

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
MARCH 16, 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 Monday March 16, 2020 at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Antje B. Dolido	Trustee
	Innis O'Rourke	Trustee
	Carl A. Friedrich	Trustee
	Edward J. Madden	Trustee

Also Present: Thomas Mullen, Deputy Clerk
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village
Sam Vergata, Road Commissioner

Not Present: Tracy L. Lynch, Clerk/Treasurer

The Mayor called the meeting to order at 5:35 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.

The Mayor mentioned that Legislator Lafazan had been scheduled to attend but was called away on pressing matters. He will try to join the next meeting.

At a recent meeting the Mayor attended of senior Long Island Rail Road officials and local elected officials it was pointed out that young Long Island adults continue to leave Nassau County because they find the County housing and public transportation burdensome. A 2019 Nassau County Comptroller's report showed Nassau has seen a 9.3% decline in residents in this age bracket since 2000. Long Islanders ages 25-to-34 on, are increasingly living with their parents. And 44 percent of Long Islanders between the ages of 25 and 34 live at home, while nationally, this figure is 16 percent.

The group discussed incentives for millennials to stay on Long Island, including more use of public transportation. Alternatives to car use contributes to a more eco-friendly Long Island, which young adults are very passionate about.

The Mayor described a recent LIRR/Malloy College program to discount LIRR monthly commutation tickets by 25% to encourage students to study at Malloy.

The Mayor discussed a similar one-year pilot program whereby up to 20 young adults who settle (buy or rent) in Upper Brookville would each be eligible for a 25% monthly LIRR commutation discount. The benefit would be \$995/person, limited to the first 20 applicants. The discounts could be issued to qualified residents in the form of a credit to their property tax bill or as a check. Legislator Lafazan would like to see the concept adopted in other communities on Long Island. The LIRR has offered to match the amount offered by the village in outreach and promotion to residents and outside the

Village.

The Board encouraged the Mayor to research the concept further and update them at the next meeting when Legislator Lafazan may attend.

MINUTES

The Mayor called for approval of the minutes of the Trustee meeting held on February 20, 2020. On motion duly made and seconded, the minutes were unanimously approved.

(See Attached Exhibits A)

PUBLIC COMMENT

No Comment

FINANCIAL REPORT

Bills

The Deputy Clerk presented all claim forms listed on the Check Detail dated March 6, 2020 totaling \$34,195.26 and April 1, 2020 totaling \$32,143.35 with supporting invoice details and/or purchase contracts. The bills include a payment of \$25,632.96 to the East Norwich Fire Company for money owed for fire protection from 2017 – 2019.

After the 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 March 6, 2020 in the total sum of \$35,195.26 and approve the bills listed on the Check Detail dated April 1, 2020 for a total sum of \$32,143.35 which are annexed to these minutes.
(See Attached Exhibit B & C)

Treasurer's Report

After presentation by the Deputy 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 February 2020. *(See Attached Exhibit D)*

VILLAGE CLERK'S REPORT

SCAR Assessment Reduction/Village & Tax Refunds

The Deputy Clerk reported a resident was awarded an assessment reduction in Small Claims Proceeding for the 2014/15, 2015/16 and 2017/18 tax years against Nassau County. He 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: *(See Attached Exhibit E)*

Belfer – Sec. 22, Blk. J, Lot 1116, 2014/15 assessed value of \$10,902 reduced to \$9500 for a total refund of \$1729.36

Belfer – Sec. 22, Blk. J, Lot 1116, 2015/16 assessed value of \$10,902 reduced to \$9000 for a total refund of \$2461.75

Belfer – Sec. 22, Blk. J, Lot 1116, 2017/18 assessed value of \$8177 reduced to \$7977 for a total refund of \$286.54

Tentative Budget 2020/21

The Mayor reported that the tentative budget will be refined over the next month due to coronavirus concerns, the lack of a final Nassau County Assessment Roll and as it does not yet reflect the anticipated final police protection costs. The tentative budget requires appropriating about \$200,000 to keep the tax levy flat from last year. These figures will be finalized prior to the final village budget approval in April.

He also recommended that the 2020/21 budget include stipends of \$1,500 for the Mayor and \$500 for each Board member (total of \$3,500) to offset out-of-pocket expenditures for matters in support of the Village. He noted the Mayor and Trustees are unsalaried volunteers.

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

RESOLVED to approve the tentative budget for 2020/21.

Unpaid 2019/20 Village Taxes

The Deputy Clerk presented the Board with a list of unpaid taxes for the current year. Based on the relatively high interest rate (17% annually) the Village can earn and the legal fees involved in a tax lien sale, he recommended that the Village not hold a sale this year.

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

RESOLVED to not hold a tax lien sale this year. As a result, all liens will default to ownership of the Village.

The Village Attorney is researching the potential foreclosure of one property that has been on the list of unpaid taxes for decades.

PLANTING FIELDS ROAD RECONSTRUCTION GRANT

Discussion on the grant will be deferred until the Village Attorney can research the grant requirement as relates to the NYS DOT Equal Employment Opportunity & Women and Minority Business Enterprise Policy.

TOBAY TRIATHLON

The Deputy Clerk reported that the Village received a request from the Greater Long Island Running Club to hold the Town of Oyster Bay Triathlon on Sunday August 30, 2020.

