

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
NOVEMBER 21, 2016**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held at the Annex on the grounds of the Planting Fields Arboretum located on Planting Fields Road in the Village on Monday November 21, 2016 at 6:30 P.M.

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| Present: | Elliot S. Conway | Mayor |
| | William R. Campbell | Trustee |
| | Michael F. Schwerin | Trustee |
| Absent: | Francis J. Russo | Trustee |
| | Antje B. Dolido | Trustee |

Also Present:

Tracy L. Lynch, Village Clerk/Treasurer
Samuel Vergata, Street Commissioner
Christopher Reino, CPA Cullen & Danowski, LLP
Joseph A. Crocco, CPA Cullen & Danowski, LLP
Al Werther, Village Resident
Ted Dogonniuck, Village Resident
Peter P. MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village

The Mayor called the meeting to order at 6:30 P.M. He requested that the affidavits of mailing and posting of the Public Information Notice in compliance with the Open Meetings Law be presented and annexed to the minutes of this meeting.

INDEPENDENT AUDIT

He introduced Christopher Reino & Joseph Crocco, CPA's of the auditing firm Cullen & Danowski, LLP (CDLLP) who presented the audit of the financial statements of the Village for the period June 1, 2015 through May 31, 2016. The Mayor noted that in connection with the audit, the auditors had several comments and suggestions which were summarized in their October 17, 2016, management letter. The Board then discussed the recommendations and agreed upon proposed actions of the Village that would be taken in response to the comments as follows:

Segregation of Duties

CDLLP recommend that the Village institute procedures to help mitigate the lack of segregation of duties. These procedures can include the use of a cash receipts log by someone independent of the Treasury function and the reconciliation of that log to the bank statement; lowering the threshold for dual signatures; formally documenting any review of the Clerk/Treasurer's work, and providing the bank reconciliations to the Board on a monthly basis.

Response - The Village Clerk/Treasurer will keep a monthly receipts log. The Village Accountant will reconcile the log to the monthly bank statements. The reconciliation will be presented monthly to the board. The Board will pass a resolution at the December Trustee meeting to lower the check signing threshold to \$7000 for dual signatures, with the exception of known recurring contractual payments such as police, fire, equipment rentals, compensation for part-time independent contractors and utility bills.

Justice Court Fund

CDLLP recommends that the Justice Court reconcile the receipts issued to the deposits per the bank statements on a monthly basis and that the Village review the recordkeeping and bank reconciliations of the Justice Court Fund. The Village should also maintain a log and cash book of all activity.

Response - The Court Clerk will keep a monthly receipts log. The Village Accountant will reconcile the log to the monthly bank statements. The reconciliation of the Justice Court funds will be presented monthly to the board.

Payroll

CDLLP noted that the Village has considered changing the pay period. They also recommend that the Village institute procedures for the review of payroll by someone independent of payroll processing on a routine basis.

Response - The Clerk/Treasurer has already implemented a change of the payroll reporting system to cover only the payroll period completed when noted by the auditors. Timesheets will be signed on a monthly basis by the Mayor who will also review & approve the total payroll/payroll journals.

Journal Entries Approval

CDLLP recommended that the Village institute procedures for a documented review and approval of all journal entries.

Response – The Village Clerk & Village Accountant will develop formal procedures to document and review all journal entries made by the Clerk/Treasurer.

Purchasing/Disbursements

CDLLP recommended that the Village ensure that all claims are properly audited and contain an approval to pay signature by someone independent of the Treasury function.

Response - The Village Clerk/Treasurer currently complies with this recommendation however, it was not formally documented. The new procedure will consist of a review and approval of all vouchers by the Clerk/Treasurer and the Finance Trustee.

Village Policies

CDLLP recommended that the Village develop and adopt the aforementioned policies during the current year. The policy on fixed assets should include procedures for the disposal of surplus assets.

Response - Cullen & Danowski, LLP will send a sample Fixed Asset and Fund Balance policy for the Village to adopt at the December Trustee meeting.

