**VILLAGE OF UPPER BROOKVILLE**
**REGULAR BOARD OF TRUSTEES AND**
**ANNUAL ORGANIZATION MEETING**
**Cottage at 24 Wolver Hollow Road**
**September 21, 2026, at 5:30 p.m.**

A Regular Board of Trustees and the Annual Organization Meeting of the Incorporated Village of Upper Brookville was held on Monday, September 21, 2026, at 5:30 p.m.

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| Present: | Elliot S. Conway | Mayor |
| | Peter J. Pappas | Deputy Mayor |
| | Helen Solomon | Trustee |
| | Joseph Burns | Trustee |

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

## THE PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order and led those present in the Pledge of Allegiance.

## MUBPD REPORT

### Police Activity and Flock Camera Incident

The Chief reported that August Department activity was generally in line with typical monthly levels. Two individuals stole a Flock license plate reader camera in Muttontown in broad daylight. Witnesses photographed them and immediately notified police. The suspects were identified, arrested that evening, and charged with Grand Larceny. The recovered camera awaits reinstallation, and the Chief is monitoring the court proceedings.

The Board discussed the value of the Flock system and noted that a separate camera in Oyster Bay Cove had previously been vandalized. The Board expressed continued support for the system as an important public safety and investigative tool.

### Burglary Investigation

The Chief reported on a recent burglary in the Village. Based upon the presently known facts, the incident did not appear consistent with the pattern associated with organized burglary groups previously operating in the region. Certain inconsistencies remained under investigation, including the possibility that the incident may have involved a person familiar with the property.

### Elder Fraud and AI Voice-Cloning Scheme

The Chief described a successful investigation arising from a telephone scam directed at an elderly Village resident. The caller falsely represented that the resident's daughter had been arrested following a serious automobile accident and demanded $15,000 for bail. A female voice sounding like the resident's daughter was used during the call, raising concern that artificial intelligence voice-cloning technology had been employed.

The resident contacted the police before surrendering any funds. Officers and County detectives arranged a controlled delivery using a package containing newspapers. A courier arrived to retrieve the package. Detectives thereafter followed the courier and arrested another individual who appeared to be involved in directing the transaction. The Board commended the officers and detectives for their work and emphasized that residents should immediately contact the police upon receiving such calls.

The Board asked the Chief to prepare a public safety notice describing the incident without identifying the resident. The notice should emphasize that these calls are fraudulent, that scammers may use cloned voices, and that residents should contact the Police Department before transferring or delivering funds.

## PUBLIC COMMENT

No Report

## MAYOR'S REPORT

### Village Comprehensive Plan

The Mayor reported on a conference with members of the Planning Board concerning the proposed 2026 addendum to the Village Comprehensive Plan. The principal purpose of the addendum is to address the Village-owned lot at the corner of Chicken Valley Road and Wolver Hollow Road and to consider its potential rezoning for single-family residential use. Planning Board members generally supported the proposed planning change, while identifying additional issues requiring review.

The Board discussed whether the lot would remain constrained by its width and applicable setbacks even if rezoned from the five-acre district to a two-acre residential district. Counsel and Village representatives will research whether comparable lots in the surrounding area received zoning relief sufficient to construct an appropriate single-family residence. Any future owner or contract vendee may need to obtain relief from the Board of Zoning Appeals.

Counsel advised that the Comprehensive Plan amendment will require referral to the Nassau County Planning Commission and a public hearing before the Board of Trustees.
***(See Attached Exhibit A)***

### Parkland Designation

The Mayor reported that a resident had offered to dedicate substitute parkland, which may assist the Village in pursuing release of the existing parkland designation affecting the Village lot at the corner of Chicken Valley Road and Wolver Hollow Road. The available period for obtaining State home-rule legislation during the current legislative session had passed. The Board discussed pursuing the required legislative authorization during the next available cycle and confirming whether the existence of a contract vendee would affect the timing or processing of the request.

### Obstructions Within Village Rights-of-Way

The Mayor reported that a resident on Chicken Valley Road had placed very large boulders within or immediately adjacent to the traveled roadway. Review of the survey and the relationship of the boulders to the utility poles indicated that the boulders were located within the public right-of-way. The largest boulders were removed, but were replaced with smaller ones.

Counsel explained that the public roadway includes the full right-of-way and is not limited to the paved travel surface. Obstructions within the shoulder or right-of-way may create liability where a vehicle leaves the pavement, where snow obscures the obstruction, or where the obstruction interferes with snow removal. The Board discussed similar conditions that may exist on other Village roads.

The Board directed that a further Notice of Violation be issued to the Chicken Valley Road property owner.

**Village-Wide Solid Waste Collection**

The Board revisited its prior determination to transition to Village-wide solid waste collection starting in the new fiscal year. The Board noted that in a recent survey of residents who use the village garbage service reported a high level of satisfaction with the service from the current private carter, and noted that a Village-wide contract would reduce the number of collection trucks, limit road wear, improve safety, and permit the Village to specify appropriate equipment and service standards.

