

**VILLAGE OF UPPER BROOKVILLE
BUDGET HEARING & BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
AND BY TELECONFERENCE
APRIL 11, 2022 at 5:30 p.m.**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held in person and by teleconference on Monday April 11, 2022, at 5:30 p.m.

Present: Elliot S. Conway Mayor
 Edward J. Madden Trustee
 Antje B. Dolido Trustee

Present by Innis O'Rourke III Trustee
Teleconference:

Absent: Carl A. Friedrich Trustee

Also Present: Tracy L. Lynch, Clerk/Treasurer
 Peter MacKinnon, Esq. of Humes & Wagner, LLP
 Attorneys for the Village
 James Liguori, Mayor of Village of Muttontown
 Eric Irizarry, Chief of Police, Village of Muttontown
 David Antwork, Esq. of Campanelli & Associates
 Joseph Emmi, Emmi Industries
 Village Residents

The Mayor called the meeting to order at 5:45 p.m.

THE PLEDGE OF ALLEGIANCE

BUDGET HEARING

The Mayor thanked all residents present for attending and 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. He also noted that Trustee O'Rourke was present by teleconference, and accordingly, was not able to vote on the matter.

The Board then reviewed the proposed budget, including a 3% raise for certain Village staff, the Muttontown/Upper Brookville Police Contract and East Norwich Fire Company contracts, road and drainage improvement projects and health insurance adjustments. The Mayor noted that for the 2022/23 fiscal year, the proposed Village Tax Levy is \$2,582,080, a reduction of 2% from the prior year rate. He also reported that the Taxable Village Assessed Valuation

and Tax Rate had not been calculated due to the County not having the assessment roll available on April 1st and that further adjustment had to be made to the roll because the County included home improvement exemptions not recognized by the Village.

The Mayor presented a chart showing that for the last 6 years, the property tax levy was reduced by about 20% which represents a savings of \$6 million dollars, if the tax levy had continued increasing at the same average percentage rate increase as it had from 1996 to 2017. He said the Board's goal has been to lower taxes while still expanding services and making it affordable to live in Upper Brookville.

The Mayor then asked the residents present if they had any comments on the proposed budget.

PUBLIC COMMENT

A resident asked what the budget was for the Old Brookville Police Department vs. the Muttontown Police. The Mayor reported that the proposed Muttontown budget is \$1,350,000 and the current year OBPD budget is \$1,063,000. The Mayor explained that prior to this year, Upper Brookville's portion of the police budget was around \$2 million dollars and the reason it was reduced this year was due to the elimination of certain capital expenditures, the sale of department assets (primarily police cars) and the distribution of surplus cash to the Villages that was being held by Old Brookville. The Mayor stated there was no opportunity to stay with the Old Brookville Police Department because the Village of Old Brookville advised that (a) they would not renewing the 6 village agreement and (b) the other villages would have to arrange for alternate sources of police protection.

A resident asked about the level of Village debt. The Mayor explained that in 2017, the Village took out a AAA-rated \$2 million road bond and there remains a debt balance of approximately \$1,500,000.

A resident asked about future plans for the current Village Hall property. The Mayor explained that after purchasing the property at the end of 2020, the Village received an estimate of over \$2 million for basic renovations of the main dwelling for use as a Village Hall. He said this proved to be uneconomic. At the same time, coincidentally, the police headquarters building that the Village had owned for 90 years was being returned to the Village, at no cost. The Board elected to move the Village Hall there instead. The Village received a New York State grant of \$250,000 to partly pay for the renovation of the police headquarters building. The Village has discussed various options for the existing 24 Wolver Hollow property. He mentioned the Jericho Water District has expressed interest in an acre on Northern Boulevard for a future water well with *no water tower*. They proposed housing it in a structure resembling a residential home. The Village may keep an acre on the corner and the remaining property may be sold as a residential lot.

A resident asked if revenue from future cell tower or towers were included in the budget. The Mayor responded they were not included in the budget. He also said there are no current plans to erect a cell tower on the Village property at the corner of Chicken Valley and Wolver

Hollow Road.

After further discussion, the Mayor closed the hearing. (*See Attached Exhibit A*)

MUTTONTOWN/UPPER BROOKVILLE POLICE DEPARTMENT

Mayor Conway introduced Mayor Jim Liguori & Chief Eric Irizarry of the Village of Muttontown.

The Chief explained there would be 3 cars patrolling the areas that cover Upper Brookville and Muttontown, with one of the cars being based and operating full-time in Upper Brookville. Currently, the Old Brookville Police Department has 3+ cars patrolling 6 Villages.

The Chief explained that the Old Brookville Police Department will shortly transition and residents will need to call 911 if they have an emergency or need the police for any reason. All 911 calls will be handled through Nassau County who dispatch the local police department.

In response to a resident's question, the Chief agreed to research Nassau County 911 response times and report back to the Mayor.

Mayor Liguori spoke briefly, stating that residents have never complained about the Muttontown response times and were very pleased with the level of police service.

WIRELESS TELECOMMUNICATION FACILITIES

The Mayor reported that there are no agreements with or applications from any provider right now to install a cell tower. He explained that Cityscapes was hired by the Village to look at and comment on a proposed AT&T cell tower lease.

An attorney representing some concerned residents commented on the Village approval process for wireless telecom facilities and the relationship between the Village Board of Trustees and the ZBA when there is a request for a special use permit on Village-owned property.

The Village Attorney stated that Village Code does not eliminate the need for a public hearing which allows the input of the village residents.

MINUTES

The Mayor deferred approval of the Regular Meeting Minutes of the Trustee meeting held on March 21, 2022.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated April 11, 2022, in the total sum of \$9,325.25 and May 2, 2022, totaling \$49,552.31 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 April 11, 2022, in the total sum of \$9,325.25 and May 2, 2022, totaling \$49,552.31 which are annexed to these minutes. (*See Attached Exhibit B & 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 31, 2022. (*See Attached Exhibit D*)

VILLAGE CLERK'S REPORT

Film Permit

The Clerk reported that the Board approved a film permit for Coe Hall Mansion in the Planting Fields Arboretum. The event took place over three days in March and the applicant was charged a daily rate of \$2,500.

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

RESOLVED to ratify the approval of the film permit application for the Coe Hall Mansion with an agreed rate of \$2,500/day.

SCAR Assessment Reduction/Village & Tax Refund

The Clerk reported that two residents were awarded assessment reductions in Small Claims Court Proceeding for the 2021/22 tax years against Nassau County. She noted that the Village was served a copy of the Petition and recommended that the Board authorize the reduction and refund 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 owners or representatives, provided the Village

taxes have been paid in full and copies of applications were submitted to the Village as follows:

Dorrian – Sec. 24, Blk. 24, Lot 17 2021/22 assessed value of \$2,042 reduced to \$1,600 for a total refund of \$1,006.43.

Arora – Sec. 24, Blk. E, Lot 1069 2021/22 assessed value of \$2,266 reduced to \$2,021 for a total refund of \$557.87.

CGA Building Consultation Agreement 2022/23

The Clerk reported she received a copy of the CGA Consulting, Inc. proposal for building department consulting services for the term of June 1, 2022 through May 31, 2023. The agreement includes a 3% increase to the hourly rate as approved by the Board.

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

RESOLVED to approve the CGA Consulting, Inc.’s proposal for the term of June 1, 2022 through May 31, 2023 with an hourly rate of \$105.00. (*See Attached Exhibit D*)

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for March 2022 activity. (*See Attached Exhibit E*)

MAYOR’S REPORT

Garbage District

The Mayor reported that the Village garbage carter contract expires on June 30, 2022 and recently went through a bidding process. Three bids were received from DF Allen, who is the current Village carter, Winters Bros. and Emmi Industries and Emmi had the lowest bid with a rate of \$60/month.

The Mayor introduced Joseph Emmi who spoke about his carting experience since 1999, his experience as the carter for the Village of Matinecock as well as many private clients in the communities along the North Shore of Long Island.

The Mayor explained that if Emmi’s bid is accepted, the term would begin on July 1, 2022 for a five year period. The service includes two-pickups per week, including recycling, with the use of 8-yard trucks which are user friendly to Village roads.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

PUBLIC COMMENT

The Mayor continued the discussion on cell towers.

The Village Attorney explained that special council was hired to draft the revisions to the code with the intent to accommodate the potential installation of a cell tower at the Old Brookville Police Headquarters site.

The attorney representing certain residents expressed a concern with the language of the Village Code which gives the Board of Trustees a major role vs. the Zoning Board of Appeals, to consider cell tower applications on Village owned or leased property. The Village Attorney explained it does not deny the jurisdictional requirements that a public hearing be held and of a public notice. He further explained that this type of application is not for a variance but a conditional use permit which could be granted by the Board of Trustees.

The Village Attorney explained that once the village receives a cell tower application from a cellular company, a public hearing would be held. Residents would have the opportunity to attend the hearing and voice their views. The Village would then elicit the assistance of an independent expert to determine the validity of the application. He said, under federal law, radio frequency health issues can not be a basis for an objection of an application. There are other objections, like aesthetics, safety and the need for a cell tower to provide coverage, that can be raised. He said State Law requires the village to provide minimum coverage so if there is an underserved area in the Village with consistent dropped calls, there may be a benefit to provide the service to those residents.

The Mayor noted that a cell tower at the police headquarters site would cover 40% of Upper Brookville residents. The applicant would be required to show existing and planned coverage if they are permitted to move forward with the installation. He also agreed to review

the language in the law.

The Mayor closed the meeting at 7:45 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss Village matters.

At 8:30 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session where the Board discussed the garbage contract and lump sum compensation and further

RESOLVED to schedule a hearing to adopt a local law giving the Board the ability to pay lump sum merit awards to certain employees and the ability to cover unreimbursed expenses in connection with their performance working from home.

At 9:00 p.m. upon motion duly made and seconded, the Board unanimously

RESOLVED to adjourn the meeting.

A special meeting will be held on Wednesday April 27, 2022 at 11:00 a.m. to adopt the budget. The next regular meeting is scheduled for Monday May 16, 2022 @ 5:30 p.m.

Signed by TL Lynch June 20, 2022

Tracy Lynch
Village Clerk