

REGULAR MEETING  
April 15, 2010

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, April 15, 2010 at 7:00 PM.

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

**Absent:** Village Treasurer Barry MacCartney

**Others identified:** Lt. Ochinikoff-CPD; no one else from the public attended.

Refund Request - After a brief discussion, Trustee Morgan made a motion that a refund of a building permit fee be refunded as requested by Pamela Butler, Kuyper Drive, in the amount she is entitled under Article V 16:66 I. Refunds of the zoning ordinance, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustee Hindin & Morgan

NOES: None

ABSENT: Trustees Diamond & Sarna arrived just after this motion was proposed and passed.

Rubbish Removal Contract Bid-

Trustee Morgan made a motion to accept the bid by Carlo Minuto Carting Co. for a 3 year contract to remove rubbish from the Village of Upper Nyack, seconded by Trustee Diamond and so moved.

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

NOES: None

ABSENT: None

**Bid Opening**  
**April 14, 2010**  
**11:00 AM**

**Rubbish Removal Contract**  
**Village of Upper Nyack**  
**Upper Nyack, NY**

Those present: Carol G. Brotherhood-Village Clerk; William Fay-Supervisor of Public Works

Others identified: Christine Minuto, Lisa Guido-Carlo Minuto Carting Co.

The Village Clerk read the public Notice to Bidders.

Two (2) sealed bid(s) was(were) received, opened and read aloud as follows:

Bidder

Bid

Superior Waste & Carting Inc.  
60 Dutch Hill Rd., Ste 7  
Blauvelt, NY 10962

Total **\$640,800.00**  
Monthly installments **\$17,800.00**  
Additional Fee per  
family per month **\$25.00**

\*Carlo Minuto Carting Co.  
PO Box 234  
West Nyack, NY 10994

Total **\$440,244.00**  
Monthly installments **\$12,229.00**  
Additional Fee per  
family per month **\$16.35**

Bidding was closed at 11:04 AM

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk

**\*Bid accepted by Village of Upper Nyack Board of Trustees 04/15/10**

POLICE REPORTS – Lt. Ochinikoff of the Clarkstown Police appeared briefly before the Board. Discussed a fatal accident on Route 9W that he needed to return to for investigation. Board indicated type of monthly report they normally reviewed from Clarkstown. Looking to review the last 3 months. Recent incident in village hall with agitated person. Quick response to person known to police. No further problem associated with this individual.

JUSTICE REPORT – Not available

TREASURER'S REPORT – Unavailable

VOUCHERS – Read and approved for payment.

MIDLAND AVE. CURB & SIDEWALK BIDS

Following a discussion, Trustee Morgan made a motion to accept the bid of Paladino Concrete Creactions Co. for \$59,475.00, subject to confirmation establishing they are a responsible bidder, seconded by Trustee Diamond and so moved.

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

NOES: None

ABSENT: None

**Bid Opening  
April 14, 2010  
10:00 AM**

**Midland Avenue Curb and Sidewalks  
Bid # SW-01-2010  
Village of Upper Nyack  
Upper Nyack, NY**

Those present: Carol G. Brotherhood-Village Clerk; Barry MacCartney-Treasurer;  
William Fay-Supervisor of Public Works

Others identified: Angelo Tondo-Upstate Concrete & Masonry Contracting Co. Inc.

The Village Clerk read the public Notice to Bidders.

Two (2) sealed bid(s) was(were) received, opened and read aloud as follows:

<u>Bidder</u>	<u>Total Bid</u>
* Paladino Concrete Creations Corp. 315 North MacQuestern Pkwy Mt. Vernon, NY 10550	\$59,475.00
Upstate Concrete & Masonry Contracting Co. Inc. 449 West Mombasha Road Monroe, NY 10950	\$61,600.00

Bidding was closed at 10:07 AM

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk

**\*Bid accepted by Village of Upper Nyack Board of Trustees 04/15/10**

### 7:30 PM Tentative Budget- Public Hearing

The Mayor opened the public hearing and noted that the Board will postpone a vote on the tentative budget until May 13, 2010 at 7:00 pm which will serve as a meeting where the Board can take action. The Village Clerk read the public hearing notice. No one from the public was in attendance.

Trustee Morgan made a motion 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 & Sarna

NOES: None

ABSENT: None

### MINUTES –

**Regular Meeting 02/11/10** – Trustee Morgan made a motion to accept the minutes, seconded by Trustee Diamond and so moved.

AYES: Trustees Diamond, Morgan & Hindin

NOES: None ABSENT: None ABSTAIN: Mayor Esmay, Trustee Sarna

**Regular Meeting 03/18/10** – Trustee Morgan made a motion to accept the minutes, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Sarna

NOES: None ABSENT: None ABSTAIN: Trustee Hindin

**Annual Meeting 04/05/10** – Trustee Morgan made a motion to accept the minutes of April 5, 2010 annual meeting with no corrections or changes, seconded by Trustee Diamond and so moved.

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

NOES: None ABSENT:

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

### Annual George Washington Bridge Challenge- Sunday, June 13, 2010

Trustee Diamond made a motion that the Board grant permission for the Annual GWB Challenge on June 13, 2010, 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 Morgan and so moved.

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

NOES: None ABSENT:

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.

## REQUEST FOR STREET CLOSING

Trustee Diamond 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 15, 2010 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 & Sarna

NOES: None

ABSENT:

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.

The Board entered into a discussion about Petersen's Boatyard with William Pfaff, Chairman of the Planning Board.

At 9 PM Mr. Pfaff left the meeting and the Board convened an executive session.

Trustee Morgan motioned to move to an Executive Session, seconded by Trustee Diamond and so moved.

The Board discussed a lease with the Nyack Joint Fire District and a possible lawsuit regarding the Clarkstown Landfill.

Trustee Morgan made a motion to exit Executive Session at 9:38 PM, seconded by Trustee Diamond and so moved.

Trustee Morgan made a motion to adjourn seconded by Trustee Diamond and so moved at 9:50 PM.

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

NOES: None

ABSENT:

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk