

REGULAR MEETING

August 16, 2012

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, August 16, 2012 at 7:00 PM.

Those present: Mayor Esmay, Trustees Diamond & Morgan
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis
Absent: Trustees Hindin & Sarna, Village Treasurer Barry MacCartney
Others identified: PO Hodges-CPD, Jeffrey Grand, Joseph Maragliano

MINUTES – Trustee Morgan motioned the Board accept the minutes of the Regular meeting of July 19, 2012, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSTAIN: None

ABSENT: Trustees Hindin & Sarna

POLICE REPORTS – Officer Hodges appeared. Discussed: foxes on property; trapping of animals and rabies; Loud music from party at FOR; magazine sales/vendors; Barz-criminal nuisance (egg throwing); incident of car driving onto a property and damaging mailbox & bushes; bicycle larceny; dispute with a taxi driver; multiple missing person calls from Summit School (13)

TREASURER'S REPORT – Submitted by Treasurer MacCartney

VOUCHERS – Read and approved for payment.

7:30 PM Public Hearing:

The Board of Trustees held a public hearing to consider removing Article V, Section 16:66 Standard Schedule of Fees from the 1962 Zoning Ordinance of the Village of Upper Nyack.

Mayor Esmay noted the Board was considering the removal of this article from the zoning code and making the fees under a policy of the Village Board. The policy would be reviewed annually.

The Village Clerk read the public hearing notice.

Trustee Morgan where would this schedule be placed? Mayor Esmay said the Village Board would set the policy and the Village Clerk would maintain the fee schedule document.

The Mayor opened the hearing to the public. There were no comments from the public. Trustee Morgan motioned to close the public hearing, seconded by Trustee Diamond and with no further discussion it was so moved.

Where there is a reference to a fee it is referred to the Board of Trustees to be

determined by resolution of the Board.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

REQUEST TO APPEAR:

Jeffrey Grand, 208 Lexow Avenue, appeared before the Board to inquire if the Village Board would be making any changes to the height requirement for fences. Mayor Esmay told Mr. Grand that the Board was not inclined to make a change and the Planning Board concurred.

Mr. Grand stated that he feels the village is not allowing him to protect his property from deer. He questioned whether he could build a berm and put a fence on top of it thereby increasing the height of his fence.

The Mayor and the Board noted that if the Zoning Board granted a variance for the height it would set a precedent for other homeowners to build walls or fences over 6 ft in height.

2012 Paving Program-Pavement Milling and Resurfacing / Bid # PV-01-2012

Bid Opening

August 14, 2012

11:00 AM

Bid # PV-01-2012

2012 Paving Program-Pavement Milling & Resurfacing

Village of Upper Nyack

Upper Nyack, NY

Those present: Carol G. Brotherhood-Village Clerk, Barry MacCartney-Treasurer

Others identified: Michael Daniele- Marini Bros. Construction Co. Inc.

The Village Clerk read the public Notice to Bidders.

Two (2) sealed bid(s) were (was) received, opened and read aloud as follows:

<u>Bidder</u>	<u>Milling</u>	<u>Resurfacing & other work</u>
Tilcon New York Inc. 162 Old Mill Road West Nyack, NY 10994	\$18,192	\$29,264
Marini Brothers Const. Co. Inc. 9 Lafayette Street Hackensack, NJ 07601	\$12,886	\$34,120

Garrity Asphalt Reclaiming Inc.: Bid not received in time.

Bidding was closed at 11:16 AM

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

The Board discussed the low bidder and called the Village Engineer Dennis Letson to discuss how to proceed. After a brief discussion:

Trustee Diamond made a motion to award the bid for milling of lower Birchwood to

Marini Bros. for \$12,886, providing the work is completed in accordance with the terms set forth in the Bid Addendum #2. In the event the milling is not completed within the time periods set forth in Bid Addendum #2 then Marini Bros. will automatically be declared to be in default and the bid will be awarded to Tilcon NY Inc. for \$18, 192, Seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

Trustee Diamond made a motion to award the bid for resurfacing and other work for lower Birchwood to Tilcon NY Inc. for \$29,264 provided the work is completed in accordance with the terms set forth in the Bid Addendum #2. In the event the resurfacing and other work is not completed within the time periods set forth in Bid Addendum #2 then Tilcon will automatically be declared to be in default and the bid will be awarded to Marini Bros. Inc. for \$34,120, Seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

9:18 pm Executive Session: Trustee Morgan made a motion that the Board enters executive session to discuss personnel matters.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

9:26 pm Trustee Morgan made a motion that the Board exit executive session, seconded by Trustee Diamond, and so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

Discussion: Old Stone Meeting Place

Trustee Diamond noted that he had obtained proposals for electrical, heating and air conditioning and a panic bar for the building.

Trustee Diamond made a motion to approve electrical work (Henel Contracting) and for the installation of heating and air conditioning (Direct Air) and for a panic bar and trenching for electrical work for an amount not to exceed \$20,000, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

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

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

The meeting was adjourned at 9:36 pm.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk