

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
SEPTEMBER 16, 2024 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 September 16, 2024, at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Innis O'Rourke	Trustee
	Helen Solomon	Trustee
	Joseph Burns	Trustee
Not Present:	Peter Pappas	Deputy Mayor
Also Present:	Tracy L. Lynch, Clerk/Treasurer	
	Linda Scherer, Deputy Clerk/Treasurer	
	Colleen O'Toole, Building Clerk	
	Lt. Chris Ernst, MUBPD	
	Sam Vergata, Road Commissioner	

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

THE PLEDGE OF ALLEGIANCE

The Board members noted that on behalf of all Village residents they want to officially recognize Mayor Conway's exceptional service during his past year term as President to the Nassau County Village Officials Association. The Board members noted that during his tenure as president, Mayor Conway was successful in bringing to the attention of both New York State and our local legislators a wide range of important topics on behalf of not only Upper Brookville residents, but all Nassau County residents. Leading the derailment of the NYS affordable housing-based-attack on local zoning and continuing the fight for reform of our current criminal laws that placed criminals over crime-victims, teaching financial literacy in grades 9-12, and managing the exploding population of deer and the tick-borne diseases they bring are just a few of the issues that he tackled as President.

To further highlight the impact of his NCVOA presidency, Mayor Conway was personally honored by Nassau County Executive Bruce Blakeman, who recognized the Mayor not only as a mentor, but an individual who has left his mark throughout Nassau County and New York State. The County Executive acknowledged and highlighted in detail the many accomplishments achieved by the Mayor due to his tireless hard work.

The Trustees echo the County Executive's recognition of the Mayor's work and accomplishments and wish to record their deep appreciation and thanks for all of his hard work on behalf of all Upper Brookville residents.

MUBPD REPORT

Lt. Ernst presented the August 2024 Police Report. He reported the department issued 37 tickets. He also reported that many residents have been filing vacant home check requests with the Department when they are going to be away for a period. The officers will perform daily checks of a residence, which includes them walking the perimeter and checking that the doors are secure.

He reported that crime has drastically decreased but reminded residents to be vigilant especially once day light savings time ends on November 3rd. He reminded residents to take proper precautions when away from their homes and use alarm systems, leave a television on, light the exterior and interior and not post anything on social media indicating they are away.

He also reported that deer strikes are on the rise since the start of the rutting season. Two deer were recently impaled after failing to completely leap over fences, and one was struck by a vehicle on Muttontown Road.

He also asked that the Village enter an Intermunicipal Agreement (IMA) with the Town of Oyster Bay for animal control. The department is often asked to assist with stray animals which they don't have the resources or training for. The Board agreed and requested that the Clerk contact the town Attorney's office and have them draft an IMA.

MAYOR'S REPORT

Stop Sign Cameras

The Mayor updated the Board on implementation of the Stop Sign Camera program. He reported that the Village signed a proposal with Stop For Kids to conduct a three day traffic study and record the number of vehicles that fail to stop at the stop sign heading north on Wolver Hollow Road at the intersection with Piping Rock Road. Subject to the results of the study, the Village plans to install a stop sign camera at this intersection and initially issue warning letters to drivers who don't obey the stop sign. A further study will then be conducted to see how the presence of a stop sign camera and warning letters impact compliance with the stop sign and slow down speeding vehicles. The Village is also considering the installation of a second stop sign and camera on Mill River Road and may conduct a similar study.

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

RESOLVED to approve a \$10,000 budget per stop sign location for Stop For Kids to conduct a traffic study and issue warning letters.

Fines & Licensing

The Mayor also asked the Village Attorney to draft a code amendment that would amend the severity of Village fines and penalties for residents and/or contractors that repeatedly violate the village code. The Board and Village Attorney also discussed Village licensing of contractors,

as is done in many municipalities.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that the crew has been busy cutting grass, watering the flowers and filling potholes.

MINUTES

The Mayor then called for approval of the Regular and Annual Organization Meeting Minutes of the Trustee meeting held on July 15, 2024. (*See Attached Exhibit A*)

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

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for July & August 2024 activity. (*See Attached Exhibit B & C*)

Next, the Building Clerk reported on the status of open building permits. She reported that when she first started to address these permits in March 2024, there were a total of 459 open permits; 22 were active and 437 expired. She sent approximately 34 letters to homeowners with permits that expired in 2019-2021. As a result of the Departments efforts, they have been able to close 37 permits with an additional 12 permits currently being reviewed by the Inspector. The remaining 400 expired permits belong to 229 properties. She will continue sending letters to these property owners and will also send monthly reminder notices to homeowners that have permits expiring.

She also briefly discussed ways to address residents who built improvements on their property *without a permit*. This issue typically arises at the last minute of a property sale when the seller is unable to deliver a Certificate of Occupancy to buyer (a requirement for mortgage financing) without lengthy and time consuming surveys. She reviewed programs implemented by the Town of Oyster Bay, Mineola, Flower Hill and Muttontown and discussed potential fines/penalty reductions if the residents were to come forward on their own or where the improvement is discovered by the Village. She agreed to work with the Building Inspector on the program and report back to the Board.

The Clerk also presented CGA Consulting Inc's 2024/25 proposal to provide Building Department Consulting Services which includes a 3% hourly rate increase.

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

RESOLVED, to ratify the approval of CGA Consulting Inc's proposal for 2024/25.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated September 16, 2024, in the total sum of \$142,813.49 and October 1, 2024, totaling \$63,594.72 and reported that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the meeting. She reported that the bills include the Q3 2024 fire protection payment to East Norwich Fire Company totaling \$96,312.52, excluding the LOSAP 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 September 16, 2024, in the total sum of \$142,813.49 and October 1, 2024, totaling \$63,594.72 which are annexed to these minutes. (*See Attached Exhibit D & E*)

Treasurer's Report

Next, the Clerk presented the July & August 2024 financials.

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

RESOLVED, to approve the July & August 2024 Treasurer's Reports and Balance Sheets. (*See Attached Exhibit F & G*)

VILLAGE CLERK'S REPORT

NYSHIP

The Clerk reported that she researched providing NYSHIP benefits to former Trustees and determined that State law requires the Village to reimburse Medicare premiums to eligible Trustees. Therefore, since the Village is unable to be reimbursed 100% of the premium, the resolution that was passed on April 17, 2023, must be rescinded.

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

RESOLVED, to rescind the resolution passed by the Board of Trustees on April 17, 2023, that approved providing health care benefits for elected officials for life so long as they paid 100% of the periodic cost of the benefit and upon any departure from the Board or decision not to run for re-election, they had served a minimum of 5 years.

Legal Retainer Agreement

The Clerk presented a proposed 2024/25 legal retainer agreement from McLaughlin & Stern which includes a 3% increase over the prior year rate.

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

unanimously

RESOLVED, to approve the 2024/25 McLaughlin & Stern retainer agreement.

Annual Organization Appointments

The Clerk recommended the following appointments for the new official year:

- *Herman Hertweck – ZBA Member holdover for 1 year
- *Dorian Vaughn – Beautification Committee Member for 1 year
- *Wendy Breck – Beautification Committee Member for 1 year
- *Jim Nicollet – Deputy Building Inspector for 1 year

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

RESOLVED, to ratify the appointments listed above for the new official year.

Shred-A-Thon and Medicine Take Back

The Clerk reported that the Shred-A-Thon and Medicine Take Back Day is scheduled for Saturday September 21, 2024 10am – 2pm at Village Hall. Residents can bring boxes full of documents to be shredded free of charge on site and surrender unused, expired or unwanted medications. The road crew will be on hand to assist with traffic control and the police to accept medications.

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

RESOLVED, to ratify the approval to hire Data-Struction for the Shred-A-Thon at a cost of \$675.

Monsanto Settlement

The Clerk reported that the Village received a settlement check for \$17,414 from a class action suit against Monsanto. The suit claimed that Monsanto's PCBs were defective, harmed the environment and failed to warn users of the harm associated with their PCB containing products. There was no indication of a PCB issue in Upper Brookville.

Radar Sign Replacement

The Clerk reported that the radar sign that monitors vehicles on the south bound lane of Mill River Road was damaged by a vehicle and not working properly. She asked the Board to approve the purchase of a replacement sign at a cost of \$3,000. Insurance would not cover the replacement because the deductible is higher than the cost of the sign.

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

unanimously

RESOLVED, to authorize the Clerk to purchase a new battery-operated radar sign at a cost of \$3,000.

Proposed Local Law B-2024

The Clerk presented proposed LL B-2024 that would revise Chapter 108 *Excavating and Filling* & 112 *Fees and Deposits*. Instead of applicants requiring a special permit from the Board of Trustees (BOT) when earth moving is in excess of 15 cubic yards, the amendment proposes that earth moving in excess of 15 cubic yards and up to 200 cubic yards requires a building permit and anything in excess of 200 cubic yards, requires a special permit from the Planning Board. (*See Attached Exhibit H*)

The Village Attorney recommended that the BOT consider tripling the permit fee for fill and excavation work that commences without a permit. The Board agreed and asked the Village Attorney and Clerk to draft a Local Law for the October meeting.

BEAUTIFICATION COMMITTEE

Trustee Solomon reported that she asked the Committee to get pricing to replace some of the spring flowers with mums for the fall and is getting quotes to plant tulip bulbs for next spring.

She also reported that the Lawn Lane tree project was completed by Iadevaia Landscaping at a cost of \$8,730. A number of the residents commented that the new trees look great.

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

RESOLVED to approve payment of \$8,730 to Iadevaia Landscaping for the Lawn Lane tree planting.

The Mayor also discussed adopting a program where residents could nominate neighbors who beautify the Village through improvements to their properties and to be officially recognized by the Village.

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

RESOLVED to approve the program and annually recognize two residents.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Village Attorney reported that the Chabad is returning to the Zoning Board for a hearing on October 1st.

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 7:41 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss various village matters.

At 8:13 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session where the Board discussed Old Brookville Police Department reimbursement for health care for retired officers and other police department related expenses and the revised Village Hall bid.

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

RESOLVED, to authorize LIRO to compose a written list of exceptions that will not be included in the new village hall project that will be distributed to the three bidders and rebid the project.

The meeting was adjourned at 8:17 p.m.

The next regular meeting is scheduled for Monday October 21, 2024 at 5:30 p.m.

Signed by TL Lynch 10/21/2024

Tracy Lynch
Village Clerk