

Village of The Branch – Board of Trustees Meeting  
November 8, 2016

The monthly meeting of the Village of The Branch was held in the Village Hall, 40 Route 111, Smithtown, NY 11787, at seven thirty p.m. on November 8, 2016. Mayor Delaney, Trustees Albrecht, Donnelly, Botto and Newman, Treasurer Mequia, Attorney Chris Ring, Building Inspector Gerard Harris and Village Clerk Cozine were present.

Mayor Delaney called the meeting to order and lead those present in the Pledge of Allegiance at 7:30 pm.

Trustee Newman made a **motion** to accept the minutes of the November work session minutes. Trustee Botto seconded the motion. All in favor and was approved unanimously.

Trustee Donnelly made a **motion** to accept the minutes of the October Board of Trustees minutes. Trustee Botto seconded the motion. All in favor and was approved unanimously.

Trustee Albrecht made a **motion** to open public hearing. Trustee Botto seconded the motion. All in favor and was approved unanimously. Mayor Delaney noted that they were limiting comments to 3 minutes as they spent the past 6 months going over the changes to the code. Delaney then read all the changes to the Code; curriculum = classroom/educational and affairs = birthday parties, Italian football etc.... Affairs are also limited to one consecutive affair per weekend.

§ 85-817 **Fund-raising events.**

[Added 7-14-1981 by L.L. No. 2-1981]

**A.**

Statement of purposes. Certain nonprofit organizations and not-for-profit corporations located within the Historic District of the Village of the Branch, which corporations or organizations provide religious, charitable and community services or perpetuate the purposes for which the Historic District was formed, have a need to raise funds for their activities. Consistent with that need, such organizations or corporations shall be permitted to conduct certain fund-raising activities within the Historic District of the Village of the Branch without profit of any kind or nature going to any member, officer or director of said organization or corporation, provided that said fund-raising activities do not detract from the surrounding business and residential communities and, provided, further, that the applicant receives and obtains a special use permit from the Board of Trustees of the Village of the Branch to conduct said fund-raising activities.

***Remains as is***

**B.**

Application for special use permit. The application for a special use permit to conduct the fund-raising activity shall be made to the Board of Trustees at least ~~90~~ days prior to the date on which the activity is proposed to begin. ~~The application must include the following:~~

**Change is from days to 60 days prior and added to the code is: "The approval of Special Use permits is facilitated via two types of applications. The first application pertains to "Curriculum" and the second application pertains to "Affairs". Both applications are to be filed with the Village Clerk and require Fees to be paid upon submission in accordance with the current Fee Schedule on file with the Clerk's office at the time of application. The filing date at Village Hall or received in mail date at Village Hall must be 60 days prior to the event". The application must include the following:**

**(1)**

The dates and times of the proposed activity. **Remains the same**

**(2)**

The anticipated peak attendance.

**Add: "including staff. This number cannot exceed the amount allowed by Smithtown Fire Department regulations"**

**(3)**

A description of the nature of the activity. **Remains the same**

**(4)**

A description of the facilities to be used for the activity: indoor, outdoor, area and location.

**Add: "If indoor, please provide specifics on the building(s) being used. If outdoor, please provide a simple rendering of where on the applicant's property the activity will take place"**

**(5)**

Provisions for parking, including statements from owners of any off-premises property proposed for use. **Add: "Please note that private roads cannot be used for ingress / egress to any events"**

**(6)**

Sanitation provisions: latrines and litter control.

**(7)**

Percent participation by organization members in terms of personnel.

**Change: “Percent participation by organization members” to “# of applicant’s staff on site for the entire event”**

**(8)**

**Tangible** proof of communication with the Suffolk County Police Department **and Smithtown Public Safety copying Village of The Branch Village Clerk** requesting additional police officers, if necessary, for the safety of any participants in the fund-raising activity, including but not limited to traffic safety.

**Added: “Tangible” before “Proof” in first sentence and SPS with copies to Clerk**

**(9)**

Insurance certificates, if necessary, for the protection of surrounding businesses and residential communities and any persons participating in the fund raising activity

**Add: “Village of The Branch must be listed as additional insured.”**

**C.**

Applicant. *Any applicant for a special use permit under this section of the Code of the Village of the Branch must be a nonprofit organization or a not-for-profit corporation and, further, must be the principal occupant of any property to be utilized for said fund-raising activity.*

**Remains the same**

**D.**

Frequency and duration of fund-raising activity. No special use permit shall be considered by the Board of Trustees of the Village of the Branch unless the following prerequisites are shown in the application for permit:

**(1)**

That there have been no more than two such fund-raising activities per calendar year by any one organization. **This section removed and replaced with:**

**“In the case of Affairs – these are limited to one consecutive affair per weekend – the weekend days/nights defined as Friday, Saturday or Sunday”**

**(2)**

That no fund-raising activity has been held or will be held within 90 days of the termination date of the special use permit being applied for. **REMOVED ENTIRELY**

**(3)**

A clear statement that the fund-raising activity shall not continue beyond a 72 hour period.

***Change to “A clear statement that the fund raising activity shall not continue beyond a 24 hour period unless specifically approved by the Board of Trustees”***

***E. Section E remains the same***

Standards for consideration of special use permit. In its determination to grant such permit, the Board of Trustees may consider the following:

**(1)**

The compatibility of the activity with the area.

**(2)**

The impact upon the surrounding areas.

**(3)**

The impact upon local retail business.

**(4)**

The extent to which the organization members participate.

**(5)**

The impact on the traffic patterns in the general community and within the special area of the Historic District of the Village of the Branch.

**(6)**

The provisions for safety of pedestrians and participants in the proposed fund-raising activity.

**(7)**

Provisions for special insurance, if necessary.

**F.**

Carnivals. Nothing herein contained shall allow the holding of a carnival, circus or other amusement-park-type operation, nor the establishment, on any basis, of rides or other activities usually connected with commercial carnivals.

***ADD: “Mechanical, battery or electrical inflatables devices are prohibited”;***

***G. SECTION G is removed entirely***

~~Exceptions. Activities which are staffed solely by members of the organizations, run for no more than a 24-hour basis, operating solely with volunteers, are excepted from the provisions of this section.~~

At this time, the meeting was opened to the Public:

Marianne Howard, Executive Director of SHS, wanted to know who is going to enforce code changes? Mayor said Public Safety and Village of The Branch. She feels there is a difference between Mission based versus educational base, so how will that be monitored? Also wanted to know if we are updating noise compliance? Mayor said we will mirror whatever the Town of Smithtown does with regard to noise compliance.

Kathleen Toosa, Board Member of SHS, wanted to know if they need to fill out a permit for every bus that comes through? Mayor replies yes. Also questioned what is tangible proof? We are obligated to tell Public Safety of the event.

Reverend Carol Paynter, Smithtown United Methodist Church, mentioned other groups use her church for things so would they still have to file permits for that? Mayor answered yes because they would like to know what activities are going on.

John Carro, resident Dogwood, wanted further clarification of curriculum vs affair. Mayor said he would come up with some examples at next meeting. Also questioned if the Brush barn had a CO or not?

Brad Harris, President SHS, questioned the wording about private roads? Mayor said can't use some ones else's private road (ie: Judges Lane or Wood Duck Ct.)

Mike Grimm, Judges Lane resident, there are no restrictions on amplified noise? Mayor said we would follow Town of Smithtown's lead.

Susan Grimm, Judges Lane resident, mentioned the SHS has been very good lately, but wants to know will they keep their door closed? Addressed 3 entities will there be any coordination amongst them that they won't overlap?

Stanely Weiz, property owner in Historic District, wanted to know when we were going to get to the code changes.

Trustee Albrecht made a **motion** to close public hearing. Trustee Donnelly seconded the motion. All in favor and was approved unanimously.

Trustee Donnelly made a **motion** to pass the changes to Historic District Code with the modifications to the word "consecutive". Trustee Albrecht seconded the motion. All in favor and was approved unanimously.

### **Treasurer's Report**

Treasurer Mequia reported that:

- October was quiet month, auditors almost done. They are just questioning whether or not to capitalize the new phone system or not.
- 5 Outstanding tax payments left.
- Pension payments will be on the next abstract

Trustee Botto made a **motion** to accept the Treasurer's Report as submitted and direct the Treasurer to pay all the bills on Abstract # 2118 totaling \$59,244.19. Trustee Albrecht seconded the motion which was approved unanimously.

### **Building Inspector's Report**

Building Inspector Harris reported that:

- 0 building permits issued( first time in 15 years no permits issued in a month), 1 sign permit
- 2 C/O
- 2 Notice of Violations: National Grid – sidewalk on Birch brook; Uncle Giuseppe's – sidewalk sales without proper permit.
- 15 Summons: 13 were for failure to pay sign renewal fee and 2 were for sidewalk sales without permit.

### **Attorney's Report**

Attorney Ring reported that:

- Final FES agreement received late today.
- Sweep contract needs to go out to bid again.
- Snow, drainage, leaf/brush contracts are all up to date.
- Justice Court – mostly all sign permits.
- All original affidavit's of bonds were given to bond council.

### **Trustee Donnelly's Report**

Trustee Donnelly reported that:

- Dogwood drainage project continues.
- First Leaf & Brush pickup was successful.
- RFP's received by Village Engineer for speed table on Mt. Pleasant Road.

At this time Mr. David Wetzel asked about rumble strips on Route 111.

### **Trustee Botto's Report**

Trustee Botto reported that:

- Started working on renovations for Village Hall. Meeting with Joe Arico. Will be done in 2 phases.

### **Trustee Newman's Report**

Trustee Newman reported that:

- Summons to be issued to Pearlman's property. Wanted to check with Attorney Ring to see if it's ok to have property taken care of so he can authorize the contractor to take care of property.

### **Trustee Albrecht's Report**

Trustee Albrecht reported that:

- On Oaktree brush is not tied and bundled and it's put on Route 111 side of road which block visibility. Asked Jerry to go to house and speak to them and issue a violation.

### **Mayor Delaney's Report**

Mayor Delaney reported that:

- Wants Village Engineer to put forward a letter to SCWA for Dogwood.
- John Caro made the Mayor aware the 263 E Main street building is looking to move original building back onto the SHS property and then construct 2 new medical offices in its place. Thought all TDR's were sold so wondering how they could move building and then build new ones? The Board would need to approve the moving of the house.

Trustee Newman made a **motion** for a resolution for a speed table on Mt Pleasant Road. Trustee Donnelly seconded the motion, which was approved unanimously.

Trustee Donnelly made a **motion** to close the meeting. Trustee Albrecht seconded the motion, which was approved unanimously. The meeting was adjourned at 8:25 pm.

Respectfully submitted,  
Christine Cozine  
Village Clerk