

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
SEPTEMBER 17, 2018**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held at the Carriage House on the grounds of the Planting Fields Arboretum, located on Planting Fields Road in the Village, on Monday September 17, 2018 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Edward J. Madden	Trustee
	Antje B. Dolido	Trustee
	Innis O'Rourke	Trustee

Not Present:	Carl A. Friedrich	Trustee
--------------	-------------------	---------

Also Present:	Tracy L. Lynch, Clerk/Treasurer	
	Sam Vergata, Road Commissioner	
	Village Residents:	
	Mr & Mrs. Schoenfeld	
	Ms. Vizirgianakis	
	Peter P. MacKinnon, Esq. of Humes & Wagner, LLP Attorneys for the Village	

The Mayor called the meeting to order at 6:40 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 meetings held on July 23, 2018. Changes were noted and on motion duly made and seconded, were unanimously approved. *\*(See Exhibit A)\**

The Board deferred approval of the Annual Organization Meeting Appointments to October.

**PUBLIC COMMENT**

Several residents reported that a rental property in the village was not being maintained, required lawn mowing, had a constant rotation of tenants, had hosted many wild parties where the OBPD was called in and allegedly cut four trees down illegally.

A resident suggested the Village require owners wanting to rent their properties to file for a rental permit as is done in other villages.

After some discussion, the Board agreed this may be a good idea and the Mayor agreed to research the approach in other municipalities and draft a permit for circulation to the Board for consideration and comments.

## **FINANCIAL REPORT**

### **Bills**

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

**RESOLVED**, to ratify approval for the payment of the bills listed on Warrant No. 3 in the total sum of \$144,586.02, dated August 20, 2018 and to approve the payment of the bills listed on Warrant No. 4 in the total sum of \$547,267.93, dated September 17, 2018, which are annexed to these minutes. *\*(See Exhibit B & C)\**

The Clerk also requested the Board to approve the transfer of \$550,000 from the savings to checking account to pay these bills. The Board unanimously

**RESOLVED**, to approve the transfer of \$550,000 from the savings account to the checking account.

### **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 Reports for the months ending July and August 2018. *\*(See Attached Exhibit D & E)\**

## **VILLAGE CLERK'S REPORT**

### **Burglar, Smoke & CO Alarm in Carriage House**

The Clerk reported that the Deputy Clerk Mullen had obtained estimates from three alarm companies for the installation of a wireless burglar alarm system in the Carriage House.

She recommended hiring ADT who would install 6 wireless motion detectors and 2 key pads at the entry points for an installation cost of \$918 and a three year contract with a monthly cost of \$51.99. The system could be transferred to the new Village Hall. The Board also recommended adding security cameras to the outside of the Carriage House. After discussion and on motion duly made and seconded, it was

**RESOLVED**, to hire ADT to install an interior wireless burglar alarm and exterior security camera systems in the Carriage House at a cost not to exceed \$2000.

The Clerk also explained to the Board that in order for the Village to occupy the Carriage House, they have to obtain a Certificate of Occupancy. This would require the Village to install a wired smoke/CO detection system. The Clerk reported that the Deputy Clerk was in the process of obtaining estimates and would report back to the Board with his findings.

### **Quick Books**

The Mayor recommended that the Village transition to QuickBooks from the current accounting system the Clerk is using to manage and track the monthly finances. He explained that QuickBooks is a more user-friendly accounting software program that can generate a monthly Treasurer's report that tracks both year to date & monthly expenses &

revenue by account against budget. The current system only reports year to date figures.

After discussion and on motion duly made and seconded, it was

**RESOLVED**, to purchase QuickBooks for both the Clerk & Deputy Clerk and provide training at a cost not to exceed \$250.

### **Street Lights**

The Clerk presented the Board with estimates to repair and/or replace four street lights that are out on Remsens Lane. The Mayor noted that while these lights are owned by Muttontown, they are all located at the intersection of Village roads and benefit the Village residents and proposed taking over the bulb changing responsibility. The Village Attorney stated that once we assume responsibility for the maintenance of the bulbs, the village also takes on the liability. He suggested that the Mayor contact Muttontown and request them to change the bulb/fixture & we will reimburse them. The Board agreed this would be the best way to manage this.

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

Road Commissioner Vergata reported he & his crew have been conducting regular summer maintenance throughout the Village; grass cutting, tree pruning and removal and cleaning out catch basins.

He asked the Boards approval to purchase 2 loads of salt, at \$68/ton, for delivery to the County yard for the winter season. The Board unanimously agreed to the purchase.