After discussion, the Board agreed to issue a permit for this event subject to the usual requirements and having the activity coordinated with the Old Brookville Police Department. The Deputy Clerk will follow up with the GLIRC to ensure access and egress for residents with driveways along the bike route.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that his crew has started spring cleanup throughout the Village. He also will be meeting with Nassau County to discuss cleanup of their right of way along Wheatley & Chicken Valley Road and he has arranged a site tour with Vinny Simeone, Director of Planting Fields Arboretum, along Wolver Hollow Road so he can recommend appropriate tree plantings along the right of way.

He will also be meeting with Nassau County to plan for the removal of the concrete structure that sometimes clogs, blocking the flow of water from the Wolver Hollow Road/Chicken Valley Road drainage reserve area under Chicken Valley Road.

BUILDING DEPARTMENT REPORT

The Deputy Clerk referred to the report submitted by the Building Department Clerk for February 2020 activity. *(See Attached Exhibit F).*

MAYOR'S REPORT

The Mayor discussed the need to change procedures for staff and dealing with the public in response to the coronavirus threat. After discussion, and on motion duly moved and seconded, the Board unanimously

RESOLVED that the Village Hall will remain open but not to the public. So long as practical, a clerk will be on duty weekdays to answer the phone, respond to mail and email. If documents are required and mail is not timely or practical, we will try to arrange for the physical transfer of information to a collection point near the Village Hall. Certain Village Hall staff will be working from home. **April and May Board of Trustee Meetings** will be done by conference call set up by **Humes & Wagner**, Village Attorneys, and attendees will be notified of the call-in instructions. Residents wishing to listen in will have the opportunity to dial in if they notify the Village Clerk in advance. **Village Court** will be postponed until June. All **meetings of the Zoning and Planning Board** are suspended until further notice.

The Mayor reported that Senator Gaughran, supported by the New York Council of Mayors (NYCOM), has been working diligently on Senate Bill S. 7662-A which if passed would provide some fiscal relief to Upper Brookville in connection with the significant cost of hosting and providing municipal services to the Planting Fields Arboretum Historic State Park, including first responder police and fire protection.

The three municipalities that (a) have more than 10% state land, (b) have state parks with average daily visitors more than 25% of the municipal population, (c) provide or pay for first responder police and fire protection, and (c) have the front entrance of the state park within its borders would benefit from this legislation, including Upper Brookville, Lloyd Harbor and Watkins Glen.

The bill has been co-sponsored in the Assembly by Charles Lavine, Mike Montesano, Steve Stern and Fred Thiele as well as a number of upstate Senators and Assemblymen.

The Mayor also reported on the success of the annual Village dinner held in February honoring Village volunteers, public officials and first responders. The Village dinner followed an earlier ceremony at the Nassau County Police Department where County Executive Laura Curran and Police Commissioner Ryder awarded citations for bravery to six members of the Old Brookville Police Department and one member of the East Norwich Fire Department. The dinner was also attended by Senator Gaughran and Assemblyman Montesano.

Legislator Lafazan and Oyster Bay Supervisor Saladino awarded citations for long service to the Village to:

- **Antje B. Dolido** for 15 years of service as as Deputy Mayor, Trustee, Police Commissioner, Legal Chair and Architectural Review Chair.
- **Innis O'Rourke III, M.D.** For 17 years of service on The Board of Zoning Appeals as a Member, then Chairman, then Trustee.
- **William J. Quinn** for 18 years of service on the Board of Zoning Appeals and later, as Chairman of the Planning Board.
- **Paul F. Stevens, P.E.** for 25 years as Village Engineer, and,
- **John G. Pieper, Esq.** for 27 years of Service as Associate Justice, then Village Justice.

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

RESOLVED to ratify the decision to host the dinner in February at the Piping Rock Club and congratulated the honorees.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

Yadegar Lawsuit

The Village Attorney reported that he had made a motion to dismiss the Article 78 proceeding brought by Mr. Yadegar challenging Mr. Shapiro's variance.

EXECUTIVE SESSION

The Mayor closed the meeting at 6:40 p.m. to enter into Executive Session.

At 7:10 p.m. the Board came out of Executive Session and on motion duly made and seconded, the Board unanimously

RESOLVED that the Mayor or Police Commissioner are authorized to confirm in the proposed amendments to amend the Collective Bargaining Agreement to include a provision that the Police Officers health insurance benefit to retired Police Officers are for life.

On motion duly made and seconded, the Board unanimously

FURTHER RESOLVED that the Mayor or Police Commissioner are authorized to approve the adoption of the (a) the proposed Fund Balance Policy, (b) the Budget Amendment ratifying the earlier reduction of 2019-2020 Police Department expense for Upper Brookville of \$970,749, (c) the Budget Amendment providing for distribution of excess Projected Fund Balance of \$1,943,500 of which \$403,143 will either be distributed to Upper Brookville on or before April 1, 2020 or deducted from its first quarterly payment to be made in the fiscal year beginning June 1, 2020, and (d) the proposed police budget for the 2020-2021 fiscal year.

The meeting was adjourned at 7:20 p.m. The next meeting of the Board of Trustees is scheduled for Monday April 15, 2020 at 5:30 p.m., likely by conference call as per the Mayor's Report.

Signed by TL Lynch on 4/20/20

Tracy Lynch
Village Clerk