

BOARD OF TRUSTEES MEETING MINUTES – December 3, 2018

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Monday, December 3, 2018 at 7:30 p.m. at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

John J. Valdini	Mayor
Thomas Zepf	Trustee
Michael Dopsovic	Trustee
Patrick Fawcett	Trustee
Mary Del Vecchio	Trustee
Nicole Rhodes	Clerk – Treasurer
Charles Casolaro	Village Attorney
John Catania	DPW Foreman
Bob O’Shea	Building Inspector
Anthony Rambazis	Code Supervisor

At 7:30 pm, Mayor Valdini called the meeting to order followed by a salute to the flag and a moment of silence for those serving in the military.

Mayor Valdini welcomed newly appointed Trustee, Mary Del Vecchio to the Board of Trustees. She will be taking Trustee Chiappetta’s place on the board and will serve until July 1, 2019.

Approval of the Minutes from the Board meetings of November 5, 2018.

Motion: Mayor Valdini Second: Trustee Dopsovic
Vote: 5 ayes 0 nays

Officer Benitz of the Third Precinct reported that there are still incidents happening in the area of unlocked cars being broken into. Mayor Valdini advised the officer of the incident on Lakeview Avenue W. where the car window was broken and stuff in the car was stolen. The officer said that one was not reported and to please encourage the residents to report these types of incidents.

Mayor’s Report – Mayor Valdini:

- The Mayor’s son Patrick Valdini had historical pictures of Brightwaters printed and framed and hung them throughout the meeting room. He thanked him for volunteering his time.
- The Mayor held a lakes meeting in the cabin with 35 people in attendance. Geese, Bridges and weeds around the lakes were discussed. The geese are attracted to the way our lakes are. After much research, the Mayor does not think oiling of the eggs at this time is the answer to addressing the overpopulation of geese.
- Christmas Tree lighting was a success. The Mayor thanked to the Brightwaters' Deli for providing the Hot Chocolate & Cookies, Brooke Pitta for decorating for the event, Bay Shore Fire Department, Bay Shore High School Show Stoppers for providing the music, The Mooney Family and Fire Island Ferries for delivering Santa by Boat, Judy Sally for coordinating the Photos with Santa and Santa and Mrs. Claus.
- We received the confirmation from NYS of the filling of the Local Law to reduce the speed from 30 to 25mph. The 25mph signs will be up shortly.
- The Village website will be updated in the beginning of the New Year. This was required as the platform it is currently on does not support mobile phones.

- Great Bay Communications is working on a Capital Plan and will be completed soon for residents' review.
- Tree Preservation Program is being developed by the Planning Board. This will require a permit to be taken out to remove any trees within the village. It will also require a bond and replacement trees to be planted.
- April 1st is the target start date to begin working on the renovations for Wohseepee Park Cabin. A flyer will be going out in a few weeks to residents and we will be accepting donations.
- Bridges, Highway Department Building and Northwest Corner projects will also be starting in the new year.
- The Mayor encouraged residents to ask for something if they want it. For example, Saturday a Veterans Breakfast was held by Mission 22 and resident, Sharon Cimino was there with the pets. It was a very nice event.

Trustee Fawcett – Special Projects

- In the Spring of 2019 we will be looking to start the Northwest Corner and the extension for the Northeast corner. We are looking at a lot for additional parking in the downtown area. Also, looking into creating a wall/barrier near Sea Levels right before you enter the Downtown that says the Village of Brightwaters Downtown Business District.
- As common courtesy, please speak with your new neighbors about the common village codes that are being violated.
- A lot of residents like to walk with their dogs at night. Please wear bright, reflective clothing to be visible for your safety.
- We have an email address for the Suffolk County Cope Officer. If you have the RING Camera the footage can be emailed straight from your phone/computer.

Trustee Dopsovic – Highway

- Last month was eventful. Took down all the fall decorations and replaced with holiday decorations from December.
- Cleaned all leaves out of the storm drains
- This past snow storm revealed that we are in desperate need of a new dump truck. This would be to replace the 1988 International dump truck.

Trustee Zepf – Code Enforcement

- Our three new code officers are now trained and patrolling.
- As of late, there have been a lot of contractors working before the allowable hours. It is getting excessive and not courteous to your neighbors. Please call Code. We do have an extra shift in the morning to keep track of that.
- If you are having family staying over for the holidays and they need to be out on the street overnight, please call the office and let them know so that they can let Code know. We don't want to issue tickets to family members.
- Be mindful of keeping basketball hoops off the village right of way. Especially around this time of year with the snow as it is dangerous with our plows going through.
- People are posting crime events on social media which is ok but please also keep the office informed of any crime in the village as well as the police. The Police are unaware of certain instances because they are not being reported.

