

REGULAR MEETING

December 20, 2012

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, December 20, 2012 at 7:00 PM.

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

Absent: Village Treasurer Barry MacCartney

Others identified: PO Hodges-CPD, Jeffrey Grand, Gregory Fisher

POLICE REPORTS – PO Hodges submitted two months of reports for review. PO Hodges noted that there was some difficulty doing welfare checks during the storm. Discussion included multiple calls to Summit School, vehicle crash into Kevin's Auto Body, illegal dumping, aggravated harassment calls to Congregation Sons of Israel and Temple Beth Torah, Village resident riding their bike had back tire clipped by car ejecting the rider –driver sped off and never found, larceny at UN DPW- truck lift gate stolen but recovered.

Noted: No Justice Court will be held in January. Next court date is February.

MINUTES - Trustee Morgan made a motion to accept the minutes of the **regular meeting 11/15/2012** as amended, seconded by Trustee Sarna and so approved.

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

NOES: None

VILLAGE ELECTION:

No Registration Day - Trustee Sarna made a motion that there will be no separate registration day in 2013, Election Law §15-118(3), seconded by Trustee Morgan and so moved.

Polling Place & Hours - Trustee Sarna made a motion that the Village of Upper Nyack, Village Election, will be held in the Village Hall on Tuesday, March 19, 2013 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Morgan and so moved.

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

NOES: None

Resignations: Village Justice and Acting Village Justice

Trustee Morgan made a motion to accept with regret the resignation of Village Justice Harold Y. MacCartney Jr. as of January 15, 2013 and the resignation of Acting Justice Catherine Friesen as of December 31, 2012, seconded by Trustee Sarna and so moved.

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

NOES: None

Board members concurred that the Justice court benefitted from the knowledge and professionalism and that a letter of appreciation should be sent to each.

SET PUBLIC HEARING:

Trustee Hindin made a motion that the Board of Trustees holds a public hearing on January 17, 2013, to adopt a local law to provide for overriding 2% tax cap, seconded by Trustee Sarna and so moved.

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

NOES: None

Rose Subdivision: Map filed July 9, 1999

The Board and Village Attorney discussed the HOA and the responsibility of repair and maintenance of the sewer pump station. The Village Clerk was asked to review the minutes and other documents to ascertain where a note on the map stating who the responsible party is for that maintenance and repair. Village Attorney to review.

Resolution: VFW

Trustee Hindin made a motion that the Board of Trustees commends the Upper Nyack VFW Post 9215 for their participation in providing vehicles to local deserving veterans through Recycled Rides, seconded by Trustee Sarna and so moved.

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

NOES: None

A letter will be sent from the Mayor & Board to VFW Post 9215

Jeffrey Grand of 208 Lexow Ave. appeared before the Board to complain about a neighbor who has a large parked on their property that is within Mr. Grand's sight. Mr. Grand understands that there is no existing village ordinance that would prohibit that. After discussion, the Board noted they could consider a local law that would prevent a resident from parking or storing a boat, RV, ATV or Pod in their front yard. Further discussion would need to take place.

Mr. Grand also questioned the Board as to when North Midland will be paved?

Mayor Esmay noted that once the sanitary sewer project is complete N. Midland will get paved. Drawings are being prepared for bids to be requested and the hope is that it can be done within a year.

Mr. Grand also suggested better communication with residents such as during the recent Hurricane Sandy storm.

Mayor Esmay told Mr. Grand that the Town of Clarkstown sent notice out to its residents requesting information to use for reverse 911 calls. The Village met with representatives of O&R who handle emergencies to discuss what was done and what could have been handled better?

Executive Session:

8:16 PM - Trustee Hindin made a motion that the Board of Trustees enter into executive session, seconded by Trustee Morgan and so moved. All in favor

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

NOES: None

Subject of discussion: Sale of Contract between the Village of Upper Nyack and DM Equities of NY LLC

8:40 PM - Trustee Hindin made a motion that the Board of Trustees exit executive session, seconded by Trustee Morgan and so moved. All in favor

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

NOES: None

Trustee Hindin made a motion to adjourn, seconded by Trustee Sarna and so moved. With all in favor, the meeting was adjourned at 8:55 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk