

**VILLAGE OF UPPER BROOKVILLE
PUBLIC HEARINGS ON PROPOSED LOCAL LAWS E & F-2017
AND
BOARD OF TRUSTEES' MEETING
SEPTEMBER 18, 2017**

Public hearings on Proposed Local Law E & F-2017 and regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, were held at the Annex on the grounds of the Planting Fields Arboretum, located on Planting Fields Road in the Village, on Monday September 18, 2017 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Francis J. Russo	Trustee
	Edward J. Madden	Trustee
	Carl A. Friedrich	Trustee

Not Present:	Antje Dolido	Trustee
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Also Present:	Tracy L. Lynch, Village Clerk/Treasurer
	Samuel Vergata, Street Commissioner
	Katherine Conway, Village Resident
	Mr. Brodie, Village Resident
	Mr. Werther, Village Resident
	Mr. Dogonniuck, Village Resident
	Dr. & Mrs. Bythewood, Village Resident
	Ms. Falco – Greenberg, Beautification Committee
	Ms. Solomon, Beautification Committee
	Ms. Poolin, Beautification Committee
	Ms. Pieper, Beautification Committee
	Brian S. Stolar, Esq. of Meyer Suozzi
	Peter P. MacKinnon, Esq. of Humes & Wagner, LLP
	Attorneys for the Village

The Mayor called the meeting to order at 6:30 P.M. He requested that the affidavits of mailing and posting of the Public Information Notice in compliance with the Open Meetings Law be presented and annexed to the minutes of this meeting.

RESIGNATION OF WILLIAM R. CAMPBELL

The Mayor announced with regret the resignation of Trustee William R. Campbell, who recently relocated to the West Coast with his family. He served with distinction for the last five years as Trustee of the Village holding various posts, including Deputy Mayor, East Norwich Fire Company Chair, and as a Member of the Board of Zoning Appeals. The Mayor noted that in recognition of his community service and with best wishes that he and his wife may find peace and harmony in the future.

APPOINTMENT OF NEW TRUSTEE

The Mayor stated that he was appointing Carl Friedrich to fill the unexpired term of William R. Campbell, which appointment was duly ratified and approved by the unanimous vote of the Board of Trustees. He noted that under New York State Village Law, Mr. Friedrich will need to run in the election in June 2018 to serve the last year of Trustee Campbell's term. Trustee Friedrich took a seat on the dais.

MINUTES

The Mayor called for approval of the minutes of the Trustee meetings held on May 15th, June 19th and July 17th, 2017 which on motion duly made and seconded, were unanimously approved.

PUBLIC COMMENT

Brian Stolar, Esq. of Meyer Suozzi, representing Dr. & Mrs. Bello of 5 Colonial Dr, addressed the Board with his clients concerns on the building activity going on at their neighbor's property at 3 Colonial Dr. and related drainage concerns.

Next, Dr. Bythewood of 189 Terrace Lane requested that the Board consider including 375' of Terrace Lane in front of his home as part of the 2017 Lawn & Hillcrest Lane Road Projects.

BEAUTIFICATION COMMITTEE

Members of the newly formed Beautification Committee were present to discuss their ideas for seasonal plantings around the newly installed Village welcome signs. Ms. Lori Falco – Greenberg reported the Committee & Mayor met with Heritage Farm & Garden who offered to donate some annuals and perennials for a few of these areas. Dodds & Eder expressed interest as well.

Ms. Solomon reported that in the 1970's, the Village was landscaped with hundreds of American dogwood trees which later succumbed to a fungus and were eliminated by 1982. The Committee requested the Village support the re-creation of the beauty of the area by asking residents to consider planting Kousa Dogwoods, a heartier variety, on their properties next spring. The Kousa dogwood is a colorful tree that produces vibrant flowers in the spring and red berries in the fall. The Committee would work with the garden centers to investigate if they would sell the trees to Village residents at a volume discount.

The Mayor reported that segregated Village accounts for the "Beautification Committee" and "Neighborhood Association" would be created to accept tax-deductable donations from residents and interested parties to supplement funds previously allocated by the Board for plantings around Village welcome signs.

The Mayor agreed to assist the Committee with preparing a letter to the residents requesting support for these activities and informing them of the dogwood trees spring planting program.

The Beautification Committee consists of the following members:

Ms. Lori Falco – Greenberg, Chairman

Ms. Helen Solomon

Ms. Toni Poolin
Ms. Karin Pieper
Ms. Ginny Kunken
Ms. Julie Englander
Ms. Fran Tria
Ms. Mary Javian
Ms. Merle Demott

HEARING ON PROPOSED LOCAL LAW E-2017

The Mayor called the hearing on proposed Local Law E-2017 to order at 7:00pm. 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 E-2017 which will add new Chapter 130, entitled, *Property Maintenance*, to the Code of the Village of Upper Brookville. The proposed Local Law would provide basic and uniform standards governing the maintenance, appearance and condition of all structures and properties whether improved or unimproved, residential, commercial or otherwise within the Village. The local Law will further authorize the Village, upon the failure of responsible parties to remedy a condition, to take all required action to address and remedy the condition and to assess all remediation costs incurred by the Village, including attorney fees, against the owner, occupant or responsible party as set forth in the Local Law.