Trustee Del Vecchio – Celebrations/Events

- Sue Belford is forming a welcoming committee that is in the works. They will be welcoming all new residents into the village with a Brightwaters tote.

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- The Bay Shore Beautification will be sponsoring the Night the Light event on December 9th. We sold about 65 kits and just received 25 more to sell.
- The bushes at the gazebos are about 5 feet high. Would like to put benches up and take the bushes down. We will be coordinating with Bay Shore Beautification on a plan for that.

Fire Marshall's Report

As of this report, all permits for Public Assembly and Multiple Dwelling occupancies within the Village of Brightwaters are currently valid and up to date.

Inspections of commercial occupancies continue in the Village of Brightwaters with re-inspections having also been conducted to insure that all violations have since been removed. Special attention has been afforded to specific commercial occupancies where higher than normal "holiday occupancy capacities" are anticipated.

There were no request for investigation of fire by the Bay Shore Fire Department during the past month.

I would like to take this time to wish the Mayor, Board of Trustees and the entire Staff at the Village of Brightwaters a Very Merry Christmas and Happy Holiday Season.

Sincerely,

Matthew Brennan

**Matthew Brennan, Fire Marshal
Village of Brightwaters**

Public Hearing to adopt the Bay Shore Fire District Protection Contract with Village Cost of \$331,203. Mayor Valdini explained that residents of Brightwaters have not had voting rights on the Fire Department Budget and pay for the district's services through a municipal contract. We cannot vote in fire elections because Brightwaters is outside the district's official boundaries. They are reasonable and they offer a tremendous service to our village.

To open the Public Hearing:

Motion: Mayor Valdini Second: Trustee Dopsovic
Vote: 5 ayes 0 nays

Fire Commissioner, Greg Dardon introduced himself. He advised that it has been a long-standing historical thing where the boundary lines do not allow certain residents to vote. He is working with the Town of Islip to expand the district. There is still legal work that needs to be done to do it.

He explained that there has been a 3% increase to the budget. There is a major bond project going on at the main fire house on Howells. They ran into things underground that was not expected. The firehouse is being enlarged to fit the fire trucks which the newer models are a lot larger than the older ones were. Some of the other bigger expenditures are Employee benefits which go towards about 10-15 Dispatchers and Maintenance workers. They received a grant through Peter King for new breathing

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apparatus equipment but it does not cover the entire cost. They are purchasing 4 new fire trucks to replace 30 year-old ones. They are just about under \$2,000,000.

To close the Public Hearing:

Motion: Mayor Valdini Second: Trustee Zepf
Vote: 5 ayes 0 nays

To adopt the Bay Shore Fire District Protection Contract with Village Cost of \$331,203

Motion: Mayor Valdini Second: Trustee Dopsovic
Vote: 5 ayes 0 nays

Adopt Local Law 6-2018 Rental Registration

Local Law 6-2018

RENTAL REGISTRATION

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF BRIGHTWATERS AS FOLLOWS:

SECTION I. Add new Chapter 107 "*Rental Registration*" to read as follows:

Preamble: This section of the Code shall be applicable only to Single Family Residential Dwellings.

Definition: As used in this chapter, the following terms shall have the meanings as indicated:

Premises: Single family residence or dwelling.

Record Owner: The person or persons set forth in the latest deed or other instrument of conveyance, as filed in the office of the Suffolk County Clerk, setting forth the true and accurate owner or owners of real property.

Legislative Intent: The Board of Trustees of the Village of Brightwaters hereby finds that it is in the public interest to prevent unsafe conditions arising from the rental of residential property that is in violation of the New York State Uniform Fire Prevention and Building Code or the Brightwaters Village Code, and any other codes or regulations that are applicable within the Village of Brightwaters, and property used for rental that is inadequate in size, overcrowded and dangerous; or which pose hazards to life, limb and property of residents of the Village of Brightwaters or that tend to promote and encourage deterioration of the housing stock of the Village of Brightwaters; create blight, excessive vehicle traffic and parking problems; and overburden municipal services. The Board of Trustees further finds that additional Code provisions are required to halt the proliferation of such conditions and that the public health, safety, welfare and good order governance of the Village of

Brightwaters will be enhanced by enactment of the regulations set forth in this chapter.

Applicability: This chapter shall apply to all rentals of property for residential use in the Village of Brightwaters. Any property shall be presumed to be rented if said premises are not occupied by the legal owner thereof.

