

## **D r a f t**

### **BOARD OF TRUSTEES MEETING MINUTES – APRIL 1, 2013**

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, April 1, 2013 at 8:00 pm at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

Joseph A. McNulty  
Robert W. Fischer  
Timothy H. Cox  
John J. Riordan  
Denise Gibson  
*John P. Finnerty, Esq.*  
*Christine O'Shea*

Mayor  
Deputy Mayor/Trustee  
Trustee  
Trustee  
Trustee  
*Village Attorney*  
*Village Clerk Treasurer*

At 8:10 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 3/4 as written was offered by Tr. Riordan, seconded by Tr. Cox and all approved 5/0. A motion to approve the minutes of 3/14 was offered by Tr. Riordan after amending them and adding a footnote by Village Attorney Finnerty in reference to the Judge's health insurance, seconded by Tr. Fischer and all approved 5/0. Tr. Riordan wanted to amend the 3/21 minutes by adding more details but after Riordan moved and Cox seconded; no one else approved so minutes were not approved as to be amended. Minutes of 3/21 were approved as written.

### **Suffolk County Police Dept. Third Precinct**

No police officer was in attendance.

### **Trustee Reports**

#### **Code Enforcement**

Trustee Fischer read his report for this meeting –  
Report for the month of March 2013.

Summons served 15

Fines collected \$975.

Complaints prepared 7

Building permits issued 4 with fees of \$689.

Building permit renewals= 4 with fees of \$240.

C. O. inspections 4 with fees of \$200.

Fence permits 2 with fees of \$50.

Dumpster permits 3 with fees of \$75.

4/1/2013 - Board of Trustees Meeting

Fire Marshal has submitted his usual report and all is well in the village. He did report on a natural gas leak at 68 Orinoco Dr. that came from a faulty connection behind the stove in unit D. Landlord was contacted and corrective measures were taken.

### **Administration**

Tr. Gibson moved to approve accounts payable abstract report #3737 dated 3/29/13 with 25 vouchers for \$29,077.95. Checks will be dated 4/5/13 the day after the board meeting. A/P Abstracts also approved are:

APAR #3727 dated 3/5 with 7 vouchers for \$3827.80  
APAR #3728 dated 3/6 with 1 voucher for \$30,789.00  
APAR #3729 dated 3/8 with 6 vouchers for \$6706.54  
APAR #3730 dated 3/12 with 15 vouchers for \$6142.43  
APAR #3731 dated 3/15 with 2 vouchers for \$2273.61  
APAR #3732 dated 3/15 with 1 voucher for \$75.00  
APAR #3733 dated 3/19 with 1 voucher for \$3660.98  
APAR #3734 dated 3/22 with 1 voucher for \$1250.00  
APAR #3735 dated 3/22 with 1 voucher for \$5880.00  
APAR #3736 dated 3/26 with 1 voucher for \$20,000.00

Tr. Riordan moved to exclude APAR#3736 for \$20,000.00, Tr. Cox seconded and no one else moved to exclude; motion denied.

Mayor McNulty moved to approve the abstracts, Tr. Gibson seconded and they were approved 4/0 (Riordan).

### **Highway Dept.**

Tr. Riordan read his report for this meeting.

The Village DPW has had a very busy last few months, preparing for and clearly more than a couple of snow storms, as well as further clean-up from Super-storm-Sandy. We appreciate all the cooperation from the residents by keeping their vehicles off the roads during the storms and subsequent clean-up efforts. This has provided us with an opportunity to try some different techniques when plowing, including using two trucks side by side when clearing our roads. This saved time and created a more uniform snow removal at each road it was used.

Our DPW crew has continued to keep our equipment in top shape and ready for what Mother Nature throws at our little Village. I hope we all give some thought to the reality of our crew starting each day, not knowing what conditions they may find in the morning, yet prepared to make our village safe and beautiful.

There have been noticeable potholes and other deterioration of some of our road surfaces. Up through the last month or so, we have handled these areas with a cold-patch asphalt product, first prepping and cleaning the area, then placing and packing the material into the void and smoothing it out with the adjacent roadway. Unfortunately, this has not proven itself an adequate

#### 4/1/2013 - Board of Trustees Meeting

measure. This opinion, from what I understand is shared by the recent, former DPW Foremen and now our current Foreman, Michael Ackerson. Mr. Ackerson, with the help of our most recent Foreman, has been making inquiries as to cost, operation and utility of a warmer, hot-patch asphalt repair system, which, it is hoped, will aid our crew in producing superior repairs to our road way problems. It is thought that this repair technique will significantly increase the life of the roadway being repaired. Projections of cost are \$20,000 to \$30,000, which the Board has yet to consider. I believe it is a measure that should be explored fully and if it will provide the remedy as promoted, should be put in use by the Village. We should have more information in the next few weeks.

Back to the other good things our crew is working on. They recently installed the 25 MPH signs and added stop signs around the Lakes. Please take note of them and realize they were introduced at the requests of your neighbors who felt people were driving too quickly in this area that many people enjoy walking around. The men of the DPW crew are also looking to the spring and summer ahead, restoring Walker Beach, the Harbor and Gilbert Park. They are also looking to prepare the Grand Canal for docking of your boats and aiding in enjoying the warmer months to the fullest. We will soon see flowers planted and blooming, as well as the continued maintenance of our trees, shrubs, bushes and lawns.

As to our finances, you most likely are aware that the NYS Office of the State Comptroller recently concluded an audit of our Village and we Trustees recently held a public meeting on their Report. If any of you missed this meeting or have any questions, please feel free to ask them of me or any of the other Trustees.

We, the Trustees and Mayor have been trying to watch all the nickels and dimes, working diligently to improve upon our financial condition. I am expecting we will end the year with a surplus well above the previous year. Each succeeding year has seen improvement in the deficit condition from 3 and 4 years ago.

Lastly, we are currently looking at the Tentative Budget for 2013-2014, and plan a few public meetings in April to get your feedback and concerns on this matter. Please reach out to the Village Hall Office for times and places of these meeting, or check our website's home page. This year, we have begun a procedure of periodically reviewing our expenditures and budgeted appropriations. We have amended the 2012-2013 budget 5 times since its first adoption, last May. As pointed out in the State audit, this procedure was never done before, and is considered a good financial control.

Tr. Riordan wants to talk about highway dept. seniority plan later in executive session. He also spoke of a Capital Plan for the parks that he had put together and explained more on it. He proposed that this should be in place and annual review by the Highway Foreman or engineer.

**RESOLVED that USI Reporting** be contracted again so that we can be in compliance with GASB45 for the post retirement employee benefits for a cost of \$3900 and Tr. Riordan moved to approve, Tr. Fischer seconded and all approved 5/0.

4/1/2013 - Board of Trustees Meeting

Tr. Riordan suggested that the organizational meeting minutes be placed in the Policies & Procedures three ring binder.

Tr. Riordan mentioned the daily employee worksheet indicating the village owned land that the hwy. dept. maintains and he moved to have this form mandated for hwy. dept. use and Tr. Cox seconded and no other votes were in favor. Tr. Fischer asks time to review it and board approved.

Tr. Riordan wants to make a resolution that the map of the village that indicates the house numbers on it is the official map to be used by the hwy. dept. Tr. Fischer asked if this map was correct and engineer should look at it first. This was tabled to next month.

Tr. Riordan mentioned a police report in Newsday that stated a pocketbook was stolen out of a Land Rover and reminded everyone to LOCK YOUR CARS.

Tr. Riordan read another hwy. report for this meeting-

All replacement fencing has been installed at Walker Beach and Gilbert Park. This was fencing that was damaged super storm Sandy. The fencing was replaced by Wayside Fence.

In preparation of Memorial Day Weekend, Walker Beach had cement poured around the bathrooms and clean up of the beach is nearing completion.

Stop signs were installed at Lakeview Avenue West and Woodland Dr. They were stolen a week later and now have been reinstalled; stop bars will be painted as soon as the weather permits.

We have been prepping the park areas for the spring. All Landscape equipment is ready to go. Hopefully we will be able to put the sanders and plows away until next winter.

### **Lakes & Parks**

Tr. Cox stated that the Easter Egg Hunt on Easter morning went well. The Day Camp will start Monday, July 8 and run through Friday, August 2 from 9am – 12 noon. The lottery drawing will be on Monday, May 20 at Village Hall at 10am. The annual plant sale will be held on Saturday, May 11 at the head of the canal and starts at 9am.

### **Treasurer Report @ 3/31/13**

<i>Municipal checking:</i>	
General Fund	\$122,538
Payroll Fund	\$237
Trust & Agency Fund	\$-0-
Restoration Fund	\$1,426

4/1/2013 - Board of Trustees Meeting

<i>Investments:</i>	
CLAS\$ General Fund	\$294,031
CLAS\$ B.I.G. Fund	\$10,049

### **Budget Adjustments**

Tr. Riordan proposed the attached budget adjustments #6 for this meeting for the 2012/2013 tax year to increase and decrease the expense accounts by \$200,000.00 and Tr. Fischer seconded and all approved 5/0. A copy is attached to these minutes.

### **Resolution identifying polling place and the hours the polls will be open**

Trustee Fischer proposed the following resolution and moved for its adoption;

RESOLVED, that the annual village election will be held on Tuesday, June 18, 2013 for two trustees at Village Hall, 40 Seneca Drive, Brightwaters, NY and the polls will be open from 12:00 noon to 9:00 p.m. for voting.

Trustee Riordan seconded the motion and all approved 5/0.

### **Flooding**

Thomas Golden and Angela Bauman both live on Concourse West South and spoke of the flooding problems. Dr. Bauman wanted to know if the board was looking into closing the breach on Fire Island. Wants the village to support this issue. Our vehicles get submerged in the salt water. There are three houses vacant in our area and I have seen rodents going in and out of the houses. In the Walker Park Harbor basin there is a protruding piece of wood that is not visible at high tide; it's located mid canal. Dr. Bauman wanted to know when east breakwater will be fixed. The Mayor said that Stout Construction will be fixing it in June. Dr. Bauman also stated that the bay bulkhead has a hole in it below the water.

Lenore Dunn from South Windsor said that Suffolk Transportation school buses won't go down the street if it floods. Tr. Cox to talk to school about the bus stop when it rains.

### **Budget 2013-2014**

Tr. Riordan said that there will be a few meetings on the budget in April, mostly on Wednesday, except the one on Tuesday, April 9. Notices will be posted around village and on the website.

Tr. Riordan spoke about the proposed figures for 2013/2014 budget that the treasurer had recommended to the board. Questions were asked on those certain accounts and answered. He suggested that the plumbing

4/1/2013 - Board of Trustees Meeting

inspector be given a new expense account number. The total expenses would be increased by \$258,325.00 with a grand total expense of \$2,799,202.00 .

Mayor McNulty stated that the Planning Board has suggested to the board of raising permit fees.

### **Open meeting to public**

Mayor McNulty opened the floor to the audience for any questions and/or comments, and several issues were discussed.

- CHIPS surplus; no need for tax increase
- Windsor Ave. paving
- Cell phone tower would have been revenue for village
- Average tax bill is \$1600.00
- North side of village has more traffic
- Lombardy & Richland need paving
- Health care issues; dragged through the papers
- Budget deficit per NYS auditors; Sheehan should address this point
- How much FEMA money are we getting
- Charlie Fischer's salary
- Tree planting; who issued unauthorized purchase order
- Why can't you follow the law
- What is your main infrastructure job
- If you raise my taxes \$500.00/yr. you are going to be challenged every step of the way
- Mike Ackerson is doing a magnificent job and code officers should be doing the same
- Do we pay independent contractors
- Borrow policies from other villages
- Potholes
- No lights on North Windsor Ave.
- At Gilbert Park someone put dog feces on gate sign & handle
- No comments on February 2013 board meeting
- 1973 board minutes indicated vandalism on canal
- All board meetings are recorded on tape & kept 4 months
- Planning board is reviewing business district plans
- Is Charlie Fischer still working for the village; what kind of consultant work does he do
- Is Charlie Fischer an independent contractor or a W-2 employee
- Thank you Tina for your 31 years of service to the village
- Call CEO first & SCPD also if you have a serious situation

### **Executive Session**

Tr. Riordan wants to go into executive session to discuss policies and procedures, ethics and time keeping. Tr. Fischer didn't think it was a

4/1/2013 - Board of Trustees Meeting  
good idea considering the hour (11:30p.m.) Tr. Riordan moved to go into executive session and Tr. Cox seconded and all approved 5/0.

At 11:30 PM on 4/1/13, the Board of Trustees opened its Executive Session, privately from the ongoing Public Meeting of the Board, to discuss two personnel issues which might affect employment, promotion, demotion, discipline, suspension, dismissal or removal of persons and which might affect a present contract.

Present at the Executive Session were Mayor McNulty, Trustees Cox, Fischer, Gibson and Riordan, and by request from the majority of the Board, Village Attorney Finnerty.

A Resolution by Trustee Riordan to request a change in the makeup of the Board failed for lack of a second.

A Resolution by Trustee Gibson to publicly announce that another Trustee had been out-of-town for a few months late 2012/early 2013 was seconded by Trustee Riordan and approved 4-0 (Cox opposed).

A Resolution by Trustee Fischer, seconded by Trustee Riordan, to reduce the weekly hours of a Consultant for the Village's Highway Department, immediately to ten (10) hours per week, and to be terminated in full as of 4/30/13, was approved 5-0.

A Resolution by Trustee Fischer, seconded by Trustee Gibson, to bind the Board not to reveal to anyone not therein present the discussions and specifics of the matters under consideration at that Executive Session, was approved 3-0 (Trustees Cox and Riordan opposed)

A Resolution to end the Executive Session and return to the Public Session of the Board of Trustees Meeting was made by Trustee Fischer, seconded by Trustee Cox, and approved 5-0.

Whereupon, at 12:39AM on 4/2/13, the Board of Trustees returned to the Public Meeting of the Board.

At 12:40 AM on 4/2/13, on a motion by Trustee Fischer, seconded by Trustee Cox, and approved 5-0, the meeting of the Board of Trustees was adjourned.

Respectfully submitted,  
*Christina O'Shea*  
Christine O'Shea  
Village Clerk Treasurer

Public attendance: 39