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 F-2017

The Mayor then called the hearing on proposed Local Law F-2017 to order at 7:15pm. 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 F-2017 which will amend Chapter 144, *"Noise"* Section 144-2, *"Prohibited acts"* to the Code of the Village of Upper Brookville. The proposed Local Law will change the time that one can operate power equipment in a residential zone on Saturday, Sunday and New York State legal holidays from 6:00p.m. to 9:00a.m. to 6:00 p.m. to 10:00 a.m.

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.

ADOPTION OF LOCAL LAW 2-2017

The Board then considered the adoption of Local Law 2-2017 (Proposed E-2017) entitled "*Property Maintenance*". 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 2-2017 entitled "*Property Maintenance*" 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 governing the maintenance of properties, and further

RESOLVED, that Local Law 2-2017 entitled "Property Maintenance" 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 2-2017 (PROPOSED LL E-2017)
ADDITION OF NEW CHAPTER 130
"PROPERTY MAINTENANCE"**

A Local Law to add new Chapter 130 entitled, "Property Maintenance" 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 April 10, 2017 by Local Law 1-2017.

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

SECTION I. Add new Chapter 130 entitled, "*Property Maintenance*," to the Code of the Village, to read as follows:

§130-1 Title.

This chapter shall be known and cited as the "Property Maintenance."

§ 130-2. Intent and purpose.

It is the intent and purpose of this chapter to provide for and ensure the proper use of property and to prevent unsafe, hazardous or dangerous conditions upon property within the Village of Upper Brookville; to provide basic and uniform standards governing the maintenance, appearance and condition of all structures and properties, whether improved or unimproved, residential, commercial or otherwise. Structures and properties within the Village shall be maintained in conformity with the standards set out in this chapter so as to assure that these structures and properties will not adversely affect the neighborhood and the community at large. It is found and declared that by reason of lack of appropriate maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighting conditions, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct

and eliminate the same. By reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of the neighborhoods enhanced and the public health, safety and welfare protected and fostered. It is the intent, therefore, of the Village that blight be identified, abated and eliminated and that any and all conditions which pose a threat to the health and safety of the public or to property within the Village be eliminated and to provide for the elimination of such conditions by the Village upon the failure of responsible parties to do so and for the assessment of the cost thereof against the owners, occupants or other persons as set forth in this chapter.

§130-3. Definitions.

The following definitions are applicable to this chapter only:

BLIGHTED PROPERTY - Property characterized by one or more of the following conditions; the Building Inspector or the Code Enforcement Officer can determine whether property is blighted: boarded windows, doors, entryways or exits; broken or unsecured windows; excessive litter or debris; overgrown grass or other overgrown vegetation or shrubbery inconsistent with the ambiance of the Village; roofs, gutters, siding/shingles, chimney, shutters, and/or accessory structures, including, but not limited to, decks, sheds, porches, pools, pool houses or cabanas, garages, carports, storage units, front and rear porches, outside statuary, and/or fish ponds which are broken, unsecured, or in disrepair; junk vehicles, salvage, or scrap property; graffiti; fencing which is broken, unsecured or in disrepair; outdoor lighting fixtures which are broken, unsecured or in disrepair; electrical wires, electrical equipment or extension cords which are broken, exposed or hazardously utilized; unfinished or abandoned construction; damaged, dead or fallen trees or limbs in conspicuous areas; fire damage to property which has not been repaired or restored; significantly peeling or deteriorated paint; stagnant water; open or unsecured wells, cesspools or cisterns; vermin, rodent harborage or infestation; any other factors deemed by the Building Inspector to pose significant threat to the safety, health and/or general welfare of the Village; and presence within/upon an outdoor area or the improper storage of:

A. Refrigerator, washing machine, sink, stove, heater, boiler, tank, other household appliances, boxes or indoor furniture for a period in excess of seven days; and/or

B. Construction materials, dirt, debris, trash, garbage or uncovered refuse cans, accumulated refuse or garbage in covered refuse cans which is not timely or properly disposed of.

DEBRIS - Includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such materials include but are not limited to: bricks, concrete and other masonry material, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals, or any combination thereof which is incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition.

GARBAGE - Includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including packaging containers.

GRAFFITI - Any writing, painting, drawing, staining, carving, etching or other marking, made by use of chalk, paint, ink, aerosol spray can, knife, pencil or any other marking device and/or material, of any word, name, lettering, inscription, figure, design, or other representation, made upon a portion of a building or structure without the consent of the owner. Signs with proper sign permits or approval are expressly not included in the definition of graffiti.

RUBBISH - Includes all discarded or worthless non-putrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper and paper products, rags, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances, batteries and other automotive parts, paint and paint products, petroleum products and similar items.

SOLID WASTE - Includes all putrescible and non-putrescible materials and substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including but not limited to household and commercial garbage, industrial waste, rubbish, debris, litter and ashes.

§130-4. Maintenance of property required.

A. General requirements.

(1) Surface and subsurface water shall be drained to prevent damage to buildings and structures and to prevent development of stagnant waters. Gutters, culverts, catch basins, drain inlets, stormwater sewers and sanitary sewers or other satisfactory

drainage systems shall be provided and utilized.

(2) All landscaped areas shall be well maintained so that lawns, hedges, bushes, trees and weeds shall be trimmed so as to prevent overgrown and unsightly conditions, and so that they do not constitute an insect, vermin or rodent harborage or infestation hazard or blighting factor thereby depreciating adjoining property. Uncut grass and weeds shall not exceed six inches in height. Any amount of brush, grass or weeds which conceals unhealthful deposits or conditions is prohibited. Areas intended to be left natural in harmony with the character of the Village are acceptable so long as they do not violate the other provisions of this Code.

(3) All fences, retaining walls, piers, entryway gates, columns and the like shall be maintained in a safe and good condition and state of repair. Such maintenance shall include, but not be limited to, the replacement and/or repair of retaining walls, piers, entryway gates, columns and the like, which may become in disrepair.

(4) Steps, walkways, driveways and similar paved areas shall be maintained in good and substantial condition and state of repair so as to afford safe passage under normal use and weather conditions, and be free from litter, rubbish, debris, paper, dirt, garbage and junk. Any holes or other hazards that may exist shall be filled or necessary repairs or replacements carried out.

(5) Access to a residential or commercial building through steps, walkways and driveways shall be maintained within 24 hours of a winter snow or ice storm so as to enable postage employees and emergency personnel safe passage thereon. No snow removed from steps, walkways, driveways or other areas shall be deposited upon the public and private streets, roads or highways so as to interfere with the use of such streets, roads or highways or with the use of any other premises. In cases of extreme storm events, access shall be restored as soon as reasonably possible.

(6) Dead or incurably diseased trees clearly visible from neighboring properties or in imminent danger of falling outside a property: Such trees shall be taken down and the diseased portion thereof removed and destroyed. Trees shall be kept pruned, and all fallen trees, uprooted tree stumps, and dead wood shall be removed.

(7) Any tree cut down shall be cut within eight inches of grade, and promptly removed from the property. Any remaining tree stumps higher than eight inches above grade shall be removed or cut to a height of eight inches above grade or lower. These maintenance activities shall be undertaken in accordance with and shall be subject to the provisions of the existing tree regulations.

(8) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation subject to all provisions of this chapter. They shall be maintained in a manner that will prevent rubbish from being blown about the neighborhood. Open wells, cesspools, cisterns, pits, holes and all other declivities shall be securely closed, covered or barricaded from access to the public.

(9) No person shall deposit, throw or scatter or suffer, permit, allow or maintain the accumulation of any filth, dirt, ashes, junk, garbage, solid waste, debris, wastepaper, dust, rubbish, sticks, stones, grass, wood, paper or paper boxes, iron, tin, nails, bottles or glass or any other kind of rubbish or waste material, appliances, furniture, tires, machinery, disabled automobiles or automobile parts, or other bulk refuse upon any private or public property, vacant or improved, within the Village except as permitted by the Village regulations for trash and garbage removal.

(10) No discarded material of any kind or accumulation of vegetation or construction waste shall be maintained beyond the normally scheduled garbage removal, and shall otherwise comply with Subsection B of this section.

(11) No sand, dust or other such material shall be kept on property in such a manner as could cause injury, annoyance or detriment to the health, comfort or safety of a person of reasonable sensitivity or cause damage to any real or personal property if such material is blown off or otherwise escapes from the property.

B. Buildings and structures.

(1) All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.

(2) Every exterior wall, roof and porch, or appurtenance thereto, shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.

(3) Foundation walls of every building shall be maintained in good condition and state of repair and be structurally sound.

(4) Exterior walls (including doors and windows), roofs and the areas around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building. Materials which have been damaged by dry rot or other deterioration or damage shall be repaired or replaced and refinished in a good and workmanlike manner within a reasonable amount of time. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and materials. Such objects or materials shall be removed, repaired or replaced.

(5) Windows shall at all times be maintained in a safe manner, free of cracks.

(a) Windows that are cracked, broken or in imminent danger of breaking, or missing shall be immediately boarded, to the extent necessary, to assure the safety of persons from falling out and/or from broken glass until such windows are replaced. In no event shall such boarding of windows exceed 10 calendar days. Windows that are broken, in imminent danger of breaking, or missing shall be replaced within 10 calendar days after notice from the Building Inspector. Extensions beyond said 10 days, based upon a good faith inability to obtain replacement windows within that time, shall be in the sole discretion of the Building Inspector. Such replacement windows shall be installed in conformity with the requirements of the Village Code.

