

**VILLAGE OF UPPER BROOKVILLE
ANNUAL ORGANIZATION & BOARD OF TRUSTEES MEETING
COTTAGE At 24 WOLVER HOLLOW ROAD
SEPT 19, 2022 At 5:00 P.M.**

The Annual Organization and a regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held in Village Hall, in the Cottage at 24 Wolver Hollow Road on Monday September 19, 2022 at 5:00 p.m.

Present:	Elliot S. Conway	Mayor
	Carl Friedrich	Deputy Mayor
	Edward J. Madden	Trustee
	Helen Solomon	Trustee

Absent:	Innis O'Rourke	Trustee
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Also Present: Tracy L. Lynch, Clerk/Treasurer
Linda Scherer, Deputy Clerk/Treasurer
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village

The Mayor called the meeting to order at 5:05 pm.

THE PLEDGE OF ALLEGIANCE

ANNUAL ORGANIZATION MEETING

The Mayor called the Annual Organization Meeting to order and announced that this was a meeting for the purpose of organization of the Village for the new official year commencing on the first Monday of July 2022 and recommended the appointments presented. (*See Attached Exhibit A*)

MUBPD REPORT

The Mayor presented burglary and stolen auto statistics provided by Chief Irizarry and discussed recent cases that occurred in Muttontown and Upper Brookville.

He also reported that the local North Shore Police Chiefs are looking into installing a ring of license plate readers at the roads entering the Villages, like the system they installed in the Village of Freeport. Freeport said that since installing the technology, crime is way down and their revenue is up because the police can identify license plates associated with vehicles having outstanding citations or expired registrations. The purchase of 10-14 units would cost around \$300,000 and would be split among the Villages. The Board agreed this was a good idea.

MINUTES

The Mayor then called for approval of the regular minutes of the Trustee meeting held on July 18, 2022.

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

PUBLIC COMMENT

A resident from an area of the village with adequate cell service said he is opposed to the installation of a cell tower in the area that would benefit residents with no cell service because he prefers not to see a tower.

Another resident reported on the issue of speeding vehicles on Wolver Hollow Road and requested that the police monitor the speed of the traffic coming through.

The Mayor responded that the Village continues to research ways to improve cell reception in needy areas for health and safety reasons, including investigating the cell tower alternative with potential providers.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated August 15, 2022 in the total sum of \$338,108.30 and September 1, 2022 totaling \$68,579.24 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting. The invoices include the first police protection payment to the Village of Muttontown in the sum of \$327,759.50.

She also discussed all claim forms listed on the General Fund Check Details dated September 18, 2022 in the total sum of \$12,122.49 and October 3, 2022 totaling \$43,407.32 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting.

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

RESOLVED, to ratify the bills listed on the General Fund Check Details dated August 15, 2022 in the total sum of \$338,108.30 and September 1, 2022 totaling \$68,579.24 which are annexed to these minutes and *(See Attached Exhibit C)*

FURTHER RESOLVED, to ratify and approve the bills listed on the General Fund Check Details dated September 18, 2022 in the total sum of \$12,122.49 and October 3, 2022 totaling \$43,407.32 which are annexed to these minutes.
(See Attached Exhibit D)

Treasurer's Report

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

RESOLVED, to ratify, approve and file the Treasurer's Report's for the months ending July 2022 & August 2022. (*See Attached Exhibit E & F*)

VILLAGE CLERK'S REPORT

Planting Fields Road Project Update

The Clerk reported that the bids for the Planting Fields Road Reconstruction project were opened about two weeks ago. The lowest bid was submitted by Rosemar Contracting totaling \$274,375.

She explained that the terms of the \$280,000 NYS DOT grant award include a requirement that the chosen contractor meet certain goals related to hiring Minority and Women Business Enterprises (M/WBEs). For the construction category goals, the contractor is required to subcontract 10% of the cost of the job to minority owned businesses and 15% to women owned businesses. She reported that none of the 12 bids included how they would meet these goals. Rosemar has committed to meeting the minority business owned goals but, due to the nature of the project, are unable to meet the women-owned business goal. They have agreed to keep their bid open pending receipt of a partial waiver from the State.

The Clerk recommended that LIRO, on behalf of the Village, request a partial waiver from the State. This is an option provided in the grant terms for situations like this.

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

RESOLVED to appoint LIRO as the Village's NYS DOT representative and approve their access to the civil service reporting software and

FURTHER RESOLVED to authorize LIRO to seek a WBE waiver from the State which would allow Rosemar to perform under the contract following award by the Village and

FURTHER RESOLVED to adopt the MWBE & EEO Policy, as provided in Appendix B of the Planting Fields Road Capital Project Agreement, for road projects funded by the NYS DOT. (*See Attached Exhibit G*)

Online Fuel Payment

The Clerk reported that monthly fuel payments paid by check to WEX are arriving after the due date and incurring late fees, even though the payments are mailed several weeks before the due date.

She asked the Board to approve online bank payments to this vendor to avoid late payments and penalties.

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

RESOLVED to approve online bank payments to WEX for fuel purchases.

SCAR Assessment Reduction/Village & Tax Refund

The Clerk reported that residents were awarded assessment reductions in Small Claims Court Proceedings for the 2021/22 tax years against Nassau County. She noted that the Village was served copies of the Petitions 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 value for the premises owned by the following residents, and to refund the appropriate Village tax to the respective owner or representative, provided the Village taxes have been paid in full and copies of applications were submitted to the Village as follows:

Pezza – Sec. 18, Blk. A, Lot 1023 assessed value of \$2,178 reduced to \$1,925 for a total refund of \$576.08.

Cave – Sec. 24, Blk. E, Lot 291 assessed value of \$1,060 reduced to \$1,000 for a total refund of \$136.62.

Pelletier – Sec. 24, Blk. 26, Lot 5 assessed value of \$3,447 reduced to \$2,586 for a total refund of \$1,960.49.

Silveri – Sec. 24, Blk. B, Lot 70H & 956 assessed value of \$12,372 reduced to \$10,185.00 for a total refund of \$4,979.79.

Brengel – Sec. 24, Blk. 10, Lot 83 assessed value of \$1,564 reduced to \$1,173 for a total refund of \$890.30.

Garbage Disposal District

The Mayor reported that the Village Carter has encountered a few residents putting out excessive and unbagged garbage volumes, requiring overly lengthy collection time. He recommended that the Collection Rules be amended to (a) confirm the limit on the amount of garbage collected to two standard thirty-gallon containers per pickup and (b) that the Board be given the ability to remove someone from the district for egregious violation of the rules once the resident has been put on notice and has an opportunity to be heard by the Board of Trustees.

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

RESOLVED to approve the Garbage District Collection Rules as presented.
(*See attached Exhibit H*)

Village Enforcement of Property Maintenance Issues

The Clerk reported that the current code was overly lengthy and cumbersome when the Village needed to correct certain property maintenance issues on a property. Following a discussion, the Board concurred and asked her to work with the Village Attorney to propose a more streamlined or bifurcated approach and make a recommendation at the next meeting.

Zoning Board Fees & Deposits

The Clerk reported that for many Zoning Board of Appeal applications, the \$2,000 deposit does not cover the legal, steno & advertising expenses and often the total legal expenses paid by the applicant exceed the \$5,000 maximum out of pocket. She requested that the Board consider increasing both the upfront deposit collected and the overall legal limit.

The Board asked her to work with the Village Attorney and come back with a recommendation at the next meeting.

Street Sign Replacement

The Clerk reported to the Board that she was receiving bids to replace the street signs in the Village. The replacement signs will be placed on intersections of village roads with county, state and private roads. She asked if the private road signs should be included where there is no intersection with a village road. Some private roads do not have signs and most of the existing signs do not comply with the NYS DOT recommendations as to font size and type, reflectivity, and orientation of lettering.

The Mayor recommended that all village roads and private roads also be included for health and safety purposes in order that emergency vehicles including police, fire and EMS responders can quickly locate homes throughout the Village.

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

RESOLVED to approve the replacement of street signs at all intersections of Village, State, County and Private roads.

Justice Court Grant

The Clerk requested authorization for the Court Clerk to apply for the 2022/23 Justice Court Assistance Program grant. This will allow the Village to apply for a NYS Grant to assist in the operation of its Justice Court. The Mayor recommended, and the Board agreed that the Village should apply for this NYS grant.

Accordingly, only motion duly made and seconded, the Board unanimously

RESOLVED, that the Incorporated Village of Upper Brookville authorizes the Upper Brookville Village Court to apply for a JCAP grant in the 2022-23 grant cycle, up to \$30,000, with the filing of an application to the Chief Administrative Judge of the State of New York for all available funding 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; records management; 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 Attorney, Mayor, Deputy Mayor, Village Clerk, Village 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 14, 2022.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for July & August 2021 activity. (*See Attached Exhibit I & J*)

MAYOR'S REPORT

Wheatley Road Update

The Mayor reported that there were a large number of dead, dying and dangerous trees along the Nassau County owned easement along Wheatley Road. The Village received a bid from Woody Tree Service to clean up the easement at a cost of around \$20,000 for 5 days work with 6 men. He contacted the Nassau County Department of Public Works and asked that they either clean up the easement themselves or split the cost with the Village. The County agreed to meet with the Village Road Commissioner to evaluate the issue.

BEAUTIFICATION COMMITTEE REPORT

Trustee Solomon reported that earlier in the meeting she was appointed as Beautification Committee Chair as well as Tree Warden and would be looking into ways to improve the plantings around the Village welcome signs. The Committee is in formation.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that Mr. Bonadonna is appealing the Supreme Court decision that upheld the Zoning Board decision on the piers.

PUBLIC COMMENT

A resident commented about dangerous trees on Village and a neighboring private property, utilities not installing cables properly to poles and leaving behind large amounts of cable and for an update on the cell tower installation.

The Mayor said the village was aware of the tree issue. He said the property maintenance law may be updated to allow the village to enter a property and correct a violation more quickly. He reported that the village was proceeding to investigate cell service improvement options and would have little public comment on the subject while the village is in litigation with a handful of residents.

He then closed the meeting at 6:00 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter into Executive Session to discuss various matters.

Deputy Mayor Carl Friedrich departed the meeting.

EXECUTIVE SESSION

At 6:40 pm, on motion duly made and seconded, the Board unanimously

RESOLVED, to come out of Executive Session where they discussed litigation, contract matters and compensation. No action was taken.

The next regular meeting of the Board of Trustees is scheduled for Monday,
October 17, 2021 @ 5:30 p.m.

Signed by Tracy Lynch 10/17/2022

Tracy Lynch
Village Clerk