

**VILLAGE OF UPPER BROOKVILLE
ANNUAL ORGANIZATION MEETING
AND
REGULAR BOARD OF TRUSTEES' MEETING
JULY 17, 2017**

The Annual Organization Meeting and 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 Monday, July 17, 2017, at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	William R. Campbell	Trustee
	Antje B. Dolido	Trustee
	Francis J. Russo	Trustee
	Edward J. Madden Jr.	Trustee

Also Present:	Tracy Lynch, Village Clerk/Treasurer
	Samuel Vergata, Street Commissioner
	Mr. Brodie, Resident
	Mr. Werther, Village Resident
	Mr. Dogonniuck, Village Resident
	Mr. & Mrs. DeMartino, Village Resident
	Peter P. MacKinnon, Esq. of Humes & Wagner, LLP Attorneys for the Village

ANNUAL ORGANIZATION MEETING

The Mayor called the Annual Organization Meeting to order at 6:30 P.M. and announced that this was a meeting for the purpose of organization of the Village for the new official year commencing at noon on the first Monday in July, 2017. 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.

ELECTION RESULTS

It was announced that the following persons had been elected to the following offices in the June 20, 2017 election:

Trustee for a term of two years – William R. Campbell
Trustee for a term of two years – Edward J. Madden Jr.
Justice for a term of four years – John G. Pieper, Esq.

The Mayor and Board of Trustees is composed of the following persons whose terms will expire on the first Monday in July in the year indicated:

Elliot S. Conway	2018
Antje B. Dolido	2018
William R. Campbell	2019
Francis Russo	2018
Edward J. Madden Jr.	2019
John G. Pieper, Village Justice	2021

ANNUAL APPOINTMENTS

Upon motion duly made and seconded, the following appointments were unanimously adopted:

Accountant	Barbara Valentino
Building Inspector/Zoning Consultant	M. Sergio Tedesco
Building Department Clerk	Laurie Dooney
Acting Village Justice	Edward Dolido, Esq.
Prosecuting Attorney	Joseph R. Carrieri
Deputy Prosecuting Attorneys	Peter M. Weiler
	Peter P. MacKinnon
	John Ritter, Jr.
	Christopher G. Wagner
	James Cortazzo, Jr.
	Dwight Kennedy
Engineer	<i>Deferred</i>
Street Commissioner	Samuel Vergata
Court Clerk	Margaret M. Grady
Deputy Village Clerk/Treasurer	<i>Vacant</i>
Historian	Jeffrey Thielen
Code Investigator	Sam Vergata

ATTORNEYS FOR THE VILLAGE

Upon motion duly made and seconded, it was

RESOLVED, that Humes & Wagner, LLP be retained as Attorneys for the Village for the ensuing year.

DEPUTY MAYOR

The Mayor appointed William R. Campbell as Deputy Mayor for a one year term, which term expires in July 2018.

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

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.

OFFICIAL NEWSPAPERS

Upon motion duly made and seconded, it was

RESOLVED, that the Locust Valley Leader and the Oyster Bay Guardian be, and they hereby are, designated as the official newspapers of this Village, and

FURTHER RESOLVED, that the Upper Brookville Beacon be, and it is hereby, designated as the Village's e-newspaper to be distributed periodically to residents by e-mail.

REGULAR MONTHLY MEETINGS

Upon motion duly made and seconded, it was

RESOLVED, that the regular monthly meeting of the Board of Trustees shall be held at the Annex or, if not available, the Carriage House or a suitable building at Planting Fields Arboretum on Planting Fields Road on the third Monday of each month at 6:30pm or on such other day as the Mayor may designate.

COMMITTEES AND OFFICERS

Upon motion duly made and seconded, it was

RESOLVED, that the following committee and officer designations be made:

Budget/Finance, Chair	Edward J. Madden Jr.
Streets and Street Lighting, Chair	Francis J. Russo
Street and Street Lighting, Deputy	<i>Vacant</i>
Fire, Chair	William R. Campbell
Storm Water Management, Chair	Francis Russo
Police Commissioner	Elliot S. Conway
Deputy Police Commissioner	Antje B. Dolido

Legal, Chair
Architectural Review/Site Plan, Chair
OBCSHC, Chair

Antje B. Dolido
Antje B. Dolido
Joseph Burns

APPOINTMENT OF PLANNING BOARD MEMBERS

Defer appointment of members to the September Meeting.

APPOINTMENT OF BOARD OF ZONING APPEALS MEMBERS

Defer appointment of members to the September Meeting.

APPOINTMENT OF BOARD OF ETHICS CHAIRPERSON

Upon nomination by the Mayor and on motion duly made and seconded, it was

RESOLVED, that Willets S. Meyer be reappointed Chairman and member of the Board of Ethics for a one year term, which term shall expire on the first Monday in July, 2018 and

FURTHER RESOLVED, that Eliot S. Conway and Arvind Lall be reappointed as members of the Board of Ethics for a one year term, which term shall expire on the first Monday in July 2018.

BOARD OF ETHICS MEMBERS

The Board of Ethics is composed of the following persons whose terms will expire on the first Monday in July in the year indicated:

Willets S. Meyer (Chairperson)	2018
Elliot S. Conway	2018
Arvind Lall	2018

INDEMNIFICATION OF OFFICERS AND EMPLOYEES

RESOLVED, that all Village Officials and employees of the Village, are hereby indemnified and covered under Chapter 12 of the Village Code entitled "*Indemnification of Village Officers and Employees*," which was last amended by Local Law 10-2007.

The Board noted the following items or actions carried forward from previous resolutions of the Trustees of the Village:

(a) FIRE CONTRACT

The Village's contract for Fire Protection with the East Norwich Volunteer Fire Company No. 1, Inc. is for a three year term, commencing January 1, 2013 and expiring December 31, 2016.

(b) POLICE CONTRACT

The police protection contract among the Villages of Old Brookville, Brookville, Cove Neck, Matinecock, Mill Neck and Upper Brookville is for the period June 1, 2017 to May 31, 2022.

(c) GARBAGE DISPOSAL DISTRICT

The Village's contract for garbage collection with D.F. Allen, Inc. is for a five (5) year term commencing on the 1st day of July 2017 and ending the 30th day of June, 2022.

(d) DEPOSIT OF TAX RECEIPTS

The Clerk/Treasurer or in her absence, Deputy Clerk/Treasurer either together or acting separately are authorized to deposit current tax receipts in the First National Bank of L.I. or Valley National Bank and invest same in obligations legal for investment by Incorporated Villages in the State of New York as from time to time the Finance Officers shall recommend and the Board of Trustees shall approve.

(e) BUILDING DEPARTMENT CONSULTANTS

The Village contract for Building Department Consultant services with the Core Group is for the period August 1, 2016 thru July 31, 2017.

(f) ASSESSMENT/VILLAGE PROPERTY TAXES

Village property taxes shall be levied on the Nassau County Assessment Roll pursuant to Local Law 3-2011 as adopted by the Board of Trustees.

(g) REGISTRAR OF VITAL STATISTICS

Board of Trustees appoints James Altadonna, Jr., Town of Oyster Bay Clerk, as Registrar of Vital Statistics, whose two year term will expire on December 31, 2017.

(h) PROCUREMENT POLICIES AND PROCEDURES

The regulations relating to the policies and procedures for the procurement of goods, services and public works contracts adopted by this Board on December 9, 1991, pursuant to General Municipal Law, Section 104-b, were reviewed and revised and last amended on July 17, 2012, pursuant to General Municipal Law, Section 104-b, were reviewed and reaffirmed as required by paragraph (6) thereof.