(b) The boarding of windows, except as provided in Subsection B(5)(a) hereof, is prohibited, except to the extent that the use of wood structural panels, as provided for in the New York State Residential Code, to provide protection from broken glass during periods of high wind velocity, or within 48 hours immediately before or within 48 hours immediately after such periods.

(6) Vacant buildings shall be maintained in a condition that does not present a hazard to adjoining properties, buildings, structures or to the public.

(7) All property, buildings and structures shall be maintained free of rodent harborage and other vermin infestation. Such vermin or other pests shall be exterminated or caused to be exterminated and methods used for such extermination shall conform to generally accepted practices in the Village and comply with all applicable law.

(8) No building or structure shall be permitted to exist with graffiti. Graffiti shall be removed and the building or structure restored.

A. Maintenance of site and adjoining roads during construction.

(1) During the construction of any new building or structure, or during any reconstruction, enlargement, modification or alteration of any existing building or structure or during work upon any site, the owner of such construction site shall cause the entire site and all adjoining roads to be kept in a good, neat, clean, sanitary and attractive condition and free of all garbage, rubbish, debris (including construction debris) trash and the like to the extent practicable.

(2) At the end of each work day, the owner of the construction site shall cause all garbage, rubbish, debris (including construction debris) trash and the like

thrown, placed, deposited or discarded by the owner or owner's contractors, subcontractors agents, employees or invitees to be collected and placed in dumpsters or other appropriate covered containers or garbage disposal bags or removed from the site and adjoining roadways.

(3) At the end of each work week, the owner of the construction site shall cause any accumulation of sand, gravel, cinder, topsoil, mud, earth or dirt or the like placed, deposited or tracked or caused to be placed, deposited or tracked from any construction site upon any adjoining roadways or caused by the owner or owner's contractors, subcontractors, agents, employees or invitees or other vehicles coming to and from the site or from any other cause to be removed and the adjoining roadways to be swept and cleaned.

(4) The owner of the construction site shall cause appropriate sanitary disposal facilities for the use of construction workers to be placed and maintained at the construction site as required by applicable laws, rules and regulations or as the Village's Building Inspector shall determine to be suitable for the number of construction workers at the site.

B. Blighted property. Blighted property is prohibited. The Building Inspector or the Code Enforcement Officer can determine whether property is blighted and specify a schedule for correction of any instance of blight on any property.

§130-5. Violations and parties responsible.

It shall be a violation of this chapter for any person to create, cause or maintain any condition which causes property to be blighted or fails to abate any such condition. It shall be a violation of this chapter for any person to fail to maintain property in accordance with the requirements of § 130-4. For purposes of this chapter, "any person" shall include the owner, occupant, tenant, contractor, or vendee in possession, when the owner or occupant has caused or allowed the property to deteriorate or otherwise fall into a state of disrepair or blight, the operator, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm, or corporation directly or indirectly in control of property or part thereof.

§ 130-6. Additional responsibilities of owners.

A. Owners of property shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor regardless of the fact that this chapter may also place responsibilities on operators, occupants and others, and regardless of any agreements between owners, operators, occupants or others as to which party shall assume such responsibility.

B. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village as executor, administrator, trustee, guardian, operator, contractor or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this chapter and shall be bound to comply with the provisions of this chapter to the same extent as the record owner, and notice to any such person or any order or decision of the Building Inspector shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one or more violations of this chapter, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this chapter.

C. The Building Inspector or Code Enforcement Officer is hereby authorized and directed to make all inspections necessary to determine whether compliance with the provisions of this chapter exists. For the purpose of making such inspections, the Building Inspector or Code Enforcement Officer is hereby authorized as permitted by law to enter, examine and survey at all reasonable times all premises. The owner or occupants of every premises, or the person in charge thereof, shall give the Building Inspector or Code Enforcement Officer free access to such premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a premises shall give the owner thereof, or his agent or employee, access to any part of such premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

D. In the event that permission to enter any such premises for the purpose of inspection is denied, the Building Inspector or Code Enforcement Officer may apply to the appropriate authority for a search warrant.

E. A warrant shall not be required:

(1) When entry is by permission or at the request of the owner or occupant.

(2) Where the Building Inspector or Code Enforcement Officer has reason to suspect that an imminent danger to health and safety exists and where immediate inspection is required to determine if such an imminent danger to health or safety exists.

§ 130-8. Notice to remedy prohibited conditions and enforcement; public hearing;

costs and expenses.

A. If conditions existing on property violate the provisions of this chapter, the Building Inspector or Code Enforcement Officer shall serve or cause to be served a written notice of such violation, upon the owner or owner's agent and upon any known lessee or occupant of said premises.

B. Said notice shall contain substantially the following :

- (1) The name of the owner as set forth on the Tax Assessor's record and any known lessee or occupant of the premises.
- (2) The address or location of the premises.
- (3) The identification of the premises as the same appears on the current assessment roll.
- (4) A statement of the conditions on the property deemed upon inspection to be in violation of this chapter.
- (5) A demand that the violation of this chapter be cured on or before 10 days after the service or mailing of such notice.
- (6) A statement that a failure, refusal or neglect to comply with the provisions of this chapter and the notice given pursuant thereto within the time specified may result in a duly authorized officer, agent or employee of the Village entering upon the property and removing or otherwise curing such violation.
- (7) A statement that the cost and expense of such curing, plus legal fees and an administrative fee equal to 15% of such cost and expense, if not immediately reimbursed to the Village, shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law for the collection of delinquent taxes.
- (8) The date, time, and location at which the Village Board of Trustees will conduct a public hearing, if the conditions that gave rise to the issuance of the notice of violation are not corrected, to determine whether to authorize the corrective action specified in Subsection 8(6) of this section. The date of such public hearing must be at least 20 days after service or mailing of the notice of violation. Notice of the public hearing shall be published in a paper of general circulation in the Village at least five days prior to the date of the public hearing.

(9) A statement that the property owner, his/her agent, lessee or occupant is entitled to be heard at such hearing and present evidence or testimony.

C. Any notice required pursuant to this section shall be served as follows:

(1) By personal delivery to the person to be served;

(2) By delivery to a person of suitable age and discretion at the dwelling place of the person to be served; or

(3) By certified mail, return receipt requested, at the last known dwelling place of the person to be served.

D. Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of any of the provisions of this chapter.

E. Within two working days prior to the public hearing, the Building Inspector or Code Enforcement Officer shall conduct a second inspection of the property and prepare a written report of the conditions that gave rise to the issuance of the notice of violation and the extent to which such conditions may have been corrected.

F. If the Building Inspector or Code Enforcement Officer deems the violations to be adequately corrected, the public hearing shall be canceled and notice is to be posted to inform the public of same. If the violations remain, the public hearing shall proceed as scheduled with no additional notice required.

G. If a public hearing is held, the Village Board of Trustees may determine that corrective action needs to be taken to bring the premises into conformity with the provisions of this chapter.

H. Upon a determination by the Village Board of Trustees that corrective action needs to be taken, the Village Board of Trustees is empowered to authorize officers, agents or employees of the Village to enter onto the property to remove any materials stored, deposited, placed or maintained in violation of this chapter and dispose of or otherwise destroy the same, or otherwise repair the property or cure any condition in violation of this chapter.

I. Any costs and expenses, plus legal fees and an administrative fee equal to 15% of such costs and expenses, incurred by the Village when acting pursuant to this chapter to bring the property into conformity with the provisions of this chapter are required to be immediately reimbursed to the Village upon written notice requesting same. Failure to reimburse the Village shall result in any costs and expenses being assessed against the property involved and shall constitute a lien thereon to be placed on the

property's tax bill and levied upon and collected as provided by law for the collection of delinquent taxes.

J. A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred pursuant to this section being placed on the property's tax bill.

§ 130-9. Penalties for offenses.

Any person or persons, association, firm or corporation who violates any provision of this chapter shall be guilty of a violation, punishable as provided for in Chapter 1, General Provisions, § 1-3 of this Code. The Building Inspector is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. The Village Attorney is also authorized to seek damages and any civil penalties in any civil action, and such penalties shall be in addition to and not in lieu of any criminal prosecution or other penalties.

§ 130-10. Supplemental remedies.

In addition to the remedies set forth in this chapter, the Village of Upper Brookville reserves the right to pursue any and all remedies available at law or in equity, including, but not limited to, those set forth in Articles 13 and 19-A of the Real Property Actions and Proceedings Law, and the Building Inspector is hereby authorized to take any and all action specified thereunder.

§130-11. Emergency.

Whenever the Building Inspector or Code Enforcement Officer determines that an emergency exists which requires immediate action to protect the public health, safety and welfare, he may issue an order, in writing, to the owner, agent or occupant reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any party to whom such order is directed shall comply therewith immediately. If such party does not respond within a reasonable time to address the emergency, then the Building Inspector or Code Enforcement Officer shall have the power to abate, correct or remove the emergency, and any expenses, including any legal expenses, incurred by the Village of Upper Brookville shall be borne by the owner, occupant, or other parties responsible for the condition.

§130-12. State standards controlling.

The requirements and standards set forth in the Property Maintenance Code of the State of New York 2012, and all revisions and amendments thereto shall be controlling in the Incorporated Village of Upper Brookville. Where permitted by the Property Maintenance Code of the State of New York, it is the intent of the Board of Trustees to implement greater minimum standards within the Village of Upper Brookville.

