

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING**

**OCTOBER 21, 2019**

A regular meeting and public hearing of the Board of Trustees 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 October 21, 2019 at 6:30 P.M.

Present:	Elliot S. Conway	Mayor
	Innis O'Rourke	Trustee
	Edward J. Madden	Trustee

Absent:	Carl A. Friedrich	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

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.

**HEARING ON PROPOSED LOCAL LAW D-2019**

The Mayor called the hearing on proposed Local Law D-2019 to order. The affidavits of publication of the notice of hearing and mailing of the Local Law and notice were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered proposed Local Law D-2019 which amends Chapter 205, "Zoning," Section 205-20, "Community facilities and institutions," of the Code of the Village of Upper Brookville. Proposed Local Law D-2019 will remove the requirement that, for clubs in the village, at least 33% of its membership including all classes of members and subscribers and persons other than members of the family of members and subscribers who are entitled to use the facilities of the club, and more than  $\frac{1}{2}$  of its governing board shall be resident owners of real property within an eight-mile radius of the club.

The Mayor then called for comments in favor of, or in opposition to, the proposed Local Law. There being no further comments or questions, the hearing was closed.

**HEARING ON PROPOSED LOCAL LAW E-2019**

The Mayor called the hearing on proposed Local Law E-2019 to order. The affidavits of publication of the notice of hearing and mailing of the Local Law and notice were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered proposed Local Law E-2019 which amends Chapter 205, "Zoning," Section 205-6, "Word Usage," and Section 205-10, "Schedule of standards for RI and OP1 Districts," of the Code of the Village of Upper Brookville. Proposed Local Law E-2019 will amend definitions as it pertains to building volume

original grade, and story. Proposed Local Law E-2019 will also amend the method of calculating building volume for overhangs, porches, balconies, entry porticos, foundation story and roof volume for gable roofs.

The Mayor then called for comments in favor of, or in opposition to, the proposed Local Law. There being no further comments or questions, the hearing was closed.

### **HEARING ON PROPOSED LOCAL LAW F-2019**

The Mayor called the hearing on proposed Local Law F-2019 to order. The affidavits of publication of the notice of hearing and mailing of the Local Law and notice were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered proposed Local Law F-2019 which amends Chapter 25, "*Investment Policy*," of the Code of the Village of Upper Brookville. Proposed Local Law F-2019 will grant the Board of Trustees, by resolution, the authority to establish and amend various Village investment policies and procedures in Chapter 25 and also by resolution, to select one or several depositories for Village funds and restrict the depository limit. The Local Law will further authorize the Board of Trustees, from time to time by resolution, to amend other provisions of Chapter 25 permitted under New York State Law, which is in the furtherance of the Village's investment policy.

The Mayor then called for comments in favor of, or in opposition to, the proposed Local Law. There being no further comments or questions, the hearing was closed.

### **ADOPTION OF LOCAL LAW 4-2019, 5-2019 & 6-2019**

The Board then considered the adoption of Local Law 4-2019 (proposed D-2019), Local Law 5-2019 (proposed E-2019) and Local Law 6-2019 (proposed F-2019).

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

**RESOLVED**, that Local Laws 4-2019, 5-2019 & 6-2019 are unlisted actions that will not have an adverse effect on the community because they are administrative and methodical in nature and

**FURTHER RESOLVED**, that Local Laws 4-2019, 5-2019 & 6-2019 entitled Amendment to Chapter 205 "Zoning" (LL 4-2019 & 5-2019) and Chapter 25 "*Investment Policy*" (LL 6-2019), be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

(*See Attached Exhibits A, B & C*)

Votes in favor of adoption:

Elliot S. Conway	Aye
Edward J. Madden	Aye
Innis O'Rourke III	Aye

Votes against adoption:

None

The Village received Nassau County Planning Commission approval on the proposed Zoning amendments on September 26, 2019. The changes to the Zoning ordinance will not become effective until filed with the Secretary of State.

## **MINUTES**

The Mayor called for approval of the minutes of the Trustee and Annual Organization meeting held on September 16, 2019. On motion duly made and seconded, both minutes were unanimously approved. (*See Attached Exhibit D & E*)

## **PUBLIC COMMENT**

No Comment

## **FINANCIAL REPORT**

### **Bills**

The Clerk/Treasurer presented all claim forms listed on the Check Detail dated October 21, 2019 with supporting invoice details and/or purchase contracts in the amount of \$57,122.70.

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

**RESOLVED**, to approve the bills listed on the Check Detail dated October 21, 2019 in the total sum of \$57,122.70 which is annexed to these minutes.  
(*See Attached Exhibit F*)

### **Treasurer's Report**

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

**RESOLVED**, to approve and file the Treasurer's Report for the month ending September 2019. (*See Attached Exhibit G*)

## **VILLAGE CLERK'S REPORT**

### **Sexual Harassment Policy**

The Clerk reported that all employees and employers of the Village completed the annual Sexual Harassment Training by the October 9, 2019 deadline.

### **Film Permits**

The Clerk reported in her review of the Revenue on the Treasurer's Report that the Village was behind budget in film permit fee income. This is a situation not unique to Upper Brookville, as neighboring North Shore villages are seeing a similar decline. The Mayor suggested that the Village consider placing an ad in a film production guide read by location scouts that would highlight the benefits of filming in Upper Brookville. The Clerk agreed to contact the Nassau County Film Commissioner to discuss reasons for the drop off in film revenue and get suggestions for an ad placement.

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

**RESOLVED** to spend up to \$3,000 in Village film advertising.

### **LiRo Proposal Planting Fields Road**

The Clerk presented a proposal from the Village Engineer for engineering services for the improvement to Planting Fields Road which includes design, bid and engineering services during construction. The work is tentatively planned for early 2020. The Mayor reported that the Village received a \$280,000 grant from New York State and, as the estimated full cost is \$350,000, he is discussing further financial assistance from the Planting Fields Foundation. In addition, the Mayor is working with the New York Council of Mayors (NYCOM) as well as Senator Gaughran on potential New York State legislation assisting municipalities with large tracts of state colleges and parkland with the cost of public safety and other service costs.

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

**RESOLVED** to approve the LiRo proposal as presented for the improvement to Planting Fields Road, totaling \$55,590. (*See Attached Exhibit H*)

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

The Road Commissioner presented the Board with a sample of Ice-B-Gone, a pre-treating material made up of salt, sand and brine, to minimize road icing. He reported that it's getting more difficult to get material from Nassau County and he recommended that the Village purchase up to 100 yards for the upcoming winter season at a cost of \$13,300. He set up a bin at his yard with an asphalt base to store the material. NCS Services has requested \$400 per month rental fee for the use of this facility. The Village Attorney agreed to draft a letter between NCS and the Village stating that the facility meets with DEC requirements.

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

**RESOLVED** to purchase 100 yards of Ice-B-Gone at a cost of \$13,300 and approve a \$400 per month rental fee to NCS.

### **BUILDING DEPARTMENT REPORT**

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for September 2019 activity. (*See Attached Exhibit I*).

### **Follow-up on Resident Request**

The Mayor reported he followed up with the Village Attorney & Building Inspector on a resident's request at our September meeting to have their cabana reclassified as a guest house. The Building Department informed the resident that the accessory structure is

classified as a cabana and does not allow for habitation of overnight guests. If the resident wants to reclass the structure as a guest house, he is required to file an application with the Zoning Board of Appeals.

## **MAYOR'S REPORT**

The Mayor reported he attended a meeting at the Town of North Hempstead regarding the airplane noise issue. The focus of the meeting was to discuss the prospect of joining forces to take legal action against the FAA. Attorneys from the law firm Dentons, who have experience with litigation against the FAA, were present to detail their thought process, estimated budget and estimated timeline of such a case.

The Attorneys stated there is a strict statute of limitations relating to challenging actions taken by the FAA, limiting challenges to actions within the last 60 days.

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

**RESOLVED** to join the consortium and approve a legal expenditure of \$6,300 subject to a maximum of \$15,000, providing we get municipalities representing half the residents on the presented list of municipalities contributing roughly their pro-rata shares.

*(See Attached Exhibit J)*

## **POLICE REPORT**

No Report

## **FIRE & STORM WATER MANAGEMENT REPORT**

No Report

## **ARCHITECTURAL REVIEW REPORT**

No Report

## **LEGAL REPORT**

No Report

## **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 police 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 November 18, 2019.

*Signed by T. L. Lynch on November 25, 2019*

Tracy Lynch  
Village Clerk