

04/05/2010 - Board of Trustees Meeting

**BOARD OF TRUSTEES MEETING MINUTES – APRIL 5, 2010**

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, April 5, 2010 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
Absent: Robert W. Fischer, Trustee	
John Valdin	Trustee
John P. Finnerty, Esq.	<i>Village Attorney</i>
Christine O'Shea	<i>Village Clerk &amp; Treasurer</i>

At 8:04 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 March 1, 2010 as written was offered by Tr. Charles Fischer, seconded by Tr. Valdin and all approved 4/0.

**Suffolk County Police Dept. Third Precinct**

A police officer was present at this meeting and the incident report for the month of March had been received and distributed to the board. The officer reported that bicycles are taken out of garages that are not locked and items from vehicles are also taken from vehicles that are not locked. PLEASE LOCK YOUR HOUSES, GARAGES AND VEHICLES! It's the same people stealing the bikes, they are not from this neighborhood, the suspects are usually from north of Southern State. The officer also stated that he sits at the c/o Windsor & Penataquit where vehicles speed through stop sign and tickets are issued.

**Trustee Reports**

**Highway Dept.**

Tr. Bob Fischer was absent for this meeting.

**Lakes and Parks**

Tr. Belford thanked the Brightwaters Lions Club for the annual Easter egg hunt and it was well attended. Geese problem at the beach estimates are in the works. Split rail fence to go around playground equipment at Wohseepee Park. The last Friday in April (4/30) there will be a Spring Social again at FatFish and tickets are \$35pp. Also, Arbor Day will be celebrated the last Friday in April (4/30) with school children attending the festivities at Wohseepee Park.

**Administration**

Tr. Charles Fischer moved to approve Abstract Report #3331 for accounts payable vouchers totaling \$80,030.47 - The primary drivers were drainage work \$12,000., hwy. vehicle repairs \$5,000., and street cold

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patch \$7,000., - other wise business is as usual and Tr. Belford seconded  
and abstract was approved for payment 4/0.

### **Security**

Tr. Valdini stated once again that people parking the wrong way on the street is one of his biggest pet peeves. The code officers are issuing tickets for this violation. The police officer mentioned a big thing when he said to lock all your doors; it is a preventive to theft. And residents, if you see something unusual, call the code officer or the police because the code officers don't see everything.

Tr. Valdini also mentioned that there was another meeting of the Brightwaters business owners. It was held on a Tuesday at 5:30 p.m. at Sea Levels. The one hour parking signs in the four corners business section area needs to be addressed. There doesn't seem to be enough of them.

Tr. Valdini asked if the 37 Concourse West house has to go to the Planning Board. Village Attorney Finnerty said that it doesn't have to go to Planning Board if it meets the code. The Mayor added that he would like the Planning Board to see the building plans too besides the building inspector.

### **Highway Dept.**

Mayor McNulty mentioned that we had a tough last month with the nor'easter on March 13 with the strong winds and heavy rains. All village roads were open except two with downed wires. Just like when we had snow, we kept the all roads clear and also the business district.

Two years ago the Southwest Sewer District had to pump out their pumping station at Gilbert Park and dump up at Montauk Hwy. In the process they damaged our roads with their eighteen wheeler trucks and we have a suit against them.

The pond at Wohseepee Park is gone now due to the Nor'easter. There are three houses on LVAE that had fires in them due to power outages from the Nor'easter. These three houses have trailers i/f/o them as houses are not livable. The Mayor thanked the BSFD for their quick response.

### **Treasurer Report @ March 31, 2010**

<i>Municipal checking:</i>		
General Fund	\$	60,115
Payroll Fund		241
Trust & Agency Fund		1,500
Restoration Fund		642
<i>Investments:</i>		
CLA\$\$ General Fund		402,422

**Tentative Budget 6/1/10 – 5/31/11**

Tr. Charles Fischer stated that this is the worst recession since the 1930's. There is much risk in the banking sector. High unemployment rate countrywide, -9.7 % on Long Island alone, that's higher than the state. The Town of Riverhead has a 5 billion deficit and they want to increase taxes 25% or 31% over three years. Suffolk County has \$150 million deficit. Town of Islip has \$10 million deficit. Their budget will increase by 2% due to sales tax revenue down and home sales revenue down. The village has had no tax increase in twelve years and no debt in three years!

