

## REGULAR MEETING

December 15, 2011

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, December 15, 2011 at 7:00 PM.

**Those present:** Mayor Esmay, Trustees Diamond, Hindin, Morgan and Sarna  
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Building Inspector-Roy Wanamaker

**Absent:** Village Treasurer Barry MacCartney

**Others identified:** PO Hodges-CPD, Joseph Maragliano

POLICE REPORTS – PO Hodges submitted the report for review. Several reports of missing persons from Summit School; larcenies out of unlocked vehicles; 3 separate animal calls- lost dog, dog bite victim, deer caught in soccer fencing(released unharmed) Chief, Capt. & Lt from CPD met with the UNES PTA Safety Board and will meet with the school district re: traffic in front of the Upper Nyack school at drop off and pick up.  
JUSTICE REPORT – Not available.

MINUTES - Trustee Morgan made a motion to accept the minutes of the **regular meeting 11/17/2011** as amended, seconded by Trustee Sarna and so approved.

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

NOES: None

### **7:30 PM Public Hearing**

#### **Local Law #3 of 2011 –**

#### **Amending Article II, Definitions , Places of Assembly of the 1962 Zoning Ordinance of the Village of Upper Nyack**

The Village Clerk read the public hearing notice.

Mayor Esmay opened the public hearing. The Board proposes to change the number of events from 12 to 6 for a place of assembly in the definition section of the law.

There were no comments from the public.

Trustee Sarna motioned to close the public hearing, seconded by Trustee Morgan and so moved.

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

NOES: None

Trustee Sarna made a motion to adopt the proposed amendment reducing the number of events from twelve (12) to six (6) by amending Article II, Definitions, known as local law # 3 of 2011, seconded by Trustee Morgan and with no further discussion, so moved.

On a call for a vote:

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

NOES: None

**Local Law #4 of 2011 –**

**Amending Article V, Section 16:66, H. Reimbursement for Village Technical Services, of the 1962 Zoning Ordinance of the Village of Upper Nyack**

The Village Clerk read the public hearing notice.

Mayor Esmay opened the public hearing and noted that the village auditor advised the village to change the procedure to be followed for the payments of consultants from reimbursement to payment by the applicant. There were no comments from the public. Trustee Hindin motioned to close the public hearing, seconded by Trustee Sarna and so moved.

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

NOES: None

Trustee Sarna made a motion that the Board adopts the proposed law and recommended changes, also to be known as local law #4 of 2011, seconded by Trustee Hindin and so moved.

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

NOES: None

TREASURER'S REPORT – Not available

VOUCHERS – Read and approved for payment

VILLAGE ELECTION:

No Registration Day - Trustee Morgan made a motion that there will be no separate registration day in 2012, Election Law §15-118(3), seconded by Trustee Hindin and so moved.

Polling Place & Hours - Trustee Sarna made a motion that the Village of Upper Nyack, Village Election, will be held in the Village Hall on Tuesday, March 20, 2012 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Hindin and so moved.

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

NOES: None

Trustee Hindin made a motion that the Board of Trustees holds a public hearing on January 19, 2012, to adopt a local law to provide for overriding 2% tax cap, seconded by Trustee Sarna and so moved.

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

NOES: None

Truck Bid

**Bid Opening, December 14, 2011, 11:00 AM**  
**2011 Truck Bid**  
**Village of Upper Nyack, Upper Nyack, NY**

Those present: Carol G. Brotherhood-Village Clerk, Patricia Jarden-Secretary to Planning Board & Zoning Board of Appeals

Others identified: Ed Ratner-Schultz Ford Lincoln, Inc.

The Village Clerk read the public Notice to Bidders.  
One (1) sealed bid(s) was(were) received.

<u>Bidder</u>	<u>Total Bid</u>
Schultz Ford Lincoln, Inc. 80 Route 304 Nanuet, NY 10954	\$41,976.00

Bidding was closed at 11:03 AM  
Respectfully submitted,  
Carol G. Brotherhood

Trustee Hindin made a motion to accept the bid from Schulz Ford Lincoln Inc. for \$41,976.00 for a new DPW F550 DT, subject to confirmation by the Village Treasurer that money is available in the budget, seconded by Trustee Morgan and so moved.  
AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna  
NOES: None

Dr. Seckin, Tompkins Court

Re: Starting hours for Construction: Dr. Seckin appeared before the Board as a follow-up to a previous appearance at a Board of Trustees meeting regarding the start time for construction. He would like to see a change.

Mayor Esmay noted most contractors use start times like 7 am to take advantage of early daylight in the spring & summer and ending before it is too dark in the fall & winter months. He was not in favor of a change but would consider discussion of a noise ordinance. Trustee Hindin noted later start times can cause work to end later and can drive up construction costs up. Trustee Diamond stated that fewer cars are on the roadway at 6 am and contractors often use the early start time to avoid traffic later. The Board agreed to discuss further and consider a noise ordinance or change to construction operations on weekends.

Mr. Joseph Maragliano, School Street, inquired if the lease between the Village of Upper Nyack and the Nyack Joint Fire District had been signed?  
Mayor Esmay noted that the District had signed the lease and the Board would be discussing the lease in executive session.

**8:07 PM** - Trustee Sarna made a motion that the Board of Trustees enter into executive session, seconded by Trustee Hindin and so moved. All in favor  
AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Subjects of discussion: Fire District Lease; potential lawsuit

**8:59 PM** - Trustee Morgan made a motion that the Board of Trustees exit executive session, seconded by Trustee Sarna and so moved. All in favor

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

NOES: None

LEASE: Nyack Joint Fire District- After a brief discussion, Trustee Sarna made a motion to approve the 40 year lease as signed by the Fire District representative for the Upper Nyack firehouse building and to allow the Mayor to sign said lease, a copy of which is attached to the minutes, seconded by Trustee Morgan and with no further discussion, so moved. On a call for a vote:

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

NOES: None

Trustee Sarna made a motion to adjourn, seconded by Trustee Morgan and so moved. With all in favor, the meeting was adjourned at 9:10 PM.

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk