

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING**

APRIL 20, 2020

A Budget hearing and regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held via teleconference on Monday April 20, 2020 at 5:30 P.M.

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

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

The Mayor called the meeting to order at 5:35 P.M. and stated that the Village meeting and Budget hearing is being held by teleconference which is now legally permitted by Executive Order 202.1 of the New York Governor. Call in information for the teleconference has been provided to the official papers and posted on the Village website and at Village Hall. He had been advised by the Attorney for the Village that they sent the hearing notice for the Village's annual budget for its fiscal year commencing June 1, 2020 and ending May 31, 2021 to the Oyster Bay Guardian and the North Shore Leader, the Village's official newspapers, for publication. Due to the current health crisis, the Leader has suspended publishing until further notice and it is the Village Attorney's opinion that the notification efforts by the Village of posting the notice of hearing on the Village's website and at the Village Hall and sending the notice to the official paper is adequate and sufficient to serve as a good faith effort by the Village to notify the public and that tonight's hearings may proceed.

The Trustees unanimously concurred with Counsel.

BUDGET HEARING

The Mayor called the Budget Hearing to order. He announced that the public hearing was on the Village's tentative budget, which has been on file at the office of the Village Clerk and open to public inspection since the date of publication of the notice of this hearing. The affidavit of publication of the notice of the hearing was presented and ordered annexed to these minutes.

The Board then reviewed the proposed budget, item by item, including a 2.3% raise for certain Village staff. The Mayor noted that for the 2020/21 fiscal year, the proposed Village Tax Levy is \$2,775,668, a reduction of 2.2% from the prior years rate, and the proposed Village Tax Rate is \$231.55 per \$100 of assessed valuation.

After further discussion, the Mayor called for comments in favor of, or in opposition to, the proposed budget. There being no comments and after full opportunity had been given to the public to speak on the proposed budget, the Mayor declared the Budget Hearing closed.

ADOPTION OF BUDGET

The Board, on motion duly made and seconded, unanimously

RESOLVED, that the budget which was the subject of a public hearing be, and the same hereby is, adopted as the budget of this Village for the fiscal year June 1, 2020 through May 31, 2021, and

FURTHER RESOLVED, that a tax of the Incorporated Village of Upper Brookville, Nassau County, New York, be, and the same hereby is, levied for the fiscal year June 1, 2020 through May 31, 2021 in the sum of \$2,775,668 at the rate of \$231.55 per \$100 of assessed valuation, and

TAX WARRANT AND ASSESSMENT ROLL

RESOLVED, that the Mayor or Deputy Mayor be, and they hereby are, authorized and directed to sign the proper warrant to the Treasurer to collect said taxes and that the Clerk, be, and she hereby is, authorized and directed to attest the same under the corporate seal of this Village and to deliver the assessment roll with said warrant thereto annexed to the Treasurer, and

TREASURER'S NOTICE

FURTHER RESOLVED, that the Treasurer be, and she hereby is, directed to publish the notice required by Section 1428 of the Real Property Law in the Locust Valley Leader in its issues of May 27, and May 29, 2019, and the Oyster Bay Guardian in its issues of May 20, and May 22, 2019, the official newspapers of this Village, and

FURTHER RESOLVED, that pursuant to Section 1430 of the Real Property Law, the Village Treasurer be and she hereby is, directed to mail tax bills to all persons whose names appear on the 2020/21 tax assessment roll, and

DEPARTMENT OF AUDIT AND CONTROL

FURTHER RESOLVED, that a copy of the adopted 2020/21 budget be attached to the minutes of this meeting and a certified copy thereof forwarded to the Department of Audit and Control at Albany, New York.

(See Attached Exhibit A)

The Mayor then called the regular meeting to order at 5:50 P.M. He requested that the affidavits of mailing and posting of the Public Information Notice in compliance with the Open Meetings Law be presented and annexed to the minutes of this meeting.

MINUTES

The Mayor then called for approval of the minutes of the Trustee meeting held on March 16, 2020. On motion duly made and seconded, the minutes were unanimously approved. **(See Attached Exhibit B)**

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the Check Detail dated April 15, 2020 in the total sum of \$12,278.12, April 21, 2020 totaling \$57,858.28 and May 1, 2020 totaling \$7000 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee earlier in the day.

