

11/4/2013 - Board of Trustees Meeting

**BOARD OF TRUSTEES MEETING MINUTES – NOVEMBER 4, 2013**

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, November 4, 2013 at 8:00 p.m. at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

Joseph A. McNulty  
Denise Gibson  
John J. Riordan  
John E. Lawlor  
Joseph McDermott  
*John P. Finnerty, Esq.*  
*Christine O'Shea*

Mayor  
Deputy Mayor/Trustee  
Trustee  
Trustee  
Trustee  
*Village Attorney*  
*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, a motion to approve the minutes of 10/7/13 as written was offered by Tr. Gibson and seconded by Tr. Lawlor and all approved 5/0.

**Suffolk County Police Dept. Third Precinct**

At this time no police officer was in attendance.

**Trustee Reports**

**Code Enforcement**

Trustee Lawlor read his report for this meeting ~~~  
Report for the month of October 2013.

Summons served 17

Fines collected \$1065.

Complaint reports prepared 5

Building permits issued 4 / fees \$475.

Building permit renewals 0 / fees \$.

C. O. inspections 6 / fees \$300.

Fence permits 2 / fees \$50.

Dumpster permits 2 / fees \$75.

Pod permits 0 / fees \$0.

Tr. Lawlor read Fire Marshal Brennan's report dated 11/1/13 ~~~

As of this report and with the exception of Peter Pan Diner, all permits for public assembly and multiple dwelling occupancies within the Village of Brightwaters are currently valid and up to date. Renewal public assembly permits have been processed and are now pending for Peter Pan Diner, while the renewal for Mustang Sally's was recently completed.

I am currently investigating the cause and origin for nuisance alarms being received at the Kiddie Academy at 225 Howells Rd. At the request of the BSFD I am also in the process of having the Kiddie Academy

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institute the knox box key access system. All future progress will be reported.

Fire inspections have continued in the village since my last report, with subsequent re-inspections having also been conducted to insure that all violations have since been removed.

### **Administration**

Tr. Gibson moved to approve accounts payable abstract reports ~~~  
Abstract Report #3802 dated 11/1/13 with 33 vouchers for \$69,599.76 and checks will be dated 11/6/13.

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

APAR #3796 dated 10/8 with 3 vouchers for \$4256.26  
APAR #3797 dated 10/9 with 4 vouchers for \$973.20  
APAR #3798 dated 10/11 with 1 vouchers for \$200.00  
APAR #3799 dated 10/15 with 2 vouchers for \$4422.27  
APAR #3800 dated 10/16 with 3 vouchers for \$1057.70  
APAR #3801 dated 10/23 with 1 vouchers for \$1250.00

\*\*\*\*\*Total 47 vouchers for a total of \$81,759.19\*\*\*\*\*

Included in the above vouchers were payments for health insurance \$15,000., Bay Shore Brightwaters Rescue Ambulance \$10,000., garbage contract \$31,000., computer support \$4,000., and solid waste tipping permit fee of \$1,250., - otherwise business as usual, and  
Tr. Lawlor seconded and all approved 5/0.

### **Highway Dept.**

Tr. Riordan read his report for this meeting ~~~  
**Removed and stored equipment from Walker Beach. Restrooms will be winterized soon after the Pumpkin Run.**

**Cleaned and prepared Wohseepee Park for Annual Garage Sale on October 5<sup>th</sup>.**

**Cleaned cascades and filled in dirt where needed.**

**Trimmed around stop signs, trimmed lakes.**

**Continued road patching with the hot asphalt transporter.**

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**The village installed a drain at 71 Woodland Drive on October 16<sup>th</sup> to help eliminate the flooding problem that has been occurring for quite some time.**

**Cleaned and prepared Walker Beach for Pumpkin Run on October 26<sup>th</sup>.**

**Prepped the park for the Raga Muffin Parade on Halloween.**

**The unlimited fall clean up started on October 28<sup>th</sup> for the north side and the 29<sup>th</sup> for the south side of the village. This will continue until the first week of December enabling residents to clean up their property and put out unlimited amounts of landscape debris providing it is properly tied, bundled and contained.**

**1. A resident said Manatuck does not need to be repaved now.**

**Question sent to Mike Ackerson. "Do you (and Dan) disagree and why?" Still an open item**

**2. A resident asked that stripes be placed at the new stop signs around the lakes. Question sent to Mike Ackerson. "When can it be said this striping will be done?" Still an open item, but hopefully by spring 2014**

**3. A resident indicated there is a large amount of poison ivy around trees and bushes at the lakes. Question sent to Mike Ackerson. "What can we do about this? Mike said he reached out to Cornell Coop. Did he get a response and if so, what was the response?" Still an open item**

**4. Lily pads in the lakes. Question sent to Mike Ackerson. "Please provide status of lily pad situation, including the opinion it is not a problem at this point in time and serves some benefit to fish in lakes." Still an open item**

### **Lakes & Parks**

Tr. McDermott stated that the Pumpkin run was nicely attended and thanked Alicia O'Connor for running it. The rain held out for the Halloween parade and thanked the Lions Club for hosting. The Jon Thomas Inne had a grand opening and with that we had parking problems. Coming up there will be Photos with Santa from 10-4 on Saturday, Nov. 30 at Wohseepee cabin and then the tree lighting ceremony with cookies and hot chocolate will be held at the head of the harbor. He also mentioned that he received calls from residents about trees around the lakes that are falling in.

Tr. Gibson also mentioned that Alicia does a fantastic job with the Pumpkin Run event but said that she needs more help. Please contact Alicia or Joe on this. Ghoulish Joe was at the Halloween parade and the kids enjoyed it. Hopefully we can continue with these great events.

Mayor McNulty stated that on Halloween night we had no real damage that occurred. We did have the eggs, toilet paper, shaving cream

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incidents. A lot of SCPD were in the area and the code officers and hwy. dept. were also out patrolling.

### **Previous Board Minutes Approved**

Tr. Lawlor moved to approve 7/17/13 board minutes as written and Mayor McNulty seconded and all approved 5/0.

Tr. Lawlor moved to approve 9/3/13 board minutes as written and Tr. Gibson seconded and all approved 5/0.

### **Treasurer Report @ 10/31/13**

<i>Municipal checking:</i>	
General Fund	\$14,269
Payroll Fund	\$574
Trust & Agency Fund	\$967
Restoration Fund	\$11,396
<i>Investments:</i>	
CLAS\$ General Fund	\$1,084,144
CLAS\$ B.I.G. Fund	\$10,049
<b><u>Total Accounts Balance:</u></b>	<b>\$1,121,399</b>

### **Appoint Acting Village Justice**

Mayor McNulty introduces David Kluepfel by reading the following.... Dave Kluepfel lives in Brightwaters with his wife, Ellen, and his three children, Cassandra, Cole & Chelsea. He has lived in Brightwaters for the past 12 years. Dave is a trial attorney and co-founder of the law firm Cascone & Kluepfel, LLP in Garden City. He is a graduate of Ithaca College and Hofstra University School of Law. His primary area of practice is insurance defense. Dave is a member of the Suffolk, Nassau & New York State Bar Associations. He has a great deal of pride in this beautiful community and is happy to volunteer his time and expertise. Dave is honored to accept the position of Acting Village Justice.

At this time Mayor McNulty administered the oath of office to David Kluepfel to discharge the duties of the office of Acting Village Justice for a term of two years.

### **Resolution for Village Justice Court Audit for year ending 5/31/13**

WHEREAS, the Inc. Village of Brightwaters Village Justice Court is located in Suffolk County, New York, and

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WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that village justices annually provide their court records and dockets to their village auditing board, and

WHEREAS, that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings, and that we provide a copy of our most recent audit or examination of our local court's records and a copy of this board resolution acknowledging that the required audit or examination had been conducted to the New York State Office of Court Administration, and

NOW, BE IT THEREFORE RESOLVED, that such audit or examination was performed by Village Clerk Treasurer, Christine O'Shea with no negative findings and that each board member had reviewed such audit and examination.

Trustee Lawlor moves to approve above resolution and Trustee Gibson seconded and all approved 5/0.

Mayor McNulty voted - yes

Tr. Gibson voted - yes

Tr. Riordan voted - yes

Tr. Lawlor voted - yes

Tr. McDermott voted - yes

(Village Seal)

I hereby certify that this is a true copy of the resolution from the Board Minutes of the Village of Brightwaters, County of Suffolk, New York, that was adopted on November 4, 2013 by the Board of Trustees.

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By: Christine O'Shea

Title: Village Clerk Treasurer

### **Resolution for Landscaper permits**

Tr. Gibson said that she was contacted by Pat Voges and he gave her some great tips. Mayor McNulty spoke with Pat Voges also and he thought this was a good idea. We do need to work on it more though. Tr. Lawlor moved to table this to the Dec. 2 board meeting and Tr. Riordan seconded and all approved 5/0.

### **Resolution to amend Chapter 75 to add a new Article regulating gaming, gambling games and gambling devices**

Tr. Lawlor spoke briefly on the gambling resolution and video lottery machines. He stated that we have four bars in the village and if one gets a gambling device then they all will want it. Need more time to look into this

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resolution and Tr. Lawlor moves to table this to Dec. 2 board meeting and Tr. Gibson seconded and all approved 5/0.

### **Planning Board Proposal on Driveways**

Tr. Lawlor stated that the Planning Board has a proposal to amend the driveway codes in the village and that he sent out a narrative on this but he needs more feedback. The GAR is a work in progress. If he gets more feedback on this in a couple of weeks we can do something at the Dec. 2 board meeting.

### **Business Area Parking Spaced Defined**

Tr. Lawlor also said that the business owners would like the car parking area defined by painting T shapes to indicate the parking space.

