

**VILLAGE OF UPPER BROOKVILLE
ANNUAL ORGANIZATION & BOARD OF TRUSTEES MEETING
COTTAGE @ 24 WOLVER HOLLOW ROAD
SEPT 13, 2021**

The Annual Organization and a regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held in Village Hall, in the Cottage at 24 Wolver Hollow Road on Monday September 13, 2021 at 5:30 p.m.

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

Also Present: Tracy L. Lynch, Clerk/Treasurer
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village
Richard Daly, Resident

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

THE PLEDGE OF ALLEGIANCE

ANNUAL ORGANIZATION MEETING

The Mayor called the Annual Organization Meeting to order and announced that this was a meeting for the purpose of organization of the Village for the new official year commencing on the first Monday of July 2021 and recommended the appointments presented. *(See Attached Exhibit A)*

EXECUTIVE ORDER

The Mayor announced that he extended the Emergency Order in connection with Tropical Storm Elsa for an additional 30 days. This was so Village Officials and Employees were able to retain all necessary labor, equipment and materials, without compliance with the municipal procurement bidding requirements, which was needed and necessary to promptly secure adequate temporary facilities suitable for governmental operations.

On September 2, 2021, the Mayor declared a new Local State of Emergency following the remnants of Hurricane Ida. Village Hall was again flooded by stormwater forcing the Village Hall to immediately relocate to a safe and secure location. This Order was declared so Village Officials and Employees were able to retain all necessary labor, equipment and materials, without compliance with the municipal procurement bidding requirements, which was needed and necessary to promptly relocate governmental operations as the Village deems necessary and appropriate to perform municipal functions. He reported that the Clerk filed the Order with all the necessary agencies.

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

RESOLVED to ratify the actions of the Mayor in issuing the extension to the Emergency Order in connection with Tropical Storm Elsa for an additional 30 days and the new Emergency Order in connection with the remnants of Hurricane Ida for 90 days. *(See Attached Exhibit B & C)*

MINUTES

The Mayor then called for approval of the regular minutes of the Trustee meeting held on July 19, 2021.

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

PUBLIC COMMENT

Mr. Daly reported that he had received a call from the Road Commissioner earlier in the day about water and mud accumulating in front of the new Village Hall after a pond was drained on his property. It seems the recent heavy rain caused a portion of a hill to collapse into the pond, necessitating draining and dredging the pond.

Cars on Wolver Hollow Road sprayed mud over the main entrance wall, mailbox, signage and gate to Village Hall and Village workers spent half a day removing the mud.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated September 9, 2021 in the total sum of \$195,566.88 and October 1, 2021 totaling \$54,488.43 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 September 9, 2021 in the total sum of \$195,566.88 and October 1, 2021 totaling \$54,488.43 which are annexed to these minutes.
(See Attached Exhibit E & F)

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's for the months ending July 2021 & August 2021. *(See Attached Exhibit G & H)*

VILLAGE CLERK'S REPORT

TOBAY Intermunicipal Agreement

The Clerk reported that the Department of Highway informed her that the Town of Oyster Bay is unable to enter into an Intermunicipal Agreement with the Village for line striping and catch basin cleaning as they do not have the resources to support these types of projects.

Village Court

The Clerk asked for approval to hold Village Court at the Brookville Reformed Church at a cost of \$400 per session.

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

RESOLVED to approve the use of the Brookville Reformed Church for Village Court at a cost of \$400 per session.

Planting Fields Road Grant

The Clerk requested that the Board appoint her as the Responsible Local Official (RLO) on matters related to the Planting Fields Road Grant.

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

RESOLVED to appoint the Clerk as the RLO for the Planting Fields Road Grant.

New Village Hall Emergency Actions

The Clerk presented the Board with several emergency repairs required at the new Village Hall and asked for approval on the following:

1. Convert the detached two car garage at the cottage to habitable space to protect the building, zoning & planning files stored there at an estimated cost of \$12,000, to include the installation of insulation, lighting & an HVAC system.
2. Install a key coded locking mechanism on the main dwelling attached garage to secure the storage of furniture and equipment at an estimated cost of \$3000.

