

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
OCTOBER 17, 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 October 17, 2016 at 6:30 P.M.

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

Also Present:

Tracy L. Lynch, Village Clerk/Treasurer

Samuel Vergata, Street Commissioner

Nicole Morton, Salerno Brokerage Corp.

Leslie Lupo, DEC Wildlife Biologist

*(Via Audio and video Conference)*

Al Werther, Village Resident

Bennett Brodie, 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.

He introduced Leslie Lupo, Department of Environmental Conservation Wildlife Biologist, who participated via video and audio conference. Ms. Lupo's slide presentation discussed the health and safety risks associated with increased deer populations in the Village and recommended steps to remediate the problem before it became unmanageable. She listed risks including the harboring of ticks that might carry Lyme disease, vehicle collisions and the destruction of foliage and trees. According to Ms. Lupo, once a deer population of sufficient size settles in a community, the population can multiply exponentially. It was noted that a number of deer have been killed on village roads during the past two years and the deer population in the Planting Fields and surrounding areas, including the Mill River Club, is increasing. Our neighboring village to the north, Lattingtown, began a deer management program this year and Mill Neck is working on a similar initiative. The Board discussed facilitating the obtaining of Nuisance Permits from the DEC by qualified deer management personnel and keeping the village informed of the persons and properties involved. The Board agreed to discuss a resolution at the November meeting.

Next the Mayor introduced Nicole Morton of Salerno Brokerage Corp. Ms. Morton provided a report for the 11/22/2016 -2017 insurance renewal policy. The renewal premium is relatively flat and the coverages have remained the same with the following exceptions:

- The Blanket Property Limits have been increased to \$175,500
- Outdoor Property values have been increased by approximately 4%

Ms. Morton noted that the Cyber Liability coverage that the village currently has will not provide coverage for a Cyber Extortion or Cyber Ransom situation. She obtained a premium for this coverage from the Hiscox Insurance Company. The premium for a \$500,000 Limit with a \$5000 deductible is \$2000. A \$20,000 Limit policy would be available in one year. The Village will advise Salerno if they are interested in this specialized coverage.

## **MINUTES**

The Mayor called for approval of the minutes of the Trustees' meeting held on July 19, 2016 and September 19, 2016, which on motion duly made and seconded, were unanimously approved. The approval of the August 26, 2016 minutes was deferred until the November meeting.

## **BILLS**

The bills listed on Warrant No. 005 in the total sum of \$126,621.48 dated October 17, 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 September 30, 2016, was presented, examined, approved and ordered filed.

## **VILLAGE CLERK'S REPORT**

### *SMALL CLAIMS TAX REFUNDS*

The Village Clerk/Treasurer noted that Mr. Amish Mehta of 10 Pond View Dr. was awarded an assessment reduction in a Small Claims review proceeding against Nassau County for the 2016/17 tax year. She noted that the Village is a non-assessing unit and follows the Nassau County roll and any subsequent reduction granted in a SCAR proceeding. She noted that the Village was served with a copy of the Small Claims Petition and confirmed there are no arrears on the property and recommended that the Board authorize this reduction in assessment and refund the overpayment of the Village's

assessment. 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 as follows:

***Mehta*** – Section 24, Block, 26, Lot 10, assessed value reduce from \$2880 to \$2720 for the 2016/17 tax year for a refund of \$229.23.

*ROADWORK AHEAD, INC.*

The Village Clerk/Treasurer noted that she received approval from Sidney B. Bowne for the final payment to Roadwork Ahead, Inc. on the Linden Lane/Colony Road Improvement project. The Board directed her to make the final payment of \$13,422.60, which were noted on Warrant No. 005.

*STANDARD WORK DAY*

The Village Clerk/Treasurer explained to the Board that the New York State and Local Retirement System uses days worked to determine service credit, which is the basis for benefit eligibility and, in most cases, used in the calculation of benefits. She explained that since the weekly hours of her position increased from 20 hours to 34 hours, she recommended that the Board increase her Standard Work Day from 6 hours to 6.8 hours. 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 increase the Standard Work Day for the position of Clerk/Treasurer to 6.8 hours for the purpose of reporting service credit to the NYS and Local Retirement System.

