

Village of The Branch – Board of Trustees Meeting
May 14, 2024
Track #87

The monthly meeting of the Village of The Branch was held at 40 Route 111, Smithtown, NY, seven thirty p.m. on May 14, 2024. 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 7:34 pm with the pledge of allegiance.

Trustee Carro made a **motion** to approve the April 2024 Board of Trustees minutes. Trustee Botto seconded the motion which was approved unanimously.

Trustee Carro made a **motion** to approve the May 2024 Board of Trustees work session minutes. Trustee Botto seconded the motion which was approved unanimously.

Treasurer's Report

Treasurer Mequia reported that:

- Busy month mailed out taxes.
- Tax Bills were printed with new software.
- Trustee Botto asked if Mr. Ewart (9 Branch) knows he owes back taxes. Treasurer Mequia responded she needs to call Suffolk County Assessor to verify if he paid taxes or not. Trustee Carro asked Treasurer Mequia to find out by next month's meeting.

Trustee Botto made a **motion** to accept the treasurer's report as submitted and direct treasurer to pay all the bills on Abstract #2208 totaling \$22,913.18. Trustee Botto seconded the **motion** which was approved unanimously.

Attorney Ring's Report

Attorney Ring reported that:

- Landscaping contract up at end of June 2024, asked Board if going to rebid.

Building Inspector Arico's Report

Building Inspector reported that:

- Took in \$15,228 in income.
- Went on 21 inspections.
- Issued 4 permits and 4 CO's.

Trustee Carro's Report

Trustee Carro had reported that:

- Justice Court – 8 people showed up. 1 dismissal, 1 adjudicated, 3 no show first timers
- 270 N Country Rd trees down in the ROW, need Joe Arico to handle.
- Schumacher is getting paid by FES
- Birchbrook light should be fixed

Trustee Botto's Report

Trustee Botto reported that:

- Reached out to Town of Smithtown for potholes, getting dates soon.
- Singer Lane just repatched and Birchbrook is patched by National Grid, not done yet
- Bridge is halfway built, need to put footings down
- Terrace/Clearbrook Drain issues – cut tree down on Terrace, manhole cover is a mess. Spoke to Dan F and going to run camera down there to see what’s going on and run 3 lines and trying to run 4th line as well.

Trustee Damm’s Report

Trustee Damm reported that:

- Stream.
- Thursday will have changes made to landscape bid
- Will look at the tree at Methodist Church.

Trustee Ryan’s Report

Trustee Ryan had nothing to report:

Mayor Delaney made a **motion** to advertise for the landscape bid. Trustee Ryan seconded the motion which was approved unanimously.

Mayor Delaney Report

Mayor Delaney reported that:

**APPLICATION FOR SPECIAL USE PERMIT
SAINT PATRICK’S RC CHURCH
MAY 14, 2024**

WHEREAS, Saint Patrick’s RC Church has applied for a Special Use Permit to Conduct a Fund-Raising Event, which was received by the Village on March 1, 2024, and

WHEREAS, the aforesaid application was heard at a Public Hearing on April 9, 2024, at 7:30 PM before the Village Trustees at Village Hall located at 40 Route 111, Smithtown, New York 11787, and

WHEREAS, prior to the submission of the application and the hearing date the aforesaid application was discussed on January 9, 2024 and February 13, 2024, at a regular meeting of the Village Board of Trustees at which time the applicant was advised that the Village prohibits mechanical rides, and

WHEREAS, at the aforesaid hearing all interested parties were given an opportunity to be heard and the Village Board of Trustees acknowledges receipt of letters and petitions both in favor of and against the application which have been made a part of the record, and

WHEREAS the Village Board of Trustees closed the hearing on May 14, 2024, and

WHEREAS the Village Code at §275-61 D. (3) prohibits events such as the one applicant seeks approval for from lasting more than a Friday through Sunday and whereas the application seeks to have an event from

September 26 through September 29, 2024, it extends beyond the permitted duration of fund-raising events which is limited to 72 hours, and

WHEREAS the Village Code at §275 F. states “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”, and

WHEREAS, the letter addressed to Inspector Regina dated March 3, 2024 states that the church is applying to have a “family festival with rides, games and food”, taken together with the application, including the diagram indicating an area designated for mechanical rides and games, it is apparent that this is tantamount to a carnival or at the very least attempts to establish activities usually connected with a commercial carnival, and

WHEREAS, such proposed activities are specifically prohibited by the Village Code as indicated above, and as such a waiver of conditions is inappropriate,

THEREFORE, be it resolved that this application is denied in accordance with the above referenced documentation and Village Code provisions by a vote of the Board of Trustees of the Village of The Branch as indicated below.

DATED: May 14, 2024

Mark Delaney, Mayor	Aye / Nay / Abstain/Absent
John P. Carro, Trustee	Aye / Nay / Abstain/Absent
Roger Botto, Trustee	Aye / Nay / Abstain/Absent
Kevin Damm, Trustee	Aye / Nay / Abstain/Absent
Dennis Ryan, Trustee	Aye / Nay / Abstain/Absent

- Read into record the resolution for St. Patrick’s application for special use permit and voted as follows:
 - Trustee Ryan – Aye
 - Trustee Carro- Aye
 - Trustee Damm- Aye
 - Mayor Delaney- Aye
 - Trustee Botto – Abstain

At this time a copy of the resolution was filed with/by the Village Clerk, and a stamped filed copy given to counsel for the St. Patrick’s, Erick Snipas, Esq., who was present and acknowledged service.

Building Inspector Joe Arico arrived at 8pm.

At this point Mayor Delaney entertained a motion to open the meeting to the public for comment.

Derek Russ – via zoom voiced his dismay on how it is taking so long to fix the cobblestones at end of driveway caused by snowplow on February 17th. It is now the middle of May and Trustee Botto responded he needed to run it by the Board first and did check it out.

Jim Ewart III – was told he could not mow his lawn at 7:30am as it is too early in the morning and disturbs the neighbors. Building Inspector Arico asked him if he was all set with the CO.

Trustee Botto made a **motion** to close out all pending proceedings with regard to the CO for 9 Branch Drive. Trustee Mayor Delaney seconded the **motion** which was approved unanimously.

Monsignor Brian McNamara – 280 East Main Street, Smithtown, asked those who voted no for the special use permit application tonight, what can we do to change your mind. At this time, Attorney Ring said the Board voted on the existing content of the Code. Msgr. McNamara said he was looking for more reasons that it's just what the Code says, and to that Attorney Ring advised that no further answer would be forthcoming.

Deacon Reda- St. Patrick's Church, Smithtown asked why the communication is so poor from the Trustees to the community. Deacon Reda started to ask about when elections are and who was elected when.

Lauren McGowan – 1 Whitebirch Court, Smithtown, asked when elections are and what the process is. She claimed it is not on the website.

Rebecca Domanin – Principal at St. Patrick's School, Smithtown, asked how many people voted in the election. She was told by Attorney Ring that it could be the subject of a FOIL request.

Rich Benatti – Fathers Guild at St. Patrick's Church, Smithtown, asked if we reviewed the information from the community and whatever came of that?

Mayor Delaney made a **motion** to close the public comment portion of the public meeting. Trustee Botto seconded the motion which was approved unanimously.

Trustee Carro made a **motion** to close the public meeting. Trustee Botto seconded the **motion** which was approved unanimously.

Respectfully Submitted,

Christine Cozine
Village Clerk