

3/3/2014 - Board of Trustees Meeting

BOARD OF TRUSTEES MEETING MINUTES – MARCH 3, 2014

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, March 3, 2014 at 8:00 p.m. at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

Joseph A. McNulty
Denise Gibson
John E. Lawlor
Joseph McDermott
John J. Riordan

Mayor
Deputy Mayor/Trustee
Trustee
Trustee
Trustee

John P. Finnerty, Esq.
Christine O'Shea

Village Attorney
Village Clerk Treasurer

At 8:00 pm, Mayor McNulty called the meeting to order followed by a salute to the flag. After the Pledge of Allegiance, a motion to approve the minutes of 2/4/14 as written was offered by the Tr. Gibson and Tr. Lawlor seconded and they were approved 4/1 Riordan abstained.

Suffolk County Police Dept. Third Precinct

At this time no police officer was in attendance.

Trustee Reports

Code Enforcement

Trustee Lawlor read his report for this meeting ~~~
Report for the month of February 2014.
Summons served 26
Fines collected \$325.
Complaint reports prepared 6
Building permits issued 3 / fees \$419.
Dumpster permits 5 / fees \$250.

Tr. Lawlor read aloud the Fire Marshal's report below...

Friday, February 28th 2014

Vincent Clancy, Chief Code Enforcement Officer
40 Seneca Drive
Brightwaters, N.Y. 11718

Mr. Clancy,

As of this report, all permits for Public Assembly and Multiple Dwelling occupancies within the Village of Brightwaters are currently valid and up to date. Renewal "Public Assembly and Multiple Dwelling Permits" for the following occupancies have been served;

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- Mustang Sally's located at 186 Howell's Road
- Sea Levels Restaurant located at 391 N. Windsor
- New Venture Inc. located at 120 Orinoco Drive
- David VanNostrand Apartments located at 179 Orinoco Drive

Commercial Occupancy Fire inspections have continued in the Village of Brightwaters since my last report, with subsequent re-inspections having also been conducted to insure that all violations have since been removed.

There was no request for fire investigations during the past month. However, a meeting was requested and recently attended with several representatives from the "Jon Thomas Inne" regarding a multitude of issues regarding rebuilding and changes of occupancy. Numerous ideas, suggestions and requirements were discussed at length. As of this report, no plans have been submitted for consideration. Any and all future progress will be reported.

A final inspection with acceptance was conducted at 338 Woodland regarding the installation of the automatic fire alarm system and automatic sprinkler system.

Sincerely,

Matthew Brennan

Matthew Brennan, Fire Marshal
Village Of Brightwaters

Administration

Tr. Gibson moved to approve accounts payable abstract reports ~~~
Abstract Report # 3833 dated 2/28/14 with 20
vouchers for \$24,140.37 and checks will be dated 3/4/14.

Tr. Gibson also moved to approve the following abstracts that were generated during the month of February 2014.

APAR #3828 dated 2/5 with 5 vouchers for \$3963.75
APAR #3829 dated 2/12 with 10 vouchers for \$6858.25
APAR #3830 dated 2/14 with 1 voucher for \$1400.00
APAR #3831 dated 2/19 with 7 vouchers for \$917.42
APAR #3832 dated 2/21 with 2 vouchers for \$1832.38

*****Total 25 vouchers for a total of \$14,971.80*****

Tr. Lawlor seconded and all approved 5/0.

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Highway Dept.

Tr. Riordan read his report for this meeting.

February continued with additional snow accumulations calling for plowing, salting and sanding of all roads. Salt and sand continued to be replenished accordingly.

Due to the weather and salting of roads, many pot holes formed. When the weather permits, we fill them with our hot asphalt transporter.

Preventive vehicle maintenance was done.

Lakes & Parks

Tr. McDermott stated he had positive news. He thanked all the residents that donated money to the beach walkway. Maybe we can order it this week and have it installed by Memorial Day. He thanked everybody for stepping up to the plate.

He also said that the newsletter deadline date is March 14 and he would like to meet at the cabin and discuss dates of events. The garage sale is so successful that residents would like to have one in the spring too and he will be looking into this.

Tr. McDermott also requested that the board minutes be available to the public at the monthly meetings so they know what the board is approving.

Treasurer Report @ 2/28/14

<i>Municipal checking:</i>	
General Fund	\$44,250
Payroll Fund	\$574
Trust & Agency Fund	\$-0-
Restoration Fund	\$6,787
<i>Investments:</i>	
CLAS\$ General Fund	\$414,224
CLAS\$ B.I.G. Fund	\$10,051
<u>Total Accounts Balance:</u>	\$475,886

Tr. Riordan wanted to know why budget adjustments were not done this month and why is the paving expense for North Windsor still in the 13/14 budget line item of A5110.406 at \$197,958. He wants this moved to the A1990.9 contingency acct. so the village can build up the fund balance as best as we can this year.

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Open Meeting to Public @ 8:20 p.m. to give residents an opportunity to speak now instead of at the end of the meeting.

