

9/3/2013 - Board of Trustees Meeting

BOARD OF TRUSTEES MEETING MINUTES – SEPTEMBER 3, 2013

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Tuesday, September 3, 2013 at 8:00 p.m. at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

Joseph A. McNulty	Mayor
Denise Gibson	Deputy Mayor/Trustee
John J. Riordan	Trustee
John E. Lawlor	Trustee
Joseph McDermott	Trustee
<i>John P. Finnerty, Esq.</i>	<i>Village Attorney</i>

Absent: Christine O’Shea, Village Clerk Treasurer

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 asked for a moment of silence for our men and women in the armed forces. A motion to approve the minutes of 8/5/13 as written was offered by Tr. Gibson and seconded by Tr. Lawlor and all approved 5/0.

Mayor McNulty noted that the Friends of Brightwaters had passed around a flyer and that the allegations it made were not true. He responded with the following.....

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I would like to clarify some misinformation being circulated concerning our village finances.

As you are aware, we had a state audit, prior to the release of the auditors finding, rumors had it that money was misappropriation the village was in debt. When the findings of the auditor were released, after 3 ½ months of examination there was no money missing and no misappropriations. Our village is and has been debt free since we retired our last bond payment on our hundredth anniversary in 2007. In spite of what you may have been told. Our village is debt free and on a pay as we go basis.

I would like to discuss two very important terms tonight.

Nepotism and Volunteerism.

1. Nepotism- (defined) Favoritism shown or patronage granted to relatives.

2. Volunteerism- to perform or offer to perform a service at ones own free will. Example: Serving on board and committee, chairing events – as related to our village- cross bay swim, snapper

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tournament, ice cream social and band concert, pumpkin run,

ragamuffin parade, just to mention a few.

Perfect examples of volunteerism:

Don Souhrada has volunteered his valuable time and talents to our village for the past 30 years.

Mr. Frank Manhardt has served for 30 years.

Mr. Bart Ackerson likewise served for 30 years.

Mr. Henry "Bud" Rueter- who worked diligently yet quietly all

those many years going through our village picking up paper and trash to help keep our village clean.

Susan Belford who served our board of trustee for 13 years.

Susan Bela who serves on the planning board now in the 10 or 11 year.

These are just a few of the shining examples of true volunteerism.

Nepotism? – you be the judge. *8 Feb Time*

This was brought up in the audit. We sat with the auditors and explained the situation, showed them a letter from our lawyer covering the same.

It had to do with our day camp. As you all know, Eileen Cox has ran our summer day camp for the past 13 years. I believe it is one of the finest on the island.

Eileen does all the hiring and purchasing for the camp. She ran it for several years by herself. She reached a point when she needed help so she brought her husband aboard to help. In dollars and cents, salaries and supplies we spent a grand total of 9,280. I personally think we are recovering great value for our dollar. *All

of the Cox children worked at the camp and I believe it added to, rather than took away from the camp experience. *the camp pays for itself.*

My granddaughter, Molly was mentioned under the category of nepotism. *true* She worked as a lifeguard from high school through college. She now works two months a year for Carol. She earns \$11.50 per hour on a part-time basis. She has earned ~~there~~ the past 2 ½ months \$500.00.

Snowplowing. We try to put two men in a truck at night. This is for safety reasons. It's done during storms. The two men

mentioned earned a total of 881.20, during the snow storm. Peter Russell (16 hours), Daniel Mulhall (18 hours), both related to me.

Mr. Delgato, he does rent yard space from me, that being said, I want you to know:

A. Mr. Delgato and his men do not plow snow. They have no snowplowing equipment. With his equipment he can pile and remove snow. In big storms, that is exactly what he does.

~~I want you to know~~ he is paid by Federal Standards – FEMA set the rate and that's what we use.

Delgado is paid \$35.00 per hour per man. Trucks and equipment are paid by size, also FEMA standard.

Let's put this \$35 per hour in prospective. Our men receive \$47.85 per hour, when you figure all the fringe benefits. That equates out to about a \$13 per hour savings for the Village.

Mr. Delgado comes when Mr. Ackerson calls him and as long as ^{we} he pays an hourly rate set by the Federal government, we can't get hurt.

Side note: As I said before, Delgado can't plow snow- I feel that our men do a great job keeping our village roads open. Whatever hours they work, they are entitled to them. To bring someone in to plow, I feel we would be taking food off their table, so to speak. I don't want that to happen.

