

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
DECEMBER 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 December 17, 2018 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Innis O'Rourke	Trustee
	Carl A. Friedrich	Trustee

Absent:	Edward J. Madden	Trustee
	Antje B. Dolido	Trustee

Also Present:	Tracy L. Lynch, Clerk/Treasurer
	Peter 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 then called for approval of the minutes of the Trustee meeting held on November 19, 2018. Changes were noted and on motion duly made and seconded, were unanimously approved. **(See Attached Exhibit A)**

PUBLIC COMMENT

No Comment

FINANCIAL REPORT

Bills

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

RESOLVED, to approve payment of the bills listed on Warrant No. 7 in the total sum of \$205,057.79, dated December 17, 2018 which are annexed to these minutes. **(See Attached Exhibit B)**

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 for the month ending November 2018. **(See Attached Exhibit C)**

VILLAGE CLERK'S REPORT
SCAR Assessment Reduction/Village Tax Refunds

The Clerk reported that several residents were awarded assessment reductions in Small Claims Proceeding for the 2018/19 tax year against Nassau County. She noted that the Village was served a copy of all Petitions and recommended that the Board authorize the reduction and refund on the Village assessment roll as required by law. After discussion and on motion duly made and seconded, it was

RESOLVED, that the Village Clerk/Treasurer be, and she is hereby authorized to reduce the assessed value for the premises owned by the following residents, and to refund the appropriate Village tax to the respective owner or representative based on the reduction, provided the Village taxes have been paid in full, and copies of applications were submitted to the Village as follows:

Kelsey – Sec. 24, Blk. C, Lot 119, assessed value of \$4635, reduced to \$4,080 for a total refund of \$768.45 and

Tria – Sec. 24, Blk. E, Lot 233, assessed value of \$2110, reduced to \$1,968 for a total refund of \$196.61.

Film Permit Request

The Clerk reported a location manager inquiry–looking at a home in Upper Brookville to feature as a recurring location in a new Showtime limited series. This would mean approximately 5 shoot days per month, beginning in February and continuing thru May. The property they are looking at is on Chestnut Hill Road.

She noted that while the Village Code limits the temporary commercial use of residential property to 2 events per calendar year, the Board has made exceptions, at times, when an applicant has a continuing series that requires multiple visits to a single location.

After discussion, the Board unanimously agreed to this recurring film event when the permit is submitted provided the applicant has the approval of the Chestnut Hill Road Homeowners Association.

Liquor License

The Clerk reported she received notice from the Magnolia Café in the Planting Fields Arboretum that they were applying to NYS for a liquor license.

After discussion, the Mayor requested the Clerk notify Magnolia Café of the conditions agreed with the prior operator to be added to their liquor application to the State Liquor Authority: (1) liquor sales be limited to inside the café (or as otherwise agreed on a temporary basis with the Village) and (2) when the café is open to sell liquor, wine, beer and cider, only the main entrance to Planting Fields Arboretum is used and not the alternate entrance thru Carshalton Gates. **(See Attached Exhibit D)**

2019 Oyster Bay Water District Hydrant Rental Contract and TOBAY Salt/Sand Contract

The Clerk first presented the Water District contract to the Board for their approval. The contract covers the rental of 16 hydrants located on Centre View Drive, Canon Lane, Glen Cove Road, Pond View Drive and West View Drive, at \$90 per hydrant for a total of \$1440.

Next, she presented the TOBAY Sand and Salt contract that would allow the Village to purchase these materials from TOBAY, on an as needed basis, at the same rate at which the Town purchased the sand and salt, at a per yard fee.

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

RESOLVED, to authorize the Mayor to sign the contract to rent 16 hydrants from the Water District at an annual rate of \$90 per hydrant and to purchase salt and sand from TOBAY at the same rate at which the town purchases the material.

(See Attached Exhibits E & F)

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for November 2018 activity. **(See Attached Exhibit F)**

5 Wheatley Road Violation

The Clerk reported that the Building Department issued a Notice of Violation to the homeowners of 5 Wheatley Road dated October 9, 2018 as a result of them not maintaining the drainage culvert on their property, as required in the deed. Earth accumulated from an unidentified source has increased the grade, blocking the natural flow of the water. The area needs to be excavated and returned to grade to permit the stormwater to flow North. The homeowner has yet to contact the Village or remedy the violation.

