

BOARD OF TRUSTEES MEETING MINUTES – December 7, 2020

The monthly meeting of the Board of Trustees of the Inc. Village of Brightwaters held on Monday, December 7, 2020 at 7:30 p.m. at Village Hall, 40 Seneca Drive, Brightwaters, NY, conducted in person as well as Facebook live with the following officers present:

John J. Valdin	Mayor
Thomas Zepf	Deputy Mayor
Michael Dopsovic	Trustee
Mary Del Vecchio	Trustee
Patrick Fawcett	Trustee
Charles J. Casolaro	Village Attorney
Nicole Rhodes	Clerk – Treasurer
Bob O'Shea	Building Inspector
John Catania	DPW Foreman

At 7:30 pm, Mayor, John J Valdin called the meeting to order followed by a salute to the flag and a moment of silence for those who served our country and passed. Flags are at half mass in the Village for Pearl Harbor Day.

Approve minutes of November 2nd and November 16th.

Motion: Mayor Valdin Second: Deputy Mayor Zepf
Vote: 5 ayes 0 nays

Suffolk County Police Department:

Only 2 reports of Criminal Mischief since October 31st and November 31st.

Presentation by Rich Christie, Chairman of the Board of the Bay Shore Fire District:

Rich Christie and Gary Arnold came to discuss the Fire Department Budget for 2021. They explained how the Village does not get a vote in the budget. They are however working with their Attorneys to have the Village become a part of the representation of the Fire District but it would ultimately cost more money for our residents. The expansion of the Fire Department will be sufficient for another 50 years. The trucks are currently made much bigger and the Fire House needed to accommodate the new trucks while bringing the house up to date. The budget includes the 15-year Bond that was taking out, salaries, insurance, maintenance of the Fire Department, etc. The budget increase was a 2% increase. There was a discrepancy in the draft document that the Fire Department provided to the Village. They will reach out and get back to the Village to resolve this.

Approve the Bay Shore Fire Protection Contract for January 1, 2021 to December 31, 2021 in the amount of \$344,473.

Motion: Mayor Valdin Second: Trustee Dopsovic
Vote: 5 ayes 0 nays

Mayor's Report – Mayor Valdin:

- Veterans Memorial Walkway Dedication earlier this month. Jeanne Pirkel and Office staff did a great job of putting everything together. We had a great crowd and everyone was safe and wore masks.

- We had about 70 photos in the Cabin this year. Normally there are over 200 but we did not have Santa this year due to COVID. It was organized in a safe manner where only one family at a time was allowed in the Cabin for photos all by appointment only. Special thanks to Judy Sally and Nicky Thaw for decorating and running the event. Judy will be retiring from the event and we will need someone to step up and volunteer next year. This could be a potential event to be run by the Garden Club that is being put together. Also, thanks to Andy Thaw as he stepped up to be Santa at the Christmas Tree Lighting this year. The Tree lighting went well and everyone wore masks.

Trustee Fawcett – Special Projects

- The Village is exploring a plan for the banks around our lakes. The Village Engineer is working on that and we will update as necessary.
- Please remember to wear reflective gear while walking at night as the streets are very dark and it gets darker earlier.
- Long Island is getting back to a Yellow Zone with regards to COVID. Please remember to social distance and be safe.

Trustee Dopsovic – Highway

- The Highway Department has been very busy with replacing the fences around the lakes, picking up leaves at Wohseepee Park, decorating for all events and tree lighting. Preparing equipment to get ready for the snow.

Trustee Del Vecchio – Celebrations/Events

- Light the Night is now happening on New Years Eve. Village Office will be selling Light the Night kits as usual.
- Christmas Decorating Contest. You will be receiving a flyer to submit your 3 favorite houses and a google document will be set up for electronic submission.

Deputy Mayor Zepf – Code Enforcement

- Only 2 boats left now in the canal. Over the weekend a boat went under. The boat was towed away and luckily no fuel was leaked into the canal.
- Code Violations: People are still putting out their garbage too early and leaving their vehicles on the street overnight. Please call the Village if you plan on having guests and need to keep your vehicle on the street overnight. Dance studio is still not being safe in front of the store with parking every which way. Code will continue to ticket if this remains.
- With the holidays people are getting more packages delivered. Maybe work something out with your neighbors to take packages in to help prevent any theft.