The Board requested that the auditor's recommendations and comments and the Board's responses set forth above be included in the minutes of the meeting. After discussion and on motion duly made and seconded, the Board unanimously

RESOLVED, that the Village audit prepared by Cullen & Danowski, LLP for the fiscal period June 1, 2015 through May 31, 2016 be, and hereby is, accepted and

FURTHER RESOLVED, that the Village Clerk be, and she hereby is, authorized to file the audit and publish a notice of completion in the Village's official newspaper as required by law.

MINUTES

The Mayor called for approval of the minutes of the Trustees' meeting held on August 29, 2016 and October 17, 2016, which on motion duly made and seconded, were unanimously approved.

BILLS

The bills listed on Warrant No. 006 in the total sum of \$209,246.96 dated November 21, 2016, copies which are annexed to these minutes, were, on motion duly made and seconded, ratified and approved for payment.

FINANCIALS

The Treasurer's Report for the month ending October 31, 2016, was presented, examined, approved and ordered filed.

VILLAGE CLERK'S REPORT

SMALL CLAIMS AND ARTICLE 7 TAX REFUNDS

The Village Clerk/Treasurer noted that there were several Village residents who were awarded assessment reductions in Small Claims review proceedings. After discussion, and on motion duly made and seconded, it was unanimously,

RESOLVED, that the Village Clerk/Treasurer be, and she hereby is, directed to reduce the Village assessment for the following properties and is authorized to pay the Village tax refund noted below to the respective owner and/or representative as follows:

Ort – Section 24, Block, B, Lot 909, assessed value reduce from \$4750 to \$4263 for the 2016/17 tax year for a refund of \$697.72.

Vendome – Section 24, Block, E, Lot 1069, assessed value reduce from \$4366 to \$3275 for the 2016/17 tax year for a refund of \$1563.08.

Tria – Section 24, Block, E, Lot 223, assessed value reduce from \$2235 to \$2110 for the 2016/17 tax year for a refund of \$179.09.

She also noted that a Village resident was awarded an assessment reduction in An Article 7 proceeding for the years 2012/13 – 2014/15. After discussion, and on motion duly made and seconded, it was unanimously,

RESOLVED, that the Village Clerk/Treasurer be, and she hereby is, directed to reduce the Village assessment for the following property and is authorized to pay the Village tax refund noted below to the respective owner and/or representative as follows:

Izzo – Section 18, Block, A, Lot 15:

For the 2012/13 tax year, reduced from \$5364 to \$3846 for a refund of \$1604.98

For the 2013/14 tax year, reduced from \$5364 to \$3804 for a refund of \$1749.38

For the 2014/15 tax year, reduced from \$5364 to \$3613 for a refund of \$2159.86

BUDGET TRANSFER

The Budget/Finance Chair reported that an additional budget transfer was required to be made for the end of the Village's 2015/16 fiscal year. The Board reviewed the budget accounts, noting the overage and underage. After discussion, and on motion duly made and seconded, it was unanimously

RESOLVED, that the additional budget transfer made by the Clerk/Treasurer in the 2015/16 budget of the Incorporated Village of Upper Brookville, which is annexed to these minutes for the fiscal year ended May 31, 2016, are hereby ratified and approved.

TAG SALE

The Village Clerk noted that a tag sale permit request had previously been approved by the Board. Thereafter, the Board, on motion duly made and seconded, ratified their approval of a tag sale to be held at 93 Mill River Road on November 18th and 19th 2016.

She also noted that another tag sale permit request had been received. Thereafter, the Board, on motion duly made and seconded, unanimously approved a tag sale to be held at 2 Juniper Drive, on Saturday, January 7, 2016 (snow date Sunday, January 8, 2016) subject to the usual requirements to ensure that there is appropriate traffic control at the premises.

