

REGULAR MEETING
September 15, 2011

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the Village Hall on Thursday, September 15, 2011 at 7:00pm.

The minutes were taken by Donna Albert because of illness of the village clerk.

Those present: Mayor Esmay, Trustees Morgan, Diamond, and Hindin, Village Attorney Lewis, and Clerk Donna Albert.

Absent: Trustee Sarna

Others Identified: PO Hodges CPD, Chief Sullivan CPD, Lt. Steven Morgan CPD, Sgt Jeffrey Wanamaker CPD, Jock de Camp, Liza Altman, Winston Perry, Betty Perry, Mary Beck, Steve Beck, Florence Katzenstein, Teresa Dorritie, Carol Dorritie, Ali Sekin, Victor Khrolenko, Karen Keil, Chester Mayer, Sonya Wong, and Gregory Fisher.

POLICE REPORT: PO Hodges appeared. Report submitted. Read and noted. Officer Hodges noted that there were two incidents relating to juveniles, drinking on a property on the river. Both complaints were checked by the police with negative results. The only other incident was the manhunt on August 23, 2011. Mayor Esmay raised two issues: complaints of speeding on Midland Avenue and North Broadway, particularly during the morning and evening rush hours; and communication within the Village particularly as it relates to special incidents such as the recent manhunt on August 23rd.

Chief Mike Sullivan reported that most of the speeding within the Village occurs on Route 9W, but since speeding had not been as chronic of late, he directed enforcement to stop signs. However, if the Village is getting speeding complaints the Police Department will respond with enforcement and write tickets.

Additionally, the Chief noted that Operation Slowdown will be returning to the Village soon with a concentration on curtailing speeding on Broadway and School zones. The Chief introduced Lt. Steve Morgan, from the Emergency Management Team, to speak about the Reverse 911 system.

Lt. Steven Morgan stated that the Reverse 911 system emphasizes public safety not public alert. If a specific credible situation warrants activation of the system, then residents are notified within a specific geographic area, not necessarily the entire Village. As it relates to the incident of August 23rd, the police identified the subject and determined the need to notify residents within a mile and a half. It did not encompass the entire Village. In the next year and a half a second generation of City Watch will be launched. Also, the CPD can get City Watch notification out within minutes if needed, and the Village can contact CPD if there is a request for City Watch. The Chief then introduced Sgt. Jeffrey Wanamaker who indicated that

25 people were registered for the 5K run this upcoming Saturday starting at 9am. One patrol officer and 8 auxiliary police officers are assigned to cover the event from 8am to 11am the day of the run. Old Mountain Road will have limited access, and parking for the event will be at Marydell, with any overflow limited to one side of the street on Radcliff Drive.

JUSTICE REPORT: Not available.

TREASURERS REPORT: Treasurer unable to attend. Report submitted for review.

Old Stone Meeting Place

Jock de Camp, 349 North Broadway, appeared and stated his desire to be involved in the planning of the use of the building.

Trustee Diamond stated that the Board has to decide how to use the building, but things have stalled out now because of the issues of the door and safe egress.

Village Attorney Lewis stated that the Board will decide policies on the use of the building and that the Board will control policy. Someone wanting to use the space would then have to apply to the Village and comply with its rules.

Liza Altman, 513 North Broadway, appeared to request use of the building for an art exhibit.

Trustee Diamond addressed the request stating that the Building Inspector has raised issues regarding the door and safe egress from the building in case of emergency, so now use of the building has been suspended until such time as the safety and code issues are resolved.

Winston Perry, 319 North Broadway, appeared to advocate for the historic preservation of the Old Stone Meeting House as Village Historian, stating that the doors are unique and original and a distinctive part of the building. He strongly urged the Board to recognize the opinion of Erika Krieger, of the NYS Dept. of State, Division of Code Enforcement & Administration that the Village *may* want to change the door for safety, but that the code *does not require* a change in the doors.

Trustee Diamond addressed the issue stating that Erika Krieger had put forth two suggestions. One option is to keep the existing door, pinning it back in a fixed, open position, and putting glass doors in front of it. Alternately, the Village could open another door as a second means of egress, which would require cutting through the stone. Trustee Diamond acknowledged that the door, as it currently

exists swinging in, is not code compliant and therefore is not considered an exit. He also stated that it comes down to the approval by the Building Inspector.

Mayor Esmay stated that the Board will not knowingly create an unsafe situation, and furthermore, it poses a liability issue for the Village. The building is insured. He stated that the Board wishes the building to be used.

Trustee Morgan stated that even if the occupancy load allowed 50 persons, given a panic situation, theoretically, even a dozen people could have difficulty exiting the building safely, pushing vainly against an in swinging door.

Trustee Diamond concurred with the concern for safety. The Board would be much aggrieved if there ever was a loss of life due to not having a safe means of egress.

