

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

A Public Hearing and 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 June 21, 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
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Also Present: Tracy L. Lynch, Clerk/Treasurer
Sam Vergata, Road Commissioner
Angelo Silveri, Resident
Joseph & Karen DeMartino, Resident
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village

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

THE PLEDGE OF ALLEGIANCE

HEARING ON PROPOSED LOCAL LAW A-2021

The Mayor next called the hearing on proposed Local Law to order at 5:45 pm. The affidavit of publication of the notice of hearing and mailing of the local law and notice were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered proposed Local Law A-2021 which will amend Chapter 125, "*Landscaping*", repeal Chapter 144, "*Noise*" and add new Chapter 144, "*Noise*" of the Code of the Village of Upper Brookville. The proposed local law prohibits unreasonable noise within the village and defines and clarifies the restrictions on the day and time to be imposed on individuals and contractors in performing landscaping, tree services and exterior construction in the village.

The Mayor called for comments in favor of, or in opposition to, the proposed Local Law. Having given all an opportunity to speak and discuss the proposed local law, changes were noted and the hearing was closed.

The Mayor then called the regular meeting to order at 6:00 P.M.

MINUTES

The Mayor then called for approval of the regular minutes of the Trustee meeting held on May 17, 2021.

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

ADOPTION OF LOCAL LAW 1-2021

The Board then considered the adoption of Local Law 1-2021, which amends Chapter 125, “*Landscaping*”, repeals Chapter 144, “*Noise*” and adds new Chapter 144 “*Noise*”.

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

RESOLVED that pursuant to Article 8 of the State Environmental Quality Review Act (*SEQRA*), proposed Local Law 1-2021 is hereby classified as an “*Unlisted Action*”, and shall have no further environmental review and

FURTHER RESOLVED that Local Law 1-2021 be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

(See Attached Exhibit B)

Votes in favor of adoption:	Elliot S. Conway	Aye
	Edward J. Madden	Aye
	Antje B. Dolido	Aye
	Innis O’Rourke III	Aye

Votes against adoption: None

PUBLIC COMMENT

Two Mill River Road residents reported that the cars on Mill River Road are travelling at excessive speeds and the amount of traffic has greatly increased. It has become very dangerous for them to get mail from their mailboxes. They asked the Board to consider installing traffic calming devices to reduce the speed and number of vehicles on the road.

The Mayor reported on the history of speeding, accidents and complaints on the road. A 2011 study by the AAA Foundation for Traffic Study concludes you can improve pedestrian safety by limiting speeds of vehicles to levels that reduce severe injury or death.

He reported that the Village Engineer rejected speed humps for safety and maintenance issues but recommended lowering the speed limit from 35 mph to 25 mph with increased policing to slow down vehicles.

The Mayor spent time with the Chief of the Old Brookville Police Department and

he would support this approach if adopted by the Board. The Chief recommended, as an alternative, the installation of one or more stop signs. The Mayor agreed to follow up with the Village Engineer and report back at the next meeting.

The Mayor further reported that the Village can pass a local law to lower the speed limit in designated areas as long as the Village Engineers says it's a health and safety issue and recommended that the Village install three way stop signs at Lawn Lane and Centre View.

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

RESOLVED to hold a hearing in July to lower the speed limit on Mill River Road to 25 mph from Oyster Bay Glen Cove Road to Remsens Lane and, as an alternative, install up to two stop signs on Mill River Road, the location to be determined, subject to a location and safety review by the Village Engineer.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated June 21, 2021 in the total sum of \$29,637.35, July 1, 2021 totaling \$340,398.86 and Capital Fund Check Detail dated May 19 - June 22, 2021 totaling \$3754.74 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 June 21, 2021 in the total sum of \$29,637.35, July 1, 2021 totaling \$340,398.86 and Capital Fund Check Detail dated May 19 - June 22, 2021 totaling \$3,754.74 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 May 2021. (*See Attached Exhibit F*)

VILLAGE CLERK'S REPORT

IT Proposal

The Clerk presented a proposal from North Shore Technology Systems (NSTS) for IT managed services and support, including website assistance and one on site visit per

month as needed. The proposal includes a centrally managed comprehensive suite of software systems that will maintain and monitor critical technology infrastructure 24x7. This will ensure protection from major technical failures and a multitude of security risks.

NSTS is currently providing these services to the Village of Centre Island and the Planting Fields Foundation and comes highly recommended. We have worked with and know the principal, Sage Chevins. He set up our original village website in 2016.

The proposal includes a monthly recurring charge of \$675 and a one-time onboarding & setup charge of \$2,450. Work outside of the managed services scope will be billed at an hourly rate of \$100. This proposal will replace the current IT services the Village has with Split Rock IT.

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

RESOLVED to approve North Shore Technology Systems proposal.
(*See Attached Exhibit G*)

Mill River Club Fireworks Display

The Clerk reported that the Mill River Club previously made a request for the approval of a fireworks display at the Club premises on July 3 (rain date July 5) 2021. The application submitted indicates that the fireworks display would take place in the most central area of the Club's 1,150 acre golf course facility.

Thereafter, on motion duly made and seconded, the Board unanimously

RESOLVED to ratify the approval of a fireworks permit to the Mill River Club on July 3 (rain date July 5) 2021, subject to the conditions contained in the application and the following:

1. The provisions of Article 405 of the Penal Law;
2. Appropriate traffic control as shall be required by the Old Brookville Police Department at the expense of the applicant;
3. Approval by the Nassau County Police Department and compliance with their restrictions and requirements;
4. Applicant shall deliver an original certificate of insurance in the minimum amount of \$5,000,000 naming the Village as additional insured. This certificate shall be delivered to the Village clerk at least five days in advance of the date of the display;
5. Failure to comply with any of the above requirements shall result in immediate revocation of the permit.

TOBAY Triathlon

The Clerk reported that the Village received a request for the holding of the Town of Oyster Bay Triathlon, to be held on August 29, 2021.

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

RESOLVED to approve a permit for the event, subject to the usual requirements of having the activity coordinated with the Police Department and the following conditions:

1. All race activities shall occur between the hours of 9am – 11am;
2. There shall be no parking along any street within the Village;
3. The race sponsor/applicant shall be responsible for providing appropriate supervision and adequate protection for all participants, workers, volunteers, motorists and spectators;
4. The race sponsor/applicant shall provide to the Village a Certificate of Liability Insurance for the event naming the Village as an additional insured in the minimum amount of \$5,000,000 which certificate shall be delivered to the Village Clerk at least two (2) days in advance of the use of the premises for event activity.
5. The race sponsor/applicant shall complete the Village's Indemnification and Hold Harmless Agreement releasing the Village from any and all claims and liabilities, which arise in connection with the event by any participants, workers, volunteers, motorists and spectators;
6. All roads in the Village used in connection with this event are to be used by each participant, worker, volunteer, motorist and spectator at his or her own risk. The race sponsor/applicant shall be responsible for obtaining releases from all participants stating that all Village roads are to be used at the risk of each participant;
7. All activities occurring with the Village are to be coordinated with the Old Brookville Police Department (OBPD). If the OBPD requires additional personnel to provide adequate protection, the sponsor shall pay for all costs and charges, including, but not limited to, overtime payment for all police officers used;
8. The applicant shall deposit \$300 with the Village as security to ensure that after the conclusion of the event, the race sponsor/applicant shall promptly remove from the Village all of it's signs and collect and remove all debris generated by race participants, workers, volunteers, motorists and spectators;
9. The applicant is prohibited from marking any street within the Village;
10. Any breach of the foregoing conditions, or any violation thereof of the local laws of the Village, shall be in and of itself grounds for the Village to immediately revoke approval.

SCAR Assessment Reduction/Village & Tax Refund

The Clerk reported that 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, provided the Village taxes have been paid in full and copies of applications were submitted to the Village as follows:

Maidenbaum Property Tax Reduction Group totaling \$17,912.71
(*See Attached Exhibit H*)

Maidenbaum & Sternberg, LLP totaling \$15,703.72
(*See Attached Exhibit I*)

American Rescue Plan Act (ARPA)

The Clerk reported that the Village is required to tell the state whether they are requesting or declining ARPA Coronavirus Local Fiscal Recovery Funds by July 9, 2021. The Village may be entitled up to \$190,000 in funds which will be delivered to the Non-Entitlement Units (NEU's) of Local Governments in two, 50% payments. The funds are being granted to NEU's to mitigate the fiscal effects of the COVID-19 public health emergency. The funds may also be used for certain infrastructure improvements.