John Valdini (JV) stated deadline for beach walkway donations is 3/15; people are still contributing & we will use the extra money for beach improvement & beautification to certain areas.

JV inquired if Virginia's job position is being replaced.

JV said the tentative budget has to be prepared by 3/20 & wanted the board to use actual amounts for past years this time.

Mary Fischer thought the beach walkway is a fabulous idea but wanted to know if handicap restrictions were looked into before purchasing this.

Veronica Kramer said that the businesses on Orinoco are having their dumpsters emptied very early on Saturday mornings like 4:45a.m.! This is happening at the medical center, Sea Levels and Always Electric. They have different carting companies. She would like the board to consider adopting a law for time restrictions.

Charles Hughes (CGH) asked where the walkway contributions are being delivered. Tr. McDermott (JMc) said they get mailed or dropped off at village office and JV picks them up and sorts them alphabetically with money received and then brings checks up to village office so they can deposit them. CGH asked JM why he spoke of financial reports when you head the lakes & parks dept. CGH asked Tr. Riordan (JR) why he blindsided the other trustees with this budget amendment on paving. JR responded that only one budget amendment had been done this year when there were seven or eight last year.

JMc said that when he ran for trustee he did not just want to be only in lakes & parks but wants to be involved in all aspects of village government.

CGH does not see the board working collectively.

JMc wants mid-month meeting so the board can bicker amongst themselves & not at this board meeting.

Mayor McNulty (JAM) said mid-month meetings are open to the public but they cannot speak. It is difficult to have heavy discussions in front of the public & he does not like to go into executive session. The Governor called the last snowstorm a state of emergency & we have great snowstorm accounting records.

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Joan Manahan (JM) said the board should have mid-month meetings & if residents want to come we will listen. JM said trustees should be involved in all areas of village government.

Jason Ruggiere said nothing has been done effectively on Orinoco Drive on his complaints about boats and neon lighting. There is also barbed wire fencing i/f/o 103 Orinoco with no bushes in front of it. Tr. Lawlor pointed to him that his previous complaint was dealt with. Tr. Lawlor agreed to investigate and address his current complaint.

Mike Wolfe, 103 Orinoco Drive, owner of property, said that the ZBA denied his tenants request of boat storage business and boats will be moved as soon as weather gets warmer. Wolfe said barbed wire fence has been there for 30 years.

Carmine Chiappetta said there is offensive graffiti on back of post office building. He talked to Patty & she said because of the weather it will be taken care of next month. Carmine offered to paint over but not till next Sunday. Mayor said that it is private property owned by the federal gov't & village cannot remove it.

Peggy Arccuri wanted to know if village roads were salted this a.m. because a car driving too fast skidded & hit her car. Mayor said the intersections were salted.

JV said the budget amendment that was posted on "Friends of Brightwaters" was not illegal.

Close Open Meeting to Public A 9:30p.m.
Back to Board Meeting.....

MEMO

TO: MAYOR & BOARD OF TRUSTEES

FROM: VILLAGE CLERK

RE: GRIEVANCE DAY

DATE: 03/03/14 BOARD MEETING

GRIEVANCE DAY WAS HELD ON TUESDAY, FEBRUARY 18, 2014
BETWEEN THE HOURS OF 12 NOON AND 4 P.M.

ALL EIGHTEEN (18) APPLICATIONS WERE RECEIVED PRIOR TO THAT DATE AT THE VILLAGE OFFICE. NO ONE APPEARED PERSONALLY ON GRIEVANCE DAY.

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THE VILLAGE GENERALLY UTILIZES THE ASSESSED VALUATIONS ESTABLISHED BY THE TOWN OF ISLIP FOR ALL PROPERTIES IN THE VILLAGE FOR THE PURPOSE OF SETTING THE TAX ROLL BUT DOES MAINTAIN THE RIGHT TO ASSESS ON ITS OWN.

ALL APPLICATIONS HAD BEEN REVIEWED AND ALL WERE DENIED.

Public Hearing To Consider The Adoption Of Local Law #2/2014 To Amend Chapter 90 Property Maintenance Article II Section 90-5. Permit Required

Mayor McNulty opens public hearing for any questions and/or comments.

RESOLUTION

An act to amend Article II of Chapter 90 (Property Maintenance) of the Code of the Village of Brightwaters to amend the Village's Code

Be it enacted by the Board of Trustees of the Village of Brightwaters that the above Article and Chapter of the Code of the Village of Brightwaters shall be, and hereby are, amended to amend §90-5 to add a new paragraph as follows:

§90-5 Permit required.

No person shall mutilate, cut down, remove, injure or destroy any trees or shrubbery growing in street right of ways, public sidewalks or public places.

Any person guilty of a violation of this provision, upon conviction, shall be guilty of a violation of the Village Code punishable by a fine not exceeding (a) the cost of replacing the tree or shrubbery and (b) a fine not exceeding \$250. for the first offense, \$500 for the second offense, or \$1,000 for the third offense. These fines are exclusive of the penalties set forth in §90-7 of this Chapter and not in addition thereto.

This local law has been adopted pursuant to section 10 of the Municipal Home Rule Law and supercedes section 7-706 of the Village Law.

EXPLANATION: Matter underscored is new; matter in the brackets is old law to be omitted.

After everyone had been heard, Mayor McNulty moved to close public hearing, Tr. Gibson seconded and all approved 5/0.

Tr. Gibson moves to approve LL#2/2014, Tr. Riordan seconded and all approved 5/0.

Public Hearing To Consider The Adoption Of Local Law #3/2014 To Amend Chapter 128 Zoning Article VI Section 128-31. Rear Yards To

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Add New Subsections C. Rear Yard Ground Area Ratio & D. Rear Yard Area Limited For Non-Vegetative Use

Mayor McNulty opens public hearing for any questions and/or comments.

RESOLUTION

**An act to amend Article VI of Chapter 128 of the Code
of the Village of Brightwaters to update
the Village's Zoning Code**

Be it enacted by the Board of Trustees of the Village of Brightwaters that the above Article and Chapter of the Code of the Village of Brightwaters shall be, and hereby are, amended to amend §128-31 to add new subsections "C." and "D." as follows:

§128:31. Rear Yards

A. No change.

B. No change.

C. Rear Yard Ground Area Ratio (GAR)

Definition: Rear Yard Area is defined as that area behind the line created by the line between the two rear outermost points of the main dwelling at a straight line and concurrent with the rear of said dwelling and continuing to points on either which intersects the side property lines of the dwelling.

All livable extensions that project into the rear yard but are not the outermost corners of said dwelling are to be deducted from the total Rear Yard Area.

If said dwelling is a corner lot then the legal address is the front yard. The rear of that front address would be used to calculate the Rear Yard Area as noted above. The area in the rear yard behind the parallel line running concurrent with the home along the second front yard (not on the side where address is stated) and which runs parallel with the side, street will not be calculated as part of the Rear Yard Area.

D. Rear Yard Area limited for non-vegetative use

The Ground Area Ratio (GAR) available for use of non-vegetative or non-impervious surfaces is to be no more than 30% of the Rear Yard Area for plots over 15,000 square feet. Where the property size is less than 15,000 s.f., GAR allowable usage will be calculated at not more than 35% of the total rear yard. Non impervious surfaces includes items such as patios, decks, pavers, open jointed flagstone, walkways and the like, and also includes, but is not limited to, sheds, rear garages, and other outbuildings. Walkways greater than 42", fixed generator and fixed air conditioning pads are not included in the GAR computation. All impervious surfaces forward of the rear yard house lines shall be part of the floor area ratio (FAR) under VOBW Code §128:29. Pools, garages, sheds, and patios will continue to be calculated as part of the Village's FAR.

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This local law has been adopted pursuant to section 10 of the Municipal Home Rule Law and supercedes section 7-706 of the Village Law.

EXPLANATION: Matter underscored is new; matter in the brackets is old law to be omitted.

After everyone had been heard, Mayor McNulty moved to close public hearing, Tr. Gibson seconded and all approved 5/0.

Tr. Gibson moves to approve LL#3/2014, Tr. Lawlor seconded and all approved 5/0.

Resolution Introducing Proposed Local Law #4/2014 To Authorize A Property Tax Levy In Excess Of The Limit Established In General Municipal Law #3-C.

RESOLUTION

An act to create Chapter 2, ARTICLE I, Sections 2-1 through 2-5 of the Code of the Village of Brightwaters to authorize a property tax levy in excess of the limit established in General Municipal Law 3-c.

Be it enacted by the Board of Trustees of the Village of Brightwaters that the above Chapter, Article and section of the Code of the Village of Brightwaters shall be, and hereby is created as follows:

GENERAL PROVISION

Chapter 2

LIMIT ON PROPERTY TAX LEVY

ARTICLE I

June 1, 2014 Budget

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Brightwaters to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the

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property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Brightwaters, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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.

This local law has been adopted pursuant to section 10 of the Municipal Home Rule Law and supercedes section 7-706 of the Village Law.

EXPLANATION: Matter underscored is new; matter in the brackets is old law to be omitted.

Tr. Lawlor moved to set this for public hearing next month and Tr. Riordan seconded and all approved 5/0.

Open Meeting to Public Again

Jason Ruggiere asks the board of trustees to pull the auto body permit on 59 Orinoco Dr. Cars have not been painted in 4 years. This property is for sale & new owners want to build senior apartments.

Tr. McDermott questioned Planning Board Chairman, Joe Paliseno, on the status of the landscape architect working on the 4-corner business area.

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Motion to Adjourn Meeting

At 10:05 p.m. Tr. Lawlor moved to adjourn, seconded by Tr. Gibson, and the meeting was adjourned on a 5/0 vote.

Respectfully submitted,

Christina O'Shea

Christine O'Shea
Village Clerk Treasurer

Public attendance: 22 (not everybody signed in).