

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
MARCH 20, 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 Monday March 20, 2017 at 6:30 P.M.

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

Also Present: Tracy L. Lynch, Village Clerk/Treasurer  
Samuel Vergata, Street Commissioner  
Mr. Brodie, Village Resident  
Mr. Werther, Village Resident  
Mr. & Mrs. Dogonniuck, Village Resident  
Mr. Cadigan, 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 February 27, 2017, which on motion duly made and seconded, were unanimously approved.

**PUBLIC COMMENT**

The first resident to address the Board asked how the Village rated in the Transparency audit of 196 Long Island municipalities and agencies conducted by the *Long Island Press*. The Mayor explained that the audit rated the responsiveness of the Village to the New York State Freedom of Information Law (FOIL). The Village had received a rating of A-. Nassau County agencies scored an average of D+. The average grade for the 97 Long Island villages was C.

A Lawn Lane resident expressed concern about the proposed removal of trees on Lawn Lane in connection with a Village road project planned for later this year. The Mayor reported that the proposed road work includes lowering the shoulder of the right of way in the vicinity of the Nassau County recharge basin. The Village Engineer has recommended lowering the grade of the shoulder to improve the line of sight for motorists driving up Lawn Lane, especially at twilight. The road construction will require the removal of 4-5 Norway Maples. The Director of Planting Fields Arboretum recently inspected the trees to be removed and determined that the trees are either dead or dying. He pointed out that Norway Maples are an invasive species with shallow roots that can contribute to the deterioration of the road pavement.

A resident queried the Board about ownership of the cul-de-sac at the end of Lawn Lane. The Mayor reported that the Village and Village Attorneys had researched this question. The portion of the cul-de-sac that abuts the two properties at the end of Lawn Lane was never formally accepted by the Village Board of Trustees as a Village road. The Nassau County Assessment Office informed the Village that the lot is designated on the Nassau County Assessment roll as owned by Nassau County. Accordingly, the Village is not legally obligated to maintain the road. This includes snowplowing, street sweeping, paving, pothole repairs or maintaining the adjacent street light.

## **FINANCIAL REPORT**

### **Bills**

The bills listed on Warrant No. 010 in the total sum of \$1,350,878.96 dated March 1, 2017, copies which are annexed to these minutes, were, on motion duly made and seconded, ratified and approved for payment.

### **Treasurer's Report**

The Treasurer's Report for the month ending February 28, 2017, was presented, examined, approved and ordered filed.

### **Tentative Budget**

The Village Clerk reviewed and explained the proposed 2017/18 tentative Village budget and answered questions of Board members. She explained that the allowable tax levy growth factor for the 2017/18 fiscal year, as published by the Office of the State Comptroller, is 1.15%

The Board reviewed the proposed appropriations and anticipated revenues for the coming fiscal year. The Mayor discussed the financing of road improvement projects in the budget. He stated that instead of budgeting annually for specific road projects, the Village will issue municipal bonds to spread the cost of these improvements to taxpayers over a period of 15 years. He also mentioned that the budget provided for a police contract increase of 3.9% over last year. After discussion and on motion duly made and seconded, it was unanimously

**RESOLVED**, that the tentative budget, copy of which is annexed hereto for the Incorporated Village of Upper Brookville for the 2017/18 fiscal year be, and the same hereby is approved, and

**FURTHER RESOLVED**, that the Village Clerk be, and she hereby is, authorized to post and publish appropriate notices for the budget hearing to be held on April 10, 2017 and, if it is not possible to obtain a quorum on that date, the hearing shall be adjourned to no later than April 20, 2017 at the same time and place.

## **VILLAGE CLERK'S REPORT**

### **Proposed Fixed Asset Policy**

The Clerk noted that the Auditors recommended that the Village adopt a Fixed Asset Policy. A proposed draft of a Fixed Asset policy had been previously circulated to the Board for review and consideration. The policy provides guidelines for maintaining capital asset records that comply with governmental financial reporting standards, and provides for adequate stewardship over Village resources with centralized documentation for insurance and asset management purposes. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the Fixed Asset Policy, attached hereto, is hereby adopted.

### **Bank Transfer**

The Clerk asked the Board to approve a bank transfer of \$1,500,000 from the Village's saving account to its checking account at First National Bank of Long Island to pay for the bills listed on Abstract 10 in the amount of \$1,307,167.50. The Board unanimously approved the transfer.

### **Iselin Program**

The Clerk mentioned she had received a request from the North Shore Land Alliance (NSLA) to lead a walk for a small group at Iselin Preserve the morning of Saturday, May 20<sup>th</sup> from 9:30 am– 12:00pm that may require overflow parking of vehicles on Laurel Woods Drive. The Clerk said that since Laurel Woods is a private road, she would notify the residents on the road and give them an opportunity to comment before giving NSLA approval to park on the road. After discussion, the Board indicated it had no objection to the walk provided the residents of Laurel Woods Lane and the police department were notified and a parking permit was obtained.