### **Walkway/Plank at Beach**

Tr. McDermott asked the board for permission to get donations for walkway/plank. He said Chris Sullivan could make up the flyer. Tr. Gibson is for it. Mayor McNulty said that you should go to your committee and decide on what you want; probably go for wood and then recommend your suggestions to the board. Tr. Lawlor wanted to know the length needed. Tr. McDermott said 120 ft. He handed information to the board members.

### **Time Clock Resolution**

Tr. McDermott moves to have time clock put in at the village office and Tr. Riordan seconded and resolution did not pass with 2 yes and 3 noes (Mayor McNulty and Tr. Gibson and Tr. Lawlor).

### **Computer Sign In**

Tr. Riordan and Tr. McDermott want to have a computer time sign in required at the village office and it failed with a 2 yes and 3 no (Mayor McNulty, Tr. Gibson, Tr. Lawlor) vote.

### **Daily Time Sheet**

Tr. Riordan moved to require daily time sheets at the village office and Tr. McDermott seconded and it failed with a 2 yes and 3 no (Mayor McNulty, Tr. Gibson, Tr. Lawlor) vote.

### **Resolution for non-union full time employees**

Tr. Riordan prepared resolution for the non-union full time employees to change the existing resolution from 1995. Mayor McNulty and Tr. Gibson stated they had not had a chance to look at it yet. Tr. Riordan moved to table this resolution to the Dec. 2 board meeting and Tr. Lawlor seconded and all approved 5/0.

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**Financial Report year end 5/31/13**

Tr. Gibson said the final steps are being taken on our financial report that was done by Sheehan & Co.

**Open meeting to public**

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

- Janet Eriksen (JE) thinks landscaper permits are a hair brain idea
- John Valdini (JV) wants to know if residents will see landscape permit before the board approved
- Tr. Lawlor said there will be a public meeting held
- JV said the landscape fees are just paperwork
- Tr. Gibson said that we will know who is working in the village and who is licensed to use pesticides
- JV said there are 15 signs that are not back 5ft. from curb. Clancy drives around and he is not doing his job. Tr. Lawlor said he is not here 24/7
- JV wanted to know if negotiations had started with the BSBW Ambulance. Mayor said he had just received a letter. JV said that there is no money in the budget for 2014
- JV wants to know why you denied the time clock
- Patrick Valdini said when he worked at TOI Town Hall & they had to punch in
- Tr. Gibson and Tr. Lawlor agreed that it is demeaning and not necessary for 3-4 employees
- JV brings up village clerks hours again; takes off every Monday & a half a day on Tuesday
- Mayor McNulty stops JV from talking and stood up and escorted Village Clerk Tina out of the village hall meeting at 9:05p.m.
- Resident requested update on when village will create a place of honor for Vietnam veterans. Initial request went to Tr. McDermott & he said his mother was working on it but hopes to have update soon
- Another resident wants the hwy. dept. to look at road conditions on Brooklyn between addresses of 512 and 568
- A resident advised the Board that foxes have been seen roaming the Village and that they are sickly in appearance
- Tr. Lawlor advised that sending letters to local realtors regarding the placement of "For Sale" signs is under consideration.
- Another resident wondered whether the condition of some Village roads could have a legal liability effect on the Village, but the Village Attorney advised that the Village can't be held liable unless it had prior written notice of the defect on file.
- Frank Maffucci advised that he sent photos of what were thought to be foxes to NYS DEC, which responded that they were in fact coyotes.

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- Tr. Gibson noted that there are grants out there for a municipality to be named a “Tree Community.”
- Joan Manahan (JM) advised that the Deputy Clerk had originally told her that she was fine with a time clock in the Village Office, but has now changed her mind. JM also advised against charging landscapers permit fees, as it will be passed along to the residents.
- Pat Fawcett noted that a child fell off a scooter on Corinthian Court because of a rut in the road surface.
- Carmine Chiappetta (CC) wondered whether budget deficits will hurt the Village’s credit rating should it ever go out to bonding, noting that the NYS Comptroller found that the Village relies on non-recurring revenues instead of tax revenues.
- Tr. Gibson responded to CC that the Village could use grant funds to put money aside.
- A resident advised that with respect to licensing irrigation installers, that those workers are in fact plumbers.
- Dennis Gartland of 562 Potter Blvd. questioned why a Village road was closed during the “New Ownership” outside party at the Jon-Thomas Inn, and further noted that the residents should have been forewarned of the closure. He further advised that when he called the Code Car because of cars parking on the grass, blocking driveways, etc. the CEO who responded took no action and was rude. The Mayor advised that it was he who closed the road when he was there on-site and accordingly there was no time to tell the residents ahead of time.

At 9:57 p.m. Tr. Gibson moved to adjourn, seconded by Tr. Lawlor, and the meeting was adjourned on a 5-0 vote.

Respectfully submitted,  
*Christina O'Shea*

Christine O'Shea  
Village Clerk Treasurer

Public attendance: 19 (not everybody signed in).