

REGULAR MEETING
April 21, 2011

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, April 21, 2011 at 7:00 PM.

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

Absent: Village Treasurer Barry MacCartney

Others identified: PO Hodges-CPD; Capt. O'Sullivan; no one else from the public attended.

POLICE REPORTS – PO Hodges reported several incidents from the past month which included a drug arrest (marijuana) criminal mischief (mailboxes destroyed, debris thrown on lawns) larcenies, excessive dog barking and water shut off to a resident. V& T summons were up. PO Hodges & Chief Sullivan left at 7:10 pm.

JUSTICE REPORT – Not available

MINUTES –

Regular Meeting 03/17/11 – Trustee Morgan made a motion to accept the minutes, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None ABSENT: Trustee Sarna ABSTAIN: Trustee Hindin

Annual Meeting 04/04/11 – Trustee Hindin made a motion to accept the minutes of April 4, 2011 annual meeting, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

Trustee Morgan resigned as the Chairperson of the Village Board of Assessors and the resignation was accepted by Mayor Esmay.

Trustee Morgan made a motion to accept the appointment of Trustee Diamond as the Chairperson to the Village Board of Assessors to fill the vacated seat of Trustee Morgan. The appointment was ratified by the Board.

AYES: Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

The Board had a brief discussion regarding the sidewalk from Birchwood Ave. to the Upper Nyack School (west side of N. B'way) and snow removal at the school designated drop off. A letter will be sent to the school district and the school principal from the village indicating the Village's position on the snow removal. This is in response to several complaints from parents during the winter season.

TREASURER'S REPORT – None

VOUCHERS – Read and approved for payment.

7:30 PM Tentative Budget- Public Hearing- 2011-2012

The Mayor opened the public hearing. The Village Clerk read the public hearing notice. No one from the public was in attendance.

Mayor Esmay noted that no Board member will receive compensation. Promotion and goodwill line item was increased.

Trustee Hindin motioned to close the public hearing which was seconded by Trustee Diamond and with no further discussion it was so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

Trustee Hindin motioned to adopt the Village budget as presented by Treasurer MacCartney, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

Employee guidelines will be placed on the May agenda.

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

Fellowship of Reconciliation/"Hizzoner's Hike to the Hook" – Saturday, May 7, 2011(8:30- 11 am)

Trustee Morgan made a motion that the Board grant permission for the "Hizzoner's Hike to the Hook" on Saturday, May 7, 2011, 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 Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Sarna

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.

Gran Fondo – Sunday, May 8, 2011

Trustee Morgan made a motion to approve the cycling event, must provide certificate of insurance and map of route, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

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

REQUEST FOR STREET CLOSING

Trustee Hindin 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 21, 2011 and that they provide a Certificate of Insurance naming the village as additionally insured, seconded by Trustee Morgan 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.

8:35 pm Trustee Morgan made a motion to move to executive session to discuss personnel issues, sale of village property, bid proposals and potential litigation re: Clarkstown landfill, seconded by Trustee Hindin and so moved.

9:43 pm Trustee Morgan made a motion to exit executive session and return to the regular meeting, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

Bid Opening- #S/DR-01-2011

Bid Opening

April 18, 2011

11:00 AM

Bid # DR/S-01-2011

Birchwood Ave., Midland Ave. & Glenbrook Rd.

Sewer & Drainage Improvements

Village of Upper Nyack

Upper Nyack, NY

Those present: Carol G. Brotherhood-Village Clerk

Barry MacCartney-Treasurer

Others identified: Lee Ann Rose-Cal Mart Enterprises Inc.; Elaine Collishaw-Victor P. Zugibe Inc.; Steve Godwin-Raines & Welsh & Sons; Dominick Miele-ELQ Industries, Inc.; Mike Daniele-Marini Bros.

The Village Clerk read the public Notice to Bidders.

Six (6) sealed bid(s) was(were) received, opened and read aloud as follows:

Bidder

Cal Mart Enterprises, Inc.
4 Burts Rd.
Congers, NY 10920

Total Bid

Item #1 \$372,372
Item #2 \$208,208
Misc. \$25,000
Total = \$605,580

Victor P. Zugibe Inc.
66 W. Railroad Ave.
Garnerville, NY 10923

Item #1 \$489,616
Item #2 \$195,000
Misc. \$25,000
Total = \$709,616

Raines & Welsh & Sons
PO Box 85
Thiells, NY 10984-0085

Item #1 \$698,216
Item #2 \$246,517
Misc. \$25,000
Total = \$969,733

ELQ Industries, Inc.
567 Fifth Ave.
New Rochelle, NY 10801

Item #1 \$588,500
Item #2 \$332,200
Misc. \$25,000
Total = \$945,700

Marini Bros. Const. Co. Inc.
9 Lafayette St.
Hackensack, NJ 07601

Item #1 \$330,000
Item #2 \$120,000
Misc. \$25,000
Total = \$475,000

Joken Development Corp.
8 Belway Place
White Plains, NY 10601

Item #1 \$523,300
Item #2 \$209,400
Misc. \$25,000
Total = \$757,700

Bidding was closed at 11:12 AM
Respectfully submitted,

Carol G. Brotherhood
Village Clerk

After a brief discussion, the Board voted to reject all bids and re-bid the proposed project. The village engineer will be requested to prepare a new bid packet. Trustee Hindin motioned that the board reject all bids for the proposed sewer and drainage project and re-bid, seconded by Trustee Diamond and so moved.
AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

Clarkstown Landfill

Trustee Morgan made a motion to authorize Village Attorney Lewis to negotiate a settlement up to \$36,000 on behalf of the village and to authorize the Mayor to sign any such agreement, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

Trustee Diamond made a motion to adjourn seconded by Trustee Morgan and so moved at 9:58 PM.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

Respectfully submitted,

Carol G. Brotherhood
Village Clerk