

VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES' MEETING
PLANTING FIELDS ARBORETUM STATE HISTORIC PARK
CARRIAGE HOUSE
MAY 17, 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 May 17, 2021 at 5:30 p.m.

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

Also Present: Tracy L. Lynch, Clerk/Treasurer
Merle Demott, Resident
Mary Javian, 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

PUBLIC COMMENT

Two long-time residents thanked the Board for all the great improvements and progress that has been made in the village. They asked for an update on the fence repair at the new village hall property, the Old Brookville Police Department and cell tower matters.

The Mayor said the sections of the stockade fence on the property line with a neighbor would be repaired.

Regarding the Old Brookville Police Department, the Mayor said a number of letters had been sent recently by the OBPD village partners to their residents to the effect that after May 31, 2022, the Old Brookville Police Department will downsize to serve only the village of Old Brookville. According to the letters, the primary cause was by irreconcilable differences between the Village of Old Brookville and the OBPD village partners related to the projected size of future health care liabilities for retirees.

The Village of Brookville plans to form a new police department that will also serve the Villages of Matinecock, Mill Neck and Cove Neck.

Upper Brookville plans to combine with one of a number of nearby villages. This should result in the dedication of a single police car based at the existing OBPD headquarters location.

Regarding the cell towers, the Mayor said the Upper Brookville Board had authorized him to begin negotiations with AT&T to lease Village property and build a cell tower at the current police headquarters and possibly an additional tower at the old village hall site.

MINUTES

The Mayor began the regular meeting at 6:00 pm by calling for approval of the regular minutes of the Trustee meeting held on April 19, 2021.

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 General Fund Check Details dated May 17, 2021 in the total sum of \$12,283.93, June 1, 2021 totaling \$158,126.49 and Capital Fund Check Detail dated May 1 - 18, 2021 totaling \$9,726.70 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 May 17, 2021 in the total sum of \$12,283.93, June 1, 2021 totaling \$158,126.49 and Capital Fund Check Detail dated May 1 – 18, 2021 totaling \$9,726.70 which are annexed to these minutes. *(See Attached Exhibit B, C & D)*

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 April 2021. *(See Attached Exhibit E)*

The Mayor recommended that once the financials are final, and if there are surplus funds, the Board authorize a budget adjustment to assign these funds to the road improvement fund. The Board concurred and the Clerk agreed to discuss this adjustment with the auditor once the end of year financials are completed.

VILLAGE CLERK'S REPORT

SCAR Assessment Reductions & Tax Refunds

The Clerk reported that two residents were awarded assessment reductions in Small Claims Proceedings 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 reductions and refunds 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:

Newburger – Sec. 24, Blk. E, Lot 1040 2020/21 assessed value of \$3,875 reduced to \$2,969 for a total refund of \$2097.84. (*See Attached Exhibit F*)

Mehta – Sec. 24, Blk. 26, Lot 10 2020/21 assessed value of \$2036 reduced to \$1859 for a total refund of \$409.84. (*See Attached Exhibit G*)

Village Audit Proposal for 2020/21

The Clerk reported on Cullen & Danowski's audit proposal for the year ended May 31, 2021. The proposal includes the audited financial statements of the governmental activities for each major fund, and fiduciary fund, including the related notes to the financial statements, which collectively comprise the basic financial statement of the village. The proposed fee for these services is \$11,000, a \$500 increase over last year.

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

RESOLVED to approve the Cullen and Danowski audit proposal for year ended May 31, 2021 for a fee of \$11,000. (*See Attached Exhibit H*)

Village Engineer Rate Proposal for 2020/21

The Clerk reported on LiRo Engineers, Inc. billing rate proposal for the 2021/22 fiscal year. The proposal includes an increase of 3.0% to the hourly rate of the Village Engineer and other titles.

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

RESOLVED to approve the LiRo billing rate schedule for the 2021/22 fiscal year. (*See Attached Exhibit I*)

Zoning Board Legal Expenses

The Clerk reported that she had received a request from a Zoning Board applicant to waive legal expenses that were administrative in nature.

After discussion by the Trustees and on motion duly made and seconded, the Board unanimously denied the applicants request as the expenses are directly related to the application and should not be borne by village residents.

The Board also discussed collecting a flat fee for zoning board applications instead of a fee & refundable deposit. The Village Attorney and Clerk will work to draft proposed revisions for the June meeting.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

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

The Mayor proposed extending the waiver of permit fees for the generator program through the end of this year because the generator deliveries and installation appointments were delayed due to the pandemic and the heavy demand on the North Shore of Long Island following the storm last fall.

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

RESOLVED to approve extending the generator program for orders made through December 31, 2021.

MAYOR'S REPORT

Local Law A-2021

The Mayor introduced proposed Local Law A-2021 which amends Chapter 125 "Landscaping" and repeals Chapter 144, "Noise" and adds new Chapter 144 "Noise". *(See Attached Exhibit K)*

A Board member requested that the law clarify the definition of animals. The Clerk and Village Attorney agreed to work on a new draft which would be circulated to the Board.

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

RESOLVED to hold a public hearing on proposed Local Law A-2021 at the June Board meeting.

Proposed Local Law C-2021

The Mayor introduced proposed Local Law C-2021 which amends Chapter 205 "Zoning". The proposed law limits the type and number of livestock and fowl on a lot. *(See Attached Exhibit L)*

A Board member requested that the law clearly state the types of livestock and fowl to be permitted. The Clerk and Village Attorney agreed to work on a new draft which would be circulated to the Board.

