

12/6/2010 - Board of Trustees Meeting

**BOARD OF TRUSTEES MEETING MINUTES – DECEMBER 6, 2010**

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, December 6, 2010 at 8:00 pm at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

Joseph A. McNulty	Mayor
Charles Fischer	Deputy Mayor/Trustee
Mary Susan Belford	Trustee
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 8:01 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 11/1/10 as written was offered by Tr. Charles Fischer, seconded by Tr. Belford and all approved 5/0.

**Resolution appointing Acting Village Justice**

Trustee Charles Fischer proposed the following resolution and moved for its adoption:

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

WHEREAS, the village has only one elected village justice, and

WHEREAS, the village must appoint an acting village justice to serve when requested by or in the absence or incapacity of the village justice, and

WHEREAS, the acting village justice is a public officer, appointed by the mayor and subject to approval by the board of trustees and the term of office for the acting village justice is one year, and

NOW THEREFOR BE IT RESOLVED, that we appoint John E. Lawlor, Esq. to the public office of acting village justice for one year, and

Trustee Bob Fischer seconded and 5/0 approved.

At this time the mayor introduced John E. Lawlor, Esq. and asked him to come forward. Mayor McNulty stated that it is his pleasure to appoint him to fill a vacancy for the Acting Village Justice office and he had the approval of the board of trustees. The Mayor administered the oath of office to John E. Lawlor, Esq. to discharge the duties of Acting Village Justice for a term of one year.

**Suffolk County Police Dept. Third Precinct**

There was a police officer at this meeting. He reported "no news is good news, right?" Tr. Valdin asked if they could monitor speeding with

12/6/2010 - Board of Trustees Meeting  
radar around the lakes and going through stop signs on Windsor Ave.  
Officer stated that we would have to contact COPE for radar checks and offered the phone #.

### **Trustee Reports**

#### **Highway Dept.**

Tr. Bob Fischer read his report for this meeting –

The village was decorated for the Thanksgiving holiday and then turned around quickly for the Christmas tree lighting on 11/26. The cabin was prepped for Santa Photos.

Trees have been tagged for planting and we will begin planting as soon as the nursery advises us. We will be planting 65 new trees throughout the village.

Unlimited fall clean up is ending this week; all went well during the six week period. Regular pick up rules and regulations will be in effect beginning next week.

Sign replacement done as needed.

DF Stone replaced an 8'x3' leaching basin on Shore Road and repaired 2 drains on Concourse West.

Paving work done on Concourse West by Delgado Paving; finishing touches currently being done completed.

Cold patch work done throughout the village.

Snow equipment has been prepped for winter.

Sprinkler systems have been winterized.

Tr. Bob Fischer mentioned that at the last meeting we had noted we were going to do some planting on Duck Island unfortunately we have lost the window on that but what he did do is ask residents around the village and we had some input from some professional landscapers and around spring time I'm hoping to do something very nice on the island.

At this time, the Mayor stated that we had put bulkhead in around Duck Island and we had permits and everything was approved and now we get a letter from DEC complaining about what was done and now I have to go with the engineer to DEC with pictures and our permits. It took us 3 ½ years just to get permits.

Tr. Bob Fischer mentions replacing parking signs in the business area; reducing the times that people are allowed to park. But first we

12/6/2010 - Board of Trustees Meeting

would have to pass a local law to change the village code in order to do this.

Tr. Bob Fischer stated that we have been awarded a prize from the state. We had requested a grant of funds this year to do some special work around the village and it was granted. It is the Stormwater infrastructure mapping with pollution mitigation assessment award and it's good for \$30,000. and with a small stipend input from the village which will help us improve the stormwater management which is the MS4 Program. So we are in the process of completing the paperwork right now and it's the best news we had this year for funding from the state.

### **Lakes and Parks**

Tr. Belford said here we are in December and we finished the year with a great turn out for photos with Santa and it was a very nice day. We had people arriving early even before we had set up. It was a very beneficial day for photos for the children and animals too! And adults! And Mayors! And then we had the great tree lighting at the head of the harbor and the BSFD brought Santa down and the elf. Cookies were supplied by the Brightwaters Deli along with hot chocolate and coffee. Bay Shore Symphonic Band was excellent again. The tree all decorated with lights looked beautiful. Also, Lite the Nite will be this Sunday, 12/12, and the village provides funding for the lights around the lakes, canal and Windsor Ave.

Tr. John Valdini stated on Lite the Nite Sunday, 12/12 we will be using the cabin as a gathering point from 5pm – 8pm and we will have food, hot chocolate for people who want to stop by after driving around looking at all the lights. Also, a friend of Lou Romanzi has an electronic sleigh (it's actually a car) decorated with lights and holds 12 – 14 people at a time and will give free rides to children and adults. This is a 'friend raiser' not a 'fund raiser'.