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

Votes in favor of adoption:	Elliot S. Conway	Aye
	Francis J. Russo	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye

Votes against adoption: None

Not voting as not having
Been present: Antje B. Dolido

ADOPTION OF LOCAL LAW 3-2017

The Board then considered the adoption of Local Law 3-2017 (Proposed F-2017) which will amend Chapter 144 entitled "Noise". 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 3-2017 entitled "Noise" shall be classified as an "Unlisted Action" and will not have a significant adverse impact on the environment, because the proposed local law only delays the start time that one can operate power equipment, and further

RESOLVED, that Local Law 2-2017 entitled amendment to Chapter 144, "Noise" 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 3-2017 (PROPOSED LL F-2017) AMENDMENT TO CHAPTER 144 "NOISE"

A Local Law to amend Chapter 144 entitled, "Noise" 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 April 10, 2017 by Local Law 1-2017.

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

SECTION 1. Section 144-2, "Prohibited acts," is hereby amended, in part, to read as Follows:

144-2. Prohibited acts.

...

(6) The operation of power equipment in residential zone outdoors between the hours of 7:00 p.m. and 8:00 a.m. the following day and on Saturday, Sunday and New York State legal holidays between 6:00 p.m. and 10:00 a.m.

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
	Francis J. Russo	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye

Votes against adoption:	None
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Not voting as not having Been present:	Antje B. Dolido
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REGULAR MEETING

FINANCIAL REPORT

Bills

The bills listed on Warrant No. 003 in the total sum of \$156,307.22 dated August 21, 2017 and Warrant No. 004 in the total sum of \$580,030.47 dated September 18, 2017, copies which are annexed to these minutes, are, on motion duly made and seconded, ratified (August) and approved (September) for payment.

Treasurer's Report

The Final Treasurer's Reports for the month ending May 31, pending Audit completion, July 31 & August 31, 2017 were presented, examined, approved and ordered filed. Trustee Friedrich abstained as not having been present at these Board meetings.

VILLAGE CLERK'S REPORT

SCAR & Article 7 Assessment Reductions/Village Tax Refunds

The Village Clerk reported that several residents were awarded assessment reductions in Small Claims Proceedings for the 2017/18 tax year against Nassau County. She noted that the Village was served a copy of the Small Claims Petitions and recommended that the Board authorize the reductions and refunds 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 values 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, as follows:

Ferrara – Sec. 22, Blk. J, Lot 1181, assessed value of \$10,037, reduced to \$7,528 for 2017/18 tax year for a total refund of \$3,594.64;

Perciballi – Sec. 18, Blk. A, Lot 1011, assessed value of \$4237, reduced to \$3,746 for 2017/18 tax year for a total refund of \$703.46;

Burns – Sec. 24, Blk. 24, Lot 8B, assessed value of \$3531, reduced to \$2,649 for 2017/18 tax year for a total refund of \$1,263.64;

Mehta – Sec. 24, Blk. 26, Lot 10, assessed value of \$2720, reduced to \$1,526 for 2017/18 tax year for a total refund of \$229.23;

Next, the Village Clerk stated that the Article 7 Proceeding, between Shanta Mallikarjuna and the County has been settled for the 2013/14 tax year. Accordingly on motion duly made and seconded, the Board unanimously

RESOLVED, that the Article 7 Proceeding, between Shanta Mallikarjuna 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 Clerk/Treasurer be, and she hereby is, authorized to make a refund in connection with said proceeding for the following:

Mallikarjuna – Sec. 24, Blk. 27, Lot 3, assessed value of \$9,240, reduced to \$7,800 for 2013/14 tax year for a total refund of \$1,614.82.

Zoning Board Expenses

The Clerk noted that an applicant who applied for a conditional/special use permit with the Zoning Board of Appeals had reached their maximum expenditures for legal, advertising and engineering. For the month of August, the Village incurred expenses totaling \$2,908.85. The Board agreed to discuss future fees in Executive Session

Westbury Kennel Club

The Westbury Kennel Club asked the Village for permission to again advertise for their upcoming annual dog show in Planting Fields Arboretum on October 1, 2017 with signs at the intersections of Mill River Rd/Oyster Bay Glen Cove Rd and Oyster Bay Glen Cove Rd/Planting Fields Rd. After discussion, the Board agreed to allow the posting of the signs which would be removed immediately after the event.

Court Grant

The Village Clerk noted that the New York Village Court Assistance Program allows the Village to apply for a grant of State funds to assist in the operation of its Justice Court. She recommended, and the Board agreed, that the Village should apply for this grant. Accordingly, on motion duly made and seconded, the Board unanimously

RESOLVED, that the Incorporated Village of Upper Brookville authorizes the filing of an application to the Chief Administrative Judge of the State of New York for all available funding up to \$30,000 under the Justice Court Assistance Program to be used for any purpose which will enhance the ability of the Village of Upper Brookville Justice Court to provide suitable and sufficient services to the community. These purposes may include, but shall not be limited to, automation of Court operations; improvement or expansion of Court facilities; provision of appropriate means for the recording of Court proceedings; provision of law books, treatises and related material; and provision of appropriate training for Justices and for non-judicial Court staff, and

FURTHER RESOLVED, that the Village Attorneys, Mayor, Deputy Mayor, Village Clerk, Court Clerk and Village Justice be, and they hereby are, authorized to execute any and all documents necessary to make application which shall be signed and filed by October 12, 2017.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that at the end of July, the road crew distributed LED light bulbs to every property in the Village, as part of the Village's Clean Energy Community Program.

Flash Flooding after an August 18th thunderstorm closed Wolver Hollow Road in both directions at Piping Rock Road. The heavy August rains left a lot of silt on the Village roads which required road sweeping. The crew also dealt with downed trees on Cedar Ridge and Pine Valley Roads. The Lawn/Hillcrest Lane road and Locust Lane projects have begun and towards the end of the month, the Road Commissioner attended a preconstruction meeting for the road project on Pine Valley, Cedar Ridge and the Knoll, where construction would commence starting next week. The crew was busy with general maintenance including the repainting of wood posts along Mill River Road that had been dislodged and grass cutting throughout the Village. They also did pruning along the Lawn Lane/Hillcrest and Pine Valley/Cedar Ridge road project routes prior to the start of construction.

MAYOR'S REPORT

VERBAL Abuse on Road Contractor

The Mayor followed up with a resident reported to be verbally abusing the road crew working on Lawn Lane. The resident was told to direct any comments/complaints to the Village.

LEDs from Greenvale Electric

The Mayor reported a new program in response to requests from Villagers interested in purchasing LED light bulbs. He noted that the average home in America has 45 light bulbs and Village homes may have multiples of this number.

The Village has negotiated a volume discount for residents with Greenvale Electric to provide LED lightbulbs to Village residents at a cost of \$2.00/bulb if they purchase a minimum of 8 bulbs. Greenvale Electric arranged for the volume discount with Philips as well as rebates from PSE&G on the Village's purchase earlier this year.

Upon proposal by Mayor and confirmed by the Board of Trustees, it was

RESOLVED, that the Village will backstock up to \$500 worth of LED inventory to have available for residents.

Residents will be notified of the program by email. Residents will need to identify themselves with a driver license, utility bill or by other means to confirm their residency in the Village.

House Fire

The Mayor reported on a house fire that occurred on Hillcrest Lane in August. The homeowner is in the process of rebuilding and expects it will take about one year and asked the Village's approval to allow the placement of a trailer, pod and portable potty on the property. The Board unanimously agreed to allow the temporary structures until the renovation was completed.

There was a reports that it took the East Norwich Fire Company encountered a delay in opening the hydrant. Upon hearing of the report, the Mayor followed up with both the ENFC Fire Chief and OBPD Police Chief who confirmed that the hydrant was opened without difficulty as soon as the fire company arrived on the scene with the proper wrench. The Mayor followed up with Peter Logan, Jericho Water District Superintendent regarding the condition of fire hydrants in the Village and the frequency of inspection. Mr. Logan reported that hydrants are inspected every three years and in over 40 years, there has never been a hydrant failure.

A Lawn Lane resident reported that, at his request, Mr. Logan had arranged for the repainting of all the hydrants on Lawn and Hillcrest lanes following the fire.

A resident mentioned the Village should address the issue of fire hydrants being buried in snow by Village and privately owned snow plows. The Road Commissioner mentioned that the Village does their best to dig out the hydrants after a snow storm.

Delineators

The Mayor reported that after considerable research, the Village identified a delineator for residents for purchase and install along their Right of Way's (ROW), in place of the various barriers currently in use by residents. The delineators would also be helpful in winter for guiding the snowplows. The Mayor displayed a 36" green sample which had a flexible joint at the base and a reflector wrap at the top.

The Mayor suggested that Upper Brookville, in conjunction with the Village of Matinecock, purchase the delineators in bulk at a discounted cost of \$8/each, and sell to the residents for \$4/each. The Board unanimously agreed to an initial purchase of 300 delineators to sell to residents. A resident suggested, and the Board agreed that a local vendor may be a more suitable party to purchase the delineators and selling them to Villagers.

Grassy Shoulders

To prevent people from driving and parking on the grassy shoulders illegally, the Village is proposing a local law that would fine individuals a minimum of \$400 and up to \$2000, to cover the cost of repairing the ROW, with the presumption that the last vehicle on the ROW is responsible for the damage. Area landscapers would be notified of the law prior to it going into effect. A draft of the proposed law was distributed to the Board and will be the subject of a hearing at the October Board meeting.

Guard Rails

The Mayor reported that the Beautification Committee requested that the County paint the metal guard rails along various roadways to spruce up the Village. The color would be a dark green or rust color. The Road Commissioner discussed this with the Nassau County Department of Public Works and they told him they were opposed to Village projects that might require additional maintenance on their part in the future.

