

## REGULAR MEETING

April 19, 2012

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, April 19, 2012 at 7:00 PM.

**Those present:** Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna (arrived at 7:30 pm)

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

**Others identified:** PO Hodges-CPD, Jeffrey Grand, Mark Hirsch, Joseph Maragliano

### MINUTES –

**Regular Meeting 03/15/12** – Trustee Morgan made a motion to accept the minutes, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None      ABSENT: Trustee Sarna

**Annual Meeting 04/02/12** – Trustee Morgan made a motion to accept the minutes of April 2, 2012 annual meeting, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Dimond, Hindin & Morgan

NOES: None      ABSENT: Trustee Sarna

### REQUEST FOR STREET CLOSING-Upper Nyack Elementary School

Trustee Morgan made a motion that North Broadway be closed between Castle Heights Avenue and Birchwood Avenue for the Upper Nyack Elementary School Field Day activities from 9:00 am until 12 noon on Friday, June 15, 2012 (rain date June 18, 2012) and that they provide a Certificate of Insurance naming the village as additionally insured, seconded by Trustee Hindin and so approved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & 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.

**POLICE REPORTS** – PO Hodges submitted report for review. Noted were an increase in the number of missing persons reported from the Summit School. PO Hodges followed up on a burglary report with the suspect being arrested and all items recovered. A resident died of natural causes in their home.

7:30 pm Trustee Sarna arrived.

### 7:30 PM - Public Hearing- Tentative Budget -2012-2013

The Mayor opened the public hearing. The Village Clerk read the public hearing notice. Mayor Esmay noted that no Board member will receive compensation. Not much has changed over the years as to line items in the budget. Treasurer MacCartney noted that the 2% tax cap imposed by the Governor had been overridden by local law. The increase will be 2.82%

In the absence of any questions or comments by the public, Trustee Sarna motioned to close the public hearing which was seconded by Trustee Diamond and it was so moved.

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

NOES: None

Trustee Diamond motioned to adopt the Village budget as presented by Treasurer MacCartney, seconded by Trustee Morgan and with no further discussion, it was so moved.

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

NOES: None

### TREASURER'S REPORT – Submitted for review

VOUCHERS – Read and approved for payment.

### RESOLUTION- BAN

Treasurer MacCartney noted that the money is to be borrowed in two separate amounts, authorizing the construction of road improvements with an estimated maximum cost of \$101,000 serial bonds and the construction of drainage improvements with an estimated maximum cost of \$324,000 serial bonds. The funds will be used to pay for the Birchwood Ave. drainage project & paving, Old Mountain Stream, Old Mountain Rd. drainage (Old Mtn Rd & N. Midland Ave) (Resolutions attached)

Each resolution was motioned by Trustee Hindin, seconded by Trustee Morgan and so moved. On a call for a vote:

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

NOES: None

### 7:35 PM Public Hearing- Local Law #2 of 2012

A public hearing was held for the Board of Trustees to consider amending Article VII, Chapter 1, 1.6 Street Openings and Excavations of the 1965 Code of General Ordinances.

Mayor Esmay noted that the current law is antiquated and needs updating for excavation and repairing village streets by utility companies and private contractors.

Mayor Esmay opened the meeting to the public and the Clerk read the public hearing notice.

Trustee Morgan made a motion to continue the public hearing at the next regularly

scheduled board of Trustees meeting on May 17, 2012 @ 7:45 pm, Trustee Hindin seconded and it was so moved.

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

NOES: None

#### REQUEST TO APPEAR:

- 1) Jeffrey Grand, 208 Lexow Avenue appeared before the Board to inquire about any progress the Board has made in changes to the code regarding fences and wanted to know when a resolution or change might be made? Mr. Grand has a shed and fence that are on his neighbors property and he has promised to move it. When it is moved, Mr. Grand would like it to conform to the code and feels his project is being held up.

The Mayor confirmed that the Board has been in discussion about fences. But even if the Board agreed to a change it would be at least 2 months to allow for legal notification, passing and filing of any change to the code. The Board is also waiting on recommendations from the planning board.

Village Attorney Lewis noted that the Zoning Board of Appeals has denied all applications for fences above the height of 6ft.. The type of fence that is acceptable would have to be added to the code.

- 2) Dr. Mark Hirsch, 131 Highmount Ave. Dr. Hirsch came before the board to speak about the south side of his street which has no curb and very little lighting. The neighbors have placed rocks in the right-of-way to keep cars from being parked on the grass. Dr. Hirsch feels this is dangerous and a nuisance.

Trustee Morgan noted the village has been adding berm to the south edge of Highmount Ave. to combat the erosion of the road. The Board discussed sending a letter to the homeowners who have placed stones there and give them a time limit in which to remove them or the village will have them removed.

Dr. Hirsch thanked the Board.

#### Executive Session:

**8:37 pm** Trustee Morgan made a motion to move to executive session to discuss an insurance claim with potential litigation, and the Upper Nyack Justice Court seconded by Trustee Diamond and so moved.

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

NOES: None

**9:25 pm** Trustee Hindin made a motion to exit executive session and return to the regular meeting, seconded by Trustee Sarna and so moved.

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

NOES: None

9:25 pm Trustee Morgan exited the meeting

Discussion: Nyack Garden club is looking for donations. The Garden Club has done a lot of volunteer work in Upper Nyack at the OSMP, providing all the trees and plantings and care of those plants over the last few years. Under promotion and goodwill the village will provide reimbursement of up to \$300 for the Garden Club upon submission of a signed voucher.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Sarna

NOES: None ABSENT: Trustee Morgan

Trustee Hindin made a motion to adjourn seconded by Trustee Sarna and so moved at 9:48 PM.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Sarna

NOES: None ABSENT: Trustee Morgan

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk