

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
FEBRUARY 23, 2023
WORK SESSION AT 4:30 P.M.
REGULAR MEETING AT 5:00 P.M.**

A work session and 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 Thursday February 23, 2023 at 4:30 p.m.

Present	Elliot Conway	Mayor
	Carl Friedrich	Deputy Mayor
	Ed Madden	Trustee
	Helen Solomon	Trustee

Also Present: Tracy Lynch, Clerk/Treasurer
Linda Scherer, Deputy Clerk/Treasurer
Peter MacKinnon, Esq. of Humes & Wagner, LLP
Attorneys for the Village
Sam Vergata, Road Commissioner

The Mayor called the work session to order at 4:33 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss various contract matters.

EXECUTIVE SESSION

At 5:06 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED, to come out of Executive Session and called the regular meeting to order.

THE PLEDGE OF ALLEGIANCE

MAYOR'S REPORT

The Mayor announced that he would need to leave the meeting early to attend a separate municipal board meeting and Deputy Mayor Friedrich will act on his behalf. He reported that the Board just held a work session to discuss the new Village Hall contract and distributed copies of the proposed tentative budget and plans.

Board Meeting Time

The Mayor followed up on a request to schedule the monthly Board meetings later in the evening. The Board discussed the request and for various reasons decided to keep the meeting on the third Monday of the month at 5:30 p.m.

Site and Architectural Review Commission

The Mayor reported that the current Commissioner of the SARC, Antje Dolido, at times finds it difficult to address all the various duties of reviewing plans and materials and conducting site visits due to the increase in building applications and the demands of her job. He recommended that the Board appoint Julia Englander as Deputy Commissioner and the Mayor would be called in case a conclusion is required on an issue.

After a short probationary period, Ms. Englander would be considered for appointment as Co-Commissioner at the Annual Organization Meeting.

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

RESOLVED to appoint Julia Englander as Deputy Commissioner of the SARC and, in the event a conclusion is required on a matter, the Mayor will resolve the matter.

License Plate Readers

The Mayor reported that seven Village Mayors agreed to install license plate readers (LPRs) throughout the North Shore to combat the uptick in auto theft and other crime in the North Shore Villages.

The MUBPD has applied for two grants funding the purchase of 10 LPRs for approximately \$120,000. Three would be installed in Upper Brookville and seven in Muttontown. Chief Irizarry completed the technical research evaluating a number of different LPRs. The readers will be linked to Nassau County. The county will store the LPD information for 30 days. Legislator Lafazan is working on a grant through Nassau County and Senator Martins is working on funding by New York State. It is not known when, or if we will receive grant funding from either source.

To avoid delays, the Mayor proposed approving a five year lease for 3 solar powered LPRs to be used in Upper Brookville by the MUBPD. The first-year cost totals \$8,550 consisting of \$1,050 installation plus \$7,500 annual lease costs. Annual Recurring costs will be \$7,500/year for four years for a total five-year cost of \$38,550. If after one year the police determine the cameras are not meeting their expectations, the contract can be cancelled without penalty. It is also possible that future grant funds may reimburse the village for the lease expense. (*See Attached Exhibit A*)

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

RESOLVED to approve entering a five-year lease with Flock Safety to lease 3 license plate recognition cameras at a total cost of \$38,550.

Treasurer's Report

The Mayor reported that the December 2022 & January 2023 Treasurer's reports were previously circulated to the Board for examination. Following inquiry, the Board had no questions or comments on the reports.

On motion duly made and seconded, the Board unanimously

RESOLVED to approve and file the Treasurer's reports for the months ending December 2022 & January 2023. (*See Attached Exhibit B & C*)

CPR Training

The Mayor reported that he's looked into providing CPR Training for Village residents. The training could be done by Northwell or another certified trainer at the ENFC Headquarters. The Board requested the Clerk to poll the residents by email to see if there's enough interest and then get pricing and report back to the Board.

Mill River Road Guardrail Request

The Mayor presented a request from a resident on Mill River Road who would like a guardrail installed in front of his house. Since moving into the home in 2011, he reported that there have been several incidents of vehicles leaving the roadway resulting in automobile accidents and, at times, the vehicle coming to rest on his property. (*See Attached Exhibit D*)

On motion duly made and seconded, the Board unanimously

RESOLVED to authorize the Village Engineer to research the road conditions and accident reports in connection with the request to install a guard rail on Mill River Road and report back to the Board with a recommendation at the next meeting.

Garbage Disposal District

The Mayor reported that Emmi Industries is completing their first year of garbage collection service for the 200+ Villagers who participate. The Clerk/Treasurer reported receiving no complaints about the service. As the Village is very pleased with Joe Emmi's performance, the Mayor requested approval from the Board to again offer new participants a discount of two free months of service—one from the Village and one matched by Emmi Industries—to encourage participation in the District. He noted that more participants in the village garbage District will extend the life of Village roads as well as reduce wear-and-tear on homeowner driveways.

The Clerk also agreed to remind participants of the observed holidays when garbage will be collected the following day.

On motion duly made and seconded, the Board unanimously

RESOLVED to approve offering two free months of garbage collection service to new participants who join the District in the 2023/24 fiscal year.

New York Housing Compact

The Mayor circulated an information letter he drafted to the Board, which would be sent out to the residents, bringing to their attention an alarming provision the Governor intends to include in the 2023-24 NY State budget, known as the “New York Housing Compact”. This provision aims to abolish important elements of the Village’s local zoning control and laws and mandates the construction of multi-family housing with increased density requirements with penalties for non-compliance.

The Board unanimously agreed with the content of the letter and requested the Clerk to send it out to the residents by email. (*See Attached Exhibit E*)

Cell Tower Litigation

The Mayor reported that a New York Supreme Court Judge ruled on behalf of the Village, dismissing a lawsuit filed in 2022 by Plaintiffs White Deer LLC, Jan Adoni, Lance Rubin, Bobby Yadegar and Amy Heckler -Yadegar, five residents objecting to a provision in the Village Code.

Pothole Law

The Mayor reported that he’s received a number of complaints from private road residents concerned about potholes that have not been repaired. The Board adopted a law in 2018 to allow the Village to repave private roads that are substandard if residents did not repair them on their own after being notified by the Village. A public hearing would be held and the Village would assess the residents for the action to be taken. If the Village repairs a road, they are required to pay prevailing wage rates to the contractor.

The law, however, did not address the repair of dangerous potholes and the Mayor recommended amending the law to include this provision. He agreed to research an amendment or addition to the law and would circulate to the Board for discussion and a potential hearing at the next meeting.

Resident Survey

The Mayor reported that a number of residents have contacted the Village asking for some of the results of the survey taken last year. The Board unanimously agreed to send the results of the survey and to re-survey the residents closest to Mill River road about speeding.

PSEG Tree Removal

The Mayor commended Sam Vergata for developing an excellent relationship with PSEG and working collaboratively with them to remove dangerous trees from the Village Hall property that threatened the building and electric lines, all at no cost to the Village. They also agreed to remove seven pine trees along Remsens Lane.

Street Name Sign Bid

The Mayor reported that the Village went out to bid to replace the street name signs throughout the Village. The new signs will comply with the requirements of the NYS DOT recommendations as to font size and type, reflectivity, and orientation of lettering.

The Village received one bid from Glenco Supply Inc for a total cost of \$89,952 which includes the removal of all existing street signposts, delivery of posts to Village Hall and the manufacturing and installation of new street name signs and posts – 116 new street name signs on 58 aluminum posts and 5 extra signpost assemblies for replacements. The Mayor encouraged the members of the Board and residents attending the meeting to look, and comment on, the sample sign that was installed on the Village Hall driveway. He also reported that the entire cost of the project is funded by a combination of a \$50,000 NYS DASNY grant and \$40,000 CHIPs grant. *(See Attached Exhibit F)*

On motion duly made and seconded, the Board unanimously

RESOLVED to award the sign bid to Glenco Supply Inc. for a total cost of \$89,952.

Minutes

The Mayor then called for approval of the regular minutes of the Trustee meeting held on December 19, 2022. *(See Attached Exhibit G)*

On motion duly made and seconded, the minutes were unanimously approved.

