

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
DECEMBER 18, 2023 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 December 18, 2023 at 5:30 p.m.

Present:	Elliot Conway	Mayor
	Peter Pappas	Deputy Mayor
	Joseph Burns	Trustee
	Innis O'Rourke	Trustee

Absent:	Helen Solomon	Trustee
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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
James McGrath, Extenet
Marc Alessi, Shelter Rock Strategies

The Mayor called the meeting to order at 5:30pm

THE PLEDGE OF ALLEGIANCE

EXTENET PRESENTATION

Representatives from Extenet and Shelter Rock Strategies presented their proposal to install a small wireless facility on existing utility poles in the Village. They presented a map with seven (7) proposed small cell wireless nodes on existing utility poles along the right of ways on Wolver Hollow, Piping Rock, Chicken Valley and Glen Cove/ Oyster Bay Roads. These nodes are part of an island wide improvement to AT&T's infrastructure. They said the wireless industry is doing more of this type of installation because the facilities need to be closer to the user to accommodate the increase in data usage.

The Village Attorney explained that the application would go through the Zoning Board of Appeals and recommended that the proposed pole locations be marked for review by the Trustees and ZBA members. Mr. McGrath agreed to mark the poles with a colored ribbon different from the locations they are proposing in the Village of Matinecock.

To streamline the application process, the Mayor asked if the Board would approve an exception to the Code which would have required three separate (virtually identical) applications, to allow the ZBA to accept more than three nodes per application.

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

RESOLVED to make an exception to the Village Code and approve the filing of more than three nodes per Zoning Board Application if the facilities are substantially the same.

HEARING ON PROPOSED LOCAL LAW A-2023

The Mayor called the hearing on proposed Local Law A-2023 to order at 6:00pm. 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 A-2023 which will amend Chapter 195, “*Vehicles & Traffic*”, of the Code of the Village of Upper Brookville. The proposed Local Law will add new Section 195-2(A)(8): Planting Fields Road is designated as a through highway, except for commercial traffic, which is prohibited unless such commercial traffic is making a delivery or pickup of merchandise or other property to any resident that is located on any portion of Planting Fields Road, including those residences located in the Village of Matinecock and delete Section 195-2(B)(4) since the Brookville School no longer exists. A similar law is being considered by the Matinecock Board of Trustees for the portion of Planting Fields Road in their village. The purpose of the law is to significantly extend the life of the recently repaved road.

The 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. (*See Attached Exhibit A*)

ADOPTION OF LOCAL LAW 1-2023

The Board then considered the adoption of Local Law 1-2023, which will amend Chapter 195, “*Vehicles & Traffic*”, of the Code of the Village of Upper Brookville. The proposed Local Law will add new Section 195-2(A)(8): Planting Fields Road is designated as a through highway, except for commercial traffic, which is prohibited unless such commercial traffic is making a delivery or pickup of merchandise or other property to any resident that is located on any portion of Planting Fields Road, including those residences located in the Village of Matinecock and delete Section 195-2(B)(4) since the Brookville School no longer exists. After discussion, and on motion duly made and seconded, the Board unanimously

RESOLVED, that in accordance with Article 8 of the State Environmental Quality Review Act, the adoption of Local Law 1-2023 amendment to Chapter 195, “*Vehicles and Traffic*,” of the Code of the Village of Upper Brookville. The proposed Local Law will add new Section 195-2(A)(8): Planting Fields Road is designated as a through highway, except for commercial traffic, which is prohibited unless such commercial traffic is making a delivery or pickup of merchandise or other property to any resident that is located on any portion of Planting Fields Road, including those residences located in the Village of Matinecock and delete Section 195-2(B)(4) since the Brookville School no longer exists, shall be classified as a Type II Action and shall require no further environmental review, and

FURTHER RESOLVED that Local Law 1-2023 amendment to Chapter 195, “*Vehicles and Traffic*,” of the Code of the Village of Upper Brookville, be, and the same hereby is, enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**PROPOSED LOCAL LAW A-2023
VILLAGE OF UPPER BROOKVILLE
AMENDMENT TO CHAPTER 195
VEHICLES AND TRAFFIC**

A local law to amend Chapter 195, “*Vehicles and Traffic*,” of the Code of the Village of Upper Brookville. The Code was adopted on September 9, 2000 by the Board of Trustees and last amended on November 20, 2022 by Local Law 2-2022.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

SECTION I. Amend Section 195-2, “*Through highways and stop intersections*,” in part, to read as follows:

A. The following highways are hereby designated through highways, and all vehicles approaching said through highways as below specified shall come to a full stop in accordance with the stop signs posted at these locations:

...

