

**VILLAGE OF UPPER BROOKVILLE
SPECIAL BOARD OF TRUSTEES' MEETING
AUGUST 12, 2016**

A special meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held at 549 Chicken Valley Road, Locust Valley, NY 11560, on Friday, August 12, 2016, at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	William R. Campbell	Trustee
	Antje B. Dolido	Trustee
	Michael F. Schwerin	Trustee (<i>via Video Conference</i>)
Absent:	Francis J. Russo	Trustee
Also Present:	Peter P. MacKinnon, Esq. of Humes & Wagner, LLP Attorneys for the Village	

The Mayor called the meeting to order at 6:30 P.M. The Village Attorney presented the public information notice in compliance with the Open Meetings Law and requested it be annexed to the minutes of this meeting.

The Mayor noted that he has called the Special Meeting to order to discuss personnel issues and other pending matters. On the motion of the Mayor, which was duly seconded, the Board went into Executive Session to discuss personnel matters. Thereafter, the Board on motion ended the Executive Session and went into the public session.

MINUTES

The Mayor called for approval of the minutes of the Trustees' meeting held on August 3, 2016, which, on motion duly made and seconded, were unanimously approved.

BANK DEPOSITORY AND SECURITY FOR DEPOSITS

Upon motion duly made and seconded, it was

RESOLVED, that First National Bank of Long Island and Valley National Bank be, and they hereby are, designated as depositories of this Village and that the funds of this Village deposited with said banks be subject to withdrawal upon checks not exceeding \$1,000 when signed on behalf of this Village solely by Clerk/Treasurer, and

FURTHER RESOLVED, that the Mayor alone or the Deputy Mayor alone, or any one of the Trustees be, and they hereby are, authorized to sign and

countersign checks respectively, to draw on the funds up to \$5,000 of the Village in the absence or inability of the Treasurer, and

FURTHER RESOLVED, that any check in excess of the sum of \$5,000 shall be signed by two of the following, the Mayor, Clerk/Treasurer or any Trustee, and

FURTHER RESOLVED, that the Board hereby adopts and incorporates the provisions of First National Bank of L.I. and Valley National Bank resolutions concerning the deposit and disbursements of funds from said banks, and

FURTHER RESOLVED that the Treasurer be, and she hereby is, authorized and directed to require from the above designated depositories appropriate security for the funds of the Village, deposited with said depositories.

BOND FINANCING

The Board discussed the financing of road improvements to Chapel Gate Lane and Friendly Road, and other road improvements to various roads in the Village, at the estimated maximum cost up to \$3,000,000 and to appropriate said amount and authorize the issuance of bonds in the principal amount not to exceed \$3,000,000 to finance said appropriation. After discussion, and on motion duly made and seconded, it was unanimously

RESOLVED, the Village of Upper Brookville, in the County of Nassau, New York (herein called the "Village"), is hereby authorized to construct improvements to (a) Friendly Road and Chapel Gate Lane at the aggregate estimated maximum cost of up to \$500,000 and (b) other roads in the Village, to be determined by the Board of Trustees, at the estimated maximum cost not to exceed \$2,500,000. The total estimated maximum cost of all of the foregoing projects is up to \$3,000,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$3,000,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable; and.

RESOLVED, that the Bonds of the Village in the principal amount of up to \$3,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation; and

RESOLVED, that the following additional matters are hereby determined and declared: (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20(c) of the law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for

which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years; and

RESOLVED, that each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year; and

RESOLVED, that subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

RESOLVED, that the validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

FURTHER RESOLVED, that this bond resolution is subject to a permissive referendum and the Village is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspapers of the Village, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF UPPER BROOKVILLE, NEW YORK

PLEASE TAKE NOTICE that on August 12, 2016, the Board of Trustees of the Village of Upper Brookville, in the County of Nassau, New York, adopted a bond resolution entitled:

“Bond Resolution of the Village of Upper Brookville, New York, adopted August 12, 2016, authorizing the construction of improvements to Friendly Road, Chapel Gate Lane and other roads in the Village, to be determined by the Board of Trustees; stating the estimated maximum cost thereof is up to \$3,000,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of not to exceed \$3,000,000 to finance said appropriation.”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Village to construct improvements to (a) Friendly Road and Chapel Gate Lane at the aggregate estimated maximum cost of up to \$500,000 and (b) other roads in the Village, to be determined by the Board of Trustees, at the estimated maximum cost not to exceed \$2,500,000; STATING the estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is up to \$3,000,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of up to \$3,000,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of up to \$3,000,000 bonds of the Village pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be

general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Votes in favor of adoption:	Elliot S. Conway	Aye
	William R. Campbell	Aye
	Antje B. Dolido	Aye
	Michael F. Schwerin	Aye

