

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

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 Thursday March 23, 2023 at 5:30 p.m.

Present	Elliot Conway	Mayor
	Carl Friedrich	Deputy Mayor
	Peter Pappas	Newly Appointed 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 regular meeting to order at 5:33 p.m.

THE PLEDGE OF ALLEGIANCE

TRUSTEE RESIGNATION/APPOINTMENT

The Mayor announced, with regret, that Ed Madden decided to retire from the Board, and praised his many contributions while serving: he served as a Trustee since April 2017 as well as Finance Chairman for many years, Deputy Police Commissioner and Deputy Mayor. He was intimately involved in the three village hall projects and the village relied heavily on his real estate background. Ed was hard working, high energy, cheerful and a financially savvy professional. He was empathetic and a temperate influence on the Board. He spent taxpayer money as if it was his own.

His biggest impact was his work on the Old Brookville Police Department. He concentrated on keeping the lines of communication open, making sure it was a fair deal for all. The Mayor said from the outset that his goal was always to improve the quality of all our lives through public service, his departure is a big loss for the Village and this Board, and he will be greatly missed.

If he had any concerns, it was for the loss of civility in our public meetings over the past year.

The Mayor then introduced Peter Pappas and recommended that the Board approve his appointment as Trustee to fill Ed Madden's unexpired term. He reported that Peter Pappas has served for many years on the Village's Zoning and Planning Boards, has been a terrific informal advisor to the Mayor on various issues that have come before the Board and has been President of the Chestnut Hill Homeowners Association since 2003. Peter Pappas is also the CEO of PJ Mechanical LLC.

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

RESOLVED to approve the Mayor's appointment of Peter Pappas to the office of Trustee of the Village to fill the unexpired term of Ed Madden.

MUBPD

The Chief presented the motor vehicle accident, aided case, false alarm and crime reports for January & February 2023. He reminded residents to sign up for vacant premises checks when they are going to be out of town. The Clerk agreed to post the form to the Village website. He also updated the Board on the license plate reader program, hoping to have the first 10 cameras installed around Muttontown and Upper Brookville in mid-April.

Trustee Friedrich asked if the Chief knew the number of times that the police are patrolling the Village roads and if they're meeting their target of at least twice per day. The Chief confirmed that they were and reported that he would shortly be introducing a weekly vehicle maintenance check and, based on mileage travelled, he could confirm patrol mileage and would report back to the Board.

He also reported that the police have increased their enforcement of speeding on village roads and recently issued 14 tickets to vehicles on Wolver Hollow and other village roads.

MAYOR'S REPORT

Mayor's Coffee

The Mayor reported on the topics discussed at the last Mayor's Coffee/Tea that was held on Monday March 20, 2023. Twelve residents participated and discussed tree trimming on Linden Lane, Remsens Lane garbage, Friendly Road property maintenance issues, a Wolver Hollow Road lighting issue, a cell tower update, two free months of garbage collection to new enrollees in the district and the status of the reimbursement of the Planting Fields Road NYS DOT grant. The Clerk reported that there had been zero complaints about village garbage collection.

Donated Furniture

The Mayor thanked Albert Kalimian, a resident and Trustee and Deputy Mayor of the Village of Matinecock, for generously donating lightly used high quality office furniture no longer needed at an office building in New York City. Five moving vans of furniture were delivered to the village hall property including 90 chairs, 10 tables including a conference table, a Cisco conference center unit, desks and 30 file cabinets, all in terrific shape.

Banking Update

The Mayor reported that he spent some time with First National Bank of Long Island, the Village's depository, and was assured the village funds were protected by FDIC insurance, collateralized deposits and T-bills.

Budget Finance Chair Appointment

The Mayor asked the Board to approve the appointment of Innis O'Rourke as Budget Finance Chair, the position recently held by Trustee Ed Madden. The Budget Finance Chair is responsible for budget preparation and reviewing all bills with the Clerk prior to the monthly Board meeting.

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

RESOLVED to appoint Innis O'Rourke as Budget Finance Chair, filling the vacancy left by Trustee Ed Madden.

