

8/5/2013 - Board of Trustees Meeting

BOARD OF TRUSTEES MEETING MINUTES – AUGUST 5, 2013

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, August 5, 2013 at 8:00 pm at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

Joseph A. McNulty	Mayor
Denise Gibson	Trustee
John J. Riordan	Trustee
John E. Lawlor	Trustee
Joseph McDermott	Trustee
<i>John P. Finnerty, Esq.</i>	<i>Village Attorney</i>
<i>Christine O'Shea</i>	<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, the Mayor asked for a moment of silence for our men and women in the armed forces. A motion to approve the minutes of 7/1/13 as written was offered by Tr. Lawlor and seconded by Tr. Gibson 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 July 2013.

Summons served 37

Fines collected \$800.

Complaints prepared 13

Building permits issued 5 with fees of \$1009.

Building permit renewals= 0 with fees of \$0.

C. O. inspections 11 with fees of \$550.

Fence permits 3 with fees of \$75.

Dumpster permits 4 with fees of \$100.

Pod permits 2 with fees of \$50.

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 fire suppression company known as 'Fire Control Solutions' has reached out to him regarding the process for filing, installing and accepting Automatic Fire Extinguishing Systems and he is in the process of arranging a meeting with them to discuss procedures.

Tr. Riordan mentioned seeing real estate signs on the villages right of ways.

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Administration

Tr. Gibson moved to approve accounts payable abstract reports (APAR) #3778 dated 8/2/13 with 34 vouchers for \$173,572.40 and checks will be dated 8/6/13. Included in this total is the final payment to Rosemar for paying North Windsor of \$137,958., health insurance payment of \$17,024., and drain cleaning for \$3,050.

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

APAR #3761 dated 7/2 with 4 vouchers for \$4532.38
APAR #3762 dated 7/3 with 3 vouchers for \$940.50
APAR #3763 dated 7/3 with 1 vouchers for \$435.04
APAR #3764 dated 7/9 with 1 vouchers for \$30789.00
APAR #3765 dated 7/9 with 2 vouchers for \$682.00
APAR #3766 dated 7/12 with 10 vouchers for \$2431.75
APAR #3767 dated 7/16 with 2 vouchers for \$858.00
APAR #3768 dated 7/17 with 6 vouchers for \$7663.70
APAR #3769 dated 7/18 with 2 vouchers for \$1812.14
APAR #3770 dated 7/18 with 5 vouchers for \$2424.99
APAR #3771 dated 7/19 with 9 vouchers for \$2155.00
APAR #3772 dated 7/23 with 1 vouchers for \$244.81
APAR #3773 dated 7/24 with 3 vouchers for \$894.25
APAR #3774 dated 7/24 with 2 vouchers for \$642.50
APAR #3775 dated 7/24 with 8 vouchers for \$1887.86
APAR #3776 dated 7/26 with 10 vouchers for \$2315.00
APAR #3777 dated 7/31 with 7 vouchers for \$87,573.31
Total 76 vouchers for \$148,282.23

On APAR#3764 is payment to Alpha for garbage pick up for \$30,789., and on APAR#3777 is payment to Hometown Insurance the villages umbrella policy for \$75,813., and also a payment to ambulance company of \$10,000.

Tr. Riordan seconded and all approved 5/0.

Tr. Riordan asked questions about the villages website placements of certain documents. He also stated that the other proposed budgets that were not passed should be on website.

Suffolk County Police Dept.

P. O. Cina arrived at the meeting. Residents asked officer about the boat break ins and wanted to know if police are aware of this and they are. Another resident stated at the c/o Richland & Iroquois car stuff was taken. Officer stated most times its because cars are not locked. Do not keep anything of value in your car. Neighborhood questions were asked as well as code officers activities. The stalker around the lakes had been caught. Officer stated that a lot of bicycles are stolen from unlocked

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garages. You should keep your lights on because the streets are dark. Officer Cina stated that during the summer months the kids are out of school and have nothing to do so they look for unlocked cars/garages. A resident request that code officers should have two cars.

Highway Dept.

Tr. Riordan started to read something but the Mayor interrupted with just read the highway report; this was repeated a few times. Tr. Gibson banged the gavel and moved to stop this discussion and Tr. Lawlor seconded and it was approved 3/2 (Riordan & McDermott).

