

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING**

APRIL 15, 2019

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 April 15, 2019 at 6:30 P.M.

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

Also Present: Tracy L. Lynch, Clerk/Treasurer
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village
Sam Vergata, Road Commissioner

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 Notices in compliance with the Open Meetings Law be presented and annexed to the minutes of this meeting.

BUDGET HEARING

The Mayor called the Budget Hearing to order. He announced that the public hearing was on the Village's tentative budget, which had been on file at the office of the Village Clerk and open to public inspection since the date of publication of the notice of this hearing. The affidavit of publication of the notice of the hearing was presented and ordered annexed to these minutes.

The Board then reviewed the proposed budget, item by item, including a 2.0% raise for certain Village staff. The Mayor noted that for the 2019/20 fiscal year, the proposed Village Tax Levy is \$2,838,750, a reduction of 0.6% from the prior years rate, and the proposed Village Tax Rate is \$144.40 per \$100 of assessed valuation, which is a 4.3% increase from the prior years rate. The increase in Village Tax Rate was due to a combination of tax grieving and the overall reassessment of properties by Nassau County.

After further discussion, the Mayor called for comments in favor of, or in opposition to, the proposed budget. There being no comments and after full opportunity had been given to the public to appear and speak on the proposed budget, the Mayor declared the Budget Hearing closed.

ADOPTION OF BUDGET

The Board, on motion duly made and seconded, unanimously

RESOLVED, that the budget which was the subject of a public hearing be, and the same hereby is, adopted as the budget of this Village for the fiscal year June 1, 2019 through May 31, 2020, and

FURTHER RESOLVED, that a tax of the Incorporated Village of Upper Brookville, Nassau County, New York, be, and the same hereby is, levied for the fiscal year June 1, 2019 through May 31, 2020 in the sum of \$2,838,750 at the rate of \$144.40 per \$100 of assessed valuation, and

TAX WARRANT AND ASSESSMENT ROLL

RESOLVED, that the Mayor or Deputy Mayor be, and they hereby are, authorized and directed to sign the proper warrant to the Treasurer to collect said taxes and that the Clerk, be, and she hereby is, authorized and directed to attest the same under the corporate seal of this Village and to deliver the assessment roll with said warrant thereto annexed to the Treasurer, and

TREASURER'S NOTICE

FURTHER RESOLVED, that the Treasurer be, and she hereby is, directed to publish the notice required by Section 1428 of the Real Property Law in the Locust Valley Leader in its issues of May 15, and May 29, 2019, and the Oyster Bay Guardian in its issues of May 17, and May 24, 2019, the official newspapers of this Village, and

FURTHER RESOLVED, that pursuant to Section 1430 of the Real Property Law, the Village Treasurer be and she hereby is, directed to mail tax bills to all persons whose names appear on the 2019/20 tax assessment roll, and

DEPARTMENT OF AUDIT AND CONTROL

FURTHER RESOLVED, that a copy of the adopted 2019/20 budget be attached to the minutes of this meeting and a certified copy thereof forwarded to the Department of Audit and Control at Albany, New York.

(See Attached Exhibit A)

The Mayor then called the regular 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 March 18, 2019. On motion duly made and seconded, the minutes were unanimously approved. **(See Attached Exhibit B)**

FINANCIAL REPORT

Bills

The Clerk/Treasurer presented all claim forms listed on warrant No. 11, dated March 18, 2019, with supporting invoice details and /or purchase contracts. After inspection and review by the Trustees and on motion duly made and seconded, the Trustees unanimously

RESOLVED, to approve payment of the bills listed on Warrant No. 11 in the total sum of \$82,373.95, dated March 18, 2019 which are annexed to these minutes. **(See Attached Exhibit C)**

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 March 2019. **(See Attached Exhibit D) **

VILLAGE CLERK'S REPORT

CGA Consulting, Inc. Contract Renewals

The Clerk presented the renewal contract between the Village and CGA Consulting, Inc. for the term of August 1, 2018 – May 31, 2019 for architectural, inspection, plan review and code enforcement services. The terms include a 3% increase to the base monthly amount to \$3050.00.

