

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
FEBRUARY 27, 2017**

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 February 27, 2017 at 6:30 P.M.

|               |                          |  |
|---------------|--------------------------|--|
| Present:      | Elliot S. Conway         | Mayor  |
|               | Francis J. Russo         | Trustee  |
|               | William R. Campbell      | Trustee  |
| Also Present: |                          |  |
|               | Tracy L. Lynch           | Village Clerk/Treasurer                          |
|               | Samuel Vergata           | Roads Commissioner                               |
|               | Mr. Mehta                | Village Resident                                 |
|               | Mr. Werther              | Village Resident                                 |
|               | Mr. DeMartino            | Village Resident                                 |
|               | Ms. Santolli             | Village Resident                                 |
|               | Mr. Fierro               | Oyster Bay Resident                              |
|               | Peter P. MacKinnon, Esq. | Humes & Wagner, LLP<br>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 January 26, 2017, which on motion duly made and seconded, were unanimously approved.

#### **FINANCIAL REPORT**

##### **Bills**

The bills listed on Warrant No. 009 in the total sum of \$167,625.17 dated February 27, 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 January 31, 2017, was presented, examined, approved and ordered filed.

## **VILLAGE CLERK'S REPORT**

### **Film Permit**

The Village Clerk noted that a film permit request had previously been approved by the Board. Thereafter, the Board, on motion duly made and seconded, ratified their approval of a film permit at La Selva, 1365 Planting Fields Rd, from March 7<sup>th</sup> – 10<sup>th</sup>.

### **Financial Policies**

The Village Auditors, Cullen & Danowski, LLP, recommended that the Village adopt the following financial policies:

#### **GASB Statement 54**

The Village Clerk circulated a proposed policy to adopt the financial reporting requirements of GASB Statement 54. She noted that this financial reporting requirement is intended to enhance the usefulness of fund balance information and that the Office of the State Comptroller has mandated that all governments adopt GASB 54 and the corresponding fund balance classifications and definitions. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the financial reporting requirements of GASB 54, attached hereto, is hereby adopted.

#### **Fund Balance Policy**

The Village Clerk circulated a proposed Fund Balance Policy and noted that this new policy defines the classifications of fund balances, limits the total year end fund balance to no less than 30% of the operating budget, limits the total year end unassigned balance to no less than 20% of the operating budget and assigns the use of unassigned funds over the 20% threshold to reducing taxes, for one time capital expenditures and emergencies. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the Fund Balance Policy, attached hereto, is hereby adopted.

#### **Debt Management Policy**

The Village Clerk circulated a proposed Debt Management Policy to establish conditions for the use of debt and to create procedures and policies that minimize the Village's debt service and issuance costs, retain the highest practical credit rating, and maintain full and complete financial disclosure and reporting. To prevent imposing excessive burden on taxpayers of the Village, the policy limits the overall net debt supported by taxpayers to no more than 12% of its debt limit. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the Debt Management Policy, attached hereto, is hereby adopted.

## **Town of Oyster Bay Inter-municipal Agreement**

The Clerk proposed that the Village be given the ability to purchase salt and sand from the Town of Oyster Bay to use on the Village roadways during inclement weather. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, to enter into an annual Inter-Municipal Agreement with the Town of Oyster Bay to purchase salt and sand during inclement weather.

## **MAYOR'S REPORT**

### **Introduction of Proposed Local Law A-2017 – Tax Levy Limit**

The Mayor presented Proposed Local Law A-2017 which would allow the Village to adopt a budget for the fiscal year commencing June 1, 2017, that exceeds the tax levy limit as defined by General Municipal Law 3-C, if it becomes necessary. After discussion, on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the Clerk is authorized to take all necessary actions to schedule a public hearing on Proposed Local Law A-2017, which would authorize the Village to exceed the required property tax cap as defined by General Municipal Law 3-C, if it becomes necessary, at the April 20, 2017 meeting of the Board of Trustees.

### **Proposed ATV Law**

The Mayor presented proposed amendments to Chapter 197, Vehicles, Unregistered that would address the increasing number of incidents of ATV operators driving on private property without permission and in violation of the Village Code. The amendment would increase fines and provide for the impoundment of repeat offender's ATVs. Recently, the OBPD cited three ATV riders. The Board agreed to discuss the proposed amendments further at the March meeting.

### **Building Permit Renewal Fees**

The Board will address proposed fee changes in March.

### **Trustee Resignation**

The Mayor announced with regret the resignation of Trustee Michael Schwerin. He served with distinction for the last eight years as Trustee of the Village, attended over 75 meetings, and contributed his wealth of experience, wise judgment and considerable expertise to the Village as its Chief Financial Officer. Trustee Schwerin did an exceptional job serving as Police Commissioner and Chairman of the OBPD Commissioners in 2011. The Mayor will look to appoint a replacement to fill Trustee Schwerin's unexpired term in due course.

