

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
MAY 15, 2023 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 on Monday May 15, 2023, at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Carl Friedrich	Deputy Mayor
	Innis O'Rourke III	Trustee
	Peter Pappas	Trustee
	Helen Solomon	Trustee

Also Present:	Tracy L. Lynch, Clerk/Treasurer
	Peter MacKinnon, Esq. of Humes & Wagner, LLP
	Attorneys for the Village
	Linda Scherer, Deputy Clerk/Treasurer
	Sam Vergata, Road Commissioner
	Eric Irizarry, Chief MUBPD
	Byron A. Divins, Jr., Esq. of Capetola & Divins, P.C.
	Michelle Capetola Johnson, Esq. of Capetola & Divins, P.C.
	Daniel Loscalzo, PE of The LiRo Group

The Mayor called the meeting to order at 5:35 p.m.

THE PLEDGE OF ALLEGIANCE

MUBPD REPORT

Chief Irizarry presented the April 2023 police report. He reported that crime in the villages of Muttontown and Upper Brookville has dropped considerably. In 2022 there were a total of 22 burglaries in Muttontown. Year to date there have been none. Last month there was one attempted (but unsuccessful) stolen car in Upper Brookville. Following a thorough search of the victim's garage, mud room and car, the burglar could not find the keys. The Chief attributes the reduction of crime to fewer keys left in cars, vigilant residents and the arrest of roughly 50 South American gang members by the Nassau County Police Department.

He reported his officers will attend active shooter training in June and the first of ten license plate readers were installed in Muttontown. Two readers will be installed later this month in Upper Brookville: one each on Mill River Road and Piping Rock Road. The Mayor thanked the Chief and commented that the Village of Freeport installed 40 license plate readers 7 years ago known as the "Ring of Steel" and it was followed by a significant reduction of crime.

The Chief updated the Board on the number of police patrols each day. He estimated the Upper Brookville car covers 60 miles each day. With 20 miles of village roads, the police tour the entire village roughly three times each day.

The Mayor reported that Senator Jack Martins proposed legislation allowing villages to implement stop sign cameras on a trial basis for traffic calming reasons and asked the Board if Upper Brookville should support the bill. He said, they could help with the speeding on Mill River Road, for example. He asked both the Chief and Village Engineer Dan Loscalzo, who opined that they would be an effective additional measure to slowing down traffic.

After discussion, the Board unanimously

RESOLVED to support the bill introduced by Senator Martins to implement the use of stop sign cameras on a trial basis in the village to improve public safety and make the streets safer.

VILLAGE ENGINEER REPORT

The Village received a resident's letter several months ago concerning a car that left Mill River Road and crashed through his fence into his garage. The letter attached police reports from past crashes and requested that the Village install a guard rail.

The Mayor requested that the Village Engineers review the letter and the site and opine on whether or not a guard rail is recommended. Police reports showed that the two more serious crashes were by drivers distracted by their cell phones.

Dan Loscalzo of LiRo appeared before the Board and reported that following a field inspection and their review, including the AASHTO Roadside Design Guide Manual criteria for guard rail installation, they concluded a guard rail is not recommended. A guard rail is likely to increase the number of accidents and the severity of the accidents for a driver hitting the guard rail.

They recommended countermeasures including:

1. adding a curve advisory sign indicating vehicle speed reduction from 35mph to 25mph for drivers approaching the curve from both the north and south,
2. removing the two Planting Field Arboretum signs to reduce potential driver distractions, and,
3. adding an additional chevron sign to the two already installed.

The Mayor requested that the Village Engineer send a letter to the Board with his recommendations mapping both the specific locations and design of the new speed advisory curve signs and asked for the Boards approval of the three recommended countermeasures.

After discussion, the Board unanimously

RESOLVED to implement the LiRo recommendations.

MINUTES

The Mayor then called for approval of the Regular Meeting Minutes of the Trustee meeting held on April 17, 2023. *(See Attached Exhibit A)*

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

PUBLIC COMMENT

Two attorneys represented an Oyster Bay Road resident and expressed their client's concerns about a Village film permit issued to her neighbor. The Mayor circulated a letter to the Board that was addressed to the Village Attorney and received earlier that day. The letter described a number of concerns and requested that the Board deny any future permit requests for filming at the neighbor's property in 2023.

The Mayor commented that he and Trustee Solomon met with both the resident and the film company the morning following notice of her concerns. He corrected a number of factual inaccuracies in the interpretation of the code and permit rules and reviewed a number of the cross complaints by both neighbors about the filming (notice, noise, staffing, lighting, smoke) and a number of unrelated matters (dumpster, compost, bees, tennis court lighting).

He pointed out that the property with the film permit is 24 acres and not limited to two film events per year. He said the Board would consider a rule for future film permits regarding smoking.

MAYOR'S REPORT

La Selva Film Permit

The Mayor next asked the Board to approve an increase of the daily film rate to \$5,000 for any future approved permits at La Selva this year, as the property owner will exceed the village limit of two commercial filming events per year for properties of less than 20 acres.

After discussion, the Board unanimously

RESOLVED to increase the daily commercial filming rate at La Selva to \$5,000 for the remainder of this year.

Official Village Map

The Mayor reported that the Village had completed the installation of the new street name signs and installed street name signs at Weatherlow Lane and Mohawk Drive which appear on the village map created by the former Village Engineer, Sidney Bowne, as well as other maps and GPS driving map apps.

With a view to determining the latest Official Map of the Village, the Village Attorney agreed to research this issue and report back to the Board.

