

**VILLAGE OF UPPER BROOKVILLE  
REGULAR BOARD OF TRUSTEES MEETING  
COTTAGE AT 24 WOLVER HOLLOW ROAD  
May 19, 2025 at 3:00 p.m.**

The Regular Board Meeting of the Board of Trustees of the Incorporated Village of Upper Brookville was held on Monday May 19, 2025, at 3:00 p.m.

Present: Elliot S. Conway 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

The Mayor called the meeting to order at 3:05 p.m.

## THE PLEDGE OF ALLEGIANCE

## PUBLIC COMMENT

A Ripley Lane resident asked the Board if they would reconsider a seasonal gas blower ban in the Village. She reported on other municipalities that have seasonal gas blower bans: Garden City, Bedford, East Hampton, Southampton, Roslyn, Sea Cliff and Huntington in 2026.

The Mayor reported that the Village, following up on a concern from the same resident, surveyed the residents several years ago. There were 170 responses and 83% did not want to ban gas leaf blowers in the summer. He said he did not recall the Village receiving any other complaints from residents about this matter.

She asked if the Village could then enforce the unreasonable noise ordinance. The Chief agreed to discuss the ordinance with the Department and have the officers enforce the limited Saturday hours and unreasonable noise codes.

Next, a Terrace Lane resident reported that the Vernon School in Oyster Bay, which is in the Village, was constructing an addition to the school and work was starting as early as 7 a.m. with the operation of loud machinery.

The Clerk agreed to contact the school district and would research if the School District was required to comply with the Village Code. [Note: The Clerk spoke to the Deputy Superintendent of the Oyster Bay East Norwich Central School District. She said they're expecting the project to be completed in July. She said they run the equipment early in the morning and late afternoon, so it doesn't interfere with the school day. She also said that the school is under the jurisdiction of the State Education Department and not the Village. Further research indicates this may not be entirely correct.]

## MUBPD REPORT

Chief Irizarry presented his April 2025 Police Report:

0	Arrests
6	Motor vehicle accidents
34	Traffic tickets
6	Vacant premise checks

## MAYOR'S REPORT

### Zoning Board Appointment

The Mayor reported that the Chairman of the Zoning Board of Appeals recommended the appointment of Michael Elgarten to Member of the Zoning Board of Appeals to fill the unexpired term of Herman Hertwick, who recently passed away. Michael Elgarten has served as an Alternate Member on the Board since 2023.

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

**RESOLVED** to approve the appointment of Michael Elgarten to Member of the Zoning Board of Appeals to fill the unexpired term of Herman Hertwick which expires on the first Monday of July 2025. He can then be appointed to a five-year term at the Annual Organization Meeting.

### Alarm Code Update

The Mayor presented further amendments to *Chapter 78 - Alarm Systems* of the Village Code that address the alarm permit application and process for a new five year term and *Chapter 112 - Fees and Deposits* to reflect the correct fees. Most of the changes are updates to reflect the current Police Department and an additional fine for residents that don't have a permit.  
*(See Attached Exhibit A & B)*

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

**RESOLVED** to authorize the Clerk to schedule a public hearing on May 29, 2025 at 11am.

## NEW VILLAGE HALL PROJECT

The Clerk presented a request from JGM Construction for payment #3 totaling \$222,416.91. She reported that, to date, the following Change Orders have been approved by the Village:

#1	Bathroom Repair	\$1,482
#6R2	HVAC	\$225,216
#8	Roofing	\$5,315
Total		\$243,244

This brings the contract sum to date to \$1,738,988. The requested payment of \$224,416.91 represents the total completed to date of \$693,219.95, less a 15% retainage of \$103,982.99 and less previous payments made by the Village of \$366,820.05.

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

**RESOLVED** to approve JGM's request for payment #3 totaling \$224,416.91 subject to the Village Engineer's approval of the amount of work completed and the quality of work.

## MINUTES

The Mayor then called for approval of the Regular Minutes of the Trustee meeting held on April 7, 2025. (*See Attached Exhibit C*)

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 May 19, 2025, totaling \$31,199.84 and June 2, 2025, totaling \$217,243.74 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 \$2,000 payment to the Mayor for his 2024/25 stipend, a \$100,171.50 payment to the East Norwich Fire Company for Q2 2025 fire protection and a \$43,605.63 payment to the Village of Old Brookville for the reimbursement of Old Brookville Police retiree health insurance benefits for December 2024 and 2023 Medicare/IRMAA benefits.

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 May 19, 2025, totaling \$31,199.84 and June 2, 2025, totaling \$217,243.74.  
(*See Attached Exhibits D & E*)

### Treasurer's Report

Next, the Clerk presented the April 2025 financials.