CREDIT CARD APPLICATION

The Village Clerk/Treasurer requested the Board to allow for the application of a Village credit card to pay for goods and services purchased by the Village. On motion duly made and seconded, the Board of Trustees approved the application up to a credit limit of \$1000.

EQUIPMENT PURCHASE

The Village Clerk/Treasurer requested the Board to approve the purchase of a color printer to provide colored documents and presentations as needed. On motion duly made and seconded, the Board of Trustees approved the purchase of this equipment up to \$500.

BUILDING DEPARTMENT CLERK EMPLOYMENT.

The Village Clerk/Treasurer received a request from the Building Department Clerk to become an employee of the Village, She is currently employed as an independent contractor. The Board would discuss this further in executive session.

STREET COMMISSIONER'S REPORT/CODE INVESTIGATOR

The Street Commissioner reported on the Friendly and Chapel Gate Road reconstruction projects. An inspection with the Village Engineer was scheduled the following day to document any outstanding items.

He also asked for approval to hire Grader Contracting to repair stressed areas on Mill River Road. The Board, on motion duly made and seconded, unanimously approved the hiring of Grader to carry out the repair work. .

The Commissioner issued a warning to contractors working weekends on a Colonial Drive property.

He also notified the Board that PSEGLI would begin topping trees along the high power lines on Linden Lane.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the report submitted by the Building Department Clerk for the month's activity.

She also presented a proposed Final Cost Affidavit form to be completed by the applicant upon completion of large projects and prior to issuance of a Certificate of Occupancy. If the Affidavit exceeded the original cost of construction, additional fees could be collected by the Building Department. The Board would discuss adoption of the document at a later date.

POLICE REPORT

The Mayor reported that one issue remains to resolve to agree to the Joint Protection Agreement ("JPA") among the Six Villages. Discussions continue among the Mayors and it is hoped that the matter will be resolved soon. The current agreement expires in June 2017.

FIRE AND STORM WATER MANAGEMENT REPORT

East Norwich Fire Company (ENFC) requested the Village to replace the old street sign at Clews Drive and install new signs at Weatherlow Lane and Mohawk Drive. The Board authorized the purchase of a new sign for Clews Drive but were reluctant to install new signs for Weatherlow Lane and Mohawk Drive since they are not recognized by the Village or post office. The homes located on these roads have addresses of the roadway they intersect with ie. Wolver Hollow Road and Mill River Road. The Board suggested signs with the home #'s at the base of the road to help the fire company better identify the location of these homes when necessary. The Clerk/Treasurer would discuss this further with the ENFC.

The Fire Commissioner reported that the contract is up for renewal and he planned to meet with the Fire Chief this month with the Mayor to discuss a number of issues related to the Fire Protection Contract. If the matters are resolved favorably a hearing will be scheduled for the next meeting of the Board in December or January to recommend approval of the contract.

ARCHITECTURAL REVIEW BOARD REPORT

No Report

MAYOR'S REPORT

INTRODUCTION OF PROPOSED LOCAL LAW E-2016 - LIGHTING EXTERIOR

The Village Attorney circulated proposed Local Law E-2016 which will repeal Chapter 134, "*Lighting, Exterior,*" and add new Chapter 134, "*Lighting, Exterior*" of the Code of the Village of Upper Brookville. The proposed local law will establish new regulations for outdoor lighting permitted in the Village. The proposed Local Law will regulate the type of fixtures permitted, their direction and orientation, permitted wattage, the intensity level depending on zoning district and restrict the time of use. Any exterior lighting not presently complying with the provision of Proposed Local Law E-2016 shall be brought into compliance within ninety (90) days from the date of its adoption. After discussion and minor revisions made to the proposed law, on motion duly made and seconded, the Board unanimously

RESOLVED, that the Attorneys for the Village be, and they hereby are, authorized to take all necessary actions to schedule a public hearing on Proposed Local Law E-2016, which would repeal Chapter 134, "*Lighting, Exterior,*" and add new Chapter 134, "*Lighting, Exterior,*" to the Code of the Village at the December 19, 2016, meeting of the Board of Trustees.

