

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
FEBRUARY 20, 2020**

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 Thursday February 20, 2020 at 6:00 p.m.

Present:	Elliot S. Conway	Mayor
	Antje B. Dolido	Trustee
	Innis O'Rourke	Trustee

Absent:	Carl A. Friedrich	Trustee
	Edward J. Madden	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 6:05 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 January 23, 2020. A few edits were suggested and made. On motion duly made and seconded, the updated minutes were unanimously approved.
(See Attached Exhibits A)

PUBLIC COMMENT

No Comment

FINANCIAL REPORT

Bills

The Clerk/Treasurer presented all claim forms listed on the Check Detail dated February 20, 2020 totaling \$8,825.96 and March 1, 2020 totaling \$122,202.82 with supporting invoice details and/or purchase contracts.

After bills were presented and made available for review to the Board, and on motion duly made and seconded, the Trustees unanimously

RESOLVED, to ratify the bills listed on the Check Detail dated February 20, 2020 in the total sum of \$8,825.96 and approve the bills listed on the Check Detail dated

March 1, 2020 for a total sum of \$122,202.82 which are annexed to these minutes.
(*See Attached Exhibit B & 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 January 2020. (*See Attached Exhibit D*)

VILLAGE CLERK'S REPORT

Peddler/Solicitation Permit & Fee

The Clerk presented the Board with a proposed Solicitation/Peddling Permit application and recommended a \$50 fee. She explained that Village law allowed this type of activity but required a permit by the Clerk. She also reported that the Village Attorney reviewed the current law and had no amendments.

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

RESOLVED to adopt the Solicitation/Peddling Permit, as presented, and a fee of \$50.00 (*See Attached Exhibit E*)

Fixed Asset Policy

The Clerk explained that the Village adopted a Fixed Asset Policy in March 2017 and that the Village Auditor recommended the following updates:

- Increase the capitalization threshold of all assets at the time of acquisition from \$1,000 to \$5,000
- Amend the useful life of buildings from a range of 50 – 100 years to 50 years and
- Amend the responsibility of year end journal entries from the Auditor to the Clerk/Treasurer.

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

RESOLVED to amend the Fixed Asset Policy as recommended by the Village Auditor. (*See Attached Exhibit F*)

Mill River Club Liquor License Renewal

The Clerk reported that the Mill River Club submitted a liquor license renewal application to the State Liquor Authority and provided the Village with a 30-day advance notice. The Board had no comments or objections. (*See Attached Exhibit G*)

Insurance Requirements

The Clerk reported that, following discussions with Salerno Insurance, they recommended updating the minimum insurance requirements for companies and individuals who apply for a license or permit in the Village. She presented the coverage for general liability, automobile, workers compensation, disability and umbrella insurance, an additionally insured document covering the Inc. Village of Upper Brookville and all appointed and elected officials, employees and volunteers as well as a hold harmless/indemnification agreement.

With respect to the hold harmless/indemnification agreement, the Village Attorney suggested amending the hold harmless agreement to limit the insured's liability only up to the extent of their coverage.

The Clerk agreed to follow up with Salerno Insurance on the recommended amendments to the hold harmless/indemnification agreement.

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

RESOLVED to adopt the updated minimum insurance requirements recommended by Salerno Insurance for new licenses and permits. (*See Attached Exhibit H*)

Budget Discussion

The Clerk presented the preliminary 2020/21 budget. For revenue, she anticipated a decrease as a result of lower interest rates, fewer film permits, and lower court revenues. For expenses, while the proposed police contract expense is expected to decrease, other expenses may increase including: litigation-related expense, tree planting and pruning, roadway area cleanup, a stormwater drainage and culvert improvement project, legal, zoning fees and beautification projects.

Based on the comments at the meeting and following additional research, the Clerk will present an updated tentative budget at the March meeting.

OSHA Update Wolver Hollow Road Accident Building Site

The Clerk reported that the Stop Work order from the Village was still in effect and the Village had not been notified by either OSHA, the Old Brookville Police Department or the Nassau County Detectives that the various investigations were complete.

NYSDOT Road Grant

The Clerk reported that the Village received a commitment for grant funding from the New York State Department of Transportation (NYSDOT) for a portion of the cost to repave Planting Fields Road. The contract between NYSDOT and the Village has certain bidding criteria that may require one or more waivers from the NYSDOT.