Humes & Wagner Proposed 2023/24 Rates

The Mayor presented a proposal from the Village Attorney's office for a fee increase for their hourly billing rates for the Village's 2023/24 fiscal year. Accordingly, they requested that as of June 1, 2023, their hourly billing rate will be \$280 for Partner, an increase of \$10 per hour, and \$157 for paralegal, an increase of \$7 per hour. The increase is due to escalating operating expenses, particularly insurance, salaries and employee benefits and the last increase was approved two years ago.

On motion duly made and seconded, the Board unanimously

RESOLVED to approve the Village Attorney's fee increase for the 2023/24 fiscal year. *(See Attached Exhibit H)*

Tax Levy Limit

The Board unanimously concurred that the Village did not project to exceed the tax levy limit and therefore did not consider a local law to exceed it.

CLERKS REPORT

SCAR Assessment Reduction/Village & Tax Refund

The Clerk reported that a resident was awarded an assessment reduction in Small Claims Court Proceedings for the 2022/23 tax year against Nassau County. She noted that the Village was served copies of the Petition and recommended that the Board authorize the reduction and refund 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 resident, 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:

Ferrara – Sec.22, Blk. J, Lot 1181 2022/23 assessed value of \$4,723 reduced to \$4,425 for a total refund of \$681.68.

West Side Engineering Proposal

The Clerk presented a proposal from West Side Engineering, PC for the annual Storm Water report required by the New York State Department of Environmental Conservation. Accordingly, Jim Antonelli requested that his rate will be \$2,000, an increase of \$200.

On motion duly made and seconded, the Board unanimously

RESOLVED to approve West Side Engineering's proposal to prepare the annual Storm Water report. (*See Attached Exhibit I*)

Unpaid 2022-23 Taxes

The Clerk presented the Board with a list of unpaid taxes for the current year. Following a discussion of the relatively high interest rate the Village can earn and the legal expense involved in a tax lien sale, the Board unanimously

RESOLVED to allow all liens to default to Village ownership. (*See Attached Exhibit J*)

Voter Registration and Election Resolution

The Clerk presented the Voter Registration and Election Resolution. The next election will be June 20, 2023 at Village Hall between the hours of 12 p.m. and 9 p.m. The officers that are up for re-election are two (2) Trustees each for a 4-year term.

Accordingly, on motion duly made and seconded, the Board

RESOLVED to adopt the Election Resolution as presented. (*See Attached Exhibit K*)

PUBLIC COMMENT

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

A resident observed that there seemed to be an increase in speeding vehicles on Wolver Hollow Road.

Two residents commented on the potential cell tower at the police station.

A resident recommended a change in the new Village Hall driveway lighting installed.

A resident commented on the Village road sign procurement process.

The Mayor thanked the residents who commented then turned it over to Deputy Mayor Friedrich.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated February 15, 2023 in the total sum of \$634,739.13 and March 1, 2023 totaling \$174,619.54 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting.

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

RESOLVED to ratify and approve the bills listed on the General Fund Check Details dated February 15, 2023 in the total sum of \$634,739.13 and March 1, 2023 totaling \$174,619.54. (*See Attached Exhibit L & M*)

BUILDING DEPARTMENT REPORT

The Clerk referred to the reports submitted by the Building Department Clerk for December 2022 and January 2023 activity. (*See Attached Exhibit N & O*)

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Additional Report

BEAUTIFICATION COMMITTEE REPORT

Trustee Solomon reported that she is getting prices on Spring plant materials for the Village Welcome Signs and anticipates that the Village will use their own labor for the installation.

POLICE REPORT

In the Chief's absence, Deputy Mayor Friedrich presented the motor vehicle accident, aided case, false alarm and crime reports for December 2022

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

The Deputy Mayor closed the meeting at 6:10 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss personnel matters.

At 6:24 pm the Village came out of Executive Session to hear the comments of a resident who arrived late to the meeting

PUBLIC COMMENT

The resident reported his home recently lost power twice because trees fell down on electric lines and suggested the Village bury the power lines underground on Chicken Valley and Wolver Hollow Roads. He also raised concerns about excessive school taxes.

The Deputy Mayor closed the meeting at 6:35 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to continue their discussion on personnel matters.

At 6:45 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 March 20, 2023 @ 5:30 pm.

Signed by TL Lynch 3/23/2023

Tracy Lynch
Village Clerk