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

RESOLVED to hold a public hearing on proposed Local Law C-2021 at the June Board meeting.

Intermunicipal Agreements

The Mayor proposed entering into an Intermunicipal Agreement with the Town of Oyster Bay for line striping and catch basin cleaning. The quality of the town line striping is quite good compared to many others in the business. The Village may be eligible for match funding from NYS through the Shared Service Initiative if there are savings demonstrated for these services.

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

RESOLVED to enter into an Intermunicipal Agreement with the Town of Oyster Bay for line striping and catch basin cleaning.

Citation

The Mayor reported that he and Supervisor Saladino were planning to present Dr. Zamecki and the staff at Z-Medical Care in Glen Cove a citation for the superb job they did in providing vaccination to all village residents who wanted it, as well as vaccinating 1,600 residents of the North Shore.

Police Consultant

The Mayor reported that the Board previously approved the hiring of a consultant to assist the Village with police matters. He contacted the Police Executive Research Forum (PERF), an organization based in Washington D.C. that are experts on police matters, and they recommended that the Village hire Peter Bellmio who can analyze staffing requirements and shift studies for the Village.

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

RESOLVED to hire PERF and Peter Bellmio as consultants to work on police studies for the Village.

Oaks at Mill River Update

The Mayor reported that the owners of the Oaks property on Mill River Road are speaking to prospective buyers for the property. The Oaks had previously approached the Village and asked if they could donate the open space required in the final planning board decision to the Village. The Board reaffirmed that they were still interested in a gift of the property to be used for Village purposes.

Planting Fields Road Update

The Mayor reported that the Village was awarded a \$280,000 grant a few years ago from NYS for the reconstruction of Planting Fields Road. There were open questions about the terms of the grant that have since been resolved.

The Mayor recommended that the Village move forward with the project and that the bid package require the bidders to provide the village with how they are going to comply with the states capital project agreement, how many of these types of projects they have worked on and how many have been approved by the state.

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

RESOLVED to go to bid on the Planting Fields Road reconstruction project.

Village Dinner

The Mayor would like to plan for the annual Village dinner to discuss results, present initiatives for the upcoming year and show our appreciation for the work done by all our volunteers. Schedules permitting, our special guest this year will be County Executive Laura Curran.

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

RESOLVED to host the annual Village dinner at a date to be determined.

Grants

The Mayor recommended that the Village hire a grant writer to apply for a tree inventory and other grants. He spoke to the grant writer who was successful in getting another North Shore village a \$50,000 tree inventory grant. The cost of writing the grant is typically 5-10% of the anticipated proceeds.

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

RESOLVED to budget \$10,000 to hire a grant writer.

Fence at New Village Hall

The Mayor discussed the cost of enclosing the new village hall property with a security/privacy fence. The existing fence is in disrepair and has collapsed in many places. A neighbor has offered to make a generous contribution towards the cost of the project.

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

RESOLVED to go out to public bid to build a barrier fence around the village hall property.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

The Mayor noted that the Storm Water Management Program Annual Report for Year 18 prepared by West Side Engineering, PC for the period March 10, 2020 through March 9, 2021, has been posted on the Village website and at the Upper Brookville Village Hall at the Planting Fields Arboretum, Planting Fields Road, for review by the public. To date, no comments have been received. It was noted that the Annual Report must be filed with the New York State Department of Environmental Conservation no later than June 1, 2021. After discussion, the Board authorized the filing of the Annual Report and all

required documents in accordance with the Department of Environmental Conservation regulations. A copy of the report was directed to be annexed to the minutes. Accordingly, on motion duly made and seconded, the Board unanimously

RESOLVED, that the Village of Upper Brookville's Storm Water Management Program Annual Report, as required by the Federal Storm Water Phase II Regulation, be and it hereby is accepted and directed that it be filed with the appropriate agencies; and

FURTHER RESOLVED, that the Village Engineer, West Side Engineering, PC be and it is hereby authorized and directed to file the required 18 year Storm Water Management Program Annual Report on behalf of the Village of Upper Brookville in compliance with the Federal Storm Water Phase II Regulations, including any and all other required compliance documents; and

FURTHER RESOLVED, that the Mayor be, and he hereby is authorized to sign any and all documents necessary for compliance with Storm Water Phase II Regulations. (*See Attached Exhibit M*)

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that the Yadegar Article 78 action has been dismissed.

The Mayor closed the general meeting at 7:10 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 7:48pm, on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session after discussing police and fire department contract matters, cell tower contract matters and matters relating to various Village-owned properties including the police station.

On motion duly made and seconded, the Trustees unanimously

RESOLVED to ratify the Mayor's appointment of Innis O'Rourke, III as Fire Commissioner and commend former Fire Commissioner Carl Friedrich for all his efforts and a job well done and

FURTHER RESOLVED to authorize the Mayor to continue investigating multiple options for continued police protection after the expiry of our current contract on May 31, 2022 and also to enter into discussions to sign a Memorandum of Agreement with the partner village that has the highest potential to serve the needs of the Village at a financially prudent cost.

The Board then, by motion duly made and seconded, unanimously **RESOLVED** to adjourn the meeting at 8:00 pm.

The next regular meeting of the Board of Trustees is scheduled for Monday, June 21, 2021 @ 5:30 p.m.

Signed by TL Lynch 6/21/2021

Tracy Lynch
Village Clerk