

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
NOVEMBER 19, 2018**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held at the Carriage House on the grounds of the Planting Fields Arboretum, located on Planting Fields Road in the Village, on Monday November 19, 2018 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Edward J. Madden	Trustee
	Antje B. Dolido	Trustee
	Innis O'Rourke	Trustee
	Carl A. Friedrich	Trustee

Also Present: Tracy L. Lynch, Clerk/Treasurer  
Sam Vergata, Road Commissioner  
Joseph Burns, Chairman OBCSHPC  
Peter MacKinnon, Esq. of Humes & Wagner,  
LLP Attorneys for the Village

The Mayor called the meeting to order at 6:40 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.

**HEARING ON PROPOSED LOCAL LAW D-2018**

The Mayor called the hearing on proposed Local Law D-2018 to order. The affidavits of publication of the notice of hearing and mailing of the Local Law and notice were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered proposed Local Law D-2018 which amends Chapter 205, "*Zoning*", by amending 205-20, "*Community facilities and institutions*", of the Code of the Village of Upper Brookville. Proposed Local Law D-2018 will amend Village Code Section 205-20 to add a new subsection 205-20(4a) under "*Location and Access*" to include Village properties as a priority site for the siting of High Wireless Telecommunication Services Facilities in the Village. Proposed Local Law D-2018 will also amend Village Code Sec 205-20(24) to authorize the Board of Appeals to waive and or modify any standards and criteria to allow the siting of High Wireless Telecommunication Services Facilities on Village properties.

The Mayor then called for comments in favor of, or in opposition to, the proposed Local Law. There being no further comments or questions, the hearing was closed.

**ADOPTION OF LOCAL LAW 4-2018**

The Board then considered the adoption of Local Law 4-2018 (Proposed D-2018). After discussion, and on motion duly made and seconded, the Board unanimously **RESOLVED**, that Local Law 4-2018 is an unlisted action that will not have an adverse effect on the community because it is administrative in nature and

**FURTHER RESOLVED**, that Local Law 4-2018 entitled Amendment to Chapter 205 “Zoning”, be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

*\*(See Attached Exhibit A)\**

Votes in favor of adoption:	Elliot S. Conway	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye
	Innis O’Rourke	Aye
	Antje B. Dolido	Aye

Votes against adoption: None

## **MINUTES**

The Mayor then called for approval of the minutes of the Trustee meeting held on October 15, 2018. Changes were noted and on motion duly made and seconded, were unanimously approved. *\*(See Attached Exhibit B)\**

## **PUBLIC COMMENT**

No Comment

## **OYSTER BAY COLD SPRING HARBOR PROTECTION COMMITTEE (OBCSHPC)**

Next, Jody Burns, Chairman of the OBCSHPC updated the Board on several activities the Committee has been active in to help protect and enhance the water quality of Oyster Bay and Cold Spring Harbor and their tributaries. He discussed topics under discussion at the Committee including MS4 (Municipal Separate Storm Sewer Systems), the Long Island Sound Tunnel/Bridge project no longer being studied, the proposed New York Harbor Storm-Surge Barrier and Floodgate System and possible septic system regulations.

The Mayor requested Chairman Burns to keep the Village current on potential septic system regulations and asked the Clerk to get a copy of the legislation and circulate it to the Board for further discussion in December.

## **FINANCIAL REPORT**

### **Bills**

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

**RESOLVED**, to approve payment of the bills listed on Warrant No. 6 in the total sum of \$670,449.88, dated November 19, 2018 which are annexed to these minutes. *\*(See Attached Exhibit C)\**

## **Treasurer's Report**

After presentation by the 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 October 2018. *\*(See Attached Exhibit D)\**

## **Audit Results**

The Mayor referenced the audit reports submitted by Cullen & Danowski, LLC for Fiscal Year End - May 31, 2018. *\*(See Attached Exhibit E)\**

The Clerk also reported that the auditor's comments made in the prior year audit have been addressed satisfactorily and that no new comments were reported.

## **VILLAGE CLERK'S REPORT**

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

The Clerk reported that several residents were awarded assessment reductions in Small Claims Proceeding for the 2018/19 tax year against Nassau County. She noted that the Village was served a copy of all Petitions 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 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, and copies of applications were submitted to the Village as follows:

***Koufakis*** – Sec. 18, Blk. A, Lot 953, assessed value of \$4243, reduced to \$3767 for a total refund of \$659.07 and

***CN Management Group LLC*** – Sec. 18, Blk. A, Lot 1046, assessed value of \$8704, reduced to \$6528 for a total refund of \$3012.89 and

***Sameyah*** – Sec. 22, Blk. G, Lot 131, assessed value of \$4895, reduced to \$3672 for a total refund of \$1693.37 and

***DiMaggio*** – Sec. 24, Blk. E, Lot 226, assessed value of \$4517, reduced to \$4379 for a total refund of \$191.07 and

***Impala Corp*** – Sec. 24, Blk. 27, Lot 4, assessed value of \$5337, reduced to \$5289 for a total refund of \$66.46 and

***Bianco*** – Sec. 18, Blk. A, Lot 1069, assessed value of \$3612, reduced to \$2890 for a total refund of \$999.68 and

*Neisloss* – Sec. 22, Blk. G, Lot 334, assessed value of \$5400, reduced to \$4675 for a total refund of \$1003.84 and

*Zheng* – Sec. 22, Blk. 23, Lot 25, assessed value of \$4078, reduced to \$3111 for a total refund of \$1338.91 and

*Persaud* – Sec. 24, Blk. E, Lot 1024 assessed value of \$3509, reduced to \$2763 for a total refund of \$1032.91.

