

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' AND
ANNUAL ORGANIZATION
MEETING**

SEPTEMBER 16, 2019

A regular meeting of the Board of Trustees and the Annual Organization Meeting 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 September 19, 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
Mayor Lawrence Schmidlapp, Centre Island
Mr. Sonu Arora, Resident
Mr. Gary Gallagher, Gallagher, Homburg & Gonzalez
Architects
Mr. Jonathan Bijari, Rockwell Developers

The Mayor called the meeting to order at 6:40 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.

ANNUAL ORGANIZATION MEETING

The Mayor called the Annual Organization Meeting to order and announced that this was a meeting for the purpose of organization of the Village for the new official year commencing on the first Monday of July 2019. He announced the results of the June 18, 2019 election and recommended the appointments presented. (*See Attached Exhibit A*)

Upon motion duly made and seconded, it was

RESOLVED, that all appointments presented on the AOM agenda be approved for the years indicated, with the exception of Deputy Police Commissioner which was deferred to the October meeting.

MINUTES

The Mayor called for approval of the minutes of the Trustee meetings held on July 15 & 16, 2019. On motion duly made and seconded, the minutes were unanimously

approved. *(See Attached Exhibit B & C)*

RESIDENT REQUEST

Mr. Rohrberg, a resident at 21 Chapel Gate Lane, told the Board he received a Notice of Violation from the Building Inspector requiring him to remove beds from a cabana on his property. The violation was discovered when the Zoning Board visited his property to inspect the legalization of other structures. While there, they noticed that there were occupants in the cabana and asked if this was legal. After inspection by the Building Inspector, he deemed the structure to be a cabana which could not be used for overnight guests.

Mr. Rohrberg believes the Notice was sent in error since the structure had been used as a guest house since they purchased the property and requested the Board to reclassify the structure as such. He pointed out that a guest house by definition in the Village Code, is an accessory structure legally existing prior to December 31, 1996 containing sleeping quarters but no cooking facilities. Mr. Rohrberg claims the structure meets all the requirements.

After discussion, the Board deferred a decision on this matter until they were able to discuss the details with the Building Inspector and would report back to Mr. Rohrberg.

SEXUAL HARASSMENT POLICY

The Clerk reported that all employees of the Village completed the annual Sexual Harassment Training. The Village Attorney recommended that the Board of Trustees, acting as employer, also complete the training by the October 9, 2019 deadline. The Clerk would forward the online webinar link to the board members that did not complete this training elsewhere in connection with their employment.

PUBLIC COMMENT

No Comment

FINANCIAL REPORT

Bills

The Clerk/Treasurer presented all claim forms listed on the Check Details dated August 31, 2019 and September 16, 2019 with supporting invoice details and/or purchase contracts. She noted that the August bills included contract payment #2 to the Old Brookville Police in the amount of \$485,374.50 and contract payment #3 to the East Norwich Fire Company in the amount of \$98,953.79.

After inspection and review by the Trustees and on motion duly made and seconded, the Trustees unanimously

RESOLVED, to ratify approval of the bills listed on the Check Detail dated August 31, 2019 in the total sum of \$633,963.06, and approve the bills listed on the Check detail dated September 16, 2019 in the total sum of \$55,282.77 which are annexed to these minutes. **(See Attached Exhibit D & E)**

Treasurer's Report

After presentation by the Clerk and examination, on motion duly made and seconded, the Board unanimously

RESOLVED, to ratify approval and file the Treasurer's Report for the month ending July and approve and file the Treasurer's Report for the month ending August 2019. **(See Attached Exhibit F & G)**

VILLAGE CLERK'S REPORT

Village Tax Refund

The Clerk reported that a resident was awarded an assessment reduction in a Small Claims Proceeding for the 2019/20 tax year against Nassau County. She noted that the Village was served a copy of the Petition and recommended that the Board authorize the reduction and refund on the Village assessment roll as required by law.