I would like to address the Ice Cream Social and the flack I have taken on that subject:

1. When we first started 17 years ago, they didn't charge us.
2. Whatever we order, we get a 100 count, that is one hundred extra.
3. All of the above aside, you are talking \$1000. Right away they can get it cheaper. Sometimes cheap isn't cheap.

That same family that furnished the ice cream- also made a major contribution to our village.

The family of McNulty Ice Cream ^{with me} donated over 120 yards of top soil and the bulldozer to spread same on two different occasions at Gilbert Park between the top soil and equipment this equates out to about 25,000 in today's dollars, FEMA standards.

Maybe the Ice Cream wasn't so expensive after all?

This information can be checked for accuracy. I believe John Cotana and George Peterson operated the bulldozer and Mr. Ackerson our present highway foreman worked on that project.

Let's talk about Miss O'Shea.

Allow me to start my discussion by saying:

1. Tina is the most dedicated, honest individual I have ever had the pleasure to work with.

That being said, ~~let me say~~ we (the village) went through a complete and thorough 3 ½ month audit. They went over all the pay records and (that's how the park situation came about.) Tina kept the same schedule during the audit. She had the same schedule when Mr. Valdini was on the board. Tina didn't and is not taking or doing something she isn't entitled to. Tina has worked long and hard over the past 30 years for this village.

She has earned the compensation and I feel she has the right to use it as she sees fit.

I will end with a saying my 10th grade drafting instructor told us time after time—

“It takes just one clown to tear a building down, but it takes a group of dedicated, educated, caring individuals to build a lasting edifice.”

Let us all be the last group and work to keep our beautiful village the Crown Jewel on the Great South Bay.

Suffolk County Police Dept. Third Precinct

At this time no police officer was in attendance.

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Trustee Reports

Code Enforcement

Trustee Lawlor read his report for this meeting –
Report for the month of August 2013.
Summons served 22
Fines collected \$1140.
Complaints prepared 12
Building permits issued 8 / fees \$2402.
Building permit renewals 1 / fees \$68.
C. O. inspections 6 / fees \$300.
Fence permits 2 / fees \$50.
Dumpster permits 4 / fees \$150.
Pod permits 0 / fees \$0.

Tr. Lawlor noted Fire Marshal Brennan's report that all permits for public assembly and multiple dwelling occupancies are currently valid and up to date. A joint inspection of 338 Woodland Drive resulted in a partial failure of acceptance of the automatic fire alarm system. The contractor was advised. An inspection will be done at Vinnie's Mulberry Street for the new installation of hood, duct and automatic extinguishing system.

Administration

Tr. Gibson moved to approve accounts payable abstract reports (APAR) #3786 dated 8/30/13 with 44 vouchers for \$276,937.97 and checks will be dated 9/4/13.

I also move to approve the following abstracts that were generated during the month of August 2013.

APAR #3779 dated 8/6 with 4 vouchers for \$4042.19
APAR #3780 dated 8/6 with 9 vouchers for \$2342.00
APAR #3781 dated 8/7 with 6 vouchers for \$32,762.64
APAR #3782 dated 8/9 with 1 vouchers for \$773.58
APAR #3783 dated 8/14 with 8 vouchers for \$3858.97
APAR #3784 dated 8/15 with 1 vouchers for \$1650.00
APAR #3785 dated 8/21 with 3 vouchers for \$3434.86

Total 32 vouchers for \$48,864.24

The highest vouchers were for Bays Shore Fire Dept. 2013 contract, health insurance, Bay Shore Brightwaters Rescue Ambulance and a new piece of equipment for the hwy. dept to repair potholes also known as a hot asphalt transporter - otherwise business as usual, and Tr. Lawlor seconded and all approved 5/0.

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Highway Dept.

Tr. Riordan read his report for this meeting.

The beginning of August was busy with the end of day camp and cleaning up of Wohseepee Park for the quick turn over for the ice cream social the next day. All went well with both.

Daily seaweed removal at Walker Beach continued. The beach is officially closed for swimming but the gates will remain open for residents to enjoy the sand and playground area.

The prep and cleanup for the Snapper Tournament went well.

We got delivery of our asphalt road maintenance transporter. We are looking forward to putting it to work.

Regular maintenance of the Village continued with the trimming and cutting of landscape and watering of plants.

Lakes & Parks

Tr. McDermott talked about the recent Snapper Tournament and this year someone had caught the biggest fish in its twelve years. The village garage sale is set for Saturday, October 5. Lifeguards are no longer on duty at the beach but the beach is still open for you to enjoy. There is no swimming allowed now. The village has installed new stop signs at the corners of Wohseepee and Brooklyn. Also, please drive slow as school is now open.

Tr. McDermott asked the Village Attorney if he was allowed to view village records. Mr. Finnerty said there was a middle ground that I was able to see the records but was not allowed to take photos of them or let them leave the village office. Tr. Gibson said that I could see the records but she has to be there to insure nothing is taken out of the office. Tr. Gibson also said that her and the Mayor made a new policy to protect the people in the office. Tr. McDermott disagreed and said he would look into it more.

Treasurer Report @ 8/31/13

<i>Municipal checking:</i>	
General Fund	\$28,503
Payroll Fund	\$574
Trust & Agency Fund	\$915
Restoration Fund	\$3,815
<i>Investments:</i>	
CLAS\$\$ General Fund	\$1,549,060
CLAS\$\$ B.I.G. Fund	\$10,049
<u>Total Accounts Balance:</u>	\$1,590,505

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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 Tuesday, September 3, 2013 at 8:00 p.m. at Village Hall, 40 Seneca Dr., Brightwaters, NY to consider the adoption of local law #4 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: August 16, 2013

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

John Valdini found fault with the proposed law for not addressing notion of hiring family and not defining "family"

Tr. Lawlor noted that virtually no other Village defines "family" and that it is already defined in the NY General Municipal Law

Dan Keane questioned some of the underlying terms in the proposed law

Carmine Chiappetta questioned some of the wording of the proposed law, and questioned whether VOB should be hiring Delgado as a contractor when that entity rents space from the Mayor

Joan Manahan questioned why there was no Ethics Committee

Tr. Lawlor noted that many ethics codes have no such Committee, and that same could be misused for political purposes

Mrs. Reilly, and Bob Cox, asked what good law would be if there's no enforcement provision

Tr. Riordan asked Village Attorney Finnerty about District Attorney involvement in ethics

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Village Attorney Finnerty advised that the DA would only be involved if a criminal matter, such as bribery, but in a non-criminal, purely ethics matter, the “enforcement” would be public opinion

Motion to Close the public hearing on Ethics law by Mayor, seconded by Tr. Gibson, approved 4-1 (Riordan opposed).

Tr. McDermott stated that he and Tr. Riordan had no input into the proposed law

Tr. Gibson countered that it had been in his possession for months and he never sent in any comments or suggestions

Tr. Riordan stated that his recommendations re ethics change were not considered by the majority

Motion to approve the Local Law by Tr. Gibson, seconded by Tr. Lawlor, approved 3-2 (McDermott & Riordan opposed).

Open meeting to public

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

John Valdini expressed dissatisfaction about not getting access to the Clerk’s time sheets, etc.

Asher Provda said he did a computer search and found about 600 corporations which list VOB as corporate headquarters and that VOB should tax them to get more income

Rich Dahab stated that the poison ivy is coming back on the west side of the lakes and further noted that the lily pads have returned

A resident said that a sailboat next to his in the basin had an expired NYS Reg and no visible VOB permit

Ed ? asked about the “crime situation” and Tr. Lawlor advised that things are about the same with thefts from cars , etc., and that residents should lock their cars

Rosemary Swank expressed dissatisfaction about the lack of paving on Penataquit and Lombardy. Tr. Riordan responded that the new paving machine should make things better. Tr. Gibson added that VOB is considering bonding to allow road improvements

Brandt Rising brought up the continuing goose problem in VOB. The Mayor responded that VOB’s prior efforts to control geese made some

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residents unhappy. Tr. McDermott noted that chasing geese from one VOB location only moves them to another VOB location.

Another resident (?) stated that in the recent past the SCWA ripped up some roads and that no action has been taken to fix them

Carmine Chiappetta stated that the failure of VOB to raise taxes has hurt the VOB's road infrastructure. He also said that the SCPD has not attended very many recent VOB meetings and also questioned as to what the Clerk's regular hours are. The Mayor stated that they are 9-4. Additionally Carmine said that someone was rummaging through the curbside trash on So Windsor and that Code Car was called but failed to take any corrective action.

Tom Kelly said landscapers are constantly violating the Code and doing noisy work on Sundays

Chris Pace said that Code Enforcement illegally entered his parcel and confronted him over his lawn sign

At 10:20 p.m. Tr. Gibson moved to adjourn, seconded by Mayor, and the meeting was adjourned on a 5-0 vote.

Respectfully submitted,

Christina O'Shea

Christine O'Shea
Village Clerk Treasurer

Public attendance: 29 (not everybody signed in).