

**VILLAGE OF UPPER BROOKVILLE
PUBLIC HEARING AND BOARD OF TRUSTEES MEETING COTTAGE
AT 24 WOLVER HOLLOW ROAD
JULY 18, 2022 at 5:30 p.m.**

A Public Hearing and regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held on Monday July 18, 2022, at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Carl A. Friedrich	Deputy Mayor
	Edward J. Madden	Trustee
	Helen Solomon	Trustee
	Innis O'Rourke, III	Trustee
Also Present:	Tracy Lynch	Clerk/Treasurer
	Linda Scherer,	Assistant Clerk
	Sam Vergata,	Road Commissioner
	Peter MacKinnon, Esq. of Humes & Wagner, LLP	
	Attorneys for the Village	

HEARING ON PROPOSED LOCAL LAW B-2022

The Mayor called the hearing on proposed Local Law B-2022 to order at 5:35pm. 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 B-2022 which will authorize them to establish and thereafter administer an employee performance evaluation plan for Village employees. (*See Attached Exhibit A*)

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

The Mayor then called the regular meeting to order at 5:45pm.

COMMENTS FROM DEPUTY MAYOR FRIEDRICH

Deputy Mayor Friedrich thanked the residents present for their attendance at the meeting and discussed a recent unsigned email apparently circulated to some residents regarding the adoption of a code relevant to the consideration of cell tower installations.

He explained that the unsigned email erroneously states that the Mayor refused to adopt a new code drafted by an attorney who is not the Village Attorney. He told the audience that the code presented to the Board was designed for a Town, not a Village and that the Mayor alone does not have the power to adopt code on his own. That the decision falls on the entire Board of Trustees.

He further explained that the Board has a fiduciary duty to the residents to consider many factors before making changes to the Village's wireless ordinance. This may include the Board conducting a study and hiring a consultant, which they have not yet done. The Trustees are expected to approach the issue critically and at the very least consider other sources of information.

He stated that the Board has not decided to install cell towers in multiple locations around the Village—regardless of any aesthetic or health considerations. Rather, they are studying the issues and welcome all constructive communications from residents.

RULES FOR PUBLIC COMMENT

The Mayor then presented to the audience, the new Rules for Public Comment that the Board approved since the last meeting. (*See Attached Exhibit B*)

He explained that these rules are intended to allow meeting attendees to raise issues, concerns or make observations to the Board of Trustees as a whole. They are designed to maintain orderly, civil discourse, to respect the rights of all present, and to give each speaker an equal opportunity to have their voice heard. They include:

- Speakers must sign in at the start of the meeting with their name, address and topic.
- The public comment session is not interactive
- Speakers should avoid repeating statements previously made.
- Speakers must make their comments from the podium at the center of the room.
- Speakers must limit their remarks to three (3) minutes per topic.
- Speakers may not yield remaining time to another speaker.
- Board members, with the permission of the presiding officer, may interrupt a speaker for the purpose of clarification or information.
- All remarks are addressed to the presiding officer.
- Parties may address the Board with written communications delivered to the Village Clerk/Treasurer or Deputy Clerk/Treasurer.
- Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity, and respect.

The Mayor announced that he and a member of the Board would be hosting a Coffee/Tea meeting on Wednesday morning and encouraged all residents to attend as it is an opportunity to address their questions and concerns regarding matters related to the Village.

PUBLIC COMMENT

Former Mayor Terry Thielen congratulated Mayor Conway on his election to First Vice President of the Nassau County Village Officials Association.

She then provided the Board with some cell tower information she recollected from the time when Lenice Hertweck was Mayor. She explained during her term, Crown Castle came into

the Village and installed equipment to help improve cell service. T-Mobile was the only telecommunication company that participated. Mayor Hertweck passed away in December 2008 before the end of her term.

At that time, AT&T also approached the Village and submitted a plan to install a cell tower at the Old Brookville Police Headquarters. The Village restricted the height of the tower, which restricted the service range, and AT&T decided not to move forward with their application.

Mayor Conway thanked Mayor Thielen for her appearance and thoughtful comments and as there was no further comments, the Mayor closed the Public Comment section of the meeting.

MUTTONTOWN UPPER BROOKVILLE POLICE UPDATE

The Mayor reported there had been an FBI raid in the morning on a home in the Village which was not done in coordination with the MUBPD. He also mentioned the recent smash-and-grab break-in during daylight hours at a jewelry store in Wheatley Plaza.

Then, MUBPD's Lieutenant Ernst presented the monthly report. The Mayor congratulated him on his recent promotion to Lieutenant of the Muttontown Upper Brookville Police Department (MUBPD).

He reported that earlier in the day, two masked individuals attempted to steal a vehicle from a Muttontown home while the homeowners were home. They entered the open garage and fled with only the car keys and a handbag that were both left in an unlocked car. Unfortunately, the suspects were not apprehended, and he said even if they had been caught, they would be back on the street that night due to the New York State bail reform. He reminded all present never to leave your keys in an unlocked car. The cars stolen most recently were not hotwired. He recommended that residents install lighting and camera systems around their homes to deter these types of crime and encouraged residents to call 9-1-1 if they see something that doesn't seem right.