Fire Marshal Report

As of this report, all permits for Public Assembly and Multiple Dwelling occupancies within the Village of Brightwaters are valid and up to date.

The Automatic Fire Alarm Inspection and acceptance test for Northwell Health, located at 402 Potter Blvd. was conducted on Thursday, November 12th. All required components and devices were found in place and operating as designed. An approval and acceptance of the automatic fire alarm system was granted.

During this past month, there was one request for investigation of fire by the Bay Shore Fire Department. On Saturday, 11/28/2020 I was summoned to 112 S. Windsor Ave. The fire

originated and was contained to the rear 2-story garage. During the preliminary investigation there were no obvious signs of malicious activity or suspicious causes of the fire. In an effort to conclude the cause and origin, coordination with the Suffolk County Arson Section. All progress will be reported as it develops or concludes. Preliminary report has been attached for your information and consideration.

Sincerely,
Matthew Brennan, Fire Marshal
Village of Brightwaters

Adopt Local Law 2-2020 Property Maintenance
PROPOSED NEW CHAPTER OF THE VILLAGE CODE KNOW AS

CHAPTER 129

**“PROPERTY MAINTENANCE FOR THE CENTRAL BUSINESS
DISTRICT”
OF THE
INCORPORATED VILLAGE OF BRIGHTWATERS**

§129-1 Title.

This chapter shall be known and cited as the “Property Maintenance Code for the Central Business District of the Incorporated Village of Brightwaters.”

§129-2 Intent and Purpose.

It is the intent and purpose of this chapter to provide for, and ensure the proper use of commercial property within the Village’s Central Business District and to prevent the unsightly, unsafe, hazardous or dangerous conditions; to provide basic and uniform standards governing the maintenance, appearance and condition of commercial properties. It is the intent, therefore, of the Village that blight be identified, abated and eliminated and that any and all conditions which pose a threat to the health, and safety of the public or to property within Village of Brightwaters be eliminated.

§129-3 Maintenance of Property Required.

A. Buildings and Structures.

1. All exterior exposed surfaces shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.
2. Floors, walls, ceilings, stairs, furnishing and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch, or appurtenance thereto, shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.

3. Foundation walls of every building shall be maintained in good repair and be structurally sound.
4. Exterior walls (including doors and windows), roofs and the areas around doors, windows, chimneys and other parts of a building, shall be so maintained as to keep water from entering the building. Materials which have been damaged or show evidences of dry rot or other deterioration or damage shall be repaired or replaced and refinished in a good workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material. Such objects or materials shall be removed, repaired or replaced.
5. Each and every part of the property including but not limited to stairs, steps, walks, walkways, driveways, parking areas and spaces and other paved surfaces shall be kept in good repair, and in a clean, sanitary and safe condition and free from any litter, debris, paper, dirt, garbage or junk. All stairs, steps, walks, walkways, driveways, parking areas and spaces and other paved surfaces and areas shall be maintained in a manner which permits for safe passage. Any holes or other hazards that may exist shall be filled, or necessary repairs or replacement carried out. All driveways and parking spaces shall be covered with a dustless free surface, and such driveways and parking spaces shall be regularly cleaned to avoid accumulation of dirt, paper or any debris. Any and all sidewalks shall be kept free from snow and ice. In removing such snow or ice, no person shall put the same in the gutter or drain of the street or in any manner fill up or obstruct any such gutter or drain.
6. All property, buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation. Insects, rodents or other pests shall be exterminated or caused to be exterminated and methods used for such extermination shall conform with generally accepted practices and comply with all applicable law.
7. No building or structure shall be permitted to exist with graffiti. Graffiti shall be removed and the building or structure restored. For purposes of this subsection, graffiti is defined as any writing, painting, drawing, staining, carving, etching or other marking, made by use of chalk, paint, ink, aerosol spray can, knife, pencil or any other marking device and/or material, of any word, name, lettering, inscription, figure, design, or other representation, made upon a portion of a building or structure without the consent of the owner. Signs with proper sign permits or approval are expressly not included in the definition of graffiti.
8. Blighted property is prohibited. In determining whether a property shall be designated as blighted, the following factors shall be considered by the Building Inspector:
 - a. Boarded windows, doors, entryways or exits;
 - b. Broken or unsecured windows;