(8) Planting Fields Road is designated as a through highway, except for commercial traffic, which is prohibited unless such commercial traffic is making a delivery or pickup of merchandise or other property to any resident that is located on any portion of Planting Fields Road, including those residences located in the Village of Matinecock.

...

B. The following intersections are hereby designated as stop intersections, and stop signs shall be posted at the following roadways controlling traffic as indicated:

(1) Wolver Hollow Road and Piping Rock Road controlling northbound and southbound traffic on Wolver Hollow Road.

(2) Lawn Lane and Mill River Road controlling westbound traffic on Lawn Lane.

(3) Donna Drive and Remsen's Lane controlling southbound traffic on Donna Drive.

~~(4) Wolver Hollow Road and the driveway entrance to the Brookville School controlling northbound and southbound traffic on Wolver Hollow Road between the hours of 7:45 a.m. and 9:00 a.m. and 2:00 p.m. and 3:00 p.m., Monday through Friday, between September 1 and June 30.~~

~~(5)~~ Crosswood Lane and Wheatley Road controlling southbound traffic on Crosswood Lane.

~~(6)~~ (5) Hillcrest Lane and Lawn Lane controlling southbound traffic on Hillcrest Lane.

SECTION II. This local law shall take effect upon filing with the Department of State.

- **NOTE:** New words are double underlined. Deletions are ~~struck out~~. Dotted . . . lines set off that portion of a Section or Subsection which is amended.

Votes in favor of adoption:	Elliot Conway	Aye
	Joseph Burns	Aye
	Innis O'Rourke, III	Aye
	Peter Pappas	Aye

Votes against adoption: None

The Road Commissioner was instructed to install the appropriate signage on Planting Fields Road.

MUBPD REPORT

The Chief presented the November 2023 Police Report. He reported 18 false alarms, no burglaries in either Village and 27 moving violations.

The Clerk agreed to work with our IT group to have the Vacant Premises Check form emailed to the MUBPD once completed on the Village website.

He also reported that there have been many deer strikes by vehicles traveling through the Villages and agreed to keep a record of all deer encounters. He mentioned that there have been 34 auto accidents involving deer since July 1st in the two village MUPD coverage area. He also discussed a resident complaint of people hunting deer with crossbows on vacant property. These individuals entered a property marked with 'No Trespassing' signs and were given a warning by the police.

The Chief agreed to enforce violations like this and issue summonses to anyone trespassing and hunting illegally in the Village.

He also reported that all officers received new bullet proof vests with the assistance of a \$5,000 PERMA. He is working on getting the necessary permits to install the additional license plate readers leased by the Village.

The Mayor noted that the NCVOA is working with the DEC on legislation to permit better deer population management in Nassau and Suffolk Counties. Two deer management laws were signed by Governor Hochul in December covering areas of the City of Syracuse and the Village of Southold in Suffolk County. He mentioned that a number of Village residents have a Deer Damage Permit ("DDP") issued by the DEC. DDP permits require notification to the local police department in writing prior to commencement of any activity permitted under the permit. The Chief clarified that notice may be given directly to the MUBPD or the Police Commissioner by email.

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

RESOLVED to persons acting in compliance with a Deer Damage Permit issued to a resident of Upper Brookville may give notice by email to either the MUBPD or the Village Police Commissioner, or both, by email, prior to commencement of any activity permitted under the DDP.

MAYOR'S REPORT

The Mayor reported that the Village was awarded a \$200,000 grant under the USDOT Safe Streets and Roads for All (SS4A). The Village worked with LIRO on the submission which was jointly filed with the Village of Muttontown. The first phase of the process is to study safety issues in the Village and in particular, a potential road improvement project on Mill River Road which includes the repaving of the road, enclosing the existing drainage ditch with a pipe culvert and widening the road to permit the addition of a bike and pedestrian lane.

Audited Financials

The Mayor discussed various comments to the draft Audited Financials and called for approval of the FYE 5/31/2023 Financial Reports, including the Justice Court Fund prepared by Cullen & Danowski.

After presentation and examination by the Board, the Trustees unanimously

RESOLVED to accept the Financial Reports FYE 5/31/2023.

