

**VILLAGE OF UPPER BROOKVILLE  
BOARD OF TRUSTEES MEETING  
COTTAGE AT 24 WOLVER HOLLOW ROAD  
OCTOBER 23, 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 in Village Hall, in the Cottage at 24 Wolver Hollow Road on Monday October 23, 2023 at 5:30 p.m.

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

Absent:	Joseph Burns	Trustee
---------	--------------	---------

Also Present: Tracy L. Lynch, Clerk/Treasurer  
Linda Scherer, Deputy Clerk/Treasurer  
Sam Vergata, Road Commissioner  
Chief Eric Irizarry, MUBPD  
Peter MacKinnon, Esq. of  
Humes & Wagner, LLP, Village Attorney

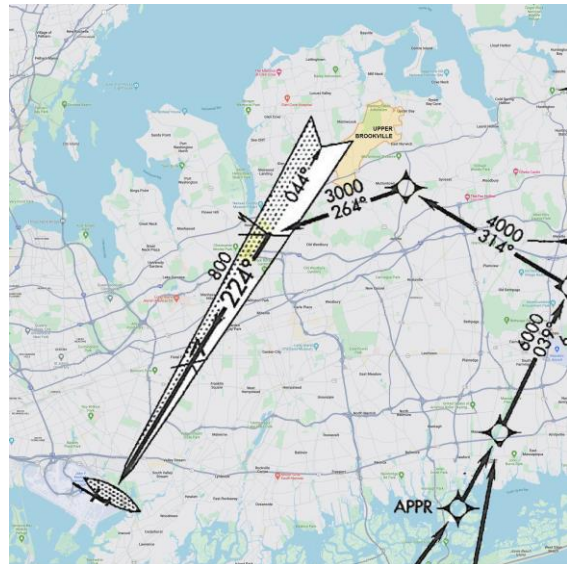
The Mayor called the meeting to order at 5:30 p.m.

**THE PLEDGE OF ALLEGIANCE**

**AIRPLANE NOISE**

Mayor Conway introduced Dr. John Lumpp, a Village resident and private pilot concerned about the impact of airplane noise on our community.

Dr. Lumpp said that when the wind is coming from the Southwest (the prevailing wind direction), the planes landing at Kennedy airport are directed along a flight path directly over Upper Brookville and many of the North Shore villages. As you can see on the map, the planes should be flying at an altitude of 3,000 feet over our area but many flights are flying at altitudes as low as 1,700.



The Mayor then reported on the efforts that have been made over the past 10 years to address the problem by various local, State and Federal officials with little success. He said the Village will be joining the renewed efforts of the Town of North Hempstead to first study to see if there is a disproportionate impact of low flying planes on Upper Brookville and other North Shore municipalities. If the study shows the impact is disproportionate or unwarranted, a consortium of municipalities may proceed to take legal action against the FAA if a satisfactory accommodation cannot be reached.

## **MUTTONTOWN & UPPER BROOKVILLE POLICE DEPARTMENT REPORT**

Chief Irizarry presented the September 2023 police report which included 27 moving violations, one stolen vehicle and one arrest. The arrest came from a stolen car alert from a license plate reader recently installed by the Muttontown and Upper Brookville PD. The stolen car was finally stopped by the police officers after it sped away from them twice. The driver attempted to run down one of the officers who then fired a round from his service revolver. Fortunately, no one was injured. The officers discovered and confiscated large quantities of fentanyl, cocaine other drugs and paraphernalia in the vehicle. The driver and passenger were arraigned and released immediately without bail despite a lengthy prior arrest record.

Chief Irizarry also reported that he, Chief Lack of the Brookville PD, Chief Mergel of the Oyster Bay Cove PD and Chief Walsh of the Old Brookville PD applied for and received a grant from Senator Gillibrand's office for an additional 36 license plate readers. This is in addition to the units already up and running in Muttontown and Upper Brookville. The new readers will form a "Ring of Steel" to better protect the nine Villages patrolled by the Muttontown & Upper Brookville, Brookville, Old Brookville and Oyster Bay Cove Police Departments.

The Mayor complimented Chief Irizarry on his enterprise and success in working with the other Chiefs and the elected officials to secure this important grant.

## **PUBLIC COMMENT**

The Mayor introduced Michael Sapricono, a 10-year resident of the Village and a retired NYC detective, who is running for George Santos' seat in the 2024 Congressional election. He discussed issues important to him including public safety, border security, affordability, quality of life and integrity in government.

## **MAYOR'S REPORT**

### **Planting Fields Road Thru Trucks**

The Mayor reported that the Village of Matinecock recently repaved their section of Planting Fields Road. Matinecock's Mayor Goodman was advised that to preserve the road, the Villages should prohibit thru traffic from commercial vehicles. As the majority of the road is in Upper Brookville, Mayor Goodman requested that Upper Brookville install signage matching the Matinecock sign prohibiting thru commercial traffic. This requires a Local Law with the provision permitting local deliveries only.

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

**RESOLVED** to ban the use of thru commercial vehicles, permitting local deliveries only, on Planting Fields Road, authorize the Village Attorney to prepare a local law for presentation at our next Board meeting, and, following passage of the law, purchase and install appropriate signage.

## **Exploding Deer Population**

The Mayor reported on the exploding deer population issue in the Village and the related public safety issues. He said the deer are responsible for damage and injuries from collisions with automobiles, tick borne diseases including Lyme, encephalitis, meningitis and Rocky Mountain Spotted fever. Depending on the age of the victim or the length of time to discover the bite, the result can be fatal. As the hunting of deer is not currently permitted in Nassau County, he is working with the DEC to permit hunting, depending on what is permitted in the local municipality.

## **NEW VILLAGE HALL PROJECT**

The Deputy Mayor updated the Board on the new Village Hall Project. He reported that he put the project out for a pre-bid estimate to several contractors and was waiting for their response. In addition, he received a proposal from LiRo Engineers to provide Bid/Award phase services totaling \$22,700 and a proposal from Northcoast Civil for the preparation of a site plan for additional parking along Wolver Hollow Road and the preparation and submission of the 239 F application to Nassau County DPW totaling \$8,100. He requested approval of these contracts and expenditures.

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

**RESOLVED** to approve LiRo's bid service proposal for \$22,700 and Northcoast Civil's parking expansion design proposal for \$8,100. (*See Attachments A & B*)

## **Energy Tax Savers Agreement**

The Mayor reported on Energy Tax Savers, Inc., a consultant who identifies alternative energy tax incentive projects for municipalities and helps them obtain related cash grants from the Federal government. The installation of solar panels on the new Village Hall property would be eligible for grant payments as well as a portion of the design cost for energy saving building systems and materials. He recommended entering into a service agreement with ETSI. The compensation percentage to ETSI for these services is to be determined and will only be paid if ETSI is successful in receiving the credit.

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

**RESOLVED** to approve in concept, the Energy Tax Savers Service Agreement. (*See Attachment C*)

## **ROAD COMMISSIONER/CODE INSPECTOR REPORT**

The Road Commissioner reported that the road crew has been busy with all the recent rain, clearing drains and removing downed trees.

The Mayor also reported that PSEG removed 10 diseased, rotten or dead Norwegian Maple trees along the County sump on Lawn Lane. The Arborist from Asplundh Tree Experts determined there was a serious risk of these trees coming down on the electrical lines on the other side of the road and potentially injuring vehicle passengers, pedestrians or

their pets. The Village plans to grind the stumps and plant new trees. The Clerk reported she received an estimate from Aspen tree for \$1,800 to grind the stumps.

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

**RESOLVED** to approve Aspen Trees estimate of \$1,800 to grind 10 stumps on Lawn Lane.

## MINUTES

The Mayor then called for approval of the regular minutes of the Trustee meeting held on September 11, 2023.

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

*(See Attached Exhibit D)*

## FINANCIAL REPORT

### Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated October 23, 2023, in the total sum of \$24,441.63 and November 1, 2023 totaling \$441,259.01 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting. The invoices include police protection payment #2 for fiscal year 2023/24 to the Village of Muttontown totaling \$391,846.75

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

**RESOLVED**, to ratify the bills listed on the General Fund Check Details dated October 23, 2023, in the total sum of \$24,441.63 and November 1, 2023 totaling \$441,259.01 which are annexed to these minutes. *(See Attached Exhibits 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 September 2023. *(See Attached Exhibit G)*

### Budget Transfers

The Clerk presented the Board with a list of 2022/23 mechanical budget transfers totaling \$93,181.26 which are necessary to present a balanced budget.

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

**RESOLVED** to approve the 2022/23 budget transfers *(See Attached Exhibit H)*.

## **Annual Financial Report**

The Clerk reported that the Annual Financial Report FYE 5/31/2023 was filed with the State on September 28, 2023. The Village Auditor expects to have the audit completed by month end and will be available for review at the November meeting.

