

**VILLAGE OF UPPER BROOKVILLE
STORM WATER MANAGEMENT ANNUAL REPORT
AND
BOARD OF TRUSTEES' MEETING
MAY 15, 2017**

A Storm Water Management Annual Report meeting and 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 May 15, 2017 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Francis J. Russo	Trustee
	Edward J. Madden	Trustee
	Antje Dolido	Trustee

Also Present:

Tracy L. Lynch, Village Clerk/Treasurer
Samuel Vergata, Street Commissioner
Ms. Santolli, 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.

MINUTES

The Mayor called for approval of the minutes of the Trustees' meeting held on March 20, 2017 and April 10, 2017, which on motion duly made and seconded, were unanimously approved.

PUBLIC COMMENT

None

FINANCIAL REPORT

Bills

The bills listed on Warrant No. 012 in the total sum of \$267,788.92 dated May 15, 2017, copies which are annexed to these minutes, were, on motion duly made and seconded, ratified and approved for payment.

Treasurer's Report

The Treasurer's Report for the month ending April 30, 2017, was presented, examined, approved and ordered filed.

STORM WATER MANAGEMENT ANNUAL REPORT

The Mayor noted that the Storm Water Management Program Annual Report for Year 14 prepared by Sidney B. Bowne & Sons, LLP for the period March 10, 2016, to March 9, 2017, had been posted on the Village website www.upperbrookville.org, and at the Office of the Village Attorneys, Humes & Wagner, LLP, for review by the public. To date, no comments have been received. It was noted that the Annual Report must be filed with the New York State Department of Environmental Conservation no later than

June 1, 2017. After discussion, the Board authorized the filing of the Annual Report and all required documents in accordance with the Department of Environmental Conservation regulations. A copy of the report was directed to be annexed to the minutes. Accordingly, on motion duly made and seconded, the Board unanimously

RESOLVED, that the Village of Upper Brookville's Storm Water Management Program Annual Report, as required by the Federal Storm Water Phase II Regulations, be and it hereby is accepted and directed that it be filed with the appropriate agencies; and

FURTHER RESOLVED, that Village Engineer, Sidney B. Bowne & Son be and it is hereby authorized and directed to file the required fourteenth year 2017 Storm Water Management Program Annual Report on behalf of the Village of Upper Brookville in compliance with the Federal Storm Water Phase II Regulations, including any and all other required compliance documents; and

FURTHER RESOLVED, that the Mayor be, and he hereby is, authorized to sign any and all documents necessary for compliance with Storm Water Phase II Regulations.

VILLAGE CLERK'S REPORT

NSLA Bioblitz

The Clerk reported that North Shore Land Alliance (NSLA) wishes to hold a Bioblitz event at the Iselin Preserve on Saturday June 3, 2017 from 6am – 5pm and ask permission to park cars along Laurel Woods Lane near the preserve on Chicken Valley Road. After discussion, the Board indicated it had no objection to such an event provided the residents of Laurel Woods Lane and the police were notified and the Old Brookville Police issues a parking permit.

2017/18 Bowne Engineering Rates

The Clerk reported she had received from the Village Engineer, Bowne AE&T Group, a letter of agreement along with a proposed rate schedule for the 2017/18 fiscal year. The billing was revised to a Rate Schedule instead of the past practice of applying a multiplier to the salary cost. Generally, the billing rates were reduced. Two examples are the Village Engineer's rate decreased by 24% and the Project Managers rate decreased by 16%. After discussion, and on motion duly made and seconded, the Board unanimously

RESOLVED, to accept Bowne AE&T Group 2017/18 Rate Schedule attached hereto.

MAYOR'S REPORT

Carter License

The Board discussed the recommendations of R3 Consulting Group in their May 3, 2017 letter to the Village. Specifically, "the most significant steps a jurisdiction can take to minimize trash truck street maintenance impacts is to: (a) reduce the number of trash truck miles traveled on the Village's streets; and (b) limit the size and weight of the collection trucks. Moving to a solid waste district should achieve these goals.

