

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
OCTOBER 21, 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 September 16, 2024, at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Peter Pappas	Deputy Mayor
	Innis O'Rourke	Trustee
	Joseph Burns	Trustee

Not Present:	Helen Solomon	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
	Lt. Chris Ernst, MUBPD
	Sam Vergata, Road Commissioner

The Mayor called the meeting to order at 5:34 p.m.

THE PLEDGE OF ALLEGIANCE

MUBPD REPORT

Lt. Ernst presented the September 2024 Police Report. He reported:

Arrest	0
Motor vehicle accidents	3
Traffic tickets	27
Vacant premise checks	9

He reminded residents that the deer rutting season has begun and to be vigilant while driving, especially during the twilight hours at dawn and dusk when the deer are most active.

The Mayor reported a call from a resident who had an impaled deer on her fence, which was not dead, and asked how to euthanize and remove it. He referred her to the Clerk who would recommend a company that performs deer removal services. He noted this was the third fence impaled deer reported in the last two weeks. Lt. Ernst reported that if a deer is mortally injured but still alive, the department typically calls in the County Emergency Services Unit (ESU) to put the deer down.

Following a discussion of a more local solution the Village Attorney noted that the Police Chief could designate an appropriately licensed individual in the village to perform the service as an alternative.

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

RESOLVED to authorize the Chief of the MUBPD to deputize an appropriately licensed village resident to take effective methods and means to address a mortally wounded animal in the Village.

MAYOR'S REPORT

Stop Sign Cameras

The Mayor reported on two traffic audits conducted by Stopforkids over a four day period from September 22nd through September 26th at the intersection of Wolver Hollow and Piping Rock Roads. *(See Attached Exhibit A & B)*

A total of 6,129 vehicles were observed heading North on Wolver Hollow Road and 4,105 heading East on Piping Rock Road. Throughout the study, at least 75% of the vehicles failed to stop and were travelling at a speed of 5 mph or more.

The next step is the installation of Stop sign cameras at this intersection and issuing warning notices to vehicles that go through the Stop sign multiple times. He asked the police to recommend the parameters that would warrant an initial warning notice and report back to the Board.

The Board discussed conducting a similar study on Mill River Road and reviewed the approval process associated with the installation of one or more stop signs and with cameras on the North and South bound lanes of Mill River Road at the intersection with Lawn Lane, pending approval of the sign location by the Village Engineer.

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

RESOLVED to authorize the Clerk to hold a public hearing in November to approve the intersection of Mill River Road and Lawn Lane as a stop intersection, install a Stop sign and soon after, a camera, pending approval by the Village Engineer.

Police Speed Checks

The Mayor requested that the Police adjust their patrol schedule to include speed checks on alternate days to apprehend speeders. Lt. Ernst will discuss this with the Chief and report back to the Board as it may require a contract amendment.

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

RESOLVED to adjust the days, hours and types of coverage in the police contract to

include speed checks on a schedule approved by the police.

NEW VILLAGE HALL PROJECT

The Mayor reported that the revised bids for the new Village Hall project would be opened on Tuesday October 22nd at 12:30pm.

MINUTES

The Mayor then called for approval of the Regular Minutes of the Trustee meeting held on September 16, 2024. (*See Attached Exhibit D*)

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

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated October 21, 2024, in the total sum of \$18,268.72 and November 1, 2024, totaling \$484,771.74 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting. She reported that the bills include the Q2 2024/25 police protection payment to the Village of Muttontown totaling \$435,013.50.

After reviewing 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 October 21, 2024, in the total sum of \$18,268.72 and November 1, 2024, totaling \$435,013.50 which are annexed to these minutes. (*See Attached Exhibit E & F*)

Treasurer's Report

Next, the Clerk presented the September 2024 financials.

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

RESOLVED, to approve the September 2024 Treasurer's Reports and Balance Sheets. (*See Attached Exhibit G & H*)

VILLAGE CLERK'S REPORT

Proposed Local Law B-2024

The Clerk continued her discussion with the Board on proposed Local Law B-2024 that would revise Chapter 108 *EXCAVATING AND FILLING* & 112 *FEES AND DEPOSITS*.