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

RESOLVED to approve the above emergency action improvements at the new Village Hall with costs not to exceed \$15,000.

American Rescue Plan Act (ARPA) Funding

The Clerk reported that the Village received the first half of the ARPA funding totaling \$89,436 and appears on the General Fund Balance sheet as a liability until the expense is recognized.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

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

MAYOR'S REPORT

Water Leak at New Village Hall

The Mayor reported that Jericho Water District notified the Village of a continuous water use alarm at the new Village Hall site. The Village hired a plumber to locate the leak but he was unable to find the precise location and recommended that the Village abandon the existing service and install a new water main to the cottage. The Village will continue working with the District and plumber on resolving the issue and report back to the Board.

Proposed Local Law B-2021

The Mayor introduced LL B-2021 to prohibit through truck traffic on Mill River Road. The Village Attorney will work on a new draft that only permits local deliveries and no commercial traffic, defined as traffic utilizing Mill River Road for purposes not to provide services to Village residents. The law will be presented to the Board at a meeting in the near future.

(See Attached Exhibit K)

Proposed Local Law C-2021

The Mayor introduced LL C-2021 which is required under NYS law to opt the Village out of licensing and permitting retail dispensaries and/or on-site cannabis consumption establishments within its' boundaries.

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

RESOLVED to to hold a hearing at the October Board meeting.
(See Attached Exhibit L)

Mill River Club Flooding

The Mayor reported that the Village conducted an onsite visit of the Mill River Club last month after the flooding issues occurred on Donna Drive following Tropical Storm Elsa. They identified a drainage reserve area and culvert opening that was either blocked or clogged with no visible exit drainage area. The site conditions indicated some digging to rectify the problem, however, the flooding continued after the remnants of Hurricane Ida earlier this month.

The Village sent the Club a letter instructing them to hire an engineer to prepare a design to rectify the drainage problem with an estimate of the proposed timing of the execution. The next steps for the Village will depend on the response from the Club and their proposed plan.

Mayday Communication Antenna

Trustee Friedrich explained that the Old Brookville Police Department is installing a repeater on the Wheatley water tank. Since the department will not exist in May 2022, and only the newly formed Brookville Police Department will benefit from it, the Village's of Old Brookville & Upper Brookville will be reimbursed by the new Brookville Police Department, 100% of our percentage allocations.

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

RESOLVED that upon the expiration of the Six Village Joint Police Protection Contract, the Villages of Old Brookville and Upper Brookville shall be reimbursed by the Village of Brookville, Mill Neck, Matinecock and Cove Neck, together constituting the Brookville Police Department, in amounts equal to 25.44% and 20.743%, respectively, of the cost thereof, and all rights ownership, and use of the antenna shall thereafter devolve to the Brookville Police Department.

Horses

The Mayor reported a resident complaint about the odors coming from horses on their neighbors property. He explained that the code allows for up to 4 horses on properties with 5 or more acres and manure shall not be stored within 150 feet from any boundary line and shall be stored and treated in such a manner so that it shall not create any odor or attract or harbor any rodents, flies or other insects.

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

RESOLVED that it is their interpretation that manure must be stored and treated in such a manner that it will not create any odor, attract or harbor any rodents, flies or other insects, must be stored in a metal container with a lid on it that meets setbacks and be disposed of at least once per week.

Based on this interpretation, the Mayor recommended having the Building Inspector

inspect the property to determine if the neighbor's in compliance with the code and take any appropriate actions necessary.

He also presented a number of potential code revisions to address horse-related problems and will follow up with the Village Attorney.

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 6:45 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter into Executive Session to discuss various Village Police matters.

EXECUTIVE SESSION

At 7:15 pm, on motion duly made and seconded, the Board unanimously

RESOLVED, to come out of Executive Session where no action was taken and the meeting was adjourned.

The next regular meeting of the Board of Trustees is scheduled for Monday, October 18, 2021 @ 5:30 p.m.



Tracy Lynch
Village Clerk