The GDD was formed to address both impacts to minimize trash truck street maintenance impacts, as the carter is restricted from collecting with a truck with more than a 10-yard capacity. The GDD is set to commence collections the first week of July. To address the second point, the Mayor proposed that the provisions of the Solid Waste Carter License fee schedule in the Village Code be amended to provide for a graduated Solid Waste Carter License fee based upon size of each truck that will be used in the Village. For example:

10 yds or less	No charge
11 yds – 16 yds	\$500
Greater than 16 yds up to 20 yds	\$1,000
20 yds or greater	\$2,500

The Clerk will prepare an updated application to coincide with the Village's fiscal year for discussion at the June meeting. The application will note the requirement in the Code for the cargo portion of collection vehicles to be completely enclosed and watertight with all accessory doors, including the main loading door closed in travel on public highways, so that trash does not spill onto Village streets, the 7am – 5 pm hours of operation and the EPA law restricting the transfer of trash to designated approved garbage transfer stations.

Introduction of Proposed Local Law on Property Maintenance

The Mayor discussed the need for a Property Maintenance Law in the Village that provides basic and uniform standards governing the maintenance, appearance and condition of all structure and properties, whether improved or unimproved, residential, commercial or otherwise. Failure to comply with these standards would be punishable by fine and where the Village eliminates such conditions upon the failure of the responsible party, the cost to remedy will be assessed against the property owner. He circulated a law adopted by the Village of Brookville for the Board to review. The Board agreed with the need for such a law and the Village Attorney noted comments from the Board and agreed to circulate a revised draft in time to hold a Hearing at the June meeting.

Right-Of-Way Damage

The Mayor introduced proposed revisions to Chapter 195 Vehicles and Traffic that would restrict parking along grassy shoulders in rights-of-way within the boundaries of the Village. This is a significant recurring problem, where heavy vehicles, trailers or equipment park along grassed road shoulders and leave deep ruts, damaging the areas, leaving the repair obligation with the homeowner or the Village road crew to repair. The amendment proposes fining the person or persons with a parking violation up to \$400 plus the cost of repairing any damage to the grass or ground. The Village Attorney will comment on the draft local law for a Hearing in June to address this problem.

The Board concurred that such stopping, turning or parking was a problem and recommended that landscapers licensed by the Town of Oyster Bay be notified in advance of the law going into effect and agreed with violators being warned in the first month rather than being fined. However, violators would be responsible for repair of any damage they cause and the law would provide for the presumption that the last vehicle causing a rut would be presumed to be the vehicle that caused the problem.

He also continued his discussion about placing flexible delineator posts in the rights-of-way to discourage motorists from parking, stopping or turning on the grassed shoulders. The Board considered various designs and plans to investigate the legality of placing these posts in the ROW. The plan proposed by the Mayor would provide for the Village to acquire an inventory of approved delineator posts to be sold to residents at a 50% discount.

Special Districts

The Mayor asked the Village Attorney to confirm by opinion that the Village can form two new Special Benefitted Districts: a Snow Removal District and a Road Improvement District, to benefit the 275 homeowners who reside on the 36 private roads in the Village.

He reported that the majority of residents on these private roads wish to get the benefit of contracting at an economic scale for snow removal and road improvements. Reducing the cost of these services will improve the value of their properties by lowering the cost of living in the village. In addition, there is sometimes a small percentage of homeowners on a private road that decline to pay for these services, shifting

the economic burden on the other homeowners. This situation reduces the quality of life in the affected neighborhoods & decreases the value of properties that share the economic burden. The formation of the Special Districts would correct this situation and enhance the value of properties receiving these services and improvements.

The Village Attorney reported having studied the matter that these districts could be formed, providing that the participating private road did not have an entry gate with a locking mechanism. The Board unanimously agreed to allow the Village Attorney further research forming the Special Districts.