The Mayor requested the Clerk to schedule a public hearing in January so that the Board may empower the Village to enter onto the property to remedy the violation. He also asked that the Village Engineer attend the hearing and provide a cost estimate to remedy the violation.

Property Maintenance Issues

The Clerk provided the Board with a list of properties that were reported by residents to the Village for not being maintained. The complaints were generally for homeowners not maintaining planting beds, cleaning up fallen leaves, removing downed branches, and dead trees. The Village Attorney recommended the Board put together a list of items that should be addressed by the Board and those that need to be addressed between property owners.

The Mayor agreed to put together a list of potentially offensive conditions and circulate to the Board for their comments.

Cell Towers and Fee

The Mayor described the discussions the Village has had regarding the health and safety and other issues associated with the quality of wireless cell service. The Village has been contacted by a telecommunications company regarding the matter and recommended that the Board adopt specific fees relating to applications for the installation of Cell Towers in the Village. He proposed increasing the conditional use permit filing fee from \$2,000 to \$10,000 and increasing the required deposit for these applications from \$5,000 to \$7,500.

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

RESOLVED, to increase the conditional use permit fee to \$10,000 and the deposit

for these applications to \$7,500.

He also introduced a new cell tower building permit fee of 2.5% of the construction cost. A Public Hearing will be held in January.

Unscheduled Building Inspections

The Mayor requested that the building permit application be amended to include a statement by the homeowner acknowledging and consenting to periodic inspections on their property by the Building Inspector and any other Village Official in connection with the issuance of a permit without further notification.

The Village Attorney informed the Board that when there is no building permit, the inspector would typically ask for permission to enter the property and, if denied, would need to obtain a search warrant.

MAYOR'S REPORT

The Mayor discussed establishing the Upper Brookville Neighborhood Beautification & Historic Association (UBNBHA) as a 501(c)3 Organization. The purpose would be to facilitate contributions for Village public works projects such as beautification and the new Village Hall. It would also permit the Village to benefit from certain grants which are available for public purposes but not available to municipalities. For example, we could then apply for a significant grant from the Robert David Lion Gardiner Foundation to engage a historian to review our records, interview residents and do general research and update the Upper Brookville Village history which was last done in 1985, 33 years ago. Grants like this are not available to municipalities directly. They may only be awarded to 501(c)(3) organization.

The Village Attorney cautioned that, once established, the organization will need to have independent officers and will have ongoing tax and other reporting requirements. The Mayor agreed to research the issue further and report back to the Board. One option regarding the Village history project is to ask the Matinecock Neighborhood Association to apply for the grant for the same purpose. They are already a 501(c)(3) organization and their geographic reach extends beyond the Village of Matinecock, including Upper Brookville.

Trademark of UB Logo

The Mayor recommended that the Village trademark the pheasant logo so it cannot be copied.

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

RESOLVED, to approve trademarking of the Village logo, for a cost of up to \$1,000.

Newsday Subscription

The Mayor requested the Board to approve a digital subscription to Newsday at a cost of \$180 per year. He explained that Newsday is a significant source of news relevant to Upper Brookville residents and has been the source of 14 of the articles currently posted and available on the Village web site News Page. The Mayor has, to date, enjoyed a complimentary Newsday digital subscription from Cablevision/Altice but the firm has informed customers they will discontinue offering this service.

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

RESOLVED, to authorize the Clerk to subscribe to digital Newsday for a period of one year.

Special District Fee

The Mayor introduced, and the Board concurred, to assess a Special District Fee of \$250 from private road owners when applying to the Board requesting the Village to conduct a Private Road Assessment. A public hearing will be scheduled for January.

POLICE REPORT

No Report.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

The next meeting of the Board of Trustees is scheduled for Thursday January 24, 2019.

Signed on January 24, 2019 by

Tracy Lynch
Village Clerk