

**VILLAGE OF UPPER BROOKVILLE
ANNUAL ORGANIZATION
AND
BOARD OF TRUSTEES' MEETING
SEPTEMBER 21, 2020
BY ZOOM**

A regular meeting of the Board of Trustees and the Annual Organization Meeting of the Incorporated Village of Upper Brookville, Nassau County, New York, was held by Zoom on Monday September 21, 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 5:36 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.

THE PLEDGE OF ALLEGIANCE was led by Trustee O'Rourke III.

ANNUAL ORGANIZATION MEETING

The Mayor called the Annual Organization Meeting to order and announced that this was a meeting for the purpose of organization of the Village for the new official year commencing on the first Monday of July 2020 and recommended the appointments presented.

ANNUAL APPOINTMENTS

Upon motion duly made and seconded, the appointments, contracts, policies and procedures shown in the attached Exhibit A were unanimously adopted.

(See Attached Exhibit A)

REGULAR TRUSTEE MEETING

The Mayor then called to order the regular meeting of the Board of Trustees.

MINUTES

The Mayor then called for approval of the minutes of the Trustee meetings held on July, 20, 2020 and September 14, 2020.

On motion duly made and seconded, the minutes were unanimously approved.
(See Attached Exhibit B & C)

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the Check Detail dated September 20, 2020 in the total sum of \$150,461.68 and September 21, 2020 totaling \$509,136.69 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting.

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 September 20, 2020 in the total sum of \$150,461.68 and approve the bills listed on the Check Detail dated October 1, 2020 totaling \$516,886.69 which are annexed to these minutes. *(See Attached Exhibit D & E)*

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 months ending July 2020 and August 2020. *(See Attached Exhibit F & G)*

VILLAGE CLERK'S REPORT

SCAR Assessment Reduction/Village & Tax Refunds

The Clerk reported that several residents were awarded assessment reductions in Small Claims Proceeding for the 2019/20 and 2020/21 tax years against Nassau County. She 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 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:

Bhansali – Sec. 24, Blk. 26, Lot 36A 2020/21 assessed value of \$2418 reduced to \$1900 for a total refund of \$1199.43

Perciballi – Sec. 18, Blk. A, Lot 1101, 2020/21 assessed value of \$2632 reduced to \$2500 for a total refund of \$305.65

Pritcher – Sec. 24, Blk. 20, Lot 9, 2020/21 assessed value of \$1169 reduced to \$1111 for a total refund of \$134.30

Khwaja – Sec. 22, Blk. 23, Lot 34, 2020/21 assessed value of \$2497 reduced to \$2088 for a total refund of \$947.04

Kwhaja – Sec. 22, Blk. 23, Lot 24, 2019/20 assessed value of \$4624 reduced to \$3976 for a total refund of \$935.71

Interest Rates

The Clerk reported that the First National Bank of Long Island, in consideration of current economic conditions, reduced the rate of the Village’s interest-bearing accounts from 0.50% to 0.40% (APY) effective August 24, 2020.

Canceled Events

The Clerk reported that the TOBAY Triathlon and the Mill River Club Fireworks Display were both canceled due to challenges associated with COVID – 19. The General Manager of the Mill River Club asked the Board to consider a refund of the fireworks permit fee paid by the Club.

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

RESOLVED to refund the \$750 fireworks permit fee previously paid by the Mill River Club..

Village Court Venue

The Clerk reported that Village Court had resumed its monthly schedule, but the State had restricted the occupancy of the court room to 33% of maximum capacity. Planting Fields Arboretum offered the village the use of their Conference Center, which could accommodate around 75 people with the capacity restrictions, for a fee of \$150/night.

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

RESOLVED to approve use of the Conference Center for Village Court at a fee of \$150/night, through the end of the year.

Speed Radar Sign Batteries

The Clerk requested that the Board consider the purchase of an additional set of rechargeable batteries for the speed radar signs on Mill River Road. This will provide constant speed monitoring when recharging a set of batteries. The Road Commissioner reported that the speed radar signs installed on Mill River Road have helped significantly in

reducing the speed of vehicles traveling the roadway.

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

RESOLVED to purchase an additional set of rechargeable batteries at a cost of \$590.

Petty Cash Account

The Clerk asked the Board for their approval to establish a petty cash account so that she could make change when required. A list of all expenditures made from the account will be accounted for.

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

RESOLVED to direct the Clerk to establish a petty cash account with operating funds not to exceed \$100.

Records Management Grant

The Clerk reported that the state grant coordinator notified the Village that the clerks that were assigned to conduct the culling of duplicate records were no longer available and the Village was to find someone on their own. She also reported that the state reduced the second grant payment by 20% reducing the grant from \$19,750 to \$17,775. Approval of the scanning grant which the village applied for is on hold indefinitely by New York State. The Clerk would work with the Mayor in securing personnel to ensure that the job was completed by the yearend deadline.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

Line Striping

The Road Commissioner reported that his crew has been busy cleaning up the storm debris left behind from Tropical Storm Isaias. More recently, they started filling the center line cracks and voids on Mill River Road, Ripley Lane and Planting Fields Road to prepare them for line striping.