INCORPORATED VILLAGE  
OF BRIGHTWATERS  
**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Inc. Village of Brightwaters will hold a public hearing to consider the adoption of the tentative budget for the fiscal year beginning June 1, 2010 through May 31, 2011 at Village Hall, 40 Seneca Dr., Brightwaters, NY on Monday, April 5, 2010 at 8:00 p.m. A copy of the tentative budget is available at the office of the Village Clerk where it may be inspected there by any interested person during village office hours.

The Mayor, Board of Trustees and Village Justice are not compensated for services rendered.

Christine O'Shea  
Village Clerk/Treasurer  
Brightwaters, New York

Dated: March 19, 2010

**MAYOR'S BUDGET MESSAGE**

April 5, 2010

To: The Board of Trustees of the Incorporated Village of Brightwaters

Submitted herewith, in accordance with Article 5 of Village Law, is the tentative budget for the fiscal year June 1, 2010 through May 31, 2011. The total recommended appropriation amounts to \$2,744,453.00.

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Recommended revenues, exclusive of property taxes and sanitation fees, are basically the same as last year.

It is anticipated that the village will end the current budget year without any significant surplus. As a result, taxes, consisting of property taxes and sanitation fees will remain the same.

Sanitation fees are proposed at \$563,362., with a \$509.83 per unit charge.

Property taxes will remain close to last year at \$1,382,820.

The tentative total assessment roll, after all tax exemptions, amounts to 61,458,647. This will produce a tax rate of \$22.50 per \$1,000 of taxable assessed valuation, the same as last year.

I am pleased to submit another budget that will reflect no tax increase for the upcoming tax year of June 1, 2010 – May 31, 2011.

Respectfully submitted,

*Joseph A. McNulty*

Village Mayor

The Mayor opened the public hearing and asked if there were any comments and/or questions, there being none, the mayor motioned to close public hearing and Tr. Charles Fischer seconded and all approved 4/0 to close.

Tr. Charles Fischer moved to approve the budget for 6/1/10 – 5/31/11 and Tr. Belford seconded and all approved 4/0. The audience in attendance applauded.

**Public Hearing To Amend Section 75-20.1 To Amend The Allowable Hours For Canvassing And Soliciting**

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, April 5, 2010 at 8:00 p.m. at Village Hall, 40 Seneca Drive, Brightwaters, NY to consider the adoption of local law #4 of 2010 to amend section 75-20.1 of the Brightwaters Code to amend the allowable hours for canvassing and soliciting.

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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: March 10, 2010

Tr. Charles Fischer read the following amended law ...

**75-20.1 License restrictions.**

No license shall be issued . . . . . No solicitation or canvassing shall be allowed on any Saturday, Sunday or federal holiday, and soliciting or canvassing shall not be allowed before 9:00 a.m. or after [9:00 p.m.] dusk on other days of the week. No person may be solicited or canvassed . . . . . at time of license issuance.

**EXPLANATION: Matter underscored is new; matter in the brackets is old law to be omitted.**

The Mayor opened the public hearing and asked if there were any comments and/or questions.

A resident asked if Rick Lazio came on Saturdays this would not be allowed. Village Attorney Finnerty explains that this would come under the first amendment and the first amendment cuts through these laws like a knife through butter.

Tr. Charles Fischer moves to close public hearing and Tr. Belford seconded and all approved 4/0 to close.

Tr. Charles Fischer moves to approve 75-20.1 as local law #4-2010 and Tr. Belford seconded and all approved 4/0.

**Resolution – Southwest Sewer District**

WHEREAS, the County of Suffolk operates the Southwest Sewer District a/k/a Suffolk County Sewer District No. 3, hereinafter collectively "County," and

WHEREAS, the County operates a pumping station for said sewer system locating off the south side of Shore Road in the Village of Brightwaters, and

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WHEREAS, during heavy rains the County uses large and heavy trucks to carry sewage from that pumping station to a sewer main on Montauk Highway in the Village of Brightwaters, and

WHEREAS, and in so doing on or about March 26, 2010 through March 31, 2010, the County damaged the Village's East Shore Road and Concourse East, and their rights-of-way,

NOW, be it therefore

RESOLVED, that the Mayor of the Village of Brightwaters shall be, and hereby is, authorized to file a Notice of Claim against the County, and commence suit against it, if necessary, to seek reimbursement for the damages as aforesaid.