Teresa Dorritie, 517 North Broadway, appeared before the Board to discuss the current situation at the Fellowship of Reconciliation (FOR) next door to her home. She stated that the FOR had become a continual location for weddings, bar mitzvahs, etc, and that they also have a musical camp on the premises. Despite her previous complaints the issue remains and no one has stopped the use of the building for these functions. The noise generated by not only the event itself but the days of set up and tear down has become a continual nuisance. The noise continues on past 10pm in the evening. Additionally, her driveway is routinely blocked.

Steven Beck, 511 North Broadway, added his input to the complaint regarding FOR.

Mary Beck, 511, North Broadway questioned the Board regarding FOR's right to use the building in this manner.

Jock decamp, 349 North Broadway, added that the Village should enforce the rules.

Village Attorney Lewis stated that the FOR is located in a residential zone and what is described by the neighbors is clearly a commercial undertaking. The Building Inspector must enforce the use and take action. The Board can ask the Building Inspector to address complaints, asking for an investigation and appropriate action.

Mayor Esmay addressed the complaints stating that the FOR is defined as a religious organization with a right to be there. The Building Inspector would have to cite a violation by actually being present during one of the events. The FOR would then stop, or if not, they would have to appear before the Village Justice. The Board will make the complaint to the Building Inspector.

Chester Mayer, 657 North Broadway, appeared before the Board to discuss the storm drain catch basin in the right of way adjacent to his property. He stated that he understands that a larger pipe feeds into a smaller pipe at this catch basin, and as a result, during heavy rains, the water pressure lifts the storm drain grate flooding his property. Additionally, a visit by the Village Engineer was requested to discuss methods to mitigate the situation.

Mayor Esmay addressed the concerns, stating that the Village is aware of the situation. Money is the issue. In light of the Village facing the law prohibiting more than a 2% increase in property taxes, the Village is contemplating a bond for addressing the drainage issues plaguing the Village. The Village also needs to look again at the High School retention pond to ensure it is functioning properly. The Board will request that the Village Engineer visit the property.

Dr. Ali Sekin, 2 Tompkins Court, appeared before the Board to discuss the Summit School. Dr. Sekin stated that that the school is one of the worst neighbors for two reasons: the disregard for neighbor's concerns regarding the noise and disruption from their construction project, and their lack of discipline in controlling the behavior of its students.

Mr. deCamp added his comments to the topic stating that the Summit School has not maintained the property, that the construction entrance is very bad, and junk is accumulating on the job site.

Mayor Esmay addressed the concerns stating that the Board would continue the discussion of same at upcoming workshop meetings. He also discussed common practices within the construction industry as to standard working hours. Additionally, the Board will request that the Building Inspector visit the Summit School to investigate the claim of junk accumulating on the property.

Gregory Fisher, 600 North Broadway, appeared before the Board to discuss drainage issues on the corner of Lexow Avenue and North Broadway. Mr. Fisher stated that the storm drains are insufficient as witnessed during the recent storms of June and Hurricane Irene in August, when the grates popped out of the catch basin

resulting in water surging toward his garage. At his property on the river, Mr. Fisher also had flooding problems, severely damaging the easement road. The road was fixed this week at a cost of \$10,000.

Trustee Hindin addressed Mr. Fisher clarifying that the DPW was out all night during Hurricane Irene, and was distributing sand bags to residents. He thanked Mr. Fisher for his comments stating they will be taken into consideration.

PROCLAMATION: proclamation in honor of Norwell “Bud” Therien, Jr. Upper Nyack resident and Planning Board member was read by Trustee Hindin. Trustee Diamond made a motion to accept Proclamation as read, seconded by Trustee Morgan, and so moved.

AYES: Mayor Esmay, Trustees Morgan, Diamond and Hindin.

NOES: None

ABSENT: Trustee Sarna

MINUTES: Trustee Morgan made a motion to approve the minutes of the Regular Meeting of July 21, 2011, seconded by Trustee Diamond, and so moved.

AYES: Mayor Esmay, Trustees Morgan, Diamond and Hindin.

NOES: None

ABSENT: Trustee Sarna

RESOLUTION:

Trustee Hindin made a motion to approve a resolution for a grant application to the Justice Court Fund, seconded by Trustee Diamond.

AYES: Mayor Esmay, Trustees Morgan, Diamond and Hindin.

NOES: None

ABSENT: Trustee Sarna

VOUCHERS: Read and approved for payment.

Trustee Morgan made a motion to adjourn the meeting in the memory of Norwell “Bud” Therien, Jr., seconded by Trustee Hindin, and so moved.

AYES: Mayor Esmay, Trustees Morgan, Diamond and Hindin.

NOES: None

ABSENT: Trustee Sarna

The meeting was adjourned at 10:00PM.

Respectfully submitted,

Donna Albert, Clerk