the spring. Additional electronic vehicle charging stations would also be installed behind the Theatre. Mr. Smith then noted that Johnson Controls had created a video highlighting the improvements being made in Patchogue Village. The Mayor, Trustee Keyes, himself, and a few others working on this initiative had been featured in the video which would be used by Johnson Controls as a marketing tool. The Village would also have access to the video to be used in any way. Village Clerk Devlin indicated that it would be placed on the Village's new web site. Mr. Smith stated that it would be a good tool to tell the Village's story of moving forward with renewable energy that would save taxpayers money for years to come.

Mr. Kennedy reviewed the Chamber of Commerce report. He also expressed his condolences to the Zegal family and noted that Mr. Zegal had loved Patchogue more than anyone he knew and would be greatly missed. Mr. Kennedy noted that the restaurant owners were excited to move forward with the dumpster study as any improvements made would help beautify the Village and might even free up some additional parking. He also indicated that the cameras were working very well especially with finding individuals who had caused problems at night. Mr. Kennedy

continued by thanking the Village for all the assistance provided in the success of the recent cultural heritage weekend. The Patchogue Theatre had been a great host for the Hispanic Heritage Celebration, and the following day's St. Liberata Festival had been a tremendous success and was fast becoming a signature event for the Village. Even though the Halfway to St. Patrick's Day parade had not gotten off the ground, the 5K run that was held on Sunday had been successful. Upcoming events included the popular Breakfast Crawl being held on this coming Saturday with tickets on sale at Patchogue.com. The Fall Festival would be held on October 16<sup>th</sup> which included the chili and chowder contest, and the Foundation would be sponsoring the next cemetery clean-up that morning as well. More information was available at the Chamber's web site. Tomorrow night, the Brookhaven Chamber of Commerce Coalition would be holding their annual dinner with PSA Security being honored by Patchogue's Chamber for all of their assistance with security for the restaurants as well as Alive After Five and other events. This Wednesday, the Foundation's COAD would be holding a preparathon event and providing guidance to the public on how to be sure they were properly prepared for any disaster which might occur with an emergency bag. Later in the month, a grand opening and ribbon cutting would be held for a brand new business, A and R Workshop on South Ocean Avenue, on October 26<sup>th</sup> from 5:00 p.m. to 7:00 p.m. This was a unique business that encouraged people to join with friends to create some crafts and have a good time, and he encouraged everyone to attend the grand opening. Mr. Kennedy then noted that the Riverfront Committee would like to host the annual Christmas Holiday Parade. Village Clerk Devlin stated that this request was on the agenda for this evening.

Deputy Mayor Krieger asked the Board to authorize the Village Justice Court to apply for a grant.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Brinkman, and unanimously carried, the Board granted approval to authorize the Village Justice Court to apply for a grant through the Justice Court Assistance Program for the maximum amount available.

Deputy Mayor Krieger asked the Board to resolve to ratify prior approval to waive a Special Event Permit Application fee.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Ferb, and unanimously carried, the Board resolved to ratify prior approval to waive the Special Event Permit Application fee for the Tap Room 10 year Anniversary and Fundraiser for IGHL.

Deputy Mayor Krieger asked the Board to resolve to ratify prior approval to modify the Special Events Permit Application to permit waiver of the application fee for 501 (c)(3) for non-profit organizations.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Brinkman, and unanimously carried, the Board resolved to ratify prior approval to modify the Special Events Permit Application to permit waiver of the application fee for 501(c)(3) for non-profit organizations.

Trustee Keyes indicated that the PEP Committee had their river clean up event last Saturday, and he expressed his appreciation for the assistance provided by the DPW staff, especially since they were back and forth between this event and the Biz Markie event. Trustee Felice agreed that the DPW staff had done a wonderful job on a busy day. Trustee Keyes noted that there had been a great turnout for the clean-up with many new groups and individuals, young and old, participating. At least 350 pounds of trash had been collected, and this was good news as it was less than had been picked up in the past. No plastic bags or Styrofoam had been picked up, but many face masks were. Trustee Keyes continued by noting that the PEP Committee would be partnering with the Foundation on the upcoming cemetery clean-up. The clean-up would start at 9:00 a.m. and the wearing of spooky costumes was encouraged.

