

**VILLAGE OF UPPER BROOKVILLE
BUDGET HEARING & BOARD OF TRUSTEES' MEETING
PLANTING FIELDS ARBORETUM STATE HISTORIC PARK
CARRIAGE HOUSE
APRIL 19, 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 Monday April 19, 2021 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
Amish Mehta, Resident
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village

The Mayor called the meeting to order at 5:40 pm 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.

BUDGET HEARING

The Mayor called the Budget Hearing to order. He announced that the public hearing was on the Village's tentative budget, which has been on file at the office of the Village Clerk and open to public inspection since the date of publication of the notice of this hearing. The affidavit of publication of the notice of the hearing was presented and ordered annexed to these minutes.

The Board then reviewed the proposed budget, item by item, including a 2.0% raise for certain Village staff, police contingency, road & drainage maintenance and insurance adjustments. The budget does not include the new village hall project. The Mayor noted that for the 2021/22 fiscal year, the proposed Village Tax Levy is \$2,634,782, a reduction of 5.0% from the prior years rate, and the proposed Village Tax Rate is \$227.70 per \$100 of assessed valuation, a 1.6% reduction from the prior years rate.

After further discussion, the Mayor called for comments in favor of, or in opposition to, the proposed budget.

PUBLIC COMMENT

A resident present thanked the Board for doing a great job in being fiscally responsible to the Village residents. He expressed that he thought the ultimate goal of the Board should be to have a zero balanced budget, meaning, when you take out the police and fire expenses and add in all the new revenue generating initiative, like cell tower revenue, there should be no additional costs to residents living in the Village. The Mayor agreed this was a laudable goal.

The Mayor than asked if there were any other comments for or against. There being none, the Mayor then declared the Budget Hearing closed.

The Mayor then called the meeting to order at 5:50 pm.

ADOPTION OF BUDGET

The Board, on motion duly made and seconded, unanimously

RESOLVED, that the budget which was the subject of a pubic hearing be, and the same hereby is, adopted as the budget of this Village for the fiscal year June 1, 2021 through May 31, 2022, and

FURTHER RESOLVED, that a tax of the Incorporated Village of Upper Brookville, Nassau County, New York, be, and the same hereby is, levied for the fiscal year June 1, 2021 through May 31, 2022 in the sum of \$2,634,782 at the rate of \$227.70 per \$100 of assessed valuation, and

TAX WARRANT AND ASSESSMENT ROLL

RESOLVED, that the Mayor or Deputy Mayor be, and they hereby are, authorized and directed to sign the proper warrant to the Treasurer to collect said taxes and that the Clerk, be, and she hereby is, authorized and directed to attest the same under the corporate seal of this Village and to deliver the assessment roll with said warrant thereto annexed to the Treasurer, and

TREASURER'S NOTICE

FURTHER RESOLVED, that the Treasurer be, and she hereby is, directed to publish the notice required by Section 1428 of the Real Property Law in the Oyster Bay Guardian in its issues of May 14, and May 21, 2021, the official newspaper of this Village, and

FURTHER RESOLVED, that pursuant to Section 1430 of the Real Property Law, the Village Treasurer be and she hereby is, directed to mail tax bills to all persons whose names appear on the 2021/22 tax assessment roll, and

DEPARTMENT OF AUDIT AND CONTROL

FURTHER RESOLVED, that a copy of the adopted 2021/22 budget be attached to the minutes of this meeting and a certified copy thereof forwarded to the Department of Audit and Control at Albany, New York.
(See Attached Exhibit A)

MINUTES

The Mayor then called for approval of the regular minutes of the Trustee meetings held on March 15, 2021.

