

BOARD OF TRUSTEES MEETING MINUTES – JULY 1, 2013

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

Joseph A. McNulty	Mayor
Denise Gibson	Trustee
John J. Riordan	Trustee
John E. Lawlor	Trustee
Joseph McDermott	Trustee
<i>John P. Finnerty, Esq.</i>	<i>Village Attorney</i>
<i>Christine O'Shea</i>	<i>Village Clerk Treasurer</i>

At 8:05 pm, Mayor McNulty called the meeting to order followed by a salute to the flag. After the Pledge of Allegiance, the Mayor swore in newly elected Trustees Lawlor and McDermott for two year terms. A motion to approve the minutes of 6/3/13 was challenged by Tr. Riordan. He had wanted three changes to the minutes but the minutes were approved as written with Tr. Gibson moving to approve, seconded by Tr. Lawlor and approved 3/2 (Riordan & McDermott disapproved).

Suffolk County Police Dept. Third Precinct

A police officer was in attendance. The incident report for the month of June had not been received yet. Mr. Chiappetta wanted to know how he could get a current incident report. Officer said you would have to do a FOIL; it would take 30 – 60 days to get.

Trustee Reports

Code Enforcement

Trustee Lawlor read his report for this meeting –
Report for the month of June 2013.

Summons served 23

Fines collected \$1125.

Complaints prepared 17

Building permits issued 4 with fees of \$1540.

Building permit renewals= 0 with fees of \$0.

C. O. inspections 9 with fees of \$450.

Fence permits 2 with fees of \$50.

Dumpster permits 3 with fees of \$75.

Pod permits 1 with fees of \$25.

Administration

Tr. Gibson moved to approve accounts payable abstract reports (APAR) #3759 dated 6/28/13 with 11 May vouchers for \$6,915.82 and checks will be dated 7/2/13 and Abstract Report #3760 dated 6/28/13

with 27 June vouchers for \$101,591.47 and checks will be dated 7/2/13.

I also move to approve the following abstracts -

APAR #3752 dated 6/4 with 1 voucher for \$3,013.44
APAR #3753 dated 6/7 with 12 vouchers for \$38,959.92
APAR #3754 dated 6/14 with 3 vouchers for \$2,360.92
APAR #3755 dated 6/14 with 4 vouchers for \$2,590.95
APAR #3756 dated 6/19 with 1 voucher for \$253.00
APAR #3757 dated 6/21 with 2 vouchers for \$2,972.47
APAR#3758 dated 6/26 with 4 vouchers for \$1410.63

The highest vouchers were for engineering services, building repairs, ambulance contract, road contractor svcs., health insurance, garbage pick up, flowers for planting, electric bills, gas bills, otherwise business as usual, and

Tr. Lawlor seconded and all approved 5/0.

Tr. Gibson mentioned that for the office computers we have offsite back up now. Carbonite is the name of this company and the first month is free.

Highway Dept.

Tr. Riordan stated that the corrective action plan letter is at the bottom of the list on the website and should be on the homepage.

He also brought up Sheehan & Company's annual financial report engagement letter. He would of liked to get more quotes from different companies. The Mayor said that we will use Sheehan & Company this year and next year we will get quotes.

Tr. Riordan read the highway report –

We hired 3 seasonal workers and unfortunately one left for a police position in South Carolina, so we only have 2 at this time.

Regular village maintenance such as trimming the lakes, cutting the grass throughout the village, pot hole filling and sign replacement is ongoing.

The hot asphalt transporter is due to arrive next week. We look forward to having this piece of equipment to assist in the filling of pot holes. This will be cost effective for the village.

All flowers have been planted throughout the village and being watered regularly.

Wohseepee Park has been prepped in anticipation of day camp which will start Monday, July 8th.

Maintenance at Walker Beach has been completed; the bathrooms were painted, flowers planted and is now open daily.

Michael Ackerson met with a representative from Cornell Cooperative Extension to evaluate damaged trees south of Montauk Highway. They recommended all damaged trees be removed. Trees have been tagged and will be taken down as soon as possible. They will be sending us a list of possible replacement trees to be planted at a later date.

The painting of the cascades are completed.

Tr. Riordan stated that FEMA has increased the share we get for Super storm Sandy with 15% which is a total of 90% the village will get back for storm cleanup and damages.

Lakes & Parks

Tr. McDermott thanked everyone for their support and if anyone has any questions please feel free to approach him. Tr. McDermott mentioned the upcoming summer events starting with the family fun nights at Walker beach; there will be four of these. Cross Bay Swim in Friday, 7/12 and 100 swimmers have signed up already. On Saturday, 8/3 is the Ice cream social at Wohseepee Park at 8pm. On Thursday, 8/22 is the Snapper Tournament at Gilbert Park starting at 4pm. Day camp started on Monday, 7/8. He also mentioned that Walker beach looked good and if we need to chase geese we will have to get the dogs back.

Mayor McNulty said that Robert S. Gilbert Park is beautiful. It had come a long way from Super Storm Sandy damage. Bernadette Whitwell will be planting flowers to add color.