## **MAYOR'S REPORT**

### **Proposed Local Law B-2017 – New Chapter 197, Vehicles, Unregistered and Off-Road**

Deferred to May Board meeting

### **Proposed Local Law C-2017 New Chapter 51, Commercial Filming**

The Board discussed several amendments to the law and agreed to consider scheduling a public hearing in April following circulation of the proposed code additions to each Board member.

### **Proposed Building Permit Renewal Fees**

Deferred to May Board meeting

## **Sanitation Bids**

The Mayor noted that bids were opened on March 17, 2017 for the Village contract to provide carting services to residents who are in the Special Garbage District. Winter Brothers, Meadow Carting, East Coast Waste Services and D.F. Allen all submitted bids. The Board has reviewed all bids and determined that D. F. Allen was the lowest responsible bidder in compliance with the bid specifications. Accordingly, The Board agreed that D.F. Allen should be award the contract for a 5 year term, which provides for solid waste removal at a cost per dwelling price of \$43.95 in 2017, increasing to \$51.95, in 2022, which computes to an average yearly cost per dwelling of \$48.35 over the term of the contract.

D.F. Allen currently has the garbage collection contract for Matinecock and will be operating 10-yard trash trucks, which will lengthen the life of Village roads and resident driveways.

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

**RESOLVED**, that the Village's Garbage Collection, Removal and Disposal Agreement be, and it hereby is, awarded to D. F. Allen, pursuant to the specifications set forth in its bid, including the posting of a \$5,000 performance bond, for a five year term commencing July 1, 2017 and ending June 30, 2022, for the following amounts, pursuant to the specifications set forth in its bid, and

**FURTHER RESOLVED**, that the Mayor, or in his absence the Deputy Mayor be, and he hereby is, authorized to execute the contract in the form of agreement annexed hereto and all necessary documents to effectuate the above.

The Mayor noted that the additional administration expense for the special assessment district the first year of the contract is expected to be approximately \$1.05 per household. The total first year cost for regular garbage pickup will be \$45 per month per house hold. These administrative fees include legal, mailing and computer software fees incurred by the Village to establish and administer the sanitation district.

Residents will be notified of the pricing and sanitation district rule and regulations by email, if email addresses has been filed with the village and US mail. Property owners will have until June 5th to opt-out of the district. Those residents who previously opted out of the district before pricing and collection rules were known will be given the opportunity to now be part of the District by this date.

## **ROAD COMMISSIONER/CODE INSPECTOR REPORT**

The Road Commissioner reported that his crew was busy earlier this month with the snow/ice storm. More recently, with the warmer temperatures, they were clearing debris from the drains and pipes to accommodate the runoff from the melting snow.

He also issued a stop work order to a contractor working on a Saturday on a new dwelling on Wolver Hollow Rd.

## **BUILDING DEPARTMENT REPORT**

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

## **POLICE REPORT**

No Report

## **FIRE & STORM WATER REPORT**

No Report

## **ARCHITECTURAL REVIEW BOARD REPORT**

No Report

## **LEGAL REPORT**

No report.

## **EXECUTIVE SESSION**

The Mayor then asked for a motion to enter Executive Session to discuss litigation and personnel matters, which motion was duly made and approved.

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 Village will retain Peter Bee, Esq. of Bee, Ready, Fishbein, Hatter & Donovan, LLP as counsel to Humes & Wagner, to address the Federal subpoena received by the Village at a cost not to exceed \$1,000.

## **EMPLOYEE HANDBOOK**

The Mayor noted that the Village handbook on Village employment policies, matters and procedures has been reviewed and updated. David Cohen, a labor lawyer, has reviewed the revised draft and has made several additional recommendations, which have been incorporated in the final draft that had been circulated to the Trustees. After discussion and on motion duly made, it was unanimously,

**RESOLVED**, that the Village's Employee Handbook dated 2017, copy of which is attached to these minutes-be, and it hereby is adopted as the official Employee Handbook of the Incorporated Village of Upper Brookville.

The Mayor reported that further alternative options for the Upper Brookville Village Hall and Court at Planting Fields need to be considered now that New York State is terminating the Village's current lease. Those facility options include renovating the Carriage House at Planting Fields, or constructing a Village Hall on Upper Brookville land assisted by New York State Grant funds for this purpose. The Mayor noted that if a Village Hall was constructed on Village property, other Villages may have an interest in sharing the facility.

Signed by the Village Clerk