Tr. Riordan read the highway report –

- July has been busy with village maintenance including daily removal of seaweed and garbage pick-up at Walker Beach, watering of all village flowers, trimming all park areas and service roads as well as grass cutting village parks and lots.
- Gilbert Park was prepped for the Cross Bay Swim. Sand was added where necessary.
- Sand was also added to Walker Beach.
- Overgrown landscape was trimmed around various stop signs throughout the village.
- Many continual maintenance repairs were made to our aging fleet (Codes & DPW). Total cost was in excess of \$8,900 since January 1, 2013.
- Mennella Landscaping Corp has trimmed trees around the village as directed.
- We are still awaiting the arrival of our hot asphalt transporter from the manufacturer. It is estimated we will receive it sometime this month. In the meantime, the DPW crews continued to fill pot holes with cold patch material where needed.
- Lastly, our Village Engineer has provided us with a revised Capital Plan regarding needed paving work throughout the Village. The estimated costs for this work are slightly in excess of \$1,000,000.

Lakes & Parks

Tr. McDermott said that in July and August we had a lot of activities. The Cross Bay Swim had 85 swimmers swim the 5.4 mile race and Thomas Dolan had come in first once again. The first female came in at 2hrs. & 15 mins. He also mentioned the family fun nights at Walker beach and the BBQ Jimmy Buffet Night with Milk & Sugar donating the food and Chris Pace donating the Snapple drinks and the Rhythm Kings Band played music. On Saturday, 8/3 the Ice cream social at Wohseepee

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Park was held at 8pm; 17 years and counting with no rain. On Thursday, 8/22 is the Snapper Tournament at Gilbert Park starting at 4pm. Day camp ended and it's a great place for parents to meet other parents. On Saturday, October 5 the garage sale will be held at Wohseepee Park.

Tr. McDermott requested the removal of the barbed wire on fence at R.S. Gilbert Park. He also requested the need for a wooden type walkway for senior citizens to walk on from beach parking lot to lifeguard stand. Christian Sullivan explained that teakwood would cost \$6,000. We could raise the money by having residents pay for planks for next summer installation.

Treasurer Report @ 7/31/13

Treasurer O'Shea read the following report -

<i>Municipal checking:</i>	
General Fund	\$18,407
Payroll Fund	\$235
Trust & Agency Fund	\$1,343
Restoration Fund	\$4,060
<i>Investments:</i>	
CLAS\$ General Fund	\$1,794,060
CLAS\$ B.I.G. Fund	\$10,049
<u>Total Accounts Balance:</u>	\$1,828,154

Introduce proposed local law to amend Chapter 11 to update the villages Code of Ethics

Tr. Lawlor spoke on the Code of Ethics and went through other village codes; 64 villages in Nassau County. This code would put us 90% ahead of other villages. Tr. Riordan asked for a mid-month meeting to discuss this further. Tr. Gibson motioned for a public hearing next month on this and Tr. Lawlor seconded and all approved 5/0.

Resolution approving the Planning Boards recommendations on new permits & fees

Tr. Gibson stated that the Planning Board took months to research this and the fees have been the same for the last 20 years. Building permit processing fee \$150., first floor \$225. up to 300 sq.ft., \$0.75 per sq.ft. 300+ and second floor \$0.60 sq.ft. Deck and patio permits \$100., Outside storage containers \$50., dumpsters \$50., and Fences \$50.

Tr. Lawlor moves to approve above permits and fees and Tr. Gibson seconded and all approved 5/0.

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Resolution to remove tree limbs posing a danger to Forum diner parking lot

WHEREAS, on August 5, 2013, the Village was informed by the proprietors of the Forum Diner of Bay Shore, which is on Montauk Highway on the Bay Shore side of the Village of Brightwaters' corporate boundary, that two tree limbs from the property in the Village on the Northeast corner of Windsor Avenue and Montauk Highway fell onto the parking lot of the Diner property where its patrons park, and

WHEREAS, the Village Highway Department responded to the area and observed that there were other tree limbs from that parcel in the Village which could also fall onto the Diner parking lot and injure a patron or cause damage to a patron's automobile, and

WHEREAS, the owners of said parcel in the Village, Helen Klimentos and Irene Vaream, had been previously notified by the Village's Chief Code Enforcement Officer that the parcel needs to be cleaned and trimmed, and

WHEREAS, the Mayor of the Village, under his emergency powers, contracted with Roland Mennella Tree Service of Brightwaters, on behalf of the Village, to immediately enter the parcel in question to remove any and all tree limbs posing a danger to the Diner parking lot, and

WHEREAS, section 90-3 of the Village Code permits the Village to invoice the property owner for such costs, and which if not paid, may be added to the next property tax bill for said parcel.

