

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
AND HEARING ON  
PROPOSED LOCAL LAW B-2018  
JUNE 18, 2018**

A regular meeting of the Board of Trustees and a hearing on Proposed Local Law B-2018 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 June 18, 2018 at 6:30 P.M.

Present:                    Elliot S. Conway        Mayor Edward J.  
                                  Madden                Trustee  
                                  Carl A. Friedrich        Trustee  
                                  Antje B. Dolido        Trustee

Not Present:                Francis J. Russo        Trustee

Also Present:                Tracy L. Lynch, Clerk/Treasurer  
                                  Thomas Mullen, Assistant to Board  
                                  Sam Vergata, Road Commissioner  
                                  Mr. Albert Werther, 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.

**HEARING ON PROPOSED LOCAL LAW B-2018**

The Mayor called the hearing on proposed Local Law B-2018 to order. The affidavits of publication of the notice of hearing and mailing of the Local Law and notice were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered proposed Local Law B-2018 which will allow any owner of real property located within the Village of Upper Brookville who makes an unrestricted charitable monetary contribution to the Village's Charitable Gifts Reserve Fund shall be issued a written acknowledgement of such contribution and may claim a credit against the Village real property tax equal to 95% of the Charitable Gifts Reserve Fund donation pursuant to Real Property Tax Law 980-a.

The Mayor called for comments in favor of, or in opposition to, the proposed Local Law. There being no further comments or questions, the hearing was closed.

**ADOPTION OF LOCAL LAW 2-2018**

The Board then considered the adoption of Local Law 2-2018 (Proposed B-2018) which will establish a Charitable Gifts Reserve Fund (CGRF) to receive unrestricted charitable monetary contributions, including those received pursuant to General Municipal Law 6-u. It is the intent of this local law to now allow a property owner who donated to the CGRF to receive a credit for the payment of Village taxes levied against the owner's

real property, pursuant to Real Property Tax Law 980-a. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, to allow any owner of real property located within the Village of Upper Brookville who makes an unrestricted charitable monetary contribution to the Village's Charitable Gifts Reserve Fund shall be issued a written acknowledgement of such contribution and may claim a credit against the Village real property tax equal to 95% of the Charitable Gifts Reserve Fund donation pursuant to Real Property Tax Law 980-a, and further

**RESOLVED**, that Local law 2-2018 entitled "Charitable Gifts Reserve Fund", 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 2-2018 (PROPOSED LL B-2018)  
"CHARITABLE GIFTS RESERVE FUND TAX CREDIT"**

A Local Law to authorize a "Charitable Gifts Reserve Fund Tax Credit" pursuant to RPTL section 980-a.

**BE IT ENACTED BY THE** Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**Section 1. Legislative Intent and Authority**

The Village of Upper Brookville has established a Charitable Gifts Reserve Fund ("CGRF") to receive unrestricted charitable monetary contributions, including those received pursuant to General Municipal Law § 6-u. It is the intent of this local law to now allow a property owner who donates to the CGRF to receive a credit for the payment of Village taxes levied against the owner's real property, pursuant to Real Property Tax Law § 980-a ("RPTL 980a").

**Section 2. The Charitable Gifts Reserve Fund Tax Credit**

- A. The Board of Trustees of the Village of Upper Brookville having duly authorized by resolution the establishment of CGRF, now authorizes the Village Clerk/Treasurer to issue to any owner of real property located within the Village who makes an unrestricted charitable monetary contribution to the Village's CGRF, a tax credit against the owner's Village real property tax equal to ninety-five percent (95%) of the CGRF donation amount, upon presentation of a written acknowledgment of such contribution and submission of a tax credit claim. The maximum donation allowed for any one fiscal year for a tax credit to a property owner for a single parcel shall not exceed 105.3 % of the Village tax for that parcel.
- B. For purposes of administration, procedure and compliance with the provisions of RPTL 980-a and the Charitable Gifts Reserve Fund Tax Credit established by this Local Law, the Village of Upper Brookville shall be deemed a participating municipal corporation.
- C. The Board of Trustees of the Village of Upper Brookville may establish by resolution additional rules, regulations and procedures in connection with Charitable Gifts

Reserve Fund Tax Credit, including setting or adjusting the minimum and maximum amount of a donation a property owner can make.

### Section 3. 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 circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### Section 4. Effective date

This local law shall take effect immediately.

Votes in Favor of adoption:	Elliot S. Conway	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye
	Antje B. Dolido	Aye

Votes against adoption: None

Not voting as not having been present: Francis J. Russo

### MINUTES

The Mayor called for approval of the minutes of the Trustee meetings held on May 21, 2018. Comments and changes were noted and on motion duly made and seconded, the minutes were unanimously approved.