He will also be providing estimates at the next meeting for line striping on Mill River Road, Planting Fields Road and a portion of Ripley Lane as well as a price to clean the clogged catch basin on Ripley Lane.

The Mayor discussed proposed plantings at the Village welcome sign at the corner of 25A & Wolver Hollow Road. He will recommend to the Beautification Committee to plant drought-tolerant species, like ornamental grasses, that are hearty and can tolerate the winter road salt. He also proposed the addition of 6 more signs throughout the Village which cost will be covered 50% by the NYSERDA grant. He suggested a planting budget previously approved by the Board of \$500 per location, with up to \$1,000 for the 25A/Wolver Hollow Road sign, as the signs are ready for installation and asked the Commissioner to work with the Committee.

The Mayor also reported that he and the Commissioner are meeting with a PSEGLI representative to drive throughout the Village and identify what trees need to come down making the Village less susceptible to power outages.

### **BUILDING DEPARTMENT REPORT**

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

The Mayor noted receipt of a letter from a homeowner who recently purchased a property and was unaware that it had multiple and possibly longstanding zoning violations. They included construction without permits and setback violations.

The homeowner is requesting the Village to waive the requirement that he file for a variance with the Zoning Board of Appeals (ZBA). After discussion, the Board concluded that even though the work may have been done by a previous owner or by the original owner, the new homeowner is responsible to legalize any existing violations or structural deficiencies.

This information should have been revealed to the buyer prior to the purchase of the property by way of their attorney or title company. The mere purchase of property is not sufficient reason to establish an existing nonconforming use. A vested right to a nonconforming use cannot exist unless the particular use in question is in fact established prior to the enactment of the zoning ordinance.

Therefore the homeowners request was denied by the Board.

## **MAYOR'S REPORT**

### **Funding of New Village Hall**

The Mayor reported that he sent the Board members copies of plans for a new Village Hall. He reported that in connection with the \$250,000 NYS grant request, a licensed architect reviewed the plans and estimated building costs of approximately \$1 million for a 3500 sq. ft. building.

The new Village Hall would be funded using the \$500,000 previously appropriated from the fund balance, \$250,000 NYS Dormitory Authority grant, \$94,000 from the Park Fund and \$15,000 from the Charitable Reserve Fund. The Mayor proposed collecting the estimated additional \$141,000 through either fundraising or the sale of other village property, and what is not contributed will come from the Village's fund balance. One option is to raise money through the sale of the Old Brookville Police Station to the other five Villages. This would require the Village to hire an appraiser to determine the fair market value of the building.

After discussion and on motion duly made and seconded, it was

**RESOLVED**, that additional funding required to construct the new Village Hall would be paid through a fundraising drive, sale of Village property or from the Village's general fund balance and,

**FURTHER RESOLVED**, to hire an appraiser to determine the current value of the Old Brookville Police Station, not to exceed \$5000.

### **Deer**

The Mayor reported that the deer population in the Village has significantly increased and that several residents have inquired about obtaining Deer Damage permits from the DEC.

### **Sexual Harassment Policy**

The Mayor reported that every employer in New York State is required to adopt a sexual harassment prevention policy and every employee must attend training. The Upper Brookville Employee Handbook contains a Sexual Harassment Policy. He requested the Clerk to circulate the new policy to the Board to be adopted in October.

## **POLICE REPORT**

No Report

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

The Mayor reported that he & Trustee Friedrich updated the proposed uniform fire contract, as requested by the village partners and the Town of Oyster Bay earlier this year, and circulated to Brookville, Oyster Bay and Muttontown for comments.

**ARCHITECTURAL REVIEW REPORT**

No Report

**LEGAL REPORT**

No Report

The Mayor closed the meeting to enter into Executive Session to discuss police contract allocations.

**EXECUTIVE SESSION**

Following the Executive Session the Board unanimously

**RESOLVED** that a non-binding cost allocation study shall be conducted as set forth in Article -1, Section-F of the current Six-Village Police Protection Agreement except that while each village shall have an opportunity to provide input on methodology and pertinent factors to be considered in this study, the final parameters and methodology to be used shall not be determined by a majority vote of the commissioners but rather shall be determined by the independent consultant selected to conduct this study and further

**RESOLVED** that this resolution shall be contingent upon the approval of each of the six villages.

The next meeting of the Board of Trustees is scheduled for Monday October 15, 2018.

*Signed October 15, 2018 by*

---

Tracy Lynch  
Village Clerk