Trustee Keyes indicated that the Parks and Recreation Department would be hosting their annual Fall Scavenger Hunt this upcoming Saturday, October 2<sup>nd</sup>, at 380 Bay Avenue. It had gone very well last year. The Scarecrow Building Contest would begin on that date at 11:00 a.m. as well.

Trustee Keyes asked the Board to approve use of the turf field at Rider Avenue Park for Island Softball.

Upon a motion by Trustee Keyes, seconded by Trustee McHeffey, and unanimously carried, the Board granted approval for Island Softball to use the turf field at Rider Avenue Park from

September 18<sup>th</sup> through October 24<sup>th</sup> (Saturday & Sunday ONLY) from 9:00 a.m. to 4:00 p.m.

Trustee Keyes asked the Board to approve use of Shorefront Park by the Euclid Hose Co. for the Running Dead 5K.

Upon a motion by Trustee Keyes, seconded by Trustee Felice, and unanimously carried, the Board granted approval for Euclid Hose Co. to hold the Running Dead 5K at Shorefront Park on Saturday, October 30<sup>th</sup> with a 7:00 a.m. setup and a 9:00 a.m. event start.

Trustee Keyes asked the Board to approve use of the 380 Bay Avenue Parking Lot for a Fitness Class by Mobile Body Boutique. This had been very popular in the spring.

Upon a motion by Trustee Keyes, seconded by Trustee McHeffey, and unanimously carried, the Board granted approval for Mobile Body Boutique to hold a Fitness Class on Sundays at the 380 Bay Avenue Parking Lot from October 3<sup>rd</sup> through November 7<sup>th</sup> from 9:00 a.m. to 10:00 a.m.

Trustee Felice indicated that the DPW staff had picked up all the trash from the river clean-up and would be assisting with the upcoming weeding and mum planting on the circle. Some much needed work had been done on West Avenue and Laurel Street with the installation of curbing and sidewalks. This area was currently closed to allow the concrete to dry, so anyone needing to travel through there should plan on using an alternate route for a day or so.

Trustee Felice asked the Board to approve the resignation of a Temporary Sanitation Laborer.

Upon a motion by Trustee Felice, seconded by Trustee Keyes, and unanimously carried, the Board granted approval to accept the resignation of Robert Ranni, with regrets, as a Temporary Sanitation Laborer effective October 8, 2021.

Trustee Felice asked the Board to approve an appointment of a Temporary Sanitation Laborer.

Upon a motion by Trustee Felice, seconded by Trustee McHeffey, and unanimously carried, the Board granted approval to appoint John McCadden as a Temporary Sanitation Laborer at \$17 per hour, effective October 12, 2021.

Trustee Felice asked the Board to approve an out of district sewer connection.

Upon a motion by Trustee Felice, seconded by Trustee Ferb, and unanimously carried, the Board granted approval for an out of district sewer connection for the property located at 208 and 210 Medford Avenue, Patchogue, NY.

Trustee Ferb indicated that this was a wonderful season to be in Patchogue. He had attended the Cultural Heritage event at the Theatre, the St. Liberata event, the Terry Street Arts show and had a wonderful time at all of the events. Trustee Ferb stated that the DPW staff were doing a wonderful job.

Trustee Ferb asked the Board to approve the annual Veterans Day Ceremony by the VFW at the Four Corners.

Upon a motion by Trustee Ferb, seconded by Trustee Brinkman, and unanimously carried, the Board granted approval for the VFW to hold their annual Veterans Day Ceremony on Thursday, November 11<sup>th</sup> from 10:30 a.m. to 11:00 a.m. at the Four Corners (Main Street & Ocean Avenue).

Trustee Ferb asked the Board to approve the Christmas Holiday Boat Parade on the Patchogue River.

