

## REGULAR MEETING

August 25, 2011

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, August 25, 2011 at 7:00 PM.

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

**Absent:** Trustees Hindin & Sarna, Village Treasurer Barry MacCartney, Village Attorney Robert P. Lewis

**Others identified:** PO Hodges-CPD, Carolyn Crandall, Terri Spano

POLICE REPORTS – Officer Hodges noted a hit and run to a vehicle on Route 9W; Also noted was a stolen vehicle from 314 North midland Ave.; A truck fire resulted in treatment for smoke inhalation; CPD notified of graffiti on house at Badi Drive.

JUSTICE REPORT – Not Available

MINUTES – Held over because a quorum of those present at the meeting of July 21, 2011 were not present at this meeting.

TREASURER'S REPORT – Not available.

VOUCHERS – Read and approved for payment.

### REQUEST TO APPEAR:

Carolyn Crandall & Terry Spano- 121 Old Mountain Rd. – Flooding & drainage issues. Appeared before the Board to follow up to a letter they had sent to the Board after the June 23, 2001 rain storm which they claim caused substantial flooding and damage to their property.

Mayor Esmay noted that the biggest contributor of water from Nyack High School, Mountainview Condos, Camp Rahmah and new construction. A retention pond was built on the high school property to mitigate the problem but it was not designed properly. The Village did attempt to rectify the problem about 5-6 years ago, working with the school district but there was no funding available.

Trustee Morgan stated the school property is outside of the Village's control.

The Village board would like the Town of Clarkstown help to fund the repair.

Trustee Morgan also noted that the outfall from the detention pond is not a controlled device. Water comes out quickly.

Ms. Spano & Ms. Crandall asked the Board if the village could change the pitch of the road, put a drain or swale at the top of their driveway to direct water to the stream but not over their property, dredge the sediment out or if a drainage district could be formed.

Trustee Diamond stated his concern that there are so many taxing districts already.

Mayor Esmay noted that over the years improvements have been made incrementally to

the drainage in the village.

Trustee Diamond said he wouldn't want to see improvement in one section of the stream that would affect the properties downstream.

After much discussion, Mayor Esmay and the Board agreed that the Mayor and the Village Engineer would visit the area and look to see what the Village could do to make changes in the roadway that would help alleviate the problem. The Board will ask the Engineer to report back to them.

Those who requested to appear but did not attend: Dr. Ali Seckin, Jock De Camp

### **7:30 PM PublicHearing: Local Law #1 of 2011**

The Board of Trustees held a public hearing to consider the adoption of local law #1 of 2011 to prohibit illicit discharges, activities and connections to the separate storm sewer system. The Village Clerk read the public hearing notice. No one from the public was in attendance for the public hearing portion of the meeting. Mayor Esmay noted that the Village was required to pass such a law to be in compliance with the SPEDES program and as noted in our audit from the DEC.

Trustee Morgan made a motion that the Board adopts local law #1 of 2011 to prohibit illicit discharges, activities and connections to the separate storm sewer system, seconded by Trustee Diamond and with no further discussion it was so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

### **APPOINTMENT**

Trustee Morgan made a motion that the Board appoint Danielle Watson as Member to the Planning Board to fill the unexpired term of Norwell F. Therien Jr. to April 2014, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

### **Bike MS Tappan Zee Bike Ride for MS & Bike MS New York City Bike Ride for MS**

Trustee Diamond motioned to approve the request for the fundraising bike ride on Sunday, September 25, 2011 and Sunday, October 2, 2011, seconded by Trustee Morgan and it was so moved. The Clerk will notify appropriate agencies of the event.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

Ron Wish, 112 Highmount Ave. appeared at the meeting to question the Board about when the curbing in front of his house on Highmount Ave. would be repaired. Mayor

Esmay noted the lack of funding but would have the DPW look at the curbing and report back what needs to be done.

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 9:08 pm.

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk