

Village of The Branch – Board of Trustees Meeting
July 14,2020
Track #17

The monthly meeting of the Village of The Branch was held in Village Hall, 40 Route 111, Smithtown NY at seven thirty p.m. on July 14, 2020. Mayor Delaney, Trustees Carro, Ryan, and Botto, Treasurer Mequia, Village Attorney Ring, Building Inspector Arico and Village Clerk Cozine were present.

Mayor Delaney called the meeting to order at 7:37 pm with the pledge of allegiance

Trustee Carro made a **motion** to accept the June 2020 Board of Trustees minutes and Trustee Botto seconded the motion. All are in favor, passed unanimously.

Trustee Carro made a **motion** to accept the July 2020 Board of Trustees work session minutes and Trustee Botto seconded the motion. All are in favor, passed unanimously.

Treasurer's Report

Treasurer Mequia reported that:

- Busy month; collected 92% of total taxes. 73 outstanding and out of that 43 had mortgages with Wells Fargo last year. The rest are the regulars that pay late.
- Judges Lane had 1 person (recently deceased) owing for 5 lots, through Core Logic. There is definitely something weird with that sub- division.
- Printed delinquent bills, will mail out next week.
- Printed out sign permit renewals, will mail out asap and have them due on 8/31/20.

Trustee Botto made a **motion** to accept the treasurer's report as submitted and direct treasurer to pay all the bills on Abstract #2162 totaling \$. Trustee Carro seconded the **motion** which was approved unanimously.

Trustee Ryan made a **motion** to open the Public Hearing to discuss Peddling. Trustee Botto seconded the **motion**. All are in favor, passed unanimously.

There were no comments from the public. Mayor Delaney mentioned they are not trying to prohibit it, just regulate it.

Trustee Botto made a **motion** to close the Public Hearing for Peddling. Trustee Carro seconded the motion. All are in favor, passed unanimously.

Trustee Carro made a **motion** to approve Local Law #4 adding new Section 234-29 of the Code to amend and clarify requirements for permits and approvals to hawk, peddle, vend or solicit within the Village. Trustee Botto seconded the **motion**. All are in favor, passed unanimously.

Mayor Delaney made a **motion** to approve IMA with Town of Smithtown for Road Maintenance. Trustee Ryan seconded the **motion**. All in favor, passed unanimously.

Trustee Botto made a **motion** to advertise for the leaf and brush bid. Trustee Carro seconded the **motion**. All in favor, passed unanimously.

At this time Mayor Delaney made a **motion** to open the meeting to the Public. Trustee Carro seconded the **motion**. All in favor, passed unanimously.

Libby Smith – 2 Judges Lane resident, wanted to make the Board aware of what's been going on at the Garden Grill since May 2020. 5 days a week, very loud music, sometimes sounds like a concert from 5pm- 9 pm Wednesday to Saturday and 12 –9 pm on Sundays. Now the music is playing 7 days a week from 5-10:30pm or later. It is coming from not only the music but yelling from the outdoor dining located in the parking lot. All of the neighbors have called and now the owner's feelings are hurt. Called Public Safety and they respond that they can't do anything, but only observe and I feel funny calling SCPD. Was told by SCPD to call them and told us the noise is supposed to stay within their property and clearly it is not. The traffic is also scary. Will call 911 and they will come to house as well as the Garden Grill, they will send a summons to them violating the Code(Town of Smithtown, since it does not reside in Village of Branch) Trustee Ryan added that the Town of Smithtown has the equipment necessary to monitor the decibel levels.

Chris Marvin - Via Zoom, Judges Lane resident, said its 7 days a week and it gets progressively louder as the day goes on. The day starts out with a sax player, then a duo to trio, and so on. It's very loud. I Was doing yard work with leaf blower and could still hear the music that is playing. I work at Smithtown Historical Society on Sundays and I can still hear the music playing all the way down by the farm area. Non- stop from 12-10:30 pm. All day, everyday, really, really loud. I call Public Safety 3-4 times a week. They say they can only go and observe and can't do anything about it.

Building Inspector Arico agreed and said it's been talked about in the Town and they are sending people out to check it out.

Lucia – Judges Lane resident, closest to the Garden Grill. She walked the down to the Brush Barn property and the music/sounds carries all the way down there. Parking is very hard and dangerous. Saw a sign that said "music jam" that invites anyone to come down to sing. Has not called Public Safety, only called the owner Fred directly, he was defensive. He did turn it down, but then it goes up shortly after. Kids are drinking and it gets very loud and then they start to sing along.

Chris Marvin said Fred got indignant and said he could play until 11 pm at night.

Mayor Delaney mentioned to the group that unfortunately they are not in Village of the Branch jurisdiction. They are in the Town of Smithtown.

Libby Smith also mentioned that he has way more people than his capacity allows.

Trustee Ryan suggested they all go down to a TOX Board meeting to complain and let them know firsthand.

Trustee Botto made a **motion** to close the public Meeting. Trustee Carro seconded the **motion**. All in favor, passed unanimously.

Attorney Ring's Report

Attorney Ring reported that:

- Local Law #4 passed
- Covenant on 202 E Main Street needs to be looked at again.
- Leaf and Brush bid to go out in August
- Did you send the Fore Departments second check?
- Snow contract, we have one more extension to exercise if we want to.'
- Asked the Clerk to electronically send the spec for the Board to review.

Mayor Delaney asked Attorney Ring if we should go the Riverhead route with the 9 Branch Drive situation. Ring mentioned that the Courts are pretty backed up due to Covid. Mayor Delaney asked, what's the financial impact to Village. Ring responded since March he has only seen 3 cases so far. The Courts are extremely backed up, probably looking closer to 2021. Definitely feels the Village will win. He has no witnesses, and no defense, he admitted he was wrong. There are no other lien holders a head of us. It will be at least 2 years.

Joe Arico met with Mr. Ewart of 9 Branch and he said he would fix it and he still hasn't done anything and that was 3 weeks ago.

Building Inspector's Report

Building Inspector Arico reported that:

- Doing yearly renewals
- Closed out 5 or 6 older ones.
- 4 Variance denials - 55 Mount Pleasant, 8 Claremont Court (has until August) , 26 Cambridge, 289 E Main Street
- Summoned Uncle Guiseppie's for having water and energy drinks in front of store for sale.
- 55 Mt. Pleasant still has plywood out on their front lawn.
- Food permits for outside dining, have not received anything from Gator shopping Center.
- Ajii 53 hasn't done anything yet either.

Trustee Ryan's Report

Trustee Ryan had nothing to report:

Mayor Delaney made a **motion** to change the fee schedule. Trustee Ryan seconded the **motion**. All in favor, passed unanimously.

Trustee Carro's Report

Deputy Mayor Carro reported that:

- Proposing to change Section 260 of the Code – Vehicle Traffic Will send Clerk the wording

- Light pole on Wheelwright Way waiting from Shumacker, contractor, to get an estimate to straighten the pole.

Trustee Botto's Report

Trustee Botto reported that:

- Old Route 111 had a compromise with Sonnenberg Nurseries over the price.
- Current contractor wants snow contract,
- Looking to do sump work
- Going to Terrace tomorrow to clean the storm drains.
- Trees are going to be a problem in the foreseeable future.
- Will be in contact with National Grid.

Mayor Delaney's Report

Mayor Delaney reported that:

- Bid is out for Dogwood Retaining Wall

Mayor Delaney made a **motion** to raise BZA fee from \$350 to \$500 to help cover the cost of the court stenographer needed to take the minutes of the meetings. Trustee Botto seconded the **motion**. All in favor, passed unanimously.

Mayor Delaney made a **motion** to appoint Kevin Damm as Trustee to fill George Albrecht's seat, effective immediately. Trustee Botto seconded the **motion**. All in favor, passed unanimously.

Trustee Carro made a **motion** to appoint Lauren Campisi as Justice to fill Fred Schwartz's vacated seat, effective immediately. Trustee Ryan seconded the **motion**. All in favor, passed unanimously.

Trustee Botto made a **motion** to close the meeting. Trustee Carro seconded the **motion** which was approved unanimously. The meeting was adjourned at 9:18 pm.

Respectfully Submitted,

Christine Cozine
Village Clerk