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

RESOLVED to ratify the contract terms as presented. **(See Attached Exhibit E) **

Next, the Clerk presented the renewal contract for the term of June 1, 2019 to May 31, 2020. [The contract includes a 2% increase to the base monthly amount to \$3141.50.]

Permit Renewal Fee Refund

The Clerk presented a permit renewal fee refund request from Mrs. DeGirmenci of 11 Wash Hollow Road. The Board had previously agreed to consider a refund of the renewal fee, less the Village's out-of-pocket expenses, if Mrs. DeGirmenci obtained a Certificate of Occupancy before the expiration of the renewed permit. The Clerk confirmed that Mrs. DeGirmenci received her Certificate of Occupancy prior to the expiration date and, following discussion and consideration of previous fees paid to the Village in connection with this project, the Board agreed to refund \$6,416 of the renewal fee (\$7,416 less \$1,000 of Village expenses).

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

RESOLVED, to refund \$6,416 of Mrs. DeGirmenci's permit renewal fee.

Check Signing Authorization

In connection with the last audit, the Village Auditors recommended that Village Justices sign all checks related to the issue of fines sent to the Office of the State Comptroller. Therefore, the Clerk asked the Board to grant Associate Justice Dolido check signing authority for the Justice Court Fund.

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

RESOLVED, to give Associate Justice Dolido check signing authority for the Justice Court Fund.

Planting Field Road Grant Resolution

The Clerk reported that the Village received a \$280,000 grant from the New York

State Department of Transportation for the reconstruction of Planting Fields Road from Glen Cove Oyster Bay Road to the Village line. This is roughly 80% of the estimated current repaving cost. The grant requires that certain conditions be met and that the Village spend the money first. The attached contract and resolution was presented and adopted in order to execute the contract. **(See Attached Exhibit F)**

Given that the Planting Fields Arboretum Historic State Park has approximately 265,000 visitors each year and there are four village residences on the road, the Village has requested the Planting Fields Foundation to approve a grant for the shortfall amount.

LiRO 2019/20 Engineering Service Agreement

The Clerk presented a letter of agreement along with a rate schedule from the Village engineer, LiRO, for the 2019/20 fiscal year. The proposal includes a 2% increase in the billing rate of the Village Engineer and a 2% - 4% increase to various other titles.

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

RESOLVED, to accept LiRO's proposed billing rate schedule for June 1, 2019 to May 31, 2020. **(See Attached Exhibit G)**

Cullen & Danowski Audit Proposal

The Clerk presented an engagement letter from the Village Auditor to provide services to the Village for the year ended May 31, 2019. These services include the audit of the financial statements of each fund and account group and the preparation and electronic filing of the Annual Financial Report Update Document (AUD) to the New York State Office of the State Comptroller. They will also audit the Village's Justice Court funds.

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

RESOLVED, to hire Cullen & Danowski to provide auditing services to the Village for the year ended May 31, 2019 for a fee of \$10,000 plus certain additional quarterly accounting-related services that will be billed at an hourly rate. **(See Attached Exhibit H)**

Mileage Reimbursement Request

The Clerk requested the Board consider reimbursing her a lump sum amount for the mileage she has driven since the Board adopted the Employee Handbook in 2017. The Employee Handbook provides for timely reimbursement for Village-related mileage. The Board agreed to consider the matter further in Executive Session.