Tr. Charles Fischer moves to approve aforementioned resolution and Tr. Belford seconded and all approved 4/0.

**460 Pine Acres Blvd.**

Mayor McNulty read his letter to all in attendance –

Allow me to give you a short history of the boards work concerning the property at 460 Pine Acres Blvd. I received a letter from the County in reference to 3 under size lots. The letter asked if the village would be interested. I have this letter here for your review. The letter gives a time limit. If the village didn't reply by registered mail in 60 days the offer would be withdrawn automatically. Since my answering the letter would not obligate the Village in anyway, at least my answering it would afford us a seat at the table. I then called a meeting of all board members. This meeting was legally posted and open to all residents. At that meeting and after due consideration and lengthy debate, the board decided to back away and not be a conduit from the County to Town of Islip C.D.A. All this being said you must remember that we are only discussing about 3

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under size lots that would require Board of Appeals approval according to  
our Zoning Code.

Last Monday, Mr. Peter Retaliatta and Mr. John Lawlor on behalf of  
concerned citizens, met with County Legislator Barraga concerning the  
property. I have not spoken to either gentlemen, but they are here tonight  
and maybe they would be kind enough to shed some light on their  
meeting. Before I open this meeting for questions, there are two things I  
want to do:

1. One is to assure all the residents in the Village that this Board  
under my leadership would never in any way shape or form  
jeopardize the integrity of our wonderful Village. If we error I hope  
we error on the side of our Village.
2. The second is to give the Board members an opportunity to speak  
on the subject. In particular, Trustee Valdini, who has done a  
yeoman's job trying to impart the Village's stand to many of our  
residents.

Tr. Valdini talks about the property size at 460 Pine Acres Blvd. Village  
Attorney Finnerty explains that the old property size lot frontage was  
70ft./85ft./45ft. and as it sits today it is 200 ft. wide and 140 ft. deep. It  
could be two legal lots, the house would have to go away and this would  
have to go to the Board of Appeals. The County of Suffolk would deed  
property to the village and then turn it over to TOI CDA.

Terry Garcia, 486 Brooklyn stated that she knows the son lives in the  
house. He lives in NYC but is home to help his mother who has cancer  
and getting chemo and the mom wants to pay the taxes.

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Village Atty. Finnerty explains that the lot that would go to TOI CDA would be the 70ft. wide x 140 ft. deep (n/e/c/o Pine Acres & Iroquois) and as it sits its not a buildable lot, it would have to go to Board of Appeals for approval if granted.

Peter Rettaliata, 46 Iroquois & John Lawlor, 461 Richland met with John Valdini and they explained to all in attendance their meeting findings. The property is to go up for public auction in the fall for the two lots north and the south lot would be up for affordable housing through the TOI CDA.

Brian Power, 50 Iroquois said that the county needs a letter from the village that we agree to sell to the TOI CDA. Village Atty. Finnerty said that is not accurate.

Walter Lace, 49 Iroquois requested the letter be read that the village received from the county – the mayor read the letter (on file at the village office).

Tom Kelly, 40 Iroquois had questions.

Robert Neill, 461 Pine Acres had questions.

Talks continued for a while.....

### **Public**

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

- New stop sign on No. Windsor & Iroquois
- Pumpkin Run wants to honor Anne Glynn
- Wohseepee Park lost many trees – could we get an extra one for Arbor Day?
- When a tree falls, a tree will go up.
- Street sweeper missed dead squirrel in street

### **Adjourn**

At 10:25 p.m., there being no further business before the Board, the Mayor called for a motion to adjourn the meeting. Tr. Charles Fischer made the motion; Tr. Valdini seconded and unanimously carried 4/0.

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Respectfully submitted,

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Christine O'Shea  
Village Clerk & Treasurer

Public attendance: 34 signed in but there were more in attendance.