

BOARD OF TRUSTEES MEETING MINUTES – MAY 5, 2008

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, May 5, 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 & Treasurer</i>	

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 April 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

Police officer Constantine and Police officer Jones were present at this board meeting and the April 2008 incident report had been faxed over and was delivered to the board. Both police officers agreed that it was another “good month” for Brightwaters. Most of the calls were for residential and commercial alarms.

Trustee Reports

Highway Dept.

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

Bulkhead replacement work on Concourse East has started. To date 300 feet of sheathing has been done. Dead man system is in the process of being installed. All work should be completed by mid May.

Bulkhead repair on Concourse West is progressing.

Water repair on Concourse West is 90% completed.

Road restoration on Concourse East is nearing completion. Drainage is currently in the process of being installed.

Tree pruning on both the north and south ends of the village is complete.

Numerous trees and bushes were planted around the lake.

Walker beach is being readied for opening day.

Repaired fencing around lakes

Cold patch and sign replacement done as needed throughout the village.

Much clean up of graffiti around village has been done over the last few weeks.

We have put down lime & fertilize on all lots using environmentally friendly products

Installation of new water mains on Peters Blvd. from Seneca Drive to Hiawatha Drive & Hiawatha Drive to N. Windsor Avenue has just begun. Work is being done by S.C.W.A.

Repair of collapsed road at head of canal (east side) is beginning.

At our request, LIPA inspected the power lines on South Windsor Avenue and corrected problems which had caused power outages in the past.

Lakes and Parks

Tr. Belford announced that we have six baby signets in the lake. She also wanted to thank Michael McDyer and John Valdin for the social event at FatFish, it was a big success and so was the 50/50 raffle. The notice to bidders for the playground equipment bid has been published and is due back Thursday, 5/29/08 @ 10a.m. The plant sale will be this Saturday at the head of the canal.

At this time, Joe McDermott of the Parks clean up and care committee would like to do the clean up the first Saturday of every month if this would be agreeable with the board. They would like to clean Walker Beach on 5/17 as Memorial Day weekend is early this year.

The Mayor mentioned that 54 children were signed up for day camp this year. Arbor Day was on 4/30 at Wohseepee Park and the tree was dedicated to all the village residents who make Brightwaters the "Crown jewel on the Great South Bay. Local school children were invited and attended from St. Pat's, Bay Shore and Fire Island. The Mayor had plaques made up for the schools and all the children received a framed tree poem, sapling and ice cream.

Administration

Tr. Charles Fischer moved to approve Abstract Report #3068 for accounts payable vouchers totaling \$37,756.65 - The primary drivers for A/P this month were for tree trimming and removal \$12,000., drainage work \$3200., engineering professional services \$2700., and extra garbage tipping fees of \$1500., 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 the month of April 2008.

- Summons issued 40
- Complaints prepared 9
- Fines collected \$1415.
- Building permits issued 2 – with total fees of \$454.
- Building permits renewed 5 – with total fees of \$5285.
- C.O. inspections 9 @ \$50. /ea.
- Fence permits issued 4 @ \$25. /ea.
- Pod permits issued 0 @ \$25. /ea.
- Dumpster permits issued 2 @ \$25.each
- Sign permits issued 0 with fees of \$.
- Business permits issued 0 @ \$15/ea.
- Plumbing permits issued 2 with fees of \$280.

Tr. Thomsen also added and agreed with the police officers that this is one of the quietest months he had seen in recent months.

Treasurer Report @ April 30, 2008

<i>Municipal checking:</i>		
General Fund	\$	8,313
Payroll Fund		
240		
Trust & Agency Fund		1,662
Restoration Fund		14,611
<i>Investments:</i>		
CLA\$\$ General Fund		738,343
CLA\$\$ B.I.G. Fund		49,540

The Mayor added that even though it seems we have a lot of money in the Class Gen. Fund, that money is committed already. Mainly it's for the large amount of bulkhead work to be done and the Robert S. Gilbert Park erosion repairs. The Mayor said we are still at this time a pay as you go village.

Public Hearing Draft 2008 Stormwater Management Program annual Report

INCORPORATED VILLAGE OF BRIGHTWATERS PUBLIC HEARING

In compliance with the Village of Brightwaters General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewers (MS4s), notice is hereby given that the Village of Brightwaters Draft 2008 Stormwater

Management Program Annual Report is available for review and inspection at the Village Office during normal business hours. A public hearing on the Annual Report will be held on Monday, May 5, 2008 at 8:00p.m. at the Village Hall, 40 Seneca Dr., Brightwaters, NY. Written comments may be submitted to the Village Clerk until Monday, May 19, 2008. All comments will be considered in finalizing the Annual Report which will be submitted to the NYS Dept. of Environmental Conservation.

