

**VILLAGE OF UPPER BROOKVILLE  
PUBLIC HEARING ON PROPOSED LOCAL LAWS C-2017, G-K-2017 AND  
USE OF REPAIR RESERVE FUNDS  
AND  
BOARD OF TRUSTEES' MEETING  
NOVEMBER 20, 2017**

Public Hearings on Proposed Local Law C-2017, G – K-2017, to use remaining balance of Repair Reserve Fund Account and 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 November 20, 2017 at 6:30 P.M.

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

Also Present:	Tracy L. Lynch, Village Clerk/Treasurer
	Samuel Vergata, Street Commissioner
	Peter P. MacKinnon, Esq. of Humes & Wagner, LLP
	Attorneys for the Village

**HEARING ON PROPOSED LOCAL LAW C-2017**

The Mayor called the hearing on proposed Local Law C-2017 to order at 6:45P.M. 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 C-2017 which will amend Chapter 195, *"Vehicles and Traffic,"* Section 195-4 *"Parking, standing and stopping,"* of the Code of the Village of Upper Brookville. The proposed local law will fine motorists who park, stand or stop on the unpaved shoulder of a public right of way in a manner that causes damage to the vegetation, the earth or structure on the unpaved shoulder, or who unduly obstruct the paved roadway.

The Mayor 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.

**HEARING ON PROPOSED LOCAL LAW G-2017**

Next, the Mayor called the hearing on proposed Local Law G-2017 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 G-2017 which will amend Chapter 172, *"Solid Waste,"* Article II, *"Recycling,"* to the Code of the Village of

Upper Brookville. The proposed local law will add new definitions for single stream recycling and source separation of recyclables. The proposed law will mandate carters who service Village residents to provide for the proper disposal of all recyclables collected from Village residents.

The Mayor 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.

#### **HEARING ON PROPOSED LOCAL LAW H-2017**

Next, the Mayor called the hearing on proposed Local Law H-2017 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 H-2017 which will amend Chapter 172, "*Solid Waste*," Article III, "*Collection and Disposal*," the Code of the Village of Upper Brookville. Local Law H-2017 will further define collection vehicle, amend application fees for a collection license, increase required insurance coverage for licensed carters operating in the Village, provides for an escalating fine schedule for violations and other technical amendments.

The Mayor 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.

#### **HEARING ON PROPOSED LOCAL LAW I-2017**

Next, the Mayor called the hearing on proposed Local Law I-2017 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 I-2017 which will add new Chapter 151, "*Commercial Filming*," to the Code of the Village of Upper Brookville. Proposed Local Law I-2017 will define commercial filming and accessory filming and will require a permit to conduct such use in the Village, whether on private or public property. The proposed local law will establish standards, requirements and regulations governing all commercial filming and accessory filming activities and licensing in the Village.

The Mayor 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.

#### **HEARING ON PROPOSED LOCAL LAW J-2017**

Next, the Mayor called the hearing on proposed Local Law J-2017 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 J-2017 which will amend Chapter 177, "*Streets and Sidewalks*," Section 177-4, "*Deposit of material and obstruction on Village street or public grounds*," of the Code of the Village of Upper Brookville to impose a fine and require any person found causing damage to the shoulder of a road to be responsible for all expenses to restore the shoulder to its prior condition.

The Mayor 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.

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

Next, the Mayor called the hearing on proposed Local Law K-2017 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 K-2017 which will amend Chapter 78, "*Burglar Alarm Systems*" to add new and amend current definitions; authorize the Old Brookville Police Department to establish standards for Approved Alarm Systems and for Approved Alarm Installers; extend the Alarm User Permit to 5 years; amend the conditions when alarm system inspections will be required; increase charges for Alarm Users with multiple false alarms; reduce charges for Alarm Users with no false alarms; and include other technical amendments to the administration and enforcement of burglar alarms systems in the Village.

The Mayor called for comments in favor of, or in opposition to, the proposed Local Law. The Board discussed the extent of the proposed regulations and requested the Village Attorney to amend the regulations and provisions in the local law. In order to review the Village Attorney's revisions, the Board moved to continue the hearing at the December Trustees meeting.

#### **HEARING ON APPROVAL TO USE REMAINING BALANCE OF REPAIR RESERVE FUND ACCOUNT**

Next, the Mayor called the hearing on approval to use the remaining balance of the Repair Reserve Fund Account on the 2017 Road Projects to order. The affidavits of publication of the notice of hearing and mailing were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered the approval to use the remaining balance of the Repair Reserve Fund Account, which will not exceed \$5,500, for expenditures associated with the 2017 Road Improvement Project. These expenses include, but are not limited to, public notices, engineering, labor, equipment and material.

There being no further comments or questions, the hearing was closed.

## **ADOPTION OF LOCAL LAW 4-2017**

The Board then considered the adoption of Local Law 4-2017 (Proposed C-2017) which will amend Chapter 195, "*Vehicles and Traffic*," Section 195-4, "*Parking, standing and stopping*," of the Code of the Village of Upper Brookville. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review act, the adoption of Local Law 4-2017 entitled "*Vehicles and Traffic*," Section 195-4, "*Parking, standing and stopping*," shall be classified as an "Unlisted Action" and will not have a significant adverse impact on the environment, because the proposed local law establishes a fine to motorists who park, stand or stop on the unpaved shoulder of a public right of way in a manner that causes damage to the vegetation, the earth or structure on the unpaved shoulder, or who unduly obstruct the paved roadway, and further

**RESOLVED**, that Local Law 4-2017 entitled "*Vehicles and Traffic*," Section 195-4, "*Parking, standing and stopping*," be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**VILLAGE OF UPPER BROOKVILLE  
PROPOSED LOCAL LAW 4-2017 (PROPOSED LL C-2017)  
AMENDMENT TO CHAPTER 195  
"VEHICLES AND TRAFFIC", SECTION 195-4  
"PARKING, STANDING AND STOPPING"**

A Local Law to amend Chapter 195 entitled, "*Vehicles and Traffic*" Section 195-4, "*Parking, standing and stopping*," to the Code of the Village of Upper Brookville. The Code was adopted on September 9, 2000 by the Board of Trustees and last amended on September 18, 2017 by Local Law 3-2017.