After discussion by the Trustees and on motion duly made and seconded, the Trustees unanimously

RESOLVED, to ratify the bills listed on the Check Detail dated April 15, 2020 in the total sum of \$12,278.12 and approve the bills listed on the Check Detail dated April 21, 2020 totaling \$57,858.28 and May 1, 2020 totaling \$7000 which are annexed to these minutes. **(See Attached Exhibit C)**

Treasurer's Report

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

RESOLVED, to approve and file the Treasurer's Report for the month ending March 2020. **(See Attached Exhibit D)**

VILLAGE CLERK'S REPORT

2020/21 Salary Increases

The Clerk reported that the 2020/21 Budget included the following salary increases of 2.3%:

Tracy Lynch/Clerk Treasurer (34 hrs/wk)	\$83,494 (\$47.23/hr)
	plus \$5,200 insurance waiver
Thomas Mullen/Deputy Clerk Treasurer (37.5 hrs/wk)	\$50,895 (\$26.10/hr)
Laurie Dooney/Building Department Clerk (24 hrs/wk)	\$46,950 (\$37.62/hr)
Sam Vergata/Road Commissioner (40 hrs/wk)	\$71,623 (\$34.43/hr)
Stephen Murphy/Laborer (40 hrs/wk)	\$47,260 (\$22.72/hr)
Jose Hernandez/Laborer (40 hrs/wk)	\$42,920 (\$20.63/hr)
Margaret Grady/Court Clerk (12 - 15 hrs/wk)	\$17,000 (\$26.74/hr)

The Board increased the Village Accountant salary to \$550/month.

Arbor Day Cancellation

The Clerk reported she was notified by Planting Fields Arboretum that Arbor Day, which was scheduled for April 25, 2020, has been cancelled as a result of coronavirus.

The Village's participation is a requirement of being a Tree City and the Clerk will notify the organization of the cancellation.

East Norwich Fire Company 2020 Payments

The Clerk reported that the ENFC requested that the Village pay the 2019 fire protection rate for 2020 until they are able to get assessment information from the County and are able to correctly calculate the Village's portion.

After discussion, and on motion duly made and seconded, the Board unanimously

RESOLVED, to pay the 2019 ENFC fire protection rate until the ENFC are able to calculate the 2020 rates from the County assessments and the 2020 contract is approved. Over or under payments will be reconciled.

Storm Water Management Report

The Clerk presented a proposal from the Village Engineer, West End Engineering, to prepare the Year 17 Storm Water Management Report, totaling \$1,800.

After discussion, and on motion duly made and seconded, the Board unanimously

RESOLVED to approve West End Engineering to prepare the Year 17 Storm Water Management Report.

General Fund Balance

The Clerk reported that the General Fund Balance sheet reports a \$200,000 assigned fund balance to Muttontown Litigation and recommended that the Board reclassify these funds to a General Litigation fund. The Mayor noted that it would be prudent to keep cash in a General Litigation fund since there are a number of current matters that may give rise to future litigation costs.

Additionally, the Mayor recommended a transfer of \$1,550,000 from the Unassigned to Assigned Balance as follows: \$600,000 for Mill River Road, \$200,000 for Planting Fields Road, \$600,000 for the new Village Hall and a \$150,000 budget appropriation in the next fiscal year to reduce the tax levy.

After discussion, and on motion duly made and seconded, the Board

RESOLVED to reclassify the Assigned Muttontown Litigation, totaling \$200,000, to General Litigation and to transfer \$1,550,000 from the Unassigned Fund balance to Assigned for roads, the new Village Hall and a budget appropriation for next fiscal year.

Village Prosecutor

The Mayor reported that the Village Prosecutor requested that, since court will not be held for the next few months, the Board allows him to send offers to defendants by email or mail. They would then appear at the next court night where the Justice would approve or disapprove the offer and set the fine schedule. This procedure will ease the likely logjam that will occur when the court is reopened.

After discussion, and on motion duly made and seconded, the Board

RESOLVED to allow the Village Prosecutor to recommend offers to defendants for

approval by the Village Justice at the next scheduled court night as long as the Village Justice concurs with the procedure and it is consistent with New York State Law.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for April 2020 activity. **(See Attached Exhibit E)**

MAYOR'S REPORT

Senate Bill 7662-A

The Mayor reported that the Bill was not put into the State Budget largely as a result of the unexpected covid-19 emergency funding but he is hopeful that it will be funded next year.

Planting Fields Road

He also reported that the Village has come across a few issues with the road grant awarded by the New York State DOT. Our Village Engineer is concerned that the high level of road construction they are requiring may substantially raise the project costs. In addition, other municipalities, who received similar grants have reported lengthy delays in getting reimbursed and unusually high legal and engineering cost. He is going to continue working with our elected representatives to see if waivers are available for Planting Fields Road and, accordingly, has deferred commencing the project for the time being.

Coronavirus

The Mayor reported that Newsday reported 23 cases of coronavirus in the Village which, while seemingly low, is relatively high on a per capita basis compared to the other North Shore Villages.

He also mentioned that it is now mandatory for all New Yorkers to wear face coverings in public settings, where social distancing measures are difficult to maintain and when using public transportation. The masks are hard to locate, expensive when found and many stores and on-line vendors are sold out. Following up on a tip from the Mayor of Farmingdale, the Mayor arranged with a vendor to supply the Village with 2,000 3ply surgical masks. He arranged for the 11 North Shore Villages, including the Old Brookville Police Department, to purchase 16,000 masks at a price of \$0.75 each.

Starting Wednesday morning, while supplies last, the Village plans on distributing 2,000 face masks to Village residents, ten per household, at no cost.

After discussion, and on motion duly made and seconded, the Board

RESOLVED to purchase 2,000 face masks to be distributed 10 per household to Village residents.

Village Hall

The Mayor distributed copies of proposed Village Hall elevations and floor plans from a second architect. The Hall is a 3,500 sq. ft. building at an estimated cost of \$1.2M – \$1.5M.

Cell Tower

The Mayor distributed proposed drawings from AT&T showing an alternate location for the tower as well as a report prepared by Pinnacle Telecom Group at the request of AT&T. Pinnacle performed an independent expert assessment of radio frequency levels and related FCC compliance for the proposed wireless antenna operations.

Tax Levy Chart

The Mayor presented a chart showing the past 26 years history of the Upper Brookville Tax Levy. For 22 years, from 1996 to 2017, the property tax levy increased 278% or an average of 5.1% per year. For the past 4 years, from 2017 to the 2021 budget approved this evening, the tax levy was lowered by 13% or an average of 3.3% per year. **(See Attached Exhibit F)**

5 Wheatley Road

The Mayor reported that the flooding problem at the junction of Wheatley Road and Brookville Road continues. The Village had assisted the homeowner by getting several quotes to clear the drainage easement on his property. The homeowner agreed to complete the project to restore the water flow to the conduit under Northern Boulevard which, we are advised, should eliminate the flooding hazard.

The Mayor recommended that, if no substantive progress has been made by the next Board meeting, the Village hold a hearing granting permission to the Village to enter the property and remedy the violation as provided under the Property Maintenance provisions in the Code.

After discussion, and on motion duly made and seconded, the Board

RESOLVED to hold a hearing at the May meeting, if the Hassan's have not taken the necessary steps to cure the drainage violation on their property, and authorize the Village to enter the property and correct the drainage issue. Such costs would be for the account of the homeowner and assessed thru the tax levy process.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

Trustee Dolido reported the real estate market is active and there is a lot of building activity in the Village.

LEGAL REPORT

The Village Attorney reported that one case has been adjourned to June due to the health crisis. The BZA met recently on a second case which is ongoing.

The meeting was adjourned at 6:45 P.M. The next meeting of the Board of Trustees is scheduled for Monday May 18, 2020, likely by conference call.

Signed by TL Lynch on 5/18/20

Tracy Lynch
Village Clerk

