

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
FEBRUARY 22, 2018**

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 Thursday February 22, 2018 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Edward J. Madden	Trustee
	Carl A. Friedrich	Trustee
	Antje Dolido	Trustee
	Frank Russo	Trustee

Also Present:	Tracy L. Lynch, Village Clerk/Treasurer
	Thomas Mullen, Clerk
	Mr. & Mrs. James Pickel, Village Resident
	Ms. Marie Brigati, Village Resident
	Ms. Helen Solomon, 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 January 18, 2018. Changes were noted and on motion duly made and seconded, were unanimously approved.

PUBLIC COMMENT

No Comment

FINANCIAL REPORT

Bills

After presentation by the Village Clerk, and on motion duly made and seconded, the Board unanimously

RESOLVED, to approve payment of the bills listed on Warrant No. 009 in the total sum of \$154,607.24 dated February 22, 2018 that are annexed to these minutes. **(See Attached Exhibit A)**

Treasurer's Report

After presentation by the Village Clerk and examination, on motion duly made and seconded, the Board unanimously

RESOLVED, to approve and file the Treasurer's Report for the month ending January 2018. **(See Attached Exhibit B)**

VILLAGE CLERK'S REPORT

Inter-municipal Agreement

The Clerk presented an Inter-municipal agreement between the Town of Oyster Bay and the Village for the purchase of salt/sand from the Lake Avenue yard in Oyster Bay, the Syosset yard in Syosset and the Carman Mill yard in Massapequa at the same per yard rate at which the Town purchases the salt/sand.

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

RESOLVED to enter into an Inter-municipal agreement with the Town of Oyster Bay for the purchase of salt/sand that will terminate on April 30, 2018.

(See Attached Exhibit C)

New Hire

The Clerk asked the Board to ratify the hiring of a part-time consultant to assist with various duties in the Clerk's office until Civil Service approves a permanent non-competitive or exempt position. After discussion, and on motion duly made and seconded, the Board unanimously

RESOLVED to approve the hiring of Thomas Mullen to assist in the Clerk's office at a rate of \$25/hour, until he can be hired as a Civil Service employee.

Voter Registration & Election Resolution

The Clerk presented the amended Voter Registration & Election Resolution extending the term of elected officials from two years to four years. The next election is to be held on Tuesday June 19, 2018 in Village Hall between the hours of 12pm to 9pm. The offices that are up for re-election are Mayor, and two Trustees.

The Mayor recommended that the Mayor and two Trustees elected in 2016 and up for re-election in 2018 serve four-year terms. A Trustee filling an expiring term that began in 2017 by law would stand for election to a one-year term. The Trustees up for re-election in 2019 would serve single five-year terms, followed by four-year terms thereafter. This would establish general biennial Village elections with the exception of the Village Justice who would run alone in 2021.

The Village Attorney advised that in 2020, the Board of Trustees may elect to change the term of the Village Justice to be for a single 5 year term which will bring his election cycle into sync with the Mayor & two Trustees when he runs for re-election. Therefore there would only be one Village election in 2021 that the Village Justice runs alone.

The law will take effect in thirty days of its passage, unless in that time a petition is filed requesting voter approval of the measure. The petition for a permissive referendum needs the signatures of 20% of the number of Village residents who were registered to vote in the last election.

After discussion, Trustee Friedrich stated that while he was in favor of extending the terms to four years, he was opposed to staggering the terms if it would result in the Village Justice running alone in 2021. Therefore, on motion duly made and seconded, the Board voted as follows to adopt the following resolution:

(See Attached Exhibit D)

Votes in Favor of adoption:	Elliot Conway	Aye
	Frank Russo	Aye
	Antje Dolido	Aye
	Ed Madden	Aye
Votes against adoption:	Carl Friedrich	

Unpaid 2017/18 Village Taxes

The Clerk presented the Board with a list of unpaid taxes for the current year. Based on the relatively high interest rate the Village can earn and the legal fees involved in a tax lien sale, she recommended that the Village not hold a sale this year. After discussion, and on motion duly made and seconded, the Board unanimously

RESOLVED to not hold a tax lien sale this year. As a result, all liens will default to ownership of the Village.

SCAR Assessment Reduction/Village Tax Refunds

The Clerk reported that a resident was awarded an assessment reduction 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 Petition and recommended that the Board authorize the reduction and refund 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 value for the premises owned by the following resident, 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:

Arora – Sec. 24, Blk. E, Lot 1069, assessed value of \$3275, reduced to \$2560 for 2017/18 tax year for a total refund of \$1,024.

Cleaning Service

The Clerk reported that the Village's cleaning company visited the new Village Hall and requested an increase in their monthly rate due to the larger space and to cover the cost of additional supplies.

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

RESOLVED to increase the monthly rate of Global Commercial Cleaning (GCC) from \$245 to \$310 per month when the Village moves to the new Village Hall. GCC will continue cleaning the Village Hall bimonthly.

Paid Family Leave (PFL) Benefit

The Clerk reported that she notified the Workers Compensation Board that the Village would not be participating in the PFL benefit and would reimburse employees with any deductions made from their paychecks in 2017 & 2018.

Software Programs

The Clerk requested the Board approve the installation of the Accounting/Budget, Tax and Garbage District software programs onto an additional computer in Village Hall. She explained that giving other personnel access to these programs would relieve some of her work load. Each user would have their own unique user name & password.

