

## REGULAR MEETING

October 21, 2010

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

**Those present:** Mayor Esmay, Trustees Diamond & Morgan  
Village Clerk Carol G. Brotherhood, Village Treasurer Barry MacCartney, Village Attorney Robert P. Lewis

**Absent:** Trustees Hindin & Sarna

**Others identified:** PO Holmes (CPD), Kevin Clarke –NYS DEC, Jeffrey Grand, Helga Brugger, Renee Lewis, Michael Spirtos, William Lewis, Mary & Stephen Beck, Bruce Adler, Lesley Geary, Mary LeCroy, Kathy Walters, Joyce Horan

POLICE REPORTS – Submitted for review by Officer Holmes. Several reports of criminal mischief. No further incidents reported at unoccupied home on Badi Drive. Clarkstown Police Department is unable to put local Upper Nyack codes into the State code computer program for writing tickets.

JUSTICE REPORT – Not available

### DISCUSSION- Wildlife in the Village of Upper Nyack (deer, coyotes etc.)

Mayor Esmay introduced Kevin Clarke of the NYS DEC and an expert on deer, to come listen to the discussion and speak on the subject of the increased number of deer and wildlife in the Village of Upper Nyack. A resident had asked the Mayor and Board to discuss this item at a public meeting. Mayor Esmay also noted that he and Trustee Diamond had participated in a meeting in Clarkstown where it was noted that there was no agency or initiative in the County to specifically deal with deer.

**Public who spoke on wildlife issue:** Renee Lewis, Jeffrey Grand, Bruce Adler, Mary LeCroy, Kathy Walters, Joyce Horan, Mary Beck. The board also received a letter from Peter & Rikke Stone, residents who could not attend the meeting.

Although the discussion was about wildlife in the Village, most residents wanted to discuss deer. Members of the public voiced their love of the deer (willing to give money in support of the deer) as well as those who feel the deer are a hazard to the area because of the destruction to gardens and yards and for those that venture across the roadways and cause accidents. Residents also voiced concern over Lyme disease. Residents feel that nothing works to keep the deer away (fences, repellants, disease or predators) and worry that the numbers will only increase as the deer become more domesticated or accustomed to their surroundings and noises. Residents inquired about the regulation on fence height.

Mr. Grand thanked the Board for holding the discussion for the residents.

**Kevin Clark, of the NYS DEC** responded to the comments, questions and concerns of the residents. A solution to problems with deer has eluded most agencies in the

Northeast. Deer are a public resource and protected. Removing deer cost approximately \$1000 per deer. Birth control has shown to keep the number of deer stable but no significant decrease. Some municipalities have used culling and sharpshooters. The State will not allow trapping and translocation. Ticks are a concern but deer are not the only host. Deer can get a wart virus but humans are not susceptible. Garden repellants do work but smell bad and have to be reapplied. Deer will not jump over a solid fence where they cannot see what is on the other side but may jump if they are being pursued. Deer are very territorial but the males will wander farther from their original location to breed with other deer (no inbreeding) while female deer stay closer to original location. It is illegal to feed deer. Residents must decide if they want to kill the deer or learn to live with them.

MINUTES – Minutes of September 16, 2010 will be held over to the November 18, 2010 regular meeting when the full Board is present.

TREASURER'S REPORT- Submitted for review. Treasurer MacCartney noted that the annual audit had been completed and filed with the State (filed 14 days late because of computer problem) Several minor repairs to the village hall have been completed or are near completion; Security cameras and time clock have been installed at the DPW building; Micro paving on Highmount Ave and Old Mountain has been done.

VOUCHERS - Read and approved for payment.

Brad Hess, 146 Castle Hess Ave., withdrew his request to appear before the Board and will not be attending.

Resolution- Upper Nyack Justice Court

The Board of Trustees approved the attached funding grant for the Upper Nyack Justice Court as motioned by Trustee Morgan, seconded by Trustee Diamond and so moved.

Noted: Nyack Hospital Foundation will conduct its annual 10k Walk and 5k Run on November 20, 2010. Appropriate liability insurance has been obtained.

LOCAL LAW – Peddling, Hawking & Soliciting

Trustee Morgan made a motion that the Board of Trustees hold a public hearing on November 18, 2010 at 7:30 pm, for the Board to consider the proposed new law on peddling, hawking and soliciting, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond & Morgan

NOES: None                      ABSENT: Trustees Hindin & Sarna

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 & Morgan

NOES: None

ABSENT: Trustees Hindin & Sarna

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk

## Resolution

At the regular meeting of the Village of Upper Nyack board of Trustees held on October 21, 2010, the following resolution was moved by Trustee Morgan, seconded by Trustee Diamond and unanimously adopted by those Board of Trustees Members present.

WHEREAS, The State of New York Unified Court System has advised the Village of Upper Nyack Justice Court that the State Legislature has authorized funding to the Justice Courts through the Justice Court Assistance Program (JCAP) and

WHEREAS, the Unified court System (USC) will directly provide support to the Justice courts thereby allowing JCAP funding to meet the needs of the Justice Courts,

NOW, THEREFORE, be it

RESOLVED, that the Village Board hereby authorizes submission of a grant application in an amount not to exceed \$30,000. for funding through the New York State Justice Court Assistance Program, and be it further

RESOLVED, that the Mayor is hereby authorized to execute the grant application to the Justice Court Assistance Program, New York State Office of Court Administration.

FURTHER RESOLVED that this Resolution shall take effect immediately.

On a call for vote:

Ayes: Mayor Esmay, Trustees Diamond, and Morgan

Noes: None

Absent: Trustees Hindin, and Sarna

Dated this 21<sup>st</sup> day of October 2010.



Carol G. Brotherhood  
Village Clerk