

REGULAR MEETING

February 17, 2011

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, February 17, 2011 at 7:00 PM.

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

Absent: Trustee Diamond

Others identified: PO Hodges-CPD; **Town of Clarkstown Officials and Employees:**
Supervisor Alex Gromack, Town Council Members-Shirley Lasker, Stephanie Hausner,
George Hoehmann; Amy Mele-Town Attorney; Ralph Lauria-Deputy Dir. Of
Operations,CDEC; Jo Anne Pedersen-Supt. Of Recreation & Parks; Cathy Conklin-
Town Assessor; Aimee J. Varga, Esq. Dir. Of Finance; Joel Epstein; Edward Duer;
Clarkstown Police Dept.- Chief Sullivan (as of 2/27/11), Capt. Ovchinikoff, Capt.
Mahon; **Residents & Others:** Pam Bischoff, Barry MacCartney; Shirley Thormann;
Natasha Sarna; Donna Albert; Ron Wish; Robert Stien; Darcy Casteleiro

POLICE REPORTS – Officer Hodges presented his report. There was a report of a domestic dispute incident.

Officers are stepping up stop sign enforcement. Operation Slow Down has begun (North Broadway & North Midland) with an increased police presence.

JUSTICE REPORT – Not available

A joint meeting was held with the Board of Trustees of the Village of Upper Nyack and the Town of Clarkstown Town Board and other Clarkstown Officials for discussion purposes. The Board of Trustees wanted to discuss the future of the Village and how to deal with escalating costs to continue operation of the Village.

Mayor Esmay noted that the Board had met approximately a year ago with Town Board members Shirley Lasker and George Hoehmann. The Village Board had been discussing the direction the Village might take; becoming a hamlet, secede and become a Town-Village or stay as is. The Board wonders if the Village residents are contributing more in tax than the residents receive in service.

Supervisor Gromack introduced the Town Board members, Clarkstown Police Officers and other Town employees that were present. There was a presentation given that outlined services provided, services that the Town is precluded from providing and ways the Town can improve on that.

Presentations were given by:

Amy Mele- Town Attorney; Ralph Lauria-Deputy Director of Operations/CDEC;
JoAnne Pedersen-Superintendent of Recreation & Parks; Chief Michael R. Sullivan-

CPD (as of 2/27/11) Capt. Robert G. Mahon, Capt. Anthony Ovchinikoff; Cathy Conklin-Town Assessor.

A PowerPoint presentation was presented as well as a handout (attached)

Discussion followed.

Trustee Sarna and Trustee Hindin requested further information regarding the debt service the Village pays into for Clarkstown which might include debt service for Highway vehicles, which the village does not pay for; The mini-trans bus service does not make any stops in Upper Nyack. Supervisor Gromack will inquire why not, whether it is needed and also will check the possibility of a senior center in Upper Nyack. Clarkstown will check on the number of Upper Nyack residents who use the senior centers in Clarkstown.

The Village Board and Town Board agreed to meet again at a future date to be decided.

TREASURER'S REPORT – Not available

VOUCHERS – Read and approved for payment.

MINUTES – Trustee Morgan motioned to approve the minutes of the **1/20/11 Regular meeting**, seconded by Trustee Sarna and so approved.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Diamond

Trustee Hindin made a motion to adjourn seconded by Trustee Morgan and it was so moved.

AYES: Mayor Esmay, Trustees Hindin & Morgan

NOES: None

ABSENT: Trustee Diamond & Sarna

The meeting was adjourned at 9:40 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk



Town Board:

Alexander J. Gromack, Town Supervisor
Shirley Lasker, Councilwoman
Frank Borelli, Councilman
George Hoehmann, Councilman
Stephanie Hausner, Councilwoman

Town of Clarkstown Village of Upper Nyack

Presenters:

Alexander J. Gromack, Town Supervisor
Amy Mele, Town Attorney
Ralph Lauria, Deputy Director of Operations, CDEC
Jo Anne Pedersen, Superintendent of Recreation & Parks
Michael R. Sullivan, Clarkstown Police Chief (As of February 27, 2011)
Cathy Conklin, Town Assessor

February 17, 2011

Should the incorporated Village choose not to establish a police department or having so established such department, later choose to dissolve it, the police functions would be the function of the Town police force and the Village residents would share a proportionate cost of the tax assessment. In Upper Nyack's case, having not established a police department, the Town provides that service. As always, should the Village have any issues with the Town's police services, we are happy to meet and discuss same.

