

## **BOARD OF TRUSTEES MEETING MINUTES – JUNE 1, 2009**

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, June 1, 2009 at 8:00 pm at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

Joseph A. McNulty	Mayor
Mary Susan Belford	Trustee
Charles Fischer	Trustee
Robert W. Fischer	Trustee
John P. Finnerty, Esq.	<i>Village Attorney</i>
Christine O'Shea	<i>Village Clerk &amp; Treasurer</i>

Absent: David Thomsen, Trustee

At 8:03 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 May 4, 2009 as written was offered by Tr. Charles Fischer, seconded by Tr. Belford and all approved 4/0.

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

The officer present here announced that he had no crimes to report. Tr. Charles Fischer thanked the police dept. for showing their presence in the village.

### **Trustee Reports**

#### **Highway Dept.**

Tr. Bob Fischer read his report for this meeting.....

Installed new ladders at canal.

Prepared for the Mothers Day Plant Sale

Planted flowers throughout village.

Cleaned Walker Beach – painted the bathrooms and lifeguard shack in time for opening day.

Readied Wohseepee Park for new addition to playground.

Regular ongoing maintenance done such as grass cutting, pot-holes filled and signs replaced

Ongoing repair work being done at east breakwater at Gilbert Park.

Turned on and repaired sprinkler system at circle.

Cut and trimmed trees throughout village.

Planted some new trees within the village.

Installed a sprinkler system and Walker Beach to help keep the grass green.

Tr. Bob Fischer also mentioned that Cashin Assocs. has completed our Stormwater Annual Report and they will submit to DEC as required.

Tr. Belford asked Tr. Fischer if the cabin was going to be power washed. He would find out for her.

The Mayor added that the roads around the lakes are being worked on by the SCWA and after their work is done the roads have to set/compact for a year or so before repaving them.

### **Lakes and Parks**

Tr. Belford reported that day camp registration went well and is filled up with 57 children. The annual plant sale was successful with a profit of \$2900 and she went on to thank all the workers/helpers and thank you to Laurie Elliott who chaired the event. The new playground equipment came in and was installed at Wohseepee Park. It is a wonderful asset to the village. She again thanked everyone for their hard work in helping install the equipment. The beach opened for Memorial Day weekend. A platform for the shower area is on schedule to be completed. Thursday evenings the beach is open late and the BW parks committee will be having family fun nights with a different theme each Thursday.

### **Administration**

Tr. Charles Fischer moved to approve Abstract Report #3221 for accounts payable vouchers totaling \$53,685.84 - The primary drivers this month were sanitation charges of \$30,800, tree planting, flowers \$2,900, and \$3,100 for canal expenses, otherwise business is as usual and Tr. Belford seconded and abstract was approved for payment 4/0.

### **Security**

Tr. Thomsen was not present at this meeting.

## **Treasurer Report @ May 31, 2009**

### *Municipal checking:*

General Fund	\$ 27,331
Payroll Fund	241
<b>Trust &amp; Agency Fund</b>	<b>1,500</b>
Restoration Fund	16,424

### *Investments:*

CLAS\$ General Fund	340,343
CLAS\$ B.I.G. Fund	42,067

## **Public Hearing**

### INCORPORATED VILLAGE OF BRIGHTWATERS

## **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Inc. Village of Brightwaters will hold a public hearing, under the authority of a Certificate of Necessity issued pursuant to section 20(4) of the Municipal Home Rule law on Monday, June 1, 2009 at 8:00 p.m. at Village Hall, 40 Seneca Drive, Brightwaters, NY to consider the adoption of proposed local laws #2 – 6 of 2009 to amend section 61-4 of the Brightwaters Code to redefine “Start of Construction”, to amend section 61-6 of the Brightwaters Code to update the Flood Zone Map Number, to amend section 61-7 of the Brightwaters Code to update Flood Insurance revisions date, to amend section 61-16C(1) of the Brightwaters Code to regulate utility placements in flood zone structures and to amend section 61-18 of the Brightwaters Code to update the definition of structures in Coastal High Hazard Areas.

All interested persons are welcome and will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES  
INC. VILLAGE OF BRIGHTWATERS  
Christine O’Shea, Village Clerk

Dated: May 5, 2009

The village attorney, Jack Finnerty explains – these amendments to the code are required in order to conform to the 2009 State government requirements. This is a requirement in order for homeowners to get flood insurance.

The Mayor signed the Certificate of Necessity for each law which allows for a vote on the same night as the public hearing.

The Mayor opened the public hearing for any comments and/or questions, there being none, the Mayor moved to close public hearing and Tr. Charles Fischer seconded and all approved 4/0.

Tr. Charles Fischer moved to approve local laws #2-6 of the year 2009 and Tr. Belford seconded and all approved 4/0.

**Resolution authorizing village to enter into a contingency fee contract**

WHEREAS, the Village of Brightwaters is located in the Southwest Sewer District and the infrastructure of the Sewer District is located underneath all of the Village's roads, and

WHEREAS, various other municipalities have been compensated by the insurance companies of the sewer contractors for damage to their roads caused by improper sewer construction work by such contractors, and

WHEREAS, the law firm of Carman, Callahan & Ingham of Farmingdale, New York represented the municipalities which were compensated for such damage, and on a contingent fee basis, and

WHEREAS, said law firm has inspected the Village's roads and believes that the Village has a viable cause of action against the Southwest Sewer District contractors, and has offered the Village of Brightwaters a contingent fee contract to pursue such damages,

NOW, be it therefore

RESOLVED, that the Mayor of the Village of Brightwaters shall be, and hereby is, authorized to enter into a contingency fee contract with Carman, Callahan & Ingham Esqs. to pursue such legal action, and the Village is hereby authorized to commence such suit against any and all entities allegedly responsible for the damage to the Village roads, in the sound discretion of the Mayor, upon advice from Carman, Callahan & Ingham Esqs.

The village attorney, Jack Finnerty, explains that this firm is famous for going after the Southwest Sewer District and has won \$17 million. It's a continuing tort. The Mayor stated that he and Jack will meet with the firm on Wednesday, 6/3 @ 4p.m.

Tr. Charles Fischer moves to approve resolution and Tr. Belford seconded and all approved 4/0.

**2009 Tree Planting Bid**

Tr. Charles Fischer awarded the tree planting bid to Louis Barbato Landscaping for a total bid of \$3260 and Tr. Belford seconded and all approved 4/0.

**Village Election**

The Mayor reminded everyone in attendance that the village election will be held on Tuesday, June 16, 2009 and you can vote from 12 noon to 9:00 p.m. right here at the village hall. Please come out and vote.

**Public**

Mayor McNulty opened the floor to the audience for any questions and/or comments, and discussions of matters were raised, and all had a chance to be heard.

**Adjourn**

At 9:10p.m., there being no further business before the Board, the Mayor called for a motion to adjourn the meeting. Tr. Chas. Fischer made the motion; Tr. Belford seconded and unanimously carried 4/0.

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Respectfully submitted,

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Christine O'Shea  
Village Clerk & Treasurer

Public attendance: 23

