

**VILLAGE OF UPPER BROOKVILLE
BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
MARCH 20, 2025 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 Thursday March 20, 2025 at 5:30 p.m.

Present:	Elliot S. Conway	Mayor
	Innis O'Rourke	Trustee
	Joseph Burns	Trustee

Not Present:	Helen Solomon	Trustee
	Peter Pappas	Deputy Mayor

Also Present:	Tracy L. Lynch, Clerk/Treasurer
	Peter MacKinnon, Esq. of Humes & Wagner, LLP
	Attorneys for the Village
	Chief Eric Irizarry, MUBPD
	Linda Scherer, Deputy Clerk/Treasurer
	Sam Vergata, Road Commissioner

The Mayor called the meeting to order at 5:33 p.m.

THE PLEDGE OF ALLEGIANCE

MUBPD REPORT

Chief Irizarry presented his February 2025 Police Report:

1	Arrests
5	Motor vehicle accidents
24	Traffic tickets
9	Vacant premise checks
0	Deer Strikes

The Chief reported receipt of a grant for dashcams, a traffic trailer to display vehicle speed, and radio communication devices that can translate forty languages. He reported two arrests by the FBI. One for financial crimes and a second was an undocumented individual living in an illegal apartment above the garage.

PUBLIC COMMENT

A Mill River Road resident thanked the Board for addressing the ongoing problem of vehicles driving off Mill River Road and into his fence. The resident said he also contacted Nassau County and asked them to conduct a traffic study at the intersection.

MAYORS REPORT

Legislative Update

The Mayor reported that Senator Martins introduced Senate Bill S.4321 and Assemblyman Schiavoni introduced Assembly Bill A.4710. The “Protect our Pedestrians Act” would amend the state Vehicle and Traffic Law to create owner liability for failure of an operator to comply with stop signs in the villages of Upper Brookville, Flower Hill, Saddle Rock, Westbury, Southampton and East Hampton.

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

RESOLVED to adopt a Home Rule Request for the enactment and adoption by the New York State Assembly of Assembly Bill A.4710 and for the enactment and adoption by the New York State Senate of Senate Bill S.4321 authorizing designated villages including the Village of Upper Brookville to establish a Demonstration Program imposing owner liability on the owner of a vehicle for failure of an operator to comply with stop signs. *(See Attached Exhibit A)*

MUPD Lapel pins

The Mayor requested that the Board approve the purchase of 100 MUBPD lapel pins at a cost not to exceed \$1,200 for distribution to government officials and police officers.

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

RESOLVED to approve the purchase of 100 law enforcement lapel pins not to exceed a cost of \$1,200.

NEW VILLAGE HALL PROJECT

Change Order

The Mayor reported that village officials met with JGM last week to discuss their concerns about the proposed building expansion on the west side of the building. The plans called for an addition in a steep slope area involving some risk and the use of large excavating equipment and slope stabilization to pour the foundation and build the walls. JGM proposed instead following a variation on the original plans that would not involve the steep slope risk. Instead, the wall would be built in the front of the building, and the cost to the village would be no greater. Subject to review and approval by all parties of the updated architectural plans and memorialization in writing of any cost impact, Village officials approved the change order.

Engineering Proposal

The Mayor presented a proposal from Island Engineering to assist the village with Construction Contract Administration Services including the review of shop drawings and responding to contractor design related questions. Onsite meetings will not exceed 6 visits and will be charged a maximum rate of \$750/visit, including but not limited to transportation time, hourly rate and out-of-pocket costs. The maximum hourly rate for other engineering services will not exceed \$425/hour.

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

RESOLVED to ratify the approval of Island Engineering's proposal to provide Contract Administration services for the new village hall project. (*See Attached Exhibit B*)

Construction Hours

The Board discussed and approved JGMs request to start construction at 7am Monday through Friday and if required, on Saturdays. They requested an early start because the site is located at a busy intersection and they want to get their sub-contractors in place prior to rush hour. The Board observed that no nearby residents should be affected by the early start time since the closest neighbors are the cemetery and the Village property at 24 Wolver Hollow Road.

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

RESOLVED to ratify the approval of JGMs construction start hours to 7am Monday – Friday and Saturday, if required.

Alarm User Permits

The Mayor requested that the Clerk renew the Alarm Permit Application and process for a new five year renewal term. The permit was originally put in place with the Old Brookville Police Department to make the entire process much more convenient, while significantly lowering both the cost and the number of false alarms. The five-year permit renewal term would be from January 1, 2025 to December 31, 2029 with a permit fee of \$100. In the past, this has generated over \$30,000 in revenue and, more importantly, resulted in far fewer false alarms. With fewer false alarm, police can increase their focus on patrolling and traffic safety.

The application contains important information about a resident's alarm system, occupants and emergency contact information which the police will keep on file. Alarm users are responsible for ensuring that their alarm system is always functioning properly, to minimize false alarms.

The Clerk observed that there will be minor code changes necessary as the Old Brookville Police Department will no longer be administering the program. The Mayor agreed to make the necessary changes working with the Village Attorney and report back to the Board in April.

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

RESOLVED to approve the renewal of the Alarm Permit Application process, pending any necessary code revisions.

MINUTES

The Mayor then called for approval of the Regular Minutes of the Trustee meeting held on February 20, 2025. (*See Attached Exhibit C*)

On motion duly made and seconded, the minutes were approved, with Trustee O'Rourke abstaining as he was unable to attend the February meeting.

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated March 20, 2025, totaling \$585,582.95 and April 1, 2025, totaling \$46,909.59 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 retiree health care reimbursement payment to Old Brookville for the period June 2022 – November 2024 totaling \$521,050.70.

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 March 20, 2025, totaling \$585,582.95 and April 1, 2025, totaling \$46,909.59 which are annexed to these minutes. (*See Attached Exhibit D & E*)

Treasurer's Report

Next, the Clerk presented the February 2025 financials.

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

RESOLVED, to approve the February 2025 Treasurer's Reports and Balance Sheets. (*See Attached Exhibit F & G*)

Budget Adjustment

The Clerk reported that the Village received a payment schedule from JGM Construction for the village hall project and is expected to pay \$450,000 to them prior to year end. To cover these costs, she recommended that the Board approve a budget adjustment in this amount. She explained that the budget increase would come from funds previously reserved by the village totaling \$705,000.

The Mayor then went on to explain how the Village Hall project was being funded. The total estimated cost of the project is approximately \$1,490,000. The Village already made a mobilization payment to JGM of \$191,000. JGM is due to receive an additional payment of \$446,000 before year end from the proceeds of a Village reserve fund established for the project. The remaining balance, to be paid in the new fiscal year will be funded by a \$250,000 DASNY grant, a \$50,000 Nassau County grant for the elevator, other reserved fund totaling approximately \$565,000, and \$90,000 in Capital Account funds.

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

RESOLVED, to approve the budget adjustment of \$450,000, from previously reserved funds.

Tentative 2025/26 Budget

The Clerk reported that expenses and revenue on the tentative budget are expected to decrease by about 6% and 3%, respectively. The decrease in expenses is due to a reduction in the reimbursement of police retiree health insurance benefit to Old Brookville and the decrease in revenue is due to a reduction in refund of prior year expenses and State Aid. The budget also includes an increase to the Mayor's annual stipend to \$3,000. The Mayor requested that the Clerk update the budget to include a 2.8% salary increase to all employees, the Building Inspector and Accountant and circulate to the Board for review.

The Mayor is reviewing the tentative budget and projected cash flow projections. However, with the increase in property and health insurance premiums, it may become necessary to exceed the 2% property tax cap. If the village increases the tax levy by 10% over last year, the village will appropriate around \$825,000 of fund balance to lower the tax rate. The Mayor expressed his appreciation for the work being done by Philip Pidot in connection with the annual budget.

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

RESOLVED, to approve the tentative 2025/26 budget, including a \$3,000 stipend for the mayor, and scheduling a public budget hearing for April 7, 2025.
(See Attached Exhibit H)

Introduction of Proposed Local Law A-2025

The Mayor next presented Proposed Local Law A-2025 which would allow the Village to adopt a budget for the fiscal year commencing June 1, 2025, that exceeds the tax levy limit as defined by General Municipal Law 3-C, if it becomes necessary. *(See Attached Exhibit I)*

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

RESOLVED, that the Clerk is authorized to take all necessary actions to schedule a public hearing on Proposed Local Law A-2025, which would authorize the Village to exceed the required property tax cap as defined by General Municipal Law 3-C, if it becomes necessary, at the April 7, 2025 meeting of the Board of Trustees.

VILLAGE CLERK'S REPORT

Tax Lien Sale

The Clerk presented a list of unpaid taxes for the current year. Following a discussion of the relatively high interest rate the Village can earn and the legal expense involved in a tax lien sale, the Board unanimously

RESOLVED to allow all liens to default to Village ownership. *(See Attached Exhibit J)*.

2025 Oyster Bay Water District Hydrant Rental Agreement

The Clerk presented the Water District contract to the Board for their approval. The contract covers the rental of 17 hydrants located on Centre View Drive, Canon Lane, Glen Cove Road, Pond View Drive and West View Drive, at \$90 per hydrant for a total of \$1,530.

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

RESOLVED to authorize the Mayor to sign the contract to rent 17 hydrants from the Water District at an annual rate of \$90 per hydrant.
(See Attached Exhibit K)

Board of Trustees Meeting

The Board agreed to reschedule the April meeting to Monday April 7, 2025 at 3:30 p.m. and the May meeting to Monday May 19, 2025 at 3:00 p.m.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that the department plans to sweep the roads in the next few weeks to clean up the remaining sand left behind from the salt/sand treatment.

Planting Fields Road Repair

The Mayor reported that a tree removal company working for PSEG damaged a section of Planting Fields Road due to weight of a very heavy truck they drove along the right-of-way. He met with the contractor who agreed to hire and pay McGowan & Sons to do the repair specified by LIRO, our Village Engineers, at a cost of \$4,000.

Mill River Road Repaving Project

The Mayor also reported that Mill River Road was the last village road that needed to be repaved and recommended this project for the new fiscal year. At an estimated cost of \$600,000, the project would be funded from \$430,000 in NYS Consolidated Local Street & Highway Improvement Program funds (CHIPS) and \$170,000 in funds previously reserved for the project.

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

RESOLVED to approve the Mill River Road repaving project this year, using CHIPS and previously reserved funds for the project, if the bids come in at less than \$700,000.

BUILDING DEPARTMENT REPORT

The Clerk referred to the report submitted by the Building Department Clerk for February 2025 activity. (*See Attached Exhibit L*)

BEAUTIFICATION COMMITTEE

No Report

FIRE & STORM WATER MANAGEMENT REPORT

The Mayor noted that the Storm Water Management Program Annual Report prepared by West Side Engineering, PC for the period March 10, 2024 through March 9 2025, has been posted on the Village website and at the Upper Brookville Village Hall at 24 Wolver Hollow Road, for review by the public. To date, no comments have been received. It was noted that the annual report must be filed with the New York State Department of Environmental Conservation no later than April 1, 2025.

After discussion, the Board approved the filing of the Annual Report and all required documents in accordance with the Department of Environmental Conservation regulations. A copy of the report was directed to be annexed to the minutes.

Accordingly, on motion duly made and seconded, the Board unanimously

RESOLVED, that the Village of Upper Brookville's Storm Water Management Program Annual Report, as required by the Federal Storm Water Phase II Regulation, be and it hereby is accepted and directed that it be filed with the appropriate agencies and

FURTHER RESOLVED, that the Village Engineer, West Side Engineering, PC be and it is hereby authorized and directed to file the required annual Storm Water Management Program Annual Report on behalf of the Village of Upper Brookville in compliance with the Federal Storm Water Phase II Regulations, including any and all other required compliance documents and

FURTHER RESOLVED, that the Mayor be, and he hereby is authorized to sign any and all documents necessary for compliance with Storm Water Phase II Regulations.
(See Attached Exhibit M)

ARCHITECTURAL REVIEW REPORT

No Report

LEGAL REPORT

No Report

The Mayor closed the meeting at 6:50 p.m. and on motion duly made and seconded, the Board unanimously

RESOLVED to enter Executive Session.

On motion duly made and seconded, the Board unanimously

RESOLVED to come out of Executive Session at 7:10 p.m. where the Board discussed a Village Court and Zoning litigation matter and no action was taken.

The meeting was adjourned at 7:10 p.m.

The next regular meeting is scheduled for Monday April 7, 2025 at 3:30 p.m.

Signed by TL Lynch 4/7/2025

Tracy Lynch
Village Clerk