

ANNUAL MEETING
APRIL 7, 2008

The Annual Meeting of the Board of Trustees of the Village of Upper Nyack was held in the village hall on Monday, April 7, 2008 at 7:00 PM.

Those Present: Mayor Michael Esmay

Trustees: James Anderson, Joseph P. Diamond, Vincent S. Morgan, James A. Sarna

Village Clerk: Carol G. Brotherhood

Others identified: No one from the public attended

Mayor Esmay opened the meeting. The first order of business was to administer the Oath of Office for the newly elected Trustees Joseph P. Diamond and James A. Sarna. The Mayor noted that the Annual Organizational meeting is held to ratify the appointments of various boards and pass various resolutions. Mayor Esmay also noted that in the year ahead the Board of Trustees would be continuing its work on amending the Comprehensive Plan and the Zoning Code, finalizing the budget, and concentrating efforts on the sale of the property at 9W and Roseland Road. An appraisal has been done and the Mayor said the village will be looking at what is the best use of the property, either commercial, as it is currently zoned, or residential. The goal is the sale of the property.

Trustee Anderson will serve as Deputy Mayor.

APPOINTMENTS & RESOLUTIONS (Document attached) – After a brief discussion, Trustee Morgan made a motion that the Board consider for approval the miscellaneous resolutions and ratify the various appointments, which was seconded by Trustee Diamond and so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: 0

Trustee Morgan made a motion to adjourn seconded by Trustee Anderson and so moved.

The meeting was adjourned at 8:00 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

**List of Appointments and Miscellaneous Resolutions
April 7, 2008**

RESOLVED:

That the Third Thursday of each month is hereby designated the meeting night of the Board of Trustees, and the hour set is 7:00 PM,

Workshop meetings to be held on 2nd and 4th Thursdays at 7:00 PM,

That the Journal News is the official newspaper for publication of legal notices,

That the Village Display Board will be used for posting of all official village notices for the Village, Village Board of Trustees, Planning Board, Zoning Board of Appeals and Architectural Review Board,

That Robert P. Lewis Jr. is hereby reappointed Village Attorney for a term of one (1) year, continuing under the terms formerly agreed upon,

That Catherine Friesen is hereby appointed as Acting Village Justice for a term of one (1) year,

That Roy Wanamaker is hereby reappointed Building Inspector for a term of one (1) year,

That Roy Wanamaker is hereby reappointed Fire Inspector for a term of one (1) year,

That Dennis M. Letson, P.E. is hereby reappointed as Village Engineer for a term of one (1) year on a consultant basis to be paid by submitted voucher,

That Carol G. Brotherhood is hereby reappointed Village Clerk for a term of one (1) year,

That Barry MacCartney is hereby reappointed Village Treasurer for a term of one (1) year,

That Carol G. Brotherhood continue to serve as Registrar of Vital Statistics and Barry MacCartney as Deputy Registrar until 2009,

That Barry MacCartney is reappointed Deputy Village Clerk and Code Enforcement Officer for a term of one (1) year,

That additional workers working under the Village Clerk shall be paid up to \$12.00 maximum per hour,

That additional workers working under the Supervisor of Public Works may from time to time be employed by him and shall be paid up to \$12.00 maximum per hour,

That the Rockland County Health Department is hereby designated the Village Health Department,

That J.P.Morgan Chase, M&T Bank, Provident Municipal Bank and MBNA are hereby designated as official depositories for Village funds for a period of one (1) year,

That Mayor Michael Esmay, Deputy Mayor James Anderson, Village Clerk Carol G. Brotherhood, and Treasurer Barry MacCartney are hereby designated and appointed Bank account signatories, and until otherwise ordered by this Board, the above designated banks are authorized to make payment out of the funds of the Village of Upper Nyack against the checks of the Village when signed by:

Barry MacCartney;

In the absence of the Village Treasurer, two (2) of the others to sign. (Bank Resolutions on file)

RESOLVED, that the following Village Officers and employees are to be covered under Village insurance by the following bonds:

Treasurer	\$100,000
Village Justice	\$2,000
Acting Justice	\$2,000
Court Clerk	\$2,000

That the Village Board of Trustees of this Village shall act as the Village Board of Assessors with Trustee Anderson, as Chairperson.

That with all appointments, those appointed to serve, will serve all or a portion of their terms at the pleasure of the Board of Trustees.

Appointments

PLANNING BOARD

Appointment ends

William Pfaff, <u>Chairman</u> , 208 Foss Drive, 353-9124	2010
Norwell Therien, 346 North Broadway, 353-0379	2009
Ellen Simpson, <u>Vice Chair</u> , 417 Maple Avenue, 358-4936	2013
Bruce Biavati, 530 North Midland Avenue, 353-1655	2012
William McDowell, 121 Old Mountain Road, 358-0950	2011
Alan Englander, 118 Lexow Avenue, 358-2283	2010 (A)

ZONING BOARD OF APPEALS

Thomas Englert, <u>Chairman</u> , 531 North Broadway, 358-4827	2012
Stephen Lubeck, <u>Vice Chairman</u> , 122 Highmount Ave., 358-2860	2009
Marian Shaw, 206 Bliss Lane, 358-0207	2013
Michael Kuhling, 345 North Midland Ave., 353-1306	2010
Joseph S. Scarmato, 105 Lewis Drive, 353-3500	2011
Vacant	2010 (A)

ARCHITECTURAL REVIEW BOARD

Lynn Saaby, <u>Chairman</u> , Old Mountain Road, 358-3296	2011
Alan Englander, 118 Lexow Avenue, 358-2283	2010
Martin Wortendyke, <u>Vice Chairman</u> , 540 N. Broadway, 358-4093	2009
Israel Cohen, 406 North Broadway, 358-2239	2013
Jefferson Crowther, 106 Birchwood Ave., 358-2766	2012
Silvia Luzi, 412 Centre Avenue, 358-4254	2009(A)

(A) Indicates alternate member

REGULAR MEETING

April 17, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, April 17, 2008 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Diamond & Morgan
Village Clerk Carol G. Brotherhood, Village Attorney Lewis, Village Treasurer Barry MacCartney

Others identified: PO Landry, CPD, William Fay-Supervisor of Public Works, Laurie Peek, Peggy Kurtz, Deborah Turner, Thomas Daly, Gil Ben Meir, Art Gunther

POLICE REPORTS – Read and noted. PO Landry presented the reports to the Board. CPD did their own investigation of the school crossing guard at Birchwood and Broadway and found cause to suspend her without pay. A hearing is to be held. Subs and Police Officers are covering the crossing for now.

Mayor Esmay noted to Officer Landry that there has been a greater police presence since the Mayor spoke with Chief Noonan.

JUSTICE REPORT - Read and noted.

MINUTES –

Regular Meeting 3/20/08 – Trustee Morgan made a motion to accept the minutes of March 20, 2008, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, & Morgan

NOES: None

ABSENT: Trustee Sarna

Annual Meeting 4/7/08 – Trustee Anderson made a motion to accept the minutes of April 7, 2008 meeting with no corrections or changes, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, & Morgan

NOES: None

ABSENT: Trustee Sarna

DISCUSSION – Old Stone Church - Trustee Anderson noted that the committee had begun drawing up policies for the use of the building some of which included no charge for use to Upper Nyack residents but must give deposits. For Non-residents (weddings etc.) there will be a \$250 deposit.

Any organization must provide a Certificate of Insurance.

The Mayor asked each Trustee to take and review for the next workshop meeting.

7:30 PM Tentative Budget- Public Hearing

The Mayor opened the public hearing and noted that the Board was looking to approve by Mid-May. The Village Clerk read the public hearing notice.

The Mayor explained that the Board would discuss the proposed budget for 2008-2009. Mayor Esmay noted that all Boards (Village, Planning, Zoning & Architectural Review) continue to serve unpaid.

Treasurer MacCartney noted the following items re: the proposed budget:

- Proposed spending is \$1,384,150
- Projected spending increase is \$65,650
- Sewer Contract has increased 50% which will drive the tax rate up 12.2%
- The cost 6.97 cents per thousand of assessed value

These costs cause other projects to be delayed.

Mayor Esmay opened the meeting to the public for comments. There were no comments from the public.

Trustee Morgan made a motion to close the public hearing which was seconded by Trustee Diamond and with no further discussion it was so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond & Morgan

NOES: None

ABSENT: Trustee Sarna

SIERRA CLUB – US MAYOR'S CLIMATE PROTECTION AGREEMENT

Peggy Kurtz, a resident and Sierra Club member came before the Board to request that the Mayor sign the Mayor's Climate Protection Agreement which is a non-binding pledge and a commonsense commitment to reduce greenhouse gases by 7% by the year 2012. Ms. Kurtz feels this is valuable as a public statement to the residents of Upper Nyack. Some of the ways that Upper Nyack can participate and help are:

1. Organize a green committee of citizens
2. Energy efficient steps – Participate in an energy audit (NYSSIR)
3. Shutting down computers and lights when not in use
4. Make double sided copies
5. Modification or amendment of things beyond the code, incentive given (permit expedited)
6. Publicize the NO IDLING law

Also the Board can use volunteers to do the work in the village and endorse the agreement. The village can also publicize the steps already taken.

If you do an energy audit, the cost is refunded once you begin to implement the measures.

Trustee Anderson made a motion to authorize the Mayor to sign the US Mayor's Climate Protection Agreement, which will be signed at a ceremony in Nyack on Earth Day, April 26, 2008, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond & Morgan

NOES: None

ABSENT: Trustee Sarna

Mayor Esmay asked William Fay, Supervisor of Public Works to attend tonight's meeting and may do so once or twice a year.

Supervisor Fay noted that the DPW will be working on replacing berms and asphalt damaged during snowplowing. O&R has contacted him about replacing major gas lines with low pressure lines. Mr. Fay noted that on North Midland Ave. the curbing is too low in some locations and if repaved the roadway may end up being higher. Also water pipes in this area are old cast iron.

O&R is going to be taking out 8-9 trees that are dead or decaying. Some will just be limb removal. Trustee Morgan thought it would be a good idea to mark those trees so it would serve as a visual notice to residents that something is about to happen.

TREASURER'S REPORT – Read and noted.

Treasurer MacCartney noted that he had filed for CHIPS money but will not receive it until June.

Trustee Anderson made a motion that, due to the new contract with Orangetown Sewer District, the Sewer Replacement Reserve Funds be eliminated with said proceeds to be released to the General Fund, for general operating expenses, pending an opinion by the Village Attorney, seconded by Trustee Diamond and after a lengthy discussion, it was so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

VOUCHERS – Read and approved for payment.

REQUEST FOR STREET CLOSING

Trustee Morgan made a motion that North Broadway be closed between Castle Heights Avenue and Birchwood Avenue for the Upper Nyack Elementary PTA Goosetown Bazaar from 10:30 am until 4 pm on Saturday, May 31, 2008 and that they provide a Certificate of Insurance naming the village as additionally insured, seconded by Trustee Anderson and so approved.

AYES: Mayor Esmay, Trustees Anderson, Diamond & Morgan

NOES: None

ABSENT: Trustee Sarna

The Village Clerk will send a letter notifying the residents of North Broadway, Perry Lane, Tompkins Court and lower Castle Heights Avenue of the closing. The Clerk will also notify the Clarkstown Police liaison officer so that auxiliary police can be provided. The Village of Upper Nyack DPW will supply saw horses to block off the street.

Trustee Anderson made a motion to adjourn seconded by Trustee Morgan and so moved

at 9:55 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

PUBLIC HEARING
ZONE TEXT AMENDMENTS
April 29, 2008

A public hearing was held by the Board of Trustees of the Village of Upper Nyack at the Upper Nyack Elementary School, 336 North Broadway, on Tuesday, April 29, 2008 at 7:00 PM to consider the adoption of proposed Zone Text Amendments also known as Local Laws #1, #2 and #3 of 2008.

Those present: Mayor Esmay, Trustees Anderson, Diamond, Morgan and Sarna
Village Clerk Carol G. Brotherhood, Village Attorney Lewis

Others identified: Attorney Kristen Kelley Wilson, Attorney Dennis E. A. Lynch, Terry Lynch, Jock DeCamp, Laurie Dodge, Jennifer Meyerhardt, John Dedyo, C. Robert Clemensen, Kathryn Lebeau-Court Reporter(Rockland & Orange Reporting)

Mayor Esmay waited until 7:05 PM to begin the hearing.
The Village Clerk read the public hearing notices.

Mayor Esmay addressed those assembled, noting that the Board had been involved in looking at the zoning code and in particular, Places of Assembly, for the last 1-1/2 years. Now the amendments are ready for the public to review and comment on.
Mayor Esmay invited Trustee Morgan to speak on behalf of the Board.

Trustee Morgan read from a prepared statement:

**Public Hearing for a proposed Zoning Ordinance Revision: Places of Assembly
Introduction**

The Village Comprehensive Plan of the Village of Upper Nyack, adopted in February 1999, sets forth as an overall planning goal “Ensure that future development and changes in land use are compatible with the existing community, with available utilities and with the Village’s ability to provide municipal services.”

In the current Zoning Ordinance of the Village of Upper Nyack Articles 10, 11,12,13,14 and 14A specify certain uses permitted in residential zoning districts using terms such as “churches and rectories” in R-1, “churches and rectories, public and private schools, and Club houses of Private Clubs, not conducted for profit or gain” in R-2.

In addition, Article 15:3 of the current Zoning Ordinance specifies certain uses that are permitted by special permit in the Office Business (OB) District, including,” Colleges, learning centers and schools, not including those with residential facilities.” and

”Religious buildings, such as churches and temples, not including those with residential facilities.”

However, the current Zoning Ordinance provides no specific guidelines or standards for these permitted uses, even though in normal use they will be occupied by large numbers of people, most of them arriving by automobile. It became apparent to the Village Board that meaningful and practical standards were needed.

A committee of the Village Board was formed in the Fall of 2006 to address this issue. An early finding was that current planning typically refers to these uses as “places of assembly,” a term that may be unfamiliar to some of you, but that is more inclusive and descriptive of all forms of gatherings than the traditional terms which are often specific to a certain group or type of use.

In planning terms, all places of assembly, regardless of their specific purpose, must be located, designed and maintained in such a way to ensure as a primary end the health, safety and well-being of those who use them and those who live near them.

The committee started its work by taking a close look at the characteristics of the places of assembly that exist today in the Village and that have operated in a safe manner for many years, and can therefore serve as conceptual models for future places of assembly.

The committee reviewed the scale and site characteristics of these existing places of assembly with a record of safe and compatible performance, and have observed certain characteristics that appear to contribute to the effective protection of the health, safety and well-being of the public.

The committee also referred to the planning literature and to the zoning ordinances that are in effect in other villages and towns to gain some perspective on the typical standards that are in use for places of assembly and to include elements that are appropriate for Upper Nyack.

The Village Board has concluded that new standards should be incorporated in the Zoning Ordinance and that the Zoning Ordinance should be revised to specify those zoning districts in which places of assembly may be located.

The Village Board also engaged the services of a law firm with experience in New York State municipal law. Kristin Kelley Wilson of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP has been of great value in drafting and reviewing these amendments.

As the work of setting standards and drafting the changes proceeded, it became clear that some of the existing definitions in the Ordinance needed to be replaced or clarified,

and that some new definitions would be needed. These changes are in Sections 1 and 2 of the Proposed Local Law No. 1 of 2008.

Given the unique requirements of places of assembly of different types, it was determined that it would not be practical to draft “as of right” standards. Instead, the Village Board found that the special needs of places of assembly for accommodating large numbers of users safely and without causing adverse impacts on the Village streets, infrastructure and surrounding properties can best be addressed by requiring a special permit for each such use.

This required an amendment of the current Special Permit language in the Zoning Ordinance paragraph 5 and the addition of a new section on the processing of special permit applications: Paragraph 15:8 (see pages 8-10).

The Village Board took careful note of the features of the current places of assembly in the Village and compared these to the planning literature and other zoning ordinances and created a set of minimum standards to be applied by the Planning Board in setting the conditions for granting a special use permit for a place of assembly (see pages 13-18).

Paragraph 10 of the Zoning Ordinance will be revised to specify the Zoning Districts in which places of assembly are permitted. See Section 4, pages 6-8).

The proposed Local Law No.1 of 2008 has been circulated to a number of other entities for their review and comments have been received from the Rockland County Planning Department, and these comments plus other comments received by mail or at the Village Hall, along with any findings of this hearing, will be considered by the Board.

The Village Clerk read a list of those agencies that had been notified of the proposed Zone Text Amendments and indicated which ones had responded. Rockland County Dept. of Planning, Clarkstown Planning Board, NYS Dept. of Transportation, Palisades Interstate Park Commission, Village of Nyack Planning Board, Valley Cottage Fire District, Nyack Joint Fire District. Comments have been received from the Rockland County Dept. of Planning.

Mayor Esmay opened the hearing to the public for comment.

Those who spoke: Attorney Dennis E. A. Lynch, Jock DeCamp, Jennifer Meyerhardt, John Dedyo, C. Robert Clemensen

Attorney Dennis Lynch had sent a letter dated April 28, 2008 to the Village and asked that it be marked and noted into the record. The letter was stamped in at Village Hall,

distributed to the Mayor, all Board of Trustee members, Attorney Kristen Kelley Wilson and Village Attorney Lewis.

Attorney Dennis Lynch spoke to the Board and those present and in his opinion noted that the effort by the Board fails to meet applicable State & Federal Laws. He feels the Board has set minimum standards and leaves it to the discretion of the Boards.

Under the Federal Fair Housing Act the code text fails. Attorney Dennis Lynch expressed his feeling that the code needs to be revised.

Jock DeCamp, 349 North Broadway, questioned how the new code addresses restriction as to size of structures in residential zones.

Trustee Morgan noted that the previous language in the zoning code stated areas that could have places of assembly like schools, private clubs but now has set of standards for those uses.

Mayor Esmay added that the Board was not changing the zoning but just changing the standards, adding standards where there were none.

Mr. DeCamp also questioned how property maintenance would be handled. Who would enforce?

Trustee Morgan noted it would still fall under the jurisdiction of the Building Inspector.

Mr. DeCamp feels the Board is on to something and it is good legislation.

Mayor Esmay indicated these changes would be reflected immediately and used in the review process.

Trustee Morgan noted that the changes would not be retroactive and would not apply to preexisting applications or conditions.

Jennifer Meyerhardt, 323 North Broadway, wanted to know is there a standard for notification of a change to a property? Is it now within 200 feet?

The Village Clerk noted that notices are published in the Journal News legal section, posted to the village web site and posted on the village message board outside of village hall.

John Dedyo, 413 North Broadway, asked when does it stop being an existing use? What level of change needs to occur?

Village Attorney Lewis noted that if a use is abandoned for 6 months the property loses any expansion of the non-conforming use.

Jock DeCamp stated that Mr. Lynch's comments were that this legislation is not proper. Is it enforceable, is it law?

Village Attorney Lewis noted that Attorney Lynch represents clients or potential purchaser of his client's property and his legal opinion is that he has problems with the proposed law.

Mr. DeCamp inquired about getting a copy of Mr. Lynch's letter and was told by the clerk that he could request it at village hall from the Village Clerk.

Kristen Kelley Wilson noted that this meeting was a public hearing and once the Village Board closes the public hearing it can pass the legislation and it would go to the State for filing.

Mr. Dedyo asked what is the time frame?

Mayor Esmay noted the Board would like to get the law in place soon.

Ms. Wilson also noted that the comments received from the Rockland County Planning Dept. did not include any of the objections raised by Attorney Lynch.

Trustee Anderson made a motion to close the public hearing which was seconded by Trustee Morgan and so moved and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

Attorney Kristen Kelley Wilson told the Board they would have to complete the SEQRA environmental form.

The Long Form EAF Part I was filled out previously and Part II would be completed tonight with about 20 questions to answer.

Trustee Morgan read the questions aloud. The Board and representative to the Board Kristen Kelley Wilson, reviewed the questions and answered them.

Since the Board did not identify any potential problems in Part II, there is no need to fill out Part III.

Trustee Morgan made the following motion on the SEQRA resolution, seconded by Trustee Anderson,

SEQRA RESOLUTION FINDING THAT PROPOSED LOCAL LAW NUMBER 1 OF 2008 ENTITLED "A LOCAL LAW AMENDING ARTICLE II 'DEFINITIONS,' ARTICLE III 'GENERAL REGULATIONS,' ARTICLE IV 'ESTABLISHMENT OF ZONING DISTRICTS,' AND ARTICLE V 'ADMINISTRATION OF ZONING,' OF THE ZONING ORDINANCE OF THE VILLAGE OF UPPER NYACK" WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Village Board of Trustees of the Village of Upper Nyack (the “Village Board”) with an address of 328 North Broadway, Upper Nyack, New York, has thoroughly reviewed the existing zoning ordinance (the “Zoning Ordinance”) of the Village of Upper Nyack (the “Village”); and

WHEREAS, the Village Board believes that in order to plan for the Village’s future, reasonable planning regulations must be incorporated into the Zoning Ordinance governing uses of property which involve large gatherings of people (hereinafter referred to as “Places of Assembly”); and

WHEREAS, the Village Board formed a committee (the “Committee”) to review and propose zoning regulations that address the health, safety and welfare of the Village’s current and future residents; and

WHEREAS, the Committee proposed certain amendments to the Zoning Ordinance that are included in Local Law # 1 of 2008 entitled “A Local law amending Article II ‘Definitions,’ Article III ‘General Regulations,’ Article IV ‘Establishment of Zoning Districts,’ and Article V ‘Administration of Zoning,’ of the Zoning Ordinance of the Village of Upper Nyack” (“Local Law #1 of 2008”); and

WHEREAS, Local Law #1 of 2008 amends several definitions, adds special permit procedures and requirements relating to Places of Assembly and other permitted uses and streamlines other procedures in the Zoning Ordinance; and

WHEREAS, Local Law #1 of 2008 is consistent with the intent of the Comprehensive Plan of the Village of Upper Nyack and promotes the orderly development of same; and

WHEREAS, the Village Board declared itself to be the lead agency with respect to adopting Local Law #1 of 2008 since it is the only involved agency and prepared a long form environmental assessment form (the “EAF”); and

WHEREAS, the proposed action is a Type I action under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Village Board took the requisite hard look at any environmental issues and thoroughly considered the EAF; and

WHEREAS, this notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of Trustee Morgan seconded by Trustee Anderson, the Village Board declares that Local Law #1 of 2008 will not have any significant adverse environmental impacts and hereby issues a negative declaration; and

BE IT FURTHER RESOLVED, that this negative declaration is based on the following findings consistent with 6 NYCRR Part 617.7:

- (a) Local Law #1 of 2008, in both the short term and the long term, will improve the community character and provide a framework for orderly future development and expansion of existing Places of Assembly within the Village;
- (b) Local Law #1 of 2008 will help preserve the existing neighborhoods and historic and aesthetic resources in the Village;
- (c) There will be no adverse impact with respect to existing air quality or to ground or surface water quality or quantity;
- (d) Local Law #1 of 2008 will not result in any increase in the use of energy;
- (e) Local Law #1 of 2008 will not adversely impact the existing vegetation in the Village;
- (f) Local Law #1 of 2008 will not adversely impact any known endangered or threatened species;
- (g) Local Law #1 of 2008 will improve parking congestion by requiring Places of Assembly to meet certain standards depending on the size and type of use proposed;
- (h) Local Law #1 of 2008 will provide adequate buffers between different land uses to ensure

- adequate safety and privacy between adjoining properties; and
- (i) Local Law #1 of 2008 will better define and clarify certain procedures and definitions in the existing Zoning Ordinance.

Dated: April 29, 2008

Ayes: Mayor Esmay, Trustees Anderson, Diamond, Morgan and Sarna

Nays: None

On a call for a vote the motion carries.

Mayor Esmay suggested an additional two week period of public comment.

Mr. Clemensen, 609 North Broadway, commended the Board for their diligent work.

Mayor Esmay noted that since the public hearing had been closed, Mr. Clemensen could come to the workshop on May 8th, 2008 and express his comments then.

Mr. Clemensen noted he had no agenda and no authority but wanted to be sure the legislation would stand up in court.

Mayor Esmay noted, and on advice from counsel, that the public comment period would be extended until May 13, 2008.

Mayor Esmay told the public that the Board would now be going into an Attorney-Client meeting to discuss legal matters with the attorneys and the public hearing was over. The members of the public and the Court Reporter departed.

The Board was in agreement to enter an attorney-client meeting.

The Attorney-Client meeting began at 7:55 PM

The Attorney-Client meeting ended at 8:30 PM

Trustee Sarna made a motion to adjourn at 8:30 PM, seconded by Trustee Anderson and so moved

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

REGULAR MEETING

May 15, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, May 15, 2008 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Diamond & Morgan, Village Clerk Carol G. Brotherhood, Village Attorney Lewis, Treasurer MacCartney

Absent: Trustee Sarna

Other's identified: PO Landry CPD, William Fay-Supervisor of Public Works, Kristen Kelley Wilson Esq., David MacCartney Esq., Jan Degenshein-Architect, Ronnie Rugys, Karen Tarapata

Mayor Esmay noted that Trustee Sarna would be attending tonight but would be arriving late.

POLICE REPORT – Read and noted. PO Landry discussed the increase in tickets written for speeding in the village.

JUSTICE REPORT – Read and noted.

MINUTES – Trustee Morgan motioned to accept as corrected the minutes of the Regular meeting of 04/17/08, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond & Morgan

NOES: None

ABSENT: Trustee Sarna

Trustee Morgan motioned to accept as corrected the minutes of the Public Hearing of 04/29/08, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond & Morgan

NOES: None

ABSENT: Trustee Sarna

TREASURER'S REPORT – Not available

VOUCHERS – Read and approved for payment.

BUDGET 2008-2009 - Adoption – Mayor Esmay noted that a public hearing on the tentative budget was held on 4/17/08 and the budget was discussed and the hearing closed. The budget was made available to the public.

Trustee Anderson made a motion that the Board of Trustees adopt the 2008-2009 budget as presented, seconded by Trustee Diamond and with no further discussion it was so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

Discussion- Proposed Law - Left Turn Prohibited

Mayor Esmay asked that the Board consider proposing a law to prohibit turning left onto Van Houten from Ellen St.. Mayor Esmay noted that it is happening frequently and that the turn is acute and extremely dangerous.

Supervisor Fay mentioned that the it is almost impossible to make that turn and that the guardrail has been knocked down.

Trustee Anderson made a motion that the Board of Trustees hold a public hearing to consider amending Ordinance 2.9 "Left Turns Prohibited" by adding a section prohibiting left turns from Ellen St. turning east onto Van Houten St., seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond & Morgan

NOES: None

ABSENT: Trustee Sarna

ZONE TEXT AMENDMENTS – Consideration of adoption of local Laws #1, #2 & #3.

Mayor Esmay addressed the Board and those in the audience noting that the Board had been working on the amendments for nearly two years and have had several moratoriums in place and the current moratorium expires at the end of July and the Board does not want to extend it. The Mayor and Board feel what is being proposed does not need any further modification at this point. There has been some discussion about the notification process which requires notifying property owners within 200 feet. The Board discussed putting a mechanism in place to extend that especially if a project might become contentious.

Attorney Wilson noted that can be done. She further stated that notice procedures can be made part of the individual boards rules and procedures.

After further discussion, the Board decided not to make any change to the notification process at this time.

Mayor Esmay asked the Board if they were ready to adopt the laws. Mayor Esmay also noted that the laws contain regulations of items that exist and are allowed to exist in the Village. These laws create a mechanism for the Board to regulate those uses. The Board is not creating any new uses. Current zoning law has been in place since 1962.

David MacCartney (Feerick Lynch & MacCartney) asked if he could make a brief comment. Village Attorney Lewis noted that the public hearing has been closed and public comments were allowed up to May 13, 2008.

Mayor Esmay allowed him to comment.

Mr. MacCartney, representing Julius Petersen Inc., stated that they had reached out to the Village to meet with the Board and representatives and planners for Petersen's to discuss residential housing to be built on the Petersen Boatyard property. Mr.

MacCartney said there was no response by the Village. Their analysis of the code is illegal under RLUPA and the Federal Fair Housing Act. There could be a very costly and expensive fight because there is a lot at stake. Mr. MacCartney urged the Board to vote no. They would like the Board to consider a zone change to R-5. Currently it is in his opinion a unique zone, its own zone.

Trustee Morgan inquired "In what way did your client or firm reach out to the village?"

Mr. MacCartney noted orally and was not sure if in any other form.

Mayor Esmay requested that the Board now consider the adoption of the zone text amendments.

Trustee Morgan made a motion that the Board of Trustees adopt Local Law # 1 of 2008, seconded by Trustee Anderson and with no further discussion it was so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

Trustee Morgan made a motion that the Board of Trustees adopt Local Law # 2 of 2008, seconded by Trustee Diamond and with no further discussion it was so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

Trustee Morgan made a motion that the Board of Trustees adopt Local Law # 3 of 2008, seconded by Trustee Anderson and with no further discussion it was so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

Attorney Wilson and Village Attorney noted that the clerk will publish a notice of adoption of the local laws once filed with the State.

The Board continued a discussion with Mr. MacCartney and the Mayor noted his concern whether Mr. MacCartney could do an informal presentation.

Mr. MacCartney noted they wanted to start a dialog all along and this is not an application and not a stunt. His client was ready to present their ideas tonight. Mr

Degenshein, architect, had plans with him.

Mayor Esmay went on to say a Use Variance or Zoning change request to the Board and a ZBA application would be a more formal application. Mayor Esmay stated he would never entertain an informal application.

Karen Tarapata, resident and former Trustee, thought that this could be a slippery slope. All other large developments have gone through the proper channels.

Trustee Anderson stated that the Mayor communicated and did respond to them and the village was threatened with a lawsuit for passage of a zone text change that doesn't affect the clients property. Trustee Anderson feels very uncomfortable with how it is being handled by Attorney Lynch.

Trustee Diamond and Trustee Sarna have recently attended a Land Use Conference and the idea when working on development is to always try to reach an accommodation.

David MacCartney noted that it has never been their position that any formal application was ever presented. No response was ever communicated to them.

Mayor Esmay stated this was not true.

Mayor Esmay asked the Board to share their ideas and thoughts on this matter.

Trustee Anderson again noted he did not appreciate the 10 page tome stating application had been submitted and rejected.

Trustee Morgan noted he never heard any formal proposal and agrees with Trustee Anderson. Trustee Morgan suggests they go to the Planning Board, even informally, to get their input. The Planning Board can give a response to the applicant about the process and steps to take to get their application looked at. Trustee Morgan noted he has no objection to any application.

8:15 PM – Trustee Sarna arrived at the meeting.

Mayor Esmay explained to Trustee Sarna what had transpired and that the local laws had been passed. The Board was discussing allowing an informal discussion. He noted that Trustee Anderson does not want to allow an informal discussion.

Trustee Sarna stated, in his opinion, that to this point this has been handled unproductively. Workshops are held twice a month. This could have been done without threatening litigation and without cutting and pasting legal briefs and presenting it in the form of a letter. There are 1 or 2 informal methods to accomplish what the Board has been told has been attempted. Trustee Sarna suggested that, if an informal

presentation were allowed to be made, it must be clear to Mr. MacCartney and his client that such a presentation:

- does not constitute a formal application before any Village Board; and
- since it is not a formal application, there will be no formal decisions made and therefore no right of appeal

Trustee Sarna wanted to make clear that the threat of litigation puts this potential applicant in an adversarial position with the village and makes it difficult to be collaborative. However, if Mr. MacCartney and his firm and its client were prepared to stop threatening litigation, then he would recommend that they make an informal presentation to the Board at a regularly scheduled workshop. However, before he would suggest entertaining an informal presentation, Trustee Sarna strongly opined that it must be acknowledged by Mr. MacCartney and his firm on behalf of its client that this option to make a presentation at a workshop, which is an option that is available to all citizens who may have business before the Board, is informal. It is intended to be part of a collaborative process and in the nature of a discussion, not the basis for a litigation.

Karen Tarapata asked if the review was a function of the Planning Board, formal or informal?

Treasurer MacCartney asked if they would need a review by the Village Board before they could go to the Planning Board?

David MacCartney spoke again, noting that he grew up in Nyack and certainly cares about the area. He understands that it is such a difficult process to get an application approved for development. It was not the perception of his firm (Feerick Lynch MacCartney) that they were threatening. A religious use has come into play and it is a unique opportunity for Julius Petersen Inc. It is not a “give us residential or we'll sue!” tactic.

Karen Tarapata stated they should make an application like everyone else.

David MacCartney stated that he brought Mr. Degenshein along in the event he would be allowed to show their ideas. The Mayor considered allowing them to speak.

Trustee Sara asked to address some of his concerns.

Trustee Sarna noted that he spoke with the owners of Petersen's Boatyard at another meeting or event a while back and tried to contact them but received no reply.

Trustee Sarna also noted that Attorney Lynch is combative and contentious and there is no collaboration. The correspondence from Attorney Lynch characterized that he was heading towards litigation. Trustee Sarna feels it is disingenuous to say “How did we get to this point?”

Jan Degenshein, architect & planner, spoke and noted he was not privileged to read any letters between Petersen's and the Village or any communications.

He was approached by the Beneville's to come up with ideas for the best use of the property. He has a preliminary conceptual plan to show.

Trustee Sarna feels it should be presented at a workshop.

Trustee Anderson found it acceptable to present at a workshop and the other Board members seemed amenable to that.

David MacCartney and Jan Degenshein will contact the Village Clerk for dates of the upcoming workshops.

Trustee Sarna wanted it noted for the record that he fully supports the votes taken on the Zone Text amendments and on the Budget for 2008-09.

Ronnie Rugys, 218 Glenbrook Road, came to inquire if the Board would be discussing the village lot on Roseland Road and to again state that she and other residents are concerned and hope it would be considered for residential use.

The Village received a letter from Donna L. Nye, 309 Front Street, regarding a parking problem at the northwest corner of Highmount and North Midland Ave. Cars park and create a blind spot for drivers trying to enter onto N. Midland. The Police were notified but stated that there was no sign prohibiting the parking. The resident who lives in the corner house has also come into the village hall office and signed a complaint that cars are parked there leaving him no space to place his garbage for pick up. If left behind the cars, the carter has left it.

Trustee Sarna also noted that he often walks his daughter to the bus stop there and has observed the situation and agrees it could be dangerous.

The Board discussed the parking and whether the law should indicate a distance or "no parking here to corner sign"

Trustee Morgan made a motion that the Board of Trustees hold a public hearing on June 19, 2008 to consider amending Ordinance 2.2 (e) Parking of Vehicles and it was seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustee Anderson, Diamond, Morgan and Sarna

NOES: None

8:57 PM Mayor Esmay informed the public the public that the Board would now be going into Executive Session to discuss potential litigation.

The Board was in agreement to enter an attorney-client meeting.

The Attorney-Client meeting began at 8:57 PM

The Attorney-Client meeting ended at 9:30 PM

Trustee Anderson made a motion to adjourn, seconded by Trustee Morgan and so moved. The meeting was adjourned at 9:30 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

REGULAR MEETING

June 19, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, June 19, 2008 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna
Village Clerk Carol G. Brotherhood, Village Attorney Lewis

Other's identified: PO Landry-CPD, William Fay-Supervisor of Public Works, Donna Nye, Deborah Bell, Joseph Menschik, Hilarie Blumenthal, Ken Rothschild, Krunoslav E. Draganovic, Ana M. Draganovic

POLICE REPORT – Read and noted. PO Landry attended and noted to the Board the number of traffic tickets written was down. There were several larcenies from vehicles.

