

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
JANUARY 26, 2017**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held at the Annex on the grounds of the Planting Fields Arboretum located on Planting Fields Road in the Village on Thursday January 26, 2017 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Francis J. Russo	Trustee
	Antje B. Dolido	Trustee
	Michael F. Schwerin	Trustee <i>(via video conference)</i>
Absent:	William R. Campbell	Trustee

Also Present:

Tracy L. Lynch, Village Clerk/Treasurer
Samuel Vergata, Street Commissioner
Mr. Dogonniuck, Village Resident
Mr. & Mrs. Guglielmo, Village Resident
Mr. & Mrs. Greenberg, Village Resident
Ms. Santolli, Village Resident
Mr. Thielen, Village Resident
Mr. Werther, Village Resident
Mr. Brodie, Village Resident
Mr. & Mrs. Adoni, Village Resident
Dr. O'Rourke III, M.D., Village Resident
Mr. & Mrs. Muran, Village Resident
Mr. & Mrs. D'Alessio, Village Resident
Mr. Seabrooks, Village Resident
Peter P. MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village

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 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 Trustees' meeting held on December 19, 2016, which on motion duly made and seconded, were unanimously approved.

BILLS

The bills listed on Warrant No. 008 in the total sum of \$407,929.59 dated January 16, 2017, copies which are annexed to these minutes, were, on motion duly made and seconded, ratified and approved for payment.

The Village Clerk indicated that the Village Engineer & Road Commissioner reported the completion of the road improvement projects on Friendly Road & Chapel Gate Lane & recommended payment to United Paving Corp. in the net amount of \$331,910.30. The Board unanimously approved the payment.

FINANCIALS

The Treasurer's Report for the month ending December 31, 2016, was presented, examined, approved and ordered filed.

VILLAGE CLERK'S REPORT

Tag Sale Permit

The Village Clerk noted that a tag sale permit request had previously been approved by the Board. Thereafter, the Board, on motion duly made and seconded, ratified their approval of a tag sale permit at 315 Lawn Lane on Saturday, January 21, 2017.

Unpaid Taxes

The Village Clerk presented to the Board of Trustees a list of property owners whose 2016/17 Village taxes are unpaid. She recommended that after the attorneys send out their usual collection letter relating to unpaid taxes and if the taxes are not paid that the Village hold tax lien sales. Thereafter, on motion duly made and seconded, the Board of Trustees adopted the following preambles and resolutions:

WHEREAS, the Village Treasurer has delivered to the Board of Trustees an account of unpaid taxes with a verified statement, that the taxes set forth in said account remain unpaid, and

WHEREAS, the Village Treasurer has been unable to collect the same, and

WHEREAS, the Village has adopted Local Law 1-1994 which provides that the Village may continue to enforce the collection of Village property taxes pursuant to Title 3 of Article 14 of the Real Property Tax Law as in effect on December 31, 1994, the effect of which has been extended for Village taxes which become liens in 2016, 2017 and 2018;

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees, having compared the account of unpaid taxes in the total amount of \$73,762.76 (*copy of which is attached hereto*) with the original roll, hereby certifies the same to be a true transcript and directs each Trustee to certify that the account and the total amount of the taxes unpaid has been compared and found to be correct, and

FURTHER RESOLVED, that within fifteen (15) days after the tax roll and warrant has been returned by the Treasurer, said document shall be filed in the Office of the Village Clerk and a copy of said roll shall be permanently retained as a public record, and

FURTHER RESOLVED, that the Village Treasurer be, and she hereby is, authorized and directed to collect the unpaid Village taxes after sending a notification letter and by appropriate action under the Real Property Tax Law, including a tax sale. Such tax sale, if held, shall be scheduled no later than March 31, 2017, as provided by Article 14, Title 3, Section 1452 of the Real Property Tax Law of the State of New York.

Annual Village Election

The Board considered proposed resolutions pertaining to the registration of all persons eligible to vote and the offices to be filled at the annual Village Election to be held on June 20, 2017. Accordingly, on motion duly made and seconded, it was

RESOLVED, that in accordance with a resolution adopted on December 14, 1992, there shall be no Village registration day for Village elections pursuant to Subdivision 3 of Section 15-118 of the Election Law, and

FURTHER RESOLVED, that only those persons registered to vote with the Board of Elections of Nassau County shall be eligible to vote, and

FURTHER RESOLVED, that the Inspectors of Election shall meet on June 16, 2017 to adopt, use or copy from the registration list, certified and supplied by the Nassau County Board of Elections, the names appearing thereon of all persons, residing in the Village and qualified to vote at such forthcoming general Village election, and

FURTHER RESOLVED, that the next general election for the Incorporated Village of Upper Brookville, Nassau County, New York, shall be held at the Annex Building on the grounds of the Planting Fields Arboretum located on Planting Fields Road in said Village on June 20, 2017; that the hours of opening and closing the polls thereof shall be 12:00 noon and 9:00 P.M. respectively and that during such period of nine consecutive hours the polls shall be kept open for the purpose of choosing and electing the following officers:

Trustee for a term of two years
Trustee for a term of two years
Village Justice for a term of four years

It was noted that either two or four Inspectors of Election must be appointed before the forthcoming election. Accordingly, on motion duly made and seconded, the Board unanimously

RESOLVED, that the following be, and they are hereby, designated and appointed to act as Inspectors of Election, for a fee of \$200.00 per person, with Ellen Caruso presiding as Chairperson thereof:

Ellen Caruso, Chairperson
Jeryl Costello

and

FURTHER RESOLVED, that the Clerk of the Village be, and she hereby is, directed to prepare a proper notice for the annual election pursuant to Sections 15-104 of the Election Law and to cause the said notice to be published in the official newspaper of the Village, namely, The Locust Valley Leader in its issue of February 8, 2017, and the said Oyster Bay Guardian in its issue of February 10, 2017 specifying the time and place of holding the election; the hours of opening and closing of the polls and the offices and terms to be filled, and

FURTHER RESOLVED, that the Clerk of the Village be, and she hereby is, directed to prepare a proper notice of said annual election pursuant to Section 15-104 of the Election Law and to cause said notice to be published in said Locust Valley Leader in its issue of June 7, 2017 and the said Oyster Bay Guardian in its issue of June 9, 2017, containing the date of the election and the polling place; the hours during which the polls shall be open; the names and addresses of all those who have been duly nominated whose certificate of petition of nomination has been duly filed with said Village Clerk and the term of such office for which they have been so nominated, an abstract of any proposition to be voted upon, if any, and to cause a printed copy thereof to be posted conspicuously in at least six (6) public places in the Village at least one (1) day before said election and at each polling place, and

FURTHER RESOLVED, that a ballot box shall be used at this election.

Garbage Carting Collection/Billing Software

The Clerk presented a proposal from Williamson Law Book Co. for a garbage carting collection/billing program. The program would enable the Clerk to bill residents participating in the SBAA, track payments, report unpaid accounts for current & prior years and produce late notices including monthly penalties. The quote is \$2,500 for development of the program, \$595 for annual support and \$85/hr. for installation & training as needed. Both the development cost and any ongoing expense will be an expense of the Special District. The Board unanimously approved the proposal.

Street Lights

The Clerk obtained three proposals to convert half of the existing Village street lights to energy-efficient LED technology in order to reduce the cost of electricity and maintenance and comply with the requirements of the Clean Energy Community Grant. The Clerk recommended purchasing the following Supertek fixtures from Green Light National:

<u>Amount</u>	<u>Type</u>
15	35w LED Street Lights, 5000k, with photocell \$275/unit
6	65w LED street lights, 5000k, with photocell \$345/unit

for a total cost of \$6,195. The Clerk also recommended engaging Albertson Electric Inc. to remove the old fixtures and install new LED fixtures at a cost of \$105/fixture for a total cost of \$2205. If required, additional fuses would cost \$12/fuse and replacement of fuse holders would cost \$28/holder. The Board unanimously approved the proposal.

Proposed Financial Policies

Discussion of proposed Fund Balance, Debt Management & Fixed Assed policies as well as adopting the financial reporting requirements of GASB Statement 54 are deferred to the February meeting.

Zoning Board of Appeals Appointment

The Clerk noted that a village resident serving on the Zoning Board of Appeals since 2009 had recently sold their home. The resident resides temporarily outside of the Village, is seeking another home in the village and is interested in remaining a member of the Zoning Board of Appeals. Board of Trustees considered whether certain residents in active Board service may continue on the Board in these limited circumstances. After discussion, and on motion duly made and seconded, it was unanimously,

RESOLVED, to authorize the Board of Trustees on a case-by-case basis to appoint Upper Brookville residents living temporarily outside the Village in Nassau County with prior service on the Upper Brookville Zoning Board of Appeals or Planning Board to continue serving as a member of these Boards.

MAYOR'S REPORT

Old Brookville Police Department (OBPD) Joint Protection Agreement (JPA)

The Mayor reported that Upper Brookville (UB) and the villages of Matinecock, Mill Neck, Old Brookville, Brookville and Cove Neck are negotiating the renewal of the OBPD JPA. The Mayor and Trustees want to keep the residents updated and seeking their view on an important issue that was recently described in a letter from the Board of Trustees (BOT).

As stated more fully in that letter, the current formula used to determine funding of the OBPD is based upon each village's assessed property valuations on taxable properties. Upper Brookville believes the formula, which has been used since the department's formation in 1949, may no longer be an equitable allocation of costs reflecting the relative demand for police protection among the villages served. The New York State Comptroller recommends that a combination of several methods is often the best compromise (e.g., population, use of service, ratio of full valuation of real property, etc.). By using factors that predict the demand for police services, the costs may be more fairly distributed among the participating villages. The BOT believes strongly that fair allocations will go a long way towards maintaining a long term partnership between the six villages and the stability and strength of the police department.

