

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

**JUNE 15, 2020**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held via Zoom on Monday June 15, 2020 at 5:30 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  
Sam Vergata, Road Commissioner  
Peter MacKinnon, Esq. of Humes & Wagner, LLP  
Attorneys for the Village

The Mayor called the meeting to order at 5:35 P.M. and stated that the Village meeting is being held by Zoom which is now legally permitted by Executive Order 202.1 of the New York Governor. Call in information for the Zoom conference has been provided to the official papers and posted on the Village website and at Village Hall. He requested that the affidavits of mailing and posting of the Public Information Notice in compliance with the Open Meetings Law be presented and annexed to the minutes of this meeting.

**MINUTES**

The Mayor then called for approval of the minutes of the Trustee meeting held on May 18, 2020.

On motion duly made and seconded, the minutes were unanimously approved.  
*\*(See Attached Exhibit A)\**

**FINANCIAL REPORT**

**Bills**

The Clerk/Treasurer discussed all claim forms listed on the Check Detail dated June 1, 2020 in the total sum of \$17,048.10 and July 1, 2020 totaling \$534,710.47 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee earlier in the day.

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

**RESOLVED**, to ratify the bills listed on the Check Detail dated June 1, 2020 in the total sum of \$17,048.10 and approve the bills listed on the Check Detail dated July 1, 2020 totaling \$534,710.47 which are annexed to these minutes.

*\*(See Attached Exhibit B)\**

## **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 May 2020. *\*(See Attached Exhibit C)\**

The Mayor reported that he was contacted by the State and asked if the Village was still planning to use the \$250,000 grant awarded for Planting Fields Road. He said we were and asked Senator Gaughran's office to help modify the generic requirements of the grant to meet the village circumstances and improve the likelihood that the Village receives the full funding without undue legal and engineering expense.

## **VILLAGE CLERK'S REPORT**

### **Temporary Labor Hire**

The Clerk requested the Board's approval to hire a seasonal temporary laborer to assist the Road Commissioner when he requires an additional flagman while doing work on the roads. This individual would replace our former seasonal temporary laborer who has moved out of state. The laborer would be paid a rate of \$15.00/hour.

After discussion, the Board approved the hiring of a seasonal temporary laborer at a rate of \$15.00/hr.

### **Core Group Contract Renewal**

The Clerk reported she received a copy of the 2020/21 CGA building consultant contract. The new contract proposes an hourly rate of \$100 for inspections and plan review services, similar to the contract they have with Oyster Bay Cove for a similar time commitment and undertakings. The contract simplifies the former agreement which was designed to split the duties of the former Building Inspector who was no longer able to conduct inspections.

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

**RESOLVED** to approve the CGA Consulting Inc. contract for the next year at the rate of \$100/hour. *\*(See Attached Exhibit D)\**

### **LiRo 2020/21 Rates**

The Clerk reported that the Village Engineer, LiRo Engineers, Inc., submitted a letter of agreement for the 2020/21 fiscal year. She reported that their billing rate schedule did not increase from last year.

### **Interest Rate Adjustment**

The Clerk reported that she was notified by the Village's bank, First National Bank of Long Island, of an interest rate adjustment from 0.75% to 0.5% effective June 2, 2020.

## **Capital Asset Appraisal Update**

The Clerk reported that she met with the roads and capital assets appraiser earlier in the month and should have a final report for the values as of year end 5/31/20 by mid-July. The report will eliminate the variance between the New York State Annual Update Document (AUD) and our audited GAAP financials.

## **Open for Business Policy**

The Clerk reported that the Village employees working in Village Hall had returned to a normal work schedule on June 1. While the office still remains closed to the public, meetings with individuals are being scheduled on an as needed basis in the large meeting room, requiring everyone to wear masks and socially distancing. The State has notified us that gatherings are limited to no more than 10 people and accordingly there have been no in person board meetings or court sessions.

The Village Attorney mentioned that starting July 8th, in person meetings would be permitted as long as participants wear masks and adhere to the social distance protocol.

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

The Road Commissioner reported that in his absence during parts of March & April, Stephen Murphy did a great job supervising the Roads Department. They have continued maintaining the Village Roads and Right of Ways.

The Mayor reported that the drainage work at 5 Wheatley Rd was completed and the problem appears to be resolved.

## **BUILDING DEPARTMENT REPORT**

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for May 2020 activity. Building activity is behind anticipated levels due to the covid situation and the related ban on construction activities. *\*(See Attached Exhibit E)\**

The Mayor reported on a request from a resident to install electric gates between two existing piers on his property. The resident had submitted an application years ago for this work, but never carried it out because the inspector required him to relocate the piers 30 feet off the road. While the Upper Brookville Code has no setback restriction, the village will be researching the Nassau County, NYS Department of Transportation or Fire Codes to see if there are restrictions that impact us.

The concern is that public safety or other arriving vehicles could block traffic on the road until the gate opens. The Mayor will research the options and report to the Board in July.

## **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 reported that a preliminary conference will be held in two weeks on a zoning-related matter involving two Wolver Hollow Road residents.

He also reported on another litigation matter that may result in an Article 78 proceeding.

## **EXECUTIVE SESSION**

The Mayor closed the meeting at 6:20 p.m. to enter into Executive Session to discuss the PBA contract, the Joint Protection Contract and the AT&T Tower negotiations. At 7:20 p.m. the Board came out of Executive Session and reviewed the situation with the Old Brookville Police property and a potential AT&T cell tower.

The Village of Upper Brookville has owned property that has historically been leased for use by the Old Brookville Police Department for its headquarters. The Old Brookville Police Department has provided police protection to the Village of Upper Brookville and several other North Shore Villages.

Under the present lease with the other OBPD-protected Villages, Upper Brookville has retained the right to sublease a portion of the property for its own purposes so long as, in its reasonable sole judgement, such sublease use does not adversely interfere with the Old Brookville police activities.

The Village is in negotiations to sublease a portion of the site to AT&T for the construction and operation of a cell tower communication facility. The AT&T facility would also accommodate a new police communication system, which would replace the existing police tower. It was recommended that the Village retain an outside independent consultant to determine and provide the Village of Upper Brookville with a report as to whether the proposed AT&T tower and its associated equipment, in fact would adversely impact the operations of the Police Department. If it was determined by the independent consultant that the proposed AT&T tower and its associated equipment, would not adversely impact the operations of the Police Department, then the Village would have a right under the lease to pursue a sublease with AT&T.

Since the property is owned solely by the Village of Upper Brookville, if the Village Board elected to proceed with the AT&T project, the Village Trustees have a fiduciary duty to its residents to monetize the Village asset for the sole benefit of its residents and should not share the sublease rentals, unless there is a legitimate reason to do so.

On motion duly made and seconded, the Board unanimously

**RESOLVED** to pursue with AT&T negotiations for the erection and construction of a communication tower and related facilities, including parking, at the Village property under lease for the Old Brookville Police Station and

**FURTHER RESOLVED** to authorize a study by an independent consultant, in connection with negotiations with AT&T, to verify that the tower and related maintenance activities will not unduly impact the police operations and therefore the Village would be permitted to enter into a lease with AT&T for the erection and construction of a communication tower and related maintenance activities under the current Police Headquarters lease. The cost of the study can be up to \$10,000.

The meeting was adjourned at 7:30 p.m. The next meeting of the Board of Trustees is scheduled for Monday July 20, 2020.

*Signed by TL Lynch on July 21, 2020*

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Tracy Lynch  
Village Clerk