**BE IT ENACTED BY THE** Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**SECTION I.** Section 195-4., "*Parking, standing and stopping*," is hereby amended, in part, to read as follows:

...

C. Parking standing or stopping on the unpaved shoulder of a public right of way. No vehicle, equipment or trailer shall be parked on or driven across any Village, County or New York State unpaved shoulder of a public right-of-way in a manner that causes damage to the vegetation, the earth or structures on such unpaved shoulder. Any person or persons found violating Subsection C shall be fined \$400, plus the cost of repairing any damage to the unpaved shoulder. For this Subsection, there shall be a rebuttable presumption that the owner of the vehicle was responsible for all resulting damage, to the unpaved shoulder with remediation not

to exceed a maximum amount of \$2,000. This section shall not apply to any vehicle which is disabled, while being driven on a public road. The fine for a second or subsequent conviction of a violation of this section within 18 months shall be double the fine described above.

D. No person may park, stand or stop any vehicle, trailer or equipment upon the paved portion of any Village, County or New York State road in any manner which unduly restricts, encumbers, or obstructs the roadway or traffic on the roadway.

**SECTION II.** This local law shall take effect upon filing with the Secretary of State.

**NOTE:** New words are underlined. Deletions are ~~struck out~~. Dotted . . . lines set off that portion of a Section or Subsection which is amended.

Votes in Favor of adoption:	Elliot S. Conway	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye
	Antje B. Dolido	Aye

Votes against adoption: None

Not voting as not having  
Been Present: Francis J. Russo

#### **ADOPTION OF LOCAL LAW 5-2017**

The Board then considered the adoption of Local Law 5-2017 (Proposed G-2017) which will amend Chapter 172, "*Solid Waste*," Article II, "*Recycling*," of the Code of the Village of Upper Brookville. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review act, the adoption of Local Law 5-2017 entitled "*Solid Waste*," Article II, "*Recycling*," shall be classified as an "Unlisted Action" and will not have a significant adverse impact on the environment, because the proposed local law will add new definitions and mandate carters who service Village residents to provide for the proper disposal of all recyclables collected from Village residents and further

**RESOLVED**, that Local Law 5-2017 entitled "*Solid Waste*," Article II, "*Recycling*," be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**VILLAGE OF UPPER BROOKVILLE  
PROPOSED LOCAL LAW 5-2017 (PROPOSED LL G-2017)  
CHAPTER 172  
"SOLID WASTE," ARTICLE II, "RECYCLING"**

A local law to amend Chapter 172, "*Solid Waste*," Article II, "*Recycling*," of the Code of the Village of Upper Brookville. The Code was adopted on September 9, 2000 by the Board of Trustees and last amended on September 18, 2017 by Local Law 3-2017.

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**SECTION I.** Article II, "*Recycling*," is hereby amended, in part, to read as follows:

**§ 172-6. Findings and purpose.**

A. The Board of Trustees of the Incorporated Village of Upper Brookville hereby determines that there is a significant amount of recyclable material present in the solid waste generated in the Village that could be removed by either its residents or the residents' carter. The recovery and reuse of such recyclable material will reduce the amount of solid waste conventionally disposed of by providing an environmentally acceptable disposal alternative. Recycling will reduce the demand for increasingly unavailable landfill areas and protect the health, safety and welfare of its residents by promoting prudent disposal programs essential for the protection of the environment.

B. The Board of Trustees has determined that the ~~mandatory~~ separation of designated recyclables from the solid waste stream generated within the Village will foster maximum environmental and economic benefits with the minimum inconvenience to its residents and property owners. The Board of Trustees has further determined that an integral element of this recycling program shall be the reservation of the authority to adopt appropriate rules and regulations, including the right to designate or delete the type of material which shall be recycled, the manner, means and method of separation, the method of storage, collection and disposal of recyclables and the prohibition of certain designated materials.

C. This article shall be construed to regulate the separation and disposal of recyclable materials in accordance with and pursuant to the New York State Solid Waste Management Plan as currently enacted and as hereafter amended and shall be liberally construed to effectuate the purposes set forth herein.

**§ 172-7. Definitions.**

The following words and terms shall have the following meanings:

**NONRECYCLABLE MATERIALS** — All other solid waste generated by the Village other than prohibited materials.

**PERSON** — Any individual, firm, corporation, association or partnership.

**PROHIBITED MATERIALS** — Materials that contain hazardous or toxic substances or that are not suitable for residential disposal and which will not be collected or permitted to be placed in recyclable containers as set forth in the rules and regulations.

**RECYCLABLE MATERIALS** — Discarded solid waste material which may be reclaimed and is in the form of paper, glass, metals and plastics.

**RECYCLABLES** — Specific types of recyclable materials as shall be designated by the Board of Trustees pursuant to rules and regulations adopted hereunder.

**RULES AND REGULATIONS** — Rules and regulations which are duly adopted by the Board of Trustees at a public meeting.

**SINGLE STREAM RECYCLING** — A system of collecting and then separating a commingled mixture of recyclables and other collected solid waste, which separation of recyclables is performed by a licensed carter at a New York State approved facility.

**SOURCE SEPARATION OF RECYCLABLES** — The segregation and collection of recyclables by a resident from other solid waste at the point of generations.

**§ 172-8. Mandatory Separation and collection of recyclables.**

1) The owner, lessee or occupant of every dwelling within the Village shall separate and dispose of recyclables as follows:

Single Stream Recycling; or

Source separation in accordance with the following regulations as follows:

A. Prior to collection, all recyclables shall be processed and cleaned, with all contents removed, in accordance with the rules and regulations.

B. Recyclables shall be placed in an approved color-coded container which has been designated for the particular recyclable group. Recyclables shall not be stored or mixed in the same container with other forms of solid waste.

B. Newsprint shall be bundled and securely tied with a string or placed in a brown paper bag.

C. Recyclables shall be collected on a periodic basis and properly disposed of at a suitable processing center.

2) Every carter in the Village must provide for the proper disposal of all recyclables collected from Village residents, whether Single Stream Recycled or Source Separated.

**§ 172-9. Recyclable containers.**

~~Containers for the purpose of collecting and storing recyclables will be initially provided by the Village to every dwelling. Such containers will remain the property of the Village and must be kept clean and in good condition. Recycling containers are not to be used for any purpose other than as described herein and in accordance with the rules and regulations. In the event that such containers are lost, damaged or stolen, additional equivalent containers must be provided by the property owner at his own expense.~~

**§ 172-10 9. Collection schedule and procedures.**

The schedule and applicable procedures for the collection of recyclables by independent carters shall be provided, in writing, to each property owner in the Village who is serviced by said carter. Prior to collection, all recyclables shall be processed and cleaned, with all contents removed, in accordance with the rules and regulations.

**§ 172-11 10. Unlawful activities.**

It shall be unlawful and a violation of this article for any person to:

(1) ~~Place or cause to be placed or permit any material, other than a designated recyclable, in an approved recyclable container;~~

(2) ~~Permit or allow or knowingly fail to separate and prepare recyclables for collection in accordance with the provision of this article when source separation is elected. After providing five days' written notice sent certified mail, return receipt requested, to the occupant of a dwelling, a private carter or the municipality may refuse to collect said solid waste from any dwelling where a violation of this article exists;~~

(3 ~~2~~) Collect or cause to be collected recyclables which are in violation of this article; or

(4 ~~3~~) Permit or allow or cause to occur a violation of any rules and regulations promulgated hereunder and duly adopted by resolution of the Board of Trustees.

B. Presumption. Any property owner upon whose land solid waste is left for collection or storage in such a manner as to be in violation of this article shall be deemed and presumed to be the person who shall have placed or deposited such solid waste on the property.

...

**§ 172-12 11. Penalties for offenses.**

A. Any person found to violate any provision of this article or rules and regulations promulgated hereunder shall be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each day that such violation exists shall constitute a separate offense.

B. The Board of Trustees is further authorized, upon written notice mailed to the property owner at the owner's last known address, as shown in the Village records, to direct the



removal of solid waste in violation of this article. The cost of said removal, together with interest, shall become a special assessment on the property where the material is removed, collectible with the next

**§ 172-13 12. Enforcement.**

It shall be the duty of the Village Building Inspector, Code Enforcement Officer, Police Department and any other individual designated by the Board of Trustees and they shall have the power, right and authority to enforce the provisions of this article and issue appearance tickets for violations.

**§ 172-14 13. Rules and regulations.**

The Board of Trustees is empowered and authorized to promulgate and establish, by resolution, any rules and regulations which are necessary and proper to implement and administer the provisions of this article.

**SECTION II.** This law shall take effect upon filing with the Secretary of State.

**NOTE:** New words are double underlined. Deletions are struck out. Dotted . . . lines set off that portion of a Section or Subsection which is amended.

Votes in Favor of adoption:	Elliot S. Conway	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye
	Antje B. Dolido	Aye

Votes against adoption: None

Not voting as not having  
Been Present: Francis J. Russo

**ADOPTION OF LOCAL LAW 6-2017**

The Board then considered the adoption of Local Law 6-2017 (Proposed H-2017) which will amend Chapter 172, "*Solid Waste*," Article III, "*Collection and Disposal*," of the Code of the Village of Upper Brookville. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review act, the adoption of Local Law 6-2017 entitled "*Solid Waste*," Article III, "*Collection and Disposal*," shall be classified as an "Unlisted Action" and will not have a significant adverse impact on the environment, because the

proposed local law will add new definitions and mandate carters who service Village residents to provide for the proper disposal of all recyclables collected from Village residents and further

**RESOLVED**, that Local Law 6-2017 entitled "*Solid Waste*," Article III, "*Collection and Disposal*," be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**VILLAGE OF UPPER BROOKVILLE  
PROPOSED LOCAL LAW 6-2017 (PROPOSED LL H-2017)  
CHAPTER 172 "SOLID WASTE,"  
ARTICLE III, "COLLECTION AND DISPOSAL"**

A local law to amend Chapter 172, "*Solid Waste*," Article III, "*Collection and Disposal*," of the Code of the Village of Upper Brookville. The Code was adopted on September 9, 2000 by the Board of Trustees and last amended on September 18, 2017 by Local Law 3-2017.

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**SECTION I.** Article III, "*Collection and Disposal*," is hereby amended, in part, to read as follows:

**§ 172-15. Policy and objectives.**

A. In the interest of the public health, safety and general welfare of its residents, the Board of Trustees has deemed it necessary to regulate and license individuals and firms that provide for the collection and disposal of residents' solid waste in the Village.

B. The objective of this article is to establish licensing procedures and promulgate regulations and standards applicable to the collection and disposal of solid waste generated and collected from Village residents as shall be deemed necessary by the Board of Trustees to carry out the provisions of this article for the benefit of the public good, the betterment of the environment and for the protection and preservation of the Village's public and private roads and infrastructure.

...

**§ 172-16. Definitions.**

...

**COLLECTION VEHICLE** – A vehicle solely designed, built and used for the purpose of collecting solid waste, with a manufacture's capacity equal to or less than 16.5 yd.<sup>3</sup>, completely enclosed with a water tight body, and solid accessory doors that are required to be closed during travel on a public highways.

Collection vehicle shall not include a standard or modified pickup truck, dump truck or Perkins – type satellite collection unit.

...

**§ 172-17. Violations.**

It shall be a violation of this article:

A. For any carter to operate, engage in, conduct or supervise service to any property in the Village without having a current, valid license issued pursuant to this article and such other municipal permits as required by law.

B. For any carter or carter's employee to engage in the collection or disposal of solid waste in the Village without being registered pursuant to this article.

C. For any person to fail to abide by any rules and regulations set forth herein or hereinafter adopted by the Board of Trustees in furtherance of this article.

D. For any carter to operate or employ equipment for the collection of solid waste in the Village that is not registered and licensed pursuant to this Article.

**§ 172-18. Application for license.**

A. Application. Every carter who does business within the Village shall file a written, verified application with the Village Clerk on the Village forms provided.

B. Application form. The application shall contain:

(1) The name and address of the applicant. If a partnership, the names and addresses of each general or limited partner or, in the case of a corporation, the officers and directors and the names and addresses of each shareholder holding 10% or more of the stock of the corporation shall be provided. For the purpose of this article, the term "applicant" shall apply to all of the above, and each party shall provide all information required of an applicant.

(2) If the applicant conducts business under a trade name or if the applicant is a partnership, it shall be so noted on the application, which must be accompanied by a copy of the trade name or partnership certificate duly certified by the clerk of the county in whose office the certificate was filed.

~~(3) The age and citizenship of the applicant.~~ Manner and method of handling recyclables.

(4) The carting experience of the applicant.

(5) Two references from individuals knowing the applicant for more than two years.

(6) The number of collection vehicles to be operated by the applicant. A description of each vehicle, including the ownership of the vehicle, the current New York State registration number and the area in which the vehicle will operate.

~~(7) The approximate tonnage size, capacity, and gross vehicle weight for each collection vehicle will handle per day that will operate in the Village.~~

(8) The location of the terminal proposed to be used by the applicant for the storage of licensed vehicles.

(9) The applicant's proposed route and pickup schedule in the Village.

(10) The maximum monthly rate charged to a Village Resident.

~~(10)~~ (11) The standard monthly rate available to all Village residents shall be listed and shall be based upon:

(a) ~~Number of weekly Two pickups provided, i.e., one, two or three pickups per week.~~

(b) Back door service.

~~(b)-(c)~~ Average driveway of 400 feet in length and unimpeded access to trash containers. For longer driveways an incremental factor may be quoted.

~~(e)-(d)~~ Collection of two standard thirty-gallon containers per pickup, with an average weight of 35 pounds per container.

~~(d)-(e)~~ Additional quotation on special pickups for miscellaneous trash and rubbish, such as disposable old refrigerators, washers, furniture, leaves, grass clippings, manure, building material, ashes, etc.

(f) The standard monthly and maximum monthly rates will be deemed public information and posted on the Village's website.

~~(10)~~(12) A license shall not be issued to an applicant unless the Board of Trustees or its designated representative is satisfied that;

~~(11)~~(A) The name, address and telephone number, both day and night, of the applicant or the person in charge of the business has been provided.

(12) (B) The hours and days each collection vehicle will operate within the Village.

(13) (C) A list of accounts to be serviced in the Village.

(D) The form of contract to be provided to Village residents, if any, which has been approved by the Village.

~~(13E)~~ Any other relevant information the Village Clerk may require.

#### **§ 172-19. Term of license; renewal; fees.**

A. Period. Every license issued shall be effective the first day of January, or such subsequent day of issuance, and shall expire on the 31st day of December next succeeding, unless suspended or revoked by the Village Board of Trustees.

#### **B. Renewal.**

(1) A license may be renewed upon filing a renewal application with the Village Clerk and payment of the appropriate renewal fee, provided that there is full compliance with all rules, regulations and provisions of this article and there are no existing, unremedied violations of this article or rules and regulations. The renewal application shall reaffirm all information on the original application to be correct and accurate.

(2) Any change in the daily route, pickup schedule or customer pricing shall be reported, in writing, to the Village Clerk 30 days before the effective date, except that where change is due to factors beyond the control of carters, then reasonable notice shall be given to the Village Clerk.

C. Fees. The Village Clerk shall charge and collect fees for the initial license and for the annual renewal of a license as set forth in § ~~112-6~~ 112-7 of Chapter 112, Fees and Deposits which may be amended from time to time as to fee amounts and other factors including capacity of the collection vehicle used, by resolution of the Board of Trustees.

...

**§ 172-21. Denial, suspension or revocation of license.**

A. The Board of Trustees, in compliance with the requirements herein, may deny, suspend or revoke a license for the following grounds:

(1) False statement or willful and knowing misrepresentation made in a license application.

(2) Failure to comply with any lawful order or notice issued by the Village or the Old Brookville Police Department.

(3) Repetitive or flagrant material violation of the provisions of this article or rules and regulations promulgated hereunder.

...

**§ 172-23. Insurance.**

A. Before a license may be issued or thereafter renewed by the Village Clerk, each applicant shall file with the Village Clerk certificates of insurance coverage that the following insurance coverage is in full force and effect during the term of the license:

(1) Worker's compensation insurance.

(2) Disability benefits insurance.

(3) Combined single limit for both general liability and in a minimum amount of \$5,000,000 with excess coverage and auto liability of \$1,000,000 with an aggregate of \$2,000,000.

B. The Board of Trustees may, by resolution, increase the required insurance policy limits.

...

**§ 172-25. Vehicle sticker or placard.**

The Village Clerk, when issuing a license, shall also issue a vehicle sticker or placard for each collection vehicle. This vehicle sticker or placard shall be firmly affixed on the driver's side of each vehicle on the cab near the window. The sticker or placard shall contain the license number and Village initials. Collection vehicles without an official Village Sticker may not operate in the Village.

...

**§ 172-31. Operation of collection vehicles.**

A. It shall be unlawful to dispose of any solid waste collected within the Village at any facility other than that so designated by the Board of Trustees.

B. Collection vehicles shall operate only between the hours of 7:00 a.m. and 5:00 p.m., Mondays through Saturdays, excluding holidays, or as otherwise provided.

C. No collection whatsoever shall be made on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

D. The cargo portion of collection vehicles shall be completely enclosed and watertight.

E. Collections are to be made in such manner as not to permit solid waste to fall upon property, public or private, or upon any highway within the Village.

F. Transfers, such as satellite transfers, may not be made on any highway within the Village.

F. G. All accessory doors, including the main loading door, shall be closed in travel on public and private highways, unless the vehicle is engaged in servicing customers on said highway.