She reported that she worked with the Village Attorney on the amendments and is proposing to rename Chapter 108 to **EARTHMOVING** and that before a Special Earthmoving Permit can be granted, a written application for earthmoving shall be submitted to the Village Building Inspector. Applications involving less than 100 cubic yards and for which the inspector determines that such activity will have minimal adverse impact on neighboring properties shall be referred to the Village Engineer for review. All other applications for earthmoving will be referred to the Planning Board for its review. (*See Attached Exhibit I*)

She is also proposing the following amendments to Chapter 112 **FEES AND DEPOSITS**:

To Section 112-6 **Planning Board**:

- (1) For earthmoving > 15 cubic yards and < 100 cubic yards: \$500
 - (2) For earthmoving > 100 cubic yards: \$2000
 - (3) Triple fees when Earthmoving work commences prior to filing an application and obtaining approval
 - (4) Deposit of \$3000
- (*See Attached Exhibit J*)

In addition, the Clerk is also recommending the following fee amendments:

To Section 112-7 **Licenses and permits for certain activities**:

- (1) Carter License Fees listed on the License Application which were inadvertently left out of the Code when the Garbage District was formed.
 - (2) Doubling license and permit fees when an activity listed in this section commenced prior to the issuance of the license or permit.
- (*See Attached Exhibit K*)

To Section 112-3 **Building Department**:

- (1) Building Permit Renewal Fee. Chapter 92-4(K) references permit renewal fees in Chapter 112, however, they are not currently listed there.
 - (2) Remove fee for Temporary certificate of occupancy as this is no longer issued by the Inspector.
- (*See Attached Exhibit L*)

The Clerk agreed to discuss the proposed amendments with the Building Inspector and Engineer and will incorporate their comments into the Local Law and prepare for a hearing in November.

Stenographer Rate Increase Request

The Clerk reported that she received a request from Wendy Silas, the stenographer for Planning and Zoning Board hearings, to increase her appearance fee to \$200, from \$150, and a price per page increase from \$5.65 to \$6.00. She also requested to be paid an overtime rate of \$100 when the hearing exceeds 2.5 hours. Her overtime request is prompted by the last Chabad hearing which lasted four hours.

Wendy has provided this service to the Village for many years and has been a skilled and

reliable stenographer.

After a discussion by the Trustees, including comparables in other villages, and on motion duly made and seconded, the Board unanimously

RESOLVED, to approve Wendy Silas's request for an appearance fee increase to \$200, a price per page increase to \$6.00 and to be paid an overtime rate of \$100 when a hearing exceeds 2.5 hours.

Intermunicipal Agreement (IMA)

The Clerk presented an IMA contract/agreement between the County and Village relating to the handicap access elevator project for the new Village Hall. This agreement must be executed by the Village for processing by the County Executive's office so that it may be submitted to the Nassau County Legislature for approval of a potential \$50,000 grant. (*See Attached Exhibit M*)

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

RESOLVED, to authorize the Mayor to sign the IMA contract/agreement between the County and Village relating to the handicap access elevator project for the new Village Hall.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that the crew has been busy filling potholes and he will work with the Street Chairman, Trustee O'Rourke, and put together a list of Village roads for the Board to review for potential remedial attention in the Spring.

BUILDING DEPARTMENT REPORT

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

BEAUTIFICATION COMMITTEE

On behalf of Trustee Solomon, the Clerk thanked the Committee for the beautiful burgundy mums they selected and were planted at the Village signs at Northern Blvd and some other locations throughout the Village with the help of our road crew.

She also received a Spring planting proposal from Joseph Iadevaia Landscaping to plant red tulip bulbs in front of the signs on Northern Blvd as well as yellow daffodil bulbs at the driveway entrance to Village Hall at a cost of \$1,500.

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

RESOLVED, to approve Joseph Iadevaia Landscaping’s Spring planting proposal at a cost of \$1,500.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that he received a call from the attorney for the East Norwich Fire Company, and he is preparing a Notice of Claim for the Village in relation to LOSAP payments.

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 6:35 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss various village matters.

At 7:25 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session where the Board discussed the Chabad hearing, matters relating to the Fire company and the obstacles remaining around the creation of LOSAP Board and

FURTHER RESOLVED, to authorize Trustee Burns to further pursue a grant for a grant writer that would work on a grant application associated with storm water remediation and also research a FEMA grant that would fund purchasing digitized building software.

The meeting was adjourned at 7:30 p.m.

The next regular meeting is scheduled for Monday November 18, 2024 at 5:30 p.m.

Signed by TL Lynch 11/18/2024

Tracy Lynch
Village Clerk