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

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated April 19, 2021 in the total sum of \$10,269, May 1, 2021 totaling \$47,759.39 and Capital Fund Check Detail dated April 20, 2021 totaling \$35,874.48 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 and approve the bills listed on the General Fund Check Details dated April 19, 2021 in the total sum of \$10,269, May 1, 2021 totaling \$47,759.39 and Capital Fund Check Detail dated April 20, 2021 totaling \$35,874.48 which are annexed to these minutes. *(See Attached Exhibit C, 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 month ending March 2021. *(See Attached Exhibit F)*

VILLAGE CLERK'S REPORT

2020/21 Salary Increases

The Clerk reported that the 2020/21 Budget included the following salary increases of 2.0%:

Tracy Lynch/Clerk Treasurer (34 hrs/wk)	\$85,277 (\$48.23/hr)
plus	\$5,200 insurance waiver

Laurie Dooney/Building Department Clerk (24 hrs/wk)	\$47,886 (\$38.37/hr)
Sam Vergata/Road Commissioner (40 hrs/wk)	\$73,050 (\$35.12/hr)
Stephen Murphy/Laborer (40 hrs/wk)	\$48,194 (\$23.17/hr)
Margaret Grady/Court Clerk (12 hrs/wk)	\$17,000 (\$27.27/hr)
Village Accountant	\$561/month
Village Prosecutor	\$459/month
Village Building Inspector	\$102/hr
NCS Leasing Corp	\$7140/month

CGA Building Consultation Agreement 2021/22

The Clerk reported she received a copy of the CGA Consulting, Inc. proposal for building department consulting services for the term of June 1, 2021 through May 31, 2022. The agreement includes a 2% increase to the hourly rate as approved by the Board.

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

RESOLVED to approve CGA Consulting, Inc.’s proposal for the term of June 1, 2021 through May 31, 2022 with an hourly rate of \$102.00.
(*See Attached Exhibit G*)

Building Permit Refund

The Clerk presented the Board with a request from a plumbing contractor for the refund of a building permit fee on a project the resident did not move forward with. The Clerk reported that the Building Inspector confirmed that the project had not commenced, and that the plumbing contractor was entitled to a refund of 75% of the permit fee.

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

RESOLVED to approve a refund of \$206.25 to M & M Precision Plumbing & Heating.

Lawn Lane Reimbursement

The Clerk reported that the deed for the transfer of the Lawn Lane cul-de-sac to the Village was nearly completed and requested approval for payment of \$6,045 to Ms. Morgan for the reimbursement of the portion of the cul-de-sac she repaved at her own expense. The minutes of a previous Board of Trustees meeting in **June 17, 2019** had accepted the offer of a transfer of the cul-de-sac road from Nassau County but that transaction was never completed.

The current Board previously approved the reimbursement, but some time has elapsed. After discussion by the Trustees and on motion duly made and seconded, the Board unanimously

RESOLVED to approve a reimbursement to Ms. Morgan of \$6,045 for the portion of the Lawn Lane cul-de-sac she paid to repave, following notice of recording of the

deed.

Zoning Board Legal Expenses

The Clerk reported that applicants to the Zoning Board were paying for legal expenses related to the Village Attorney's staff attempting, sometimes multiple times, to contact members that do not have either a cellphone or access to email. In addition, the Zoning Board is moving to digital submissions over email, but those without email must receive printed copies of testimony and other records involving sometimes additional expense and delays while members await mail deliveries.

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

RESOLVED henceforth to appoint Zoning and Planning Board members that are able to communicate via email and cellphones.

The Clerk agreed to work with the Mayor and the Village Attorney to restructure the Zoning Board Fee & Deposit law and would report to the Board in May.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that in the last month, his crew filled 40 - 50 potholes and swept sand debris from the Village roads.

He also reported on the tree work being done at the new Village Hall. A tree service was hired to prune the evergreens along the side of the driveway for a single day at a rate of \$4,200. While on site they identified numerous additional rotted trees and other areas on the property that have been neglected for many years and posed a dangerous situation. Their services were extended at the same rate for an additional three days.