## **VILLAGE CLERK'S REPORT**

### **SCAR Assessment Reduction/Village & Tax Refund**

The Clerk reported that three residents were awarded assessment reductions in Small Claims Court Proceedings for the 2022/23 tax year against Nassau County. She noted that the Village was served copies of the Petitions and recommended that the Board authorize the reductions and refunds 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 residents, 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:

**Pelletier** – Sec.24, Blk. 26, Lot 5 2022/23 assessed value of \$2,741 reduced to \$2,056 for a total refund of \$1,566.94.

**Tejpaul** – Sec.22, Blk. 24, Lot 3 2022/23 assessed value of \$2,880 reduced to \$2,300 for a total refund of \$1,326.75.

**Smith/Geisel** – Sec.24, Blk. E, Lot 1026 2022/23 assessed value of \$2,359 reduced to \$2,265 for a total refund of \$215.03.

### **Nassau County Assessment Roll Exemptions**

The Clerk reported the details of the Volunteer Fireman and Senior Exemptions on the County roll for two Village Residents. The Board unanimously agreed that these exemptions should not be applied to any future Village assessments.

## **BUILDING DEPARTMENT REPORT**

The Clerk referred to the reports submitted by the Building Department Clerk for September 2023 activity. (*See Attached Exhibit I*)

The Clerk also presented a request from a resident to refund their tree removal permit fee since they would not be moving forward with the project. She explained that the code allows a refund of up to 75% of the permit fee. Therefore, she recommended a refund of \$288.75 which would cover the cost of the Tree Inspectors fee.

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

**RESOLVED** to approve the tree removal permit fee refund of \$288.75 to the applicant for not moving forward with the removal of trees at 19 Woodhill Lane.

## **Village Hall Winter Hours**

Trustee Solomon expressed her concern about dim lighting and safety at closing time for the Village Hall during the winter months and recommended that the Village amend the Deputy Clerks hours from 9:30am – 5pm to 9am – 4:30pm.

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

**RESOLVED** to approve the change to the Deputy Clerk's hours during the winter months to 9am – 4:30pm, at which time the Village Hall will be closed for business.

## **BEAUTIFICATION COMMITTEE REPORT**

Trustee Solomon reported that the expansion of the driveway entrance to Village Hall was completed, and the replacement gate is on order. The new sign is taking a little longer than we anticipated due to component material delays. It should be installed in the next few weeks.

She reported having met with several Upper Brookville residents and formed a committee who are discussing spring plantings.

## **FIRE & STORM WATER MANAGEMENT REPORT**

No Report

## **ARCHITECTURAL REVIEW REPORT**

No Report

## **LEGAL REPORT**

The Village Attorney reported that the Bonadonna appeal was upheld. The decision made by the Zoning Board of Appeals was not only supported by the Supreme Court in Mineola but also by the Supreme Court Appellate Division in Brooklyn.

Mr. Bonadonna will be required to (a) reduce the height of the piers to comply with the Village Code and (b) reimburse the Village up to \$250 in legal costs and \$1,681 for filing the appeal.

The Village Attorney also reported that he received an opinion from the Office of the State Comptroller that concluded that a Village may invest in Treasury Bills purchased under the Treasury Direct program. In their opinion, these registered securities constitute securities registered in the name of the village for purposes of Section 11 of the General Municipal Law. Therefore, they need not be purchased through, delivered to and held in the custody of a New York bank or trust company.

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

**RESOLVED** to approve the use of Treasury Direct to purchase future T-Bills subject to verifying the chain of custody on the transfer of money from the bank to Treasury Direct and back to the bank.

**EXECUTIVE SESSION**

At 7:16pm, on motion duly made and seconded, the Board unanimously **RESOLVED**, to enter Executive Session.

At 7:47pm, on motion duly made and seconded, the Board unanimously **RESOLVED** to come out of Executive Session where they discussed the NCS contract, the ENFC contract and OBPD retiree analysis.

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

**RESOLVED** to approve retaining George Stack as a consultant to assist the Village in understanding and independently calculating the amounts on the Old Brookville retiree health insurance invoices.

The meeting was adjourned at 7:53pm. The next regular meeting of the Board of Trustees is scheduled for Monday, November 13, 2023 @ 5:30 p.m.

*Signed by TL Lynch 11/13/2023*

---

Tracy Lynch  
Village Clerk/Treasurer