JUSTICE REPORT – Read and noted.

7:30 PM Public Hearing –

Local Law # 4 of 2008 – Amending Ordinance 2.9 “Left Turns Prohibited”

The Village Clerk read the public hearing notice and the Mayor opened the public hearing noting that he initiated the law after having watched many dangerous turns onto Van Houten St. in front of his house. Mayor Esmay prepared a drawing for the Board to review. He noted that a vehicle cannot make a turn from Ellen St. east onto Van Houten without making a K turn. Van Houten St. has a steep grade (20%) and a 2 foot drop at the retaining wall at the turn. The corner of the wall has been knocked off repeatedly. The pavement on Ellen St. is 15 ft wide, very narrow, and Van Houten St. is 17 ft. wide. Mayor Esmay feels turns heading east from Ellen to Van Houten should be prohibited. Trustee Morgan noted that the angle of the left turn exceeds published safety standards. As there were no more comments from the Board, Mayor Esmay opened the hearing to the public for comments.

Hilarie Blumenthal, 300 Ellen St., said she understood the Mayor's concerns about his property. Having lived there for 13 years she noted that she rarely sees anyone turn there except by accident. Ms. Blumenthal doesn't want to see another sign across from her house.

Mayor Esmay noted that he has seen cars turning more frequently.

Ms. Blumenthal asked if there could be a more discreet sign?

Mayor Esmay stated the sign is to be placed there as a deterrent.

Village Attorney Lewis noted that if it were not a legal DOT sign it could be challenged.

William Fay, DPW, stated that no sign could be placed on the same pole as a stop sign.

Mayor Esmay asked if there were any further comments or discussion and as there was none, a motion to close the public hearing was requested.

Trustee Anderson made a motion to close the public hearing, seconded by Trustee

Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

Local Law #4 of 2008 – Trustee Diamond made a motion to adopt Local Law #4 of 2008, Left Turns Prohibited, seconded by Trustee Sarna and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

7:30 PM Public Hearing –

Local Law # 5 of 2008 – Amending Ordinance 2.2(e) adding “No Parking Here to Corner”

The Village Clerk read the public hearing notice and the Mayor opened the public hearing. Mayor Esmay asked Trustee Sarna to speak on the subject.

Trustee Sarna noted that the property owner on the corner has been putting orange cones along the fenced area but cars are parked there from late afternoon until 9 or 10 am, making it difficult to see cars coming southbound. The white line may create an appearance of an area set aside for parking. Cars seem to begin picking up speed as they approach that intersection as they are heading southbound.

Mayor Esmay noted the intersection might be a good place to begin experimenting with traffic calming devices such as narrowing the roadway.

The Mayor opened the hearing to the public for comment.

Donna Nye, 309 Front St., wrote a letter to the Board, alerting them to what she considers a dangerous situation. She has difficulty seeing cars that are coming southbound. Believes the parked cars may be from the rental property on North Midland.

Trustee Morgan does not think there is any clear delineation of where village property and private property are and therefore where no parking pertains.

Trustee Anderson feels it is definitely a danger especially with large vehicles.

Krunoslav Draganovic, 311 Front St., thought that the white lines suggested the area was for parking. At minimum, painting lines, using cones and signs may help. There is a fence that cuts off the parking in the back from the front property at the rental house plus lots of brush that cuts off access. He and his wife would be pleased to have consideration of any deterrent to parking in that area.

Trustee Anderson made a motion to close the public hearing, seconded by Trustee Sarna and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

The Board discussed addressing the same issue on the east side of Midland also. Trustee Morgan noted that the proposed law only deals with one sign. Trustee Sarna suggested passing this law and see what happens.

Local Law #5 of 2008 – Trustee Anderson made a motion to adopt Local Law #5 of 2008, amending Ordinance 2.2(e), seconded by Trustee Sarna and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond & Sarna

NOES: Trustee Morgan

After discussion and passage of this law, the Board noted they would look to review all intersections in the village.

MINUTES – The minutes of the Regular Meeting of 5/18/08 were held over until next month.

Trustee Sarna motioned to accept the minutes as presented of the Special Meeting of 6/12/08, seconded by Trustee Morgan and with no discussion, so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

Trustee Sarna noted to the Board that the Rockland County Legislature recently passed a law that no chemical pesticides would be used on county owned property and would like the Board to consider something similar for the village. Trustee Sarna would also like the Board to take a comprehensive look at how property owners are using pesticides.

Trustee Sarna also noted that fines should be raised to a more reasonable or standard amount.

TREASURER'S REPORT – Unavailable

VOUCHERS – Read and approved for payment.

OLD STONE CHURCH - Trustee Anderson told the Board the Open House held on 5/31/08, was very successful. Over 100 people visited and very positive feedback was received. A mailing list was developed from those who signed the guest book.

Trustee Anderson wanted to commend Winston Perry Jr. for the excellent exhibit he put together and the Nyack Garden Club who acted as hosts.

The committee has discussed creating a Non-profit to allow them to accept donations.

The Village would have to cover the legal expenses. Trustee Sarna said he could put the paperwork together.

Trustee Anderson noted that the committee would cease to exist and the non-profit would take over.

William Fay, Supervisor of Public Works, discussed with the Board the problems with the street sweeper and the cost of a new sweeper (\$100,000)

If purchasing a new truck, it must be ordered soon or it will not be available for the coming winter plowing season.

The Mayor, Treasurer and Mr. Fay will meet and discuss and talk about a one time sweeping of the street (D& D does this) Mr. Fay will check on the cost.

Nyack Art Walk – Trustee Anderson attended in Mayor Esmays absence. It was a nice event and Trustee Anderson recognized the very valuable contribution to the Nyacks that local artists make.

The Board of Trustees of the Village of Upper Nyack recognizes the passing of Wilbur “Web” Wanamaker, a longtime resident and former Village Clerk.

Trustee Morgan made a motion to close the meeting in memory of Wilbur “Web” Wanamaker, seconded by Trustee Sarna and it was so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

The meeting was adjourned at 9:45 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

REGULAR MEETING

July 17, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, July 17, 2008 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson & Diamond; Village Clerk Carol G. Brotherhood, Village Attorney Lewis, Treasurer MacCartney

Absent: Trustees Morgan & Sarna

Other's identified: PO Landry CPD, Peter Malcolm

POLICE REPORT – Read and noted. Officer Landry noted that there were more than 10 larcenies from vehicles. All but two of the vehicles were unlocked. A suspect has been arrested. With 13 total larcenies during June the Special Operations/Tactical Control force is working with Detectives on the larcenies.

JUSTICE REPORT – Read and noted.

Peter Malcolm, former Trustee on the Board, 119 Birchwood Avenue, came before the Board to discuss a larceny at his house. A car was broken into. It was the second break-in on his property. Mr. Malcolm wanted to discuss coverage by the Police. Upper Nyack is not a high traffic area and this, he feels, is used as an excuse for lack of coverage. Mr. Malcolm referred to a 1964 agreement between Clarkstown & Upper Nyack. It is not the same village as back then with an increase in people and traffic. When there are a rash of burglaries the Clarkstown Police should communicate with the residents alerting them of this. Mr. Malcolm's experience was that not enough attention was paid to his situation. Car 216 is supposed to cover Upper Nyack. He feels there should be more coverage especially between 2 and 3 AM.

Mayor Esmay stated that about two months ago, the Mayor and Trustee Diamond met with Supervisor Gromack and Chief Noonan. Mayor Esmay feels there is more coverage, visible to him.

PO Landry said that car 216 is assigned to Upper Nyack as the main area of patrol but the car can be on other calls. Even if the village was to establish its own force again, Clarkstown Police Dept. would still respond as Mutual Aid.

There was discussion of a Constable who has full police training and powers but only within the jurisdiction of the Village.

Trustee Anderson questioned whether CPD could gather data on Car Tracker as to when 216 is in Upper Nyack?

Officer Landry will check. Not sure.

Mayor Esmay thanked Officer Landry for his time.

Mayor Esmay noted that due to the fact that two Trustees were unable to attend tonight that several items on the agenda would be tabled until the next Regular Meeting as follows:

Minutes of the regular meetings of 5/15/08 and 6/19/08 and the Farm Alliance Resolution.

TREASURER'S REPORT – Treasurer MacCartney presented the Monthly and the Year End report to the Board. Read and noted.

The Board discussed the sale of the village property on Route 9W. Treasurer MacCartney noted that Rockland Realty has sent information to prospective buyers who have inquired about the property.

The Board also discussed noise and dust created by the use of leaf blowers, hedge trimmers, lawn mowers etc. The Board would like to consider an ordinance that would limit the time when these devices could be used. Further research wanted.