The Board discussed providing residents advance notice so that they do not enter or renew private collection contracts extending beyond June 1, 2027. Because fuel costs may materially affect bid pricing, the Board determined that the procurement should be conducted closer to the commencement of service, with bidding anticipated during March or April 2027 and Village-wide service anticipated to begin June 1, 2027.

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

> **RESOLVED,** to notify Village residents of the Village's previously approved plan to transition to Village-wide solid waste collection effective June 1, 2027, and to advise residents not to renew private collection contracts beyond that date. The Village will solicit competitive bids sufficiently in advance of the commencement date.

**Linden Lane Speeding Concerns**

The Board discussed resident complaints regarding speeding on Linden Lane, including the risk to residents who must cross the roadway to access mailboxes. The Police Department has conducted targeted speed enforcement in the area and reported that many of the motorists observed were local residents. The Board discussed placing the portable speed trailer on Linden Lane.

The Board also reviewed the legal and traffic-safety standards governing stop signs. The Mayor reported that prior efforts to obtain approval for a stop sign at or near Mill River Road and Lawn Lane were unsuccessful because traffic and accident criteria were not satisfied. The Board agreed that an unwarranted stop sign has the potential to create additional danger if drivers routinely disregard it.

**NEW VILLAGE HALL PROJECT**

The Deputy Mayor provided an update concerning the Village Hall renovation. Completion of the fire alarm wiring remained necessary before insulation and sheetrock work could proceed. The Board reiterated that payment must correspond to properly completed and documented work.

The Board also reviewed and ratified the following invoices:

AIA #9R - $28,000 payment to JGM for work thru 5/31/2026 and $72,000 payment to Advanced Tech HVAC

AIA #10 - $42,864.13 payment to JGM for generator only

AIA #11 - $139,117.95 payment to JGM for work completed thru 8/28/2026

They also reviewed and ratified CO #21R5 - $49,697.25 payment to JGM for the attic work which includes insulation, stairway, additional fire alarms and framing.

The Clerk/Treasurer presented the Board with an updated list of all approved change orders and professional service invoices. ***(See Attached Exhibit C)***

**Donation of Fitness Equipment**

The Mayor reported that Mill River Club had generously donated commercial fitness equipment for the police fitness area in the renovated Village Hall. The Village incurred only the cost of professional disassembly, transportation, and reassembly of the equipment.

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

**RESOLVED,** to accept the donation of fitness equipment from Mill River Club for use in the Village Hall police fitness area and to authorize the Mayor and Chief of Police to prepare and transmit a letter expressing the Village's appreciation.

**MINUTES**

The Mayor called for approval of the Regular Meeting Minutes of the Board of Trustees meeting held on July 13, 2026. ***(See Attached Exhibit D)***

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

**FINANCIAL REPORT**

**Bills**

The Clerk/Treasurer discussed the claim forms listed on the General Fund Check Details dated September 21, 2026 totaling $152,167.37 and September 22, 2026, totaling $71,320.42 and explained that she reviewed the supporting invoice details and/or purchase contracts with a Trustee prior to the Meeting. Among the larger expenditures, there was a $94,450.27 payment to the East Norwich Fire Company for Q3 2026, a $22,277.70 payment to the Village of Old Brookville for January 2026 retiree health insurance and an $18,730.68 payment to the Village of Muttontown representing its share of SS4A grant reimbursements received by the Village.

After reviewing the invoices and backup documentation and discussion by the Trustees, on motion duly made and seconded, the Trustees unanimously

**RESOLVED,** to ratify and approve the bills listed on the General Fund Check Details dated September 21, 2026 totaling $152,167.37 and September 22, 2026 totaling $71,320.42. ***(See Attached Exhibits E & F)***

**Treasurer's Report**

The Clerk/Treasurer presented the July & August 2026 financial statements.

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

**RESOLVED,** to approve the July & August 2026 Treasurer's Reports and Balance Sheets. ***(See Attached Exhibits G & H)***

**Capital Asset Appraisal**

The Clerk/Treasurer presented the Capital Asset Depreciation Report as of May 31, 2026. The report includes the addition of improvements made to the Village Hall and Mill River Road.

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

**RESOLVED,** to approve the Capital Asset Report as of May 31, 2026.
***(See Attached Exhibit I)***

## CLERK'S REPORT

### Shredding Event

The Clerk reported that the Village will hold a shredding/medication take back event on October 31 from 9am – 12pm. The Board agreed to invite residents of the Village of Muttontown to participate.

### Film Permit

The Clerk reported that she received a film permit application for 55 Mill River Road. The Netflix project will take place on 9/18 – 9/28 and generate $20,000 in permit fees.

### Procurement Policy and Prevailing Wage Requirements

Counsel reviewed recent changes to New York Labor Law procedures applicable to public works and building service contracts that are subject to prevailing wage. Effective December 31, 2025 all Villages must comply with the following changes to Labor Law Article 8 (Public Works) and Article 9 (Building Service Contracts):

- Contractors performing covered work must be registered with the New York State Department of Labor
- All subcontractors are required to be registered with NYS DOL
- Municipalities must obtain wage schedule from NYS DOL
- Wage schedule mut be included in the contract
- Contractors/subcontractors are required to pay prevailing wages and supplements
- Certified payroll must be submitted
- Right to withhold payments to contractor/subcontractors for labor law noncompliance

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

**RESOLVED,** to approve the Clerk's Report, including the shredding event, film permit application and amendments to the Village's procurement policy to include the updates to NY Labor Laws that are subject to prevailing wage as presented and discussed.

## ROAD COMMISSIONER'S REPORT

### Ripley Lane

The Clerk/Treasurer reported that Pratt Brothers had represented that the Ripley Lane work would be completed before the end of the year. The Board noted that the road condition had materially deteriorated and required attention.

### New Dump Truck

The Clerk/Treasurer obtained State-contract pricing for a new four-wheel-drive Chevrolet dump truck equipped with a plow and sander. The estimated price was approximately $83,000, before the addition of a winch or hoist. Village personnel advised that the Chevrolet model would be sufficient for Village operations. The Board discussed adding a removable powered hoist or winch to assist with removal of fallen trees, dead deer, boulders, and other heavy objects without requiring the backhoe for every incident.

The Clerk/Treasurer will confirm whether the purchase is eligible for CHIPS grant reimbursement.

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

**RESOLVED,** to authorize the purchase of a new four-wheel-drive dump truck, plow, sander, and appropriate winch or hoist, at a total cost not to exceed $90,000, subject to confirmation of CHIPS funding. The purchase would be through DeNooyer Chevrolet under State Contract 24-1029-1.

**Catch Basin Cleaning**

The Board reviewed the need to clean Village catch basins and discussed pricing through a contractor holding Town of Hempstead Contract #4-25R. The work is expected to cost approximately $4,000 per day. The Board determined that cleaning should be scheduled after the principal leaf fall, with priority given to locations presenting the greatest drainage concern.

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

**RESOLVED,** to authorize catch basin cleaning during the fall through an available municipal contract with Earth Repair at a cost of approximately $4000/day.

**Mill River Club/Donna Drive Drainage**

The Board reviewed the proposed drainage improvement proposal at the end of Donna Drive. The proposed work would create an overflow sluiceway so that excess stormwater may discharge toward Mill River Club rather than back up across the road and adjoining driveways.

The original concept involved approximately 100 feet of work at an estimated cost of approximately $35,000. The revised work is substantially shorter, approximately 13 feet, and is expected to cost less than half that amount. The Board confirmed that three quotes will be obtained. The Clerk also reported that she obtained authorization from NYS DOT for the use of CHIPs funding.

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

**RESOLVED,** to proceed with construction of the Village portion of the Donna Drive drainage overflow improvement project at a cost not to exceed $34,999, subject to compliance with Village procurement requirements.

**Private Road Drainage Maintenance**

The Board discussed drainage conditions on private roads, including sediment and stormwater discharging from Clew's Drive and other private roads onto Village and County roads. Some private roads do not have active homeowners' associations or a functioning mechanism to collect funds for maintenance. Counsel advised that the Village could adopt a local law authorizing notice to the persons having rights on the private roads to perform necessary drainage maintenance and upon their failure to act, the Village could conduct the work and recover the costs through an assessment on the private road homeowners.

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

**RESOLVED,** to direct counsel to prepare a proposed local law authorizing the Village, after notice and an opportunity to cure, to perform necessary maintenance of drainage facilities serving private roads and to recover the resulting costs from the property owners having rights to the roadway, and to prepare the matter for public hearing.

**BUILDING DEPARTMENT REPORT**

The Building Department reports for July and August were presented. The Clerk/Treasurer reported a total of approximately $47,000 in building permit fees. Highlighted entries reflected work associated with closing longstanding open permits. ***(See Attached Exhibit J)***

**BEAUTIFICATION AND VILLAGE HISTORY**

No Report

**LEGAL REPORT**

No Report

On motion duly made and seconded, the Board entered Executive Session at 7:16 p.m.to discuss pending litigation, contract matters, personnel matters, and real estate development matters. The Board returned from Executive Session at 7:33 p.m.

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

**RESOLVED** to retain Jim Antonelli of Westside Engineering as the Village's Environmental Consultant to assist the Board of Zoning Appeals with the SEQRA review of the special use permit application concerning 4 Red Fox Lane and

**FURTHER RESOLVED** to ratify the retention of Consilio to perform electronic discovery searches of Village official email accounts in connection with the Chabad litigation.

**ANNUAL ORGANIZATION MEETING**

The Mayor called the Annual Organization Meeting to order and announced that this was a meeting for the purpose of organization of the Village for the new official year, commencing on the first Monday of July 2026 and explained that prior appointments had been held over to this meeting date. The Board recommended the appointments presented and discussed potential candidates to fill the vacancies for a Co-Chair to the Site and Architectural Review Commission, Members to the Beautification Committee and a Historian. The Board agreed to discuss this matter further. ***(See Attached Exhibit K)***

There being no further business, on motion duly made and seconded, the meeting was adjourned.

***Signed by TL Lynch 11/16/2026***

Tracy L. Lynch
Village Clerk