Upon a motion by Trustee Ferb, seconded by Trustee Felice, and unanimously carried, the Board granted approval for Patchogue Riverfront Committee to host the Christmas Holiday Boat Parade on the Patchogue River on Sunday, November 21<sup>st</sup> from 6:00 p.m. to 8:00 p.m.

Trustee Brinkman indicated that so many applications had been submitted to the Planning Board that the meeting had to be split into two separate sessions. The good news was that the calendar for these meetings could be checked on the new Village web site which was scheduled to go live

the next day at 11:00 a.m. There would be a fantastic calendar available so everyone could keep up to date on all events occurring in the Village. She offered her thanks to Village Clerk Devlin for doing a wonderful job coordinating the launch of the web site. Village Clerk Devlin noted that some features might not be live at exactly 11:00 a.m. as some functions could take some additional time to become available. Trustee Ferb inquired if the calendar would only include Village business items. Village Clerk Devlin stated that it would be only Village events. Trustee Brinkman indicated that there would be a notification choice where residents could add their cell phone numbers or email addresses to be notified of new items being added to the web site. She welcomed everyone's feedback on the web site as she, Village Clerk Devlin, and Deputy Village Clerk Braile would be able to make corrections and changes to the web site as needed.

Trustee Brinkman asked the Board to approve issuing a refund for an unused building permit.

Upon a motion by Trustee Brinkman, seconded by Trustee Ferb, and unanimously carried, the Board granted approval to issue a refund of \$1,700 for the unused building permit (#0579) for 47 Brightwood Street, Patchogue.

Trustee Brinkman asked the Board approve use of Shorefront Park by Don't Toss the Bouquet.

Upon a motion by Trustee Brinkman, seconded by Trustee Keyes, and unanimously carried, the Board granted approval for Don't Toss the Bouquet to hold their It Takes a Village Candle Light Vigil at Shorefront Park on Saturday, December 11<sup>th</sup> from 5:00 p.m. through 11:00 p.m.

Trustee McHeffey thanked and congratulated Village Clerk Devlin and the entire Arts Council for a successful Arts on Terry event. Unfortunately, he had been unable to attend, but from the photos and comments he had seen it looked like everyone had a great time. He noted that the Ratgrrls Vendor Circus would be occurring on October 15<sup>th</sup> and 16<sup>th</sup> from 5:00 to 7:00 p.m. and on Sunday, November 7<sup>th</sup> at 8:30 p.m. Village Clerk Devlin stated that individual vendor tents would be set up where Arts on Terry was usually held in front of Artspace and would be there to support the MOCA Lights events on those dates.

Trustee McHeffey announced that the CDA Church Street sidewalk project was officially completed. Right now, work continued on the railing for the handicapped ramp behind Village Hall.

Trustee Felice indicated that the grand reopening of the Theatre had been a great event. Deputy Mayor Krieger stated that it was nice to see so many people attend the event.

Deputy Mayor Krieger inquired if anyone from the public wished to be heard.

Richard Kemp, Jennings Avenue, stated that he had a question about land that was given away a few weeks ago from Cedar Grove Court. He inquired as to the reason why this was done. Village Attorney Egan stated that this was a dead end court located off of Cedar Avenue which abutted the South Shore Boatyard. The two adjoining property owners wished to move the road up and away from their yards to reduce the need for the Village to make repairs, plow, etc. in that area. This would move the dead end area from the back of their properties to the front of their properties. Mr. Kemp inquired if any right of ways were involved in this transaction. Village Attorney Egan stated that there were not, and all adjoining property owners were in agreement. Mr. Kemp indicated that he was trying to determine why the Village would take this type of action. Village Attorney Egan stated that the Village did not generally give away roads, but these three adjoining property owners had submitted signed consents, as well as DPW, indicating that this road to nowhere did not add value and taking this action would save the Village in terms of maintenance and liability costs moving forward. Mr. Kemp inquired as to how long the cul-de-sac had existed. Village Attorney Egan indicated that it came into existence probably in the early 1920s.