Tr. Belford said she always asks boy scouts/girl scouts if they could put up lights (that we provide) at the cabin but they never seem to come through. The she asked Tr. Valdini if he could get the business group to donate \$100 to put lights up around the cabin and that would be so nice.

Tr. Charles Fischer questioned the sleigh ride liability and safety issues.

### **Administration**

Tr. Charles Fischer moved to approve Abstract Report #3431 for accounts payable vouchers totaling \$154,467.65 - The primary drivers this month are retirement system employer share \$72,000., health insurance \$19,000., sanitation \$31,000., and drainage repairs \$7,000., - other wise business is as usual and Tr. Belford seconded and abstract was approved for payment 5/0.

Tr. Fischer also stated that he had a conversation with someone last week who stated "I understand from the last meeting you are going to raise taxes". Tr. Fischer replied absolutely not. I want to clarify a few points.

12/6/2010 - Board of Trustees Meeting

Basically we are going to keep our spending in check, we are going to keep our debt down and we have none now. We are a pay as you go village and will continue to do that. So if you hear that we are planning on raising taxes it simply is not true. Taxes will remain the same until there is a real need to raise them. We are focused on the budget for the last six months and watching it closely and carefully. If you think about what we have done over the past ten years with our fiscal responsibility; we were able to do ten miles of roads in the last two years, we still hold our annual events, we still have our current reliable sanitation service, we planted 1,100 trees in the last few years, maintained our parks, and done all this without increasing taxes. And even with not increasing taxes we have paid off all of our debt. We are not going to raise taxes for the sake of raising taxes, if there is a need we will.

At this time, Tr. Valdini asked if we had hired an actuarial service yet. Tr. Fischer answered not yet; we are looking into it. It's not something that has to get done immediately. It is not a state requirement it is a recommendation. It doesn't change our liability. We have no intent to borrow money. Tr. Valdini said that at the last meeting you said the accountant recommended that we have a 25% increase to cover our costs. Tr. Fischer said that he has been in contact with a few actuarial valuation service groups but that we haven't finalized on a firm as yet. Tr. Valdini asked if are books can be closed for year end 5/31/09 (I think Tr. Valdini meant year end 5/31/10 – Tina) before we have actuarial services done. Tr. Fischer said books are closed. Tr. Valdini wanted to know when the audit was done. The mayor asked me when the audit was completed. The audit was completed and filed electronically to the state by 10/1/10. The accountants were here for five days beginning 8/30/10 and then they complete audit out of their office. Tr. Valdini seems to feel that if we don't have audit complete with the actuary attached it puts the village in a different financial position. He wants to know when he can get to see the audit from last year. The mayor said that as soon as Tina receives audit paperwork; she will give you a copy. Tr. Valdini said two years ago there was six, seven hundred thousand dollars at the end of fiscal year and then he said again two years ago (?) there was \$280,000. So his concern is what money is left in that fund now? Tr. Valdini is concerned if we have to borrow money. The Mayor said that we could borrow money right now on the strength that we don't owe any money. Tr. Valdini wanted to know how many times Tr. Fischer met with accountants. Tr. Fischer said he meets with them a couple of times a year.

### **Code Enforcement**

Tr. Valdini stated that alot of petty larcenies were done to unlocked vehicles. He also stated that alot of leaf bags are out much too early. Code officers are constantly telling residents to bring them in before 6:00pm. Maybe next year we will send out postcards to remind residents of the rules when to put out leaf bags. We stopped most of the people from working on Sunday's. A few weeks ago he drove around and stopped a

12/6/2010 - Board of Trustees Meeting  
couple of people. Boat permits are required to store your boat on your property. There is no fee for this permit. Tr. Valdini said he received an email that cars are parked illegally and I emailed him back for locations and he never responded. Tr. Valdini also stated that he spoke to people around the lakes about stop signs to help control the speeding. No one wants to commit to stop signs but I'll keep talking to them about that. If we can get an police officer with radar this would help.

**Treasurer Report @ November 30, 2010**

<i>Municipal checking:</i>		
General Fund	\$	16,873
Payroll Fund		241
Trust & Agency Fund		-0-
Restoration Fund		10,808
<i>Investments:</i>		
CLA\$\$ General Fund		1,058,557
CLA\$\$ B.I.G. Fund		3,047

**School buses using lake bridges**

Village Attorney Finnerty wanted to expand on the large school buses driving over the bridges around the lakes that were brought up at the last meeting. He was in touch with the bus company and the bus routes are established by the school and don't call for using bridges. The bus company has sent out a memo reminding all the drivers not to use little bridges over the lakes even the small buses. If anyone sees a bus using the bridges make sure you get the bus# not license plate# to report back to bus company and they will take appropriate action.