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

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

## CLERKS REPORT

### North Shore Technology Systems & LIRO Rate Increase

The Clerk reported that NSTS asked for a retroactive labor rate increase of \$50 per hour. This will increase their labor rate to \$150/hour. She pointed out that the increased labor rate has been applied to several bills since October 2024.

LIRO also presented a request for a 3.2% hourly increase for the Principal Village Engineer and a 3.4% increase for an Associate Village Engineer for the 2025/26 fiscal year. This will increase their hourly rate to \$288 and \$242, respectively.

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

**RESOLVED** to approve NSTS's request for a retroactive labor rate increase to \$150/hour and LIRO's request for a 3.2% and 3.4% labor rate increase for the Engineer and Associate Engineer for the 2025/26 fiscal year.

### 2025/26 Tax Rate

The Clerk reported that she received the assessment roll from Nassau County and the taxable village assessed value is \$1,086,326. With an approved budget tax levy of \$3,065,472, the 2025/26 tax rate is \$282.19 per \$100 of assessed valuation.

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

**RESOLVED** to

- a) Levy the amount to be raised by the Village tax in the sum of \$3,065,472 at the tax rate of \$ 282.19 per \$100.
- b) Authorize the Mayor, or in his absence, the Deputy Mayor to execute the warrant permitting the Village Clerk/Treasurer to collect taxes.
- c) Direct the Village Clerk/Treasurer to publish the Public Notice required by Section 1428 of the Real Property Tax Law in the official newspaper, *Oyster Bay Guardian* on May 23 and May 30, 2025. (*Treasurers notice of collection of taxes from June 1 through July 1 from 9 to 4 except Saturdays, Sundays and legal holidays.*)
- d) Direct the Village Treasurer to mail real property tax bills to all property owners listed on the current assessment roll.

## **Fireworks Permit**

The Clerk reported that she received an application from the Mill River Club for a fireworks permit.

After presentation by the Clerk and examination, on motion duly made and seconded, the Board unanimously

**RESOLVED** to approve the Mill River Club fireworks permit which will take place on July 3, 2025, rain date July 5, 2025, pending submission of the required insurance documents and fee.

## **LEGAL REPORT**

The Village Attorney reported that the Village of Matinecock is doing a drainage project on Thorne Lane at the intersection of Wolver Hollow and Chicken Valley Roads. The Village Attorney agreed to bring an aerial view to the next meeting to show how the drainage system works and show how the project will help to alleviate the water on Wolver Hollow Road.

The Mayor of Matinecock asked if the Village would allow, on a temporary basis, at least for one year, the use of the Village property at the corner for storage of equipment and materials. They would also install fencing to block off the area and restore it after.

The Mayor commented that the property in question may be sold by the village as it is no longer a potential Village Hall site. At a recent meeting, the Board decided to have the property appraised in anticipation of a sale. Any use of the property by Matinecock would be subject to the Villages anticipated continued ownership of the property. In the event the Village elects not to sell for the period of potential equipment and material storage, he recommended that we send a notice to our residents explaining why this is going to be a temporary eyesore but ultimately benefits the Village as the risk of flooding on Wolver Hollow Road will be reduced. The road may be safer to navigate in heavy rainstorms. Another Board member recommended that the Village place a time limit on the use of the property.

The Village Attorney said that he would let the Mayor of Matinecock know that he raised the request with Upper Brookville and if the property is still available and there is no planned sale when they're ready to do the project, the Village will likely not be opposed to them using it.

At 3:53 p.m., the Mayor requested that the Board enter Executive Session to discuss a legal matter.

At 4:08 p.m. the Board came out of Executive Session and no action was taken.

## **ROAD COMMISSIONER/CODE INSPECTOR REPORT**

No Report

## **BUILDING DEPARTMENT REPORT**

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

## **BEAUTIFICATION COMMITTEE**

The Committee Liaison reported that she received a proposal from Joseph Iadevaia Landscape Contracting Corp. totaling \$1,880 for summer annuals at Village Hall and the Village welcome sign at the corner of Northern Blvd. and Wolver Hollow Rd.

She also discussed planting additional trees throughout the Village to meet our Tree City requirements and would report back to the Board with a plan for the fall planting season.

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

**RESOLVED** to approve the proposal from Joseph Iadevaia totaling \$1,880 for summer plantings at the Village Hall and the Village welcome sign at the corner of Northern Blvd. and Wolver Hollow Rd.

## **FIRE & STORM WATER MANAGEMENT REPORT**

No Report

The meeting was adjourned at 4:28 p.m.

The next regular meeting is scheduled for Monday June 16, 2025 @ 5:30 p.m.

*Signed by TL Lynch 6/16/25*

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Tracy Lynch  
Village Clerk