

REGULAR MEETING

January 21, 2010

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the Village Hall on Thursday, January 21, 2010 at 7:00 PM.

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

Absent: Treasurer Barry MacCartney

Others identified: PO Landry, Lt. Glen Dietrich, David Gottlieb, Dorina Maragalino, Joseph Maragliano, Larry Nathanson, Irene Nathanson, Jefferson Crowther, Alison Crowther, Jonathan Woodcock, Nicholas Campbell, Vincent Donzella, Homer Wanamaker, William Cassidy, Ryan Cassidy, Kevin Cassidy, James Johnson, Miles Taylor, James Weck

POLICE REPORTS – PO Landry noted there were a minimal number of incidents to report except for the recent fatal car accident. Lt. Dietrich came to answer any questions the Board might have.

JUSTICE REPORT – Not available

EMPIRE HOOK & LADDER CO. #1

David Gottlieb, President of Empire came before the Board to inquire about the lease between the Village of Upper Nyack and the Fire District for the premises Empire Hook & Ladder Co. #1 occupies.

Village Attorney Lewis noted that a meeting was held with himself, members of the Village Board, Empire and the District and that a draft copy of a lease was sent to the District on 7/22/09. The draft lease was based on the version of the lease that other villages have with the District. There has been no response from the District.

Discussion: President Gottlieb and members of Empire present are concerned with lack of movement by the District and the board to get the lease signed. The badly needed repairs are being held up and it is not fair to the volunteer members of Empire. The 150th anniversary is coming up and the building is in need of the repairs.

Village Attorney Lewis noted that the District makes repairs in all the other fire houses and want them to do the same for Empire. The lease is in the District's hands.

Trustee Sarna noted that the parking lot has been an issue. The lot cannot be exclusive to Empire. Village is still waiting for reimbursement for repair to the door of the firehouse and start up expenses for the District.

THOSE WHO SPOKE: David Gottlieb, James Weck, James Johnson, Joseph Maragliano, Alison Crowther

David Gottlieb will go back to the District and ask about the lease. The Board discussed adding the back section of the old DPW building to their building so Empire can expand

and repair the existing bathrooms and closet.

MINUTES –

Trustee Morgan made a motion to approve the minutes of the **12/17/09 Regular meeting**, with corrections, seconded by Trustee Hindin and so approved.

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

NOES: None

Trustee Sarna made a motion to approve the minutes of the **Public Hearing** on the Zone Text Amendment, on **12/10/09**, seconded by Trustee Diamond and so moved.

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

NOES: None

TREASURER'S REPORT – Submitted for review. Budget process has begun. Mayor noted some builders have shown interest in the subdivision on at Roseland Rd.

VOUCHERS – Read and approved for payment.

RESOLUTION- UPPER NYACK JUSTICE COURT

the Board discussed the request from Village Justice MacCartney, for the Board to consider a resolution that will allow the court to obtain updated, supported software for the Justice Court.

Motion by Trustee Sarna, second by Trustee Hindin to adopt as written the resolution for the Upper Nyack Justice Court (attached)

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

NOES: None

RESOLUTION – Street Light-DPW

Trustee Hindin made a motion to authorize a request for the installation of a street light at 545 North Highland Avenue (Route 9W), pole # 61185-40562 for the purpose of providing safety and security, seconded by Trustee Morgan and so moved.

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

NOES: None

Village Clerk will contact the Consolidated Lighting District and Orange & Rockland with the necessary information.

8:43 PM Trustee Morgan made a motion that the Board of Trustees move to executive session to discuss the following items: Clarkstown Landfill Cost Recovery Case, Eastland Construction Settlement, Article 78 – Corfield

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

NOES: None

9:00 PM Trustee Morgan made a motion that the Board exit executive session, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna
NOES: None

RESOLUTION-Settlement

Trustee Morgan made a motion that the Mayor be authorized to sign any necessary documents and to have the Treasurer make payment in the amount of \$20,000 to settle the

claim by Eastland Construction Inc. as the General Contractor on the construction of the Upper Nyack DPW building, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna
NOES: None

Trustee Morgan made a motion to change the village calendar of 2010 by changing Grievance day from February 18, 2010 to March 18, 2010 from 4 pm to 8 pm, subject to the availability of the village assessor and to move the February regular meeting from 2/18/10 to 2/11/10 and that no Workshop will be held on January 28, 2010, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna
NOES: None

Trustee Morgan made mention that the village may receive some funding from the Stormwater Grant.

Trustee Morgan made a motion to adjourn seconded by Trustee Diamond and so moved. The meeting was adjourned at 9:40 PM.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna
NOES: None
ABSENT: None

Respectfully submitted,

Carol G. Brotherhood
Village Clerk