Tentative Budget

The Mayor presented the tentative 2023/24 budget. He reported that expenses total \$3,516,033 but did not yet include salary adjustments which were subject to further research. Projected revenue from gross receipts, interest, permits, court fines and state aid total \$652,123. He reported that it appears we will end this year with a considerable surplus, based on projections, which will be used to reduce the tax levy in the 2023/2024 fiscal year for the 7th year in a row. (*See Attached Exhibit A*)

The attached chart shows the seven-year cumulative property tax reductions thru 2023/2024 will exceed \$8 million dollars when compared to a projected tax levy at the historic annual increase of 5.1%. This is a savings of roughly \$16,000 per home. If we add the savings from the Garbage District which is not in the tax levy, the cumulative savings would be \$9.6 million or \$19,240 per home. (*See Attached Exhibit B*)

The remaining surplus from this year is anticipated to be used for various projects including the repaving of Mill River Road and the new Village Hall.

Revenue is projected to increase by 10% as a result of higher interest rates and an anticipated increase in film permits. Expenses are projected to increase by 11% with increases to police protection services, the new Village Hall, OBPD retirement health benefits, salaries, East Norwich Fire Company protection and LOSAP.

The final budget hearing is scheduled for Monday April 17, 2023.

New Village Hall

The Village Attorney explained the public bid process for the Village Hall project. He is finalizing our proposed construction contract and the bid package. We will seek bids for a fixed dollar amount. We still need engineering plans for plumbing, electric and HVAC. When the bid package is complete we will circulate it to the Board for final comments and then go out to bid. NYS prevailing wage rates apply and will be included in

the contract.

The Building Inspector has agreed to take on an additional assignment and supervise the project, instead of the Village paying a costly Construction Management Fee. The Building Inspector recommends that the contractor take out the building permit from the Village to ensure the contractor complies with the permit undertakings.

Mill River Road Project

The Mayor reported that a few years ago, the cost to repave Mill River Road was estimated to be \$600,000. The Village held off on this project because the Final Planning Board decision for the Oaks at Mill River Road subdivision required the owner to repave a damaged portion of the road. The Oaks property was recently sold to an individual who has no plans to develop the property and, as such, will have no obligation to repave the road.

The Mayor has asked the Board to approve an initial expenditure of \$10,000 to engage a consultant/grant writer to write and apply for a federal infrastructure grant to repave Mill River Road along with other improvements including a covered drainage pipe where the open culvert now exists, a safer area for bikes and pedestrians and improved stormwater capture to enhance the quality of the water flowing into Oyster Bay Harbor and Mill Pond. This should benefit recreational boaters, swimmers, the oysters, fish and the environment while providing additional fresh water to recharge the aquifer.

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

RESOLVED to approve an initial expenditure of up to \$10,000 to engage a consultant/grant writer to apply for federal grant funds for the reconstruction of Mill River Road including repaving along with other improvements including a covered drainage pipe where the open culvert now exists, a safer area for bikes and pedestrians and improved stormwater capture to enhance the quality of the water flowing into Oyster Bay Harbor and Mill Pond.

Minutes

The Mayor then called for approval of the regular minutes of the Trustee meeting held on February 23, 2023. (*See Attached Exhibit C*)

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

PUBLIC COMMENT

The Mayor requested that public comments would be restricted to agenda items only. A resident thanked the road crew for clearing the brush at the intersection of Remsens Lane and Mill River Road. Other residents commented about the low flying planes and the proposed cell tower, sprinklers and insurance for the new Village Hall project.

The Mayor thanked the residents who commented, urging those who wished a more interactive dialog to either attend the next Mayor's Coffee and Tea or arrange with the Clerk for an individual meeting.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated March 22, 2023 in the total sum of \$22,541.36 and April 3, 2023 totaling \$37,414.09 and reported that she reviewed the supporting invoice details and/or purchase contracts with the Mayor 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 March 22, 2023 in the total sum of \$22,541.36 and April 3, 2023 totaling \$37,414.09. (*See Attached Exhibit D & E*)

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 reports for the month ending February 2023. (*See Attached Exhibit F*)

The Mayor reported that the Village would continue to rollover the T-bills.

Credit Card Limit Increases

The Clerk requested that the Board ratify the approval of a credit card application to FNBLI to increase the limits on the Village cards held by the Mayor and Clerk. The Mayor's current limit is \$3,000 and the Clerk's is \$1,000 and the Clerk requested that both limits be raised to \$5,000 to pay for monthly utility bills and Village Hall expenses.

On motion duly made and seconded, the Board unanimously

RESOLVED to authorize the Clerk to apply for a credit card increase up to \$5,000 for the Mayor and Clerk's Village credit cards.

