

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
MAY 20, 2024 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 on Monday May 20, 2024, at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Innis O'Rourke	Trustee
	Helen Solomon	Trustee
	Joseph Burns	Trustee

Absent:	Peter Pappas	Deputy 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, Deputy Clerk/Treasurer

The Mayor called the meeting to order at 5:30 p.m.

THE PLEDGE OF ALLEGIANCE

MUBPD REPORT

Chief Irizarry presented the April 2024 Police Report. He reported there were no accidents, 28 moving violations, 17 false alarms and 17 vacant premise checks.

The Chief presented statistics comparing the total number of calls for service in each village for 2023. There were 1239 in Muttontown and 572 in Upper Brookville.

He reported that the police department was awarded a \$147,000 Law Enforcement Technology Grant through Governor Hochul's office. The funds will be used as follows:

- \$100,000 to pay the remaining four-year service contract with Flock Safety for eight license plate readers owned by our police department,
- \$15,000 for a mobile vehicle license plate reader,
- \$25,000 to outfit a police vehicle, and,
- \$7,000 to digitize police files.

He also mentioned a recent Muttontown burglary that appeared to be the work of a South American theft gang.

He reported that license plate readers have been an effective tool in the reduction of home burglaries and car theft. In 2022, prior to the license plate readers being installed, there were 22 burglaries in the first half of the year. Since being installed, there were two in 2023 and one this year.

MAYOR'S REPORT

Legislative Update

The Mayor reported progress in Albany with deer management legislation. Senator Martins introduced Senate Bill S9828A to establish a Nassau County deer management pilot program. If and when passed, it will permit deer management activities in Upper Brookville, primarily within the Planting Fields Arboretum under guidelines set by the Department of Environmental Conservation.

He also reported Senator Martins introduced Senate Bill S7064-C and Assemblyman Thiele (D-Sag Harbor), introduced Assembly Bill A.10169 in the state Assembly. The "Protect our Pedestrians Act" would amend the state Vehicle and Traffic Law to create owner liability for failure of an operator to comply with stop signs in the villages of Upper Brookville, Flower Hill, East Hampton, Westbury, Saddle Rock and Southampton. If passed, it will permit the use of stop sign cameras as part of a two year demonstration project. If the use of the cameras prove successful in making our streets safer and are well received by our residents, new legislation will likely be proposed for all of Long Island.

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

RESOLVED to adopt a Home Rule Request for the enactment and adoption by the New York State Assembly of Assembly Bill A.10169-B and for the enactment and adoption by the New York State Senate Bill S.4064-C authorizing designated villages including the Village of Upper Brookville to establish a Demonstration Program imposing owner liability on the owner of a vehicle for failure of an operator to comply with stop signs. *(See Attached Exhibit A)*

Wolver Hollow Flooding Update

The Mayor reported that the Nassau County Public Works Department cleaned out a large drainage pipe that was filled with sediment that had accumulated over 10 years. They used a large vacuum to clean out the pipe, doubling the capacity of the pipe. When the work is completed, they will be repairing the damage to the right-of-way.

ROW Ordinance

The Mayor gave the Chief a copy of a village ordinance that says if a vehicle pulls over onto a Right of Way and causes damage to the shoulder, the driver is responsible for all expenses to restore the shoulder to its prior condition and pay a fine of \$400. The Chief agreed to remind the officers of the ordinance.

Fireworks

With the 4th of July holiday approaching, the Mayor asked the Chief to inform in writing any village resident with a historic interest in hosting a fireworks display that they are required to apply to the Village and receive a permit if they plan to set off fireworks. The Chief agreed to

deliver a letter to any such residents.

Safety at Village Hall

The Mayor recommended a security enhancement for the Village Hall property for the benefit of village staff. The Board concurred on the suggestion that the Village installs a security camera system so the clerks can see who is at the door.

The Board also agreed that the Deputy Clerks' hours would return to 9:30 a.m. – 5:00 p.m. and the hours would be posted on the Village web site and telephone answering system.

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

RESOLVED for the Clerk to obtain pricing of a camera security system for Village Hall.

Arbor Day

The Mayor reported that the Village participated in Arbor Day which was held in the Planting Fields Arboretum last month. He, Trustee Solomon and the Deputy Clerk set up a booth and distributed refreshments to park visitors. Nassau County Legislator Samantha Goetz assisted throughout the day. The Village's \$1,000 donation to the Planting Fields Foundation allowed village residents with Upper Brookville stickers on the rear bumper of their car free admittance to the event on both Saturday and Sunday in lieu of a \$25 per car fee. During the week prior to the event, up to 50 residents came by the Village Hall to collect their complimentary Upper Brookville bumper stickers.

Pickleball Courts

The Mayor circulated a local law recently adopted by the Village of Old Brookville regulating the installation of pickleball courts in the Village and asked the Board to review it for discussion at the June meeting. (*See Attached Exhibit B*)

PUBLIC COMMENT

No Comments

MINUTES

The Mayor then called for approval of the Regular Meeting Minutes of the Trustee meeting held on April 15, 2024 and the Special Meeting Minutes held on April 17, 2024. (*See Attached Exhibit C & D*)

On motion duly made and seconded, the minutes were unanimously approved.

