

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING AND PUBLIC HEARING
COTTAGE @ 24 WOLVER HOLLOW ROAD
OCTOBER 18, 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, in the Cottage at 24 Wolver Hollow Road on Monday October 18, 2021 at 5:30 p.m.

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| Present: | Elliot S. Conway | Mayor |
| | Edward J. Madden | Trustee |
| | Antje B. Dolido | Trustee |
| | Carl A. Friedrich | Trustee |

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| Not Present: | Innis O'Rourke III | 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 pm.

THE PLEDGE OF ALLEGIANCE

HEARING ON PROPOSED LOCAL LAW C-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 C-2021 which will allow the Village to opt out of licensing and permitting retail dispensaries and/or on-site cannabis consumption establishments within its boundaries.

The Mayor called for comments in favor of, or in opposition to, the proposed Local Law. There were no comments. Having given all an opportunity to speak and discuss the proposed local law, the hearing was closed. (*See Attached Exhibit A*)

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

EXECUTIVE ORDER

The Mayor announced that he extended the Emergency Order in connection with the remnants of Hurricane Ida 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.

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 the remnants of Hurricane Ida for an additional 30 days.
(See Attached Exhibit B)

MINUTES

The Mayor then called for approval of the Regular and Annual Organization Meeting Minutes of the Trustee meeting held on September 13, 2021.

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

PUBLIC COMMENT

No Comment

ADOPTION OF LOCAL LAW 3-2021

The Board then considered the adoption of Local Law 3-2021, which will allow the Village to opt out of licensing and permitting retail dispensaries and/or on-site cannabis consumption establishments within its boundaries.

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 3-2021 is hereby classified as an “*Unlisted Action*”, and shall have no further environmental review and

FURTHER RESOLVED that Local Law 3-2021 be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

| | | |
|-----------------------------|-------------------|-----|
| Votes in favor of adoption: | Elliot S. Conway | Aye |
| | Antje B. Dolido | Aye |
| | Edward J. Madden | Aye |
| | Carl A. Friedrich | Aye |

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| Votes against adoption: | None |
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FINANCIAL REPORT

Financial Audit Discussion

Christopher Reino, a Partner at the Village's Auditor Cullen & Danowski, LLP, presented the Village's draft financial statements FYE 5/31/2021. (*See Attached Exhibit D*)

Mr. Reino explained their primary objective is to render an opinion on the Village's financial statements. He reported that the Village received an '*Unmodified*' opinion which is the highest quality opinion an auditor can deliver. He noted that there were no significant deficiencies or material weaknesses, the Village is controlling its budget and is fiscally and financially sound.

The Mayor recommended including comments on future police services and would forward to Cullen & Danowski to incorporate into the report.

Approval of Audit

The Mayor then called for approval of the FYE 5/31/2021 Financial Reports, with minor comments to be incorporated by the Auditor. After presentation and examination by the Board, the Trustees unanimously

RESOLVED to accept the Financial Reports FYE 5/31/2021.

Annual Update Document

The Clerk reported that the Annual Update Document FYE 5/31/2021 was filed with the State on October 1, 2021.

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated October 18, 2021 in the total sum of \$16,842.81 and November 1, 2021 totaling \$319,543.52 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 October 18, 2021, in the total sum of \$16,842.81 and November 1, 2021, totaling \$319,543.52 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 for the month ending September 2021. (*See Attached Exhibit G*)

Budget Transfers

The Clerk presented the Board with a list of 2020/21 budget transfers totaling \$107,253.80 which are necessary to present a balanced budget.

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

RESOLVED to approve the 2020/21 budget transfers. (*See Attached Exhibit H*)

VILLAGE CLERK'S REPORT

Village Meeting Location

The Clerk asked for approval to hold Village Zoning, Planning and other meetings, on an as needed basis, 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 Zoning, Planning and other meetings, on an as needed basis, at a cost of \$400 per session.

Breezeway Estimate

The Clerk presented the Board with an estimate from V&L Carpentry Service for the construction of an enclosed corridor between the Cottage and the detached 2-car garage.

She explained that since the garage had been converted to store village building-department files, the breezeway would allow for interior access to the files.

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

RESOLVED to authorize the Clerk to hire V&L Carpentry to build an enclosed corridor between the cottage & garage at a cost not to exceed \$10,000.

Expand Alarm System

The Clerk recommended that the existing alarm system in the Cottage be expanded to include protecting the files and furniture being stored in the cottage & main dwelling garages. The new monitoring service would cost \$36/month for each garage but the Clerk would speak to the alarm provider and see if the cottage garage would be an extension of the existing cottage service since its being connected by a an enclosed corridor.

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

RESOLVED to expand the existing burglar/smoke/water alarm system to include protecting the cottage and main dwelling garages.

New Water Main

The Clerk presented the Board with three estimates she received to install a new water main to the cottage.

This is in response to the continuous water leak reported to the Village by the Jericho Water District. She recommended that the Village hire Maccarone Plumbing who also agreed to test the existing water lines to try and locate the leak. The price for a new water service is \$20,800, which includes the Nassau County Road Open Permit. There will be an additional cost of about \$5,000 to Jericho Water District to tap into the water main along Wolver Hollow Road.

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

RESOLVED to award the contract to Maccarone Plumbing to install a new water & irrigation system to the Village Hall Cottage at a cost not to exceed \$35,000, including the payment to Jericho Water District.

OBPD Retaining Wall

The Clerk reported that she received two bids to relocate the retaining walls at the police headquarter lot that were built in 2015 encroaching on the cemetery property. The Mayor requested that she obtain a third bid from John McGowan and sons since they constructed the original walls and could use much of the original material.

As the construction was done originally by the OBPD village lessees as a leasehold improvement, the current lessees will be responsible for the cost of the work, estimated at about \$18,000. Upper Brookville will be responsible for about 21% of this amount.

The Mayor will bring this up at the next Police Commissioner's meeting and enquire as to whether the cemetery would prefer to instead grant an easement for use of the property in return for a payment equal to the estimated construction cost.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner has been working with PSEG with the removal of 70+ trees interfering with overhead electric lines along Planting Fields Road, Mill River Road, Ripley Lane, Linden Lane and Colony Road. The Planting Fields Arboretum has given permission to dump the debris at their dump so long as the Road Commissioner controls access and manages the dumping process.

Donna Drive/Mill River Club Flooding

The Mayor reported on the flooding at the end of Donna Drive.

The Village received a Notice of Claim (NOC) from a resident who resides on Linda Court and has been impacted the most by the stormwater. The NOC has been sent to the Village's insurance Company and the Village Attorney explained that the NOC is a procedural notification that would allow the petitioner, in a year's period of time, to commence action against the Village.

The Mill River Club has, to date, not provided any plan and timetable on how they are handling the situation, as requested by the Village.

The Clerk reported responding to a FOIL request from the Mill River Club's Attorney, for items relating to the matter which can be made available.

The Village Attorney recommended that the Village meet with Club representatives to discuss an appropriate resolution of the matter.

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for September 2021 activity. (*See Attached Exhibit I*)

MAYOR'S REPORT

Police Services

The Mayor reported that the Village has reached an agreement on the creation of the Muttontown and Upper Brookville Police Department, to commence serving Upper Brookville residents on June 1, 2022. A Memorandum of Understanding (MOU) will be signed by both parties later this week.

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

RESOLVED to approve the MOU with Muttontown, as written, and authorize the Mayor to sign it, make minor amendments, and to authorize the Village Attorney to commence drafting the Joint Protection Agreement.

Village Hall Property

The Mayor reported that the Jericho Water District had expressed some interest in acquiring approximately one acre of the Village-owned property at 24 Wolver Hollow Road, for the purposes of constructing a new well and pumping station. The property would be accessed from Northern Boulevard. The Mayor proposed selling the District the lot and partitioning the remaining 4 ½ acres into two 2-acre lots, one with the dwelling and a second with the cottage, and a ½ acre lot designated as a parking lot for the police department property.

The Board discussed the District's interest and looks forward to seeing their proposal.

Personnel Settlement

The Mayor reported representing the Village at a Small Claims hearing that was filed against the Village by former employee Thomas Mullen. Mr. Mullen claimed the Village owed him a total of \$1,467.56 for unused vacation, personal and sick time when he left in November 2020.

Since Mr. Mullen gave the Village less than two weeks notice of his leaving, he was not entitled to payment of his unused vacation days, per the Employee Handbook.

The Village agreed to a settlement with Mr. Mullen in the amount of \$325.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that the Village was successful in the Article 78 proceedings filed by Mr. Bonadonna. The Board of Zoning Appeals variance denied Mr. Bonadonna's request to keep a fence & piers constructed at 3 Colonial Drive that did not comply with the Village's height restrictions and further required him to install drainage facilities on his neighbor's property. The Board's decision was upheld by the Supreme Court of New York State

who dismissed the petition.

PUBLIC COMMENT

No Comment

Following a motion duly made and seconded, the Trustees unanimously

RESOLVED to close the meeting at 7:25 pm.

The next regular meeting of the Board of Trustees is scheduled for Monday, November 15, 2021 @ 5:30 pm and will be held by Zoom.

Signed by Tracy Lynch 11/15/2021

Tracy Lynch
Village Clerk