(i) ELECTRICAL INSPECTORS

Reappoint Electrical Inspectors, Inc. of East Meadow; Certified Electrical Inspectors, Inc. of Amityville; Electrical Inspection Services, Inc., of East Patchogue; Suffolk Bureau of Electrical Inspectors of Middle Island; Long Island Electrical Inspectors of Bayshore, Alliance Electrical Inspectors Ltd., of West Islip, NYS Electrical Inspections Inc., of Kings Park, as certified electrical inspectors approved to conduct electrical inspections within the Village pursuant to the Rules & Regulations established by this Board October 17, 2006 and last amended on April 20, 2010.

REGULAR TRUSTEE MEETING

The Mayor then called to order the regular meeting of the Board of Trustees.

PUBLIC HEARING

The hearing on proposed local law D-2017 which would add new Chapter 70 entitled to "Utility Pole Removal", was cancelled

MINUTES

Approval of the minutes of the Trustees' meeting held on June 5, 2017 were unanimously approved. Approval of the May 15 & June 19 minutes was deferred to the September meeting.

PUBLIC COMMENT

The Mayor noted that residents may utilize the Village Road contractor for driveway work once the road work is completed in the Village and take advantage of the Village rate. Residents having contacted the Village Clerk will be notified at the appropriate time.

A resident of Lawn Lane mentioned that the homes in the Lawn/Hillcrest/Terrace Lane subdivision, in addition to others, are wired for FIOS service but unable to take advantage of the program since Verizon lacks a franchise agreement with the Village. He reported being told by a Verizon Government Relations officer that they would not pursue new franchises due to the efforts required to monitor and comply with each one of the separate legal agreements they hold with numerous municipalities. The Mayor agreed to follow up with Verizon to request that they provide service to those areas in the Village where the infrastructure existed and allow the Village to either (a) execute an existing agreement under identical terms agreed with another nearby municipality, or (b) subcontract under an existing franchise agreement Verizon has with another municipality.

BILLS

The bills listed on General Fund Warrant No. 002 in the total sum of \$567,217.87 dated July 17, 2017, copies which are annexed to these minutes, are, on motion duly made and seconded, approved for payment.

TREASURER'S REPORT

The Treasurer's Report for the month ending June 30, 2017, was presented, examined, approved and ordered filed.

BUDGET TRANSFERS

The Village Clerk/Treasurer reported that budget transfers were required to be made at the end of the Village's 2016/17 fiscal year. The Board reviewed the budget accounts, noting the overage and underage for individual accounts. After discussion, and on motion duly made and seconded, it was unanimously

RESOLVED, that the budget transfers made by the Clerk/Treasurer in the 2016/17 budget of the Incorporated Village of Upper Brookville attached to the Treasurer's Report which is annexed to these minutes for the fiscal year ended May 31, 2017, are hereby ratified and approved.

VILLAGE CLERK'S REPORT

The Village Clerk requested that the Board consider several code changes to the Fee and Deposits Chapter.

First, she suggested that the fee for duplicate copies of Certificate of Occupancy, Building Permits, and certain other records be increased to cover the time spent retrieving the documents requested by title companies. Under the Freedom of Information Law (FOIL), the Village may charge up to twenty five cents per photocopy not in excess of 9" X 14" or the actual cost of reproducing any other record, except when a different fee is otherwise prescribed by statute.

Second, she noted that the code provides for doubled fees in the event that construction is commenced prior to the issuance of a building permit. However, the code does not impose such a doubled fee when, for example, trees are cut or filming events commence before a permit is obtained or was not properly applied for. Following discussion, the Board agreed such fees should be doubled to both deter and penalize violators from such activities without proper permits.

The Village Attorney agreed to draft code revisions to include a processing fee to cover the time required by Village employees to make photocopies and impose a doubled fees in the cases described above on all activities requiring advance permits in the Village.

MAYOR'S REPORT

Bid Opening

The Mayor reported that a bid opening for the 2017 Road Improvement Contract for The Knoll, Pine Valley and Cedar Ridge Roads was held on July 13, 2017 at the office of the Village Attorney. Bid proposals were submitted by John McGowan & Sons Inc., Roadwork Ahead, Inc., Intercounty Paving Associates, LLC, American Paving & Masonry Corp., Metro Paving LLC, Rosemar Contracting Inc. and Pioneer Landscaping & Asphalt Paving Inc. The Board discussed the bids and noted a bid analysis had been prepared by Sidney B. Bowne & Sons, the Village Engineer, dated July 14, 2017, which reviewed the lowest bidder's proposal, Intercounty Paving Associates, LLC, and determined that the proposal was properly submitted and noted Intercounty Paving Associates LLC has properly completed municipal improvements projects for various municipalities in Nassau and Suffolk Counties. The Board agreed that

Intercounty Paving Associates LLC, was the lowest responsible bidder in the amount of \$294,000.00. After discussion, and on motion duly made and seconded, it was unanimously

RESOLVED, that in accordance with Article 8 of the State Environmental Quality Review Act, the contract for the 2017 Road Improvements shall be classified as a Type II Action and will require no environmental review under SEQRA, and further
RESOLVED, that the actions of the Mayor in executing the contract between the Village of Upper Brookville and Intercounty Paving Associates, LLC, for the 2017 Road Improvements to various roads in the Village, in the total amount of \$294,000.00, be, and the same hereby are approved, and

FURTHER RESOLVED, that the Mayor be and he hereby is authorized to sign any and all necessary documentation in connection with executing the contract including any grant documentation on behalf of the Village.

Court Program

The Mayor mentioned he had looked into a court program that would allow defendant's to plead guilty, pay fines & schedule arraignments on line. This would streamline the court by limiting the number of cases dealt with directly by the Court Clerk and before the Village Justice every month. The Mayor will be working with the Court Clerk and Village Justice to determine which functions could effectively and properly be moved online.

Property Maintenance Law

The Board discussed aspects of the proposed Property Maintenance Law. The Village Attorney noted the Boards comments and agreed to circulate a revised draft in time to hold a Hearing at the September meeting.

Noise

The Mayor noted a resident complaint that his neighbor was operating a loud lawn maintenance machinery early on a Sunday morning. The code allows for landscaping with such machinery to be done on Sunday by homeowners between the hours of 9am - 6pm. Following discussion, the consensus of the Board was to revise the start time to allow landscaping by owners starting at 10 am on Sundays. The Village Attorney agreed to present the change in law in time for a hearing at the September meeting.

Additional Code Changes

Public hearings will also be held in September for the following code additions/changes:

1. ROW Law & Delineators
2. Revised Carter Licenses
3. ATV Law
4. Film Use Permit

BUILDING REPORT

The Clerk referred to the report submitted by the Building Department Clerk for June 2017 activity.

She also mentioned that she had been contacted by the owners of the gas station at the corner of Northern Boulevard & Route 107, which has been rebranded as a BP station. They asked what the Village required for a sign permit application. This subject on this site has come up many times over the years. The Board suggested they submit a building permit application form along with renderings of the signs to the Building Department for Architectural Site Plan Review.

ROAD COMMISSIONER'S REPORT

No Report

FIRE & STORM WATER REPORT

No Report

SITE & ARCHITECTURAL REVIEW

Trustee Dolido noted that the building department has seen an increase in applications for excessively long single family dwellings and suggested that the code limit the length of dwellings.

She also would like to tighten up the code on fencing along historic roads in the village.

The Mayor asked Trustee Dolido to draft proposed code changes for these building department issues and present them for discussion at the September meeting.

Upon motion duly made and seconded, it was unanimously agreed to go into Executive Session.

EXECUTIVE SESSION

Upon motion duly made and seconded, it was unanimously agreed to come out of Executive Session. No action was taken by the Board.

Sincerely,

Signed by the Village Clerk