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

RESOLVED to authorize the Clerk, as a representative of the Village, to accept the funding and complete the required Department of Treasury documentation.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported on the increased number of deer sightings in the Village and recommended that the Board authorize the purchase of six (6) signs to be installed throughout the Village. He also asked the Boards approval for the purchase of an additional Village welcome sign to replace the old sign on Piping Rock Road.

He also reported that the Mayor had authorized the hiring of a summer laborer to assist with lawn mowing and general village maintenance.

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

RESOLVED to approve the purchase of six (6) reflective deer signs, purchase a village welcome sign and ratify the approval of a summer laborer at the rate of \$12.50/hr.

BUILDING DEPARTMENT REPORT

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

MAYOR'S REPORT

Animal Code

The Mayor reported that he would work with the Village Attorney to draft a local law to address the keeping of bees, fowl, horses and livestock for discussion at the July meeting.

Legislative Update

The Mayor reported that the Legislature passed two bills introduced by Senator Gaughran and Assemblyman Michael Montesano (a) making the 24 Wolver Hollow Road Village Hall site tax exempt and (b) extending the shared services initiative until 2025. He recognized and thanked both the Senator and Assemblyman for their considerable effort in shepherding both initiatives. With respect to the Shared Services initiative, he also expressed the appreciation of the Village for the efforts of the Nassau County Village Officials Association (NCVOA), the New York Conference of Mayors (NYCOM) and the Suffolk County Village Officials Association (SCVOA). Upper Brookville may enjoy significant returns from this initiative in 2022 and 2023.

He reported that legislation intended to help Upper Brookville and Lloyd Neck villages dealing with our rapidly expanding deer population passed the Senate but not the Assembly.

The Mayor mentioned he has been working on legislation with Senator Gaughran's office to permit Upper Brookville to install a speed camera on Mill River Road but there was insufficient time for action during this legislative session. We will work on this for the next session.

Village Hall Update

The Mayor reported he received a second bid for the new Village Hall from H2M Architects & Engineers. They estimated that to renovate only the first floor of the building, and install an elevator to the second unfinished floor would cost around \$2,200,000 and their fee for architectural and project management services are 10% of the cost or \$220,000.

He recommended, since the Village is anticipating getting the police headquarters back, that we should consider moving the Village Hall to the headquarter location. There's plenty of room with many first floor offices already in place and the lower level can be used as a meeting area.

He proposed getting a surveyor to partition the 24 Wolver Hollow Road site into two lots. The Village would retain a 2-acre lot with the cottage and use the lower portion as a parking area for the new Village Hall and a 3.5 acre lot would be created with the dwelling and remaining property and sold. As an alternative, the cottage could be sold with the larger lot.

Other Board members supported moving the Village Hall to the police headquarters building but recommended, as an alternative, selling the lot as a whole while the market

remains strong.

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

RESOLVED to approve the spending of up to \$6,000 on a surveyor to stake out the property for two or three potential lots and up to \$20,000 to improve the area in front of the main dwelling for a sale of the property and

FURTHER RESOLVED to sell the property at 24 Wolver Hollow Road since the use of the Old Brookville Police Department headquarters building will return to the Village when the OBPD disbands in May 2022 and

FURTHER RESOLVED to hire an environmental surveyor to conduct an inspection of the OBPD headquarters site to determine if there is any remediation required with potential underground oil tanks or other environmental matters.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 7:45 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter into Executive Session to discuss various village matters.

EXECUTIVE SESSION

At 8:15 pm, on motion duly made and seconded, the Board unanimously

RESOLVED, to come out of Executive Session where police contract matters were discussed as well as matters relating to the village hall and the Village Clerk's employment agreement.

Then, on motion duly made and seconded, the Trustees unanimously

RESOLVED, to permit the Village Clerk to take Fridays off, without pay, on such dates to be determined by the Mayor and the Village Clerk between now and Labor Day. While she currently works 8:30-12:30, it is agreed that she will be available to assist the Village during those times if necessary, and the Deputy Clerk will work full days on Fridays.

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

RESOLVED, having reviewed a draft Memorandum of Agreement (MOA) with another Village regarding police protection after May 31, 2022, to authorize the Mayor to negotiate and sign an MOA providing the terms and conditions are not substantially different than those discussed with the Board.

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

RESOLVED to adjourn the meeting at 8:30 pm.

The next regular meeting of the Board of Trustees is scheduled for Monday, July 19, 2021 @ 5:30 p.m.

Signed by TL Lynch on July 19, 2021

Tracy Lynch
Village Clerk