- c. All store-front windows shall be transparent, free from coverage or obstruction and no more than 25% of any store-front window area shall be covered or posted with signage of any type;
- d. Temporary interior signage placed on the inside of a wall facing outside or exterior signage shall be prohibited, except with the express permission of the Building Inspector, and for a limited duration, not to exceed 60 days, at the discretion of the Building Inspector. If necessary, an application may be made to the Building Inspector to extend the duration of time that a sign is posted or hung, with that extended duration of time to be at the discretion of the Building Inspector.
- e. Excessive litter or debris;
- f. Junk vehicles, salvage, or scrap property;
- g. Damaged, unsightly, unsecured or unpermitted signage or awnings;
- h. Graffiti;
- i. Fencing which is broken, unsecured or in disrepair;
- j. Outdoor lighting fixtures which are broken, unsecured or in disrepair;
- k. Electrical wires, electrical equipment or extension cords which are broken, exposed or hazardously utilized;
- l. Unfinished or abandoned construction;
- m. Damaged, dead or fallen trees or limbs;
- n. Fire damage to property which has not been repaired or restored;
- o. Peeling or deteriorated paint;
- p. Vermin, rodent harborage or infestation;
- q. Any other factors deemed by the Building Inspector to pose significant threat to the safety, health and/or general welfare of the Village.

9. After the enactment of this chapter, the Building Inspector shall, as soon as practicable, survey the Village for conditions that do not conform to the requirements of this chapter. Upon a determination that a sign or other condition is nonconforming, the building inspector shall notify the occupant or owner of the commercial building that the sign or condition is nonconforming and must be removed and/or remediated.

§129-4 Parties Responsible.

- A. It shall be a violation of this Chapter for any person, owner or occupant to create, cause, maintain or cause to, or permit to, continue or to fail to abate, correct or remove any condition that is prohibited by this Chapter. For purposes of this Chapter, any person shall include the owner, occupant, tenant, mortgagee or vendee in possession, mortgagee when the owner or occupant has caused or allowed the property to deteriorate or otherwise fall into a state of disrepair or blight, a mortgagee who has commenced the foreclosure process, the operator, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm, or corporation directly or indirectly in control of property or part thereof.

§129-5 Additional Responsibilities of Owners.

- A. Owners of property shall be responsible for compliance with the provisions of this Chapter and shall remain responsible therefore regardless of the fact that this Chapter may also place responsibilities on operators, occupants and others and regardless of any agreements between owners, operators, occupants or others as to which party shall assume such responsibility.
- B. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village of Brightwaters, as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this Chapter and shall be bound to comply with the provisions of this Chapter to the same extent as the record owner, and notice to any such person or any order or decision of the Building Inspector shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one of more violations of this Chapter, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this Chapter.

§129-6 Penalties for Offenses

Any person or persons, association, firm or corporation who violates any provision of this Chapter shall be guilty of a violation, punishable as follows:

- A. For conviction of a first offense, by a fine of not less than two hundred fifty (\$250) dollars and not more than one thousand (\$1,000) dollars or by imprisonment not exceeding five (5) days, or by both.
- B. For conviction of the second of two offenses, both of which were committed within a period of five (5) years, by a fine of not less than one thousand (\$1,000) dollars and not more than two thousand five hundred (\$2,500) dollars or by imprisonment not exceeding ten (10) days, or by both.
- C. For conviction of a third or subsequent offense of a series of offenses, all of which were committed within a period of five (5) years, by a fine of not less than two thousand five hundred (\$2,500) dollars and not more than ten thousand (\$10,000) dollars or by imprisonment not exceeding fifteen (15) days, or by both.