Equipment Lease

The Mayor reported that he had met with the Road Commissioner and that the Village Attorney was working on a draft lease. Sam Vergata will be compiling a list and description of the equipment and the Village would pay to have the equipment appraised to determine its worth and a lease rate. At the discretion of the Board, future lease payments will be deferred until the Village and NCS have a signed lease.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that his crew has been working with Trustee Solomon planting flowers at the village welcome signs and the current and future village hall sites. He requested that the Board approve the purchase of a motorized water tank with sprayer to be able to water the flowers. He presented an estimate for a 100-gallon sprayer at a cost of \$7,600.

After discussion, the Board unanimously

RESOLVED to approve the purchase of a motorized water tank with sprayer at a cost not to exceed \$10,000.

BEAUTIFICATION COMMITTEE

Trustee Solomon reported that the light at the welcome sign at the corner of Wolver Hollow Rd and 25A is not working. She requested that the light be replaced with a larger fixture on a taller stand to fully illuminate the sign.

The Clerk agreed to contact Albertson Electric and arrange for the repair/installation of a new light. Trustee Solomon has also scheduled a fence company to provide the village with an estimate to replace the entrance gate at the village hall and requested that the Road Commissioner power wash the front entrance to the hall.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated May 15, 2023, in the total sum of \$19,396.09 and June 1, 2023, totaling \$149,518.85 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting. The invoices include a payment of \$104,034.78 to the East Norwich Fire Company for the 2023 Q2 fire protection, LOSAP and cancer coverage payment.

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

RESOLVED, to ratify and approve the bills listed on the General Fund Check Details dated May 15, 2023, in the total sum of \$19,396.09 and June 1, 2023, totaling \$149,518.85 which are annexed to these minutes. *(See Attached Exhibit B & C)*

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 April 30, 2023. *(See Attached Exhibit D)*

VILLAGE CLERK'S REPORT

Film Permit

The Clerk reported that the Board members previously indicated approval of film permit applications at La Selva, Iselin Preserve and Planting Fields Road at a rate of \$2,500/day.

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

RESOLVED to ratify the approval of the film permit applications at La Selva, Iselin Preserve and Planting Fields Road at a rate of \$2,500/day.

LiRo, CGA and Cullen & Danowski 2023/24 Rates

The Clerk presented 2023/24 rate increase proposals from LiRo Engineering, CGA Consulting and Cullen & Danowski.

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

RESOLVED, to approve the following 2023/24 rate increases:
LiRo Engineering – 3.5% hourly rate increase
CGA Consulting – 4.5% hourly rate increase
Cullen & Danowski - \$13,000 for annual audit

Interest Rates

The Clerk reported that all of the treasury bills had matured and the funds were redeposited with the village depositor, First National Bank of Long Island (FNBLI). FNBLI agreed to increase the platinum savings account rate to 4.5% APY and she recommended that the village invest \$250,000 in a 6 month CD at the rate of 4.9% APY.

After discussion, the Board unanimously

RESOLVED to keep the Village funds at FNBLI in a platinum savings account earning 4.5% APY and a 6-month CD for \$250,000 earning 4.9%.

Health Insurance Benefits

The Clerk reported that NYSHIP was reducing the health insurance rates by 2.7% effective July 1. She also reported that the Board can create a new class of employee, requiring them to contribute 50% of the insurance premium, which is the maximum requirement of NYSHIP.

After discussion, the Board unanimously

RESOLVED to create a new class of employee for fulltime laborers hired after May 1, 2023, that requires them to contribute 50% to their health insurance benefits.

FIRE & STORM WATER MANAGEMENT REPORT

The Mayor noted that the Storm Water Management Program Annual Report for Year 20 prepared by West Side Engineering, PC for the period March 10, 2022 through March 9 2023, has been posted on the Village website and at the Upper Brookville Village Hall at 24 Wolver Hollow Road, for review by the public. To date, no comments have been received. It was noted that the annual report must be filed with the New York State Department of Environmental Conservation no later than June 1, 2023.

After discussion, the Board authorized the Mayor to review the report and accept on behalf of the Village, the filing of the Annual Report and all required documents in accordance with the Department of Environmental Conservation regulations. A copy of the report was directed to be annexed to the minutes.

Accordingly, on motion duly made and seconded, the Board unanimously

RESOLVED, that the Village of Upper Brookville's Storm Water Management Program Annual Report, as required by the Federal Storm Water Phase II Regulation, be and it hereby is accepted and directed that it be filed with the appropriate agencies and

FURTHER RESOLVED, that the Village Engineer, West Side Engineering, PC be and it is hereby authorized and directed to file the required 20 year Storm Water Management Program Annual Report on behalf of the Village of Upper Brookville in compliance with the Federal Storm Water Phase II Regulations, including any and all other required compliance documents and

FURTHER RESOLVED, that the Mayor be, and he hereby is authorized to sign any and all documents necessary for compliance with Storm Water Phase II Regulations. *(See Attached Exhibit E)*

Street Name Sign Payment

The Clerk reported that Glenco Sign had completed the installation of all the new street name signs in the village and requested the Board to approve a partial payment of \$50,000 to the contractor. The remaining balance of approximately \$40,000 will be paid when the contractor completes replacing the damaged signs and realigns any leaning signposts.

After discussion, the Board unanimously

RESOLVED to approve a partial payment to Glenco Signs of \$50,000.

BUILDING DEPARTMENT REPORT

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

POLICE REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that he attended the Bonadonna appeal in person in the NY Supreme Court Appellate Division in Brooklyn.

The Mayor also reported that the Village Engineer has been subpoenaed to give a deposition on the Iacono v. Upper Brookville drainage claim which will take place in early June.

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 7:35 p.m. and on motion duly made and seconded, the Board unanimously adjourned the meeting.

The next regular meeting is scheduled for Thursday June 22, 2023 @ 5:30 p.m.

Signed By TL Lynch 6/15/2023

Tracy Lynch
Village Clerk