

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
PLANTING FIELDS ARBORETUM STATE HISTORIC PARK
CARRIAGE HOUSE
JULY 19, 2021**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held in Village Hall, at the Carriage House in the Planting Fields Arboretum, on Monday July 19, 2021 at 5:30 p.m.

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

Also Present: Tracy L. Lynch, Clerk/Treasurer
Sam Vergata, Road Commissioner
Michael & Valerie Iacono, Resident
Chris Gargoulous, Esq.
Joseph & Karen DeMartino, Resident
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village

The Mayor called the meeting to order at 5:40 pm.

THE PLEDGE OF ALLEGIANCE

EXECUTIVE ORDER

The Mayor announced that in connection with the storm on Friday, July 9th there was a substantial flood in Village Hall. He said there was still moisture in the building and walls and said he would leave the barn doors open throughout the meeting. He informed all persons present of the condition of the building and asked all in attendance if they wished to stay. He informed them that if they stayed, they were giving their full consent and knowledge of the conditions that exist.

He reported that he had issued an Executive Order as of July 9th declaring a Local State of Emergency following Tropical Storm Elsa which had been filed by the Clerk with all the necessary agencies.

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

RESOLVED to ratify the actions of the Mayor in issuing the July 9th Executive Order declaring a Local State of Emergency following Tropical Storm Elsa, which order has been annexed to these minutes. (*See Attached Exhibit A*)

MINUTES

The Mayor then called for approval of the regular minutes of the Trustee meeting

held on June 21, 2021.

On motion duly made and seconded, the minutes were unanimously approved.
(See Attached Exhibit B)

PUBLIC COMMENT

A Linda Lane resident reported that during Tropical Storm Elsa, water flowed from the Mill River Club onto Donna Drive and into the resident's property causing severe damage. He stated that he had been a resident living in the same house for 9 years. During this period, water often flooded the end of Donna Drive but never to the extent that had occurred after the July 9th storm.

The Mayor said he had researched the issue and read from a copy of the original Zoning Board decision. When the Mill River Club was formed in 1964, the Village of Upper Brookville Zoning Board of Appeals granted the Mill River Club a special use permit with a number of conditions that included the following:

20. Drainage facilities on the premises...shall be designed and constructed by the Applicant so as to meet the reasonable requirements of the Village Engineers in order to provide or accomplish the following:
 - a. A drainage easement shall be granted to the Village and, if requested by the Village, pipe or other method of drainage shall be installed by the Applicant across the westerly end of the premises from the northerly extremity of Donna Drive, so as to permit the gathering of storm water from that area, and the passage thereof through the premises or the storage thereof on the premises.
 - b. A drainage easement shall be granted to the Village along the northern boundary line from the vicinity of the garages, westward along a natural swale on the premises.

The Mayor reported having raised this issue with club officials and staff a number of times over the years. The Village Attorney and Mayor agreed to notify the club in writing of their responsibility to provide a drainage plan to the Village by August 31st, for consultation and approval by our Village Engineer, to mitigate the problem. Any drainage plan will need to be reviewed by the Planting Fields Arboretum State Historic Park. The Mayor said the goal is to implement a workable solution as soon as practicable thereafter.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated July 19, 2021 in the total sum of \$24,223.76 and August 2, 2021 totaling \$57,820.38 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting.

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

RESOLVED, to ratify and approve the bills listed on the General Fund Check

Details dated July 19, 2021 in the total sum of \$24,223.76 and August 2, 2021 totaling \$57,820.38 which are annexed to these minutes.
(*See Attached Exhibit C & D*)

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 June 2021. (*See Attached Exhibit E*)

VILLAGE CLERK'S REPORT

Tag Sale Permit

The Clerk presented a tag sale permit application for a resident on Chestnut Hill Drive who sold their home. The sale will occur on Friday July 30th & Saturday July 31st from 9:30am – 3:30pm each day. The applicant received an approval from the Homeowners Association President and will contact the OBPD for a parking permit.

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

RESOLVED to approve the tag sale permit application.

Capital Asset Depreciation Report

The Clerk presented the Capital Asset Depreciation Report for May 31, 2021. Appraisal Affiliates updated the report to include the purchase of the new village hall property.

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

RESOLVED to approve the Capital Asset Depreciation Report, as presented, for year end May 31, 2021. (*See Attached Exhibit F*)

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that he met with a tree appraiser from PSEG to identify trees on village roads that are interfering with electric lines. He tagged 57 trees, eight of which will be scheduled for removal, and the rest will be pruned.

The Mayor said he had reported a dangerous road condition in Matinecock on the south side of Glen Cove-Oyster Bay Road to the Nassau County Police. He also asked the Village Attorney to inform the Village of Matinecock of the condition. A large section of the under road was washed away after the recent storm. The Village Attorney agreed to follow up with Matinecock.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for June 2021 activity. (*See Attached Exhibit G*)

MAYOR'S REPORT

Beautification Committee

The Mayor recommended that the Board reform the Beautification Committee and to allocate them with a \$15,000 budget to plant out around 10 village signs.

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

RESOLVED to reinstitute the Beautification committee and approve a budget of \$15,000 to plant out around the remaining unplanted village signs. The Board will review their recommended planting plans.

Mailbox Theft and Check Fraud

The Mayor reported having received a letter through an intermediary from Gary Barksdale, Chief Postal Inspector for the U.S. Postal Inspection Service. Chief Barksdale oversees all operations of the Postal Inspection Service, which includes its national headquarters, 17 field divisions, two service centers and a national forensic laboratory which are staffed by postal inspectors, postal police officers and professional, technical and administrative staff. He reports to the Postmaster General.

Chief Barksdale has been in contact with the Long Island Postal Inspectors and has offered Federal assistance with the problem if needed. He reported the last Upper Brookville mail theft was last month on June 22nd. His immediate suggestion was to “remove mail from your mail receptacle each day.”

The Mayor reported that the mail thieves are stealing checks and using acetone to remove the payees name. To mitigate this problem, he recommended purchasing and distributing two pens with security ink to each household at a cost of \$4 per household. Acetone can't remove security ink. He suggested including the pens in the next annual update letter sent by the Mayor to residents.

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

RESOLVED to approve the purchase of pens with security ink, to be distributed to each household at a cost of roughly \$4 per household.

Legislative Update

The Mayor reported receiving notice earlier in the day that the Governor has signed the tax exemption bill for 24 Wolver Hollow Road and the Shared Services legislation. He expressed the gratitude of the Village for the efforts of Senator Gaughran and Assemblyman Montesano in achieving passage of these important bills by the legislature.

A bill introduced by Senator Gaughran to use deer control personnel in Upper Brookville and Lloyd Harbor was passed by the Senate but not the Assembly. He also asked Senator Gaughran to introduce legislation that would allow for the purchase of a speed camera on Mill River Road, but there was not enough time to garner sufficient support for passage in this legislative session.

The Mayor will work with Senator Gaughran and Assemblyman Montesano to have both of these initiatives introduced in the next session, and hopefully passed.

Mill River Road Speed Limit; Truck Traffic on Mill River Road

The Mayor reported the results of his research on placing two stop signs on Mill River Road to control speeding, following up on the discussion from the last Board Meeting.

After consultation with the Village Engineer and reviewing relevant literature including the Sign Handbook for Local Roads (NYSDOT-sponsored publication) it appears that the logical intersections on Mill River Road for stop signs do not have either the traffic volume or accident history to permit the safe installation. The following is from page 22 of the Sign Handbook:

Stop signs are to be used at intersections where it has been determined that a stop is necessary. They can improve safety by assigning right-of-way and reducing the number of right-angle collisions at an intersection. However, stop signs cause substantial inconvenience and delay to motorists. Excessive use of stop signs can lead to disregard for them. Many drivers will run a stop sign, or only come to a rolling stop. Stop signs should not be used for speed control. There is some evidence that frequent stop signs may actually increase traffic speed between the signs. On roads with high traffic volumes, stop signs may also increase the number of rear-end accidents.

The Mayor then discussed the option of passing a local law to lower the speed limit in designated areas from 35mph to 25 mph with increased and stricter policing to slow down vehicles.

Other Board members recommended leaving the speed limit at 35mph and increase policing and ticketing of drivers who travel over the speed limit.

After discussion, the Mayor agreed to discuss with the Chief of the Old Brookville Police Department leaving the speed limit at 35mph and increasing policing and ticketing.

The Board then discussed the problem of truck speeding and truck volume on Mill River Road. LL B-2021 was introduced and the Village Attorney agreed to modify the definition of trucks in time for the next Board Meeting.

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

RESOLVED to schedule a hearing at the next Board Meeting to pass a law prohibiting through truck traffic on Mill River Road. (*See Attached Exhibit H*)

Village Hall Flood

As a result of the flood in Village Hall, the Mayor recommended that the Board approve the hiring of a hygienist to provide mold testing services.

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

RESOLVED to authorize the Clerk to hire a hygienist to test for mold in the Village Hall, for an amount not to exceed \$2,000.

The Mayor also recommended moving Village Hall to the 24 Wolver Hollow Road Cottage. The Board agreed to discuss this further in Executive Session.

He also proposed holding Court in the Conference Center at a rental cost of \$150/ month.

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

RESOLVED to hold Court in the Planting Fields Conference Center until further notice at a cost of \$150/month.

POLICE REPORT

The Mayor reported that the number of traffic tickets written March thru June of 2021 was roughly half the level written in the same period in 2018 and 2019. In addition, taking into consideration the overall reduction, the tickets written in Upper Brookville appear to be a fraction of the number written in the earlier periods. The Mayor agreed to meet with Chief Walsh to review the situation.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 6:45 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter into Executive Session to discuss various village matters.

EXECUTIVE SESSION

At 7:27 pm, on motion duly made and seconded, the Board unanimously

RESOLVED, to come out of Executive Session where police matters were discussed as well as matters relating to the village hall and a potential police combination with one or more nearby villages.

Following discussion of conditions at the current village hall, the Mayor agreed to work with the Village Attorney on a draft notice to New York State requesting timely remediation of water damage and potential mold issues, if they arise, at the current village hall. It was agreed that it would be prudent to move, at least temporarily, to the 24 Wolver Hollow Road cottage while workers remediate the existing village hall space.

Then, on motion duly made and seconded, the Trustees unanimously

RESOLVED, to approve such amounts as are reasonable and necessary, not to exceed \$15,000, to move the Village Hall from the Carriage House to the Cottage at the property located at 24 Wolver Hollow Road.

The Trustees then, by motion duly made and seconded, unanimously

RESOLVED to adjourn the meeting at 7:35 pm.

The next regular meeting of the Board of Trustees is scheduled for Monday, September 20, 2021 @ 5:30 p.m.

Signed by T Lynch on September 13, 2021

Tracy Lynch
Village Clerk