

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

MAY 20, 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 May 20, 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
Peter Fierro, Oyster Bay Resident

The Mayor called the meeting to order at 6:47 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.

MINUTES

The Mayor called for approval of the minutes of the Trustee meeting held on April 15, 2019. On motion duly made and seconded, the minutes were unanimously approved. **(See Attached Exhibit A)**

PUBLIC COMMENT

An Oyster Bay resident reported his concerns about Mill River Road heading North near the main entrance to the Mill River Club. He previously reported this following his being involved in a car accident there in 2014. He suggested perhaps additional signage warning drivers of a curve ahead. The Mayor mentioned the nearby sign posted lowering the speed limit to 20 miles per hour. He also mentioned the village had already ordered an electronic sign, with location on Mill River Road to be set by the Old Brookville Police Department, to alert drivers to the speed limit and their speed. The Mayor also reported that he discussed safety issues on the road with the Old Brookville Police Department who reported they increased their policing on the road. He further raised the issue with the new Mayor of Muttontown who reported the Muttontown Police Department is patrolling more on their portion of Mill River Road.

The Board requested the Road Commissioner to contact the Village Engineer and review the situation for the Board.

FINANCIAL REPORT

Bills

The Clerk/Treasurer presented all claim forms listed on warrant No. 12, dated May 20, 2019, with supporting invoice details and /or purchase contracts. The claims include a reimbursement to the Capital Account of \$620,000. 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. 12 in the total sum of \$888,934.79, dated May 20, 2019 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 April 2019. **(See Attached Exhibit C) **

Budget Adjustment

The Clerk recommended that the Board approve a budget amendment of \$125,000 to cover the expense of the approved transfer of \$100,000 from the General Fund to the Capital Account for the new Village Hall as well as any additional yearend expenses not originally budgeted. She explained to the Board that the \$125,000 would be appropriated from the fund balance from projected excess revenue collected and expense savings during the fiscal year.

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

RESOLVED to approve a budget adjustment and appropriate \$125,000 from the Fund Balance and to include a \$100,000 transfer from the General to Capital Fund on Warrant No. 12.

VILLAGE CLERK'S REPORT

CGA Consulting, Inc. Contract Renewals

The Clerk presented an amended contract between the Village and CGA Consulting, Inc. for the term of June 1, 2019 - May 31, 2020 for architectural, inspection, plan review and code enforcement services. The new terms include a 2% increase to the base monthly amount to \$3,111.00.

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

RESOLVED to approve the contract terms as presented.

(See Attached Exhibit D)

Standard Work Day

The Clerk explained to the Board that the New York State and Local Retirement System uses days worked and payroll to determine service credit, which is the basis for benefit eligibility. Starting in the new fiscal year, Thomas Mullen will become a full-time employee, working 9am – 5pm, Monday – Friday, with a ½ hour unpaid lunchbreak, and she recommended that the Board approve a Standard Work Day increase to 7.5 hours, from 6 hours.

After discussion, and on motion duly made and seconded, the Board unanimously **RESOLVED**, that the Clerk be, and she hereby is, directed to report a Standard Work Day for the position of Assistant to Board of Trustees of 7.5 hours when reporting service credit to the NYS and Local Retirement System.

Village Prosecutor Request for Pay Increase

The Clerk reported that the Village Prosecutor requested the Board to consider a pay raise to \$450 per monthly appearance, from \$350. Mr. Kennedy spends 2 - 3 hours every month at Court and, following discussion with the Village Attorney, the Board agreed the increase is appropriate market-based compensation and Mr. Kennedy is doing an exceptional job.

After discussion, and on motion duly made and seconded, the Board unanimously **RESOLVED**, to increase the Village Prosecutors monthly rate to \$450 starting in the new fiscal year.

Health Insurance for Elected Official

The Clerk reported that one of the elected officials of the Village asked about participating in the Village's health insurance plan. She noted that the Board previously resolved to permit current elected officials and former elected officials (who had participated uninterrupted) to continue in the Village insurance plan so long as the elected or former elected official covers 100% of the premium.

The Board recommended that the current elected official research the benefits of the plan and notify the Board if he would like to participate, at the June meeting.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that the Village of Muttontown was seeking an update on the progress being made by the homeowner of 5 Wheatley Road to correct the drainage issue on his property impeding water flow from the Nassau County culvert under Wheatley Road. The Clerk reported that the homeowner was making progress and recently hired an engineer to redesign the culvert and change the property grade to allow the water to flow from the intersection of Brookville & Wheatley Road up to Northern Boulevard.

The Mayor reported that the Board had planned a hearing in January but postponed it at the resident's request because the homeowner appeared to be making progress getting the work done. Since the project is not moving along at a reasonable pace, he recommended a hearing be scheduled for the June Board meeting and requested the

homeowner attend to be given the opportunity to provide evidence of significant progress.

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

RESOLVED to hold a public hearing in June to determine if the Board will do their own design and hire a contractor to correct situation which will be at the homeowners expense.

Wolver Hollow Road Clean-up

The Road Commissioner reported they are making progress in the cleanup effort along the west side right-of-way of Wolver Hollow Road from the intersections at Chicken Valley Road to Friendly Road (Phase I). He asked Campos Tree Company to do some additional pruning of trees on both sides of the road which would increase the cost from \$3,500 to \$4,600. He also recommended that the cleanup effort be extended to include both sides of Wolver Hollow Road south of Friendly Road to Northern Boulevard at a cost not to exceed \$5,000 (Phase II).