## **Court Clerk**

Upon motion duly made and seconded, it was

**RESOLVED**, that Margaret M. Grady, be appointed to Court Clerk, to fill the unexpired term vacated by Barbara Miller's retirement, which will expire on the first Monday in July 2018. Ms. Grady's pay rate will be calculated at \$25/hour.

## **Health Insurance**

The Mayor proposed allowing former elected/appointed Village officials who participated in the Village's health insurance program, to continue in the program, at their own expense. After discussion, and on motion duly made and seconded, it was unanimously approved.

## **Humes & Wagner 2017/18 Rate Increase**

The Mayor presented a request from the Village Attorney, for a rate increase as of June 1, 2017. The proposed billing rates would be increased by \$10 to \$260 per hour for Partners and \$145 per hour for paralegals as a result of escalating operating expenses, salaries, insurance and other employee benefits. The Village Attorney last requested an increase in 2013. After discussion, and on motion duly made and seconded, it was unanimously approved.

## **Film Permits**

The Mayor proposed updated commercial filming regulations that would continue to require a permit authorized by the Board, establish standards that will govern applications for these permits and minimize the impact of such activity on the residential community. It would allow for additional filming events on properties of 20 or more acres coupled with higher permit fees. The Board agreed to review the proposed regulations at the March meeting.

## **Rules of Decorum**

The Mayor proposed that the Board schedule a public comment period in the agenda of each Trustee meeting and that all public input should abide by appropriate rules of decorum designed to ensure good order, efficiency and civility. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the Rules of Decorum are hereby adopted for future meetings and will be posted to the Village website.

## **Posts for Village Right of Way (ROW)**

The Mayor expressed his concern that the ruts plowed into lawns by trucks and cars pulling off the side of Village roads are a blight on the community and an effort should be made to minimize the damage. He suggested that the Village consider budgeting in the new fiscal year funds to subsidize the cost of residents' purchase of flexible posts to be installed along selected ROWs to discourage vehicles from pulling over & destroying the plantings. The Board agreed to consider the proposal in a future meeting.

### **Sanitation District Bids**

A notice will be published in the Oyster Bay Guardian and The Leader the first week of March inviting bids for the collection, removal and disposal of all garbage, designated recyclables, refuse and trash from dwellings in the Village. Received sealed bids will be received at the Village Attorney's office on March 17th at which time and place bids will be opened and publicly read.

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

The Road Commissioner reported that his crew was conducting general maintenance around the Village since the weather had been so favorable.

He reported on activity at a residence on Piping Rock Road. The homeowner was excavating and removing trees along a slope without a permit. The Building Inspector and Village Engineer were called to the site and issued a stop work order and instructed the homeowner to contact the Building Department for permit requirements.

He also reported the Village Engineer's recommendation along with the consulting arborist that in connection with the Lawn Lane road repaving, 4-5 Norway Maples on Lawn Lane will need to be removed and replaced with native species. The Norway Maples are near or at the end of their lives. They are listed as an invasive species, in part, because they have shallow roots that can invade and damage nearby pavement. The plan is to lower the level of the embankment which has a line of sight problem for cars traveling up Lawn Lane in the road. This will destroy the roots of the Norway Maples. Non-invasive native replacement trees will be planted as replacements.

### **BUILDING DEPARTMENT REPORT**

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

### **POLICE REPORT**

The Mayor reported that the Joint Protection Agreement has been signed by all Villages and the agreement provides for a cost allocation study to be done by an independent third party who has yet to be chosen. The participating Villages continue to work to agree terms with the PBA on a new 5-year contract.

### **FIRE & STORM WATER REPORT**

The Mayor reported that discussions of the new contract are ongoing and the Village is continuing payments to the East Norwich Fire Company (ENFC) under the old contract. The only participant that has signed the contract with ENFC is the Village of Muttontown. The other three participants, the Town of Oyster Bay and Villages of Upper Brookville and Brookville, are still discussing the contract. The Mayor requested the Clerk confirm that the Village was listed as additionally insured on the ENFC insurance policy.

## **ARCHITECTURAL REVIEW BOARD REPORT**

No Report

## **LEGAL REPORT**

The Village Attorney reported no new developments.

## **MILL RIVER ROAD**

A resident of the Town of Oyster Bay appeared before the Board and spoke about the road conditions on a curve on Mill River Road near the entrance of the Mill River Country Club. He said he had been in an accident a few years ago where he drove into a pole on the curve. He said it appears the Belgian blocks are being dislodged regularly due to drivers sliding into the curve and asked the Village to investigate. The Board discussed adding signs with chevrons indicating the approaching curve, lowering the speed limit for the curve or and adding an electronic speed sign. The Mayor agreed to look over the site, discuss the options with the OBPD and report back to the Board.

The meeting was adjourned at 8:25pm.

Signed by the Village Clerk