

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING & PUBLIC HEARING
COTTAGE AT 24 WOLVER HOLLOW ROAD
NOVEMBER 18, 2024 at 5:30 p.m.**

A Regular meeting and public hearing of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held on Monday November 18, 2024, at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Helen Solomon	Trustee
	Joseph Burns	Trustee
Not Present:	Innis O'Rourke III	Trustee
	Peter Pappas	Deputy Mayor
Also Present:	Tracy L. Lynch, Clerk/Treasurer	
	Linda Scherer, Deputy Clerk/Treasurer	
	Peter MacKinnon, Esq. of Humes & Wagner, LLP	
	Attorneys for the Village	
	Chief Eric Irizarry, MUBPD	

The Mayor called the meeting to order at 5:34 p.m.

THE PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION

The Mayor requested the Board enter Executive Session and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss a police matter.

At 6:00 p.m., on motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session where they discussed a recent police matter in the Village.

MUBPD REPORT

Chief Irizarry presented the October 2024 Police Report. He reported:

- 0 Arrests
- 8 Motor vehicle accidents
- 21 Traffic tickets
- 8 Vacant premise checks

He also reported that the South American gangs have returned to the area. MUBPD officers have been conducting extra burglary patrols. The Chief reminded residents to leave some lights on, some with timers, lock doors and put the alarm on when leaving the home.

He also reported that the department is applying for several grants to assist with distractive and aggressive driving deterrence and to fund the purchase of a traffic speed radar system for the new police car.

VILLAGE INSURANCE

Nicole Morton from Salerno Insurance presented the 2024/25 insurance renewal package for the Village properties. She reported that the new annual premium for all Village properties, including AIG Cyber coverage, is \$55,056.39. This is less than the budgeted amount, but still a 28% increase over last year.

(See Attached Exhibit A)

She also requested information relevant to our insurance coverage on the cottage and garage including the year of construction, the roof age, plumbing, heating and electrical. The Clerk will follow up with the information and arrange for an engineering inspection, if necessary.

She reported on her insurance coverage discussions, which are yet unresolved, with the broker for the new Village Hall contractor and is seeking clarification on exclusions and limitations on their insurance policy.

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

RESOLVED to approve the 2024/25 insurance premium to Salerno Brokerage for \$55,056.39 which includes Cyber Insurance with AIG.

HEARING ON PROPOSED LOCAL LAW B-2024 & C-2024

Next, the Mayor called the hearing to on proposed Local Law B-2024 and C-2024 to order. The affidavit of publication of the notice of hearings and mailing of the local laws and notices were presented and ordered annexed to the minutes of this hearing. Under New York State Environmental Quality Review regulations, the proposed laws are classified as Type II Actions and no further environmental review by the Board of Trustees is necessary.

The Board discussed and considered proposed Local Law B-2024 which will repeal Chapter 108, "Excavating and Filling," in its entirety and replace it with Chapter 108, "Earthmoving." The proposed local law will require a Special Earthmoving Permit from the Building Inspector when an application involves less than 100 cubic yards or from the Planning Board when it involves more than 100 cubic yards. *(See Attached Exhibit B)*

Next, the Board discussed and considered proposed Local Law C-2024 which will amend Chapter 112, "Fees & Deposits," as follows:

- Amend Section 112-3 "Building Department," to add a building permit renewal fee.
- Amend Section 112-6, "Planning Board," to add a Special Earthmoving Permit fee.
- Amend Section 112-7, "Licenses and permits for certain activities," to add Carter License fees.

(See Attached Exhibit C)

The Mayor called for comments in favor of, or in opposition to, the proposed local laws. There were no comments. Having given all an opportunity to speak and discuss the proposed local law, the hearing was closed.

ADOPTION OF LOCAL LAW 2-2024

The Board then considered the adoption of Local Law 2-2024, which will repeal Chapter 108, "Excavating and Filling," in its entirety and replace it with Chapter 108, "Earthmoving." The proposed local law will require a Special Earthmoving Permit from the Building Inspector when an application involves less than 100 cubic yards or from the Planning Board when it involves more than 100 cubic yards.

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

RESOLVED that Local Law 2-2024 be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

Votes in favor of adoption:	Elliot Conway	Aye
	Joseph Burns	Aye
	Helen Solomon	Aye
Votes against adoption:	None	
Not Present:	Peter Pappas	
	Innis O'Rourke III	

ADOPTION OF LOCAL LAW 3-2024

The Board then considered the adoption of Local Law 3-2024, which will amend Chapter 112, "Fees & Deposits," as follows:

- Amend Section 112-3 "Building Department," to add a building permit renewal fee.
- Amend Section 112-6, "Planning Board," to add Special Earthmoving Permit fees.
- Amend Section 112-7, "Licenses and permits for certain activities," to add Carter License fees.

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

RESOLVED that Local Law 3-2024 be, and the same hereby is enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

Votes in favor of adoption:	Elliot Conway	Aye
	Joseph Burns	Aye
	Helen Solomon	Aye

Votes against adoption: None

Not Present: Peter Pappas
Innis O'Rourke III

MAYOR'S REPORT

State Aid

The Mayor reported that until last year, cities, villages and towns had not received an increase in unrestricted state aid (AIM funding) in 15 years which significantly impacted their ability to provide essential services to their residents. In 2024, local governments received a one-time increase of \$50 million in AIM funding. NYCOM is again asking for local government support to continue the annual AIM funding at the increased amount.

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

RESOLVED that the Village of Upper Brookville calls upon the Governor and the State Legislature to commit to continuing the additional \$50 million in unrestricted state aid in the 2025-26 State Budget and Beyond, and

FURTHER RESOLVED, that the Village of Upper Brookville urges state officials to recognize the need for a long-term plan that ensures consistent and predictable increases in financial support for local governments that keep pace with inflation.
(See Attached Exhibit D)

The Mayor requested the Clerk to send copies of the resolution by certified mail to the Governor, Senate Majority Leader, Assembly Speaker, Senator and Assemblymember and NYCOM.

Planning Board

The Mayor reported that Dr. Kunken has resigned from the Planning Board following more than a decade of conscientious, exemplary and enthusiastic service.

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

RESOLVED to wish him the best in his retirement from the Board and thanked him for his conscientious, exemplary, and enthusiastic service to the Village as an informal advisor to the Mayor and an active member of the Planning Board since 2012. The Board appreciated his active participation in the Oaks at Mill River subdivision application.

Village Justice

The Mayor mentioned that we need to always be on the lookout for leadership in the Village Justice position and, should an opening arise, we need the best qualified candidates. The Mayor would like the option to appoint someone who may reside outside of the village but within Nassau County. He mentioned this could also be beneficial in the unlikely event that both justices are conflicted in a court matter.

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

RESOLVED to authorize the Mayor to appoint a Village Justice who resides outside the village but within Nassau County, if in the future, the position becomes available or necessary.

Audited Financials

The Mayor discussed various comments to the draft Audited financials and called for approval of the FYE 5/31/2024 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 5/31/2024.
(See Attached Exhibits E & F)

NEW VILLAGE HALL PROJECT

The Mayor reported that the village will sign the contract with JGM Construction once we have evidence of the required insurance coverage and bid documents are received and approved.

MINUTES

The Mayor then called for approval of the Regular and Special Minutes of the Trustee meetings held on October 21 & 24, 2024. *(See Attached Exhibit G & H)*

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 October 18, 2024, totaling \$10,284.94 and December 2, 2024, totaling \$211,075.24 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 Q4 2024 fire protection payment to East Norwich Fire Company, excluding LOSAP, totaling \$96,312.52 and the 2025 Retirement payment to New York State totaling \$50,280.

After reviewing 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 November 18, 2024, totaling \$10,284.94 and December 2, 2024, totaling \$211,075.24 which are annexed to these minutes. *(See Attached Exhibit I & J)*

Treasurer's Report

Next, the Clerk presented the October 2024 financials.

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

RESOLVED, to approve the October 2024 Treasurer's Reports and Balance Sheets. *(See Attached Exhibit K & L)*

VILLAGE CLERK'S REPORT

Budget Transfers

The Clerk presented the Board with a list of 2023/24 technical budget transfers totaling \$106,616.02, all necessary to present a balanced budget. She also reported that the Annual Financial Report FYE 5/31/2024 was filed with the State on September 27, 2024. *(See Attached Exhibit M)*

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

RESOLVED to approve the listed 2023/24 budget transfers.

Intermunicipal Agreement (IMA)

The Clerk presented an IMA agreement which would contract with the Town of Oyster Bay to furnish to the Village Animal Warden services for seizing, impounding and humane euthanizing of animals under the provisions of law applicable thereto.

The contract will run through December 2027. The Village agrees to pay the Town a fee in the amount of \$90.00 for each animal seized within the Village and includes the impounding, feeding and care, and/or euthanizing of each animal. In addition, the Village shall pay the Animal Shelter a fee of \$70.00 for the humane euthanizing or other disposition of any animal delivered by the owner to the Animal Shelter. *(See Attached Exhibit N)*

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

RESOLVED, to authorize the Mayor to sign the IMA contract/agreement between the Town and Village relating to Animal Warden services.

2025 Board Meeting Dates

The Clerk circulated a list of 2025 Board meeting dates and asked the members to review and finalize before the end of the year so they could be published in the paper.

(See Attached Exhibit O)

Arbor Day

In connection with the village designation as a “Tree City”, the Clerk proposed a date to celebrate Arbor Day and issue an Arbor Day proclamation. The Board discussed the success of the Village participation in last year’s Arbor Day at Planting Fields Arboretum. Literally thousands came by the Village booth and appreciated the refreshments provided.

After discussion, and on motion duly made and seconded it was

RESOLVED to celebrate Arbor Day on Saturday, 26, 2025, to issue a proclamation on the same date it is celebrated at the Planting Fields Arboretum Historic State Park, and to participate in a similar manor to last year with an Upper Brookville both manned by Village and other elected officials and staff.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

No Report

BUILDING DEPARTMENT REPORT

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

BEAUTIFICATION COMMITTEE

Trustee Solomon reported that she will be meeting with the landscaper tomorrow to discuss the spring planting plan which includes red tulip bulbs at the signs at Northern Blvd and Wolver Hollow Road and yellow daffodil bulbs at the entrance gate to the Village Hall.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

PUBLIC COMMENT

No Comment

The Mayor closed the meeting at 7:19 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session to discuss a zoning matter.

At 7:35 p.m., on motion duly made and seconded, the Board unanimously

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

The meeting was adjourned at 7:36 p.m.

The next regular meeting is scheduled for Monday December 16, 2024 at 5:30 p.m.

Signed by TL Lynch 12/10/2024

Tracy Lynch
Village Clerk