Tr. Gibson mentioned that she had received a request for benches at the head of the harbor and maybe we could get them donated. The benches that were destroyed at Gilbert Park are being replaced.

Mayor McNulty said that new parking signs are going to be posted.

Treasurer Report @ 6/30/13

Treasurer O'Shea read the following report -

<i>Municipal checking:</i>	
General Fund	\$1,319,179
Payroll Fund	\$237
Trust & Agency Fund	\$-0-
Restoration Fund	\$3,917

<i>Investments:</i>	
CLAS\$\$ General Fund	\$549,039
CLAS\$\$ B.I.G. Fund	\$10,049
<u>Total Accounts Balance:</u>	\$1,882,549

Village Election Results

JUNE 18, 2013 ANNUAL BRIGHTWATERS VILLAGE ELECTION RESULTS

THE TOTAL NUMBER ACTUALLY VOTED 582

FOR THE OFFICES OF TRUSTEE

JOHN E. LAWLOR RECEIVED	361 VOTES
JOSEPH MCDERMOTT RECEIVED	347 VOTES
ROBERT W. FISCHER RECEIVED	273 VOTES

THE WINNERS OF THE ELECTION WERE JOHN E. LAWLOR AND JOSEPH McDERMOTT.

Award Bulkhead Bid

Mayor McNulty read aloud Dan Falasco's recommendation of award letter.

Tr. Riordan moved to approve Dan Falasco's recommendation of Contract A to Constar Inc. for \$197,500.00 and Tr. Gibson seconded and all approved 5/0.

Tr. Riordan moved to approve Dan Falasco's recommendation of Contract B to Stout Construction for \$90,598.00 and Tr. Lawlor seconded and all approved 5/0.

2013 VILLAGE ORGANIZATIONAL MEETING & APPOINTMENTS

Mayor McNulty proposed the following appointments:

RESOLVED that Tr. Denise Gibson be and hereby is appointed Deputy Mayor for an official term of one year.

RESOLVED that Christine O'Shea be and hereby is appointed Village Clerk Treasurer, Tax Receiver and Assessor for an official term of two years.

RESOLVED that Virginia Anitra be and hereby is appointed Deputy Village Clerk for an official term of two years.

RESOLVED that Michael K. Ackerson be and hereby is appointed Highway Foreman for an official term of one year.

RESOLVED that Vincent P. Clancy be and hereby is appointed Chief Code Enforcement Officer for an official term of one year.

RESOLVED that John P. Finnerty, Esq. be and hereby is appointed Village Attorney for a term of one year at \$2700/mo. and \$150/hr. for additional legal fees.

RESOLVED that Dennis Babinecz be and hereby is appointed Computer Consultant at a rate of \$80/hr. for a term of one year.

RESOLVED that Daniel Falasco be and hereby is appointed Village engineer at a rate of \$95/hr. for a term of one year.

RESOLVED that Bartlett Ackerson be and hereby is appointed Harbormaster for a term of one year.

RESOLVED that John P. Finnerty, Esq. be and hereby is appointed Prosecuting Attorney at a rate of \$100/hr. for a term of one year.

RESOLVED that Christine O'Shea be and hereby is appointed Clerk of the Court for a term of one year.

RESOLVED that Jane Arbeiter be and hereby is appointed Village Historian for a term of one year.

RESOLVED that Virginia Anitra be and hereby is appointed Deputy Registrar for a term of one year.

RESOLVED that Mayor McNulty, or his designated successor, be authorized to approve the attendance by the Board of Trustees, Board of Appeals, Planning Board, Village Administrative staff, Highway Administrative foreman, and Code Enforcement officers to specific training schools and/or meetings with expenses reimbursed.

RESOLVED that Sheehan & Co. be and hereby is appointed auditors for the official fiscal year ending May 31, 2013.

RESOLVED that the Islip Bulletin be and hereby is designated the official newspaper for the village.

RESOLVED that J. P. Morgan Chase Bank be and hereby is designated as the depository for the village funds in the General, Payroll, Trust, Restoration and all other funds, said bank to pledge suitable and sufficient collateral at all times for the protection of said funds and that the funds in these various accounts be made available upon the signature of any two officers.

BE IT FURTHER RESOLVED that any two of the following officers of the municipality, to wit: Joseph A. McNulty, Mayor, Denise Gibson, Trustee, or Christine O'Shea, Village Clerk Treasurer alone, with the approval of the foregoing, are hereby authorized to make arrangements to borrow money to obtain credit for this municipality from the J. P. Morgan Chase Bank or such bank as may seem advisable to make and deliver notes, drafts, acceptances, advances, agreements and any other obligations of this municipality therefore in form satisfactory to said bank and to manage and transact bank matters or other business of any kind whatsoever with the bank or its officers. Also, the treasurer is empowered to invest idle fund monies of the village at her discretion and in the best interest of the village, with the approval of the Mayor.

RESOLVED that idle fund monies be invested in CLAS\$\$ from the General Fund, Restoration B.I.G. account and sufficient collateral be pledged for the protection of said funds.

RESOLVED that the Village Clerk Treasurer be allowed to transfer monies from the CLASS savings account to the General Fund to cover payroll expenses weekly.