Summer Temporary Employees

The Mayor mentioned the Clerk's need for additional summer help to assist her with, but not limited to, the GDD and Tax mailing, billing & receipts, the June 20th election, street light audit to PSEG LI and general filing matters. She also requested that the Village consider hiring her daughter, who would be graduating Boston College in a week and was available until the end of July. The Board discussed the hiring of qualified relatives, which is permitted in the updated Employee Handbook. After discussion, the Board agreed to hire Olivia Lynch at the rate of \$20/hour, not to exceed 24hrs/week.

The Mayor recommended that in lieu of hiring traditional road crews for the summer, the Village offer the jobs to two qualified student residents to assist the Road Commissioner for the summer season with mowing, trash/debris pickup, pothole repair and flagging at the rate of \$10/hr. not to exceed 24 hours/week.

After discussion, the Board agreed to advertise for these positions once the Clerk filed the necessary paperwork with Civil Service getting approval for the seasonal help.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that his crew was busy repairing potholes, picking up litter & downed branches and clearing the drains that collected debris from the heavy rainstorms that occurred earlier in the Month. They also spent time cleaning up the Donna Drive park and Lenice Hertweck Garden, two properties owned by the Village.

At the beginning of May, the crew swept the following Village roads: Lawn Lane, Hillcrest Lane, Planting Fields Road, Locust Lane, Linden Lane, Pine Valley Road, Cedar Ridge Road and The Knoll. The sweeper was back out on these roads after the heavy rainstorms on May 5th, 6th and 8th.

The Commissioner and Mayor drove through the Village and identified several sights for the new Village signs, scheduled to be ready at the end of this week. The smaller signs would be located at the following intersections: NE corner of Wheatley Road/Cedar Swamp Road (NYS ROW), NW corner of Ripley Lane/Remsens Lane, Remsens Lane/Mill River Road and Northern Boulevard east of the Gulf gas station to replace existing NYS sign. The larger sign would be located at the NE corner of Wolver Hollow Road & Northern Boulevard (NYS ROW). The Commissioner pointed out that the village would require permission from NYS to install a sign in their Right of Ways & would submit the required application.

The Mayor agreed to contact the property owner at the corner of Wolver Hollow & Northern Boulevard to request permission to place the sign on the southwest corner of their property under a 60-day cancellable 10-year lease for \$1/year.

The Road Commissioner also reported a resident's complaint of old appliances and other debris on the lawn of 89 Mill River Road. Upon inspection, he saw that the interior of the home had been gutted & identified a strong odor coming from the interior. Responding to his call, both the OBPD & ENFC inspected the property for leaking propane/gas but found nothing. They suspect that the odor is caused by mold. He issued a Stop Work order and planned to follow up with the Building Department.

The Village also received a property maintenance complaint that the grass had not been cut at 22 Overbrook Dr. The owner was contacted and remedied the situation in a timely manner.

The Village received a complaint from a resident concerned that there are multiple occupants living at a home on Wheatley Road as there are periodically over 20 vehicles parking in the driveway. Upon investigation, they discovered that the owner hosts a monthly school-related community meeting. It was noted that such multiple vehicle parking may require a permit from the OBPD under our Code. The Village Clerk agreed to follow up to research the question.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the report submitted by the Building Department Clerk for April 2017 activity.

POLICE REPORT

No Report

FIRE & STORM WATER REPORT

No Report

ARCHITECTURAL REVIEW BOARD REPORT

No Report

LEGAL REPORT

No report.

EXECUTIVE SESSION

The Mayor closed the regular meeting to enter Executive Session to discuss several matters.

After exiting Executive Session, the Mayor reopened the meeting.

He requested that the Village Attorney reply to Mr. Cadigan's attorney that the Village will not repave the cul-de-sac at the end of Lawn lane, as it is not a Village road, nor has it been maintained by the Village in the past.

The Mayor also discussed the potential need for an alternate Village Hall if plans to move to another facility within the Planting Fields Arboretum Historic State Park do not materialize. After discussion and on motion duly made, it was unanimously

RESOLVED, to authorize the Mayor to begin an exploratory cost study to build a new Village Hall on existing Village land, utilizing NY State grants and partnering some activities with one or more nearby villages.

There being no further business, the meeting was adjourned.


Tracy Lynch, Village Clerk