ARPA Funding

The Clerk reported that the Village received \$178,871 of American Rescue Plan (ARPA) Funds and recommended that the funds be used toward the expenses related to the Village Hall project. The Mayor further explained the ARPA funds will supplement funds already put aside as well as the \$250,000 New York State DASNY.

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

RESOLVED to use \$178,871 of the available ARPA funds toward the new Village Hall project expenses. Any unspent funds remaining after the project is completed will be returned to the ARPA liability account maintained by the Village Treasurer.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that he continues to work with PSEG removing trees on Remsens Lane and has been busy filling pot holes throughout the Village.

He also recently met up with the NYS DOT to address a water collection issue at the intersection of Northern Blvd and Linden Lane. To resolve the issue, the State proposed to create a swale on the West side to carry the water into an existing drain and add asphalt to the East side to allow the water to run down Northern Blvd. NYS DOT has scheduled this work for mid-April.

The Mayor asked the Road Commissioner to follow up with the County and have them clean the ROW on the west side of Wheatley Rd to allow the water to flow through the culvert under Northern Blvd and help eliminate the flooding on Wheatley Rd.

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for February 2023 activity. (*See Attached Exhibit G*)

BEAUTIFICATION COMMITTEE REPORT

Trustee Solomon reported that she received an estimate of \$2,250 from Steven Dubner Landscaping Inc for the annual plants for the village welcome signs throughout the Village.

On motion duly made and seconded, the Board unanimously

RESOLVED to authorize an expenditure up to \$3,000 for plants and materials to be installed by village staff at the welcome signs throughout the village.

POLICE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that Mr. Bonadonna's appeal of the Supreme Court decision upholding the Board of Zoning Appeals decision will be heard in the NY Supreme Court Appellate Division in Brooklyn.

He also reported that there was a joint meeting of the Villages, the Town of Oyster Bay (TOBAY) and the East Norwich Fire Company (ENFC) to discuss a referendum proposed by TOBAY. The referendum would be to establish a joint municipal governing board for the LOSAP plan that is currently being administered by the fire company, which is not permitted by State Law.

In addition, TOBAY is also proposing an Intermunicipal Agreement between themselves and the protected villages to set forth how the cost of fire protection is going to be allocated. The Village Attorney has asked TOBAY to prepare the documents.

The Mayor also recommended that the Village engage Steven Limmer of McLaughlin & Stern LLC to prepare the Village's protection contract with ENFC and include certain financial and appraisal reporting requirements as well as the LOSAP plan changes. He will circulate the amended contract to the Board for comments upon completion.

On motion duly made and seconded, the Board unanimously

RESOLVED to ratify the hiring of Steven Limmer to draft the contract.

The Village is planning to include the referendum on the ballot at our next Village Election on June 20, 2023. All participating Villages and TOBAY are required to approve the referendum.

The Mayor updated the Board on the Governor's Housing Compact. He reported that both the Assembly and Senate did not include the Governor's plan in their budgets. However, an agreement has yet to be reached with the Governor. If the plan is not in the budget, the Mayor expects it to appear in subsequent legislation and encourages all residents to keep writing to the Governor if they oppose the plan.

The Mayor closed the meeting at 7:04 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss various matters.

At 7:40 pm, on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session where the Board discussed cyber security, ENFC contract and the OBPD post termination benefits.

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

RESOLVED to approve the post termination agreement for OBPD retirees with the Village of Old Brookville subject to further confirmation of the Village Counsel as to the terms and conditions of the proposed draft and that before the contract is executed by the Mayor, it should be circulated to the Board members the required exhibits for comment.

FURTHER RESOLVED to approve the following expenditures for additional cybersecurity measures:

- A one time fee of \$450 to enable Multi-Factor Authentication on all Village email accounts.
- A one time fee of \$375 to add encryption to the Village Clerk's email and a monthly encryption fee of \$10 per user.
- A one time fee of \$500 to add setup for security awareness training and a monthly training fee of \$5.00 per user.

The Clerk also agreed to contact NYCOM and our insurance company for cybersecurity policies.

The next regular meeting of the Board of Trustees is scheduled for Monday April 17, 2023 @ 5:30 pm.

Signed by TL Lynch 4/17/2023

Tracy Lynch
Village Clerk