Timmerman will pick up the sweeper on 7/18/08 to evaluate and hopefully repair it.

The Mayor and Treasurer spoke with William Fay about a new truck. State bid price (\$125,000.00) can be locked in now with an order of a new truck but the vehicle won't be ready until March 2009.

VOUCHERS – Read and approved for payment.

Trustee Anderson made a resolution to surplus the 11 foot plow from the International, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Anderson & Diamond

NOES: None

ABSENT: Trustees Morgan & Sarna

The Board received a request from the Fellowship of Reconciliation to put up a sign but the request was sent to Upper Nyack by mistake since they wanted to place the sign on Main Street which is located in Nyack. Village Clerk will send a letter advising them.

REQUESTS:

Hudson River Kids Summer Discovery Program/Ann Donzella Owens

Board felt request not clear as to what public property they wanted to use. Clerk will call to clarify.

Volkssport Walking Club- Trustee Anderson made a motion that the Volkssport Club of West Point be allowed to continue its annual 5K/10K walk, acknowledging they have provided they have provided a Certificate of Insurance, and subject to amending their certificate to include routes in Upper Nyack, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Anderson & Diamond

NOES: None

ABSENT: Trustees Morgan & Diamond

(NOTE: The Village Clerk sent a copy to our insurance carrier regarding the Certificate and it was deemed it would cover Upper Nyack without any changes)

DRAINAGE PROJECTS-

Mayor Esmay noted to the Board that he had discussed two simple drainage projects with the village engineer that require perforated pipe installation. Bid documents would have to be drawn up.

Trustee Diamond made a motion to authorize Dennis Letson, Village Engineer, to prepare bid packages for:

a) Maple Avenue

b) Larchdale Ave. Outfall

seconded by Trustee Anderson and with no further discussion it was so moved.

AYES: Mayor Esmay, Trustees Anderson & Diamond

NOES: None

ABSENT: Trustees Morgan & Diamond

Village Attorney Lewis noted several items that he has been reviewing for the Village. Riverton (formerly Courtyard) -

Sidewalk. There appears to be a dispute between the school district and Wilder Balter Partners (contractors) regarding the cost to repair the sidewalk. The permitting Engineer for the State DOT has given a permit for the curb cut but not for sidewalk until the dispute is settled.

Belgian Block – Requested to place begin block curbing on the road. After a brief discussion the Board agreed that it will be considered by the Planning Board for the site. No further approval by the Board.

Lighting – No antique lighting will be used because it would not be covered by the lighting district and would have required a separate special contract. The lights will be placed on each homeowners property and the homeowners will be responsible.

Paper Street Purchase – There is a request for the purchase of a paper street on Glen/Elm St.. Attorney Lewis has discussed this with the homeowners attorney and will request \$5000 be placed in a Special Account to cover the cost of the survey, preparation of the deeds etc. It will be noted that a condition of the purchase will be that no further subdivision of the lot may be requested in the future.

No workshop meeting will be held on Thursday, August 28, 2008.

Trustee Anderson made a motion to adjourn, seconded by Trustee Diamond and so moved. The meeting was adjourned at 9:35 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

REGULAR MEETING

August 21, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, August 21, 2008 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Diamond & Morgan
Village Clerk Carol G. Brotherhood,

Absent: Trustee Sarna, Village Treasurer Barry MacCartney, Village Attorney Robert P. Lewis

Others identified: PO Landry, Alan Englander

POLICE REPORTS – Read and noted. Several larcenies were reported. There was an increase in the number of tickets written. Clarkstown PD will initiate reverse 911 calls to homeowners if there is an increase in the number of car larcenies (contents).

JUSTICE REPORT - Read and noted.

EMPIRE HOOK & LADDER CO. #1 – Discussion: Dave Gottlieb, President of Empire Hook & ladder Co. # 1 requested to appear before the Board to discuss some ongoing issues. The status of the lease between the village and the fire district was discussed. Empire will be celebrating their 150 year Anniversary in 2013 and wishes to have all repairs that are needed at the firehouse be done so the building is in good shape for the celebration. Mr. Gottlieb listed the repairs or items that need attention: Termites, flooding, paint chipping, bathrooms, pointing of bricks, roofs, bell tower, roofing trim, hole in the front door, back wall leaking.

Mr. Gottlieb also noted that the fire company is very interested in the old DPW building for storage. The company is also very interested in purchasing the firehouse and garage building.

After a brief discussion with the Board, Mayor Esmay agreed to review the lease again and to have the building evaluated to see what needs to be done.

Trustee Anderson feels the Board does have a responsibility to maintain the building and it must be evaluated. Some items may need to be done regardless of the lease. In his opinion, the volunteers are owed at least that.

MINUTES –Trustee Morgan motioned to accept the **minutes** of the **5/15/08** Regular meeting, as corrected, seconded by Trustee Anderson and so moved. With no further discussion and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, & Morgan

NOES: None

ABSENT: Trustee Sarna

Trustee Morgan motioned to accept the **minutes** of the **6/19/08** Regular meeting, as

corrected, seconded by Trustee Anderson and so moved. With no further discussion and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, & Morgan

NOES: None

ABSENT: Trustee Sarna

Trustee Anderson motioned to accept the **minutes** of the **7/17/08 Regular** meeting, as corrected, seconded by Trustee Diamond and so moved. With no further discussion and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson & Diamond

NOES: None

ABSENT: Trustee Sarna

APPOINTMENTS & RESIGNATIONS:

Resignations:

Trustee Morgan made a motion that the Board of Trustees accept the resignations of William McDowell from the Planning Board and Alan Englander from the Architectural Review Board with sincere thanks for their hard work on the respective boards, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, & Morgan

NOES: None

ABSENT: Trustee Sarna

Appointments:

Trustee Morgan was honored to make a motion to appoint Alan Englander as a member on the Planning Board, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, & Morgan

NOES: None

ABSENT: Trustee Sarna

Alan Englander spoke and noted that he was happy to have the opportunity to serve the community for so many years as a member of the ARB, alternate member to the Planning Board and now as member to the Planning Board.

Trustee Anderson made a motion to appoint Silvia Luzi as a full member to the Architectural Review Board, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, & Morgan

NOES: None

ABSENT: Trustee Sarna

Mayor Esmay noted that all alternate member positions on each Board are vacant. Any trustee who might know of a candidate for those positions should bring it to the Mayor's

attention. The Mayor also noted that he considers the Boards in Upper Nyack to be the best locally and that they are all volunteers and always want to continue when their term is up.

TREASURER'S REPORT – Submitted for review. Treasurer MacCartney was not able to attend.

VOUCHERS – Read and approved for payment.

FARM ALLIANCE – Tabled until Trustee Sarna is present.

DPW – STATE BID CONTRACT /TRUCK

Trustee Diamond made a motion to authorize the expenditure and purchase for \$126,162.00 per State Bid contract #PC62176, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond, & Morgan

NOES: None

ABSENT: Trustee Sarna

Mayor Esmay asked the Board to consider securing a BAN (Bond Anticipation Note) for the truck with additional money for a fence and gate at the new DPW property. Supervisor Fay notified the Mayor that the property is being entered on at night with scrap metal being taken from the dumpster as well as salt being taken. The Board agreed to consider.

Trustee Anderson noted to the Board that he has been considering a new web design for the village and has contacted a company. The current web company has outgrown our village. They have taken on larger companies and continue to work with us as a courtesy.

Trustee Anderson made a motion to adjourn, seconded by Trustee Morgan and so moved.

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

REGULAR MEETING

September 24, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Wednesday, September 24, 2008 at 7:00 PM. (Note: meeting was held on an alternate night)

Those present: Mayor Esmay, Trustees Anderson, Morgan, & Sarna
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Village Treasurer Barry MacCartney (absent)

Absent: Trustee Diamond

Others identified: William Fay, Supervisor of Public Works, Guy Gebbia, Ronnie Rugys, William Friedrich, Nora Pereira, Alan Friedberg, Karen Olsen, Susan McWhinney, Julie Wendholt, Debbie Weck, Carol Curto, Shari Fishberg, Lisa Lockwood, Susan D'Ornellas, Maria Palmer, Mirian Rivera, Ermino D'Agastino, Ann E. Gallo, Debra Krikun, Robert Melomo, Margaret Picardi (not all in attendance signed in)

MINUTES – Trustee Morgan motioned to accept the minutes of the **8/21/08 Regular meeting**, seconded by Trustee Anderson, so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Sarna

NOES: None

ABSENT: Trustee Diamond

POLICE REPORTS – Officer not in attendance due to change of meeting date.

JUSTICE REPORT - Read and noted.

GLENBROOK RD. RESIDENTS

Re: Sale of Commercial Property on Route 9W/Roseland Rd. owned by the Village of Upper Nyack.

Several residents of Glenbrook Rd. and other residents of the village, came before the Board to voice their concerns over the sale of this property. Several residents of Glenbrook were under the impression that it would never be sold. Those who spoke voiced concerns regarding use of the property and what could be built at that location, drainage, tree removal, over development, residential as opposed to commercial use of the property, what would be allowed, concern over selling village property in a down market, what is actually being proposed for the lot?

Residents who spoke: Nora Pereira, Ronnie Rugys, Debra Krikun, Lisa Lockwood, Karen Olsen, Jeffrey Friedberg, Guy Gebbia, Debra Weck, William Friedrich, Michael Sperling, Giselle Garcia Shelley, Robert Picardi, Margaret Melomo

Mayor Esmay noted that the Board began the process of selling the property long before the changes in the economy. The Village began working with a Realtor. Requests for proposals from developers and architects were sought. The property is zoned commercial in the 1962 Zoning but has probably been commercial for 100 years. The Board made a change to the Office Business zone and added a provision to allow for residential uses. The two proposals received are for residential use. The Board will evaluate these proposals. When the new Dept. of Public Works building was built, the sale of the other property was always part of the plan. Mayor Esmay said he did not know where the idea that the property would never be sold came from.

Trustee Sarna noted that residents can buy the land and put it into conservation. The Board must do what is best for all the residents. It would be in the best interest of the residents if that property remains taxable.

Trustee Morgan noted that the Board is not in the business of selling property so this is a novel activity. We are looking for the maximum return. If and when the property is sold, any proposals for development will be subject to a review process at a public hearing by the Planning Board and the public will be able to comment on that review.

Trustee Sarna stated that this was the first Board meeting held since the proposals were received. Trustee Sarna received the email that was circulating asking people to show up at the meeting to protest the development of the property. The Mayor and the Board are trying to improve communication with the residents and encouraged residents to contact the village hall with questions or concerns.

Trustee Morgan also noted that with the residential use that was added to the zoning code includes a provision that, the Planning Board could set conditions under a special permit.

Trustee Anderson wanted to comment on the discussion of the 9W property and tried to reassure the residents that it is a commercially zoned property and with the Special Permit review the Planning Board has more ability to set restrictions and controls as to the use of the property.

Karen Olson asked with the Sept. 15th deadline and having only received two proposals was it possible that neither proposal would be accepted?

All the Board members indicated that yes, that could happen.

Mayor Esmay noted that Attorneys at NYCOM (New York Conference of Mayors) were contacted and questioned about the Village subdividing the property into 4 lots and were told it should not be done and would be spot zoning and may be a conflict.

Guy Gebbia, 110 Locust Dr., also owns the property at 221 Glenbrook Rd., wondered if there had ever been a drainage study in the village and specifically on Glenbrook? The Mayor noted there had been about 5 years ago. Critical areas were identified. The village needs money to correct those problem areas and has slowly been doing minor

drainage work. The retention pond located on the upstream school property is not functioning properly. Senator Morahan was contacted and made a monetary commitment but the project is in limbo. It has to be worked out with the two entities, the village and the school district.

A general discussion of traffic, speed control and safety followed.

FARM ALLIANCE RESOLUTION

Trustee Sarna made a motion that the Board of Trustees adopt a resolution in support, seconded by Trustee Anderson as follows:

WHEREAS, the Rockland Farm Alliance is a grass roots organization of farmers and other Rockland residents who are interested in preserving and promoting sustainable farming within Rockland County,

NOW THEREFORE, BE IT SO RESOLVED that the Board of Trustees of the Village of Upper Nyack supports the Rockland Farm Alliance and projects that provide for the planning and implementation of programs to maintain existing farms and to encourage new farms to be established within Rockland County, and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Morgan & Sarna

NOES: None

ABSENT: Trustee Diamond

NYACK HOSPITAL FOUNDATION – 18TH Annual 10k Run and 5k Walk

Trustee Morgan made a motion that the Board of Trustees approve the request of the Nyack Hospital Foundation for their annual 10k run and 5k walk to be held on November 22, 2008 from 8 am until 12 noon, contingent upon receipt of their Certificate of Insurance, and that the Village Clerk issue a letter of approval, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan and Sarna

NOES: None

ABSENT: Trustee Diamond

TREASURER'S REPORT – Read and noted. Treasurer MacCartney was not available to attend. The State Report has been received from the auditor and is ready for review and filing.

VOUCHERS – Read and approved for payment.

Mayor Esmay asked the Board to read over the two Roseland Road proposals and be ready to discuss at the next workshop meeting on 10/09/08.

Richard Kroll, 202 Birchwood Ave., wanted to address the Board on the issue of a neighbor who took down a large, seemingly healthy tree on his property. Mr. Kroll

found this very upsetting and wanted to review the regulations that are in place. He would like to see Upper Nyack try to keep its trees and the wooded look as much as possible. After he reviewed the ordinance, Mr. Kroll thought it seemed contradictory and does not offer adequate protection to the residents. It is too broad and easy for residents to remove trees. Mr. Kroll believes the law needs to be scrutinized and requests that the Board take another look at the law.

Trustee Sarna will review the law and make suggestions to the Board and will put information into the newsletter for residents.

Russ Wooley, Castle heights Ave., asked when the Board would review the Roseland Rd. proposals. Mayor Esmay noted on 10/09/08.

Village Attorney Lewis noted that some discussion may fall under the contract or negotiations and may not be discussed in public.

The Mayor noted that the Board can express an opinion or recommendation to the Planning Board concerning development plans. The Village Board can deal directly only with the price offered.

Trustee Morgan made a motion to adjourn seconded by Trustee Sarna and so moved.

The meeting was adjourned at 9:40 PM.

AYES: Mayor Esmay, Trustees Anderson, Morgan and Sarna

NOES: None

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

REGULAR MEETING

November 16, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, November 16, 2008 at 7:00 PM.

Those present: Mayor Esmay, Trustees, Anderson, Diamond and Morgan, Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Village Treasurer Barry MacCartney, Trustee Sarna (**absent**)

Others identified: PO Landry (CPD), William Fay- Supervisor of Public Works, Mary Sue Barton, Daniel Cabiroy

BOND RESOLUTIONS

Construction of Sewer System Improvements: Bond Resolution to authorize the issuance of \$500,000 Serial Bonds

Trustee Morgan made a motion that the Board of Trustees adopt a resolution as prepared by Hawkins, Delafield & Woods (File Designation 2078/32404) authorizing the issuance of \$500,000 serial bonds for the construction of Sewer System Repairs, seconded by Trustee Anderson and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan

NOES: None

ABSENT: Trustee Sarna

Acquisition of a New Plow Truck: Bond Resolution to authorize the issuance of \$130,000 Serial Bonds

Trustee Morgan made a motion that the Board of Trustees adopt a resolution as prepared by Hawkins, Delafield & Woods (File Designation 2078/32405) authorizing the issuance of \$130,000 serial bonds for the acquisition of a New Plow Truck, seconded by Trustee Diamond and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan

NOES: None

ABSENT: Trustee Sarna

Trustee Diamond excused himself and left the meeting at 7:10 pm.

VILLAGE ELECTION – Trustee Anderson made a motion that the Village Election be held on Wednesday, March 18, 2008, instead of the usual third Tuesday, which is St. Patrick's Day, a holiday, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson & Morgan

NOES: None

ABSENT: Trustees Diamond & Sarna

PARADE ROUTE REQUEST – Orangetown Fire Company #1

Trustee Morgan made a motion that the Board of Trustees grant permission to gather and parade through the streets of Upper Nyack on October 3, 2009 with the condition that the company provide proof of insurance naming the Village as additionally insured and that they make an extreme effort to allow residents access in and out of the village and with the third condition that the fire company notify residents on North Midland Ave. and effected side streets, by mail of the date and parking situation for the day of the parade, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson & Morgan

NOES: None ABSENT: Trustees Diamond & Sarna

POLICE REPORTS – Read and discussed. The number of tickets written increased. The area car used in Upper Nyack is being installed with permanent radar.

DISCUSSION: Trustee Anderson noted that during the Halloween celebration that no Police Officer was present on North Broadway. PO Landry notified his superior and the Auxiliary was notified but no officer was available to be present. Mayor Esmay did come up to Broadway and reported that there were no problems and drivers seemed to be moving through the area very respectfully. Next year the Board will consider using the DPW truck with the light flashing to alert drivers to use caution.

JUSTICE REPORT – Read and noted.

MINUTES – Trustee Morgan made a motion to accept the minutes of the **09/24/08**

Regular meeting as corrected, seconded by Trustee Anderson and so approved.

AYES: Mayor Esmay, Trustees Anderson & Morgan

NOES: None ABSENT: Trustees Diamond & Sarna

Trustee Morgan made a motion to accept the minutes of the **10/16/08 Regular meeting as corrected**, seconded by Trustee Anderson and so approved.

AYES: Mayor Esmay, Trustees Anderson & Morgan

NOES: None ABSENT: Trustees Diamond & Sarna

TREASURER'S REPORT – Submitted for review.

VOUCHERS – Read and approved for payment.