### **Records Management Grant**

The Clerk reported that Thomas Mullen is working on a records management grant to raise additional funds for the scanning of Village records. She noted that the application required that the Village appoint a Records Management Officer and adopt the New York State Document Retention Schedule. After discussion and on motion duly made and seconded, it was

**RESOLVED**, to appoint the Clerk, Tracy Lynch, as Records Management Officer and to adopt the New York State Document Retention Schedule.

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

The Commissioner reported that two trees recently planted on Linden Lane by the Village had died in addition to three trees also planted by the Village on Lawn.

A resident also reported that she struck a deer with her vehicle on Mill River Road and requested the Village install deer crossing signs to alert drivers.

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

**RESOLVED**, to approve the replacement of two trees on Linden Lane and three trees on Lawn Lane in the spring and to install two deer warning signs at both ends of Mill River and Planting Fields Roads.

Commissioner Vergata also reported that he received a request by a Mill River Road resident to install a guardrail in front of their premises, as there have been several instances of vehicles leaving the roadway and crashing through their front fence. As a result, Commissioner Vergata has installed wood posts with reflectors along the frontage along Mill River Road to protect the fence and would monitor the situation.

He also reported that the resident on Wheatley Road has yet to respond to the Notice of Violation issued last month to clear a culvert that runs along the front of their property. The property owner's deed recorded their responsibility to maintain this culvert. The Village Attorney recommended following the Property Maintenance law and commence the proper steps to allow the Village to go onto the property and cure the violation and if the Village is not reimbursed, the resident will be assessed on their tax bill.

### **BUILDING DEPARTMENT REPORT**

The Clerk/Treasurer referred to the reports submitted by the Building Department

Clerk for October 2018 activity. *\*(See Attached Exhibit F)*

## **MAYOR'S REPORT**

### **Appraisal of Old Brookville Police Station**

The Mayor reported that the Village received an appraisal for the property and buildings at the Old Brookville Police Station of \$1,250,000 from Rogers and Taylor Appraisers, Inc. The appraisal excluded the land behind the station where there is currently a 90-foot communications tower used for police radio transmissions. The Village intends to retain this land.

The appraisal will be circulated to the Board of Police Commissioners at the next meeting for preliminary consideration of a possible sale of the property to the joint protection partner villages.

### **Fire Cancer Benefit**

The Mayor reported that New York State signed a law that entitles volunteer firefighters to a cancer disability benefit starting January 1, 2019. The base plan, at an annual rate of \$156 for around 45 eligible firefighters in the East Norwich Fire Company, will cost approximately \$7,000, paid by the four participating municipalities. The Village will need to discuss with ENFC if this benefit is included in the 2% cap increase from previous years.

### **Cell Tower Fee**

The Mayor recommended that the Board adopt specific fees relating to applications for the installation of Cell Towers in the Village. He will work with the Village Attorney to draft legislation to be introduced at the December meeting.

### **Architects for New Village Hall**

The Mayor reported that he met with an architect to discuss architectural services in connection with the design of a new Village Hall. He recommended that the Village request two architects to produce concept drawings including elevations & floor plans.

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

**RESOLVED**, to engage two architects to provide conceptual drawings for the proposed new Village Hall, to consist of elevations and floor plans, not to exceed \$5,000 each.

### **Charitable Contribution Project**

The Mayor reported that the Village was asked by the Coalition for the Charitable Contribution Deduction, to join a lawsuit against the Federal Government. Following a review of the issues and discussion, the Board decided not to be a plaintiff in the action.

## **POLICE REPORT**

No Report.

**FIRE & STORM WATER MANAGEMENT REPORT**

No Report

**ARCHITECTURAL REVIEW REPORT**

No Report

**LEGAL REPORT**

No Report

The Mayor closed the meeting to enter into Executive Session to discuss personnel matters.

**EXECUTIVE SESSION**

The Board came out of Executive Session and no action was taken. The Board discussed the need for a fee to be charged to neighborhood petitioners seeking road repairs or reconstruction under the Village Property Maintenance law.

The discussion was tabled to the next meeting of the Board of Trustees, scheduled for Monday December 17, 2018.

*Signed on December 17, 2018 by* \_\_\_\_\_

Tracy Lynch  
Village Clerk