(See Attached Exhibits B & C)

PUBLIC COMMENT

No Comment

VILLAGE HALL PROJECT

Deputy Mayor Pappas reported that LIRO is preparing the bid package and we anticipate that the bid notice will be published in mid January 2024. He also presented a parking proposal from Northcoast Civil which will provide an additional 10 spaces along Wolver Hollow Road, providing a total of 26 parking spaces. The parking area would require easements from the County and cemetery for use of their property.

The Mayor will follow up with the Building Inspector to determine whether that portion of the cemetery property, due to the very steep slopes, is unusable for cemetery purposes. Based on the findings, the Mayor may discuss a potential easement from the cemetery to permit additional parking spaces.

The Deputy Mayor also reported that both LIRO and Sergio Tedesco's architectural firm will be submitting proposals to provide project management services.

The Clerk also presented estimates from Northcoast Civil for additional survey work required to prepare the parking plan totaling \$2,600 and International Asbestos Removal Inc. (IAR) for asbestos abatement and lead paint remediation and disposal totaling \$47,950.

A discussion ensued as to the potential recovery under the lease of the cost of asbestos abatement and lead paint remediation from the former occupants. The Mayor agreed to follow up with counsel to the Village.

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

RESOLVED to ratify the estimate from Northcoast Civil for additional survey work required to prepare the parking plan for the new Village Hall project totaling \$2,600 and approve the proposal from IAR for the asbestos abatement and lead paint removal and disposal of the new Village Hall totaling \$47,950 and *(See Attached Exhibit D & E)*

FURTHER RESOLVED to authorize Northcoast Civil and the Village's Building Inspector to carry out the necessary field work required to submit a 239f application to the County.

MINUTES

The Mayor then called for approval of the regular minutes of the Trustee meeting held on November 13, 2023.

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

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated December 18, 2023 in the total sum of \$18,610.66 and January 1, 2024 totaling \$196,692.06 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 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 December 18, 2023 in the total sum of \$18,610.66 and January 1, 2022 totaling \$196,692.06. *(See Attached Exhibit G & H)*

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 November 2023. *(See Attached Exhibit I)*

CLERK'S REPORT

2024 Health Insurance Premiums

The Clerk reported that the 2024 NYSHIP premiums have increased: 10.5% for the family plan and 9% for the individual plan.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

The Clerk/Treasurer referred to the reports submitted by the Building Department Clerk for November 2023 activity. (*See Attached Exhibit J*)

BEAUTIFICATION COMMITTEE REPORT

No Report

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that the Village will be meeting with the ENFC on December 20th to discuss the fire protection contract.

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 7:02 pm and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss various matters.

EXECUTIVE SESSION

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

RESOLVED, to come out of Executive Session where they discussed termination benefits to retired OBPD police officers, ENFC contract terms and health care payments to employees and the new Village Hall.

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

RESOLVED to reimburse the Village of Old Brookville for the retirement health insurance benefits covering the period from June 2022 – July 2023, for those individuals who have retired as of May 31, 2022, after verification of the analysis

provided by George Stack and other claims owed to Upper Brookville and

FURTHER RESOLVED to approve the enrollment of James Mundell into the NYSHIP family plan effective January 1, 2024 and his contribution of 20% of the premium and

FURTHER RESOLVED to approve the catchup payment of the insurance waiver year to date to all eligible employees and continue to pay the waiver on the bi-weekly payroll and

FURTHER RESOLVED to approve an insurance waiver payment to part time employees who have insurance through another source. They will receive a total annual payment of \$2,600/year for family coverage and \$1,000/year for individual coverage, to be paid each bi-weekly pay cycle and

FURTHER RESOLVED to ratify the approval of the hiring of Colleen O'Toole as a part time Building Clerk with a starting salary of \$30/hour to be paid on a bi-weekly basis by direct deposit. Part of the hourly rate includes a medical benefit waiver of \$2600/year which is subject to all usual payroll deductions. Her total compensation breaks down as follows: \$27.92/hour plus a \$50 insurance waiver per week. Her hours are Monday – Thursday 8:30am – 3:30pm, including a ½ hour unpaid lunch, for a total of 24 hours/week, 52 weeks/year. She is not eligible to receive vacation, sick, holiday or personal days and

FURTHER RESOLVED to approve the temporary hiring of Laurie Dooney at an hourly rate of \$41.30 to assist with the training of the new Building Clerk. Her total compensation is not to exceed \$2,000.

The Meeting was adjourned at 7:50pm

The next regular meeting of the Board of Trustees is scheduled for Thursday, January 18, 2024 @ 5:30 p.m.

Signed by TL Lynch 1/18/2024

Tracy Lynch
Village Clerk