

REGULAR MEETING

December 16, 2010

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, December 16, 2010 at 7:00 PM.

Those present: Mayor Esmay, Trustees Diamond, Hindin (arrived at 7:20 pm) and Sarna (left at 7:47 pm)

Absent: Trustees Morgan

Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis,

Village Treasurer Barry MacCartney

Others identified: PO Hodges-CPD, Danielle Watson, Laurie Dodge, James Johnson

TREASURER'S REPORT – Submitted for review. Treasurer MacCartney noted to the Board that he had transferred money from the general fund to existing money market accounts at Chase & Provident Banks to try and get the best interest to benefit the Village.

Discussion: The Village DPW is in need of a new sweeper and snow plow truck. Current sweeper is a 1986 Elgin Sweeper and cost of repair is significantly more than its value. Quotes were obtained by the DPW Supervisor. The cost for the sweeper with delivery is \$87,400. Having a two-thirds majority present, the Board took up the Bond Resolution for Acquisition of Maintenance Vehicles (See attached Extract of Minutes and Resolution)

Trustee Diamond made a motion that the Board approves the purchase of a Tymco 600 BAH Regenerative Air Sweeper Mounted on Freightliner FC-70 Cab over Chassis for \$87,400, seconded by Trustee Sarna and so moved. With no further discussion and a call for a vote (2/3 Majority required):

AYES: Mayor Esmay, Trustees Diamond, Hindin & Sarna

NOES: None

ABSENT: Trustee Morgan

VOUCHERS – Read and approved for payment

DECLARATION OF ITEMS AS SURPLUS-

Trustee Sarna made a motion that the Board of Trustees agrees to surplus the following items; old and outdated computer equipment as determined by the Village Clerk in consultation with the IT professional and that all hard drives be erased; 1986 Elgin Sweeper and 1992 International Dump Truck and that they be sold to the highest bidder; Butler Building (Roseland Rd) and that it be sold pursuant to offer received, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Sarna

NOES: None ABSENT: Trustee Morgan

VILLAGE ELECTION:

No Registration Day - Trustee Sarna made a motion that there will be no separate registration day in 2010, Election Law §15-118(3), seconded by Trustee Diamond 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 15, 2011 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Sarna

NOES: None ABSENT: Trustee Morgan

POLICE REPORTS – PO Hodges submitted the report for review. There was a DWI arrest. There was an arrest at Justice Court on an outstanding warrant.

JUSTICE REPORT – Not available.

MINUTES – Held over until January meeting for approval.

Danielle Watson, 119 Old Mountain Road, came to commend the Board for holding the meeting on December 14, 2010 and bringing the issues to the attention of the Upper Nyack residents and that she would like Upper Nyack to remain a village.

Ms. Watson noted some items she read in the paper of monies recently approved for spending at the Clarkstown Town Board meeting for parks & recreation.

James Johnson a member of Empire Hook & Ladder came to the meeting to bring to the attention of the village that the overhead door at the rear of the former DPW garage was in need of repair. Treasurer MacCartney noted that the village had obtained a proposal for the repair and it would be taken care of soon.

7:47 PM Trustee Sarna left the meeting.

Village Clerk, Carol G. Brotherhood was ill and left the meeting.

Mayor Esmay took notes.

8:10 PM - Trustee Hindin made a motion that the Board of Trustees enters into executive session, seconded by Trustee Diamond and so moved. All in favor

AYES: Mayor Esmay, Trustees Diamond & Hindin

NOES: None ABSENT: Trustees Sarna & Morgan

Subjects of discussion: Fire District Lease; Sewer repair on N. Broadway; Discussion of Tuesday Dec. 14th meeting.

8:37 PM - Trustee Diamond made a motion that the Board of Trustees exit executive session, seconded by Trustee Hindin and so moved. All in favor

AYES: Mayor Esmay, Trustees Diamond & Hindin

NOES: None ABSENT: Trustees Sarna & Morgan

Trustee Diamond made a motion to adjourn, seconded by Trustee Hindin and so moved. The meeting was adjourned at 8:55 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

EXTRACT OF MINUTES

Meeting of the Board of Trustees of the

Village of Upper Nyack, in the

County of Rockland, New York

December 16, 2010

* * *

A regular meeting of the Board of Trustees of the Village of Upper Nyack, in the County of Rockland, New York, was held at the Village Hall, 328 North Broadway, Upper Nyack, New York, on December 16, 2010.

There were present: Michael Esmay, Mayor; and

Trustees: Diamond, Hindin & Sarna

There were absent: Trustee Morgan

Also present: Carol G. Brotherhood, Village Clerk

* * *

___Trustee Diamond___ offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF UPPER NYACK, NEW YORK, ADOPTED DECEMBER 16, 2010, AUTHORIZING THE ACQUISITION OF MAINTENANCE VEHICLES, STATING THE ESTIMATED TOTAL COST THEREOF IS \$155,000; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, INCLUDING THE EXPENDITURE OF \$55,000 HIGHWAY CAPITAL RESERVE FUNDS CURRENTLY AVAILABLE TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF \$100,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE THE BALANCE OF SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Upper Nyack, in the County of Rockland, New York (herein called the "Village"), is hereby authorized to acquire maintenance vehicles, including: (a) a street sweeper at the estimated maximum cost of \$90,000 and (b) a plow truck at the estimated maximum cost of \$65,000. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$155,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of \$55,000 Highway Capital Reserve Funds currently available to pay a part of said appropriation, the

issuance of \$100,000 serial bonds of the Village to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds in the principal amount of \$100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said \$100,000 serial bonds are authorized to be issued exceeds five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of

validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "*The Journal-News*," a newspaper having a general circulation within said Village and hereby designated as the official newspaper of the Village for such publication.

The adoption of the foregoing resolution was seconded by Trustee Sarna and duly put to a vote on roll call, which resulted as follows:

AYES: Mayor Esmay, Trustees Diamond, Hindin & Sarna

NOES: None

The resolution was declared adopted.
