

**Village of The Branch – Board of Trustees Meeting
November 9, 2021
Track #41**

The monthly meeting of the Village of The Branch was held at 40 Route 111, Smithtown, NY, seven thirty p.m. on November 9, 2021. Mayor Delaney, Trustees Carro, Botto, Damm, Ryan Village Attorney Ring, Treasurer Mequia, Building Inspector Arico and Village Clerk Cozine were present.

Mayor Delaney called the meeting to order at 7:36 pm with the pledge of allegiance.

Trustee Carrro made a **motion** to accept the October 2021 Board of Trustees minutes and Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Trustee Carrro made a **motion** to accept the November 2021 Board of Trustees work session minutes and Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Treasurer's Report

Treasurer Mequia reported that:

- 2 delinquent tax payments received this month
- Received \$6,100 from Cablevision gross receipts
- Auditors coming November 30 and December 2
- Scanned over signed letter from Mayor to the auditors

Mayor Delaney made a **motion** to accept the treasurer's report as submitted and direct treasurer to pay all the bills on Abstract #2178 totaling \$39,375.76. Trustee Ryan seconded the **motion** which was approved unanimously.

Mayor Delaney made a **motion** to open Public Hearing for opting out of cannabis, Local Law #4 2021. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Local Law No.4 of the year 2021

Village of The Branch, County of Suffolk

A local law adopted pursuant to Cannabis Law § 131, opting out of hosting licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village.

Be it enacted by the Board of Trustees of the Village of The Branch as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of The Branch out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

§ 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

§ 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The Board of Trustees of the Village of The Branch, County of Suffolk, hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries.

§ 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

§ 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

No comments from the public.

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

Mayor Delaney made a **motion** to approve Local Law #4 2021 as it was read into record, subject to the permissive referendum. Trustee Ryan seconded the **motion**. All are in favor, approved unanimously.

Trustee Botto made a **motion** to open Public Hearing regarding Animals and Fowl, Local Law #5 2021. Trustee Carro seconded the **motion**. All are in favor, approved unanimously.

Local Law #5 2021

Chapter 276
Animal and Fowl

§ 276-1. Title.

This chapter shall be known and may be cited as the "Animal and Fowl Law of the Incorporated Village of the Branch, New York."

§ 276-2. Authority and purpose.

- A. This chapter is enacted pursuant to the authority conferred upon villages by § 4-412 of the Village Law of the State of New York and intends to set forth, define and enforce the responsibility of owners of animals and fowl within the corporate limits of the Village.
- B. The purpose of this chapter is to preserve the public peace and good order in the Village and to contribute to the public welfare and the preservation and protection of the property and the person of the inhabitants of the Village by declaring and enforcing certain regulations and restrictions on activities of animals and fowl within the Village.

§ 276-3. Keeping of cattle, horses, livestock, swine and goats.

No person shall harbor or keep any cattle, horses, livestock, swine or goats owned by him or under his custody, care or control in the Village or permit the same to run at large within the Village, except that a licensed camp may harbor or keep such animals upon receipt of a special permit by the Board of Trustees.

§ 276-4. Keeping of dangerous animals, fowl, reptiles and insects.

No person shall harbor or keep any poisonous or dangerous reptile or insect or any dangerous or vicious animal or fowl, wild or domestic, without the written permission of the Board of Trustees.

§ 276-5. Animals and fowl at large.

No person shall allow any animal, fowl, or reptile to run at large or graze upon any public highway, public place or private property of another person without his or her permission, except cats and dogs subject to the provisions of Article II of this chapter.

§ 276-6. Diseased and disabled animals.

No diseased or disabled animals shall be abandoned or left upon the highway or any public place.

§ 276-7. Dead animals or fowl.

The owner of an animal or fowl which dies or is killed, except those slaughtered for food, shall cause it to be removed immediately and properly disposed of. In the event that the owner shall not immediately remove and dispose of a dead animal or fowl, an authorized representative of the Village may undertake the same, and the costs thereof shall be assessed against the owner or person who kept or maintained the animal or fowl.

§ 276-8. Keeping of animals; approval required; maintenance of premises.

