

**VILLAGE OF UPPER BROOKVILLE
BUDGET HEARING & BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
APRIL 15, 2024 at 5:30 p.m.**

A Budget Hearing and regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held on Monday April 15, 2024, at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Peter Pappas	Deputy Mayor
	Helen Solomon	Trustee
	Joseph Burns	Trustee

Absent: Innis O'Rourke III 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

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

THE PLEDGE OF ALLEGIANCE

MUBPD REPORT

Chief Irizarry presented the March 2024 Police Report. He reported there was one burglary, one domestic incident, 36 moving violations and 18 vacant premise checks. The burglary occurred at a home that is not the primary residence of the owner and was not occupied at the time. The police investigation is continuing.

The Chief recommended that residents instruct their alarm company to immediately notify the police when an alarm is activated and then phone the backup numbers on file. The Clerk agreed to send out an email to alert the residents of this important tip.

He also reported that an officer recently responded to a fire call in Muttontown. When he arrived at the home at 1:00 a.m., he noticed it was filled with smoke and saw a fire on the kitchen stove. After there was no answer at the door, the officer kicked the door in and found a male resident and dog sleeping in a bedroom. He woke and quickly escorted them out of the house. The fire department arrived shortly after and extinguished the fire. The Mayor recommended that, jointly with Muttontown, the Village issue a citation to the officer in recognition of his quick decision and ingenuity.

He also reported that the department ordered a new Chevy Tahoe. The hybrid cars they

are using have had numerous problems and are not meant for the wear and tear as police vehicles.

BUDGET HEARING

Next, the Mayor called the Budget Hearing to order. He announced that the public hearing was on the Village's tentative budget, which has been on file at the office of the Village Clerk and open to public inspection since the date of publication of the notice of this hearing. The affidavit of publication of the notice of the hearing was presented and ordered annexed to these minutes.

At 5:54 p.m., a Trustee asked if the Board could enter Executive Session to discuss certain budget items.

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

RESOLVED to enter Executive Session.

At 6:03 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session and no action was taken.

The Board then reviewed the proposed budget, which includes a stipend for the Mayor of \$2,000, Old Brookville Police retirement benefits totaling \$685,500 for the period covering June 2022 thru May 2025, an 11% increase to police protection services, a 4% increase to fire protection services and 3% salary increases to most employees. The Mayor discussed budget projections and reported that future ongoing Village expenses beyond the 2024/25 fiscal year includes a \$200,000 payment each year to OBPD for retirement benefits.

The Mayor explained that the cost of running the Village has gotten to the point that requires a levy increase, the first time since he was elected Mayor. He noted that Upper Brookville is the only Village in New York State that has reduced the tax levy for the last seven years.

He also recommended adjustments to the Assigned Fund Balance; reducing the General Litigation Reserve, Mill River Road Repair Reserves, OBPD Retirement Benefit Reserve and Appropriated Funds. The adjusted funds will be allocated to offset the expenses. These adjustments will be finalized once the annual audit is completed by Cullen & Danowski LLP.

He noted that the Village applied for a shared services grant where the State has been requested to match the first year police protection savings realized upon joining the Muttontown Police Department. The shared services grant proceeds could be up to \$650,000 and not accounted for in the budget.

After further discussion, the Mayor adjourned the hearing until April 19th at 10:30 a.m., when the Board will hold a Special Meeting to discuss future budget projections, potentially overriding the Property Tax Cap and the final budget.

PUBLIC COMMENT

No Comments

MAYOR'S REPORT

Village Wide Garbage

The Mayor asked the Board to think about offering Village wide garbage with smaller trucks as part of a future budget once the contract with the Village carter expires in 2027. The uniform and efficient use of smaller trucks by all residents would have the added benefit of lengthening the life of the Village roads. If the \$10,000 cap on State and Local Tax (SALT) deductions is increased in 2026, Village wide garbage would be an added deduction on property taxes and benefit the homeowners.

Arbor Day

The Mayor reported that he met with a representative of Planting Fields Arboretum and asked if he would give free entry to our residents on Arbor day which is celebrated on April 27th and 28th. He pointed out that the Village recently paved Planting Fields Road and pays for their police and fire protection services. He also said the Village could set up a booth and provide food and soft drinks to visitors.

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

RESOLVED to approve spending of up to \$5,000 on Arbor Day-related activities.

Burglar Alarm Permit Renewal

The Mayor requested that the Clerk renew the Burglar Alarm 5-year Permit program, under the same terms we had with the Old Brookville Police Department, with the exception that Village employees would issue the permits and administer the program. After discussion by the Trustees and on motion duly made and seconded, the Board unanimously

RESOLVED to renew the Burglar Alarm Permit program.

NEW VILLAGE HALL

Deputy Mayor Pappas reported that the Village Hall bid would be noticed this Friday in the Oyster Bay Guardian and the bid opening is scheduled for Friday May 17th. He plans to discuss project management services with the Village Building Inspector.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that the crew is busy filling potholes on roads throughout the Village.

He also noted that the Linden Lane Road project was completed by McGowan. The Board asked him to get a price from McGowan for line striping as it was not included in the original proposal.