NEW VILLAGE HALL PROJECT

The Mayor reported that the bid opening for the new village hall project took place on Friday May 17th. Twenty-eight contractors requested copies of the bid documents and three submitted bids. The Village plans to analyze the bids using a Value Engineering process before awarding a contract.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated May 20, 2024, in the total sum of \$23,909.89 and June 1, 2024, totaling \$161,568.87 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting. The invoices include a 2024 Q2 payment of \$96,312.52 to the East Norwich Fire Company less the LOSAP payment.

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

RESOLVED, to ratify and approve the bills listed on the General Fund Check Details dated May 20, 2024, in the total sum of \$23,909.89 and June 1, 2024, totaling \$161,568.87 which are annexed to these minutes. *(See Attached Exhibit E & F)*

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 and Balance Sheets for the month ending April 30, 2024. *(See Attached Exhibit G)*

VILLAGE CLERK'S REPORT

Firework Permit

The Clerk reported that she received an application from the Mill River Club for a fireworks permit.

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

RESOLVED to approve the Mill River Club fireworks permit which will take place on July 4, 2024, rain date July 5, 2024, pending submission of the required insurance documents.

June Board Meeting

The Clerk reported that the June Board meeting has been rescheduled to Thursday June 20th at 5:30 p.m. and confirmed that there would be a quorum.

Village Prosecutor & LIRO Rate Increase

The Clerk reported that the Village Prosecutor asked for a salary increase of \$50 per month. This will increase his monthly compensation to \$225 per month.

LIRO also presented a request for a 4% increase to the hourly rates for various title grades, including Engineers & Inspectors.

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

RESOLVED to approve the Village Prosecutor's request for a salary increase to \$225 per month and LIROs request for a 4% hourly rate increase for various title grades for the 2024/25 fiscal year. (*See Attached Exhibit H & I*)

Intermunicipal Agreement

The Clerk requested that the Board approve an IMA between the Village's of Upper Brookville and Muttontown who have jointly applied to the NYS DOT for a Safe Streets For All (SS4A) Grant. In the IMA, Muttontown agrees to equally share the engineering and legal costs and expenses in applying for and administering the grant and each municipality will equally share in the awarded grant funds and required contributions.

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

RESOLVED to approve the IMA with the Village of Muttontown.
(*See Attached Exhibit J*)

ROAD COMMISSIONER/CODE INSPECTOR REPORT

Road Work

The Mayor reported that Deputy Mayor Pappas and LIRO discussed the Planting Fields Road repair with Rosemar and they agreed to repair the road settlement issue at their cost. This work is expected to take place later this week.

He also reported that McGowan completed the emergency repair work caused by stormwater damage to Ripley Lane at a cost of \$14,250.

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

RESOLVED to ratify the approval of the \$14,250 payment to McGowan for the Ripley Lane repair.

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for April 2024 activity. (*See Attached Exhibit K*)

Code Revision

The Clerk recommended a code revision to Section 112-3(4) that will include a charge of \$30 for departmental record searches and certified copies of any records. The current code only allows the village to charge a fee for certified copies of Certificates of Occupancy.

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

RESOLVED to delete the existing Village Code section 112-3(4) and add the following:

Departmental record search and copies of certified documents: \$30 each.

Building Permit Extension

The Clerk reported that a Linden Lane property owner requested an additional extension to their Building Permit application for an interior/exterior renovation. The Clerk recommended that the Board approve the extension for one more year, providing that the applicant pays 50% of the original permit fee, totaling \$1,279, plus all tax arrears, totaling \$5,754.23.

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

RESOLVED to approve the permit extension for the Linden Lane property providing the applicant pays 50% of the permit fee plus all tax arrears amounts by certified bank check.

BEAUTIFICATION COMMITTEE

Trustee Solomon reported working with the Beautification Committee to install summer flowers at the future village hall site, the village sign at the intersection of Wolver Hollow Rd and Northern Boulevard as well as at the current Village Hall. The work was completed by Joseph Iadevaia Landscaping at a cost of \$3,360.

She is working with the Committee to put together a plan for the fall plantings and will have the members present their ideas to the Board. She is also meeting with the Mayor later in the week regarding the Lawn Lane replacement trees and to discuss where to plant additional trees for the Tree City designation.

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

RESOLVED to ratify the approval of the payment to Joseph Iadevaia Landscaping for \$3,360.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

Extenet Application Update

The Village Attorney reported on Extenet’s recent permit application to the Zoning Board. Extenet is a company that supplies small cellular nodes and leases them to telecommunication companies such as AT&T in this case.

The next hearing is scheduled for June 6th when the Board will vote on the application.

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 7:30 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss various village matters.

At 7:58 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session where they discussed the ENFC contract and the OBPD retirement health care payment matters.

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

RESOLVED to ratify the Mayor’s action of sending the fire company contract to the fire company (*See Attached Exhibit L*) and

RESOLVED to permit the Mayor to pay the OBPD retirement health care amounts owed to date pending verification of the invoices and appropriate documentation regarding future payments, including the form of the reimbursement template and

RESOLVED to authorize Humes & Wagner to execute the Stipulation for extension of time to serve a complaint on the Village in connection with Old Brookville's alleged claim of breach of contract. (*See Attached Exhibit M*)

The meeting was adjourned at 8:00 p.m.

The next regular meeting is scheduled for Thursday June 20, 2024 at 5:30 p.m.

Signed By TL Lynch 6/20/24

Tracy Lynch
Village Clerk