Temporary Employee Pay Rates

The Clerk reported that the Village pays independent contractors, as well as temporary laborers, to perform certain functions for the Village and recommended that the Board approve their pay rates as follows:

NCS, Equipment Lease - \$7,000 per month for 2018/19 & 2019/20

Roberto Villalobos, Temp Laborer - \$18.00 per hour

Dominic Abbatiello, Temp Laborer - \$25.00 per hour

*Michael Pospisil, Tree Inspector - \$150 arrival fee plus \$50 per hour

*Barbara Valentino, Accountant - \$525 per month 2018/19 & \$535 per month 2019/20

*Dwight Kennedy, Village Prosecutor - \$350 per month 2018/19 & 2019/20

The Village Attorney agreed to review the NCS contract and report to the Board in May. The Clerk agreed to follow up with the independent contractors (*), research the employment and civil service issues and inquire with Salerno Insurance about Village insurance requirements for these individuals.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

Terrace Lane Road Bids

The Road Commissioner presented the following three bids for the milling, grinding & paving of the Village's portion of Terrace Lane:

John McGowan & Sons - \$29,500, Belgium block work \$29.00 per LF

American Paving & Masonry - \$30,250, Belgium block work \$18.00 per LF

United Paving Corp. - \$34,276, Belgium block work \$27.50 per LF

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

RESOLVED, to hire John McGowan & Son for the repaving of Terrace Lane and directed the Road Commissioner to commence work immediately.

Lawn Lane Cul-de-Sac

In connection with actions by the Board in 1991 and recorded in the minutes, the Mayor also recommended (a) paving the Lawn Lane cul-de sac while McGowan was on Terrace Lane and asked the Road Commissioner to get a price for this section, and (b) reimbursing Mrs. [Moran] for the amount paid for the partial repaving by McGowan in 2018. The Village Attorney will contact Nassau County and enquire about conveying this section of road to the Village.

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

RESOLVED, to hire John McGowan & Son to complete the paving of the Lawn Lane cul-de sac assuming the price for this section is no higher than \$7,000 (the amount paid in 2018 for a similar section) and (b) reimbursing Mrs. Morgan \$6045 for the amount she paid for the partial repaving by McGowan in 2018.

Wolver Hollow/Piping Rock Rd Intersection Curb Replacement

The Road Commissioner received an estimate from McGowan to repair the curb at the intersection of Wolver Hollow/Piping Rock Road for \$5,200. The curb has been damaged in many sections, likely due to the impact of County snowplows and the drainage in the area.

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

RESOLVED, to hire John McGowan & Son to replace the concrete curb at a cost of \$5,200.

Wolver Hollow Road Clean-up

The Road Commissioner presented an estimate from Campos Tree Service Corp. to clean the neglected Nassau County right-of-way along the west side of Wolver Hollow Road from the intersections at Piping Rock Road to Friendly Road. This includes cutting down small trees and saplings, chip fallen & broken branches into the woods and cart away large logs.

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

RESOLVED, to hire Campos for a fee of \$3,500 to clean the right-of-way along the west side of Wolver Hollow Road from the intersection of Piping Rock to Friendly Roads.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for March 2019 activity. **(See Attached Exhibit H)*

MAYOR'S REPORT

Village Hall Funding

The Mayor recommended that the Board approve a transfer of \$100,000 of unbudgeted revenue from the 2018-2019 fiscal year from the General Fund to the Capital Account for the new Village Hall.

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

RESOLVED, to approve the transfer of \$100,000 from the General Fund to the Capital Account for the construction of a new Village Hall.

Speed Signs

Many residents have contacted the Village about speeding on Mill River Road and other village roads. In response, the Old Brookville Police Department has increased policing on Mill River Road. The Mayor recommended purchasing two battery-operated speed signs with one to be installed along Mill River Road from Traffic Systems Incorporated. The signs cost \$2,400 each and are equipped with traffic statistics software which uses data gathered from the radar signs to report, organize and analyze speed and traffic statistics. The Village had budgeted \$5,000 for this expenditure in the current fiscal year.

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

RESOLVED, to purchase two speed signs at a total cost of \$4,800.

