

**Village of The Branch – Board of Trustees Meeting
July 12, 2022
Track #53**

The monthly meeting of the Village of The Branch was held at 40 Route 111, Smithtown, NY, seven thirty p.m. on July 12, 2022. Mayor Delaney, Trustees Carro, Botto, Ryan, Damm, Village Attorney Ring, Treasurer Mequia, and Village Clerk Cozine were present.

Mayor Delaney called the meeting to order at 7:43 pm with the pledge of allegiance.

Trustee Carro made a **motion** to accept the June 2022 Board of Trustees minutes and Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Trustee Carro made a **motion** to accept the July 2022 work session minutes and Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Treasurer's Report

Treasurer Mequia reported that:

- First month of the Fiscal year.
- Taxes went well, 30 delinquents as of today.
- Halfway through sending out the tax receipts.

Trustee Botto made a **motion** to accept the treasurer's report as submitted and direct treasurer to pay all the bills on Abstract #2186 totaling \$58,571.68. Trustee Carro seconded the **motion** which was approved unanimously.

Mayor Delaney made a **motion** to open a Public Hearing for proposed Local Law #3, Unsafe Building Structures. Trustee Carro seconded the **motion** which was approved unanimously.

Mayor Delaney read proposed LL#3 into record.

Local Law #3 of 2022

Chapter 112. Building Code Administration and Enforcement

Additions indicated by underlines.

Deletions indicated by ~~strikeouts~~.

Repeal § 112-9, entitled Unsafe buildings and structures, in its entirety and replace with the following:

§ 112-9. Unsafe buildings and structures.

A.

Unsafe buildings illegal. All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress or which constitute a fire hazard, or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are severally, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.

B.

Examination of buildings reportedly unsafe. The Building Inspector shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written record of such examination.

C.

Notice of defects. Whenever the Building Inspector shall find any building or structure or portion thereof to be an unsafe building as defined in this section, he shall, give to the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements or to demolish and remove the building or structure or portion thereof and shall be served personally or by certified mail to the last known address of the person shown as the landowner on the Village assessment rolls.

D.

Notice to require vacation of life-endangering buildings. If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Inspector. Such Building Inspector shall cause to be posted at each entrance to such building a notice: "This building is unsafe, and its use or occupancy has been prohibited by the Building Department." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents or other persons, to remove such notice without written permission of the Building Inspector or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

E.

A copy of such notice of unsafe conditions shall be filed in the office of the county clerk of the county within which such building or structure is located, which notice shall be filed by such clerk in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice law and rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the village attorney. The clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

F.

In the event either the specified repairs or improvements or to demolish and remove the building or structure or portion thereof are not completed with the time specified in the notice of defects, a hearing concerning the building or structure shall be held before the Board of Trustees, notice of which and the time and place thereof to be specified in the notice to repair or demolish; served upon the owner and such persons having an interest in the property or structure as is herein prescribed.

G.

Action by the Building Inspector in cases of emergency. In cases of emergency which, in the opinion of the Building Inspector, involve imminent danger to human life or health, he shall, upon approval by the Board of

Trustees, promptly cause such building, structure or portion thereof to be made safe or to be removed. For this purpose, he may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary and, for this purpose, may close a public or private way.

H.

Trustees' procedure to act on hazardous buildings. The Village Board of Trustees may, upon resolution, in order to ensure the health, welfare and safety of the residents of the Village of The Branch, order work to be performed, including but not limited to the demolition of any building or structure deemed to be a health or safety hazard.

I.

The Board of Trustees may assess all costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure and the cost of insurance indemnifying the Village against any loss arising from injuries to persons or property as a result of the Village removing or securing said building or structures, against the land on which said building or structures are located.

There were no comments from the public.

Trustee Carro made a **motion** to close the Public Hearing for proposed Local Law #3, Unsafe Building Structures. Trustee Botto seconded the **motion** which was approved unanimously.

Mayor Delaney made a **motion** to approve Local Law #3, Unsafe Building Structures. Trustee Carro seconded the **motion** which was approved unanimously.

Trustee Carro's Report

Trustee Carro reported that:

- Justice Court had 5 people came in for their second appearance, 2 paid fines, 3 defaults and fine reduced.
- Thinks Roger can bend sign back on Weatherstone Way/25A
- Asked Mayor Delaney if Senator Mattera got back to him on the Dogwood Group home issue.
- Asked Building Inspector Arico if still waiting for underwrites certificate for 201 E Main Street.

Building Inspector's Report

Building Inspector was not present to report, but gave Clerk information that:

- Issued 8 new permits, issued 7 C/O, and 12 inspections
- 2 Big projects came in \$55,000 in permits.
- Fire at Oaktree residence
- Back of Acadia dumpsters being handled by Doug at Public Safety and he updates me
- Mayor Delaney wants Inspector to get rid of the Mykonos truck that sits in same spot and never moves and has cones around it with cardboard.
- Said need to send letter to resident #5 and #7 on Cambridge for leaning tree.

Attorney Ring's Report

Attorney Ring reported that:

- Need to renew Brothers Leaf/Brush contract.
- Need to renew NY Trenchless contract.
- Need to renew snow contract.

Mayor Delaney made a **motion** to renew one year extension Brothers Leaf and Brush contract. Trustee Botto seconded the **motion** which was approved unanimously.

Trustee Carro made a **motion** to renew one year extension NY Trenchless contract. Trustee Ryan seconded the **motion** which was approved unanimously.

Trustee Botto made a **motion** to renew one year extension Triple J Cesspool for snow contract. Trustee Carro seconded the **motion** which was approved unanimously.

Trustee Botto's Report

Trustee Botto reported that:

- Quote came in from TOS lower than expected.
- Fill in the Mt. Pleasant/ Woodhollow pothole.

Trustee Damm's Report

Trustee Damm reported that:

- Going to ask J Fuentes, the landscaper, to give proposal for clearing out Old Route 111, wants to cleanup from fence to guardrail and mulch. The guardrails are rusted so we need to figure out what to do with them.
- Getting a bridge estimate from J Fuentes guy to fix the bridge.
- Walkway between Birchbrook

Mayor Delaney made a **motion** to advertise for landscape cleanup of Old Route 111, with a bid opening of August 4th and a mandatory July 28th walkthrough meeting at noon. Trustee Carro seconded the **motion** which was approved unanimously.

Trustee Ryan's Report

Trustee Ryan had nothing to report:

Mayor Delaney's Report

Mayor Delaney reported that:

- NYS parks have some left over monies and trying to distribute to municipalities.

Special Use Permits – SHS Comp Auto Appreciation Day 9/25/22 Approved

Mayor Delaney made a **motion** to close the meeting at 9:05pm. Trustee Botto seconded the **motion** which was approved unanimously.

Respectfully Submitted,
Christine Cozine
Village Clerk