G. H. Collection vehicles shall be subject to inspection at any time by authorized representatives of the Village or the Old Brookville Police Department for the purpose of enforcement of this article.

H. I. Collection vehicles shall be kept clean and sanitary both inside and out.

...

**§ 172-34. Penalties for offenses.**

Violations of this article as provided herein shall be punishable as follows:

A. For a first violation, by a penalty of not less than two hundred fifty dollars (\$250), nor more than one thousand five hundred dollars (\$1,500) for each such violation.

B. For a second violation within a one (1) year period, by a penalty of not less than five hundred dollars (\$500), nor more than three thousand dollars (\$3,000) for each such violation.

C. For a third and any subsequent violation within a one (1) year period, by a penalty of not less than two thousand five hundred dollars (\$2,500), nor more than ten thousand dollars (\$10,000) for each such violation.

...

**NOTE:** New words are underlined. Deletions are struck out. Dotted . . . lines set off that portion of a Section or Subsection which is amended.

Votes in Favor of adoption:	Elliot S. Conway	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye
	Antje B. Dolido	Aye

Votes against adoption: None

Not voting as not having  
Been Present: Francis J. Russo

**ADOPTION OF LOCAL LAW 7-2017**

The Board then considered the adoption of Local Law 7-2017 (Proposed I-2017) which will add Chapter 151, "*Commercial Filming*," to the Code of the Village of Upper Brookville. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review act, the adoption of Local Law 7-2017 entitled "*Commercial Filming*," shall be classified as an "Unlisted Action" and will not have a significant adverse impact on the environment, because the proposed local law establishes standards, requirements and regulations governing all commercial filming and accessory filming activities and licensing in the Village and further

**RESOLVED**, that Local Law 7-2017 entitled "*Commercial Filming*," be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**VILLAGE OF UPPER BROOKVILLE  
PROPOSED LOCAL LAW 7-2017 (PROPOSED LL I-2017)  
ADDITION OF NEW CHAPTER 151  
"COMMERCIAL FILMING"**

A local law to add new Chapter 151, "*Commercial Filming*," to the Code of the Village of Upper Brookville. The Code was adopted on September 9, 2000 by the Board of Trustees and last amended on September 18, 2017 Local Law 3-2017.

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**SECTION I.** Add new Chapter 151 entitled, "*Commercial Filming*," to read as follows:

**Chapter 151  
Commercial Filming**

**§ 151-1. Purpose.**

The Village has received requests to use public and private areas of the Village for purposes of Commercial Filming. Commercial Filming has major impact on our Village, its residents and the Village infrastructure, in particular our public and private roadways.

Accordingly, the Board of Trustees finds that it is in the public interest to regulate Commercial Filming by requiring a permit and establishing standards to minimize the impact of such activity on the Village community and Village infrastructure including in particular, its roads.

The Board of Trustees further finds a significant impact on the Village due to ancillary activities of Commercial Filming that occurs within the Village to support filming outside of the Village. Public and private areas in the Village are used for vehicle parking, food service, base camp all in connection with Commercial Filming that occurs outside the borders of the Village. These activities have a major impact on the Village infrastructure including public and private roadways which are not currently regulated or addressed due

to the Commercial Filming taking place outside the Village. Therefore, the Board of Trustees finds that regulations of Accessory Filming use for Commercial Filming outside the Village is also in the public interest to regulate this use within the Village regardless of the Commercial Filming location.

### **§ 151-2. Definitions.**

As used herein, the following terms shall have the meanings indicated:

#### **ACCESSORY FILMING USE**

The use of public or private property within the village for base camp, food service, vehicular parking, storage of equipment, props, cameras, personnel, administration and other types of service vehicles, vans, and mobile equipment in connection with Commercial Filming activities, whether filming takes place either, within or outside the Village, and for which Village public and private roads are being used to reach the filming site or other film related destination.

#### **BOARD**

The Board of Trustees of the Incorporated Village of Upper Brookville or the Board's designated representative.

#### **COMMERCIAL FILMING**

Commercial Filming means the paid recording of still or moving images or sounds by a person, business, or other entity for a market audience with the intent of generating income, including all activities attendant and related to staging or recording. This includes on-site preparation for all activity associated with the filming, as well as on-site preparation, setup, restoration and cleanup. Commercial Filming shall not include bona fide news organizations, activities, or personal family recordings.

### **§ 151-3. Permit**

A. No person shall use any public or private property, public or private right-of-way, facility or residence for the purpose of engaging in, participating in or supporting Commercial Filming activities anywhere in the Village without having first obtained a Commercial Filming Permit from the Village, in accordance with the procedures established in this chapter.

B. No person, firm, association, corporation, or enterprise shall use any public or private property for Accessory Filming Use without obtaining an Accessory Filming Use Permit in accordance with the procedures established in this Chapter. An Accessory Filming Use Permit is not required if a Commercial Filming Permit has been issued for the Commercial Filming activity.



#### **§ 151-4. Application for Commercial Filming Permit.**

An application for a Commercial Filming Permit shall be made on forms provided by the Village Clerk and include the approval of the Old Brookville Police Department as to parking and traffic flow matters, and if private property is involved, the written consent of the owner. Such other information as may be required by the Board of Trustees or the Village Clerk depending on the nature and duration of the activity to be conducted.

For property located on a private road, the applicant shall also provide written approval allowing access over the private road to the filming site from either the road association homeowners' association or road owner. This authorization must be filed along with the permit application prior to any permit being issued by the Village.

#### **§ 151-5. Application for Accessory Filming Use Permit.**

An application for an Accessory Filming Use Permit shall be made on forms provided by the Village Clerk. Such other information as may be required by the Board of Trustees or the Village Clerk depending on the nature and duration of the activity to be conducted. Parties having received a Commercial Filming Permit are not required to obtain a filming use permit.

#### **§ 151-6. Modification to Permit. Miscellaneous Permit approvals.**

Any change in the planned activities for which a permit has been requested or obtained shall be submitted by the applicant in advance of the proposed changes, and shall be approved or denied in the same manner as the original application.

#### **§ 151-7. Issuance, expiration and conditions of permit.**

The Board in its sole discretion may deny any application for a Commercial Filming Permit that does not comply with the purpose and intent of this chapter, or if the public interest on safety would be served.

- A. The Board may impose restrictions and/or conditions, as the Board in its sole discretion deems reasonable and appropriate, to protect the Village, its Residents and surrounding properties.
- B. The permit shall contain a date of commencement and an expiration date and shall specify the specific permitted hours for the activity.
- C. The Village may limit the time of Commercial Filming Activity or Accessory Filming Use and may prohibit activities on Sundays or legal holiday, unless otherwise authorized in advance in writing by the Mayor or the Board.
- D. For properties with fewer than 20 acres, no more than two applications for a Commercial Filming permit may be granted for one residential property per calendar year, unless approved by the Board.

E. For filming that would impair traffic flow, an applicant must use Old Brookville Police Department (OBPD) Law Enforcement Personnel and comply with all traffic control requirements deemed necessary. There shall be no rerouting of traffic in connection with any filming activity except as specifically authorized and approved in advance by the OBPD Chief of Police.

F. The filming activity shall be conducted so as not to interfere with access to fire hydrants and for emergency vehicles.

G. Any filming activity that requires the use of flammable materials, explosive devices or open flames is considered a special effect. Fire safety officers or advisors assigned from a local jurisdiction may be required.

H. The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash, litter, refuse and debris. The area used shall be cleaned of trash, litter, refuse and debris in any way generated in connection with such filming upon completion of shooting at the scene and restored to the original condition before leaving the site.

#### **§ 151-8. Inspection.**

The Village shall have the privilege of inspecting the premises covered by this permit at any and all times.

#### **Notice requirements.**

(1) For property located on a public or private roads, the applicant shall notify in writing all abutting property owners of the proposed filming site(s) at least three days before the earlier of the first set-up date or the day filming begins. Abutting land shall include land across the street from the property.

(2) For property located on a private road, the applicant shall secure written approval allowing access over the private road to the filming site from either the road association and/or homeowners' association. This authorization must be filed along with the permit application prior to any permit being issued by the Village. After the permit is issued, the applicant shall notify in writing all property owners on the road of the filming at least three days before the earlier of the first set-up date or the day filming begins.

(3) For filming on a roadway, the applicant shall notify in writing all property owners whose land abuts that portion of the roadway where the filming is being done at least three days before the earlier of the first set-up date or the day filming begins.

#### **§ 151-9. Fees.**

A. Commercial Filming Permit fees shall be \$2,500 per day, including days used for setup and take down. The application and fee for a filming permit must be submitted to the Village three business days prior to the commencement of any film-related activities.

B. Accessory Filming Use Permit fees shall be \$1,000 for each day the property is used, including days used for setup and take down. The application and fee for a filming permit must be submitted to the Village three business days prior to the commencement of any film-related activities. An Accessory Filming Use permit is not required if a Commercial Filming Permit has been issued.

C. Commercial Filming Permit fees for all properties greater than 20 acres shall be set by the Board of Trustees up to \$10,000 per day, including days used for setup and take down. An Accessory Filming Use permit is not required if a Commercial Filming Permit has been issued.

D. Permit fees are doubled for failure to obtain permit prior to commencement of Commercial Filming Activity or Accessory Filming use.

E. All fees shall be paid by bank check or certified funds. The Board of Trustees may by resolution increase or modify the permit fees from time to time.

#### **§ 151-10. Incidental costs.**

In addition to any permit fees described under § 151-8, the applicant shall pay the actual cost for the incidental use of any Village personnel, services or equipment in connection with administering a Commercial Filming or Accessory Filming Use Permit.

#### **§ 151-11. Insurance, indemnification and bond requirements.**

A. No permit shall be issued unless the applicant shall have first filed with the Village Clerk a current and valid certificate of insurance in a form and in an amount acceptable to the Village Attorney, evidencing comprehensive liability and property damage insurance coverage. But in no event shall such insurance be less than \$2,000,000 per occurrence. The Incorporated Village of Upper Brookville, its officers, agents, and employees shall be a named insured and certificate holder of all such policies, thereby providing defense and indemnity from and against any claim, loss, expense (including reasonable Attorney fees) or damage resulting from any activity for which the permit was issued. Such indemnity shall not be limited by enumeration of any insurance coverage herein provided.

B. When occurring on Village properties, the applicant and/or permit holder shall deposit with the Village Clerk a cash bond or letter of credit, in a form acceptable to the Village Attorney, in an amount to be determined by the Village to guarantee the reconstruction or

restoration of any public property damaged as a result of any activity undertaken pursuant to the permit.

**§ 151-12. Suspension or revocation of permit.**

A. The Board may suspend or revoke a filming permit issued for any of the following reasons:

- (1) Violation of any law, rule or regulation of the United States, the State of New York, the County of Nassau, the Village or any department or agency thereof.
- (2) Violation of any condition of the permit.
- (3) Conduct that is materially detrimental to the health, safety or welfare of the public.

B. A decision of the Board to suspend or revoke a permit shall be final.

C. In the event that a permit is suspended or revoked, the fees paid therefor shall be forfeited and shall not be refunded to the applicant.

**§ 151-13. Penalties for offenses.**

Any person, firm or corporation who or which shall violate or fail, neglect or refuse to comply with any provision of this chapter or any rule or determination made thereunder, or who shall undertake filming or establishing or using an Accessory Filming base camp within the Village without a permit therefor, shall be deemed a violation and subject to the penalties in the Article II Sections 1-15 and 1-16 of the Code.

**§ 151-14. Indemnification and Waiver**

Permittee waives all claims against the Village, its officers, agents and employees, for loss or damage caused by, arising out of or in any way connected with the exercise of this permit. Permittee also agrees to save harmless, indemnify and defend the Village, its officers, agents and employees caused by, arising out of or in any way connected with exercise by permittee of the rights hereby permitted, except those arising out of the sole gross negligence of the Village.

**§ 151-15. Permit On Site**

Permit must be kept on site at all times.

**SECTION II.** This law shall take effect upon filing with the Secretary of State.

Votes in Favor of adoption: Elliot S. Conway Aye  
Edward J. Madden Aye  
Carl A. Friedrich Aye  
Antje B. Dolido Aye

Votes against adoption: None

Not voting as not having  
Been Present: Francis J. Russo

#### **ADOPTION OF LOCAL LAW 8-2017**

The Board then considered the adoption of Local Law 8-2017 (Proposed J-2017) which will amend Chapter 177, "*Streets and Sidewalks*," of the Code of the Village of Upper Brookville. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review act, the adoption of Local Law 8-2017 entitled "*Streets and Sidewalks*," shall be classified as an "Unlisted Action" and will not have a significant adverse impact on the environment, because the proposed local law imposes a fine and requires any person found causing damage to the shoulder of a road to be responsible for all expenses to restore the shoulder to its prior condition and further

**RESOLVED**, that Local Law 8-2017 entitled "*Streets and Sidewalks*," be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

#### **VILLAGE OF UPPER BROOKVILLE PROPOSED LOCAL LAW 8-2017 (PROPOSED LL J-2017) CHAPTER 177 "STREETS AND SIDEWALKS"**

A local law to amend Chapter 177, "*Streets and Sidewalks*," of the Code of the Village of Upper Brookville. The Code was adopted on September 9, 2000 by the Board of Trustees and last amended on September 18, 2017 by Local Law 3-2017.

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**SECTION I.** Amend Section 177-4, "*Deposit of material and obstruction on Village streets or public grounds*," in part, to read as follows:

**§ Section 177-4. Deposit of material, damage to and obstruction on Village streets or public grounds.**

No person, firm or corporation, unless with the consent and under the supervision of the Street Commission of the Village, shall:

...

D. Cause damage to the shoulder of a road. Any person found causing such damage shall be responsible for all expenses to restore the shoulder to its prior condition and to pay a \$400 fine. The owner of a vehicle that is parked, stopped, standing or being operated on the shoulder which causes damage to the shoulder shall be deemed responsible for the Village's restoration expenses and fined.

**NOTE:** New words are underlined. Deletions are struck out. Dotted . . . lines set off that portion of a Section or Subsection which is amended.

**SECTION II.** This local law shall take effect upon the filing with the Department of State.

Votes in Favor of adoption:	Elliot S. Conway	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye
	Antje B. Dolido	Aye

Votes against adoption: None

Not voting as not having  
Been Present: Francis J. Russo

#### **APPROVAL TO USE REMAINING BALANCE OF REPAIR RESERVE FUND ACCOUNT**

The Board then considered approving the use of the remaining balance of the Repair Reserve Fund Account on the 2017 Road Projects. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, to use the remaining balance of the Repair Reserve Fund Account, which will not exceed \$5,500, for expenditures associated with the 2017 Road Improvement Project. These expenses include, but are not limited to, public notices, engineering, labor, equipment and material.

The Mayor called the regular meeting to order at 7:00 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.

## **PUBLIC COMMENT**

No comments were made.

## **MINUTES**

The Mayor called for approval of the minutes of the Trustee meeting held on October 16, 2017 which, on motion duly made and seconded, were unanimously approved.

## **FINANCIAL REPORT**

### **Bills**

The bills listed on Warrant No. 006 in the total sum of \$896,738.66 dated October 16, 2017 which are annexed to these minutes, were, on motion duly made and seconded, approved for payment. The warrant includes road project payment #2 to John McGowan & Sons for \$692,742.42, subject to an increase in the retainer amount to \$100K.

The Board ratified payments made from the Capital Fund Account totaling \$35,735.50 for engineering, publication & legal fees associated with the 2017 Road Program. Approval for an additional payment to Sidney B. Bowne for engineering costs totaling \$31,144.00 from the Capital Fund Account was deferred.

### **Treasurer's Report**

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

## **VILLAGE CLERK'S REPORT**

### **Article 7 Assessment Reductions/Village Tax Refunds**

Next, the Village Clerk stated that the Article 7 Proceeding, between The McAllistair Group Inc. and the County has been settled for the 2005/06 – 2011/12 tax year. Accordingly on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the Article 7 Proceeding, between The McAllistair Group Inc. and the County for the property designated below, the years and amounts indicated below, be, and the same hereby is, settled; and it is

**FURTHER RESOLVED**, that the Treasurer be, and she hereby is, authorized to make said refund in connection with said proceeding for the following:

The McAllistair Group Inc. - Sec. 24, Blk. E, Lot 1051, for the 2005/06 – 2011/12 tax years a lump sum payment \$600.34.

### **Film Permit**

The Clerk noted that several film/TV permit requests had previously been approved by the Board. Thereafter, the Board, on motion duly made and seconded, ratified their approval of film/TV permits at:

- 1365 Planting Fields Road from 11/15 – 11/18.
- 1327 Wolver Hollow Road for 11/17, 11/20 & 11/21.
- 55 Mill River Road for 11/28 – 12/31 & 12/4.

### **Tag Sale Permit**

The Clerk noted that a tag sale permit request had previously been approved by the Board. Thereafter, the Board, on motion duly made and seconded, ratified their approval of a tag sale permit at 40 West View Drive on 11/11.

### **Oaks at Mill River Planning Board Expenses**

The Clerk noted that the applicant for the Oaks at Mill River Club will soon reach their maximum legal expenditures of \$200,000 for the subdivision project on Mill River Road. The Village Attorney indicated that their involvement in the project was coming to an end after 10 years & did not anticipate further charges.

### **Muttontown Street Lights**

The Clerk reported that she had received reports from Upper Brookville Village residents that several street lights located on the Right of Ways of Muttontown maintained roads Remsens Lane & Mill River Road, were out. The Clerk, Road Commissioner & Mayor have made several calls to Muttontown asking that they replace the bulbs but Muttontown has thus far declined to replace them on the basis that the lights are not theirs to maintain. Residents will be made aware of this situation by the Clerk when they call.