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

RESOLVED, that the Village Clerk/Treasurer be, and she is hereby authorized to reduce the assessed value for the premises owned by the following resident, and to refund the appropriate Village tax to the respective owner or representative based on the reduction, provided the Village taxes have been paid in full, and copies of applications were submitted to the Village as follows:

Packard – Sec. 24, Blk. E, Lot 160, assessed value of \$4480, reduced to \$3360 for a total refund of \$1617.28. **(See Attached Exhibit H)**

Investment Policy

The Clerk introduced an amendment to the Investment Policy that would allow a Letter of Credit in lieu of or in addition to the deposit of eligible securities for the deposits in excess of the amount insured under the provisions of the Federal Deposit Insurance Act.

After discussion, the Board agreed to the proposed amendments and directed the Village Attorney to arrange for a public hearing in October.

(See Attached Exhibit I)

Sexual Harassment Training

The Clerk reported that all employees of the Village completed the annual Sexual Harassment Training. The Village Attorney recommended that the Board of Trustees, acting as employer, also complete the training by the October 9, 2019 deadline. The Clerk

will forward the online webinar training link to the board members that did not complete this training elsewhere in connection with their employment.

Positive Pay

The Clerk reported that the Village's bank, First National Bank of L.I., picked up a fraudulent check in the amount of \$3500. They recommended that the Village open a new checking account, which she has already done, and enroll in Positive Pay, a service that matches the account number, check number and dollar amount of each check presented for payment against a list of checks previously authorized and issued by the Village. All three components of the check must match exactly or the bank will not pay.

She noted that there is normally a one time Business Online Setup charge of \$250 & monthly service charge of \$25 per account and a Positive Pay Service (ACH and/or Check) of \$25 per month. The bank indicated they would not charge these fees if a minimum balance was kept in the Village's non-interest bearing checking account.

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

RESOLVED, to authorize the Clerk to take the necessary steps with the First National Bank of L.I. to enroll in Positive Pay.

Airbnb

The Clerk reported that she received a complaint from a resident on Cedar Ridge Road that one of the neighbors was renting a basement apartment on Airbnb. The Clerk confirmed the listing and the Building Department sent a certified letter to the homeowner about an illegal apartment rental and requested an inspection by the Building Inspector. The post office confirmed the letter was delivered and signed for. The Board requested the Village Attorney to follow up with a letter to the homeowner to immediately cease rental of the apartment.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that he has been doing a lot of maintenance throughout the Village as a result of the heavy rains that occurred in July & August.

The rains caused a fairway at the Mill River Club to erode, washing the material into the Village's sump and onto Donna Drive, which the Village cleaned. He reported that the sump is not draining properly, due to a clogged pipe, which causes flooding at the end of Donna Drive.

Mr. Arora, a Village resident who was in attendance, mentioned that he was on the Board of the Mill River Club and said the issue had been raised by the Superintendent of the club. Mr. Arora would bring it up again at the next Board meeting, which was scheduled the next day, and would report the status to the Village.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for July & August 2019 activity. *(See Attached Exhibit J & K)*

MAYOR'S REPORT

No Report

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney presented two proposed zoning code amendments.

First, he presented the proposed amendments to change how the volume of a dwelling is currently calculated which included calculating the volume from the finished floor instead of the subfloor, allowing a 4' leeway for overhangs instead of including the total overhang and using a lower percent of roof volume in the overall calculation to accommodate different roof configurations. *(See Attached Exhibit L)*

Next, he presented the proposed amendment to eliminate the requirement that membership and governing boards meet minimum resident ownership within an eight-mile radius of the club. *(See Attached Exhibit M)*

After discussion the Board agreed to the proposed amendments and directed the Village Attorney to submit the changes to the Nassau County Planning Commission for review and approval. If approved by Nassau County, the hearing will be scheduled in October.

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 fire and police contract matters.

The Board came out of Executive Session and no action was taken.

The next meeting of the Board of Trustees is scheduled for Monday October 21, 2019.

Signed by TL Lynch on October 21, 2019

Tracy Lynch
Village Clerk