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

RESOLVED, to hire Campos for an additional fee of \$1,100 to prune additional trees along the right-of-way from Chicken Valley Road to Friendly Road and approve the cleanup of the right-of-way from Friendly Road to Northern Boulevard at a cost not to exceed \$5,000.

BUILDING DEPARTMENT REPORT

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

MAYOR'S REPORT

Dwelling Volume Limitations

The Mayor mentioned two recent requests by home builders to permit larger ceiling heights in communities with similarly large ceiling heights that predated the Village Code. Homes with higher ceilings increase the volume and height of the home often requiring homeowners to obtain a volume variance. The Board discussed potential revisions to our current Zoning Code to maintain the current volume restriction while accommodating the trend of higher ceilings and corresponding home heights. The Mayor will form a subcommittee, which will include Trustee Dolido and the Building Inspector, to research the options & report back to the Board.

New York Municipal Energy Program

The Mayor reported that in addition to allowing NYMEP to propose alternate gas supplier to our residents, the Board must give them permission to contact National Grid to collect data on the number of residents who have gas so they can calculate potential savings.

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

RESOLVED, to allow NYMEP to obtain relevant information from National Grid to inform residents of the potential savings through this program. The information cannot be distributed for any other commercial purposes.

Short-Term Rentals

The Mayor introduced a proposed law based on research by the Village Attorney to address short-term rentals in the Village. The law would require homeowners to first obtain a permit for certain home rentals. After discussion, the Board agreed to table the discussion and conduct further research.

(See Attached Exhibit F)

POLICE REPORT

Commissioner Dolido reported that Chief Smith is retiring and his last official day in office is June 30th. The Mayors of the six Villages plan to interview Lieutenant Christopher Walsh as a potential candidate to fill this position.

FIRE & STORM WATER MANAGEMENT REPORT

The Mayor noted that the Storm Water Management Program Annual Report for Year 16 prepared by West Side Engineering, PC for the period March 10, 2018 through March 9, 2019, has been posted on the Village website and at the Upper Brookville Village Hall at the Planting Fields Arboretum, Planting Fields Road, for review by the public. To date, no comments have been received. It was noted that the Annual Report must be filed with the New York State Department of Environmental Conservation no later than June 1, 2019. After discussion, the Board authorized the filing of the Annual Report and all required documents in accordance with the Department of Environmental Conservation regulations. A copy of the report was directed to be annexed to the minutes. Accordingly, on motion duly made and seconded, the Board unanimously

RESOLVED, that the Village of Upper Brookville's Storm Water Management Program Annual Report, as required by the Federal Storm Water Phase II Regulation, be and it hereby is accepted and directed that it be filed with the appropriate agencies; and

FURTHER RESOLVED, that the Village Engineer, West Side Engineering, PC be and it is hereby authorized and directed to file the required 16 year Storm Water Management Program Annual Report on behalf of the Village of Upper Brookville in compliance with the Federal Storm Water Phase II Regulations, including any and all other required compliance documents; and

FURTHER RESOLVED, that the Mayor be, and he hereby is authorized to sign any and all documents necessary for compliance with Storm Water Phase II Regulations.

(See Attached Exhibit G)

Dogwood Trees

The Mayor took the opportunity to recognize the exceptional work done by the Village's Road Commissioner and crew on the distribution of the dogwood trees. They delivered 110 trees, fertilizer and gator bags to 49 residents and the Village of Baxter Estates over two days. The trees were in excellent condition upon delivery and the program was well received by villagers.

ARCHITECTURAL REVIEW REPORT

Tree Removal

Trustee Dolido recommended that residents asking to remove more than 10 trees require the approval of the Tree Inspector, Site and Architectural Plan Commissioner and another Trustee. She also reported that other Villages have a caliper requirement that requires residents to plant new tree(s) totaling the caliper taken down. In some Village's, residents are given the opportunity to 'buy down' the total caliper to be planted, by paying a fee per inch to reduce the total caliper. These fees could then be used to beautify the Village. Trustees Dolido & O'Rourke will research the options and make a recommendation to the Board in June.

Septic Systems

Trustee Dolido reported she recently attended a panel discussion addressing the challenges and solutions to ensure clean water for future generations. It was reported that Nassau County, particularly on the north shore, is not doing nearly as much as Suffolk County to address the negative impact nitrogen pollution has on drinking water. A large contributor are the individual homes' septic systems. Trustee Dolido recommended that the Board consider requiring residents to install highly efficient, Nitrogen-reducing septic systems when replacing old ones. She also pointed out that these systems are more expensive. The Mayor asked Trustee Dolido to research the new systems and report back to the Board in June.

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 police matters.

The Board came out of Executive Session and, after discussion, and on motion duly made and seconded, the Board unanimously

RESOLVED to authorize the Mayor to sign the Resolution extending the term of Police Commissioner Ted Gutierrez as Chairman of the Board of Police Commissioners until December 31, 2019.

The next meeting of the Board of Trustees is scheduled for Monday June 17, 2019.

Signed by Tracy Lynch on June 17, 2019

Tracy Lynch
Village Clerk