## **MAYOR'S REPORT**

### **Zoning Board Appointment**

The Mayor announced with regret the resignation of Zoning Board of Appeals member Tracy Kemper effective 12/31/17. Ms. Kemper has served with distinction on the Board since February 2009, and prior to that as an alternate member. The Mayor then appointed Mr. Joseph Burns as a member of the Zoning Board of Appeals to fill the unexpired term of Ms. Kemper. Accordingly, on motion duly made and seconded, it was

**RESOLVED** that the appointment of Joseph Burns as a regular member of the Board of Zoning Appeals to fill the vacancy caused by the resignation of Tracy Kemper, whose term expires on the first Monday in July 2019, be, and it hereby is confirmed.

### **Building Clerk Appointment**



The Mayor requested that the Board approve expanding the Building Clerk's hours by an additional day in the capacity of Deputy Clerk/Treasurer. She would work Monday, Tuesday & Thursday from 8am – 4:30pm. The Board unanimously agreed to increase her hours to 24 hours per week not including a half hour daily break. They also agreed to her participation in the New York State Health Insurance Program, effective 1/1/2018, at a cost of \$1014.98 for a single policy, with the Building Clerk contributing 50% of the annual premium.

### **Delineators**

The Mayor reported that Heritage Farm & Garden agreed to order & stock reflective delineators for purchase by Upper Brookville residents at a 50% savings. The Board previously approved the purchase of 500 such delineators, subject to further approval by the Village Engineer. Upon purchase, the mayor will inform residents of their availability.

### **Road Project Update**

The Mayor reported an issue with one of the Village road projects.

There was an existing 650 foot section of Pine Valley Road that was recovered with an overlay of asphalt several years ago to prevent imminent buckling and collapse. The section of road was 'soft' due to a likely foundation of soft clay, susceptible to retention of water. The Village Engineer did not include this section in the 2017 road program and repaving of Pine Valley Road. During the repaving it became clear that this section could not survive with structural integrity. After discussion and negotiation, a change order was agreed to replace the asphalt and clay foundation with a base of crushed concrete and a 3 inch asphalt overlay at an additional cost of approximately \$75,000. The road has since been substantially completed and punch list items remain.

The Board then reviewed the progress against contract for all road projects and the Village Attorney agreed to meet with the Road Commissioner and Village Engineers to review the items remaining to complete, timing and appropriate amounts payable to the two road contractors.

### **Tree Permit**

The Mayor presented a revised draft tree removal permit application which replaces the single \$50 permit fee with a sliding scale as follows:

- \$75 for up to five trees
- Six to ten trees is \$35 per tree
- Eleven to twenty trees is \$50 per tree for every tree to be removed beyond 5
- For 31 trees or more is \$75 per tree for every tree to be removed beyond 5

The Board reviewed the current guidelines for the Village Tree Warden in determining when and if trees may be removed and when remediation/replanting should

be required. The Mayor would follow up with criteria at the December meeting and inform the residents of the amendment to the tree removal permit, if any, before adoption.

### **Village Party & Pins**

The Mayor proposed the a village dinner in January 2018 to thank all village officials and volunteers. He recommended the purchase of lapel pins, designed with the Village pheasant logo, to award to residents and others who volunteer their time and resources to improve the quality of life in the village . The Board unanimously agreed to the village dinner at a cost of approximately \$2,500 to be held in January or February and an initial order of 300 pins.

### **Cash Management**

Trustee Friedrich reported on his discussions with the First National Bank of Long Island with the goal of earning interest income at an appropriate rate on Village cash balances. The FNBLI agreed to pay 1% interest per annum on village accounts with no requirement for non-interest bearing reserves. As rates are projected to increase over time, He agreed with FNBLI that they would monitor the market and revisit the appropriate interest rates with the bank from time to time.

### **BUILDING DEPARTMENT REPORT**

The Clerk/Treasurer referred to the report submitted by the Building Department Clerk for October 2017 activity.

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

The Road Commissioner reported that McGowan & Sons had completed 99% of the road resurfacing for Lawn, Hillcrest, Locust & Linden Lane. As discussed earlier, he will be meeting with the Village Engineer and road contractor to put together a punch-list of outstanding items that need to be addressed. These items include driveway apron repairs,, sprinkler repairs, embankment and shoulder repairs and drainage issues.

Lomin Contracting was hired to repair some failing patches on Mill River Road and Linda Court.

The Road crew crack sealed Mill River Road and a portion of Ripley Lane. The Commissioner will schedule to repair the cracks on Donna Drive and the older portion of Linden Lane before the winter.

A rain and wind storm took down two large trees at 63 Mill River Road and 1137 Cedar Ridge which were removed by Sav-A-Tree.

The Commissioner also asked for approval to purchase 2 tons of salt for delivery to the Nassau County Glen Cove yard and enter into an inter-municipal agreement with TOBAY for the purchase of salt/sand which the Board unanimously agreed and asked the Clerk to follow-up with TOBAY.

At the Village's request, the Commissioner will provide copies of his insurance policy listing the Village as additionally insured on NCS owned equipment and vehicles.

After a considerable delay, new street sign posts purchased by the Village were delivered. The Mayor asked the Commissioner to confirm the use of vertical posts under existing NYS guidelines before we had the sign company complete the lettering.

#### **POLICE REPORT**

No Report

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

No Report

#### **ARCHITECTURAL REVIEW REPORT**

No Report

#### **LEGAL REPORT**

The Village Attorney was advised that the Village Engineer, Sidney B. Bowne & Son, was in the process of beginning the asset sale to the LIRO Group and are expecting to close the deal in January. It is not currently known if the new entity will be able to provide the same level of service. The Board will review the situation when more is known in January.

#### **EXECUTIVE SESSION**

The Mayor closed the regular meeting to enter Executive Session to discuss several matters.

After exiting Executive Session, the Mayor reopened the meeting. There was no action taken following the Executive Session.

The next meeting of the Board of Trustees is scheduled for Monday, December 18, 2017.

Signed by the Village Clerk