Solid Waste

The Mayor proposed the following amendments to Chapter 172 of the Village Code, "Solid Waste," in connection with the carter licensing requirements:

- A graduated fee based on size/weight of vehicle
- Prohibiting transfer of garbage on village roadways
- Requiring enclosed, purpose-built collection vehicles with waterproof beds
- Disclosing list of customers
- Display Village carter sticker on authorized vehicles

The Mayor, Village Attorney and Clerk agreed work on drafting the amendments to the current code for a hearing at the October meeting as well as a new license form.

Appointments

The following appointments were made:

Deputy Mayor:

Upon nomination by Mayor and confirmed by the Board of Trustees, it was

RESOLVED, that Edward J. Madden be appointed Deputy Mayor for a one year term, which term shall expire on the first Monday in July, 2018.

Historian:

Upon motion duly made and seconded, it was

RESOLVED that Isabel Lieb be appointed Historian for a one year term, which term shall expire on the first Monday in July, 2018 and

Planning Board:

Upon motion duly made and seconded, it was

FURTHER RESOLVED, that Merle Demott be appointed member of the Planning Board for a five year term, which term shall expire on the first Monday in July 2022 and

FURTHER RESOLVED, that Morgan Fischer be appointed Alternate Planning Board member for a one year term, which term shall expire on the first Monday in July, 2018 and

FURTHER RESOLVED, that Tracy Donnelly be appointed Alternate Planning Board member for a one year term, which term shall expire on the first Monday in July, 2018 and

Zoning Board:

Upon motion duly made and seconded, it was

RESOLVED, that Bertram Rowley be appointed member of the Zoning Board for a five year term, which term shall expire on the first Monday in July, 2022.

Village Engineer:

Upon motion duly made and seconded, it was

RESOLVED, that the re-appointment of Sidney B. Bowne & Sons, as Village Engineers for a one year term, which term shall expire on the first Monday in July, 2018

Drone Law

Following a number of complaints, the Mayor will draft a Drone Law for discussion at the October meeting. The law would be designed to prohibit the operation of drones outside the resident's property without the permission of the landowner.

Commercial Filming

The Mayor will present a new commercial filming law in October clarifying the commercial filming and use permit fees relating to film-related vehicles using Village roads.

Speed Humps

The Mayor reported that he had received numerous complaints from residents about speeding accidents in the Village, in particular along Mill River Road, and has discussed the options with Chief Smith, the Road Commissioner and the Village Engineer. The options narrow down to lower speed limits, more signage, increased policing, electronic signs, speed bumps or humps and rumble strips. He suggested polling the residents along Mill River Road regarding the installation of speed humps as a measure to slow down traffic.

There was a discussion about safety issues associated with the installation of speed humps, currently in use in many local municipalities. The Mayor plans to follow up with the Police Chief, Road Commissioner and Village Engineer to review the range of traffic calming measures before making a final recommendation to the Board.

Linden Lane

The Mayor reported that the New York State Department of Transportation is mapping all local roadways into a statewide GIS system and identified a small section of Linden Lane located between the Upper Brookville and Old Brookville limits that was owned by Nassau County. The Village Attorney would investigate if the Village had agreed to maintain this strip of roadway.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for July & August 2017 activity.

POLICE REPORT

No report

FIRE & STORM WATER REPORT

No Report

ARCHITECTURAL REVIEW BOARD REPORT

No report

LEGAL REPORT

No report.

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.

Lawn Lane Cul-de-Sac

He requested that the Village Attorney contact Mr. Cadigan and inform him that the Village would adopt the cul-de-sac at the end of Lawn Lane, if he and his neighbor have the road repaved to Village standards.

Engineering Expenses

Following a discussion with the Board and the Village Attorney, the Mayor instructed the Village Clerk to charge all expenses relating to the grading & drainage project at 3 Colonial Drive to the homeowner.

Zoning Board Expenses

The Mayor noted that costs are escalating; building projects and subdivisions are larger. He proposed raising the maximum expenditures of applicants on future Zoning Board of Appeals and Planning Board applications as follows:

- (a) Legal: \$20,000 to \$50,000
- (b) Engineering: \$5000 to \$15,000
- (c) Consultants: \$10,000 to \$20,000
- (d) Recording Fees: \$500 to \$1000
- (e) Advertising: \$750 to \$3000
- (f) Stenographer: \$2500 to \$7500

It was noted this matter would be discussed further at the October meeting.

ENFC

The Mayor and Village Attorney reported that the East Norwich Fire Company proposed contract is still under discussion.

Scanner

The Mayor discussed a project the Village Attorney is undertaking to digitize all Zoning and Planning Board applications. This would preserve storage space in the future and make the files quickly accessible on-line and safe from the risk of fire or other hazards. Humes & Wagner plans to purchase a scanner for a cost of approximately \$6,000 to serve each of the six Villages they represent. Each Village would contribute up to \$1,500. After discussion, the Board unanimously

RESOLVED, to contribute a pro-rata share, up to \$1,500, towards the purchase of a scanner to digitize Village documents.

There being no further business, the meeting was adjourned.

The next meeting of the Board of Trustees is scheduled for Monday, October 16, 2017.

Signed by the Village Clerk