

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
MARCH 19, 2018**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held at the Annex on the grounds of the Planting Fields Arboretum, located on Planting Fields Road in the Village, on Monday March 19, 2018 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Edward J. Madden	Trustee
	Carl A. Friedrich	Trustee
	Frank Russo	Trustee

Not Present:	Antje Dolido	Trustee
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Also Present:	Tracy L. Lynch, Village Clerk/Treasurer
	Thomas Mullen, Assistant to Board
	Sam Vergata, Road Commissioner
	Mr. Daniel Englander, Village Resident
	Ms. Andrea Newburger, Village Resident
	Mr. Andrew Belfer, Village Resident
	Mr. Sonu Arora Jr., Village Resident
	Mr. Sonu Arora Sr., Village Resident
	Peter P. MacKinnon, Esq. of Humes & Wagner, LLP
	Attorneys for the Village

The Mayor called the meeting to order at 6:30 P.M. He requested that the affidavits of mailing and posting of the Public Information Notice in compliance with the Open Meetings Law be presented and annexed to the minutes of this meeting.

**MINUTES**

The Mayor called for approval of the minutes of the Trustee meeting held on February 22, 2018. Changes were noted and on motion duly made and seconded, were unanimously approved.

**PUBLIC COMMENT**

Several residents attended the meeting to discuss the possibility of the Village forming Special Districts for the care and maintenance of private streets in the Village.

They explained that residents on private roads have the burden of maintaining and plowing their own roads. In neighborhoods where a Home Owners Association (HOA) has been created, the HOA collects dues from residents to cover these types of expenses. Unfortunately not everyone participates and the HOA's are then often forced to sue, place liens on these homes and only collect the delinquent dues when the home is sold—which does not occur frequently. This is even a bigger problem for the majority of private road residents that have no HOA. This situation reduces the quality of life in the affected neighborhoods and decreases the value of properties that share the economic burden.

The Mayor explained that last year, the Village discussed forming two new Special Benefitted Districts: a Snow Removal District and a Road Improvement District, to benefit the roughly 275 homeowners who reside on 36 private roads in the Village.

If feasible, the formation of districts could give residents the cost benefit of contracting at an economic scale for snow removal and road improvements. Under NY State Law, to form a district, residents would have to get 50% or more property owners to sign up and then determine an equitable division of the costs. Based on research done by the Village Attorney, a snowplow district would be administered by the Village similar to the Garbage district. The economies of scale combined with sharing the costs among all benefited residents would reduce the cost per home of these services. This might enhance the value of the properties by lowering the cost of living in the village.

The Village Attorney stated that snowplow districts could be formed. Many such districts exist in New York State. However, a road maintenance and repaving district is too complex. Private roads throughout the Village vary in size, design, age and build quality. The Mayor agreed to investigate legislation.

The concept of forming a district for snow plowing on private roads in the Village is much easier to address because everyone benefits similarly from it, there are savings in scale and the Village can serve as collection agent.

The Mayor recommended that the Village research forming a Snow Removal District and on motion duly made and seconded, the Board unanimously

**RESOLVED** to allow the expenditure of legal funds up to \$7,500 for the Village Attorney to research the formation of a Snow Removal District for the purposes of funding snow removal on private roads in the Village.

Another resident present pointed out that some residents still had residual tree debris following the many storms that passed through our area. Road Commissioner Vergata mentioned that the Village only removed debris in the Village right of way and individual residents were responsible for maintaining their own properties. While Nassau County is responsible for picking up the debris on their roads (e.g. Wolver Hollow, Chicken Valley, Piping Rock) Commissioner Vergata stated he picked up debris there as well when time and manpower is available.

## **FINANCIAL REPORT**

### **Bills**

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

**RESOLVED**, to approve payment of the bills listed on Warrant No. 010 in the total sum of \$625,520.52 dated March 19, 2018 that are annexed to these minutes.

