

**BOARD OF TRUSTEES MEETING MINUTES – September 5, 2017**

The regular meeting of the Board of Trustees of the Inc. Village of Brightwaters was held on Tuesday, September 5, 2017 at 8:00 p.m. at Village Hall, 40 Seneca Dr., Brightwaters, NY, with the following officers present:

Joseph McDermott	Mayor
Laurie Elliott	Trustee
John Valdin	Trustee
Thomas Zepf	Trustee
Nicole Rhodes	Clerk – Treasurer
Charles Casolaro	Village Attorney

Absent: Trustee Chiapetta

At 8:00 pm, Mayor McDermott called the meeting to order followed by a salute to the flag and a moment of silence for our Armed Forces.

Approval of the Minutes from the Board meetings of August 1, 2017 and August 7, 2017.

Motion: Trustee Elliott	Second: Trustee Valdin
Vote: 4 ayes	0 nays
	1 absent

Suffolk County Police Department 3<sup>rd</sup> Precinct: Not too much to report. A couple of suspicious person reports which ended up being nothing in the end. The officer advised that if you see something say something. Speed sign is on high demand and will rotate it in different areas. Mayor McDermott asked the officer if there is a car crash is the tow truck company's responsible to clean up the road? The Officer said that they are responsible and if the area is not cleaned up or we have any complaints with the clean up to contact the precinct desk and let them know because the tow truck companies want to be on their rotation. If it is a major crash then sometimes the fire department may be called in to help with clean up and/or street sweeper.

A resident advised that there have been issues with aggressive solicitors. The Board advised to put it on record if the soliciting gets disruptive and the Village can deny them a permit in the future.

Presentation by Girl Scout Troop 162 for Silver Award Project: Cynthia McDermott, Laurie Ruggiere and Michelle Pearson would like to create a community book exchange by installing a little book house and buddy bench down by the four corners. The purpose is to take a book and leave another book in exchange. Every time a person reads a book they sign the inside of it. The Mayor recommended installing it near the library but would meet the troop down by the four corners to possibly see if there is an area for it. Trustee Valdin suggested they fundraise at the Village Garage Sale on October 7<sup>th</sup>. The troop anticipates being ready to bring the project to fruition by May/June 2018.

**Mayor's Report – Mayor McDermott:**

- Robert Hulse raised more money in donations for the Service Memorial than needed. The excess amount that was raised will be given to other charities. The ceremony for the service memorial will be held on Veteran's Day, Saturday November 11<sup>th</sup> around 1 or 2 pm. A space will be put in the Newsletter with all the information as well as thanking all the donors.

**Highway Department – Trustee Zepf**

- Usual maintenance around the village is being performed by DPW Dept.
- Trimming around the lakes has been completed. Started trimming around service roads.
- Curbs were painted at the four corners. Waiting for special paint on crosswalks.
- Two trees were removed in front of Chase Bank and another tree will be planted.
- Mike Gralton, DPW Laborer had his first child a baby boy.

**Code Enforcement – Mayor McDermott (In absence of Trustee Chiapetta)**

- A small boat crashed into the canal and bulkhead on Saturday night where there were no occupants in the boat. The Mayor and Highway Foreman, John Catania will be assessing the damage if any damage an insurance claim will be put through to the registered owner of the boat's insurance carrier.
- A new Code Officer was hired and will help cover every shift. We will also be looking into hiring back-ups.
- Last week, people were untying boats from the canal. If you are a resident that lives down there, please be vigilant in reporting anything you see.

**Administration – Trustee Elliott**

- Northwell Health Run was approved at the last working meeting to be held on 9/23/17. The race will go through the lakes area in the village.
- A wrap-up conference call was conducted with the Village's Grant Writer, Nicole Christian of HB Solutions. A Local Waterfront Revitalization plan was strongly urged to pursue in order to qualify for future grants as well as having a plan in place for the Village as a whole.

**Fire Marshall's Report**

All Public Assembly and Multiple Dwelling occupancies within the Village of Brightwaters are currently valid and up to date. During the past month, two public assembly occupancies were renewed as noted below;

- Jon Thomas Inne
- Mustang Sally's

On-going fire inspections continue in the Village of Brightwaters, with re-inspections also being conducted to insure that any violations have since been removed.

During the past month, there were no request for investigations of fire from the Bay Shore Fire Department during the past month.

Sincerely,

*Matthew Brennan*

Matthew Brennan, Fire Marshal  
Village of Brightwaters

**Lakes and Parks– Trustee Valdin**

- We have 240 Boat Slips and 151 slips were purchased this year. If more boat slips were sold it would help with revenue in paying off the bond that was taking out to do the work at the canal.
- Fundraiser down at Gilbert Park called SOS and was a paddle board event.
- Snapper tournament turned out great and a bigger turn out than normally. It was advertised that the fishing poles were available which probably helped bring more people down to the event. Thanks to all the volunteers who helped make it possible.
- Movie night has been rained out twice so far. It was rescheduled to September 16<sup>th</sup>.
- Garage Sale is October 7<sup>th</sup>.
- Dr. Jonathan Landon of 325 Lakeview Avenue W. came to a mid-month meeting to discuss no fishing in the lakes of Brightwaters. As it is written in the Code Book there is no fishing in the lakes except for the bay side of Gilbert Park. The wildlife in the two north lakes can get injured if people fish in them. Code Officers were instructed to enforce no fishing in the north lakes and no fishing signs will be put up near them.
- Poison Ivy: Made 4 phone calls to the Department of Environmental Conservation. Once the poison ivy is pulled out near the waterfront new plantings will need to be put in place to prevent erosion. We can't do anything with the Poison Ivy Company until we get direction from the DEC.

#### **Public Hearing of Proposed amendment to Local Law 7-2017 "NOISE"**

Motion to open Public Hearing:

Motion: Trustee Elliott

Vote: 4 ayes

0 nays

Second: Trustee Zepf

1 absent

Amendment to the Noise Ordinance is applicable to Homeowners.

Weekdays, Monday through Friday, construction shall be permitted from 8am to 7pm; landscaping and lawn maintenance shall be permitted from 8am to 7pm. On Saturdays, construction and landscaping and lawn maintenance shall be permitted between the hours of 9am to 5pm. On Sundays, construction and landscaping and lawn maintenance shall be permitted between the hours of 9am to 5pm.

Residents Feedback:

- Would like Commercial Work to stop at 5pm on weekdays and no commercial work on weekends.
- Other Village's only allow electric leaf blowers in the summer. Can we add that to our code?
- One resident has a hobby of making furniture in his garage. The Noise Ordinance does apply to that.
- Open communication between neighbors would benefit situations where a resident may need to work outside those hours in instances where they need to get something done.
- A resident has an issue with a neighbor who has been performing construction for the past three years, 7 days a week from 8am-8pm. Would like to see no construction on the weekends.

Motion to close Public Hearing:

Motion: Trustee Elliott

Vote: 4 ayes

0 nays

Second: Trustee Zepf

1 absent

## **ADOPTION OF LOCAL LAW NO. 4-2017**

### **LOCAL LAW FOR THE ELIMINATION OF**

### **“BAMBOO”**

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

**SECTION I.** Add new Chapter 106 “*Bamboo*” to read as follows:

#### **§106-1. Purpose and intent.**

A. Purpose. The purpose of this chapter is to promote and protect the property, property values and welfare of the residents of the Village of Brightwaters and their guests, and of the visitors to the Village, and to protect the property and preserve the aesthetic qualities of the environment of the Village of Brightwaters.

B. Intent. It is the finding of the Board of Trustees that the planting and/or the growing of bamboo within the Village of Brightwaters has been and will continue to be destructive to the natural environment, including indigenous flora, and destructive to structures and walks on properties within the Village adjoining and neighboring those properties where bamboo has been planted and/or permitted to grow; that because of these effects the planting and the growing of bamboo threatens the value and physical integrity of both public and private property in the Village; and that therefore, in order to protect and preserve said environment and values, the Village declares it necessary to regulate or prohibit the planting and/or growing of bamboo within the Village.

#### **§106-2. General provisions.**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**BAMBOO** - Any tropical or semitropical grass of the genera *Bambusa*, *Dendrocalamus* or of any other related genera.

**BAMBOO PROPERTY OWNER** - A property owner in the Village who has planted or grown or caused the planting or growing of bamboo on his property and/or permitted or permits the growing of bamboo of his property that had initially encroached onto his property from an adjoining or neighboring property. B. Applicability. For purposes of this section, if bamboo is found growing upon a property that shall constitute presumptive evidence that the growing of bamboo on the property shall have occurred with the consent of the owner of such property, except that such property owner shall not be presumed to be a bamboo property owner if the property owner did not plant or grow or cause said bamboo to be planted or grown in his property and he shall provide the Building Inspector with proof, satisfactory to the Building Inspector, that within a reasonable period of time after he first learned of the encroachment of bamboo onto his property from an adjoining or neighboring property he advised the owner of such adjoining or neighboring

property of his objection to the encroachment of bamboo onto his property and/or initiated steps for the removal of the bamboo from his property.

C. Prohibition. Effective upon the date this provision shall become law, the planting or growing of bamboo shall be prohibited within the Village of Brightwaters. Any person who thereafter plants or grows, or causes to be planted to grow, bamboo within the Village shall be deemed to be in violation of this section, and shall be subject to such penalties as are set forth hereunder.

D. Regulation. Any bamboo which has been planted or otherwise permitted to grow in any property within the Village of Brightwaters prior to the effective date of this chapter may remain on such property subject to compliance with this section. Each bamboo property owner shall be responsible to ensure that the bamboo planted or growing on his property prior to the effective date of this chapter does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and rights-of-way held by the Village, and shall be required to take such measures as are reasonably expected to prevent such bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include installation of sheathing comprised of metal or other material impenetrable by bamboo at a sufficient depth within the property line or lines where the bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by said bamboo. The Board of Trustees may from time to time prescribe such rules and regulations as may be necessary to give effect to this.

E. Removal.

(1) In the event that bamboo growing on a bamboo property owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Village of Brightwaters, the Village shall notify the bamboo property owner that the bamboo said owner had planted or caused to plant or had permitted to grow on his property has invaded Village property, and that the bamboo property owner is responsible for the removal of such bamboo from the Village property. This notice shall be sent by certified mail, return receipt requested, and by regular mail to the latest address of the bamboo property owner on file with the Village Clerk and a copy of the notice shall also be left in a conspicuous location on the bamboo property owner's property in the Village of Brightwaters.

(2) In the event that the bamboo property owner does not remove or contract for the removal of said bamboo from the Village property, or does not make an arrangement with the Village for removal of such bamboo within 30 days from the date the Village first deposited the notice as provided in Subsection E (1) above with the United States Postal Service, then the Village, at its discretion, may remove or arrange for the removal of such bamboo from the Village property. The bamboo property owner shall be liable and responsible to the Village for the Village's costs in removing the bamboo from the Village property. Such costs may be assessed against the property of the bamboo property owner as a tax payable by such bamboo property owner in the event that the costs remain unpaid more than 30 days after demand for payment has been made by the Village on the bamboo property owner.

(3) In the event that the Village is compelled to undertake the removal or to contract for the undertaking of removal of bamboo, as provided for in Subsection E (2) above, neither the Village nor its employees shall have any liability for damages or other claims to the bamboo property owner by reason of the removal of such bamboo. In the event such removal entails or causes damages to the flora or other property of a person other than the property of the bamboo property owner, the bamboo property owner in violation of this section shall be responsible for such damages.

F. Replanting prohibited. Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this section may not be replanted or replaced in kind once such bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

G. Notification. Within 30 days after the effective date of this chapter the Village shall give notice by reasonable means to all property owners in the Village advising them of the enactment of this section and requesting that each property owner who would be deemed a bamboo property owner hereunder as of the effective date of this section notify the Village in writing no later than 60 days after the date of the aforementioned notice from the Village that bamboo is present on the property of such property owner and such other information as may be requested in the notice from the Village.

### **§106-3. Violations and penalties.**

A. Violations. Any property owner who violates any of the provisions of this section shall be guilty of a violation thereof. Each and every day that a violation of this section shall exist shall constitute a separate violation of this section.

B. Penalties.

(1) A violation of any provision of this section shall be punishable by a fine not to exceed \$750 for each violation.

(2) The Village may also pursue civil or injunctive relief, or pursue criminal penalties, irrespective of any determination to prosecute for a violation of this section.

### **Severability.**

In the event that any portion or portions of this chapter shall be determined to be invalid or unenforceable for any reason, the remainder of the chapter and its provisions shall remain in full force and effect.

**SECTION II.** The local law shall take effect upon the filing with the Department of State.

Motion to adopt Local Law 4-2017 "Bamboo":

Motion: Trustee Elliott

Second: Trustee Zepf

Vote: 4 ayes

0 nays

1 absent

**Appointment of Code Officer Andrea Amoruso at \$14.00 per hour.**

Motion: Trustee Elliott                      Second: Trustee Valdini  
Vote: 4 ayes                      0 nays                      1 absent

**Approval of Abstracts and Treasurer's report**

**VILLAGE OF BRIGHTWATERS**

**ABSTRACT REPORT FOR BOT September 5, 2017**

Seeking to approve payment on:

Abstracts # 4036 - # 4039	vouchers	\$370,631.32
---------------------------	----------	--------------

Employee Benefits Division - Health Insurance Sept 2017	\$	17,357.86
Bay Shore Fire District	\$	309,050.00
Bay Shore / Brightwaters Rescue Ambulance	\$	17,500.00

**Treasurer's Report**

Cash on Hand as of 9/5/2017

General Fund - BNB	577,315
General Money Market - BNB	50
CLASS General	1,472,500
Total Cash on Hand - General	<b>2,049,865</b>

Capital Fund	17,362
CLASS Capital fund	83,711
Total Cash on Hand - Capital	<b>101,073</b>

Canal Enterprise Fund	<b>92,056</b>
CLASS Canal	<b>412,704</b>

Motion: Trustee Zepf	Second: Trustee Valdini
Vote: 4 ayes                      0 nays	1 absent

**Public Comment:**

- There are a lot of cars parked the wrong way on Orinoco Court the street behind the deli. A sign needs to be put up.
- Is the roadwork still being done in September? We will have a set date soon but will most likely be at the end of September.
- Why are the highway guys pulling weeds by hand in between the concrete of the 4 corners? The Mayor does not want to use chemicals to spray the weeds in that area.

Adjourn: Motion: Trustee Elliott	Second: Trustee Zepf
Vote: 4 ayes                      0 nays	1 absent

Meeting adjourned 10:10 PM