NYCLASS Presentation

Following up on a previous presentation, discussion with the Board and analysis by Trustee Freidrich, the Mayor recommended that the Village enter into a Municipal

Cooperation Agreement with NYCLASS.

After discussion, and on motion duly made and seconded, the Board unanimously adopted the following resolution:

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns, and villages and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Village of Upper Brookville wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to a municipal cooperation agreement;

WHEREAS the Village of Upper Brookville wishes to assure the safety and liquidity of its funds;

Now therefore, it is hereby

RESOLVED, that the Clerk/Treasurer is hereby authorized to execute and deliver the Cooperative Investment Agreement in the name of and on behalf of The Village of Upper Brookville.

New York Municipal Energy Program

The Mayor reported that he met with a representative of NYMEP, an organization that sources less expensive gas through volume purchasing which could lower the price of gas to residents by approximately 10%. The Village agreed to distribute the information to the residents and may host a follow-up information session.

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

RESOLVED, to allow NYMEP to propose alternate gas suppliers to Upper Brookville residents.

Garbage Carter Request

The Mayor reported that Center Sanitation, a licensed garbage carter in the Village, requested that the Board allow earlier garbage pickups on the more heavily traveled roads in the Village (ie. Wolver Hollow Road, Mill River Road, Chicken Valley Road, Ripley Lane and Piping Rock Road) in order to avoid commuters and school buses. The Mayor suggested polling affected residents to see if they object to an earlier pickup time of 6:00am - 6:30am, and would draft an email for distribution by the Clerk.

Solid Waste Code

The Mayor will work with the Village Attorney to draft amendments to the solid waste code in May to address the use of appropriately configured pickup trucks on certain properties as approved on a case-by-case basis by the Code Enforcement Officer and the Board.

Senator Gaughran Dinner

The Mayor recommended the Village organize and host a dinner for a dozen North Shore Mayor's to meet and discuss local issues and discuss pending legislation in Albany with Senator Gaughran. The dinner would be held at the Piping Rock Club on May 9th, hosted by Trustee Dolido. The Mayor acknowledged that his wife, Anne Conway, is the President of the club.

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

RESOLVED, to host the North Shore Mayor's dinner at the Piping Rock Club.

Village Dinner

The Mayor also noted that the Village budgeted for an annual dinner to gather Village officials, Board members and volunteers to update them on Village matters and thank them for their service during the past year. He anticipated the event will be scheduled for June 2019.

Arbor Day

The Mayor reported that he arranged with New York State, free admission to Village residents who attend the Arbor Day festivities in the Planting Fields Arboretum on April 27, 2019. The Village will reimburse the State from the Park Fund.

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

RESOLVED, to subsidize the entrance fee of Village residents to the Arbor Day Festival in Planting Fields Arboretum.

Short-Term Rentals

The Mayor reported that many nearby Villages are discussing short-term rental issues and may require homeowners to first obtain a permit to rent their homes. The Village Attorney agreed to circulate a proposed law to address short-term rental issues for introduction at the June meeting.

Foreclosure on Donna Drive property

Following up on previous Board discussions, the Mayor requested the Village begin foreclosure proceeding on the property known as 24-18-12. The Clerk reported that this unusually configured property is not a building lot and has been in arrears on Village property taxes for decades.

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

RESOLVED to authorized the Village Attorney to commence foreclosure proceedings on lot 24-18-12.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

EXECUTIVE SESSION

The Mayor closed the meeting and on motion duly made and seconded, the Board unanimously resolved to enter into Executive Session to discuss personnel and other matters.

On motion duly made and seconded, the Board came out of Executive Session.

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

RESOLVED to reimburse the Clerk/Treasurer for appropriately documented Village-related mileage during the current fiscal year, provided that such reimbursement request is submitted prior to June 30, 2019.

The next meeting of the Board of Trustees is scheduled for Monday May 20, 2019.

Signed by Tracy Lynch May 21, 2019

Tracy Lynch
Village Clerk