The Clerk will work with the NYSDOT, the Village Attorney and the Village Engineer to determine what is required in the notice, bid specifications, preapprovals and

reporting.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No significant developments. Based on our mixed experience with the Ice-B-Gone product and the notification that the price of the material may double, the Village plans to return to the traditional salt and sand application once our supply runs out. We will also explore options to store the product during the warmer months either at the Planting Fields Arboretum State Historic Park or the new Village Hall site. It may be necessary to construct a DOT approved enclosure. We will also investigate selling our existing supply.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the report submitted by the Building Department Clerk for January 2020 activity. (*See Attached Exhibit I*).

MAYOR'S REPORT

ADA Compliant Website

The Mayor reported that the Deputy Clerk downloaded software onto the Village website that makes it ADA compliant for certain disabilities.

Muttontown Police Litigation

Police Commissioner Madden reported that the Six Villages protected by the Old Brookville Police Department have agreed to settle its current litigation with the Village of Muttontown upon payment to the Village of Muttontown of a total settlement amount in the amount of \$725,000. The settlement will end all trial and appellate proceedings between the Six Protected Villages and Muttontown. The settlement sum is inclusive of all claims for interest and other charges that could have been awarded at trial under the terms of the prior Seven Village Joint Police Protection Contract. Police Commissioner Madden requested that the Village agree to the terms of the litigation settlement and the payment of its pro rata share of the total settlement amount to the Village of Muttontown.

Accordingly, on motion duly made and seconded, the Board unanimously,

RESOLVED, the Village of Upper Brookville, hereby accepts and agrees to all terms and conditions of the settlement of all current litigation with the Village of Muttontown upon the payment to the Village of Muttontown of a total settlement amount of \$725,000, provided the settlement will end all trial and appellate proceedings between the Six Protected Villages and Muttontown and this settlement sum is inclusive of all claims for interest and other charges that could have been awarded at trial under the terms of the prior Seven Village Joint Police Protection Contract, and

FURTHER RESOLVED, that the Village of Upper Brookville shall only be responsible for its pro rata share of 20.743 % of the total settlement amount of \$725,000, which is \$150,386.75 and such payment is on the condition that all of the 5 Protected Villages agree to the terms and conditions of the settlement and are obligated to pay their pro rata share of the full settlement amount, and

FURTHER RESOLVED, that the Village of Muttontown settlement payment shall be made to the Village of Muttontown on or before by March 12, 2020 which Village payment shall be drawn from the Village's share of the current unappropriated surplus fund presently held by the Village of Old Brookville and not from current 2019/2020 Budget appropriations, and

FURTHER RESOLVED, that on behalf of the Village of Upper Brookville, the law firm of Rivkin and Radler LLP be and it is hereby authorized to execute all required settlement documents pursuant to the above settlement terms.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

The Clerk presented Solar Panel Guidelines as an addendum to the permit application. The Guidelines include an amendment that requires homes on historic roads to only install panels where they would have the least aesthetic impact. Additionally, the Village Attorney recommend that the guidelines state that the energy being produced by the solar array is only used to offset the energy needed to power the home located on the same property (or a property under common ownership) where they are installed and not being sold at a profit.

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

RESOLVED to adopt the Solar Panel Guidelines as an addendum to the permit application, with the amendments discussed. (*See Attached Exhibit J*)

LEGAL REPORT

No Report

The Mayor closed the meeting at 7:05 p.m. and after discussion and on motion duly made and seconded, it was

RESOLVED to enter into Executive Session.

At 7:45 p.m. the Board came out of Executive Session and

RESOLVED that for the proposed 2020/21 Police Department Budget there should not be any surplus, contingency or unallocated funds added to the proposed budget that would result in a potential increase in the Village tax levy. The surplus funds should be for specific purposes approved in advance by the Board of Police Commissioners and, if required, each Village. Additional contingency should come from the existing Old Brookville Police Department surplus.

The meeting was adjourned at 8:00 p.m. The next meeting of the Board of Trustees is scheduled for Monday March 16, 2020 at 5:30 p.m.

Signed by Tracy Lynch on February 20, 2020

Tracy Lynch
Village Clerk