

**VILLAGE OF UPPER BROOKVILLE
SPECIAL BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
APRIL 17, 2024 at 10:30 a.m.**

A Special Board Meeting of the Board of Trustees of the Incorporated Village of Upper Brookville was held on Wednesday April 17, 2024, at 10:30 a.m. to continue the public hearing on the budget and proposed Local Law A-2024.

Present: Elliot S. Conway Mayor
 Helen Solomon Trustee
 Joseph Burns Trustee

Absent: Peter Pappas Deputy Mayor
 Innis O'Rourke III Trustee

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

The Mayor called the meeting to order at 10:30 a.m.

THE PLEDGE OF ALLEGIANCE

BUDGET HEARING

The Mayor called for the continuation of the public hearing on the Village's tentative budget and on whether to enact proposed Local Law A-2024 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville's budget for the fiscal year commencing June 1, 2024. He announced that the Village's tentative budget 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 and that the Clerk sent a Public Information Notice to the paper informing them that the Board was holding a Special Meeting. The notice was presented and ordered annexed to these minutes.

The Mayor presented several charts showing budget projections assuming a tax levy increase of 3.5% and 10%. He recommended the 10% increase based on recent increases and new expenses that we have not had previously. First, there are increases to the Muttontown Police costs as a result of the contract renegotiation which increased salaries well in excess of the 3% inflation rate, plus an increase in the pension contribution rate and health insurance benefit premiums. Second, the Village has an ongoing health benefit liability for OBPD retirees.

He pointed out that the Village will continue to have one of the lowest per capita property tax of the North Shore villages that have police departments. Residents will still enjoy the considerable savings from the lowering of the tax levy for the past 7 years.

For these reasons, the Village needs to raise the tax levy 10% in 2024/25 and override the property tax cap of 2%.

The Mayor next asked the Board and audience if they had any comments. There being no comment, the budget hearing was closed.

HEARING ON PROPOSED LOCAL LAW A-2024, “*PROPERTY TAX CAP OVERRIDE*”

The Mayor called the hearing on proposed Local Law A-2024 to order. The affidavit of mailing and the public information notice were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered proposed Local Law A-2024 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville’s budget for the fiscal year commencing June 1, 2024.

The Mayor noted that this year the maximum tax levy limit is 2%. The Village’s projected levy is 10% over last year and will require an override.

The Mayor called for comments in favor of, or in opposition to, the proposed local law. There being no questions or comments, the Mayor declared the hearing closed.

The Mayor then called the Special Board of Trustees’ meeting to order.

ADOPTION OF LOCAL LAW 1-2024 - “*PROPERTY TAX CAP OVERRIDE*”

The Board considered the adoption of Local Law 1-2024 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville’s budget for the fiscal year commencing June 1, 2024. (*See Attached Exhibit A*)

RESOLVED, that in accordance with Article 8 of the State Environmental Quality Review Act, the adoption of Local Law 1-2024 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville’s budget for the fiscal year commencing June 1, 2024 shall not be classified as an “*action*” and will require no environmental review under SEQRA, and further

RESOLVED that Local Law 1-2024 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville’s budget for the fiscal year commencing June 1, 2024 be, and the same hereby is, enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**VILLAGE OF UPPER BROOKVILLE
PROPOSED LOCAL LAW A-2024**

A local law to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

SECTION 1. Legislative Intent

It is the intent of this Local Law to allow the Village of Upper Brookville, Nassau County, New York to adopt a budget for the fiscal year commencing June 1, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

SECTION 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. Tax Levy Limit Override

The Board of Trustees of the Village of Upper Brookville County of Nassau, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

SECTION 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. Effective date.

This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law and shall be applicable only to the Village budget and real property tax levy for the next Village fiscal year commencing on or after such effective date.

Votes in favor of adoption:	Elliot Conway	Aye
	Helen Solomon	Aye
	Joseph Burns	Aye
Not present:	Innis O'Rourke	
	Peter Pappas	
Vote against adoption:	None	

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 15, 2024 and continued on April 19, 2024 be, and the same hereby is, adopted as the budget of this Village for the fiscal year June 1, 2024 through May 31, 2025, 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, 2024 through May 31, 2025 in the sum of \$2,786,793 at the rate of \$254.89 per \$100 of assessed valuation, and

FURTHER RESOLVED to approve a \$2,000 stipend to the Mayor, and

FURTHER RESOLVED to award the following 2024/25 salary increases effective June 1, 2024:

*3% salary increases to the Clerk, Deputy Clerk, Road Commissioner, Laborers, Court Clerk and Village Accountant and

*1.5% salary increase to the Building Clerk

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 17, and May 24, 2024, 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 2024/25 tax assessment roll, and

DEPARTMENT OF AUDIT AND CONTROL

FURTHER RESOLVED, that a copy of the adopted 2024/25 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.

Votes in favor of adoption:	Elliot Conway	Aye
	Helen Solomon	Aye
	Jody Burns	Aye

Not present:	Innis O'Rourke
	Peter Pappas

Vote against adoption:	None
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ARBOR DAY

The Mayor reported that the Arboretum invited the Village to be a co-sponsor of Arbor Day which is scheduled for April 27th & 28th. The Village offered to set up a booth with Upper Brookville and Tree City banners and give away snacks, soft drinks and bottled water. The booth would be manned by Village Board members, employees and Legislator Samantha Goetz from 10am – 2pm. The Board previously approved an expenditure for Arbor Day related expenses up to \$5,000. Upper Brookville residents with VUB stickers on their cars will enjoy free entry to the park (normally a \$25 charge per car).

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

RESOLVED to approve up to \$5,000 of Arbor Day related expenditures and to send an email to residents inviting them to participate in Arbor Day, free of charge.

LINDEN LANE

The Clerk reported that McGowan completed the Linden Lane repaving job and submitted a voucher for \$30,000. The Clerk reported that the Road Commissioner commented that they did a great job. In addition, they submitted a proposal to line strip the newly paved road at a cost of \$850.

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

RESOLVED to approve a payment of \$30,000 to McGowan and Sons for the Linden Lane repaving project and to approve their line striping proposal for \$850.

The meeting was adjourned at 11:10 a.m.

The next regular meeting is scheduled for Monday May 20, 2024 @ 5:30 p.m.

Signed by TL Lynch 5/20/2024

Tracy Lynch
Village Clerk