

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
AND PUBLIC HEARING
DECEMBER 14, 2020
BY ZOOM**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held by Zoom on Monday December 14, 2020 at 5:00 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

The Mayor called the meeting to order at 5:09 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 paper 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

MINUTES

The Board deferred approval of the October 6th & November 16th 2020 minutes.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the Check Detail dated December 14, 2020 in the total sum of \$18,499.82 and January 4, 2021 totaling \$679,594.35 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 Board unanimously

RESOLVED, to ratify the bills listed on the Check Detail dated December 14, 2020 in the total sum of \$18,499.82 and to approve the bills listed on the Check Detail dated January 4, 2021 totaling \$679,594.35 which are annexed to these minutes.

(See Attached Exhibit A & 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 November 2020. *(See Attached Exhibit C)*

VILLAGE CLERK'S REPORT

SCAR Assessment Reduction/Village & Tax Refund

The Clerk reported that several residents were awarded assessment reductions in Small Claims Proceeding for the 2020/21 tax years against Nassau County. She noted that the Village was served copies of the 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 the applications were submitted to the Village as follows:

Statler – Sec. 18, Blk. A, Lot 1047 assessed value of \$2671 reduced to \$2,004 for a total refund of \$1,544.44. *(See Attached Exhibit D)*

Weber – Sec. 22, Blk. 23, Lot 28 assessed value of \$1412 reduced to \$1,100 for a total refund of \$722.44. *(See Attached Exhibit E)*

Special Use Application

The Clerk reported that the Chabad special use application out of pocket expenses on legal, stenographer, advertising and engineering are ongoing. She asked, since this is an application that has been in front of the Zoning and Planning Board since 2016 which, if any, of the maximum limits would apply. The Village Attorney recommended that the Clerk review the categories and timing of expenses to identify with him the amounts that may be payable by the applicant.

TOBAY Intermunicipal Agreement

The Clerk presented the TOBAY Sand and Salt contract that would permit the Village to purchase these materials from TOBAY on an as-needed basis, at the same rate at which the Town purchased the sand and salt, at a per yard fee.

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

RESOLVED to authorize the Mayor to sign the contract to permit the Village to purchase salt and sand from TOBAY at the same rate at which the town purchases the material. *(See Attached Exhibit F)*

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for November 2020 activity. *(See Attached Exhibit G)*

MAYOR'S REPORT

Planning Board Chairman

The Mayor reported that Bill Quinn, Chairman of the Planning Board since 2008, advised him that he had sold his home and would be ending his 18-year tenure as a member of the Zoning Board and as Chairman of the Planning Board. The Mayor thanked Bill for his hard work, wise counsel, extraordinary length of service and generous commitment to maintaining our standards and improving the quality of life for Village residents. The Village Attorney added that Bill has done an exceptional job in the position.

Bill was honored earlier this year for his outstanding public service with Citations from Nassau County Legislator Josh Lafazan, Town of Oyster Bay Supervisor Joseph Saladino and the New York Conference of Mayors.

The Mayor recommended appointing Parker Kelsey as Chairman of the Planning Board. Parker has been an active member of the Board since joining in March 2019. He is a Partner at the law firm Simpson, Thacher & Bartlett LLP and a graduate of Princeton University and the Georgetown University Law Center.

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

RESOLVED to appoint Parker Kelsey as Chairman of the Planning Board, filling the unexpired term of Bill Quinn which expires on July 2023.

Noise Ordinance

The Mayor circulated a listing of the laws dealing with noise from landscaping, construction and tree work from 10 neighboring communities and discussed various options for weekdays, Saturdays, Sundays holidays and at times of emergency. The Board agreed that residents should be able to do work on Sundays and that emergency work can be done at any time. The Board agreed to review the various neighboring codes and take the subject up again in January.

POLICE REPORT

No report

EXECUTIVE SESSION I

At 6:15 p.m. the Mayor closed the meeting and on motion duly made and seconded, the Board unanimously resolved to enter into Executive Session to discuss personnel matters.

At 6:45 p.m., on motion duly made and seconded, the Board unanimously resolved to come out of Executive Session and

RESOLVED to authorize the Clerk to apply all unused sick and vacation days to Jose Hernandez's time before submitting a claim to the disability insurer and

FURTHER RESOLVED that she should instruct Jose to request a waiver of premium from NYSHIP so, if eligible, he can continue his health insurance benefit beyond January 1, 2021 when the Village will no longer provide him with health insurance at their expense and

FURTHER RESOLVED to hire James Mundell as a full-time temporary laborer at \$15.00 per hour and

FURTHER RESOLVED to deny Thomas Mullen's request for a leave of absence based upon the needs of the Village to have an employee fill these job duties and accept his resignation as Secretary to the Board of Trustees and

FURTHER RESOLVED to deny Thomas Mullen's request to be compensated for unused sick, personal & vacation days as such compensation is not provided for in the Employee Handbook and the Village was given less than the required two week's notice and

FURTHER RESOLVED to authorize the Clerk to hire her daughter, Annabel Lynch, as temporary help at a rate of \$20/hour until the end of January or such time as a permanent replacement is hired and commences work.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

EXECUTIVE SESSION II

The Mayor closed the meeting at 6:55 p.m. and on motion duly made and seconded, the Board unanimously resolved to enter into Executive Session to discuss police matters.

At 7:30 p.m., on motion duly made and seconded, the Board unanimously resolved to come out of Executive Session.

The Mayor reported having received a response dated December 1, 2020 from the Village of Old Brookville describing various significant changes they have proposed making to the management, control and funding of the Old Brookville Police Department. The letter was addressed to all mayors and trustees in the five villages that are signatories to the Joint Protection Agreement to provide police protection.

In response to this letter, the Board recognizes it's need, under the advice of counsel, to explore options and evaluate the Village's need for uninterrupted, high quality police protection for our residents.

On motion duly made and seconded, the Board unanimously

RESOLVED to authorize the Mayor and/or Deputy Mayor to spend up to \$20,000 seeking advice in connection with these matters.

The next meeting of the Board of Trustees is scheduled for Thursday January 21, 2021 at 5:30 p.m. The meeting was adjourned at 7:40 p.m.

Signed by TL Lynch 1/21/21

Tracy Lynch
Village Clerk