He reported that he obtained three estimates to repaint the worn centerlines on these roads and recommended that the Village award the job to the lowest bidder, M & J Striping, for a total cost of \$10,675.

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

RESOLVED to repaint the centerlines on Mill River Road (7,200 lf), Ripley Lane (2,150 lf) and Planting Fields Road (4,380 lf), for a total cost of \$10,675.

Salt/Sand

The Road Commissioner reported that he will use the remaining 40 yards of Ice-B-Gone to treat the Village roads in the upcoming winter season and recommended returning to the more traditional salt/sand mixture. He agreed to contact the County and request the continued storage of our salt/sand and the Clerk will request the Town of Oyster Bay to renew our inter-municipal agreement for 2020/21 allowing us to purchase and obtain

salt/sand from their local yards at attractive rates.

Mill River Road Speed Humps

The Mayor reported that he continues to receive complaints from residents about speeding vehicles on Mill River Road and agreed to discuss this with the Village Engineer and get his recommendation for traffic calming devices.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for July and August 2020 activity.

She also reported that the Building Inspector questioned the interpretation of the Zoning Code as it relates to pool patio setbacks. The definition of an Accessory Building, which includes swimming pools and related facilities such as connected terraces, prohibits the structure in the setback and the definition of a Family Swimming Pool permits a certain percentage of a pool patio within the setbacks.

The Board and Village Attorney concurred that the intent of the code is that a pool patio should not be permitted in the setback.

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

RESOLVED to have the Village Attorney prepare a draft Local Law revising the definitions and send to the Nassau County Planning Commission.

MAYOR'S REPORT

Generator Permits

The Mayor reported on the impact of Tropical Storm Isaias in the Village when residents lost power, landline telephones, internet, cable television and cell service. Many could not dial 911. Medically challenged residents who rely on power operated devices were at risk. Refrigerated items spoiled.

People move to Upper Brookville because of the many tall trees, open space and low density. We are one of the few communities on Long Island that have minimum 2-acre and 5-acre zoning in addition to 24% open space.

Low density can be blissful in ordinary times but vexing in an emergency like this one. PSEG operates like a hospital emergency room after a big disaster. They triage the county—restoring power to the highly populated areas first. It means that Upper Brookville is often one of the last municipalities to be serviced after a storm like this.

After the Tropical Storm, many residents showed a strong interest in installing generators. The Mayor followed up with Generac Power Systems, Inc. in Waukesha, WI. Generac has proposed to supply various sizes of sound attenuated residential generators with bulk purchasing discounts. The Village of Centre Island has also expressed interest in combining with us to achieve the bulk purchase numbers.

Generac was founded in 1959 and reports they are now the #1 manufacturer of home backup generators and the leading designer and manufacturer of manual and fully

automatic transfer switches.

The Mayor was advised that it is best to purchase a generator through a local dealer so it can be serviced when needed. After discussions with various dealer/servicers, Generac recommended JHACS in Mineola. The Mayor followed up with them and they are keen to proceed. The Mayor plans to identify a firm to install propane tanks as well and manage the permitting.

To make it as seamless and low cost for residents to secure generators, the Mayor proposed waiving all generator-related permit application fees. The fees include installation of the generator, propane gas tanks or natural lines and a certificate of completion.

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

RESOLVED to assist in the volume purchase of generators with sound attenuators (to reduce noise) and waive all generator-related permit fees associated with the installation of a generator including propane tanks or a natural gas lines, for a period of one year, commencing with August 4, 2020, the date of Tropical Storm Isaias.

Garbage District Scheduling for Extended Absences

The Mayor reported that the Clerk was addressing a handful of complaints from residents regarding service issues primarily related to the carter ceasing service when the homeowner is away for extended periods. This might apply, for example, to residents who travel to Florida for the winter. The Mayor and Clerk will work with the carter to establish a policy that schedules carter pickups with extended homeowner absences, so residents do not experience service interruptions when they return.

Remsens Lane Storm Debris

The Clerk reported that there is still a large amount of storm debris along the Remsens Lane right of way and at the intersection with Ripley Lane. Muttontown reported that they are looking to enter into an intermunicipal agreement with the Town of Oyster Bay to assist in the cleanup since the road and easements on either side are in the Village of Muttontown. As a legal matter, the Village of Upper Brookville road crew is not permitted to work in Muttontown village.

EXECUTIVE SESSION

The Mayor closed the meeting at 7:05 p.m. to enter into Executive Session to discuss police and cell tower matters. At 7:55 p.m. the Board came out of Executive Session and on motion duly made and seconded, the Trustees unanimously

RESOLVED to authorize the Mayor and the Board to explore alternative sites for the Village Hall within the Village.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that he circulated to the Mayor and Clerk further mandates by NYS which requires public employers adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan is to be filed by April 1, 2021

He also discussed two pending litigation matters which have been delayed or postponed due to the pandemic.

The meeting was adjourned at 8:00 p.m. The next regular meeting of the Board of Trustees is scheduled for Monday October 19, 2020.

Signed by TL Lynch on 10/19/20

Tracy Lynch
Village Clerk