

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES' MEETING  
PLANTING FIELDS ARBORETUM STATE HISTORIC PARK  
CARRIAGE HOUSE  
JANUARY 21, 2021**

A regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held in Village Hall, at the Carriage House in the Planting Fields Arboretum, on Thursday January 21, 2021 at 5:30 p.m.

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

Absent:	Antje B. Dolido	Trustee
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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. 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**

Trustee Friedrich led The Pledge of Allegiance.

**MINUTES**

The Mayor then called for approval of the special meeting minutes of the Trustee meeting held on October 6, 2020 and regular minutes of the Trustee meetings held on November 16, 2020 and December 14, 2020.

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

**PUBLIC COMMENT**

No Report

**FINANCIAL REPORT**

**Bills**

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated January 21, 2021 in the total sum of \$15,555.89, January 22, 2021 totaling \$42,750 and February 1, 2021 totaling \$7000 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 General Fund Check Detail dated January 21, 2021 in the total sum of \$15,555.89 and approve the bills listed on the Check Details dated January 22, 2021 totaling \$42,750.69 and February 1, 2021 totaling \$7000 which are annexed to these minutes.  
*(See Attached Exhibit D, E & F)*

She also discussed all claim forms to date related to the new Village Hall on the Capital Account Check Detail dated January 22, 2021 in the total sum of \$45,687.19 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 Capital Fund Check Detail dated January 22, 2021 in the total sum of \$ 45,687.19 which are annexed to these minutes. *(See Attached Exhibit G)*

### **New Village Hall Expenses**

The Mayor reported that he received an estimate from a general contractor to do emergency repairs on the new Village Hall, which includes patching a number of openings in the roof, door repairs, locking all windows and securing the stairway going up.

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

**RESOLVED** to authorize up to \$1,500 for emergency repairs to make the new Village Hall building & property safe & secure.

### **Budget Adjustment**

The Clerk recommended a budget transfer of \$1,500,000 to cover the expense related to the purchase of the new Village Hall at 24 Wolver Hollow Rd.

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

**RESOLVED** to authorize the Clerk to transfer \$600,000 from the Assigned Fund Balance and \$900,000 from the Unassigned Fund Balance, increasing the budget by \$1,500,000

### **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 December 2020. *(See Attached Exhibit H)*

## **VILLAGE CLERK'S REPORT**

### **Unpaid 2020/21 Village Taxes**

The Clerk presented the Board with a list of unpaid taxes for the current year. Following a discussion of the relatively high interest rate the Village can earn and the legal expense involved in a tax lien sale, the Board unanimously agreed to allow all liens to default to Village ownership. *(See Attached Exhibit I)*

### **Deputy Clerk/Treasurer Position**

The Clerk reported that she and the Mayor interviewed two candidates for the vacant Deputy Clerk/Treasurer position. The Mayor and Clerk reported that candidates appeared capable. Following discussion, the Board agreed that the Village would be well served with either candidate. The Mayor agreed to follow up with terms of an offer first, to the candidate with more financial experience who is interested in a part time position, and then, if necessary, to the other candidate.

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

**RESOLVED** to authorize the Mayor to extend an offer of employment to one of the two candidates, with a max salary of \$45/hour, based on experience, including a stipend for no health insurance, and an option to participate in the NYS retirement system and deferred compensation plan.

### **2021 Oyster Bay Water District Hydrant Rental Contract**

The Clerk presented the Water District contract to the Board for their approval. The contract covers the rental of 16 hydrants located on Centre View drive, Canon Lane, Glen Cove Road, Pond View Drive and West View Drive, at \$90 per hydrant for a total of \$1440.

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

**RESOLVED** to authorize the Mayor to sign the contract to rent 16 hydrants from the Water district at an annual rate of \$90 per hydrant. *(See Attached Exhibit J)*

### **Voter Registration and Election Resolution**

The Clerk presented the Voter Registration and Election Resolution. The next election will be held on Tuesday June 15, 2021 at Village Hall between the hours of 12:00 p.m. and 9:00 p.m. The office that is up for re-election is the Village Justice for a 5-year term.

Accordingly, on motion duly made and seconded, the Board

**RESOLVED** to adopt the election resolution as presented.

*(See Attached Exhibit K)*

## **Nassau County Hazard Mitigation Plan**

The Clerk presented the Nassau County Hazard Mitigation Plan and explained it was developed to identify severe weather-related hazards and actions to be taken to address these hazards. The County must maintain a plan, with input from the Village, in order to be eligible for FEMA funding and the Village must adopt the plan.

After discussion and on motion duly made and seconded, the Upper Brookville Board of Trustees

**RESOLVED** to adopt the Nassau County Hazard Mitigation Plan

**WHEREAS**, all of Nassau County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

**WHEREAS**, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**, a coalition of Nassau County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Nassau County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Upper Brookville:

- 1) Adopts in its entirety, the Nassau County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.

- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

**PASSED AND ADOPTED** on this 21<sup>st</sup> day of January 2021, by the following vote:

Votes in favor of adoption:            Elliot S. Conway  
    Edward J. Madden  
    Carl A. Friedrich  
    Innis O’Rourke III

Absent:    Antje B Dolido

**SCAR Assessment Reduction/Village & Tax Refund**

The Clerk reported that a resident was awarded an assessment reduction in Small Claims Proceeding for the 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 premise 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 application were submitted to the Village as follows:

Ferrara – Sec. 22, Blk. J, Lot 1181 2020/21 assessed value of \$5,605 reduced to \$4,204 for a total refund of \$3,244.02. (*See Attached Exhibit L*)

**ROAD COMMISSIONER/CODE INSPECTOR REPORT**

The Road Commissioner reported that the crew was busy filling potholes, clearing drains and removing leaves. The storm that came through on Christmas Eve caused considerable damage on Linden Lane. He presented a bill from Campos Tree for \$1,500 to help with the cleanup.

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

**RESOLVED** to authorize the Clerk to pay the Campos Tree invoice of \$1,500.

He also reported that he received a bid from Woody Tree for the new Village Hall site to prune the spruce trees and remove the fallen mulberry trees along the northern boundary of the property and remove two dead oak trees for a total cost of \$2,550.

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

**RESOLVED** to authorize the Clerk to pay Woody Tree up to \$3,000 to remove dangerous trees and branches at the new Village Hall site, including clean up of the

fallen trees, stumps and debris behind the garage for future parking spaces.

The Mayor also asked the Road Commissioner to follow up with Nassau County to remove the concrete drainage culvert along the shoulder of Chicken Valley Road near the intersection with Wolver Hollow Road.

### **Planting Fields Road Project**

The Mayor will discuss the grant funding with Senator Gaughran to determine whether the Village will be reimbursed. Due to budget shortfalls caused by the pandemic, the Governor has been holding back grant money from villages. Also, we understand a few other municipalities have had difficulty complying with the full terms of this particular type of grant. Getting reimbursed once the money is spent has proven to be difficult.

### **BUILDING DEPARTMENT REPORT**

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

### **MAYOR'S REPORT**

#### **Generator Program**

The Mayor reported that approximately 19 Villagers have indicated interest in a generator through the bulk purchasing program, however, some models are backordered about 16 weeks and appointments to schedule the initial site visit are booked thru the end of March. The Mayor will follow up with the supplier to determine if additional resources can be added to speed the process. He noted that we are working with the Village of Centre Island and they have 10 interested residents.

#### **Proposed Noise Ordinance**

The Mayor proposed introducing a new local law regulating the hours of operation and noise relating to construction, landscapers and arborists. (*See Attached Exhibit N*)

After discussion by the Trustees, they requested that the Village Attorney prepare the proposed local law for introduction at the March board meeting.

### **POLICE REPORT**

No Report

### **FIRE & STORM WATER MANAGEMENT REPORT**

No Report

### **ARCHITECTURAL REVIEW REPORT**

No Report

## LEGAL REPORT

The Village Attorney and Mayor reported progress in drafting a local bill to be taken up by the New York Legislature with Senator Gaughran's office to provide for tax exemption for the new Village Hall property.

## PUBLIC COMMENT

No Comment

## EXECUTIVE SESSION

The Mayor closed the meeting at 6:35 p.m. and on motion duly made and seconded, the Board unanimously

**RESOLVED** to enter into Executive Session to discuss various contract, police and real estate matters.

At 7:30 p.m., on motion duly made and seconded, the Board unanimously

**RESOLVED** to come out of Executive Session and on motion duly made and seconded, the Trustees unanimously

**RESOLVED** to authorize the Clerk to pay the Village Attorney, Humes & Wagner, for the October 2020 legal bill totaling \$21,878.40 and

**FURTHER RESOLVED**, to negotiate a contract with the Village Carter, DF Allen, to provide a dumpster at the new Village Hall for the next 12 months for unlimited construction debris, not to exceed \$500/month and

**FURTHER RESOLVED**, to have the Village's portion of the excess unreserved police funds, approximating \$90,000, refunded in this fiscal year to the Village and

**FURTHER RESOLVED**, to proceed expeditiously to (a) choose one of two sites for a cell tower at the Village-owned property located at the corner of Chicken Valley & Wolver Hollow Road, preserving as much land as possible to potentially sell off as a buildable residential lot and (b) hire a surveyor, for a cost not to exceed \$7,000, and (c) engage an attorney for a cost not to exceed \$10,000, to review and comment on the proposed AT&T cell tower lease.

At 7:40 p.m. upon motion duly made and seconded, the Board unanimously

**RESOLVED** to adjourn the meeting.

The next regular meeting of the Board of Trustees is scheduled for Thursday February 18, 2020 @ 5:00 p.m.

*Signed by TL Lynch 2/18/2021*

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Tracy Lynch  
Village Clerk