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

RESOLVED to allow for the installation of the Accounting/Budget, Tax and Garbage District software on an additional computer in Village Hall at an annual cost of \$300 per application.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for January 2018 activity.

MAYOR'S REPORT

Zoning Changes

The Mayor asked the Board to consider amending the zoning code to allow for the building of larger structures on larger parcels of land without going through the full Zoning Board application process. He suggested that the current zoning restrictions in Upper Brookville pushed buyers & developers to look to other municipalities that accommodate larger structures when developing properties larger than 5 acres.

The Board granted permission for the Mayor to work with the Village Attorney and circulate suggested code changes to allow for a waiver of the zoning process, making it more user friendly, and establish overall dimensional standards for larger homes including volume, height, length, lot coverage and setbacks on lots greater than 5 acres. The process would allow for the Site & Architectural Review and Zoning Chairs to jointly approve these applications with the modified guidelines.

New Village Hall/Library

The Mayor reported that the Village is moving ahead with renovations to the Carriage House for the new Village Hall, including painting & new carpets, but would like to pursue the building of a new Village Hall on the Village owned site located at the corner of Wolver Hollow & Chicken Valley Roads. The site was given to the village roughly 30 years ago for the purpose of building a Village Hall and complete architectural drawings were completed. The new building would be designed to look like

a residential home & eliminate the eyesore of the parked construction equipment on the lot.

He stated that while the Village has the funds to build a new hall outright, he wouldn't want to use them when we can apply for grant money to fund a material share of the project.

If we build a hall the Village may apply for up to \$250K in grant money from the NYS Dormitory Authority. If it is also a community center, the Village may use the existing Park Funds. And if there is an Upper Brookville Library in the new hall, there are additional library matching grants available. The Mayor has also approached the Village of Matinecock who may be interested in using the new space for Village Board and other meetings as well as storage space.

He recommended that the Board dedicate \$500K from the Village reserves into a fund for capital items, including a new Village Hall. The Mayor explained that the NYS Comptroller allows Villages to retain a 'reasonable amount' of unappropriated funds which amount and the potential needs was to be discussed in Executive Session.

The Board was supportive and asked the Mayor to describe the project in more detail before they would approve the dedication of Village funds to a separate Village Hall account.

Appointment of Alternate Zoning Board Member

The Mayor introduced the Board to Ms. Helen Solomon, a longtime resident of the Village and a member of the newly formed Beautification Committee. He recommended her appointment as an Alternate Member of the Zoning Board of Appeals to fill a vacancy. Accordingly, on motion duly made and seconded, it was

RESOLVED that the appointment of Helen Solomon as an Alternate Member of the Board of Zoning Appeals to fill a vacancy, which term expires on the first Monday in July 2018, be, and it hereby is confirmed.

Tree Grant

The Mayor reported that he attended a grant seminar at the NYCOM conference presented by the Cornell Cooperative Extension. He met with a CCE representative this week and, accompanied by Lori Falco Greenberg and Helen Solomon of the Beautification Committee, took him on a tour of the trees in the Village. He made suggestions on trees to plant and agreed to assist the Village with applying for a matching grant for the acquisition & planting of trees in the Village.

The Mayor asked the Board to approve the spending of Village matching funds combined with grant funds to acquire these trees for planting in Village easements as well as on private property within sight of Village thoroughfares. Trees on private property would be "adopted" by residents responsible for their care and watering and purchased with a combination of resident funds, village funds and grant money. The Village Attorney recommended that the Village first investigate if the grant would give the Village the authority to plant trees on private property. The Mayor agreed to research the criteria and report back to the Board.

OBPD Legal Representation

The Mayor asked the Board to ratify the approval of the OBPD to retain new legal counsel to represent them in the appeal against the Village of Muttontown.

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

RESOLVED to allow OBPD to retain the law firm of Rifkin & Radler to represent them in the appeal against the Village of Muttontown.

Village Carter Rewards

At the NYCOM conference, the Mayor met a Village official whose municipality also has their own garbage carter. This Village had been receiving residential complaints about the carter and to fix the problem they offered the carter a quarterly incentive of \$250 if they didn't receive any complaints and would charge them \$50 for each complaint they received. This remedied the problem immediately.

The Mayor would like approval from the Board to offer this same incentive plan to our Village carter, DF Allen.

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

RESOLVED to offer the incentive program to DF Allen which would reward them \$250 per quarter for no reported residential complaints, and charge them \$50 for each complaint received by the Village.

Assessing Unit

The Mayor reported he attended a tax grievance seminar sponsored by Legislator Lafazan and presented by the Receiver of Taxes for the Town of Hempstead, Don Clavin. Upper Brookville is one of very few municipalities that is a non-assessing (since 2012) Village. As a result, the tax burden for police protection and road repairs is being unfairly shifted to residents not grieving their property assessments.

Therefore, the Mayor proposed that the Village go back to being an assessing Village in fiscal year 2019/20.

There is no need to make a decision until November, 2018. The Mayor agreed to research the pros and cons of becoming an assessing Village again and present his recommendation to the Board in time for the 2019/20 fiscal year.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT


No Report

EXECUTIVE SESSION

The Mayor closed the regular meeting to enter Executive Session to discuss the OBPD budget. 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 give the Police Commissioner of Upper Brookville authority to approve Scenario B of the proposed OBPD budget and stop the budgeting for contingencies in future budgets.

The next meeting of the Board of Trustees is scheduled for Tuesday March 19, 2018.



Tracy Lynch
Village Clerk