

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

**JULY 15, 2019**

A regular meeting 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 July 15, 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  
William Quinn, Planning Board Chairman  
Mr. & Mrs. Gisonda, Residents  
Mr. Groves, Resident

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 Notices 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 Trustee meeting held on June 17, 2019. Changes were noted and on motion duly made and seconded, the minutes were unanimously approved. \* *(See Attached Exhibit A)* \*

**PLANNING BOARD UPDATE**

The Mayor invited Chairman Quinn to update the Board on the Oaks at Mill River subdivision application. Chairman Quinn explained that final approval for the application was granted in 2016. The site is unique because of the extreme slopes that exist on the north side of the property. As a result, the Board allowed lot averaging which moved the approved homesites to the part of the property that had flat terrain. This resulted in 50+ acres of vacant land on the north side of the property.

At the last Planning Board meeting, the applicant requested that the cash bond held by the Village be converted to a letter of credit, which the Planning Board approved, and that the Board of Trustees accept a donation of the 50+ acres in lieu of applicant paying a recreation site and improvement fee. Donating the land to the Village should have the effect of eliminating any property tax burden from the vacant land on the future homeowners.

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

**RESOLVED**, to allow the Planning Board to amend the final decision to include donating 50 + acres of vacant land only to the Village of Upper Brookville, in lieu of a monetary donation to the Village's Park and Recreation fund.

## **PUBLIC COMMENT**

No Comment

## **FINANCIAL REPORT**

### **Year End Treasurer's Report**

The Clerk presented the Board with recommended budget transfers for yearend May 31, 2019 and pre-audit financials including a yearend Balance Sheet, Detail of Expenditures and Revenue. After examination, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, to approve the yearend May 31, 2019 budget transfers and pre-audit financials as presented. *(\*See attached Exhibit B\*)*

### **Bills**

The Clerk/Treasurer presented all claim forms listed on the Check Detail dated July 16, 2019, with supporting invoice details and /or purchase contracts. After inspection and review by the Trustees and on motion duly made and seconded, the Trustees unanimously

**RESOLVED**, to approve payment of the bills listed on the Check Detail dated July 16, 2019 in the total sum of \$40,745.51, which are annexed to these minutes.

*\*(See Attached Exhibit C)\**

### **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 June 2019. *\*(See Attached Exhibit D)\**

## **VILLAGE CLERK'S REPORT**

### **Article 7 Assessment Reduction/Village Tax Refunds**

The Clerk reported that several residents were awarded assessment reductions in State Supreme Court through Article 7 proceedings. She noted that the Village was served a copy of all Petitions 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 residents, 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:

**Rudolph** – 22-J-1141 Refund \$20,931.93 for tax years 2009/10, 2010/11 & 2011/12  
*(\*See Attached Exhibit E\*)*

**Mill River Club** – 24-E 8A, 8D, 189, 191 Refund \$8,281.40 for tax years 2013/14, 2014/15, 2015/16, 2017/18 and 2018/19 *(\*See Attached Exhibit F\*)*

### **Health Insurance for Elected Officials**

A Village Trustee stated that he wished to elect to join the Village's health insurance plan and requested participation in the plan starting August 1, 2019. The Board has previously permitted Village Officials, including former Village Officials, to participate, providing they are responsible for 100% of the premium amount.

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

**RESOLVED**, to approve the participation of Trustee Friedrich in the Village's health insurance plan and directed the Clerk to take care of the enrollment process and to inform Trustee Friedrich when enrollment is effective and his scheduled payment of 100% of the premium amount to the Village is due.

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

The Road Commissioner reported that he cleared the shoulder of Wheatley Road North of #5 so water will flow freely to the culvert under Northern Boulevard when work is completed at #5. At the site he met with the Village Engineer & the homeowner's engineer who will be submitting a plan to the Village Engineer for review by the end of the week.

The Road Commissioner also cleaned the Drainage Reserve Area on the Village property at the corner of Wolver Hollow and Chicken Valley Roads.

He installed additional Village signs with the Clean Energy Community rider.

He installed two new digital traffic speed indicators on Mill River Road. The Mayor commented that the device was tracking the time and number of speeders to make policing most effective. One mid afternoon speeder was recorded at 95mph.

He reported that there are seven dead or dying trees in the Village that need to be removed. The Board instructed him to get pricing for the removal.

Last, the dump at Planting Fields Arboretum is in need of cleaning out and, since the Village uses the dump, the Park asked us to contribute again to the rental of a grinding machine.

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

**RESOLVED**, to contribute to the rental of a grinding machine for use by the Planting Fields Arboretum, not to exceed \$5000.

### **BUILDING DEPARTMENT REPORT**

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

## **MAYOR'S REPORT**

### **Planting Fields Road Project**

The Mayor reported the Village Engineer's \$350,000 estimated cost of reconstructing Planting Fields Road. He requested the Planting Fields Foundation approve a grant to the Village of \$70,000 to complete the project. He pointed out the road is used by four Village residents, Planting Fields staff, and approximately annual 165,000 park visitors.

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

**RESOLVED**, to instruct the Village engineer to draft specifications and, at the appropriate time, proceed to initiate the public bidding process for the reconstruction of Planting Fields Road at an estimated cost of \$350,000.

### **Donna Drive Flooding**

The Mayor discussed a drainage issue on Donna Drive with the Mill River Club. The problem appears to be coming from a clogged or broken drainage pipe on Club property which they are required to maintain. The Mayor recently met with Club officials and requested they correct the problem.

### **Cash Management**

The Mayor reported that First National Bank of Long Island agreed to increase the interest rate on all Village accounts to between 1.87% and 2% and he recommended that the Village continue to invest its unassigned fund balance in First National Bank of Long Island or NYCLASS.

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

**RESOLVED**, to approve the investment of the unassigned fund balance through FNBLI or NYCLASS.

### **Village Deer Damage Permit**

The Mayor reported a number of Village residents with large land parcels have found it difficult to obtain deer damage permits from the DEC to hunt deer and recommended that the Village apply to the DEC for the permit and then issue related permits to Villagers. The Village deer population is expanding, posing a health and safety issue because of lyme and other tick born diseases as well as accidents with cars.

After discussion, and on motion duly made and seconded, the Board unanimously **RESOLVED**, to have the Village work with the DEC to obtain a Village permit.

### **NCVOA Journal Ad**

The Mayor noted that the 94<sup>th</sup> Annual Testimonial Dinner of the Nassau County Village Officials Association will be held on Thursday, September 12, 2019. The dinner will honor the immediate past President, the Honorable Ralph Ekstrand—Mayor of Village of Farmingdale and the Mayor requested the Board approve a Journal Ad from the Village to be printed and distributed at the meeting.

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

**RESOLVED**, to approve a journal ad from the Village, not to exceed \$600.

## **POLICE REPORT**

No Report

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

No Report

## **ARCHITECTURAL REVIEW REPORT**

Trustee Dolido reported that there are two new building applications under review for new dwellings which will generate substantial building revenue.

## **LEGAL REPORT**

The Village Attorney reported some issues raised by the Mayor and others with the methodology used to calculate building volume. He is scheduled to meet with the Building Inspector and discuss volume calculation amendments to the Village code. He is not recommending to change the overall threshold currently in the code but to change how the volume is currently calculated. He proposes calculating the volume from the finished floor instead of the subfloor, allowing a 4' leeway for overhangs instead of including total overhang and using a lower percent of roof volume in the overall calculation to accommodate different configurations.

After discussion, and on motion duly made and seconded, the Board unanimously **RESOLVED**, to authorize the Village Attorney to prepare the law, circulate to the Board and, if approved, send to the Nassau County Planning Commission for review and approval.

## **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 AT&T contract and police matters.

The Board came out of Executive Session and, after discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED** to accept the financial cell tower proposal from AT&T of \$4,500 monthly rent with an annual escalation of 2.5% per year and 50% participation in revenue paid by 3<sup>rd</sup> party cell companies, subject to any lease arrangement with the Brookville Cemetery for use of an access road and Old Brookville Police Department.

The next meeting of the Board of Trustees is scheduled for Monday September 16, 2016.

Signed by T Lynch 9/16/19

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Tracy Lynch