

MINUTES

On September 24, 2012 at 7:15 PM the Mayor called to order a Special Meeting of the Board of Trustees of the Village of Brightwaters, following proper posting and notification. Present was Mayor McNulty, Trustees Fischer, Cox, Gibson and Riordan, as well as Village Attorney Finnerty, who also took the Minutes. Many residents, as well as a Newsday reporter, were in attendance.

All vouchers were reviewed, discussed and signed.

The Mayor advised the crowd, almost all of whom were present because of the pending cell tower issue, that it was not on the agenda for this meeting and thus would not be discussed, but added that if that concept moves forward, which is still an open question, there will be a meeting, or perhaps more than one meeting, to discuss that issue in depth, and that all residents would be notified thereof by mail. He further advised that the Board was awaiting the Planning Board's comments on the issue. A show of hands, which Riordan asked for, showed that virtually every person present opposed the cell tower. The Village Attorney added that since the Village did not put the cell tower issue on the publicized agenda, and since the persons present for that issue came on their own volition, it would be unfair to debate that issue in the absence of other residents, perhaps for that issue or at least open-minded about it, who if they knew of it being discussed, might have attended. Fischer reinforced the Board of Trustees' position that the issue is wide-open, that no decisions had been made, and that it may or may not go forward in the future.

Riordan recommended some accounting changes that were proposed by the Village Treasurer, regarding the amendment of current year budget amounts for personal services of the Department of Public Works and other necessary expenditures, which were increased with an offsetting transfer from the budgeted contingency account, to which the other Board members agreed. On motion by Riordan, seconded by Cox, the annexed Appropriation Change Manifest was unanimously approved.

Dr. Baumann inquired as to the status of the dock work being done to the Village bulkhead adjoining her bayfront property, and was reassured by Riordan that the Village had the funding and that it was in the works and would be completed before winter sets in.

The Mayor advised that the Racanelli Family, on behalf of a charitable organization called “Tri-ing for Kids” had requested permission to hold a 5K race this October in the Village. The Board discussed whether same would conflict with the already-established October’s Pumpkin Run. Cox agreed to discuss the possible conflict with Alicia O’Connor, the Pumpkin Run’s organizer and then report back to the Board.

The Mayor brought up the issue of speed control on Lakeview Avenue West (LAW) and Lakeview Avenue East (LAE). There was a discussion of using “rumble strips” there, but Fischer advised that he conferred with the Village of Bellport, which has them, and was told that they were very noisy and generated noise complaints. Riordan suggested three stop signs on LAW, one on LAE and a 25mph speed limit on both streets. Fischer questioned the need for three signs in such a short distance, and also questioned the need for the reduced speed on the parts of those streets not abutting a lake. It was eventually agreed to have the Village Attorney prepare legislation to drop the speed limit to 25mph on LAW and LAE, but only around the lakes, and include the roads around Mirror Lake, and to place stop signs for north and south traffic on LAW at Woodland Drive, and for north and south traffic on LAE at Phelps Drive.

The Mayor raised the issue of the Village clearing snow from the sidewalk in front of the Library, while Riordan suggested the Village clear the sidewalks on both sides of Montauk Highway throughout the Village. A snowblower in the Highway Department, which was believed to be owned by the Village, turned out to be the property of a Village worker, who will remove same. No decision was reached on the sidewalk-clearing issue.

The Mayor raised the issue of the missing Village sign on the north side of Montauk Highway on the Village's eastern boundary, and all agreed that it should be replaced.

Riordan introduced a Resolution, copy attached, to forbid Village employees from storing personal items on Village property, except for incidental items fitting into a two cubic foot box, and a copy of same must be forwarded to all Village employees.. The Mayor moved the Resolution, which was seconded, and unanimously approved.

The Mayor raised the issue of formalizing a procedure for the Code Enforcement Officers (CEO), noting that there is no set procedure governing the absence of a CEO calling in sick and needing a substitute. It was agreed that the matter would be discussed with the Chief Code Enforcement Officer. Furthermore, it was agreed that the CEOs should punch in and out on a time clock. Fischer advised there are a few new potential CEO candidates but they are former police officers and would require more pay than the Village's current CEOs receive. The Mayor noted that no guns would be permitted if such persons were ever hired. The Mayor suggested hiring more CEOs and limiting each CEO to a 20 hour week.

Fischer advised that the Village's volunteer webmaster had to resign because of employment elsewhere and that a possible replacement, Christian Gonzalez, was being tried out, but he would need some compensation.

Riordan advised that, since the New York State MTA tax has been declared unconstitutional by a local Judge, the Village must file amended tax returns within the next week or so in order to get a refund of the tax. It was unknown whether the Village Clerk or the Village's outside CPA firm files the returns. Riordan moved, and Fischer seconded a Resolution authorizing the Village to take any and all necessary steps to

recover the already-paid MTA tax from New York State, which Resolution was passed unanimously.

Riordan expressed his view that the Village use the bidding process more than it presently does, including outside accounting services. The Village Attorney noted that professional services do not require bidding, but that anything could be put out to bid voluntarily.

At 9:03PM, following a motion by Fischer to adjourn, seconded by Gibson, and a unanimous vote in favor, the Mayor declared the meeting adjourned.

Respectfully submitted,
John P. Finnerty Esq.
Village Attorney