- D. Each week in which the violation continues shall constitute a separate and additional violation and shall be punishable as such pursuant to this section.
- E. The Building Inspector is authorized and directed to institute any and all actions and proceedings necessary to enforce this Chapter. The Village Attorney is also authorized to seek damages and any civil penalties in any civil action, and such penalties shall be in addition to and not in lieu of any criminal prosecution or other penalties.

§129-7 Emergency.

Whenever the Building Inspector determines that an emergency exists which requires immediate action to protect the public health, safety and welfare, he may issue an order, in writing, either by regular mail, registered and/or certified mail, or by overnight mail delivery or by in person delivery, to the owner, agent or occupant reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any party to whom such order is directed shall comply therewith immediately. If such party does not respond within a reasonable time to address the emergency, then the Building Inspector shall have the power to abate, correct or remove the emergency, and any expenses, including any legal expenses, incurred by the Village of Brightwaters shall be borne by the owner, occupant, or other parties responsible as defined in §129-4.

§129-8 Property Maintenance Code of the State of New York Controlling.

The requirements and standards set forth in the Property Maintenance Code of the State of New York, 2012 and all revisions and amendments thereto shall be controlling in the Incorporated Village of Brightwaters. Where permitted by the Property Maintenance Code of the State of New York, it is the intent of the Board of Trustees to implement greater minimum standards within the Village of Brightwaters.

§129-9 Severability.

If any section, paragraph, subsection or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Chapter as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

§129-10 When Effective.

The provisions of this Chapter shall take effect immediately upon filing this law with the New York State Secretary of State.

Motion: Mayor Valdini Second: Trustee Dopsovic
Vote: 4 ayes 1 nay: Trustee Del Vecchio

Motion that no fines will be associated with this law for a period of 6 month from today, for a fine date starting June 7, 2021.

Motion: Mayor Valdinì Second: Trustee Dopsovic
Vote: 4 ayes 1 nay: Trustee Del Vecchio

Appoint Kristen French as Part-time Court Clerk in the amount of \$18.00 an hour

Motion: Mayor Valdin Second: Trustee Dopsovic

Vote: 5 ayes 0 nays

Approve Payment to N. Romero Painting in the amount of \$3,300 for power wash, patchwork and painting of the cascade.

Motion: Mayor Valdin Second: Trustee Fawcett

Vote: 5 ayes 0 nays

Approve Treasurer's Report and Abstracts

VILLAGE OF BRIGHTWATERS

ABSTRACT REPORT FOR BOT December 7, 2020

Seeking to approve payment on:

Abstracts #4260-4264	vouchers	\$202,217.57
Expense		
Alpha Carting - November 2020		\$ 34,936.00
NYS Employees Health Insurance - December 2020		\$ 23,431.18
Teamsters Local Welfare Fund (6/1/20-5/31/21 Contribution)		\$ 18,750.00
NYS Local Retirement Annual Invoice		\$ 80,076.00
Town of Islip Environmental-Vac Truck Dump fees		\$ 6,349.65

Income for Period: 11/3/2020-12/7/2020 \$35,509.07

Various Building Permits, permits & ZBA Fees \$11,692.60

Franchise Fees: Verizon & CSC Holdings (3rd Q) \$20,463.25

Treasurer's Report

Cash on Hand as of 12/7/2020

General Fund - BNB 145,133

General Money Market - BNB 50

CLASS General 1,333,544

Total Cash on Hand - General **1,478,727**

Capital Fund 3,540

CLASS Capital fund 13,956

Total Cash on Hand - Capital **17,496**

Canal Enterprise Fund - BNB **142,162**

Motion: Mayor Valdin Second: Trustee Del Vecchio

Vote: 5 ayes 0 nays

Public Comments

- Resident McNulty of Pine Acres Blvd. – Fire Marshal and response time.

Adjourn the meeting:

Motion: Mayor Valdin Second: Trustee Dopsovic

Vote: 5 ayes 0 nays

Meeting adjourned at 8:23 PM.