

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES MEETING  
COTTAGE AT 24 WOLVER HOLLOW ROAD  
OCTOBER 17, 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 Village Hall, in the Cottage at 24 Wolver Hollow Road on Monday October 17, 2022 at 5:30 p.m.

Present	Elliot S. Conway	Mayor
	Carl Friedrich	Deputy Mayor
	Edward J. Madden	Trustee
	Innis O'Rourke	Trustee
	Helen Solomon	Trustee

Also Present: Tracy L. Lynch, Clerk/Treasurer  
Linda Scherer, Deputy Clerk/Treasurer  
Sam Vergata, Road Commissioner  
Eric Irizarry, Chief Muttontown Upper  
Brookville PD  
Peter MacKinnon, Esq. of Humes & Wagner, LLP  
Attorneys for the Village

The Mayor called the meeting to order at 5:35 pm.

**THE PLEDGE OF ALLEGIANCE**

**MUBPD REPORT**

The Chief presented motor vehicle accident, aided case, false alarm and crime reports for September and discussed recent burglary cases that occurred in Muttontown.

He also recommended that residents sign up for the free Ring Neighbors app that provides real-time crime and safety alerts from neighbors and public safety agencies, delivered directly to resident phones.

He said the Department is focused on addressing resident's concerns on speeding and property crime. They have been strategically placing police vehicles throughout the Village to address these concerns, but supply chain issues are affecting the availability of vehicles.

He also reported on a parking permit matter involving the Village of Brookville PD which may have resulted in parked cars on a private road in Upper Brookville. The Chief has worked out procedures to clarify inter village parking matters going forward.

The Chief reported that he's researching a 'Ring of Steel', technology successfully deployed in Freeport, for the five Villages formerly protected by the OBPD including Muttontown. It would consist of approximately 30-40 license plate readers installed at the roads entering the Villages and would be an important new tool to combat crime.

The Mayor reported that the Nassau County Village Officials Association (NCVOA) held a press conference on bail reform and while crime in Upper Brookville is

not high, auto crime in Muttontown is up 450% and burglaries are up 650%. The NCVOA and other Nassau County public officials and mayors are seeking political support for new legislation to reduce crime.

## MINUTES

The Mayor then called for approval of the regular minutes of the Trustee meeting held on September 19, 2022.

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

## PUBLIC COMMENT

Trustee Friedrich reviewed the Rules of Comment in Board of Trustee Meetings.

Residents commented on:

- foreclosure proceedings, if any, by the Village on a vacant lot on Mill River Road,
- the fence recently installed by the cemetery behind the future Village Hall,
- posting Board of Trustee meeting times on the website without an end time, to avoid confusion about the end of the meeting,
- a recent letter written by Oyster Bay Cove's Mayor regarding a cell tower being proposed in that village,
- a petition signed by a number of residents opposed to any cell tower at the future Village Hall site, and,
- a comment regarding more detail in the board meeting minutes.

The Mayor invited everyone to attend the next *Coffee and Tea With the Mayor* scheduled for Wednesday October 19th at 8:00am. He said this is a good opportunity for residents to interact with village officials, ask questions and raise concerns regarding matters related to the village.

## FINANCIAL REPORT

### Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated October 17, 2022 in the total sum of \$9,483.33 and November 1, 2022 totaling \$452,080.34 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting. The invoices include the second police protection payment to the Village of Muttontown in the sum of \$327,759.50 and the 2022 Q3 fire protection payment to the East Norwich Fire Company (ENFC), totaling \$72,331.16. This includes a 2022 cancer coverage payment to date, totaling \$1,832.76, and a 2021 overpayment refund of \$28,562.76.

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

**RESOLVED** to postpone approval of the payment to ENFC, totaling \$72,331.16 pending receipt of supporting documentation for the 2021 overpayment refund and

**FURTHER RESOLVED**, to ratify and approve the bills listed on the General Fund Check Details dated October 17, 2022 in the total sum of \$9,483.33 and November 1, 2022 totaling \$381,581.93. (*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's for the month ending September 2022. (*See Attached Exhibit D*)

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

#### **Fund Balance Transfer**

The Clerk recommended that the Board transfer \$500,000 from the Unassigned to the Assigned Fund Balance for the future Village Hall and be reflected in financials for year ending May 31, 2022. The Board previously agreed to allocate a portion of these funds at the June 2022 meeting to comply with the Office of New York State Comptrollers and other guidelines. She also recommended that the \$5,000 assigned to the Library be reassigned to the new Village Hall within the Assigned Fund Balance as the library was to be located in the Village Hall facility.

#### **Budget Transfers**

The Clerk presented the Board with a list of 2021/22 budget transfers totaling \$198,514.94 which are necessary to present a balanced budget.

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

**RESOLVED** to approve the 2021/22 budget transfers (*See Attached Exhibit E*)

#### **Permits**

The Clerk presented a Tag Sale Permit application from a resident on Friendly Road who recently sold their home and a film permit application at a large property on Planting Fields Road which the Board previously approved via email.

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

**RESOLVED** to approve the Tag Sale Permit at 1071 Friendly Road to be held on Sunday November 20, 2022 from 10:00am – 3:00pm and ratify the approval of a film permit at 1365 Planting Fields Road to be held later in the month, at a rate of \$2,500 per day.

## **Open Meetings Law Amendment**

The Clerk reported that the Governor drafted an amendment to the Open Meetings Law to make permanent the expanded use of videoconferencing by public bodies to conduct open meetings, under extraordinary circumstances, regardless of a declaration of emergency. The Village would be required to adopt a local law to allow for remote attendance by its Board members if the established guidelines are followed. The Board agreed to discuss further.

## **Proposed Local Law B-2022**

The Clerk presented proposed LL B-2022 which would amend the property maintenance code to streamline the overly lengthy and cumbersome current code when the Village needs to correct certain property maintenance issues on a property (*See Attached Exhibit F*).

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

**RESOLVED** to authorize the Village Attorney to proceed with the preparation of the Local Law and schedule a hearing for the November meeting.

## **Zoning Board Fee Amendment**

The Clerk presented a summary of zoning board fees in neighboring North Shore villages and, following discussion, asked the Board to defer any decision until the November meeting.

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

The Road Commissioner reported that the department continues to maintain the roads and right-of-ways, including sweeping and clearing blocked drains.

He plans to plant three willow trees, that were generously donated by a family in the village, on the village-owned property at the corner of Wolver Hollow and Chicken Valley Roads. The willow trees will replace the large willow that came down in a storm earlier this year.

He reported he continues to work with the Nassau County Department of Public Works and PSEG to clean up the right-of-way along Wheately Road. Due to the timely involvement of Nassau County and PSEG, he reported it will not be necessary to engage a tree removal contractor to assist with the work, saving the Village around \$20,000.

## **BUILDING DEPARTMENT REPORT**

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for September 2022 activity. (*See Attached Exhibit G*)

## **MAYOR'S REPORT**

### **Cyber Security**

The Mayor reported on a ransomware attack Suffolk County recently experienced that shut down many of their government services. He noted that the Village has cyber insurance but that does nothing to prevent cyber intrusion which is occurring at increasing frequency.

The Village Attorney referred to a NYCOM memo he recently circulated to the Board recommending that the Village hire a cybersecurity consulting firm to establish a cybersecurity program. These firms will access the level of cybersecurity protection the Village has including a vulnerability assessment and penetration tests, enforcement of effective cybersecurity policies/procedures, employee training, and application of advanced cybersecurity technologies.

The Mayor stated he believes the danger is with computers that are connected to the internet and recommended that we get an additional computer that could be used to store our critical records.

The Mayor agreed to circulate a proposal he received from one security firm and Trustee Madden agreed to follow up on this issue.

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

**RESOLVED** to authorize the expenditure of \$5,000 associated with enhanced cyber security.

### **Village Hall Plans**

The Mayor presented preliminary plans for the new Village Hall which proposes an expansion to the front of the building, a meeting room, storage areas, offices for Village staff and locker rooms and a gym for the police department. He asked the Board to review the plans and come back with their comments.

