

## **BOARD OF TRUSTEES MEETING MINUTES – AUGUST 4, 2008**

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, August 4, 2008 at 8:00 pm at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

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

At 8:07 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 July 7, 2008 as written was offered by Tr. Charles Fischer, seconded by Tr. Belford and all approved 5/0.

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

There was no police officer present at this meeting.

### **Trustee Reports**

#### **Highway Dept.**

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

Reconstruction work consisting of fill and grade and new benches was done at Gilbert Park after the completion of bulkhead work was complete.

General maintenance work around village was done such as trimming, pruning, cold patch, seaweed removal and watering flowers.

D.F. Stone installed new drainage on Concourse West road restoration will be completed shortly.

Preparations for the Cross Bay Swim and Clambake were done mid month.

Buildings at the DPW yard are being painted.

### **Lakes and Parks**

Tr. Belford stated that the Cross Bay Swim for the first time had been cancelled due to inclement weather. With the bulkheading completed at Gilbert Park the benches and placques have been put back.

The Snapper Tournament is going to be held at Gilbert Park on Thursday, August 21 from 4pm to 8pm. It's a fun day for children of all ages. At Walker Park beach all the trees there are being pruned. The family clambake that was to be held on Sunday, July 27 was moved from Walker Beach to Sea Levels restaurant due to the heavy rain. It was very nice of John Montgomery to let us use his restaurant. The ice cream social was held on Saturday, August 2 and it was a lovely evening and the band was absolutely wonderful. Thanks to the BSBW orchestra. Day Camp has ended and again, it was another successful year.

There has been no official meetings of the parks since the beginning of July. But the past requests have been painting the cabin for the fall, putting a split rail fence around the playground area, and replace shrubs around the cabin. No smoking are going to be put in all of the parks; Walker, Wohseepee and Gilbert. Garbage cans are being ordered for Wohseepee Park.

Tr. Belford also mentioned that she received a request from Jennifer Delyra and Lisa Robinson to use Walker Park beach for a block party on August 23 with a raindate of August 24. There would be 40 families involved. They would pay for lifeguards, they won't BBQ and they will have a DJ. Mayor McNulty said that this should be discussed further at a mid month working meeting.

Mayor added that the lakes are all being trimmed right down to the water. The lake bridges are going to get painted and masonry work will be done where needed very shortly. The Mayor asked Tr. Bob Fischer to report on the cancellation of the cross bay swim and all that are involved how they got affected.

Tr. Bob Fischer stated briefly that in order to organize the cross bay swim we need the permission of the Village of Brightwaters for the use of Gilbert Park and the highway crew sets up for us. We need the permission of the National Parks Service to use the lighthouse area and we get special permission from Rep. King so we can park one or two cars at the lighthouse.

We also get the permission from the US Coast Guard, local fire depts., police dept, EMS services who supply four boats for us, and about 25 private boats. It's about 150 private volunteers from the community plus all the bureaucracy that gets involved.

### **Administration**

Tr. Charles Fischer moved to approve Abstract Report #3115 for accounts payable vouchers totaling \$132,173.91 - The primary drivers were \$69,000. for the village insurance package, \$33,000 for garbage collection, \$4800 for tree trimming, \$7000 for SCWA hydrant rental other wise business is as usual and Tr. Belford seconded and abstract was approved for payment 5/0.

### **Security**

Tr. Thomsen read his report for this meeting.....

- Summons issued 29
- Complaints prepared 17
- Fines collected \$1465.
- Building permits issued 5 – with total fees of \$2578.
- Building permits renewed 4 – with total fees of \$897.
- C.O. inspections 8 @ \$50. /ea.
- Fence permits issued 0 @ \$25. /ea.
- Pod permits issued 0 @ \$25. /ea.
- Dumpster permits issued 3 @ \$25.each

The Mayor added that the board feels we are not getting a fair shake on the reports from SCPD. We know of robberies in the village and they are not showing up on the Brightwaters SCPD report. The Mayor stated that he wants to set up an appointment with Insp. Cuff to discuss. We would like to find out why they are not reporting correctly, added Tr. Bob Fischer.

### **Treasurer Report @ July 31, 2008**

Municipal checking:		
General Fund	\$	32,362
Payroll Fund		170

<b>Trust &amp; Agency Fund</b>	<b>1,500</b>
Restoration Fund	3,530
<i><b>Investments:</b></i>	
CLAS\$ General Fund	2,009,116
CLAS\$ B.I.G. Fund	48,794

**Public Hearing To Consider Adoption Of Local Law #4-2008 To Amend Section 58-14 To Permit Limited Above-Ground Storage Of Flammable Liquids**

An act to amend section 58-14 of the Code of the Village of Brightwaters to permit limited above-ground storage of flammable liquids.

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

**58-14. Prohibited acts.**

A. Storage of flammable liquids in above-ground tanks is hereby prohibited[.] , except as permitted by section 128-6H of the Code.

This local law will/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.**

**Public Hearing To Consider The Adoption Of Local Law #5-2008 To Amend Section 128-6H To Increase The Amount Of Permitted Above Ground Fuel Storage**

An act to amend section 128-6H of the Code of the Village of Brightwaters to increase the amount of permitted above-ground fuel storage.

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

#### **128-6. Permitted uses.**

Within any Residence A and Residence B Districts as indicated on the Building Zone Map, no building or premises shall be used for other than one or more of the following specified classes of purposes:

H. Storage of fuel. No bulk storage of coal or liquid fuels or other flammable fuels in excess of [54] 275 gallons is permitted above ground.

This local law will/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.**

The Mayor opened the meeting to the public and all had a chance to be heard. Tr. Charles Fischer moved to close hearing. Tr. Belford seconded and all approved to close 5/0

Tr. Charles Fischer moved to approve local law #4-2008 to amend 58-14 and Tr. Belford seconded and all approved 5/0.

Tr. Charles Fischer moved to approve local law #5-2008 to amend 128-6H and Tr. Belford seconded and all approved 5/0.

#### **Award 2008 Solid Waste Contract**

Tr. Bob Fischer explained that we had received 7 bids for our garbage contract for the next two years. All were opened on Wednesday, July 16, 2008 at 10:00 a.m. We had received bids from Island Environmental, MC Carting, European American Waste, Maggio Sanitation, Jody Enterprises, Fanelli Industries and National Waste.

The bids were quite close in general but they did have significant differences among them. We checked out the bidders to see how there management is and how they perform in other villages and towns here on Long Island. We found that the low bidder, Island Environmental, was quite an acceptable bidder, he got good grades from the Town of Islip and the Village of Freeport.

Tr. Bob Fischer moves to award the bid to Island Environmental with a total bid for two years of \$738,936.00 and Tr. Charles Fischer seconded and all approved 5/0. They are to start September 1, 2008.

### **Executive Session**

The Mayor adjourns the meeting temporarily to go into executive session to discuss a litigation matter and Tr. Belford seconded and all in favor 5/0. A motion to close the executive session and reconvene was made by Tr. Charles Fischer and Tr. Belford seconded and all approved 5/0. The Mayor explains the reason for the executive session was to discuss a litigation matter on pools and some pools haven't got certificate of occupancy's yet. We have three open pool permits and they are old and Jack Finnerty, Village Attorney, sent them letters and they all responded and they are being taken care of.

### **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. The Mayor asked that I include in the minutes the commentary from former Mayor Charles G. Hughes, Jr. on the past June 2008 election.

"I would like to make some comments about the recent election. I have not come to a board meeting since I left office, I never felt compelled to come and listen and watch governance carried out because I always felt that the governance of the village has always been in good hands. My family has always lived in Brightwaters for over 50 yrs, I have lived here for over 35 yrs. and this is the first time I've been upset about what happened in the village. In fact, I have never witnessed anything like what

occurred during this last election. It has nothing to do with contested elections because contests keep you and kept me relevant. We had to deal with issues that were important to residents and if we didn't do it somebody was in your face and somebody wanted your position. Contests are healthy. However, what has occurred over the last few years suggests to me one of two things. Either there is a shortcoming in the governance of this village or there is a shortcoming in the candidates who think they can govern better. And this I believe is a serious issue that has to be confronted because in such a small village the governance could be taken hostage. There are three things that upset me about this last election. The first, deliberate misinformation. To suggest that there was an administrative error which kept the candidate off the ballot was blatantly incorrect and I understand the public record has been corrected as of this last board meeting. Polls closing at 8:00. Either trustees who serve and are elected should know what time the polls close or candidates ought to find out when polls close. Tactics, vote for one candidate. It's devious, it's deceptive, and it's a method which has worked once. What

happened to the days when a candidate would come forward to all of us in this village and make proposals for changes, express ideas about positions which are important to all of us and let the village residents vote, we're intelligent people. But vote for one candidate? Finally, the most disturbing, the most disturbing fact. In a village where we do not have political parties represented, deliberately. Nothing would get done in this village if that's how we governed our village. No republicans, no democrats, there's no political advantage to any of you serving on this board and to your Mr. McNulty for being the Mayor. You do it because we live here, this is our community. Every decision you make affects me. If this was Islip and you made a decision maybe it affected me or maybe it didn't but every decision you make affects me and my family. To propose a write in candidate over sitting board members suggests one of a myriad of issues. Either the incumbents are incompetent, their positions are diametrically opposed to the best interest of the village and we don't deserve to be re-elected. I have to conclude to not want incumbents to be there in this position but rather have to have a write in be in that position the write in must be a candidate for change supported by a candidate for change. I looked at the voting record of this board over the last year and I found in all but three instances the voting of the members of this board were unanimous. Unanimous in their decisions. I would think that if there was a need for vital change on this board I would uncover it by looking at the voting record. I found three votes that were not unanimous. Two were abstentions and one was a nay. Quite frankly having served where you are I don't understand abstentions. The whole idea of this board is we don't have to agree on everything but we find a way we find a common ground so we can serve the people that we live next door to. That's always been the history of this board, to abstain from voting to me makes absolutely no sense. None, none what so ever. The hallmark of the

governance of this village has been we all live within this small square mile of what ever it is and we see our neighbor's everyday. And you are accountable everyday because I see you and you see me. And I know at some point and time I will be affected by your decisions. As trustees, as the mayor, you have just one goal and that is to retain and where possible improve the quality of life that we all share. Trustees don't have to agree but believe me you must find a way to create a consensus so that everything moves forward. June of 2008 of this year from my perspective was a low point, classless, and my hope is that voters in June of 2009 will not forget. Thank you."

Tr. Bob Fischer stated that he has known Charlie a long time and have never known him to be this emotional and as the Mayor you were one of the most even keeled persons I ever heard. That was remarkable speech. Thank you for saying that.

Mayor McNulty thanked Charles also. "Where do we go from here?" the Mayor said. Adjourn was heard from the public.

**Adjourn**

At 8:55 p.m., there being no further business before the Board, the Mayor called for a motion to adjourn the meeting. Trustee Charles Fischer made the motion; Tr. Belford seconded and unanimously carried 5/0.

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Respectfully submitted,

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Christine O'Shea

Village Clerk & Treasurer

Public attendance: 15

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August 4, 2008 - Board of Trustees Meeting