Mr. Kemp asked for confirmation that there was currently a rule in place whereby a two family house would revert to a single family house should the two family house not be rented or otherwise used as a two family home for more than one year. Village Attorney Egan stated that this was correct based on the Village's non-conforming use regulations. Mr. Kemp then inquired as to whether the Village could do something to assist landlords who might be faced with losing their two family designations since they might be fearful of renting out vacant units when the moratorium on rent kept being extended by the governor. Village Attorney Egan stated that he

would review this with the Building Department. Mr. Kemp indicated that there was an emergency rental assistance unit within New York State which tenants could apply to; however, the landlord could only sign onto this once the tenant was established. Deputy Mayor Krieger inquired if the landlord would receive the rent directly from the state. Mr. Kemp indicated that this would occur only if the tenant signed legal paperwork to do so. However, the state legislators had passed legislation to allow the landlord to apply directly to the state, but the governor adamantly refused to sign this bill. He expressed concern that landlords were being hurt by lack of action on a state level and a local level with this one year time frame. Mr. Kemp suggested that the Village do something to assist landlords since the state seemed reluctant to do so, perhaps enacting legislation to extend the one year time frame if possible. Village Attorney Egan inquired if Mr. Kemp's two family usage was a non-conforming use. Mr. Kemp stated that he was not sure. Village Attorney Egan indicated that he would do some research on this topic.

Mr. Kemp indicated that he was aware that certain events in the Village were conducted solely by the Parks and Recreation Department which had certain rules that they followed with regard to 501(c)(3) organizations and others were conducted solely by the Chamber of Commerce. However, the Chamber's events had different policies with regard to 501 (c)(3) organizations with events. Sometimes they were charged a fee and other times they were not, so there was no uniform policy. Deputy Mayor Krieger suggested that he take these concerns to the Chamber. Mr. Kemp stated that the streets were maintained by the Village and its employees and costs for events should be fairly uniform, so he felt there should be a uniform guideline that organizations had to follow.

Mr. Kemp then asked Village Attorney Egan for confirmation that they were in agreement that Lakeview Cemetery was owned solely by the Episcopal Diocese. Village Attorney Egan stated that this was correct. Mr. Kemp then inquired as to the ownership of the other four cemeteries on Waverly Avenue. Village Attorney Egan indicated that this was a complicated answer. He noted that the Union cemetery had been deemed abandoned and was now operated and owned by the Town of Brookhaven. Gerard in the back could be traced back to a soldier from Texas who inherited the plot. The others had similar situations. Mr. Kemp stated that there had been burials in Gerard cemetery - one in 1952 and another in 1972. He also noted that he had learned that Ruland Funeral Home had purchased deeds to plots in there and distributed them at will. Village Attorney Egan indicated that this would have been recorded with the County Clerk's Office. Mr. Kemp noted that the problem was that nothing was recorded. As a member of the Cemetery Committee, he had found out some interesting information.

Mr. Kemp indicated that he had spoken with the president of the group he belonged to who had told him that he had been in contact with the Village with regard to 501(c)(3) information several times and been told that they had to submit a special form. He inquired as to what this form was. Deputy Mayor Krieger inquired as to whom in the Village he had been speaking with. Mr. Kemp stated that he did not know. Village Attorney Egan asked that he find out who he had been speaking with, so they could determine what the issue was. It might be that he needed a special events form from the Village. Mr. Kemp inquired if the Village Clerk could mail him the form. Village Clerk Devlin stated that she would do so.

Mr. Kemp inquired if there would be a veteran's ceremony in the cemeteries on Veterans' Day. Deputy Mayor Krieger stated that he was not aware of any.

Mr. Smith indicated that Village costs from the events to which Mr. Kemp was referring were charged back to the Village, so while the Chamber did collect fees for various events, most times those funds were distributed back to the Village and others to pay for services provided.

Upon a motion made by Trustee Ferb, seconded by Trustee McHeffey, and unanimously carried, the meeting was adjourned at 8:26 p.m.

Signed \_\_\_\_\_  
Lori Devlin, Village Clerk

vp