- A. No yard or pen for the keeping of chickens, ducks, rabbits, pigeons, bees, reptiles, rodents or other animals or fowl shall be built or maintained in the Village by any person without the approval of the Board of Trustees, nor shall any person maintain on premises owned, leased or controlled by him or her any chickens, ducks, rabbits, pigeons, bees, reptiles, rodents or other animals or fowl without the approval of the Board of Trustees, and such premises shall be kept and maintained in a clean and sanitary manner.

B. This section shall not be construed to grant any exception to any zoning provisions contained within the Code.

§ 276-9. Care and maintenance of animals and fowl.

Any person who owns, possesses or harbors an animal or bird shall care for, maintain and handle said animal or bird in a manner which shall be sanitary and which shall prevent fighting. No person who owns, possesses or harbors any animal or bird shall make, cause or permit such animal or bird to howl, bark, meow, squawk, whine or make other sounds for a continuous or frequent period of time in a manner which annoys, disturbs or interferes with the comfort, repose, peace or reasonable and normal activities of a reasonable person of normal sensitivities lawfully occupying an area adjacent to or in the vicinity of the source of the sound, taking into account the time of day and the duration of the sound.

No comments from the public.

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

Mayor Delaney made a **motion** to approve Local Law #5 2021 as it was read into record. Trustee Ryan seconded the **motion**. All are in favor, approved unanimously.

Trustee Carro made a **motion** to open meeting to the public. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

William Holst – member of the Smithtown Anti Bias Task Force as well as Suffolk County Anti Bias Task Force. Resident of Smithtown and appointed by Wherheim, has been on task force since early 1990's. There are very few incidents in Smithtown. We meet with 4th Precinct from time to time. Just wanted to make sure we are aware of hate crimes, hate incidents and the difference between them. Wants to make sure we are in communication with the right people.

Mayor Delaney made a **motion** to close meeting to the public. Trustee Carro seconded the **motion**. All are in favor, approved unanimously.

Attorney Ring's Report

Attorney Ring reported that:

- Letter went to RS Abrams about audit.
- NY Trenchless executed the lighting contract
- Snow contract is ready to be awarded
- Greenbelt Trail bids were opened last week
- Local Laws #4 and #5 were approved tonight.

Mayor Delaney made a **motion** to advertise the permissive for the Cannabis law in the newspaper. Trustee Botto seconded the **motion** which was approved unanimously.

Trustee Botto's Report

Trustee Botto reported that:

- Received two bids for snow plowing; Triple J Cesspool Inc needs to get certificates of insurance.
- Street Signs- Ash/Hemlock/Woodhollow will be ready next week. Requested brackets for all of them.
- Judges Lane – covenants and restrictions apply to all new homes own the road.
- Mt Pleasant side streets have been striped
- Drain work on Birchbrook, bid is being rebid because now the apron is in question.

Trustee Botto made a **motion** to approve Triple J Cesspool the snow contract subject to insurance requirements. Trustee Cotto seconded the **motion** which was approved unanimously.

Trustee Carro's Report

Trustee Carro reported that:

- Streetlight out on Woodhollow/4 Village Way. Trustee Damm confirmed it is out

Trustee Damm's Report

Trustee Damm reported that:

- Confirmed J Fuentes has to go into the stream to clean up.

Trustee Ryan's Report

Trustee Ryan had nothing to report:

Special Use Permits

12/4/21 Smithtown Chamber of Commerce Ice Skating Rink- Approved

4/22/22 SHS Birthday Party- Approved

1/9/22 2nd Birthday party - Approved

Building Inspector's Report

Building Inspector Arico reported that:

- Northwell Health at 50 Route 111, doing major renovations Demoing all new work done, will need new CO's since closed out old permit.
- Vision Works coming to Branch Shopping Center
- Suffolk County Handicap Assoc came to 50 Route 111 to approve automatic doors.
- 202 E Main Street – the basement is only to be used as a library or conference room. Main level is office space and the upstairs(attic) is for storage only; parking issues (not enough spots) and cant park cars in front of the building.
- Uncle G's has many trailers that are loud and a lot of complaints from neighbors. They have 4 and only allowed 2 refrigerated trailers. Karen Sylvester from Public Safety and Joe are meeting to check it out. And will follow up with a letter.
- Sent 9 Branch email notice about tarp on roof
- 8 Claremont Court wants Trustee to check out tree situation.

Mayor Delaney made a **motion** to close the meeting at 9:20pm. Trustee Botto seconded the **motion** which was approved unanimously.

Respectfully Submitted,
Christine Cozine