Upper Brookville is supporting a six village initiative to engage a knowledgeable firm to complete an independent study. The study would review the situation and recommend appropriate cost allocations among the six protected Villages for providing police protection. The Mayor praised the professionalism and service of OBPD and said UB prefers to remain in the consortium.

Residents who emailed the Village and attended the meeting supported the study option. Several residents at the meeting expressed their desire to continue with the current arrangement even if the study demonstrates a significant inequality in the cost allocations. A majority of respondents were in agreement that the study should be conducted and the results and recommendations given appropriate consideration.

Planting Fields Road

The Mayor noted that discussions with the State to assist the village Planting Fields Road Reconstruction Project are ongoing. The Mayor is seeking financial assistance from the State as 200,000 people travel Planting Fields Road each year to visit the Planting Fields Arboretum, impacting the condition of the road. By comparison, fewer than a handful of Village homes are on the road.

Bond

The Board discussed engaging one of two alternative bond advisors. The Board unanimously agreed to appoint Munistat Services Inc. as Bond Advisor and Standard & Poor's as Rating Agency. The timeline from Munistat shows the first tranche of bonds being issued as early as June 2017.

Appointments

Upon motion duly made and seconded, it was

RESOLVED, that Willets S. Meyer, Esq. be appointed to be Chairman of the Board of Ethics for a term expiring on the first Monday of July 2017 and

FURTHER RESOLVED, that Elliot S. Conway, be appointed as a member of the Board of Ethics for a term expiring on the first Monday of July 2017 and

FURTHER RESOLVED, that Arvind Lall, Esq. be appointed as a member of the Board of Ethics for a term expiring on the first Monday of July 2017 and

FURTHER RESOLVED, that Joseph R. Burns be appointed to complete the unexpired term of Antje B. Dolido, expiring on the first Monday of July 2017, as Chair of the Oyster Bay/Cold Spring Harbor Protection Committee.

COURT CLERK RETIREMENT

The Mayor reported that Court Clerk, Barbara C. Miller, submitted her resignation as Village Court Clerk, effective January 31, 2017, after 42 years of service. The Board expressed their appreciation to Ms. Miller for her service to the Village as Court Clerk. In appreciation and recognition, the Board issued Ms. Miller a Proclamation detailing her long history of service to the village extending its best wishes for many years of good health and happiness during her retirement and all future endeavors.

PROPOSED ATV LAW

The Mayor noted that the current ATV law does not adequately address a number of issues that have arisen over the years and proposed amendments to be reviewed at an upcoming Trustee meeting.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner confirmed that the Friendly and Chapel Gate Road reconstruction projects were completed & agreed with Bowne's recommendation to pay United Paving Corp. in full, \$331,910.30. The Commissioner noted that, in the event any deficiencies are discovered, the proceeds of a performance bond will be available to the village.

He also presented modifications to the original road program as outlined by the Village Engineer, Sidney B. Bowne, on July 15, 2016 in a new letter dated January 23, 2017 with condition comments on Hillcrest Lane, Lawn Lane, Linden Lane, Locust Lane, Ripley Lane, Cedar Ridge Road, Pine Valley Road and The Knoll. The total estimated maximum construction & engineering cost of all the foregoing projects is \$2,000,000.

The Road Commissioner also noted that Bowne had begun shooting grades on various Village roads & determined that the proposed road improvements on Lawn Lane would require the removal of up to 5 maple trees which are in poor health and the reduction of shoulder grade to improve the line of sight for automobiles.

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

RESOLVED, the Village of Upper Brookville, is hereby authorized to construct improvements in 2017 to (a) Hillcrest Lane, Lawn Lane, Linden Lane, Locust Lane & Ripley Lane at an estimated maximum cost of up to \$1,507,160, and improvements in 2018 to (b) Cedar Ridge Road, Pine Valley Road and The Knoll at an estimated maximum cost of up to \$348,000. The total estimated maximum construction & engineering cost of all the foregoing projects is \$2,000,000.

He also reported on a notice of violation issued to a property on Wheatley Road with a dilapidated stockade fence, noting that the owner had already begun making the necessary repairs.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the report submitted by the Building Department Clerk for December activity.

Building Permit Renewal Fees

The Mayor discussed a number of proposed building permit renewal fee changes. The Board agreed to continue this discussion at the February meeting.

POLICE REPORT

(See Mayor's Report)

FIRE & STORM WATER REPORT

The Mayor reported that discussions of a new contract are ongoing and the village is continuing payments under the old contract.

ARCHITECTURAL REVIEW BOARD REPORT

No Report

LEGAL REPORT

No report.

EXECUTIVE SESSION

The Mayor closed the regular meeting to enter Executive Session to discuss the JPA, other contract negotiations and amendments to the Use Permit fee. At the conclusion of the Executive Session, the Board reopened the regular meeting and upon motion duly made and seconded, it was

RESOLVED, that the Board approves the Joint Protection Agreement for the term 2017-2022 and the Mayor is authorized to sign the agreement.

Signed by the Village Clerk