*NATIONAL GRID*

The Village/Clerk recommended that the Board approve two refunds to National Grid for Road Open Permit deposits made for gas main installations on Mill River Road in 2002 and 2012. The Road Commissioner concurred that Mill River Road had been properly restored and the Board directed her to refund from the Trust and Agency Account \$14,909.03 and \$30,000 for deposit made in 2002 and 2012, respectively.

*PLANNING BOARD FEES*

The Village/Clerk explained to the Board that each applicant to the Village's Planning Board shall pay to the Village an initial deposit to cover such costs as legal fees, stenographic minutes and advertising. To the extent that the initial deposit is not sufficient to cover the Village's costs of these items, there shall be paid to the Village

additional deposits up to the maximum amount of: advertising \$2000, stenographic minutes \$5000, legal fees \$200,000. She recommended raising the legal fee limit on future applications so all costs were incurred by the applicant. After discussion, the Board agreed to propose a Resolution to increase the limit of legal fees paid to \$300,000 on future applications at the November meeting.

### FILM PERMIT

The Board ratified the approval of a film permit at La Selva, 1365 Planting Fields Rd on October 20<sup>th</sup> – 22<sup>nd</sup> 2016 subject to the submission of the usual insurance and fee requirements.

### **STREET COMMISSIONER'S REPORT/CODE INVESTIGATOR**

Street Commissioner Vergata reported on the Friendly and Chapel Gate Road reconstruction projects. The first lift of asphalt was completed on Friendly and Chapel Gate was milled, the top layer of asphalt was scraped off down to rough grade. This week the grade on Chapel Gate would be raised to rough grade with a stone blend. Both roads will be paved together with a final layer of asphalt in the next few weeks.

He also mentioned that a resident on Chapel Gate reported that sprinklers installed in the Village Right of Way (ROW) were damaged by the road contractor and requested remediation. The contractor agreed to repair the damage. This same resident had another sprinkler head damaged this winter by the Village snowplows which was not covered by the Village. Commissioner Vergata stated that the ROW was designed for the installation of public utilities and not private sprinkler systems and the Village should not be held responsible for the repair of sprinkler systems installed illegally on Village property. The Board agreed that residents should be cautioned on the website and in a future village communication that the installation of sprinklers in the ROW put them at risk of damage from snowplows and road maintenance.

The road crew has been busy with routine final grass cutting and road sweeping activities. They re-aligned the trench with the culvert pipe at 67 Mill River Road to make sure water would drain through the pipe.

The Commissioner issued two Notice of Violations to properties on Remsen's Lane for fences in disrepair.

He also requested the approval to purchase 70 tons of salt at a cost of about \$65/ton for the upcoming winter season. The Board authorized the purchase of this material up to \$6000.

## **BUILDING DEPARTMENT REPORT**

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

## **POLICE REPORT**

The Mayor reported that the 2017 Police Protection Agreement had been substantially resolved and the Board would discuss contract issues in Executive Session.

## **FIRE AND STORM WATER MANAGEMENT REPORT**

Trustee Campbell reported that he had nothing to report on Storm Water Management and the Board would discuss the proposed 2017-2019 East Norwich Fire Contract in Executive Session.

## **ARCHITECTURAL REVIEW BOARD REPORT**

No Report

## **MAYOR'S REPORT**

Upon motion duly made and seconded, it was

**RESOLVED**, that Tracy Donnelly be appointed to Alternate Planning Board Member for a term expiring on the First Monday of July 2017.

The Mayor reported that he has received complaints from Village residents about bright exterior lights that were on all night and neighbors lights shining on their property. The Village Attorney provided a copy of **Guidelines For Good Exterior Lighting Plans** prepared by The Dark Sky Society and the Mayor provided a copy of the Village of Matinecock's Lighting Ordinance for consideration. The Board deferred discussion of the proposed changes to the Village Code to November.

The Mayor discussed allowing the participation of elected/appointed Village officials in the Village health insurance plan during their tenure and in retirement. One member of the Board of Trustees currently participates in the plan and pays 100% of the premium. The Clerk/Treasurer agreed to contact the New York State Health Insurance Program to determine eligibility of elected/appointed Village officials and report back to the Board.

The Mayor proposed increasing the film permit application fee from \$2,000 per day to \$2,500 per day. He also recommended that the Village charge a daily fee of \$1,000 per day for vehicles parking or staging within the village boundaries, including

the Planting Fields Arboretum, for films taking place in the Planting Fields Arboretum or other municipalities for the wear and tear these vehicle cause to Village roads.