Relation to other laws and regulations: The provisions of this chapter shall be deemed to supplement applicable state and local laws, codes and regulations. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies or existing requirements of any other provision of state or local law or code or regulation. The issuance of any permit or the filing of any form under this chapter does not make legal any action or state of facts that is otherwise illegal, unlawful or nonpermitted, or is otherwise in contravention of any other applicable law, code, rule or regulation.

A. Permit Required

It shall be unlawful to use, establish, maintain, lease or let any premises, entirely or partially for residential occupancy, where any rent or other consideration is paid, charge is made or services are rendered in exchange for such use or occupancy, without first having obtained a permit therefor, as required by this chapter.

B. Application for permit

An application for a rental permit that has been signed and sworn to by the owner shall be filed for all rentals of property for habitation or residential purposes prior to the rental or occupancy thereof which application shall contain the legal residence and contact information of each owner and verification of an inspection by the Village of Brightwaters or a written certification from a licensed architect or licensed engineer that states that the rental unit fully complies with all of the provisions of the New York State Uniform Fire Prevention and Building Code and Brightwaters Village Code, and any other applicable codes and regulations, which certification shall not have been completed more than 30 days prior to the date of the application for a rental permit, and a floor plan of the rental unit.

C. Owner or designated agent

An application hereunder shall be executed by the record owner of the premises or by an agent designated, in writing, by said record owner, for the purposes of this chapter. Said record owner or agent, as the case may be, shall be the person upon whom service shall be made of any written violation or notice of violation under this Code. Where a record owner maintains residence outside of the County of Suffolk, State of New York, such record owner, as a condition of any permit hereunder, shall designate a person as the agent for such premises.

D. Issuance of permit.

A permit shall be issued hereunder upon a determination by the Superintendent of Buildings that the dwelling unit conforms to all applicable provisions of the New York State Uniform Fire Prevention

and Building Code and the Code of the Incorporated Village of Brightwaters. Where the provisions or requirements of such codes are in conflict, one with the other, then the provision or requirement which is the more restrictive, or which establishes the higher standard, shall prevail.

E. Denial of permit

Where the Building Inspector determines not to issue a permit hereunder, the Building Inspector shall provide written notice to the applicant as to the basis therefor, which notice shall set forth, in detail, those matters which are required to be addressed by the applicant in order for such permit to issue. In the event of any denial of a permit hereunder, the applicant shall have a right of appeal to the Board of Trustees, which shall consider any such appeal promptly and provide its decision, in writing, to the applicant.

F. Compliance required

A. No permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the Code of the Incorporated Village of Brightwaters the laws and sanitary and housing regulations of the County of Suffolk or any special district and the laws of the State of New York.

B. Prior to the issuance of any such permit or renewal thereof; the property owner shall provide a certification from a licensed architect, a licensed professional engineer or the Village Building Inspector that the property which is the subject of the application is in compliance with all the provisions of the Code of the Incorporated Village of Brightwaters, the laws and sanitary and housing regulations of the County of Suffolk or any special district and the laws of the State of New York.

G. Inspections

The Village Building Inspector is authorized to make or cause to be made inspections to determine the condition of dwellings and to safeguard the health, safety, morals and welfare of the public. The Building Inspector or his designated representative is authorized to enter, upon the consent of the owner, tenant or occupant of any dwelling, dwelling unit, rooming house, rooming unit or premises at any reasonable time during daylight hours or at such other time as may be necessary in an emergency, without consent of the owner, for the purpose of performing his duties under this article.

H. Search warrant applications

The Village Building Inspector or his designated representative is authorized to make application to any court with jurisdiction over the premises for the issuance of a search warrant in order to conduct an inspection of any premises covered by this article where the owner refuses or fails to allow an inspection of its rental premises and where there is reasonable cause to believe that a violation of this article has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.

I. Search without warrant restricted

Nothing in this article, except for provisions concerning emergency inspections, shall be deemed to authorize the Village Building Inspector or his authorized representative to conduct an inspection of any premises subject to this article without the consent of the owner and/or occupant of the premises and without a warrant duly issued by an appropriate court.

J. Period of validity

A. A permit issued hereunder shall be valid for a period of three (3) years from the date of issuance, except upon transfer of record ownership of the premises under paragraph K herein.