NOW, be it therefore

RESOLVED, that the actions of the Mayor with regard to the emergency pruning of said parcel under section 90-3 of the Village Code, and the Village's invoicing the cost of the above remediation to said property owners, and which if not paid, shall be added to the next property

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tax bill for said parcel, shall be, and hereby is, approved by the Board of Trustees.

Tr. Lawlor moved to approve above resolution and Tr. Riordan seconded and all approved 5/0.

Tr. Riordan read his payroll letter dated 8/5/13

August 5, 2013

Dear Mr. Mayor, Ms. Deputy Mayor and Ms. Village Clerk/Treasurer,

For a number of weeks, I have requested and it is in writing, that I be provided with detailed information regarding:

- Payroll record errors of CEO Dominic Foti, including background material and corrective action taken for the payroll weeks ended 12/16/2012 and 12/23/2012.
- Payroll record errors of CEO John Mayer, including background material and corrective action taken for the payroll week ended 12/23/2012.
- Payroll record errors to regular pay and sick time usage of Village Deputy Clerk Anitra, including background material and corrective action taken for the payroll week ended 12/23/2012.
- Payroll record errors regarding a second payroll check for approximately \$3,500 representing a pay-out of unused sick-time of Village Clerk/Treasurer O'Shea. Request is for subject background material and corrective action taken or Board Resolution, or other authority, which authorized this extraordinary pay-out for the payroll week ended 12/09/2012.
- On this extraordinary payment of unused sick-time, the preparer of the payrolls for the Village, Village Clerk/Treasurer O'Shea, overrode the required Federal and NYS income tax withholding, so that no income taxes were withheld on this payment to herself. This is a violation of our Administrative Code 3.4.2, as well as IRS and NYS tax regulations. What correction, if any, action has been taken to remedy this situation and violation of our Administrative Code.
- As evidenced in the "Village of Brightwaters, Time and Accrual Record" sheet for the month of December 2012, Village Clerk/Treasurer O'Shea shows multiple instances of using vacation

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and sick time on days when she does not work a full day. What is the authority for this use of vacation and sick time?

- Please provide me with a copy of Village Clerk/Treasurer O'Shea's "Village of Brightwaters, Time and Accrual Record" for the last three years.
- Please provide me with an explanation and written support for the 35 hours of additional vacation time added to Village Clerk//Treasurer O'Shea's "Time and Accrual Record for the Month of December 2012. Please provide any applicable Village Policy or Board Resolution providing authorization.

As a Village Trustee, duly elected by the people of Brightwaters, I have not been given this information that I have requested and required by NYS Law.

Mr. Mayor, I direct the Village Clerk/Treasurer to provide me with this information I require. Failure to do so immediately, or within at least one week, will result in my application to the Attorney General of the State of New York and the Governor of the State of New York, to compel you and your minions to provide me with the information I have requested as an elected Trustee of the Incorporated Village of Brightwaters.

Regards,

John J. Riordan

Trustee, Inc. Village of Brightwaters

The Mayor had asked Tr. Riordan if he had checked with our accountants. Tr. Gibson stated didn't you receive emails from Tina and didn't the board discuss this already. Tr. Riordan said that he only received partial information.

Open meeting to public

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

- Stop signs requested on Wohseepee at Brooklyn
- Stop signs on Orinoco at Ackerson
- State Comptroller response letter w/signatures should be on website
- All proposed budgets should be on website
- Why wasn't there a MS4 public hearing

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- Non-reoccurring revenue
- Neighborhood watch has 1/3 of village residents as email recipients
- CEO's don't work as a unit & there is a spike in crime
- SCPD incident reports
- Soliciting
- Neighborhood watch block captains
- Graffiti on mailboxes @ Peters & Hiawatha & electric boxes on Orinoco
- Can Neighborhood Watch be added to website
- Village street lights inadequate
- Resident wants archery space in village
- Day camp pictures should be on website
- Eliminate Judge Pittman position
- What is Ice cream social & band concert cost
- Stop work order issued & was not signed

At 10:40 p.m. a motion by Tr. Lawlor to close, seconded by Tr. Gibson and approved 5/0, the meeting of the Board of Trustees was adjourned.

Respectfully submitted,
Christina O'Shea
Christine O'Shea
Village Clerk Treasurer

Public attendance: 21 (not everybody signed in).