He also is meeting with the Village Engineer later in the week to inspect the water issue on Ripley Lane which is causing the road to deteriorate. He reported that there is an immediate need to clean two clogged catch basins on Ripley Lane and he has contracted with Multi Services of Long Island Inc.

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

RESOLVED to approve the Mayor's declaration of a local emergency relating to the condition of Ripley Lane which requires the immediate hiring of a contractor to clear the catch basins and repair the road, without going for further bids. The Board approved spending up to \$10,000.

Temporary Laborer

The Board discussed the need for a temporary laborer. The original intent of the position was for this individual to fill in and assist on an as needed basis primarily during the summer months, however, the position hours have extended at times. The Mayor, the Board and the Road Commissioner agreed that a three-person road crew with an annual expenditure of not more than \$15,000 annually for an additional temporary laborer would be appropriate for the Village.

MINUTES

The Mayor then called for approval of the Regular Meeting Minutes of the Trustee meeting held on March 18, 2024. (*See Attached Exhibit B*)

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

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated April 15, 2024, in the total sum of \$9,989.76 and May 1, 2024, totaling \$437,164.60 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 \$391,846.75 to the Village of Muttontown for the police protection contract.

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 April 15, 2024, in the total sum of \$9,989.76 and May 1, 2024, totaling \$437,164.60 which are annexed to these minutes. (*See Attached Exhibit C & D*)

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 March 31, 2024. (*See Attached Exhibit E*)

VILLAGE CLERK'S REPORT

ZBA Deposit

The Clerk asked the Board to consider increasing the \$2,000 deposit for ZBA appeals. These fees are used to cover the applicants legal, stenographer, advertising and engineering fees and often overrun the initial deposit.

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

RESOLVED to increase the ZBA appeals deposit from \$2,000 to \$4,000. Unused deposits will be returned to the applicant within 30 days of the Zoning matter being concluded.

Film Permit

The Clerk reported that the Board previously approved a film permit at Planting Fields Arboretum and on Planting Fields Road from April 17th – 19th at a rate of \$2,500/day. The application includes the temporary closing of Planting Fields Road with assistance by the police as well as the use of a drone.

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

RESOLVED to ratify the approval of the film permit application at Planting Fields Arboretum and on Planting Fields Road.

SCAR Assessment Reductions & Village Tax Refunds

The Clerk reported that several residents were awarded assessment reductions in Small Claims Court Proceedings for the 2023/24 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 (*See Attached Exhibit F*), 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.

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for March 2024 activity. (*See Attached Exhibit G*)

She also reported on the status of the 450 open building permits. The Building Clerk sent letters to ten residents that have old, expired permits and heard back from three of them. She's working with them to close out the permits and issue Certificates of Occupancy or Completion. She is also continuing to send monthly reminder letters to residents whose permits are active and recently expired.

The Mayor asked the Village Attorney if the Village could take a deposit with new building applications that would be held by the Village until a CO is issued. The Village would keep the deposit if the permit was not closed out in a timely manner. The Clerk also asked if new permits could be withheld until open permits are closed out. The Village Attorney said this was legal and recommended that the Village adopt this process. The Board discussed offering an Amnesty Program to residents who have built structures without permits. The Board agreed to continue the discussion following research of the mechanics and results of similar programs in other municipalities.

BEAUTIFICATION COMMITTEE

Trustee Solomon reported that she's meeting with the two co-chairs of the committee tomorrow to discuss the Village sign plantings and newly planted trees required for the Tree City designation.

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

RESOLVED to approve spending up to \$15,000 on deer resistant plants at the Village sign locations and on the per capita tree requirement for the Tree City designation and requested that the Clerk contact the Director of the Arboretum and get a list of deer resistant trees, shrubs and plants.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported of a Memorandum of Opposition from a resident to the Village objecting to Extenet's ZBA application to install a small cellular node near her home.

The Village Attorney also noted that Extenet was planning to submit a request to the Board of Trustees for a reduction of code required application fees and deposits. The Village code requires a fee of \$10,000 and a deposit of \$7,500 for a Conditional Use Permit. Their request is based on the FCC's limit on fees and scope of charges that municipalities may collect for permit applications involving small wireless facilities in public rights of way. The applicant is requesting that the fee be reduced to \$700 for all 7 nodes and that the escrow deposit be limited to reimbursement for Village publication and mailing of notices for the Board of Appeals hearing. It does not include reimbursement for the Village for legal fees.

The BZA hearing is scheduled for later in the week and the Mayor asked the Village Attorney to request that Extenet include both their current and proposed long range plans for nodes at the hearing.

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 7:15 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss the ENFC contract.

At 7:37 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session.

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

RESOLVED to approve the Village entering into a contract with the ENFC and gave the Mayor the ability to sign and send a contract, following consultation with the Village Attorney, with terms and conditions substantially similar to those approved previously by the Board.

The meeting was adjourned at 7:40 p.m.

There will be a Special Board meeting on Wednesday April 19, 2024 at 10:30 a.m. to continue the budget hearing and the next regular meeting is scheduled for Monday May 20, 2024 at 5:30 p.m.

Signed by TL Lynch 5/20/2024

Tracy Lynch
Village Clerk