

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
JANUARY 24, 2019**

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 Thursday January 24, 2019 at 6:30 P.M.

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

Absent:	Edward J. Madden	Trustee
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Also Present:	Tracy L. Lynch, Clerk/Treasurer
	Sam Vergata, Road Commissioner
	Peter MacKinnon, Esq. of Humes & Wagner, LLP
	Attorneys for the Village

The Mayor called the meeting to order at 6:39 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 then called for approval of the minutes of the Trustee meeting held on December 17, 2018. Changes were noted and on motion duly made and seconded, were unanimously approved. **(See Attached Exhibit A)**

PUBLIC COMMENT

No Comment

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. 8 in the total sum of \$56,516.47, dated January 24, 2019 which are annexed to these minutes. **(See Attached Exhibit B)**

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 December 2018. **(See Attached Exhibit C)**

VILLAGE CLERK'S REPORT

Unpaid 2018/19 Village Taxes

The Clerk presented the Board with a list of unpaid taxes for the current year.

(See attached Exhibit D) Following a discussion of the relatively high interest rate the Village can earn and the legal expense involved in a tax lien sale, the Board unanimously agreed to allow all liens to default to Village ownership.

Introduction of Proposed Local Law A-2019 – Tax Levy Limit

The Clerk presented Proposed Local Law A-2019, which would allow the Village to adopt a budget for the fiscal year commencing June 1, 2019, that exceeds the tax levy limit as defined by General Municipal Law 3-C, if it becomes necessary.

(See attached Exhibit E)

After discussion, the Board unanimously concurred that the Village did not project to exceed the tax levy limit and therefore no public hearing would be scheduled.

Garbage District Arrears

The Clerk reported that she did not collect Garbage District Fees from two residents before they moved out of the Village. She requested approval from the Board to reimburse the Garbage District Fund from the General Fund for \$450.00 in payments made to the Village's garbage carter.

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

RESOLVED to reimburse the Garbage District fund from the General Fund for non-payment of carter fees, totaling \$450.00.

Voter Registration and Election Resolution

The Clerk presented the Voter Registration and Election Resolution. The next election is to be held on Tuesday June 18, 2019 at Village Hall between the hours of 12 o'clock p.m. to 9 o'clock p.m. The offices that are up for re-election are two Trustees for a four-year term.

Accordingly, on motion duly made and seconded, it was

RESOLVED to adopt the resolution as presented.

(See attached Exhibit F)

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that the upper portion of Mill River Road between the intersections of Oyster Bay/Glen Cove Road and Monday House Drive has severe cracks and he would like to get an estimate from the Village Engineer to either repave/replace this portion of the road, or review an alternate solution to repair the cracks. The road was last overlaid with asphalt in 2001. The Board approved his request and asked the Commissioner to follow up with the Village Engineer.

He also mentioned the flooding at the end of Donna Drive which may be coming from a combination of Donna Drive and the Mill River Club. The Mayor and Commissioner agreed investigate the condition and to follow up with the Club.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for December 2019 activity. **(See Attached Exhibit G)*

MAYOR'S REPORT

Foreclosure Proceedings on Donna Drive

The Mayor raised the potential foreclosure of the property known as 24-18-12, a narrow, non-buildable, strip of land located on the west side of Donna Drive. This property has been in arrears since 1991. The Village owns all the liens with the exception of the 2000/2001 tax year. The total tax now due is around \$6,000.

The owner is recently deceased and the Clerk reported his heirs may bring the account up to date.

The Mayor agreed to follow up with the Village Attorney and the County to determine any additional outstanding liens. The Village may also consider accepting the property as a charitable donation, if offered, in lieu of foreclosure or condemnation.

Tree City Proclamation

The Mayor noted that in connection with becoming a Tree City, the Village must proclaim a date to celebrate Arbor Day. After discussion and on motion duly made and seconded, it was

RESOLVED to celebrate Arbor Day on April 27, 2019 and issue a Proclamation, the same day it is celebrated at the Planting Fields Arboretum Historic State Park.

Residential Property Donations

The Mayor reported that two Village property owners were considering donating property to the Village. One is the owner of a 2-acre lot split into two separate parcels, connected by a long, narrow strip of land. The resident's dwelling is on a half-acre parcel and the remaining 1.5 acre parcel is vacant. The Mayor recommended accepting the 1.5 acre donation for multiple reasons beneficial to the Village. If the Village accepts the donation, the homeowner would be required to apply to the Zoning Board of Appeals to obtain a variance because the remaining half-acre lot would otherwise become non-conforming.

The owner of a larger property has also inquired about a larger charitable donation of vacant land to the Village. The Mayor reviewed the economics of the transaction including the potential erosion of our tax base and, following discussion, the Board concurred that the donation could be both economic and beneficial. The owner would need approval of the Planning Board to transfer ownership of this property to the Village.

The Board, in concept, agreed both donations would be a good idea and the Mayor will follow up with the applicants.

Transient Rentals

The Mayor reported on two incidents that occurred over New Year's in nearby Villages that involved parties promoted on social media and the short term rental of homes. The Mayor recommended the Village pass a law to restrict rentals less than 14 days. He reported the same issue is being addressed by many of our neighboring villages. He will work with the Village Attorney on a draft law to present to the Board in February.

Lawn Lane Property Transfer

The Mayor reported on an investigation by the Clerk regarding minutes from a 1991 Upper Brookville Trustee Meeting approving the conveyance of tax lots 24-B-878 and 985, which form portions of the cul-de-sac at the end of Lawn Lane, from Nassau County to the Village. At the time, the Board resolved to accept these parcels as a gift from Nassau County and authorized the Mayor “to execute any and all documents necessary to obtain title” to the lots providing the Village “would not be responsible for the payment of any taxes or other assessments or charges relating to the acceptance of such gift.”

At the Mayor’s request, the Village Attorney conducted a title search of the lots and determined that they are still owned by the County. The transfer and gift approved by the Board was never completed by the Mayor.

The Mayor recommended effecting the transfer providing that the two residents on the cul-de-sac agree to cover the Village legal fees and expenses via an advance deposit. Following the transfer, the Village would reimburse the property owners for repaving costs they are known to have incurred in connection with the resurfacing of Lawn Lane in 2018. Future maintenance of the cul-de-sac at the end of Lawn Lane would be for the Village’s account.

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

RESOLVED to follow through on the original 1991 resolution to take the necessary steps to transfer the Lawn Lane cul-de-sac to the Village, at no cost to the Village, subject to (a) Nassau County’s acceptance of the proposal, and, (b) the residents who border the cul-de-sac at the end of Lawn Lane agreeing to covering all expenses via advance deposit. Upon acceptance by all parties and transfer to the Village, the Village would reimburse the property owners for repaving costs they are known to have incurred in connection with the resurfacing of Lawn Lane in 2018.

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 police matters.

EXECUTIVE SESSION

The Board came out of Executive Session and no action was taken.

The next meeting of the Board of Trustees is scheduled for Thursday February 21, 2019.

Signed by Tracy Lynch on January 24, 2019

Tracy Lynch
Village Clerk