2. Road Improvements

Pursuant to Village Law § 6-602, "the streets and public grounds of a village constitute a separate highway district and are under the exclusive control and supervision of the board of trustees or other officers of the village when such control is delegated to them by such board."

A town and a village may enter into a municipal cooperation agreement whereby the town will repair and maintain the village streets, the town to be reimbursed by the village for the expense thereof on a cost basis, and if the town involved is a suburban town, the agreement may be made and the costs allocated in accordance with § 56 of the Town Law. 1969, Op.Atty.Gen. (Inf) 141.

If the Village desires, the Town is willing to discuss entering into a municipal cooperation agreement with the Village with respect to paving or perhaps other public works project whereby the Village could take advantage of the Town's purchasing power. For example, it may be advantageous to add Village streets to the Town's paving bid to take advantage of economies of scale.

3. Drainage Projects

Pursuant to Village Law § 22-2200, a Village Board of Trustees may provide for public improvements such as drainage projects.

GML § 119-j provides that municipalities may, by contract, share the cost of common drainage facilities, i.e., joint projects. Again, we remain willing to discuss the possibility of entering into an agreement to share the cost of joint projects, should any exist.

4. Solid Waste, Garbage, Bulk and Recycling

Solid waste, garbage, bulk and recycling are generally the responsibility of the Town under Town Law § 221. However, since the Village has undertaken some of these services on behalf of its residents (i.e., bulk), the Town provides the Village with a refund so they are not billed twice.

OVERVIEW

Services to Upper Nyack Taxpayers

- ▣ General Government Support
- ▣ Open Space
- ▣ Recycling
- ▣ Public Safety
- ▣ Recreation & Parks

Open Space

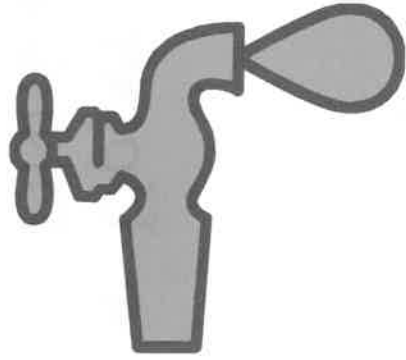
- ▣ Acquisitions in Clarkstown
 - Buttermilk Pond, Central Nyack – 9 acres
 - Celery Farm, Congers – 35 acres
 - Cropsey Farm, New City – 24 acres
 - Crow’s Roost, Bardonia / West Nyack – 1 acres
 - Davenport Preserve, New City – 7 acres
 - High Tor, New City – 40 acres
 - Highview, Nanuet – 4 acres
 - Mountainview, Central Nyack – 2 acres
 - West Hook Mountain, Valley Cottage – 70 acres
 - West Nyack Hamlet Green, West Nyack – 3 acres

Services Village is Required to Provide under NYS Village Law

- ▣ Highway
- ▣ Sewer
- ▣ Water
- ▣ Waste Management
 - Garbage
 - Bulk

Water District

- ▣ Upper Nyack is not in the Clarkstown Water District (United Water)
 - Not included in the Town tax bill
 - Upper Nyack is part of the Nyack Water District
 - Nyack Water District charges are included on the Village portion of the tax bill

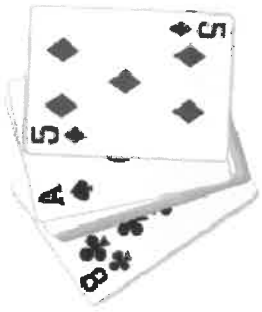




Sanitation

- ▣ Clarkstown levies all Town residents for recycling and bulk refuse disposal
 - In the Village of Upper Nyack, there are 711 properties for which the Town of Clarkstown transports and disposes of recycled materials
 - Clarkstown reimburses the Village of Upper Nyack for bulk refuse disposal
 - ▣ \$33,417 user benefit charge reimbursed in 2010
 - Village picks up bulk refuse