### PUBLIC COMMENT

No Comment

### FINANCIAL REPORT Bills

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

**RESOLVED**, to approve payment of the bills listed on Warrant No. 13 in the total sum of \$34,815.06 and Warrant No. 1 in the total sum of \$533,008.88 both dated June 18, 2018 that are annexed to these minutes. *\*(See Attached Exhibit A & B)\**

The Clerk also noted that Warrant No. 1 included the 2018/19 Police Protection Payment #1 in the total sum of \$470,595.50.

## **Treasurer's Report**

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

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

## **VILLAGE CLERK'S REPORT Credit Card Policy**

The Clerk reported that the Village Attorney recommended the adoption of a credit card policy to minimize the risk of error, misuse and fraud and recommended the Board approve the following policy:

*\*(See Attached Exhibit D)\**

On motion duly made and seconded, it was unanimously

**RESOLVED**, that the Credit Card Policy, attached hereto, is hereby adopted.

## **Mill River Club Fireworks Display**

The Clerk noted that the Mill River Club made its usual request for the approval of a fireworks display at the Club premises on July 1 (rain date July 2) 2018. Under the provisions of Section 405 of the Penal Law, the property owner must first receive approval from the municipality before it can apply to the Nassau County Bomb Squad to get a permit to discharge fireworks. The material recently submitted with the application indicates that the fireworks display would take place in the most central area of the Club's 1150 acre golf course facility. Thereafter, on motion duly made and seconded, the Board unanimously

**RESOLVED**, that a permit be granted to the Mill River Club, pursuant to NYS Penal Law section 405, to allow this year's July 1 (rain date July 2) 2018, fireworks display on the 18<sup>th</sup> fairway on the Club's property, in accordance with and subject to the conditions contained in its application and subject to the following:

1. The provision of Section 405 of the Penal Law;
2. Appropriate traffic control as shall be required by the Old Brookville Police Department at the expense of the applicant;
3. Approval by the Nassau County Police Department and compliance with its restriction and requirements as set forth in its approval letter;
4. Applicant shall deliver an original certificate of insurance in the minimum amount of \$5,000,000 naming the Village as an additional insured. This certificate shall be delivered to the Village Clerk at least five days in advance of the date of the display, and

**FURTHER RESOLVED**, that the above applicant shall, at all times during the display, have in effect the certificate of insurance and liability coverage as set forth in the application, and

**FURTHER RESOLVED**, that failure to comply with any of the above requirements shall result in immediate revocation of the permit.

## **Valley National Bank**

The Clerk reported that, in an effort to diversify the Village's deposits and investments, funds were invested with Valley National Bank several years ago. Those funds today are earning a suboptimal and below market annual percentage yield of .1%. She recommended that the Board approve the transfer of all these funds, totaling \$200,804.41 on May 31, 2018, to the First National Bank of Long Island (FNBLI) with an annual percentage yield of 1%.

After discussion, and on motion duly made and seconded, the Board unanimously **RESOLVED** to transfer all funds from the Valley National Bank account to the FNBLI.

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

The Road Commissioner reported that there are several properties in the Village that were vacant and not being maintained. His crew has mowed the front lawn of properties located on Mill River Road and Locust Lane. The cost to maintain these properties will be added as an assessment to each resident's Village tax bill.

The Road Commissioner also reported a potential "zombie property" off Mill River Road. The Mayor and the Road Commissioner agreed to inspect the property prior to the next Board Meeting and report on their findings to the Board.

## **BUILDING DEPARTMENT REPORT**

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

## **MAYOR'S REPORT**

The Mayor continued his discussion with the Board on the Garbage Hauler License & Permit Application form. The Board agreed to amend the adopted application to (a) include a list of streets serviced by the applicant with number of customers they service by street, (b) clarify the maxim cubic capacity truck allowed and (c) adjust the fees accordingly. The Mayor will draft a cover letter to be sent to carters doing business in the village along with the new application and a copy of the code. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, to amend the application as noted.

He also reported that he was working with the Village Attorney & Village Engineer on the proposed Property Maintenance Law which would require residents on private roads or the Village to maintain substandard roads. A hearing will be scheduled in July.

## **POLICE REPORT**

No Report

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

No Report

## **ARCHITECTURAL REVIEW REPORT**

No Report

## **LEGAL REPORT**

No Report

The Mayor closed the regular meeting to enter into Executive Session to discuss the Clerk/Treasurer's compensation and Muttontown litigation.

## **EXECUTIVE SESSION**

Following the Executive Session, the Board resolved to increase the salary of the Clerk/Treasurer to \$85,000 (inclusive of health insurance related payments), effective June 1, 2018.

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

*Signed July 23, 2018 by*  
Tracy Lynch  
Village Clerk