

**VILLAGE OF UPPER BROOKVILLE
BUDGET & PUBLIC HEARING AND
REGULAR BOARD OF TRUSTEES MEETING
COTTAGE AT 24 WOLVER HOLLOW ROAD
APRIL 7, 2025 at 3:30 p.m.**

A Budget Hearing, Public Hearing on proposed Local Law A-2025 and Regular Board Meeting of the Board of Trustees of the Incorporated Village of Upper Brookville was held on Monday April 7, 2025, at 3:30 p.m.

Present:	Elliot S. Conway	Mayor
	Peter Pappas	Deputy Mayor
	Helen Solomon	Trustee
	Joseph Burns	Trustee
	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 3:33 p.m.

THE PLEDGE OF ALLEGIANCE

BUDGET HEARING

The Mayor called the budget and public hearing to order on the Village's tentative budget and on whether to enact proposed Local Law A-2025 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville's budget for the fiscal year commencing June 1, 2025. He announced that the Village's tentative budget 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 notice was presented and ordered annexed to these minutes.

The Board reviewed the tentative budget, which includes a stipend for the Mayor of \$3000, Old Brookville Police retirement benefits totaling \$265,000, a 9% increase to police protection services, a substantial increase for Village property and general liability insurance, a 4% increase to fire protection services and a 2.8% salary increase to all employees, the Village Accountant and Building Inspector. (*See Attached Exhibit A*)

For these reasons, the Village needs to raise the tax levy 10% in 2025/26 and override the property tax cap of 2%. He pointed out that the Village will continue to have one of the lowest per capita property taxes of the North Shore villages that have police departments. Residents will still enjoy the considerable savings from the lowering of the tax levy for the 7 years from 2018 through 2024.

He also recommended adjustments to the Assigned Fund Balance; reducing the Mill River Road Repair Reserves and Appropriated funds. A portion of 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.

The Mayor next asked the Board and audience if they had any comments. There being no comment, the budget hearing was closed.

HEARING ON PROPOSED LOCAL LAW A-2025, “PROPERTY TAX CAP OVERRIDE”

Next, the Mayor called the hearing on proposed Local Law A-2025 to order. The affidavit of mailing and the public information notice were presented and ordered annexed to the minutes of this hearing.

The Board discussed and considered proposed Local Law A-2025 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville’s budget for the fiscal year commencing June 1, 2025.

The Mayor noted that this year the maximum tax levy limit is 2%. The Village’s projected levy is 10% over last year and will require an override.

The Mayor called for comments in favor of, or in opposition to, the proposed local law. There being no questions or comments, the Mayor declared the hearing closed.

ADOPTION OF LOCAL LAW 1-2025 - “PROPERTY TAX CAP OVERRIDE”

The Board considered the adoption of Local Law 1-2025 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville’s budget for the fiscal year commencing June 1, 2025. (*See Attached Exhibit B*)

RESOLVED, that in accordance with Article 8 of the State Environmental Quality Review Act, the adoption of Local Law 1-2025 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville’s budget for the fiscal year commencing June 1, 2025 shall not be classified as an “*action*” and will require no environmental review under SEQRA, and further

RESOLVED that Local Law 1-2025 which will allow the Board of Trustees to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville’s budget for the fiscal year commencing June 1, 2025 be, and the same hereby is, enacted by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

**VILLAGE OF UPPER BROOKVILLE
PROPOSED LOCAL LAW A-2025**

A local law to override the tax levy limit established in the General Municipal Law §3-c as it pertains to the Incorporated Village of Upper Brookville.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Upper Brookville as follows:

SECTION 1. Legislative Intent

It is the intent of this Local Law to allow the Village of Upper Brookville, Nassau County, New York to adopt a budget for the fiscal year commencing June 1, 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

SECTION 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. Tax Levy Limit Override

The Board of Trustees of the Village of Upper Brookville County of Nassau, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2025 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

SECTION 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. Effective date.

This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law and shall be applicable only to the Village budget and real property tax levy for the next Village fiscal year commencing on or after such effective date.

Votes in favor of adoption:	Elliot Conway	Aye
	Peter Pappas	Aye
	Helen Solomon	Aye
	Joseph Burns	Aye
	Innis O'Rourke	Aye

Vote against adoption: None

ADOPTION OF BUDGET

The Board, on motion duly made and seconded, unanimously

RESOLVED, that the budget which was the subject of a public hearing on April 7, 2025 be, and the same hereby is, adopted as the budget of this Village for the fiscal year June 1, 2025 through May 31, 2026, and

FURTHER RESOLVED, that a tax of the Incorporated Village of Upper Brookville, Nassau County, New York, be, and the same hereby is, levied for the fiscal year June 1, 2025 through May 31, 2026 in the sum of \$3,065,472. The tax rate will be calculated once the Clerk receives the assessed valuations from Nassau County and will be approved at the May 2025 meeting.

FURTHER RESOLVED to approve a \$3,000 stipend to the Mayor, and

FURTHER RESOLVED to award 2.8% salary increases effective June 1, 2025 to the Clerk, Deputy Clerk, Road Commissioner, Laborers, Court Clerk, Village Accountant and Building Inspector.

TAX WARRANT AND ASSESSMENT ROLL

RESOLVED, that the Mayor or Deputy Mayor be, and they hereby are, authorized and directed to sign the proper warrant to the Treasurer to collect said taxes and that the Clerk, be, and she hereby is, authorized and directed to attest the same under the corporate seal of this Village and to deliver the assessment roll with said warrant thereto annexed to the Treasurer, and

TREASURER'S NOTICE

FURTHER RESOLVED, that the Treasurer be, and she hereby is, directed to publish the notice required by Section 1428 of the Real Property Law in the Oyster Bay Guardian in its issues of May 23, and May 30, 2025, the official newspaper of this Village and

FURTHER RESOLVED, that pursuant to Section 1430 of the Real Property Law, the Village Treasurer be and she hereby is, directed to mail tax bills to all persons whose names appear on the 2025/26 tax assessment roll, and

DEPARTMENT OF AUDIT AND CONTROL

FURTHER RESOLVED, that a copy of the adopted 2025/26 budget be attached to the minutes of this meeting and a certified copy thereof forwarded to the Department of Audit and Control at Albany, New York.

Votes in favor of adoption:	Elliot Conway	Aye
	Peter Pappas	Aye
	Helen Solomon	Aye
	Jody Burns	Aye
	Innis O'Rourke	Aye
Vote against adoption:	None	

MUBPD REPORT

No Report

PUBLIC COMMENT

No Report

MAYOR'S REPORT

Chapter 78 Alarm Systems Proposed Revisions

The Mayor presented amendments to the alarm permit application and process for a new five year renewal term. Most of the changes were updates to reflect the current Police Department and an additional fine for residents that don't have a permit. He also recommended changes to Chapter 112 Fees and Deposits to reflect the correct fees.

He asked the Board to review the changes and requested that the Clerk take the necessary steps to hold a public hearing in May. (*See Attached Exhibit C*)

Next, he proposed that the Village consider selling the property at the corner of Chicken Valley and Wolver Hollow Roads for development of a residential home. Right now, it's an eyesore and used by utility companies to park their vehicles.

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

RESOLVED, to get an appraisal on the property at a cost not to exceed \$10,000 and if the appraised value comes in greater than \$500,000, hire a real estate agent to sell the property.

NEW VILLAGE HALL PROJECT

The Deputy Mayor reported that the Village Hall project was underway and that the contractor would be pouring the concrete foundation later in the week. The approved window list and flooring samples were sent to JGM. The Village came up with a value engineering option to put in a ductless HVAC system which is a substantial cost savings over the original proposed system. Each office will have an individually controlled unit with the ability to heat and cool in different rooms of the building. These units are low maintenance and more economical to operate than a ducted system.

He also reported that the contractor agreed to the front building addition instead of the side addition which involved the steep slope risk, at no cost to the village. The addition will add additional space to the lower level and attic.

MINUTES

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

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

FINANCIAL REPORT

Bills

The Clerk/Treasurer discussed all claim forms listed on the General Fund Check Details dated April 7, 2025, totaling \$457,440.00 and May 1, 2025, totaling \$470,068.38 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 a \$450,000 fund transfer from the reserves to the Capital Fund for the new Village Hall Project and a payment of \$435,013.50 to the Village of Muttontown for Q4 2024/25 Police Protection Services.

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 April 7, 2025, totaling \$457,440.00 and May 1, 2025, totaling \$470,068.38.
(*See Attached Exhibits E & F*)

Treasurer's Report

Next, the Clerk presented the March 2025 financials.

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

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

CLERKS REPORT

The Clerk reported that she was contacted by the Director of Planting Fields Arboretum who hired a company for four days to grind the debris in the dump on Planting Fields Road. The daily rate is \$8,500 and he asked if the Village would once again contribute and pay for a single day's service since the Village uses the dump to deposit tree debris collected throughout our Village by our Roads Dept. This is a valuable service to the Village and last contributed over three years ago.

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

RESOLVED to approve a payment of \$8500 to Forestry Inc. for a single day's service to grind debris in the Planting Fields Arboretum dump.

ROAD COMMISSIONER/CODE INSPECTOR REPORT

The Road Commissioner reported that the Clerk recently received complaints about illegal dumping on Oyster Bay Glen Cove Road and West View Drive and had the crew replace some existing and install some new 'No Dumping' signs throughout the Village.

The Mayor recommended that the Village increase the fine for dumping or attempted dumping in the Village. The current code allows for a fine of not less than \$500 or more than \$1000.

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

RESOLVED to have the Village Attorney and Clerk prepare a local law to increase dumping fines in the Village.

BUILDING DEPARTMENT REPORT

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

BEAUTIFICATION COMMITTEE

The Committee Liaison reported that she contacted the Committee to discuss spring/summer plantings at the village signs.

FIRE & STORM WATER MANAGEMENT REPORT

No Report

LEGAL REPORT

The Village Attorney reported that Glatfelters, the Village's Insurance Company, appointed an Attorney to represent the Village on the Chabad claim. The attorney filed for an extension with the Chabad counsel and the Village Attorney would follow up and report back to the Board.

He also reported on a Village Court matter and will be meeting with Village employees to discuss the case.

The meeting was adjourned at 4:59 p.m.

The next regular meeting is scheduled for Monday May 19, 2025 @ 3:00 p.m.

Signed by TL Lynch 5/19/2025

Tracy Lynch
Village Clerk