Upon motion duly made and seconded, it was

**RESOLVED**, that Section 112-7(H) be amended to (a) increase the fee for the temporary commercial use of residential property when authorized by the Board of Trustees to \$2,500 per day and (b) add a 'Use Permit' fee of \$1,000 per day for the parking or staging of filming related vehicles within the village boundaries, including the Planting Fields Arboretum, for films taking place in the Planting Fields Arboretum. The Use Permit fee would not apply to anyone holding a valid permit for the temporary commercial use of residential property under Section 112-7(H).

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. The Board discussed potential budgets for such items out of village funds or a match of private funds raised by residents. It was pointed out that some areas of the village were in need of sprucing up and successful projects could enhance home values. The first project for the Committee would be to landscape 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. The Board requested more specific information on the estimated budget, proposed plantings and potential funding sources. The Board deferred a decision on the formation of this committee pending receipt of this information.

The Mayor also requested the Board to approve the purchase of microphones and a camera to be used for video conferencing to improve communication among the meeting participants. On motion duly made and seconded, the Board of Trustees approved the purchase of this equipment up to \$500.

The Mayor reported on a Clean Energy Communities (CEC) Program sponsored by the New York State Energy Research and Development Authority (NYSERDA). The program provides grants to local governments that demonstrate leadership in the area of clean energy. NYSERDA has identified ten high-impact actions that local governments can take to save money, foster a vibrant economy and improve the environment. By completing four of the ten high-impact actions, the Village can earn the Clean Energy Community designation as well as a grant, up to \$100,000 with no local cost share, to support additional clean energy projects, while funding is available. The grant could be used for investments in clean energy projects, such as the conversion of village street lights from incandescent to LED. This would substantially lower the village annual electric costs as well as the cost of maintaining street lamps. Other projects could include the introduction of natural gas, the purchase of LED bulbs for use in village buildings.

After discussion, and on motion duly made and seconded, it was unanimously

**RESOLVED**, that the Village proceed diligently to earn the Clean Energy Community designation and comply with the following four high-impact action items:

1. **Benchmarking** – The Board will adopt legislation, to be approved in the November Board Meeting that requires the Village to make available to the public, energy use information for each municipal building that is owned or occupied by the Village that is 1000 sq. ft. or larger. These buildings would include the Village Hall and the Old Brookville Police Station.

2, **LED Street Lights** - Convert at least half of the Village’s conventional street lights to energy-efficient LED technology. The village has 63 street lights of which 60 would ultimately be converted.

3. **Energy Code Enforcement Training** - Train code compliance officers and other municipal officials in best practices in energy code enforcement.

4. **Unified Solar Permit** - Adopt the Unified Solar Permit designed to streamline the approval process for installing residential solar in the community. The Unified Solar Permit will contain a clause accommodating advance Architectural Review by the village, when required.

## **EXECUTIVE SESSION**

The Mayor closed the regular meeting to enter Executive Session to discuss the proposed Carriage House renovations for a new Village Hall and contract negotiations, villager access to Planting Fields Arboretum, potential Payments in Lieu of Taxes (PILOTs) from New York State related to state-owned property in the village, the East Norwich Fire Company 2017-19 Protection Contract and signing an Inter-municipal agreement between the Village and Town of Oyster Bay for the purchasing, installation and service of LED street lights. At the conclusion of the Executive Session, the Board reopened the regular meeting and upon motion duly made and seconded, it was

**RESOLVED**, that the Board authorized the spending up to \$100,000 to renovate the Carriage House for a new Village Hall.

**RESOLVED**, that the Village would propose to New York State that they make a One time Payment in 2017 to the Village of \$276,000 to cover the cost of repaving the remaining section of Planting Fields Road and an annual payment of \$450,000 for continued road maintenance, snow removal and police and fire protection.

**RESOLVED**, to enter into an inter-municipal agreement with the Town of Oyster Bay to purchase, install and service LED street lights.

**RESOLVED**, that the Village would no longer provide, free of charge, Empire Passports to Village residents, as this practice is no longer economically viable for the Village.

The Board deferred approval of the 2017–19 East Norwich Fire Contract pending further discussion and negotiations.

There being no further business, the meeting was adjourned.



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Village Clerk