**Public Hearing – BSFD Protection Contract 2011**

Tr. Charles Fischer read the following public hearing notice and resolution aloud.

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, December 6, 2010 at 8:00 p.m. at Village Hall, 40 Seneca Drive, Brightwaters, NY to consider the adoption of the Bay Shore Fire District Protection Contract for the year 2011. A copy of said contract is on file with the Village Clerk and may be inspected during regular office hours. At this time all interested persons will be heard.

BY ORDER OF THE BOARD OF TRUSTEES

12/6/2010 - Board of Trustees Meeting

Christine O'Shea, Village Clerk  
Brightwaters, New York 11718

Dated: November 5, 2010

The mayor opens the public hearing for any questions and/or comments, there being none, Tr. Charles Fischer moves to close public hearing and all approved 5/0.

### **BSFD 2011 CONTRACT RESOLUTION**

Tr. Charles Fischer proposed the following resolution and moved for its adoption:

RESOLVED that the Inc. Village of Brightwaters enter into contract with the Bay Shore Fire District and agrees to pay the Bay Shore Fire District the amount of \$180,572.50 on or before the 1<sup>st</sup> day of September, 2011, and also agrees to reimburse promptly the District for the cost of insurance required under the Volunteer Firemen's Benefit Law, Section 30, incurred with respect to protecting the Inc. Village of Brightwaters which cost is estimated to be \$23,394.80 based upon current premiums as based upon village population.

Contract to begin January 1, 2011 and shall continue to and include December 31, 2011.

Motion seconded by Tr. Robert Fischer and vote on roll call was as follows:

Mayor Joseph A. McNulty	Aye
Trustee Charles Fischer	Aye
Trustee Mary Susan Belford	Aye
Trustee Robert Fischer	Aye
Trustee John Valdini	Aye

### **Introduce Resolution to Amend Section 128-100 to redefine the powers of the Planning Board**

Tr. Charles Fischer read the following resolution aloud.

### **RESOLUTION**

An act to amend section 128-100 of the Code of the Village of Brightwaters to redefine the Powers of the Planning Board

12/6/2010 - Board of Trustees Meeting

. 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:

### **128-100. Powers.**

The Planning Board shall investigate and review such matters as [is] are referred to it by the Mayor or Board of Trustees, shall hold public hearings when and as required by law and in other matters as it sees fit and shall report to the Mayor and Board of Trustees thereon, including any and all recommendations. No subdivision of any parcel of land in the Village shall be approved unless the application therefor is referred by the Building Inspector[, following Board of Appeals approval if necessary,] to the Planning Board for its review and recommendations, and thereafter shall be referred by the Building Inspector to the Board of Appeals if required by the Code. The Planning Board has the right to recommend to the Board of Trustees covenants and restrictions which will run with the land in perpetuity unless otherwise altered or changed by the Board of Trustees. Once a covenant and restriction has been filed against a parcel of land, it may only be altered or removed by the Board of Trustees following Planning Board review of such proposed alteration or removal. Following Planning Board review of each subdivision application and its [report] recommendations to the Board of Trustees thereon, the subdivision must be approved by the Board of Trustees before it is to be effective. Additionally, every site plan submitted to the Building Inspector, every fence permit application, every demolition permit application, and building permit application submitted to the Building Inspector pursuant to an application for demolition, new construction or renovation construction on any parcel [in a Business Zone] must be submitted to the Planning Board for review and recommendations prior to the issuance of any [certificate of occupancy or certificate of compliance] permit pursuant to said application. Planning Board recommendations may include approval or disapproval of a plan or application and/or a request for further review or discussion and/or to conduct a public hearing and/or any other issues, including all Code requirements, deemed relevant by the Planning Board. In any matter where the Board of Trustees has determined that the recommendations of the Planning Board shall be requirements for the granting of any final approval, permit or certificate of occupancy or certificate of compliance , no such approval, permit or certificate shall be issued until those requirements have been met. Planning Board review of subdivisions and site plans shall include but not be limited to all parking, drainage, curb/sidewalk and shrubbery requirements and conformance with the stormwater standards set forth in Article XIV of this chapter, if applicable.

12/6/2010 - Board of Trustees Meeting

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. Charles Fischer moves to hold a public hearing on 1/3/11 to consider the adoption of VO 128-100 to redefine the powers of the Planning Board and Tr. Belford seconded and all approved 5/0.

**Public**

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

- Planning Board will be ‘second set of eyes’
- Building permit process
- Planning Board is ‘advisory only’
- VO128-100 available for review
- Leaf bags placed at curb too early
- Minutes of open meeting to continue as ‘bullets’ on board minutes
- trees planted need watering
- bucket loader raced down street

At 8:59pm, 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. Belford seconded and unanimously carried 5/0.

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Respectfully submitted,

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Christine O’Shea  
Village Clerk Treasurer

Public attendance: 16+-