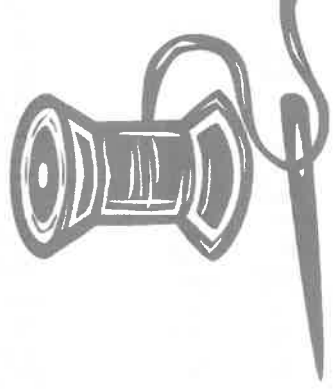




Recreation & Parks Events and Programs



- ▣ Clarkstown offers fireworks displays, birthday parties, family fun nights, swim classes, tee ball, basketball, arts & crafts, lacrosse clinics, soccer, floor hockey, programs for kids with special needs, volleyball, ice skating, golf, yoga and senior citizen programs
- ▣ Programs for seniors include stained glass, card playing, exercise, ceramics, drop in lounges, arts and crafts, movies, bingo, sewing, computers, Stay Fit Seniors Circuit, discount programs with local merchants, Mini Trans bus system, monthly social dances, as well as 12 senior clubs that meet weekly
- ▣ Public Park Use
 - Germonds Park
 - Lake Nanuet Park
 - Congers Lake Memorial Park
 - Kings Park
 - Tennyson Park
 - Davenport Preserve
 - Twin Ponds Park
 - Zukor Park
 - Congers Station Park



CLARKSTOWN POLICE DEPARTMENT

Chief Michael R. Sullivan

Captain Robert G. Mahon

Captain Anthony Ovchinikoff

As of February 27, 2011

CQ Press Crime Rankings

(formerly Morgan Quitno Press)

FBI Universal Crime Reporting

The FBI's UCR Program is a nationwide, cooperative statistical effort of more than 17,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention.

The program's primary objective is to generate reliable information for use in law enforcement administration, operation, and management; however, its data have over the years become one of the country's leading social indicators.

In 2008, law enforcement agencies active in the UCR Program represented more than 288 million United States inhabitants—94.9 percent of the total population.

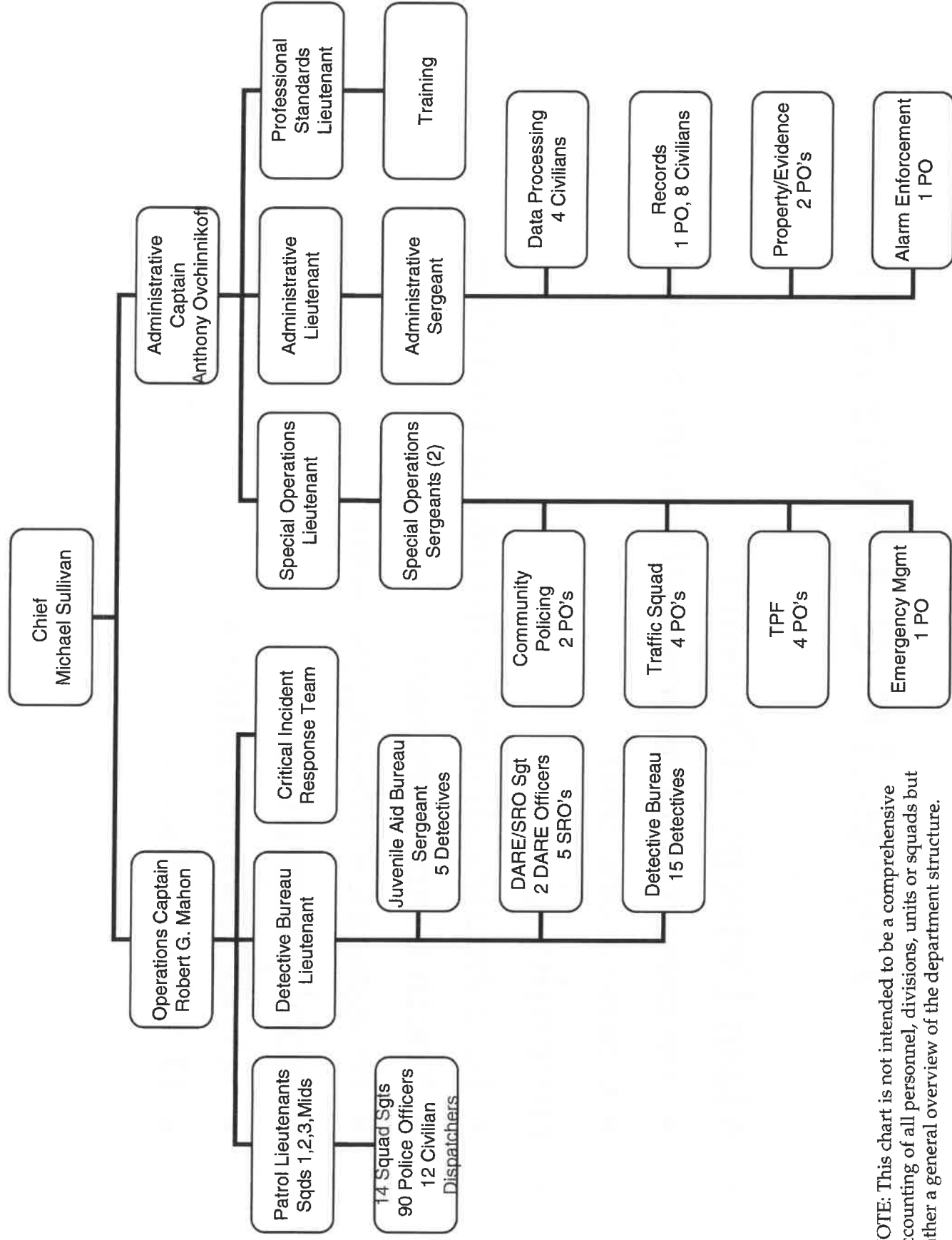
5th Safest City in the US

- CQ Press 2010 Rankings
- 5th safest in 2009
- 6th safest in 2008
- 2nd safest in 2007
- 5th safest in 2006*
- 2nd safest in 2005

Methodology

- Population > 75,000
- Murder, rape, robbery, assault, burglary, auto theft

*Due to a problem in New York state's reporting of crime figures for Clarkstown, it was not included in either our book *City Crime Rankings* or our annual Safest/Most Dangerous City award. At the request of Clarkstown, the State of New York provided Morgan Quitno Press with the figures that had also been reported to the FBI. Based on those provided crime figures and last year's population for Clarkstown, that city would have ranked as the fifth safest overall.



NOTE: This chart is not intended to be a comprehensive accounting of all personnel, divisions, units or squads but rather a general overview of the department structure.

Information as of February 27, 2011

School Resource Officers

- ▣ Five Police Officers
- ▣ Four high schools and one middle school
 - Clarkstown North, Clarkstown South, Nanuet, Nyack and Felix Festa
- ▣ Partial reimbursement from school districts
- ▣ Teach numerous classes to both students and faculty
 - Gang awareness, teen suicide, legal issues, dignity for all students act, etc.

Special Operations

- ▣ Traffic unit
- ▣ Street crime unit
- ▣ Community police unit
- ▣ Emergency management
- ▣ Auxiliary police

Programs & Services

- ▣ Accident investigation
- ▣ Community policing
- ▣ Tactical patrol force
- ▣ Alarm enforcement
- ▣ VIN etching
- ▣ Crime prevention
- ▣ Child Pass Safety
- ▣ Bike patrol
- ▣ Honor guard
- ▣ CIRT
- ▣ Explorers
- ▣ Youth academy
- ▣ K-9
- ▣ Youth court
- ▣ DARE/SRO
- ▣ Auxilliary police
- ▣ Animal control
- ▣ Emergency management
- ▣ Recruiting

Calls for Service Uppper Nyack

2010

▣ Medical Emergency	420
▣ Alarms	280
▣ Assistance	163
▣ 911 Unknown	139
▣ Suspicious Incidents	105
▣ Accidents / no injury	49
▣ Accidents / w injury	7
▣ Hit and Run	10
▣ Missing Person	30
▣ Ordinance Violations	29
▣ Emotionally Disturbed	19
▣ Larceny	31
▣ Juveniles	29
▣ Harassment	24
▣ Frauds	11

Percentage of Households by Police Area

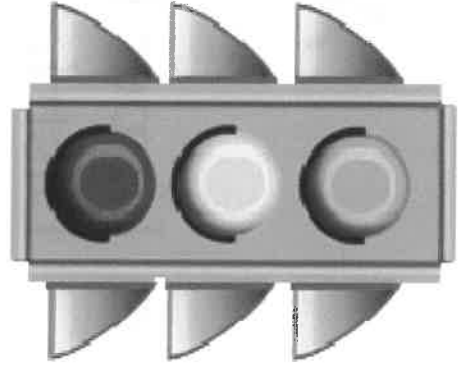


Solid Waste

- ▣ Rockland County Solid Waste charges are established by the Rockland County Solid Waste Authority
 - Combination of user benefit charges and ad valorem
 - Same for all Clarkstown residents

Lighting

- ▣ Upper Nyack is in the Clarkstown Lighting District
 - Includes street lights and traffic lights



Fire District

- ▣ Upper Nyack is part of the Nyack Joint Fire District
 - Fee is established by Fire Commissioners not the Town of Clarkstown
 - ▣ Upper Nyack is charged \$3.39 / \$1000.00 assessed
 - ▣ Comparison: New City Fire District \$1.15 / \$1000.00 assessed.