### **T-Bills**

The Mayor reported that T-bills are earning more than the interest earned at our current bank and recommended that the Village purchase a ladder of T-Bills to improve yields. The First National Bank of LI no longer has a Trust Department so this transaction needs to be done through another approved financial institution.

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

**RESOLVED** to authorize the Mayor & Finance Chairman to select an acceptable institution under our existing laws to purchase one or more T-bills subject to ratification at our next meeting.

## **BEAUTIFICATION COMMITTEE REPORT**

Trustee Solomon reported that she scheduled a meeting with Steven Dubner Landscaping to look at how we can improve the plantings around the Village welcome signs and provide a design that would provide a more uniform appearance.

## **POLICE REPORT**

No Report

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

No Report

## **ARCHITECTURAL REVIEW REPORT**

No Report

## **LEGAL REPORT**

No Report

The Mayor closed the meeting at 6:30 pm and on motion duly made and seconded, the Board unanimously

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

## **EXECUTIVE SESSION**

At 7:28 pm, on motion duly made and seconded, the Board unanimously

**RESOLVED**, to come out of Executive Session where they discussed staff compensation, the contract with Rosemar and other matters.

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

**RESOLVED**, pursuant to Local Law 1-2022, to hereby establish an Employee Performance Plan which allows for Cash Merit Awards to qualifying employees with guidelines as follows:

### **A) Cash Merit Awards Plan Purpose**

A Cash Merit Awards Plan is being established to serve as a positive motivator for Village employees, in order to improve their overall effectiveness and productivity for the benefit of the Village and its residents through an award of compensation outside of their annual salary.

### **B) Cash Merit Award Program**

1. The Cash Merit Award is a lump sum payment which is not added to the employee's basic annual salary and calculated based on prior fiscal year salary and insurance waiver received.
2. Employees must have been paid during the current or prior fiscal year in order to be eligible for a Cash Merit Award.
3. Cash Merit Awards are paid at the end of the fiscal year to eligible Village employees on that date. However, the Board may approve a prospective Cash Merit Award payable prior to the end of the fiscal year to eligible Village employees on that earlier date.
4. An individual employee may receive more than one Cash Merit Award during a fiscal year, assuming the cumulative awards do not exceed 3.5% of the employee's basic annual salary.
5. Cash Merit Awards are not included in the calculation of overtime.

**C) Eligibility**

Employees who have a minimum of 1 year of service with the Village, will be eligible for consideration for a Merit Award, payable at the end of the fiscal year, to those currently employed.

**D) Performance Evaluation For a Cash Merit Award**

The Board of Trustees shall be responsible for conducting the performance evaluations under the Plan. The Trustees are to take into account the employee's official record of performance, the Mayor's evaluation of job performance, input from the employee's direct supervisor and coworkers, residents feedback and such other criteria that the Trustees deem appropriate in evaluating the employee's performance to qualify for the award and

**FURTHER RESOLVED**, to approve a max 2% Cash Merit Award payable at the end of Fiscal Year 2022-2023, to the following employees: Laurie Dooney, Margaret Grady, Sam Vergata, Stephen Murphy & James Mundell and

**FURTHER RESOLVED**, to award Deputy Clerk/Treasurer Linda Scherer, a base salary increase of \$6,000 in connection with her promotion, retroactive to June 1, 2022, bringing her total annual compensation including insurance waiver, to \$71,200, with catchup payment made at next payroll and

**FURTHER RESOLVED** to award Clerk/Treasurer Tracy Lynch, a base salary increase of \$6,889, retroactive to June 1, 2022, bringing her total annual compensation, including insurance waiver, to \$100,000, with catchup payment made at next payroll and

**FURTHER RESOLVED** to award the Planting Fields Road project to Rosemar Contracting Inc. subject to their timely and accurate submission of M/WBE reporting requirements by NYS DOT

The next regular meeting of the Board of Trustees is scheduled for Monday, November 21, 2022 @ 5:30 p.m.

*Signed by TL Lynch 11/21/22*

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Tracy Lynch  
Village Clerk