Not voting as not having been present:	Francis J. Russo
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FRIENDLY ROAD/CHAPEL GATE LANE ROAD IMPROVEMENTS

The Village Attorney reported that the bid opening for improvements to Friendly Road/Chapel Gate Lane was held on August 4, 2016. Bid proposals were submitted by United Paving Corp., Roadwork Ahead, Inc., American Paving and Masonry Corp., Rosemar Contracting Inc., Posillico Civil, Inc., Elite Paving Maintenance Corp., and John McGowan & Sons, Inc. The Board discussed the bids and noted Sidney B. Bowne & Son, LLP had reviewed the lowest bidder's proposal, United Paving Corp., determined that the proposal was properly submitted and United Paving Corp. has properly completed municipal improvements projects for various municipalities. The Village Attorney noted that the need to get the Friendly Road/Chapel Gate Lane job started as soon as possible required that the contract for the project be approved. The Board agreed that United Paving Corp., was the lowest responsible bidder in the amount of \$359,565.00. After discussion, and on motion duly made and seconded, it was unanimously

RESOLVED, that the actions of the Mayor in executing the contract between the Village of Upper Brookville and United Paving Corp., for the improvements to Friendly Road and Chapel Gate Lane, in the total amount of \$359,565.00, be, and the same hereby is approved.

TOBAY TRIATHLON

The Mayor noted that the Village has received a request for the holding of the Town of Oyster Bay Triathlon to be held on Sunday, August 28, 2016. After discussion, the Board agreed that a permit may be issued for this event, subject to the usual requirements of having the activity coordinated with the Police Department.

RESOLVED, that the application of the TOBAY Triathlon to route a portion of the run through the Village on Sunday, August 28, 2016, be, and it hereby is, approved, subject to the following conditions:

1. All race activities shall occur between the hours of 7:00 a.m. and 9:00 a.m.;
2. There shall be no parking along any street within the Village;
3. There shall be no directional markings painted on street pavement, except for chalk.
4. The race sponsor/applicant shall be responsible for providing appropriate supervision and adequate protection for all participants, workers, volunteers, motorists and spectators.
5. The race/sponsor shall provide to the Village a Certificate of Liability Insurance for the event naming the Village as an additional insured in the minimum amount of \$5,000,000 which certificate shall be delivered to the Village Clerk at least two (2) days in advance of the use of the premises for event activity.
6. The race sponsor/applicant shall complete the Village's Indemnification and Hold Harmless Agreement releasing the Village from any and all claims and liabilities, which arise in connection with the event by an participants, workers, volunteers, motorists and spectators;
7. All roads in the Village used in connection with this event are to be used by each participant, worker, volunteer, motorist and spectator at his or her own risk. The race sponsor/applicant shall be responsible for obtaining releases from all participants stating that all Village roads are to be used at the risk of each participant;
8. All activities occurring within the Village are to be coordinated with the Old Brookville Police Department. If the Old Brookville Police Department requires additional personnel to provide adequate protection, the sponsor shall pay for all cost and charges, including, but not limited to, overtime payment for all police officers used;
9. The applicant shall deposit \$300 with the Village as security to ensure that after the conclusion of the event, the race sponsor/applicant shall promptly remove from the Village of Upper Brookville all of its signs and street markings and collect and remove all debris generated by race participants, workers, volunteers, motorists and spectators;
10. Any breach of the foregoing conditions, or any violation thereof of the local laws of the Village, shall be in and of itself grounds for the Village to immediately revoke Village approval and

FURTHER RESOLVED, that the certificate of insurance and evidence that liability coverage remains in force and effect from preparation until the race is concluded and all equipment removed from the Village, and

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

AMENDMENT TO CHAPTER 195, "VEHICLES & TRAFFIC"

The Village Attorney circulated proposed Local Law D-2016, amendment to Chapter 195, "*Vehicles & Traffic*," of the Village Code. The Mayor discussed with the Board amending Village Code Section 195, "*Vehicles & Traffic*" which will amend Chapter 195-4, "*Parking, Standing and Stopping*". The proposed Local Law will add subsection C to prohibit a person from stopping, standing or parking a vehicle within fifteen feet of a fire hydrant, except for noted exceptions. Said violation carries a maximum fine of \$400. After discussion, the Board authorized the Village Attorney to schedule a hearing on Proposed Local Law D-2016 at the September Trustees meeting.

MONTHLY TRUSTEES MEETING

The Mayor discussed with the moving the monthly Trustees meeting day from the third Tuesday of the month to the third Monday of the month. After discussion, it was approved.

There being no further business, the meeting was adjourned at 7:30 p.m.

Filed with me this 10th day
of November, 2016

Signed by the Village Clerk