B. An application for the renewal of a rental permit shall be signed by the owner and shall be completed and filed with the Building Inspector not later than 30 days prior to the expiration of any valid rental permit. The application for a renewal of the rental permit shall contain an official copy of the prior valid rental permit and either a signed and sworn affidavit by the owner affirming that the rental property, to the best of his/her knowledge, fully complies with all of the provisions of the New York State Uniform Fire Prevention and Building Code, and Brightwaters Village Code, that the structure has not been physically altered in any way, except in full conformance with a valid building permit, and the owner is not aware of the property being in violation of the New York State Uniform Fire Prevention and Building Code, and the Brightwaters Village Code; or an inspection by the Building Inspector of the Village of Brightwaters.

K. Transfer of permit prohibited

A permit issued hereunder shall not be transferred or be transferable to a successor record owner. The then-current record owner shall provide written notice to the Building Inspector upon transfer of title to the premises within 48 hours of any such event. The successor record owner shall, not later than 10 days after the date of transfer of title to the premises, apply for such permit or permits hereunder as may then be required for such premises.

L. Schedule of fees

The Board of Trustees shall adopt, and from time to time may amend, a schedule of fees payable by applicants for permits hereunder or for renewals thereof. Such schedule of fees may, in the discretion of the Board of Trustees, take into account if the dwelling unit is occupied by the record owner or by a member or members of the immediate family of the record owner. Such schedule of fees may, in the discretion of the Board of Trustees, take into account if the record owner is over the age of 65 at the time application is made hereunder.

M. Record of permits issued to be maintained

A record of all applications made and permits issued hereunder shall be maintained in the office of the Village Clerk.

N. Prohibited Conduct

It shall be unlawful and a violation of this chapter and an offense within the meaning of the Penal Law for any person to list, solicit, advertise or offer, exhibit or show, to any person, a dwelling unit within the Village, for the purpose of bringing about or causing the rental thereof, where no currently effective permit has been issued by the Building Inspector in respect to such dwelling unit, as provided in this chapter.

O. Penalties for offenses

- A. Any person who violates, or assists in the violation of, any provision of this chapter other than paragraph A above (Permit required) shall be guilty of a violation punishable by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of two years, punishable by a fine of not less than \$1,500 nor more than \$2,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction of a third or other subsequent offense, all of which were committed within a period of three years, punishable by a fine of not less than \$3,000 or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate violation of this chapter.
- B. Any person who violates or assists in the violation of paragraph A above (Permit required) shall be guilty of a violation punishable by a fine in an amount not less than \$3,000.00. Each week's continued violation shall constitute a separate violation of this chapter.

Motion: Mayor Valdini Second: Trustee Fawcett
Vote: 5 Ayes 0 Nays

Adopt Resolution 6-2018 Authorization for Village Clerk to establish a Charitable Reserve Fund Account for the renovation, preservation and maintenance of the Wohseepee Park Cabin.

BOARD OF TRUSTEES – INC. VILLAGE OF BRIGHTWATERS
RESOLUTION – 5-2018 December 3, 2018

**AUTHORIZATION FOR VILLAGE CLERK TO ESTABLISH A
CHARITABLE RESERVE FUND ACCOUNT**

WHEREAS, for the renovation, preservation and maintenance of the Wohseepee Park Cabin, the Board of Trustees hereby **RESOLVES**, as follows:

RESOLVED, that pursuant to section 6-u of the New York State General Municipal Law, the Village Clerk is authorized to create the “Village of Brightwaters Charitable Reserve Fund Account” at the Village’s banking institution, and is hereby further authorized to accept “unrestricted” – donated funds from any member of the general public, depositing said funds in said account; and,

BE IT FURTHER RESOLVED, that pursuant to section 10 of the General Municipal Law, this fund is a public governmental fund, and the monies in this fund are to be deposited and secured like the Village’s other governmental funds.

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Canal Enterprise Fund
Canal Savings

88,366

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Motion: Mayor Valdini Second: Trustee Del Vecchio
Vote: 5 Ayes 0 Nays

Public Comment:

- Resident Paul Wernersbach thanked the village for supporting the coat drive. He also advised that there were drainage issues in the downtown just south of the Chinese store and one near Chase Bank. DPW Foreman, John Catania advised that we can not work in the rail road's right of way but he will look into it.
- Resident Joseph McDermott of Potter Blvd. questioned why the Capital Master Plan could not be done on a voluntary basis and why the village was hiring Craig Low of Great Bay Communications to perform the work. Mayor Valdini explained that this was a project that has been waiting for years to be done voluntarily. Board Members have offered to do it and it continued to not get done. Only until recently we looked into pricing and found that Great Bay Communications had the best pricing and best experience and as a resident of the village Craig Low knows the village.

Adjourn: Motion: Mayor Valdini Second: Trustee Dopsovic
Vote: 5 ayes 0 nays

Meeting adjourned 8:36 PM