RESOLVED that the village board meetings be held on the first Monday of each month excepting those falling on a holiday and then the meeting will be held on the day following the holiday. The village is authorized to notify by postings, newsletters or the news media of such meeting schedule.

RESOLVED that certain recurring charges such as postage, public utility bills, payroll salaries, petty cash and other usual expenses be paid in advance of audit of claims.

RESOLVED that the Board of Trustees shall approve reimbursement to officers and employees of the village who use their personal automobiles while performing their official duties on behalf of the village at a rate of 56.5 cents per mile.

RESOLVED that the Capitalization Policy will be recorded on capital assets (.2 equipment) which generally have a cost of \$1,000 or more at the date of acquisition and have an expected useful life of more than one year

The Mayor concluded with saying that it is “my pleasure to make these appointments for the terms set thereto”.

Trustee Gibson moves to approve the aforementioned organizational meeting and appointments and Trustee Riordan seconded and all approved 5/0.

Resolution – Notices of Claim

RESOLUTION

WHEREAS, Section 53 was added to New York State’s General Municipal Law requiring every municipality to designate the Secretary of State of the State of New York as authorized to accept service of Notices of Claim against the municipality and to file a Designation of Notice of Claim with the Secretary of State, and

WHEREAS, the municipality must designate by name and address the individual at the municipality to whom the Secretary of State shall forward any Notice of Claim served upon it, and the applicable time frame within which such service must be made,

NOW, be it therefore

RESOLVED, that the Secretary of State of the State of New York shall be, and hereby is, designated as the agent of the Village of Brightwaters for service of Notices of Claim, and it is hereby further

RESOLVED, that the Secretary of State shall forward all Notices of Claim to:

Village Clerk
Village of Brightwaters
40 Seneca Drive
Brightwaters, New York 11718

and it is hereby further

RESOLVED, that a Notice of Claim against the Village of Brightwaters must be filed within 90 days of the date on which the claim arises, as is required by section 50-e of the General Municipal Law of the State of New York, and that the Village Clerk complete and file a Certificate of Designation with the Secretary of State attesting to the above, on or before July 15, 2013.

Tr. Riordan moves to approve the aforementioned resolution and Tr. Gibson seconded and all approved 5/0.

Public Hearing - to Amend Chapter 11 to update the Code of Ethics

INCORPORATED VILLAGE
OF BRIGHTWATERS
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Inc. Village of Brightwaters will hold a public hearing on Monday, July 1, 2013 at 8:00 p.m. at Village Hall, 40 Seneca Dr., Brightwaters, NY to consider the adoption of local law #3 of 2013 to amend Chapter 11 to update the Village's Code of Ethics.

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: June 14, 2013

Mayor McNulty opens the public hearing for any comments and/or questions. Quite a lot of residents had something to say. After everyone had been heard, Tr. Riordan moved to close public hearing and Tr. Gibson seconded and all approved to close 5/0.

Tr. Riordan moves to table this Code of Ethics and not adopt at this time and Tr. Lawlor seconded and it was tabled 3/2 (McNulty & Gibson).

Open meeting to public

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

- Eliminate Village Justice position
- Village Justice health insurance eliminate
- Court clerk & village prosecutor eliminate
- Have Town of Islip handle court matters
- C/o LVAE & Phelps – stop sign needs striping & trees trimmed
- Hwy. dept. should start at 8am w/blowers & lawn mowers
- Trustees should be united
- Friends of Brightwaters anonymous letter w/no signature should not be on there
- Can we have a moment of silence after the pledge for our men & women in armed forces who are protecting our way of life
- When will work start on breakwater
- Invest in some microphones
- Who removed school budget signs
- Public property cannot be used for political purposes; only residential property can
- Between beach parking lot & beach sand there is a grassy area but no walkway
- NYS Auditors gave Belle Terre high praises
- Village website home page
- \$250,000 downtown revitalization grant from state due 6/15
- That is the total grant for all Suffolk County villages & towns
- 20 apps have been received & those that have applied really needed it; the most amount given out is \$25,000
- Neighborhood watch letter sent to trustees; meet with SCPD 3rd Prct. first Tuesday of every month at 7pm
- You were incorrect in stating the \$250,000
- Pot holes i/f/o house were filled & now its on my concrete driveway
- High sewer cover still exists
- Mid-month meetings
- Did you create Friends of Brightwaters? John Valdini is one of many who has control of site
- Ice cream sandwiches
- Stitches & Screens
- Do you own Delgado property
- Board minutes executive session

- Canal revenue budget
- Why did you not want to raise taxes
- End year with a surplus
- Lombardy & Penataquit need paving; when will it be done
- What is on the Capital plan
- Bonding
- Planning board would like to meet with trustees on downtown business area improvements
- Thank you Mayor & Tr. Gibson for voting against a tax increase
- Bay Shore school budget passed with high tax raise of 6.9%
- Taxes are very high; middle class residents are leaving – selling houses
- Town of Islip hasn't raised taxes since 1984
- Archery space in park west of village hall

At 11:20 p.m. a motion by Tr. Gibson to close, seconded by Mayor McNulty, 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: 29 (not everybody signed in).