

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
AND CONTINUATION OF HEARING ON  
PROPOSED LOCAL LAW K-2017  
DECEMBER 18, 2017**

A regular meeting of the Board of Trustees and a continuation of the hearing on Proposed Local Law K-2017 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 December 18, 2017 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Francis J. Russo	Trustee
	Edward J. Madden	Trustee
	Carl A. Friedrich	Trustee

Not Present:	Antje Dolido	Trustee
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Also Present:	Tracy L. Lynch, Village Clerk/Treasurer
	Samuel Vergata, Street Commissioner
	Mrs. Rita Degirmenci, 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 Trustee meeting held on November 20, 2017 which on motion duly made and seconded, was unanimously approved.

**PUBLIC COMMENT**

No comment

**FINANCIAL REPORT**

**Bills**

The bills listed on Warrant No. 007 in the total sum of \$920,594.36.36 dated December 18, 2017 which are annexed to these minutes, are, on motion duly made and seconded, approved for payment.

The warrant includes payments of \$535,000 to the Old Brookville Police Department for the Police Protection Contract and an initial payment of \$242,000 to Intercounty Paving for work done on the Pine Valley Road project. The Board also agreed to a reduced payment of \$50,000 which had been negotiated with Bowne, Village Engineers, in connection with the Pine Valley Road project and a work change order that occurred after

the job was underway. The Board approved the change order, however, following consultation with Bowne, withheld \$60K requested by Intercounty pending completion of the punch list and certain other open items.

### **Treasurer's Report**

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

### **VILLAGE CLERK'S REPORT**

#### **SCAR Assessment Reductions/Village Tax Refunds**

The Village Clerk reported that several residents were awarded assessment reductions in Small Claims Proceedings for the 2017/18 tax year against Nassau County. She noted that the Village was served a copy of the Small Claims Petitions and recommended that the Board authorize the reductions and refunds on the Village assessment roll as required by law. After discussion and on motion duly made and seconded, it was

**RESOLVED**, that the Village Clerk/Treasurer be, and she is hereby authorized to reduce the assessed values for the premises owned by the following residents, and to refund the appropriate Village tax to the respective owner or representative based on the reduction, provided the Village taxes have been paid in full, as follows:

*DiMaggio* – Sec. 24, Blk. E, Lot 226, assessed value of \$5,634, reduced to \$4,517 for 2017/18 tax year for a total refund of \$1,600.33;

*Soni* – Sec. 24, Blk. 27, Lot 5, assessed value of \$6,381, reduced to \$5,137 for 2017/18 tax year for a total refund of \$1,782.28;

*Giessel* – Sec. 22, Blk. G, Lot 111, assessed value of \$4,973, reduced to \$3,730 for 2017/18 tax year for a total refund of \$1780.85;

*Neisloss* – Sec. 22, Blk. G, Lot 334, assessed value of \$7,200, reduced to \$5,400 for 2017/18 tax year for a total refund of \$2,578.86;

*Zheng* – Sec. 22, Blk. 23, Lot 25, assessed value of \$5,052, reduced to \$3,789 for 2017/18 tax year for a total refund of \$1,809.50;

*Degirmenci* – Sec. 24, Blk. E, Lot 1075, assessed value of \$4,950, reduced to \$4,767 for 2017/18 tax year for a total refund of \$262.18;

#### **Board of Trustees Meeting Dates 2018**

The Board agreed to reschedule the January and February 2018 Board of Trustee meeting dates to January 18th & February 22nd as the regularly scheduled meetings conflict with federal holidays.

#### **2018 Health Insurance Premiums**

The Clerk reported that the 2018 New York State Health Insurance Program premiums increased from last year as follows:

Single:           \$1,014.98, increase of 7.5%

Family:           \$2,348.15, increase of 9.0%

## **FIRE HYDRANT RENTAL**

The Village Clerk advised the Board that she has received the renewal of the Jericho Water District fire hydrant rental agreement for the 2018 calendar year. The annual rental fee for sixteen (16) hydrants is \$90.00 per year, per hydrant, for an annual rental fee of \$1,440.

After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the fire hydrant rental agreement between the Jericho Water District and the Village of Upper Brookville for the 2018 calendar year for the rental of sixteen (16) fire hydrants for a total annual amount of \$1,440 be, and the same hereby is, approved, and it is

**FURTHER RESOLVED**, that the Mayor, or in his absence the Deputy Mayor be, and they hereby are, authorized to execute the above contract.

## **MAYOR'S REPORT**

### **Village Engineer**

The Mayor reported to the Village Engineer that due to the acquisition of Sidney B. Bowne by the LiRo Group expected at year end, the Village would not be renewing their contract until they had an opportunity to bid out the services. LiRo Group would be given the opportunity to present their credentials and proposed fee schedule to the Board at a meeting date in January. He recommended for continuity reasons that the Village engage LiRo's services on ongoing projects that had involved Bowne and would arrange for other qualified firms to meet with the Board in January. The Village Attorney reported that he requested Bowne to transfer all Upper Brookville records formally held by Bowne to Humes & Wagner. They have not yet responded.

### **Bond Presentation**

The Mayor reported the Village Road Bond presentation to Standard & Poor's Global that took place in early December was well received and he was hopeful the Village would receive a AAA rating. The AAA-rating broadens the market for the bonds and should lower the yield. The bond presentation highlighted steps the Village took in the last year and a half; creating the Garbage District, revising film and tree permit fees, resolving certain legal expense and court-related matters, installing LED street lamps, distributing LED bulbs, burglar alarm law changes to reduce the number of false alarms, increases in State Aid, adopting a cash management program, accelerating road repairs and taking steps to increase road life. The annual benefit to Villagers could well exceed \$1 million/annum. This is projected to eliminate the need to raise property tax rates in 2018/19 and sometime thereafter, despite rising expenses.

### **Garbage District**

The Mayor discussed the importance of reducing the road damage caused by multiple heavy trash trucks operating in the Village. Approximately half the Village has

joined the Solid Waste District and winning bidder for the Solid Waste District was DF Allen. Their term is 5 years.

The Board proposed granting the Village carter a financial incentive to defray the cost of marketing to Villagers not yet in the Solid Waste District. More residents joining the district should lower the average miles travelled by trash collectors in the Village, thereby lengthening road life and lowering Village property taxes over time.

The Board agreed to pay DF Allen, \$150 for each new account that commits to join the Solid Waste District. They in turn could offer up to 3 months of free service to new customers. After discussion, the Board unanimously agreed that this would be a good way to assist DF Allen in marketing new customers while keeping garbage collection rates down for all residents in addition to lengthening road life.

The Mayor agreed to follow up with DF Allen regarding the proposal.

### **Property Tax Prepayments Prior to Year End**

The Mayor proposed that the Village offer residents the ability to prepay their 2018/19 Village taxes in light of the new federal tax law being proposed. The Village would only accept the amount previously paid in 2017/18. Giving residents the ability to prepay their village taxes could equate to up to \$1,000,000 in savings. The Village would also encourage people to contact the Town of Oyster Bay to inquire if they could prepay their 2018 General Tax and the second half of their 2017/18 School Tax.

Residents would be directed to contact their accountants/tax advisors to determine the benefit for them, if any, to prepaying their taxes making it clear that the Village does not offer accounting or tax advice.

After discussion, the Board unanimously agreed to further research the ability of the Village to accept the prepayments of Village 2018/19 property tax.

### **Permit Fees**

The Board authorized the Mayor to determine photo shoot and garbage carter fees.

## **CONTINUED HEARING ON PROPOSED LOCAL LAW K-2017**

The Mayor then called to order the continued hearing on Proposed Local Law K-2017. The Mayor was concerned that the prior law did not provide an incentive to residents to avoid false alarms so he recommended crediting the resident 20% of the renewal fee for each year they have no false alarms, rewarding the resident for avoiding false alarms. The new law proposes a five year user permit, so a resident with no false alarms over this period would be entitled to renew their user permit for free.

While the proposed law could provide significant savings to alarm users he pointed out that reducing the frequency of false alarms could eventually lead to more efficient policing. This could slow the rise of Village police protection costs. Public safety is the highest single expense the Village has.

The Mayor agreed to review the new law with the Chief of Police and determine how to best incorporate the proposed changes with their administration and current system and report at the January Trustee meeting.

## **PERMIT RENEWAL WAIVER REQUEST**

Mrs. Degirmenci, the owner of 11 Wash Hollow Road, addressed the Board and requested an extension of an expired permit to finish construction of a single-family dwelling. For a number of valid reasons, the house remains unfinished. Since the original building permit was issued in 2005, additional extension fees have been substantial but little work was done on the house from 2007 - 2010. All Village taxes have been paid. She has arranged financing to finish the house sufficient to issue a Certificate of Occupancy. She requested the Board allow a renewal of the permit until November 2018 and consider a waiver of further renewal fees since she renewed the permit three times from 2007 – 2010, paying 50% of the original permit fee each time.

The Mayor closed the regular meeting to enter Executive Session to discuss Mrs. Degirmenci's request with the Board.

## **EXECUTIVE SESSION**

Following the Executive Session, the Mayor reopened the meeting and explained to Mrs. Degirmenci that normally a full fee is required to renew a permit for a project of this duration. The Board agreed to offer her the ability to renew the permit for one year, charging 50% of the original permit fee, or \$7416. If completed prior to the one year expiration date and a Certificate of Occupancy is received, the Board would consider refunding her renewal fee, less the Village's out-of-pocket expenses for the Building Inspector and administration. If the project is not completed within the one year, she will forfeit the renewal fee and will need a further extension from the Board to complete the construction. They urged her to meet with the Building Inspector to confirm the minimum work required for her to obtain a Certificate of Occupancy. Mrs. Degirmenci agreed to the conditions laid out by the Board.

## **BUILDING DEPARTMENT REPORT**

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for November 2017 activity.

## **ROAD COMMISSIONER/CODE INSPECTOR REPORT**

The Road Commissioner reported that there were two snow events in December that required the salt, sand and plowing of Village roads. His crew also worked on clearing the area around the new Village welcome sign erected at the corner of Northern Blvd and Wolver Hollow Road, including the installation of a stockade fence.

He also reported that there are at least 6 incandescent street lights out in the Village and asked about replacing the bulbs. The Clerk will contact the Clean Energy Community grant coordinator and ask if the village could replace the old fixtures now with the new LED's and be reimbursed from the grant funds. If not, the Clerk will contact Albertson Electric and ask them to reuse the bulbs from the old fixtures stored in the Road Commissioners yard.

He also reported that a contractor working on a new house going up on Barnside Lane hit a 16" water main belonging to Jericho Water District while installing a new septic system. The contractor did not have the site marked out prior to digging. The outside

work is now stopped and the contractor, working with the water district, is in the process of repairing the line.

He also received reports that a resident reported they saw someone in an unoccupied home on Pine Valley Road that is now bank owned. The police were called to investigate but did not find evidence of someone in the home. It was also reported that a landscaper was on the property removing plants.

**POLICE REPORT**

No Report

**FIRE & STORM WATER MANAGEMENT REPORT**

No Report

**ARCHITECTURAL REVIEW REPORT**

No Report

**LEGAL REPORT**

No Report

The next meeting of the Board of Trustees is scheduled for Thursday, January 18, 2018.

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Tracy Lynch  
Village Clerk