

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
FEBRUARY 20, 2025 at 8:00 P.m.**

A Regular meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held on Thursday February 20, 2025 at 8:00 p.m.

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

The Mayor called the meeting to order at 8:05 p.m.

THE PLEDGE OF ALLEGIANCE

MUBPD REPORT

Chief Irizarry was not present, so the Clerk presented his January 2025 Police Report. She reported:

0	Arrests
5	Motor vehicle accidents
17	Traffic tickets
12	Vacant premise checks
0	Deer Strikes

There were arrests made on two burglaries in Muttontown in November and one in Upper Brookville in October.

Vehicle Deer Strike statistics in Muttontown and Upper Brookville totaled 42 in 2023, 36 in 2024 and three so far in 2025.

The Chief was also contacted by the Director of Planting Fields Arboretum and informed that the USDA Wildlife Services will be conducting deer management activities in the park starting tonight and Friday from 5pm – midnight.

PUBLIC COMMENT

No Comment

MAYORS REPORT

OBPD Retiree Health Insurance Agreement, Final Accounting & Invoice

The Mayor reported progress with the Village Attorney on the retiree health insurance agreement with Old Brookville. The amount owed to Old Brookville for health insurance for retired officers from June 2022 – November 2024 is estimated at \$521,050.70. Old Brookville still needs to verify the final list of eligible retirees to attach to the agreement.

Old Brookville also submitted a claim for the final accounting and Upper Brookville's pro-rata share is \$37,113. (*See Attached Exhibit A, B & C*)

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

RESOLVED to authorize the Mayor to execute an agreement with the Village of Old Brookville which relates to the post agreement health insurance and Medicare premium obligations for retirees of the Old Brookville Police Department under the provisions of the Six Village Joint Protection Contract which terminated on May 31, 2022 and

FURTHER RESOLVED to authorize the Clerk to pay the amount owed to Old Brookville for health insurance for retired officers from June 2022 – November 2024 estimated at \$521,050.70.

Village Justice

The Mayor reported, with regret, that Justice John G. Pieper has decided to retire from his position as Village Justice around April 11, 2025. He has served the village with distinction in this capacity, first as Associate Justice, for 32 years.

The Mayor will have the authority to appoint a replacement to fill the vacancy for the balance of this official year. Since Judge Pieper's term does not expire until July 2026, the Mayor will make another appointment for the new Justice at the beginning of the 2025/26 official year.

The Mayor appointed Troy Pieper to the Village Justice Position when Justice John Pieper retires.

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

RESOLVED to confirm the Mayor's appointment of Troy Pieper to the Village Justice Position when Justice John Pieper retires.

Federal Aviation Administration Lawsuit

The Mayor reported that the towns of Hempstead and North Hempstead filed a federal lawsuit earlier in the week against the Federal Aviation Administration (FAA), seeking to reduce

flight paths over homes en route to Kennedy Airport. Town officials said flights to Kennedy's runway 22L have spiked in the past five years as the FAA sought to increase the number of flights and improve efficiency into the airport. But the change in flight paths has come at the cost of lower approaching planes and flights going over homes up to every 90 seconds at peak times.

The Mayor reminded the Board that a year or two ago, Upper Brookville was one of two villages that agreed to donate \$10,000 to a fund to support the town's efforts but were never solicited for the payment. He asked the Board to confirm they supported donating to the fund.

The objective is to make permanent the FAA's 2019 compact with local communities that required flights to maintain a minimum elevation of 3,000 feet when approaching for landing until within 15 miles of the airport.

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

RESOLVED to confirm their continued support for a donation of \$10,000 to support the litigation fund of the towns of Hempstead and North Hempstead in their efforts to pursue the FAA lawsuit.