INTRODUCTION TO PROPOSED LOCAL LAW F-2016 - ENERGY BENCHMARKING

The Mayor noted that Proposed Local Law F-2016, which will add new Chapter 99 to the Code entitled, "*Municipal Energy Benchmarking,*" was circulated to the Board for consideration. The Mayor noted that the proposed local law will add regulations for Building Energy Benchmarking to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Upper Brookville. After further discussion, and upon motion duly made and seconded, the Board unanimously

RESOLVED, that the Village Attorneys be, and they hereby are, directed to take all necessary actions to schedule a public hearing for the December 19, 2016, meeting to consider Proposed Local Law F-2016.

INTRODUCTION TO PROPOSED LOCAL LAW G-2016 – VEHICLES, UNREGISTERED

Deferred to December meeting

UNIFIED SOLAR PERMIT

The Mayor presented the proposed Unified Solar Permit. The permit is designed to streamline the approval process for installing residential solar in the community. It is being adopted by municipalities throughout New York State. After further discussion, and upon motion duly made and seconded, the Board unanimously

RESOLVED, to adopt the Unified Solar Permit, as presented, to reduce costs and delays for solar photovoltaic (PV) projects 25 kW in size or smaller,

FURTHER RESOLVED, that Section 112-3 A(1)c be amended to include [12] Solar Panels: Higher of \$400 or 1% Cost of Construction (whether or not financed by 3rd party)

TREE SERVICE LICENSING

The Mayor introduced the subject of licensing tree service companies in the Village, explaining that licensing would have two benefits.

First, tree removal is a potentially hazardous. Villagers may not be aware of the need for appropriate liability insurance coverage including workman's compensation. Licensees would be required to submit proof of insurance with their annual license application.

Second, tree removal is expensive and prices vary significantly. A list of licensed providers would make it easy for villagers to comparison shop.

After discussion, the Board decided against formal licensing but would require these companies to provide proof of insurance and workman's compensation to the Building Department when a villager submits a Tree Removal Permit application. As information is provided, companies could be listed on the village web site as having documentation complete. Tree removal companies could then be encouraged to provide such information annually in advance to maintain their village website listing as "Approved Providers".

INTERMUNICIPAL AGREEMENT

In connection with the village initiative to change out the streetlights to LEDs, the village is planning to negotiate an inter-municipal agreement with the Town of Oyster Bay Roads Department for installation and ongoing maintenance. Sam Vergata and Tracy Lynch will complete a survey of the location of the existing fixtures in order to get a bid from the Town.

VILLAGE STREET SIGNS

The Board previously approved the installation of 11 village street signs where signs either do not exist today or are in a state of disrepair. The Mayor brought a sample from the village sign manufacturer which was a hunter green post with reflective lettering. The Board approved the new style of street signs. Many of these signs were requested by the East Norwich Fire Company so they can quickly find homes in the case of emergencies.

BEAUTIFICATION COMMITTEE

The Mayor reported a request by group of residents to form a Beautification Committee. The Committee would consist of residents selected from various areas of the Village whose purpose is to recommend actions, primarily plantings, which beautify and enhance the Village.

He also reported that the Committee asked for initial funding to landscape around three new Village signs to be installed at the NW corner of Remsens and Ripley Lanes, NE corner of Wolver Hollow Road and Route 25A, and a location on Mill River Road to be determined.

After further discussion, and upon motion duly made and seconded, the Board unanimously

RESOLVED, to approve the formation of a Beautification Committee and to approve landscaping around three new Village signs to be installed at the NW corner of Remsens and Ripley Lanes, NE corner of Wolver Hollow and 25A, and a location on Mill River Road to be determined, not to exceed \$1,000 per location.

LEGAL REPORT

No report.

EXECUTIVE SESSION

There being no further business, the meeting was adjourned.


Village Clerk