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

RESOLVED to ratify the award given to Woody Tree Service so it includes additional work in the additional amount of \$11,800, for a total of \$16,000.

The Mayor also requested that the village road crew undertake the lawn mowing and landscape trimming at the new Village Hall property.

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for March 2021 activity. (*See Attached Exhibit H*)

MAYOR'S REPORT

Cell Tower Consultant

The Mayor proposed working with CityScape to assist with the AT&T cell tower

lease agreement. CityScape has significant experience in this area and, most recently, advised the Village of Oyster Bay Cove on their cell tower lease agreement with AT&T. The Village Attorney concurred and stated this is a contract for special consulting services and it is not subject to competitive bidding.

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

RESOLVED to approve the hiring of CityScape and pay them a \$3,000 retainer fee to assist the Village with negotiating lease terms with AT&T.
(See Attached Exhibit I)

Architect for New Village Hall

The Mayor proposed hiring an architect to prepare architectural drawings for the new Village Hall.

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

RESOLVED to authorize the Mayor to negotiate with an architect for an amount for architect services only, not to exceed \$60,000, for the purpose of drafting plans for the new village hall.

Z Medical Care

The Mayor commended Dr. Zamecki of Z Medical Care in Glen Cove for securing sufficient covid-19 vaccinations to vaccinate all villagers who wanted the vaccination as well as employees of the Planting Fields Historic State Park, the North Shore Land Alliance, the Old Brookville Police Department and volunteers of the East Norwich Fire Department.

The Mayor and Town of Oyster Bay Supervisor Joe Saladino will be presenting a citation to Dr. Zamecki and Z Medical Care honoring him for his service to the residents of Upper Brookville and the Town of Oyster Bay.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

The Clerk reported that the Draft Storm Water Management Plan and Annual Report, prepared by the Village Engineer West Side Engineering PC, has been uploaded to the Village's website for review by the public. The Board will vote on its approval at the May Board Meeting.

ARCHITECTURAL REVIEW REPORT

The Chair reported on several Village properties that have violated building and tree

ordinances. The Chair agreed to discuss these issues with the Building Department.

LEGAL REPORT

The Village Attorney reported that Mill Neck, Cove Neck, Brookville & Matinecock sent a letter to the Village of Old Brookville giving them a deadline of April 15th to acknowledge whether they are going to agree to sign a renewal of the protection contract based upon the current language that had been agreed among the four villages. To date, there has been no response from Old Brookville. Therefore, the four villages are proceeding with the establishment of their own police department. The police headquarters would be housed in the Village of Brookville and they are working actively with Civil Service.

The Village Attorney and Board discussed the terms of the existing headquarters premises lease and concurred with the recommendation that the Village of Upper Brookville send notification to the lessees indicating they must vacate the current headquarters building by May 31, 2022 if five villages do not renew the Joint Protection Agreement.

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

RESOLVED to authorize the Mayor to notify the six lessees of the Old Brookville Police Headquarters, that they will need to vacate the premises by May 31, 2022 if five villages do not renew the Joint Protection Agreement.

The Mayor closed the meeting at 7:50 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter into Executive Session to discuss various cell tower and police matters, including contracts.

EXECUTIVE SESSION

At 8:55 pm, on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session.

The Mayor reported that police contract matters were discussed as well as contract matters relating to cell towers at the new and old village hall sites.

On motion duly made and seconded, the Board unanimously

RESOLVED to authorize the Mayor to begin the process of negotiating a final cell tower lease at the Old Brookville Police Headquarters with AT&T while encouraging them to begin the approval process by submitting a zoning application to the village.

The Board then, by motion duly made and seconded, unanimously

RESOLVED to adjourn the meeting at 9:00 pm.

The next regular meeting of the Board of Trustees is scheduled for Monday, May 17, 2021 @ 5:30 p.m.

Signed by Tracy Lynch May 17, 2021

Tracy Lynch
Village Clerk