PARKING – DISCUSSION:

Mary Sue Barton, 305 Front Street, appeared before the Board to discuss an ongoing parking problem that she has been experiencing for years. The house she owns was built in 1893. She and her family have always parked on the street. Ms. Barton owns only 1/3 of the driveway. The neighbor owns 2/3 and they make full use of the driveway. The size and topography of her property make it difficult to place parking anywhere on her lot.

The Village Board agreed to go and look at her property before the next regular meeting.

Daniel Cabiroy, 306-308 Ellen Street, also spoke of a parking issue on his street. Looking for an exemption from the 3 am to 6 am no parking regulation to be able to park on the street (similar to School St.). Mr. Cabiroy also thinks that people from other streets are parking their cars on Ellen St.

The Board discussed various ideas such as a petition by residents of the street so they could gauge who is affected; problem with such a request to park and how that would effect the density in that area; is it a Planning Board issue?

The members of the Board agreed to go an look prior to the next regular meeting and to discuss further.

Village Attorney Lewis noted to the Board that he was working on the Paper Street agreement involving two homeowners who wish to purchase village property.

Meeting with Dennis Lynch Esq. (representing the Fire District), a Fire Dept. representative and Trustee Sarna to try and come to an agreement regarding repairs to the Firehouse.

Attorney Lewis is working on the contract for the Carrickmore Proposal for the property on Route 9W.

Trustee Anderson made a motion to adjourn, seconded by Trustee Morgan and so moved. And with all in agreement the meeting was adjourned at 9:05 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

REGULAR MEETING

October 16, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, October 16, 2008 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Village Treasurer Barry MacCartney

Others identified: PO Landry(CPD), Alan Englander, Joseph Menschik, Ronnie Rugys, Jennifer Marracchino, Justin Marracchino, Patricia Greenberg, Samantha Greenberg

POLICE REPORTS – Submitted for review by Officer Landry. PO Landry was not in attendance last month and submitted 2 reports.

The village received a request to close North Broadway between Birchwood and Sixth Ave. on Halloween night. The Board and Officer Landry discussed the difficulty in closing off Broadway. Officer Landry noted that auxiliary officers can be requested for safety and crowd control. The Board will be notified if auxiliary officers are available for Halloween night. Clarkstown police also have an electronic sign that can be changed to read “restricted to local traffic only” or Heavy pedestrian traffic-Use caution”. It was also noted that flashing lights (DPW trucks) may serve to slow traffic.

JUSTICE REPORT - Read and noted.

Joseph Menschik, 209 Wanamaker lane, asked to address the Board regarding the Courtyard Subdivision now known as Riverton. Mr. Menschik feels the Planning Board is doing a good job and he is somewhat in favor of the project but feels the developer is disregarding the village approvals and the Final Environmental Impact Statement. And if they are not in compliance who is the enforcement agency? Mr. Menschik is looking for appropriate visual screening for his property and to make sure the developer is in compliance with their own EIS.

Village Attorney Lewis noted to Mr. Menschik that this is not the proper forum to discuss this and that he has explained this issue to Mr. Menschik previously. The project is now a residential project and the commercial zoning buffer no longer applies. The Planning Board was responsible for reviewing the site plan and subdivision. The Planning Board instructed Mr. Geneslaw and Mr. Letson to review the FEIS (Final Environmental Impact Statement) to insure that the developer is in compliance.

Attorney Lewis said Courtyard would be back to the Planning Board in November to discuss some of these issues.

MINUTES – After a brief review of the September 24th minutes, the Board asked the

clerk to revise the minutes for approval at next month's meeting.

TREASURER'S REPORT- Submitted for review. The Treasurer noted that \$100,000 TAN was paid off this month. Treasurer MacCartney has been in contact with Bond Counsel to obtain a BAN for the sewer repair and truck purchase.

Discussion: New DPW truck, delinquent taxes, roof repair: firehouse & Old Stone Church, drainage projects: Larchdale outfall & catch basins.

Mayor Esmay signed the approval to have an audit of the Court Financial Records.

Revised Employee Guidelines – Board to review for further discussion and possible approval at a later date.

VOUCHERS - Read and approved for payment.

Purchase Proposals- Village Owned Property at 435 Route 9W Property:

The Board discussed the 2 proposals that had been submitted to the village: Carrickmore LLC and Hellman Properties. Village Attorney Lewis noted that contract negotiation should be done in executive session.

WEB SITE DESIGN - Trustee Anderson invited Paul Bouzakis of Zoolu Web Design & Development to speak to the Board about upgrading the Village's current web site.

Mr. Bousakis is currently working on a web design for the Nyack Library and has 10 years experience doing web design.

Trustees Anderson and Sarna will meet with Mr. Bousakis to discuss the set up. Willing to use Upper Nyack as a model to get set ups for other municipalities and reduce the cost to the village.

Trustee Diamond made a resolution that the Village accept the proposal for sewer line repair by Lash Contracting that was solicited by Orangetown Sewer Dept. (Ron Delo) for \$371,320.00 , seconded by Trustee Anderson and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

At 9:44 PM, Trustee Anderson motioned that the Board move into Executive Session to discuss the purchase proposals for the 9W property owned by the Village, seconded by Trustee Diamond and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

At 10:03 PM , Trustee Morgan motioned to close the Executive Session, seconded by Trustee Sarna and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

Trustee Sarna made a motion to request the Village Attorney to draft negotiating points and a counter proposal to Carrickmore LLC and pursue further discussion with Carrickmore LLC concerning the sale of the property on 9W, seconded by Trustee Morgan and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond, Morgan & Sarna

NOES: None

Trustee Morgan made a motion to adjourn seconded by Trustee Anderson and so moved. The meeting was adjourned at 10:20 PM.

AYES: Mayor Esmay, Trustees Anderson, Morgan

NOES: None

Respectfully submitted,

Carol G. Brotherhood

Village Clerk

REGULAR MEETING

December 18, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, December 18, 2008 at 7:00 PM.

Those present: Mayor Esmay, Trustees Diamond, Morgan and Sarna
Trustee Anderson (absent)

Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis,
Village Treasurer Barry MacCartney

Others identified: PO Landry-CPD, Donna Nye, Susanne Turino

POLICE REPORTS – PO Landry submitted the report for review. No major incidents to report.

JUSTICE REPORT - Read and noted.

MINUTES –Trustee Morgan made a motion to approve the minutes of the **11/16/08**

Regular meeting, seconded by Trustee Diamond and so approved.

AYES: Mayor Esmay, Trustees Diamond and Morgan

NOES: None

ABSTAIN: Trustee Sarna

ABSENT: Trustee Anderson

TREASURER'S REPORT – Submitted for review. No adjustments at this time.

Discussion: Cost of the Court program. Computer software upgrade with new licensing agreement. No money in the budget for this upgrade.

VOUCHERS – Read and noted for payment

DEER – Donna Nye of 309 Front Street, came before the Board to discuss the change in the deer population from loss of habitat causing them to wander more and destroy vegetation. Ms. Nye has done some research and there are municipalities that have culled deer and used bows to shoot them and thin the herd.

The Village Board informed Ms. Nye that the deer issue has been discussed numerous times and a committee was formed but there was a split in the consensus as to what to do. The Board also discussed what responsibility the village might have. Most deer are wandering on private property. The question also arose whether tax payer money could be used to cull and thin the population.

Trustee Morgan agreed to research what the County is doing. The Clerk will relay the information from Trustee Morgan to Ms. Nye.

Ms. Nye thanked the Board for listening to her concerns.

VILLAGE ELECTION:

No Registration Day - Trustee Morgan made a motion that there will be no separate registration day in 2009, Election Law §15-118(3), seconded by Trustee Sarna and so moved.

Polling Place & Hours - Trustee Morgan made a motion that the Village of Upper Nyack, Village Election, will be held in the Village Hall on Wednesday, March 18, 2009 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Sarna and so moved.

Inspectors of Election – Trustee Morgan made a motion to appoint the following Inspectors of Election for the March 18, 2009 Village Election per Election Law §15-116(1) and to pay them \$12.00 per hour : Beatrice Wanamaker, Anne Donzella, Dorina Maragliano and Isobel Weiner, seconded by Trustee Sarna and so approved. On a call for a vote on all three motions:

AYES: Mayor Esmay, Trustees Diamond, Morgan & Sarna

NOES: None

ABSENT: Trustee Anderson

REQUESTS FOR APPROVAL-

The Village of Upper Nyack received a request for approval to use village streets by the following organization:

Annual George Washington Bridge Challenge- Sunday, June 14, 2009

Trustee Sarna made a motion that the Board grant permission for the Annual GWB Challenge on June 14, 2009, on the condition that they provide a Certificate of Insurance naming the Village as additionally insured, provide a map of the route and that the Clarkstown Police be notified, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan and Sarna

NOES: None ABSENT: Trustee Anderson

the Village Clerk will send a letter of approval with a copy to the Supervisor of Public Works, Clarkstown Police Dept., Nyack Joint Fire District and Community Ambulance Corp.

Trustee Morgan made a motion to adjourn, seconded by Trustee Diamond and so moved.

The meeting was adjourned at 8:40 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk