

**VILLAGE OF UPPER BROOKVILLE  
SPECIAL BOARD OF TRUSTEES MEETING  
COTTAGE AT 24 WOLVER HOLLOW ROAD  
AND BY TELECONFERENCE  
APRIL 27, 2022 at 11:00 a.m.**

A Special 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 Wednesday April 27, 2022, at 11:00 a.m.

Present:	Carl A. Friedrich	Deputy Mayor
	Edward J. Madden	Trustee
	Antje B. Dolido	Trustee
	Innis O'Rourke, III	Trustee

Present by Teleconference:	Elliot S. Conway	Mayor
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Also Present:	Tracy L. Lynch, Clerk/Treasurer
	Peter MacKinnon, Esq. of Humes & Wagner, LLP
	Attorneys for the Village
	Linda Scherer, Asst. Clerk
	Sam Vergata, Road Commissioner

The Deputy Mayor called the special meeting to order at 11:05 a.m.

**THE PLEDGE OF ALLEGIANCE**

**MINUTES**

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

**FINANCIAL REPORT**

**Bills**

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated April 21, 2022, in the total sum of \$820.07 and April 28, 2022, totaling \$10,161.50 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 21, 2022, in the total sum of \$820.07 and April 28, 2022, totaling \$10,161.50 which are annexed to these minutes. (*See Attached Exhibit A & B*)

### **Capital Account Transfers & ENFC Liabilities**

The Deputy Mayor deferred this discussion to the May meeting.

### **VILLAGE CLERK'S REPORT**

#### **American Rescue Plan Act (ARPA)**

The Clerk reported that she submitted the annual ARPA Project and Expenditure Report. She reported that the Village received about \$179,000 in revenue replacement funds and the Board is in the process of evaluating the best use of the needed funds.

#### **Garbage Bid**

The Clerk reported that the Village recently rebid the garbage district contract and recommended that the Board award the bid to Statewide Property Solutions, Inc., D/B/A Emmi Industries for a five-year term starting July 1, 2022 and ending on May 31, 2027. She reported that Emmi was the lowest responsible bidder at \$60 per month per household, for the first two years. This will include two weekly pickups that include recyclables and certain larger items. The rate increases to \$62 in years 3 and 4 and \$64 in year 5.

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

**RESOLVED** to award the garbage district contract to Statewide Property Solution, Inc., D/B/A Emmi Industries subject to submission of the required certificates of insurance, a \$10,000 bond and signature of the amended contract which reduces the guaranteed minimum units for payment from 200 to 100 and requires that all vehicles shall be equipped with an operating tracking system, at the contractor's expense, and will be fully operational when servicing the Village.

#### **Chabad Special Use Application**

The Village Clerk recommended that the Board approve allocating funds to retain the Village Engineer to assist the Village in responding to the Chabad's request to provide a history of the application for their new legal counsel.

The Village Attorney explained that the Chabad has a Special Use Permit application before the Zoning Board of Appeals. The Board is reviewing the environmental aspects of the application, known as SEQRA. The applicant has been advised that it is necessary for them to obtain NYS DOT approval as the property requires direct access to Route 107, a state roadway.

The Chabad has hired new counsel to represent them and they have asked for a history of

the application. The Village Engineer will need to assist with the information request.

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

**RESOLVED** to allocate up to \$5,000 for the purpose of retaining the Village Engineer to assist the Village in providing a history of the application to the Chabad's new legal counsel.

### **House Fire**

The Clerk reported that following a house fire earlier this month, the homeowner requested the use of containers on their property to store various items from the home.

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

**RESOLVED** to permit the homeowner to place up to three storage containers on their property for up to one year subject to a review and approval of the location by the Road Commissioner.

### **Village Official Emails**

The Clerk asked the Board to approve the use of Village email addresses for all Village officials.

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

**RESOLVED** to approve an expenditure up to \$2,500 annually to setup and operate Village emails for all Village officials with the assistance of Village IT support, when required.

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

The Road Commissioner reported that he and his staff were out of the office for a week with COVID and now catching up on spring cleaning, sweeping village roads, cutting grass and fixing ROW washouts.

He also reported on a resident's request to remove two large white pine trees along both sides of their driveway. The said trees were potentially dangerous because they regularly drop limbs near the location where their children wait for the school bus at the end of their driveway.

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

**RESOLVED** to approve an expenditure up to \$1,000 to hire an independent licensed arborist to inspect the trees and provide a report evaluating the trees and make recommendations.

He also updated the Board on a complaint the Village received from the HOA about excessive numbers of vehicles parked at an Overbrooke Lane property. He reported that the vehicles are no longer there and will continue to monitor.

He also reported on another complaint received about a property owner on Overbrooke Lane draining their pool regularly onto the roadway. The Road Commissioner reported he arranged with the homeowner to utilize the nearby drywell on the property in the future.

### **BUILDING DEPARTMENT REPORT**

The Clerk explained to the Board that the Village used to collect refundable road deposits on large building projects. The deposit was meant to repair road damage and would be refunded in full if there was no damage. Years ago, the road deposit requirement was eliminated and a non-refundable land modification fee was adopted.

She asked if land modification funds could be used to repair road damage related to the construction work on private roads. The Village Attorney said that Village funds could not be expended to repair private roads. Following discussion, it was agreed that the intent of the land modification fee was to cover the wear and tear on village roads and should be applied to all large projects on Village and private roads.

### **MAYOR'S REPORT**

No Report

### **POLICE REPORT**

No Report

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

No Report

### **ARCHITECTURAL REVIEW REPORT**

No Report

### **LEGAL REPORT**

The Village Attorney reported that he, the Mayor and Village Engineer had a meeting with the Mill River Club and are making progress on resolving the drainage issue on Donna Drive.

## **PUBLIC COMMENT**

No Comment

The Deputy Mayor closed the meeting at 11:45 a.m. and on motion duly made and seconded, the Board unanimously

**RESOLVED** to enter Executive Session to discuss budget and various village matters.

At 12:37 p.m., on motion duly made and seconded, the Board unanimously

**RESOLVED** to come out of Executive Session and the Deputy Mayor called the special meeting to order.

The Deputy Mayor noted that Mayor Conway was present by teleconference, and accordingly, was not able to vote on the budget matter.

## **ADOPTION OF BUDGET**

The Board, on motion duly made and seconded, unanimously

**RESOLVED**, that the budget which was the subject of a public hearing on April 11, 2022 be, and the same hereby is, adopted as the budget of this Village for the fiscal year June 1, 2022 through May 31, 2023, 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, 2022 through May 31, 2023 in the sum of \$2,6582,080 at the rate of \$228.75 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 Oyster Bay Guardian in its issues of May 13, and May 20, 2022, the official newspaper 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 2022/23 tax assessment roll, and

**DEPARTMENT OF AUDIT AND CONTROL**

**FURTHER RESOLVED**, that a copy of the adopted 2022/23 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 C*)

Votes in favor of adoption:	Carl A. Friedrich	Yea
	Antje B. Dolido	Yea
	Edward J. Madden	Yea
	Innis O'Rourke III	Yea

At 12:40 p.m., on motion duly made and seconded, the Board unanimously

**RESOLVED** to enter Executive Session to discuss police contract matters.

At 12:53 p.m., on motion duly made and seconded, the Board unanimously

**RESOLVED** to come out of Executive Session and no action was taken and the meeting was adjourned.

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