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: April 18, 2008

Tr. Robert Fischer read aloud the above public notice and then went on to explain the reasoning for having these stormwater laws in place. The public hearing was opened to the public for any questions and/or comments.

Philip Singer, 439 Potter Blvd., asked how we control the geese. Tr. Robert Fischer stated that the addling of the eggs work best.

Ann Schultz, Windsor Ave., mentioned the drains on Montauk Hwy. that were designed and completed by NYS, run into the canal. Also the drains at the upper lake do to. The mayor said that Duck Island will be taken care of too.

There being no further comments/questions, Tr. Charles Fischer moved to close the public hearing and Tr. Thomsen seconded and all approved 5/0 to close hearing.

Resolution to amend section 128-109 of the Brightwaters Code to renumber the section (Local Law#1-2008)

Attorney Jack Finnerty explains the need to pass these two local laws tonight with Certificate of Necessity's because these are NYS mandated laws and that we have to have enforcement on the books (Brightwaters Code Book).

RESOLUTION

An act to amend section 128-109 of the Code of the
Village of Brightwaters to renumber the
section

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:

128-1[09]10. Severability; and when effective.

This local law 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.

Tr. Robert Fischer moved to approve to amend section 128-109 to renumber the section and Tr. Belford seconded and all approved 5/0.

Resolution to create section 128-109 of the Brightwaters code to administer & enforce stormwater management (Local Law#2-2008)

RESOLUTION

An act to create section 128-109 of the Code of the Village of Brightwaters to administer and enforce Storm Water Management

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, created as follows:

128-109. Administration and Enforcement

A. Construction Inspection.

(1) Erosion and Sediment Control Inspection.

The Village of Brightwaters Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with requirement of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village enforcement official at least

48 hours before any of the following as required by the Stormwater Management Officer:

- a. Start of construction
- b. Installation of sediment and erosion control measures
- c. Completion of site clearing
- d. Completion of rough grading
- e. Completion of final grading
- f. Close of the construction season
- g. Completion of final landscaping
- h. Successful establishment of landscaping in public areas

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

(2) Stormwater Management practice Inspections

The Village's Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

(3) Inspection of Stormwater facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based on complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges; surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

(4) Submission of Reports

The Village's Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

(5) Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village of Brightwaters the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph (3).

B. Performance Guarantee

(1) Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Brightwaters in its approval of the Stormwaters Pollution Prevention Plan the Village may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Brightwaters as the beneficiary. The security shall be in an amount to be determined by the Village based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Brightwaters, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Village of Brightwaters. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

(2) Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Brightwaters with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and

sediment control facilities, the Village of Brightwaters may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

(3) Recordkeeping

The Village of Brightwaters may require entities subject to this law to maintain records demonstrating compliance with this law.

C. Enforcement and Penalties

(1) Notice of Violation

When the Village of Brightwaters determines that a land development activity is not being carried out in accordance with the requirement of this local law, it may issue a written notice of violation to the landowner, developer or applicant. The notice of violation shall contain:

- a. The name and address of the landowner, developer or applicant
- b. The address when available or a description of the building, structure or land upon which the violation is occurring
- c. A statement specifying the nature of the violation
- d. A description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action
- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed
- f. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation

(2) Stop Work Orders

The Village of Brightwaters may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violation leading to the stop work order. The stop work order shall be in effect until the Village of Brightwaters confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this local law.

(3) Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or other wise abated in a manner provided by law.

(4) Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon a conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

(5) Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

(6) Restoration of Lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Brightwaters may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

D. Fees for Services

The Village of Brightwaters may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Brightwaters or performed by a third party for the Village of Brightwaters.

This local law 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.

Tr. Robert Fischer moved to approve to create section 128-109 to administer and enforce stormwater management and Tr. Belford seconded and all approved 5/0.

At this time the Mayor signed off on both certificate of necessities for the two aforementioned local laws #1 and #2 of the year 2008.

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.

Adjourn

At 9:05 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.

Respectfully submitted,

Christine O'Shea
Village Clerk & Treasurer

Public attendance: 19