*\*(See Attached Exhibit A)\**

### **Treasurer's Report**

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

**RESOLVED**, to approve and file the Treasurer's Report for the month ending February 2018. *\*(See Attached Exhibit B)\**

### **2018/19 Tentative Budget**

The Mayor presented the 2018/19 tentative budget. The Village is proposing to reduce the tax levy by about 6% by, among other measures, reducing the police budget from \$2.140 million to \$1.856 million. Historically, the village has paid an amount for the police protection contract expenses plus an additional amount for unknown contingencies. Total general reserves are estimated to be \$7.9 million at the end of the current fiscal year. Therefore, he has proposed to the other Villages that additional contingency contributions be ceased starting with the 2018/19 police budget. This will result in lower police protection contract rates for all six participating Villages. The Police Commissioners of each Village, and Mayors separately plan to meet to discuss and vote on the 2018/19 police budget this week.

The Mayor anticipates higher revenues from increased commercial filming activity in the Village, higher interest income from cash management, lower road repaving expense and lower court costs due to increased efficiencies. For example, expenses include \$162,000 in road bond amortization instead of the \$400,000 the Village has budgeted annually in the past.

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

**RESOLVED** to approve the 2018/19 tentative budget as presented. A public hearing for final budget approval will be scheduled for Monday, April 16, 2018.

*\*(See Attached Exhibit C)\**

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

#### **Intercounty Paving Request for Payment**

The Clerk presented a recommendation from the Village Engineer for payment #2 to Intercounty Paving Associates LLC in the sum of \$77,095.26 for the road improvement contract of Cedar Ridge Road, Pine Valley Road & The Knoll. Included in the estimate is Change Order No. 1 in the amount of \$60,000.

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

**RESOLVED** to approve the payment of \$77,095.26 to Intercounty Paving Associates LLC.

#### **Re-appoint Registrar of Vital Statistics**

The Clerk requested the Board approve the re-appointment of the Town of Oyster Bay Clerk, James Altadonna Jr. as Registrar of Vital Statistics for the Village. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED** to reappoint Town Clerk James Altadonna Jr. as Registrar of Vital Statistics for a 2 year term starting January 1, 2018 & expiring on December 31, 2019.

### **Iselin Preserve Improvement**

The Clerk presented a plan submitted by North Shore Land Alliance (NSLA) for improvements to the entrance and parking area of the Iselin Preserve located on Chicken Valley Road. The improvements include replacing the chain link fencing along Chicken Valley Road with a split rail fence, enlarging the existing parking area with a gravel/woodchip base and providing additional plantings along Chicken Valley Road and the North side of the parking area facing Laurel Woods Drive. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED** to approve the NSLA plan, as submitted, for the improvements discussed to Iselin Preserve.

### **Split Rock IT (SRIT) Request for Increase**

The Clerk reported that the Village's IT company requested an increase in their monthly rate due to the additional computer for the new hire. The new rate for three computers, which includes remote support, offsite backups, virus software, patch management and security updates, would increase from \$320 to \$450 per month.

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

**RESOLVED** to approve the monthly rate increase of SRIT from \$320 to \$450 per month for the next 6 months only.

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

The Commissioner reported a drainage issue at the intersection of Wheatley & Brookville Roads. The water that flows down Brookville Road goes under the road and should go into a drainage trench located at #5 Wheatley Road. The water doesn't go into the trench because the pipe is buried about 3' down. This has resulted in flooding on the Muttontown side. Muttontown & Brookville have requested that Upper Brookville reshape the trench in order to collect the water. The County asked if the trench was dedicated to Upper Brookville. The Village Attorney determined six years ago that the Village never accepted the trench. The Commissioner will inform Muttontown, Brookville & Nassau County that the trench does not belong to Upper Brookville.

Next, he requested the Boards approval to purchase five trees for Lawn Lane. The replacement of these trees was required in connection with the Lawn Lane road reconstruction project. The Board approved the expenditure & instructed the Commissioner to speak to the Beautification Committee regarding the types of trees to plant. Recently, Vincent Drzewucki, Horticulture, Urban & Community Forestry specialist at Cornell University cooperative extension looked over the site and recommended a few oak varieties.

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

**RESOLVED** to approve the purchase of five trees, species to be determined, for planting on Lawn Lane.

The Commissioner asked the Board to approve sharing the rental cost of a tub grinder with Planting Fields. They use the grinder to create mulch & wood chips from

the wood debris dumped in the area across from the entrance to the park. Since the park allows us to use the area to dump Village tree debris, at no additional cost, he asked for approval to share the cost of the grinder equally with Planting Fields. The total grinder fee is about \$10,000.

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

**RESOLVED** to share the rental expense of a tub grinder with Planting Fields, not to exceed \$5,000.

## **BUILDING DEPARTMENT REPORT**

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for February 2018 activity.

## **MAYOR'S REPORT**

### **New Village Hall/Library**

The Mayor continued the discussion of Village hall options from the previous meeting. Planting Fields Arboretum Historic State Park, the Village's landlord, terminated our lease and offered alternate space in the Park which we must now repair and renovate. This will be our third location within the Park. Park leases contain the customary clause permitting the landlord (NYS) to terminate the lease anytime on very short notice.

The Mayor recommended building a new combination Village Hall/Community Center/Digital Library on the 2-acre Village-owned site located at the corner of Wolver Hollow & Chicken Valley Roads, providing that significant grant money can be obtained from NY State. The site was given to the village roughly 30 years ago for the purpose of building a Village Hall. At the time, Mayor Seaman had architects Innocenti and Webel prepare detailed drawings, resembling a traditional residential home.

He requested that the Board approve the transfer of \$500,000 from the Village General Fund to the Capital Fund, potentially for a new Village Hall.

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

**RESOLVED** to approve the transfer of \$500,000 from the Village's General Fund balance to the Capital Account for the purpose of building a new Village Hall.

The Mayor then described the steps necessary to establish a public library, anticipated to be largely digital, and co-located in the proposed Village Hall, to serve residents of Upper Brookville, and requested a resolution approving them including:

1. Adopting a resolution to establish a public library to serve the Village per Education Law §255.1.
2. Approving the identification and appointment of 5 trustees to govern the library, (Education Law §260.1, 2, 4)
3. Appropriating an initial amount of \$5,000 to support the operation of the library.
4. Within one month after taking office, having the first Board of Trustees apply to the Board of Regents for a library charter. (Education Law §261) This application should will be accompanied by a copy of the library's first year budget.

5. Following receipt of the charter, the Board will apply for grant funds available for public library construction. Library-related grants can provide up to 75 percent of approved costs of broadband installation and acquisition as well as construction of municipal public libraries.

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

**RESOLVED** to (a) establish the Upper Brookville Library, (b) appoint 5 independent trustees to form the initial Library Board, (c) appropriate an initial fund, not to exceed \$5,000, for the purposes of establishing the library, (d) permit the Library Board to apply to the Board of Regents for a library charter and, (d) once received, apply for grants to construct the space and facilities including broadband installation to be used for the library in the proposed Village Hall.

#### **Assessing Unit**

Trustee Madden reported on a meeting held between his employer, Standard Valuation Services (SVS), and the Village. SVS was hired by the County to reassess all properties in the County. Should the Village decide to become an assessing unit, they could use this new data as a base and, if not satisfied with the values, could hire SVS to refine the Upper Brookville assessment values. SVS suggested the Village wait to see the new County assessments before determining if they should change their assessing status. The Board agreed to revisit this topic before year-end.

#### **POLICE REPORT**

No Report

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

No Report

#### **ARCHITECTURAL REVIEW REPORT**

No Report

#### **LEGAL REPORT**

The Village Attorney reported that the Muttontown Litigation is ongoing.

The next meeting of the Board of Trustees is scheduled for Monday April 16, 2018.

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Tracy Lynch  
Village Clerk