

**Village of The Branch – Board of Trustees Meeting**  
**February 13, 2023**  
**Track #65**

The monthly meeting of the Village of The Branch was held at 40 Route 111, Smithtown, NY, seven thirty p.m. on February 13, 2023. Mayor Delaney, Trustees Carro, Damm, Botto, Ryan, Attorney Ring, Treasurer Mequia, Building Inspector Arico and Village Clerk Cozine were present.

Mayor Delaney called the meeting to order at 7:34 pm with the pledge of allegiance.

Trustee Carro made a **motion** to accept the January 2023 Board of Trustees minutes and Trustee Botto seconded the **motion**. All are in favor, approved unanimously. Trustee Ryan abstained since he was not present at December meeting.

**Treasurer's Report**

Treasurer Mequia reported that:

- Received the preliminary report from the auditors.
- Received the assessment roll from Town of Smithtown and a few new deeds from Suffolk County.
- Have secured 2 estimates for new property tax program. Two of them are within \$2,000 of each other, still want to get 3<sup>rd</sup> estimate.

Trustee Carro made a **motion** to accept the treasurer's report as submitted and direct treasurer to pay all the bills on Abstract #2193 totaling \$20,818.23. Trustee Botto seconded the **motion** which was approved unanimously.

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

Ann & Vinny Mazzocco- 41 Cambridge Drive – here to follow up on chickens and rooster issue on 28 Branch Drive. They were issued a citation, and nothing has happened. My child lives behind them and we are concerned for grandchildren's safety. What's being done? When is it going to end? The Trustees told them they went to court and are now coming before the Board at tonight's meeting to ask permission.

Sheryl Wiener – 17 Dogwood Drive – here because of the ongoing issues with the drains on Dogwood Drive. My house is on the corner of Dogwood and the Court and have been living here for past 20 years, have been cleaning drains every time it rains. After the sinkhole incident the drains that were replaced have been worse! Mayor Delaney interjected that the contractor used the current State mandated standards. After the drains were installed they realized there was a problem. The holes are too small for the amount of water flow that comes down dogwood. Now we want to replace the both sides of the road because there is a school and there are special drains that have to be used. Met with the Town of Smithtown(TOS) about the drains and our Village Engineer suggested taking manhole cover and use it as a center drain. Ms. Wiener asked if we could come down and clear out the drains when we know we have heavy rains. Mayor replied we have an estimate, so we hope to address this.

Jessie Pesola & Nancy Bischoff – 28 Branch Drive – we have free range chickens and apologize about the chickens getting in neighbors backyard. Requesting permission to maintain pets. We plan on being more vigilant in keeping them inside the coop. Never intended on getting a rooster, which of course is our kids favorite. Is there some kind of variance we can get? We found a farm out East that can take the rooster as a rescue. We currently have 8 hens and 1 rooster. We weren't aware of the Code, but now we are. We no longer let them out, we now go inside coop to visit with the birds. Trustee Damm asked why have 8 chickens? Mr. Pesola responded, we do eat a lot of eggs. We have teenage boys, lol. We haven't had any tick on our dogs since we have the chickens, they provide pest control. It is also somewhat of a hobby. They were free range, and can get over the fence. Now we have the coop secure and it's not an issue. Trustee Carro explained why we have this code. There is a problem with manure and bird flu and almost every village has this code. We do not want a ton of chickens around. Mayor Delaney mentioned he reached out to our Albany contact to ask about this situation and he was blown away by how many people have chickens. Mentioned that there has been a 350% increase in salmonella in children and correlating it to chickens as pets. Worried about health aspect and quality of life issues for surrounding neighbors. Trustee Ryan brought up the issue of rats being attracted to the area. Trustee Carro said the Board would put something in writing and send it to you and to appear in court on March 27<sup>th</sup>.

David Wilde – 269 E Main Street – owns medical buildings. Pulled a building permit in May for his medical building and had to get a final electrical inspection. Paperwork was sent to the wrong address and then sent to the correct address. Was hoping to get the renewal fee waived. The Board agreed to waive the renewal fee due to wrong mailing address.,

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

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

Mayor Delaney read proposed Local Law #1 as follows:

### ***Village of The Branch, County of Suffolk***

***A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c***

#### ***Section 1. Legislative Intent***

*It is the intent of this local law to allow the Village of The Branch to adopt a budget for the fiscal year commencing June 1<sup>st</sup>, 2023, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.*

#### ***Section 2. Authority***

*This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.*

### **Section 3. Tax Levy Limit Override**

*The City Council/Board of Trustees of the Village of The Branch, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year commencing June 1<sup>st</sup>, 2023, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.*

### **Section 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.*

### **Section 5. Effective date**

*This local law shall take effect immediately upon filing with the Secretary of State.*

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

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Trustee Carro made a **motion** to approve Local Law #1 2023. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

### **Attorney Ring's Report**

Attorney Ring reported that:

- Will file Local Law #1 2023 with the State
- Need to move to step #3 for 9 Branch Drive and serve a notice. Joe Arico, the BI, will send another letter telling when the hearing will be held at next BOT meeting March 14, 2023

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

Building Inspector arrived late 8:40pm and reported:

- Issued 1 permit, 7 C/O's, went on 18 inspections.
- Met with Pele for 50 Route 111
- Brought in \$4,000 revenues.

Special Use Permits –

Spring Festival            SHS    Approved

Dog Kennel                SHS    Approved

Fall Festival                SHS    Approved

Winter Lantern Festival   SHS    Approved – going to be 8 weeks not 10 weeks Fri – Sun 5:30-9

Also need to meet with Mayor and TOS to figure out traffic issues.

### **Trustee Carro's Report**

Trustee Carro reported that:

- We had 7 two timers' default, 6 rescheduled and 4 showed up.

- Ace Hardware, need to change yellow lines to blue lines to show handicap spaces. Call Jeremy from Acadia to change.

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

Trustee Botto reported that:

- Handed in minority paperwork from J Fuentes for grant work done at Old Route 111.
- Estimate of \$16,000 for drain work.
- Walked old route 111 with James Deutsch (TOS) extend sidewalk down, milling down old rte 111 going 8 ft wide will work on pricing.
- Letter for Chips monies
- 8 Ingram Court, not going to be fixing the curb.
- Working on getting super sucker on Hemlock Lane
- Met with National Grid about opening roads on Birchbrook Dr, going to have Hydrogen in future so they need to upgrade.

### **Trustee Damm's Report**

Trustee Damm reported that:

- Once April kicks in will start clean up and fencing
- Will address lighting at next meeting.

### **Trustee Ryan's Report**

Trustee Ryan had nothing to report:

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

Mayor Delaney reported that:

- Need a sign on N Birchbrook, replace sign and put hidden driveway, slow down corner when making right turn.
- Going to meet with Grant Writer from TOS
- Asked Clerk to take down "Break Ins" warning and the old route 111 blurb off website.
- Sending letters to Senator Mattera and Assemblyman Fitzpatrick regarding Governor Hochuls eliminating home rule, so she can't control zoning. Hochul wants us to share all our building data with the State. Trying to prove bias is happening in Villages.
- Never sent fence letter out, what are we doing with that? Board agreed to table for now.

Trustee Botto made a **motion** to close the meeting at 9:36pm. Trustee Damm seconded the **motion** which was approved unanimously.

Respectfully Submitted,  
Christine Cozine  
Village Clerk