NEW VILLAGE HALL PROJECT

Local State of Emergency

The Mayor reported on his declaration of a Local State of Emergency following notification by the Jericho Water District on December 25, 2024 of excessive water usage and subsequent discovery of a water pipe break at the future Village Hall site. The Mayor explained that the purpose of declaring a Local State of Emergency is to allow the Village to promptly and properly make all necessary plumbing repairs and then address and remediate the resulting damage caused by the water leak and address all hazardous conditions that were discovered as a result of the remediation. The remediation authorized included the replacement of damaged materials, removal of any hazardous materials found and the abatement of all mold, to insure that the building will be safe to be used and occupied for all public purposes as a Village Hall.

This declaration of a local State of Emergency was effective commencing Friday, December 27, 2024 and shall remain in force for a period not to exceed 180 days, or unless rescinded earlier or extended at the sole discretion of the Mayor.

The Village Clerk and Mayor shall be authorized on behalf of the Village to retain all necessary labor, equipment and materials to promptly and properly make all necessary plumbing repairs and then address and remediate the resulting damage caused by the water leak and address all hazardous conditions that are discovered as a result of the remediation, which in their discretion is needed and necessary to promptly and professionally restore Village property.

Under this Local State of Emergency, compliance with the municipal procurement bidding has been suspended. (*See Attached Exhibit D*)

The Mayor also reported that the village received \$70,000 from the insurance company

for repair costs. If the repairs cannot be completed for this amount, the village can submit additional proposals to the insurance company.

He also reported that because of the water pipe break, JGM dispatched their plumber to repair and submitted Emergency Work Order #1 totaling \$1,482. The plumber determined that the pipe break was due to a faulty solder joint and changes in temperature over a period of many years.

The village paid the contractor an initial mobilization payment of \$190,707.36 and is expecting to issue the building permit for the new village hall project early next week.

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

RESOLVED to ratify approval of the Local State of Emergency, Emergency Work Order #1 totaling \$1,482 and the contractor mobilization payment of \$190,707.36 to JGM Construction.

MINUTES

The Mayor then called for approval of the Regular Minutes of the Trustee meetings held on December 10, 2024. (*See Attached Exhibit E*)

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 February 20, 2025, totaling \$205,593.63 and March 3, 2025, totaling \$177,978.92 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 Q1 2025 East Norwich Fire Company totaling \$100,171.50 for fire protection, amortization and cancer payment. The payment for Old Brookville Police Department final accounting totaling \$37,113 is subject to review and verification by George Stack.

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 February 20, 2025, totaling \$205,593.63 and March 3, 2025, totaling \$177,978.92 which are annexed to these minutes. (*See Attached Exhibit F & G*)

Treasurer's Report

Next, the Clerk presented the December 2024 and January 2025 financials.

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

RESOLVED, to approve the December 2024 and January 2025 Treasurer's Reports and Balance Sheets. (*See Attached Exhibit H & I*)

VILLAGE CLERK'S REPORT

2025/26 Rate Increases

The Clerk reported that Humes & Wagner, the Village Attorney, asked for a fee increase for their hourly billing rates to \$298 for Partners and \$165 for Paralegals.

Cullen and Danowski, the Village Auditors, also presented a request for an increase in their annual audit services to \$15,000.

The Brookville Reformed Church also presented a request for an increase in the rate for the use of their space for traffic court and occasional board meetings. Traffic Court would increase to \$500 and Zoning or Planning Board meetings would increase to \$350 per session.

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

RESOLVED to approve the following increases for the 2025/26 fiscal year:

- The Village Attorney's request for hourly fee increases of \$298 for partners and \$165 for paralegals
- The Village Auditor's request for an increase in their annual audit services to \$15,000
- Brookville Reformed Church's request to increase their rate for traffic court to \$500 and board meetings to \$350 per session.

Triathlon and Bike Ride Permits

The Clerk reported that she received permit applications for the Empire State Bike Ride on June 15, 2025 and the TOBAY Triathlon on August 24, 2025.

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

RESOLVED to approve the Empire State Bike Ride and TOBAY Triathlon pending submission of the required insurance documents, hold harmless agreement and refundable \$500 deposit for the removal of signage or road markings by the applicant.

Garbage District

The Mayor reported that the Village Carter contacted the Clerk to discuss current pricing. Joe Emmi reported higher tipping fees and commercial auto insurance, despite no claims.

The Mayor agreed to follow up with TOBAY officials to discuss syncing any increased tipping fees with the contract renewal date, as we have a five year contract with Emmi Industries. The Clerk agreed to notify Joe Emmi and, if he's dumping at a TOBAY facility, work with him and TOBAY to defer the increase in tipping rates to the contract expiry date.

The Mayor reported that the new village hall contractor plans to use Emmi's dumpster services, once construction begins.

The Mayor also discussed providing village wide carting services in two years, as over half the village has enrolled in and is pleased with the garbage district. This could achieve significant economies of scale, lower pricing for all villagers, and significantly less wear and tear on village roads and driveways. The Trustees agreed and determined it would be important to notify residents of the future change so they could avoid being locked into another carter contract.

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

RESOLVED, to approve offering village wide garbage in the 2026/27 fiscal year, with invoicing included as a line item on the annual village tax bill.

Board of Trustees Meeting

The Board agreed to reschedule the April meeting for Monday April 7, 2025 at 5:30pm.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

Snow Removal Update

The Mayor reported that the Road Crew have had a very busy winter season clearing snow and ice and ensuring safe passage for all. There have been around ten storms since December 21st that have required them to salt, sand and plow the village roads, often on weekends and overnight hours. The storm on January 19th was particularly challenging because of the freezing temperatures which made it very difficult to remove the packed snow and ice from the roadways. To date, they have used around 80 yards of material which they collected from the Nassau County Public Works yard in Westbury and the TOBAY yard in Oyster Bay.

The Mayor and Board thanked the Road Crew for their dedication and hard work.

Mill River Road Repaving

The Mayor reported that the Road Crew was also busy filling pot holes throughout the village, especially on Mill River Road. The Mayor recommended that the village gets bids to fill these pot holes at an expense not to exceed \$34,999.

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

RESOLVED, to authorize the Road Commissioner to solicit three written bids for the filling of potholes on Village roads not to exceed \$34,999.

Lawn Lane Repair

The Road Commissioner reported he received two estimates to repair a sunken manhole cover on Lawn Lane. The upper section of the brick drain structure that supports the manhole has deteriorated and caused it to collapse a few inches.

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

RESOLVED to award the repair project to John McGowan & Sons at a price of \$4,500.

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for December 2024 and January 2025 activity. (*See Attached Exhibit J & K*)

The Clerk presented a progress report on the closure of open permits. Since initiating efforts in March 2024, the Building Clerk has closed 84 permits, reducing the total number from 459 to 375. She is continuing to notify residents with permits that are about to or have expired and requiring residents applying for new permits to first close any expired permits.

BEAUTIFICATION COMMITTEE

Arbor Day

The Clerk reported that she contacted the Director of the Planting Fields Foundation and asked if she would again offer free entry to residents on Arbor Day which is celebrated on April 26th & 27th. Like last year, the Village would set up an Upper Brookville table that would be open Saturday, April 26th from 10 AM to 1 PM. Village staff and elected officials would give out snacks and soft drinks, including water to anyone who stops by as long as supplies last. Legislator Samantha Goetz will once again attend as a volunteer.

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 supplies and activities.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

The Mayor reported that the Village participated in a hearing on the Mill River Club/Donna Drive drainage issue. The judge asked if the Village and Mill River Club would agree to split the cost of sending a camera into the drainage pipe that the village claimed has been blocked by the Club and prevents the Donna Drive water from backing up. Both parties agreed, however, it turns out that the Club had conducted this exercise two years ago and identified a blocked pipe. The judge asked the attorney for the Village to get a copy of the report if it exists and submit to the court.

The Mayor closed the meeting at 8:50 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session and discuss East Norwich Fire Company matters.

On motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session at 9:00 p.m. where no action was taken.

The meeting was adjourned at 9:05 p.m.

The next regular meeting is scheduled for Thursday March 20, 2025 at 5:30 p.m.

Signed by TL Lynch 3/20/2025

Tracy Lynch
Village Clerk