He then presented the monthly report for June. There was a total of 66 calls for service in Upper Brookville including, vehicle accidents, aided cases, reckless endangerment & criminal mischief, burglar alarm calls, incident case reports and moving violations.

Trustee Solomon raised a concern she received from a resident on Donna Drive. The resident finds it very difficult to enter Remsens Lane from Donna Drive due to speeding vehicles and asked if a stop sign could be installed on Remsens Lane to slow traffic. Lt. Ernst reported that a recent MUBPD speed check on Remsens Lane did not indicate speeding was an issue at that time. He agreed to see if trees and shrubs at the intersection should be cut back to increase the sight distance for drivers.

MINUTES

The Mayor then called for approval of the Meeting Minutes of the Trustee meeting held on June 20, 2022 and corrections to the Meeting Minutes held on May 23, 2022.

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

FINANCIAL REPORT

Bills

The Clerk discussed the claim forms listed on the General Fund Check Details dated July 18, 2022, in the total sum of \$10,250.23 and August 1, 2022, totaling \$67,891.59 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 July 18, 2022, in the total sum of \$10,250.23 and August 1, 2022, totaling \$67,891.59 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 June 2022.
(See Attached Exhibit G)

Budget Adjustment

The Clerk also recommended a budget adjustment to correct the Clerk/Treasurer's salary. She explained that the current budget incorrectly records the annual salary as \$89,756. The correct salary is \$87,993. She asked the Board to approve a budget adjustment of \$1,763 from the Clerk/Treasurer's salary expense account A1325.100 to the Merit Compensation expense account A1325.100B. This will increase account A1325.100B from \$1,840 to \$3,603, which is paid out at the discretion of the Board.

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

RESOLVED to approve the 2022/23 budget transfer.

VILLAGE CLERK'S REPORT

Mill River Club Fireworks Permit & TOBAY Triathlon

The Clerk reported that the Board previously approved a fireworks permit for the Mill River Club and the TOBAY Triathlon event which runs through the Village.

After presentation by the Clerk and examination, on motion duly made and seconded, the Board unanimously

RESOLVED to ratify the approval of the Mill River Club fireworks permit which took place on July 3, 2022 and the TOBAY Triathlon scheduled for August 28, 2022, pending submission of the required insurance documents, hold harmless agreement and refundable \$500 road deposit for the removal of signage or road markings by the applicant.

Shredder/Medication Collection Day

The Mayor discussed providing on site shredding services and a medication take back day for residents at Village Hall. Residents can bring in boxes of document to be shredded free of charge and surrender unused, expired or unwanted medications to an officer of the MUBPD. The Clerk obtained multiple on site shredding estimates and recommended hiring Emmi Industries at a cost of \$175 per hour.

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

RESOLVED to approve hiring Emmi Industries for a 3-hour period on Saturday, August 13, 2022 to provide shredding services to Village residents, free of charge, and to arrange for the collection of unwanted medications with an officer of the MUBPD at the same time.

Building Department Computer

The Clerk presented a new estimate from North Shore Technology Systems for the purchase of a computer for the Building Department. The total estimate represents a savings of \$200 from the estimate previously submitted. The total includes the computer, monitor, accessories and setup costs. (*See Attached Exhibit H*)

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

RESOLVED to approve the purchase of a new computer for the Building Department at a cost not to exceed \$2,200.

Notification to Resident Burglar Alarm Companies

The Clerk reported on her progress contacting central alarm companies used by residents of Upper Brookville and notifying them of the new County alarm line.

She reported that she and the Deputy Clerk surveyed a sample of 20 alarm companies and all of them confirmed they were aware that the OBPD dispatch number was no longer in use and that all alarm calls were now being directed to the County alarm line. She also confirmed with Chief Walsh of the OBPD that all alarm companies in their database were contacted prior to the disconnection of the local dispatch number. She also notified each resident by mail of the new County alarm number. The letters included a laminated information card insert highlighting when to call 9-1-1 and the new non-emergency police number.

Zoning Board of Appeals Fees

The Clerk requested the Board to consider raising the current refundable deposit fee we collect from our residents to cover expenses like legal, advertising and stenographer when they submit a Zoning Board of Appeals application. We currently collect \$2,000 and she asked the Board to increase that to \$3,000 since these expenses frequently exceed the \$2,000 amount.

The Board agreed to consider the suggestion and discuss the matter further in September.

FIRE & STORM WATER MANAGEMENT REPORT

No Report.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that the crew was busy sweeping the roads and filling potholes. He worked recently with PSEG and had them remove 6 trees in the Village, on Locust Lane, The Knoll and Planting Fields Road, at no charge to the Village.

He also reported that he received estimates from four tree removal companies for the removal of trees and shrubs from the Wheatley Road right of way. The overgrowth of these trees into the roadway has created a safety hazard. He recommended hiring Woody Tree Service who had the lowest bid of \$4,200/day. (*See Attached Exhibit I*)

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

RESOLVED to approve the hiring of Woody Tree Service to clean up the Wheatly Road right of way subject to Board members and the Road Commissioner identifying what work actually needs to be done and obtaining the total number of days required by Woody Tree Service.

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for May 2022 activity. (*See Attached Exhibit J*)

BEAUTIFICATION COMMITTEE

The Mayor requested Trustee Solomon to reconstitute the Beautification Committee and to start by improving the plantings around the Village welcome signs which have been budgeted for \$15,000.

MAYOR'S REPORT

Northwell Health EMS

The Mayor reported that East Norwich Fire Company began a partnership with Northwell Health Emergency Medical Service on June 1, 2022. This partnership will include a dual response to all requests for emergencies including requests for medical assistance, motor vehicle accidents and fires. Upper Brookville is the first entire village north of 25A to be serviced by Northwell Health EMS. There is no charge for the East Norwich Volunteer Fire Company. Northwell Health EMS will take medical insurance the same as any hospital emergency room, if available and, when practical and subject to medical needs, will also take patients to any area hospital they request.

FEMA

The Mayor next reported that the Village received \$60,000 from FEMA for the reimbursement of costs associated with the setup of the new Village Hall at 24 Wolver Hollow Road last September. The Village was forced to leave Planting Fields Arboretum after Hurricane Ida flooded the building, making this the third time the building flooded since moving there in 2018. The expenses reimbursed included all moving costs, labor and an expensive repair of a water main leak at 24 Wolver Hollow Road, installation and purchase of IT, electric and phone equipment, replacement of gutters, main gate repairs, breezeway insulation and construction as well as the garage conversion to file space.

Remsens Lane

The Mayor reported that the Village of Muttontown did an excellent job recently repaving Remsens Lane.

Architects Proposal

The Mayor presented a proposal from Studio 287 Architects for the renovation design and additions of the future Village Hall, Police Substation and community meeting space at the former Old Brookville Police Department headquarters.

The architectural services total \$42,500 and include development of comprehensive design documents for the construction and engineering bid package and bid review. The Architect estimates it will take 4-6 weeks for construction drawings and 4 months to construct. It is estimated that the cost to build the new Village Hall is around \$700,000 and the Village received a \$250,000 grant from New York State.

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

RESOLVED to approve the Studio 287 proposal for architectural services for the new Village Hall at a cost of \$42,500. (*See Attached Exhibit K*)

Legal Retention for Wireless Ordinance

The Mayor presented a proposal from Best Best & Krieger LLP, a Washington DC based firm, to assist the Village's review and amend its wireless ordinance.

They will charge an hourly fee, plus expenses and unless authorized by the Village in writing, the amount shall not exceed \$10,000. The current Partner and Associate rates are \$375 and \$270 per hour, respectively.

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

RESOLVED to approve the Best Best & Krieger LLP's proposal to assist the Village's review and amend its wireless ordinance, not to exceed \$10,000.
(*See Attached Exhibit L*)

Mayor's Advisory Council

The Mayor proposed forming a Mayor's Advisory Council (MAC), consisting of a rotating member of the Board of Trustees, the Zoning and Planning Chairpersons and appointed residents. The Council would meet four times a year to talk about important Village issues. During discussion the Trustees agreed that the MAC could be a good source of resident suggestions and community engagement.

Wall/Radio Tower Removal at former OBPD Headquarters

The Mayor reported that the wall encroaching on the cemetery property and radio tower at the former OBPD headquarters would be removed and, by prior agreement with the Board of Police Commissioners, will be billed directly to the Old Brookville Police Department.

He recommended that the Village hire a surveyor to mark the property lines so when the wall is reconstructed, it is done within the property’s boundaries.

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

RESOLVED to approve the hiring of a surveyor, to mark the property boundary at the former OBPD site, not to exceed \$5,000.

ADOPTION OF LOCAL LAW 2-2022

The Board then considered the adoption of Local Law 2-2022, which will authorize them to establish and thereafter administer an employee performance evaluation plan for Village employees.

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

RESOLVED that pursuant to Article 8 of the State Environmental Quality Review Act (SEQRA), proposed Local Law 2-2022 is hereby classified as an “*Unlisted Action*”, and shall have no further environmental review and

FURTHER RESOLVED that Local Law 2-2022 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
	Helen Solomon	Aye
	Edward J. Madden	Aye
	Carl A. Friedrich	Aye
	Innis O’Rourke, III	Aye

Votes against adoption: None

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 6:35pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session.

At 6:45 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session after discussing litigation, promotions and compensation matters.

On motion duly made and seconded, the Trustees unanimously

RESOLVED to approve the promotion of Linda Scherer to Deputy Clerk/Treasurer and

FURTHER RESOLVED to appoint Antje Dolido as an Alternate Member to the Zoning Board of Appeals for a one-year term.

At 6:50 p.m., on motion duly made and seconded, the Board adjourned the meeting.

The next regular meeting is scheduled for Monday September 19, 2022 @ 5:30 p.m.

Signed by TL Lynch 9/19/2022

Tracy Lynch
Village Clerk