

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
NOVEMBER 21, 2022 AT 5:30 P.M.**

A Public Hearing 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 November 21, 2022 at 5:30 p.m.

Present	Carl Friedrich	Deputy Mayor
	Edward J. Madden	Trustee
	Helen Solomon	Trustee

Also Present: Tracy L. Lynch, Clerk/Treasurer
Linda Scherer, Deputy Clerk/Treasurer
Eric Irizarry, Chief Muttontown Upper
Brookville PD
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village
Elliot Conway, Mayor by Zoom
Innis O'Rourke, Trustee by Zoom

HEARING ON PROPOSED LOCAL LAW C-2022

The Deputy Mayor called the hearing on proposed Local Law C-2022 to order at 5:32pm. 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-2022 which will amend Chapter 164, "*Property Maintenance*," of the Code of the Village of Upper Brookville. The proposed Local Law will repeal Section 164-7 in its entirety and add new Section 164-7, "*Notice to remedy prohibited conditions and enforcement; procedures, costs and expenses*," which will amend guidelines and streamline enforcement procedures that will now be dependent on conditions that exist on a property that are alleged to violate the provision of Chapter 164. (*See Attached Exhibit A*)

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

THE PLEDGE OF ALLEGIANCE

MUBPD REPORT

The Chief presented motor vehicle accident, aided case, false alarm and crime reports for October and updated the Board on the status of the police vehicles, license plate readers and measures to address speeding.

He reported that supply chain delays are holding the Department back from maintaining its originally budgeted vehicle fleet. The department is still waiting for the delivery of a hybrid vehicle purchased over a year ago. Police cars purchased from the Old Brookville Police Department await the installation of computer routers before they can become operational. An additional Ford Explorer was purchased a few weeks ago and has yet to be delivered.

PUBLIC COMMENT

Trustee Friedrich reviewed the Rules of Comment in Board of Trustee Meetings.

A resident commented on a Wolver Hollow Road accident where a school bus parked on the side of the road was sideswiped by a passing vehicle. The resident suggested that the placement of stakes in the right of way may have contributed to the situation by preventing the bus from completely pulling off the road. Noting there were a number of issues in play, the Deputy Mayor agreed to further discuss this issue later.

MINUTES

The Deputy Mayor then called for approval of the regular minutes of the Trustee meeting held on October 17, 2022.

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

ADOPTION OF LOCAL LAW 3-2022

The Board then considered the adoption of Local Law 3-2022, which will amend Chapter 164, “*Property Maintenance*,” of the Code of the Village of Upper Brookville. The proposed Local Law will repeal Section 164-7 in its entirety and add new Section 164-7, “*Notice to remedy prohibited conditions and enforcement; procedures, costs and expenses*,” which will amend the guidelines and streamline enforcement procedures that will now be dependent on conditions that exist on a property that are alleged to violate the provision of Chapter 164.

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

RESOLVED that Local Law 3-2022 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:	Carl Friedrich	Aye
	Edward J. Madden	Aye
	Helen Solomon	Aye
Votes against adoption:	None	

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated November 21, 2022 in the total sum of \$81,059.05 and December 1, 2022 totaling \$204,565.49 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting. She also reported that the East Norwich Fire Company (ENFC) 2022 Q3 and Q4 invoices include a cancer benefit payment of \$2,251.96 and \$2,443.68, respectively. Neither benefit payment was previously approved by the Board.

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

RESOLVED to defer approval of the ENFC invoices until the matter is reviewed in Executive Session and

FURTHER RESOLVED, to ratify and approve the bills listed on the General Fund Check Details dated November 21, 2022 in the total sum of \$10,560.64 and December 1, 2022 totaling \$103,060.65. (*See Attached Exhibit 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's for the month ending October 2022. (*See Attached Exhibit E*)

VILLAGE CLERK'S REPORT

Bank Depository

The Clerk reported that she worked with the Mayor and Finance Chairman to purchase a ladder of T-Bills to improve yields. It was estimated that investing in T-Bills could generate from \$50-60,000 of additional interest income for the Village. Since First National Bank of LI no longer has a Trust Department, she opened an account with TD Bank and purchased the following T-Bills:

Quantity	Maturity	Yield	Total Cost
275	12/13/2022	3.221%	\$274,303.64
829	1/12/2023	3.530%	\$824,262.56
75	2/14/2023	3.927%	\$74,255.33
152	3/16/2023	4.158%	\$149,903.62
381	4/13/2023	4.304%	\$374,393.94
2301	5/11/2023	4.455%	\$2,252,039.18
4013			\$3,949,158.27

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

RESOLVED to ratify approval of TD Bank as an additional depository and

FURTHER RESOLVED to ratify the approval of the Clerk to purchase a ladder of T-Bills to improve yields per the schedule provided. (*See Attached Exhibit F*)

Rosemar Contract Amendment

The Clerk reported that the Planting Fields Road reconstruction project was completed. The project was amended to include an additional 1,000' section of Planting Fields Road, at a cost of about \$35,000, which will cover the entire section of the road that falls within the Village boundary. After discussions with the Village Engineer, the Board elected to include this additional section as it was reconstructed roughly 10 years ago and had deteriorated such that it was in need of resurfacing. Rosemar confirmed that they would still be able to comply with the requirements set forth in the NYS DOT grant and the clerk reported that the Village would still pursue a waiver for the women owned business goal.

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

RESOLVED to ratify the approval to amend Rosemar's contract to include an additional section of Planting Fields Road with an approximate length of 1,000' at a cost of approximately \$35,000, calculated at the original contract per unit price.

Open Meeting Law

The Board discussed allowing remote attendance by its Board members if the guidelines established by New York State are followed.

After review, the Board agreed that the current law was adequate. In the future, if the Board finds they need this type of mechanism to meet, they can adopt the law.

Zoning Board Fees and Deposits

The Clerk discussed the need to increase the deposit and maximum out of pocket legal limits for Zoning Board applicants. She agreed to look back over the last few years and tally the total number of applications, the overall legal and related and expenses of each and report back to the Board.

Permits

The Clerk presented a Tag Sale Permit application from a resident on Linda Court and another Film Permit application at La Selva, a large property on Planting Fields Road, which the Board previously approved by email, at a daily rate of \$2,500. The initial filming at La Selva is scheduled for March 31, 2023 – April 21, 2023 with a total of 15 days for prep, shoot and wrap and a permit fee totaling \$37,500. La Selva is a key recurring location for this project and the applicant plans to submit another permit application for filming over the summer.

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

RESOLVED to approve the Tag Sale Permit at 5 Linda Court to be held on Saturday and Sunday December 3rd and 4th from 9:00am – 5:00pm and ratify the approval of a film permit at 1365 Planting Fields Road to be held March 31 – April 21, 2023 at a rate of \$2,500 per day.

New Village Hall Bid

The Deputy Mayor reported that the architect hired to design the new village hall circulated the cost estimates for the construction management, civil, structural, and mechanical portions of the project. The next step is to have the architect produce detailed working plans for bid purposes as well as a large exterior rendering and/or a model. The Village Attorney recommended that the Board wait for the final construction drawings, design components and specifications from the architect before going out to bid.

The Clerk agreed to follow up with the architect to get a timeframe to produce working plans for bid purposes and report to the Board.

Purchase of Exercise Equipment

The Deputy Mayor reported that the new Village Hall and Police Substation will have a gym for use of the police officers of the Muttontown and Upper Brookville Police Department, similar to the facility used by the Old Brookville Police. The Village plans to purchase lightly used exercise equipment, as items become available, from a local clubs and other sources. The first items will be two recumbent stationary bicycles for approximately \$100 each and requested approval to spend up to \$2,500. The equipment would be stored on the premises of the current Village Hall for the time being.

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

RESOLVED to approve cumulative expenditures up to \$2,500 for the purchase of lightly used exercise equipment from local clubs and other sources, as it becomes available, for eventual use at the new Village Hall and Police Substation.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for October 2022 activity. (*See Attached Exhibit G*)

MAYOR'S REPORT

New Village Hall DASNY Grant

The Deputy Mayor presented a Non-Discrimination and Affirmative Action Policy that must be adopted by the Board for the Village to be eligible to receive the \$250,000 in funding awarded by the State in the SAM grant. The policy states that the Village, or anyone they hire, will not discriminate against anyone because of race, creed, color, national origin, sex, sexual orientation, age, disability, or marital status and that they will actively solicit and utilize Minority/Women Business Enterprises firms as described in Exhibit F of the Grant Disbursement Agreement (GDA). (*See Attached Exhibit H*)

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

RESOLVED adopt the Non-Discrimination and Affirmative Action Policy only for the new Village Hall Project, as presented in the GDA Exhibit F.

Lighting at Village Hall Entrance

The Deputy Mayor reported that the Board has become aware that better lighting at the entrance to the Village Hall property is needed. Trustee Madden recommended installing solar powered flood lights at the entry posts. The Clerk agreed to discuss the lighting options with the Building Inspector and report back to the Board.

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

RESOLVED to approve the purchase and installation of lighting at the Village Hall entrance for an amount not to exceed \$1,000.

Right of Way Stakes

The Deputy Mayor recalled that, several years ago, the Board had discussed the use of a break away stakes for installation in the ROW and asked the Clerk to research our current ordinances related to the ROW to determine which stakes, if any, were approved, for discussion at our next meeting.

Verizon FIOS

The Deputy Mayor reported that Verizon has completed the installation of fiber optic cables in many areas of the Village and hopes to have the remaining areas completed very soon. Residents will then be able to subscribe to FIOS telephone and internet services only, not television.

BEAUTIFICATION COMMITTEE REPORT

Trustee Solomon reported that she worked with the Road Commissioner and crew to transplant some of the existing plant material at the Village welcome signs and in the Spring, plans to add more flowers for additional color.

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 has been served with a Notice of Claim by the Village of Old Brookville in connections with health insurance termination benefits for retired police officers.

The Deputy Mayor closed the meeting at 7:00 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session and invited Mayor Conway and Trustee O'Rourke, who attended by Zoom, to attend the session to discuss various matters.

EXECUTIVE SESSION

At 7:41 pm, on motion duly made and seconded, the Board unanimously

RESOLVED, to come out of Executive Session where they discussed termination benefits to retired Old Brookville Police Department police officers, appointing legal counsel and going to bid on the new Village Hall.

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

RESOLVED to authorize the Village Hall architect to prepare working drawings and a large exterior rendering and/or exterior model for the Board to review that enables the Board to put the new Village Hall project out to bid and

FURTHER RESOLVED to appoint Stephen Limmer as legal counsel in the matter related to the Notice of Claim filed by the Old Brookville Police Department for health insurance benefits for retired police officers pursuant to the terms of the Joint Protection Agreement, under a termination agreement to be negotiated between the parties.

The Meeting was adjourned at 7:42pm

The next regular meeting of the Board of Trustees is scheduled for Monday,
December 19, 2022 @ 5:30 p.m.

Signed by TL Lynch 12/19/2022

Tracy Lynch
Village Clerk