

## REGULAR MEETING

June 20, 2019

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, June 20, 2019 at 7:00 PM.

**Those present:** Mayor Tarapata Trustees Diamond, Dodge, Esmay & Rothchild

Village Clerk Carol G. Brotherhood, Village Treasurer Richard D. Fortunato, Village Attorney Robert P. Lewis

**Other's identified:** PO Kennedy- Clarkstown PD; Daniel Wolff

POLICE REPORT – PO Kennedy appeared and presented the report.

There were 229 calls for service; 50 area checks; 21 school checks; 6 minor vehicle accidents; 40 medical calls; 5 V&T tickets; continuing to check Houses of Worship, UNES, Field Club and 116 Castle Heights Ave (incident noted)

Mayor Tarapata spoke to PO Kennedy about overnight parking and need for enforcement on specific streets.

SCAMS- Reminder not to keep valuables visible in vehicles; roofing, driveways, Medicare card (new-call states that person needs new temporary card and should provide info and \$50)

Discussion regarding overdoses. In New city there were 23 od's year to date (5 resulting in death) and in Rockland County 90 od's year to date (20 resulting in death)

A new program is being established (Piermont has had one in place for about 60 days) called Hope not Handcuffs Partnership. An addict can turn themselves in to any law enforcement and ask for rehabilitation instead of being arrested.

Vin Etching at CPD , 20 Maple Ave on Sunday, June 30, 2019, 9 am until 12 noon. Open to all Clarkstown residents.

TREASURER'S REPORT – Submitted for review from Treasurer

Fortunato. Treasurer Fortunato noted that the Public Improvement/Sewer bond payment for interest will be due on July 15, 2019

Trustee Diamond made a motion that the Board allow the Treasurer to pay the bond interest payment of \$23,359.38, seconded by Trustee Esmay and it was so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Treasurer Fortunato noted there was interest of \$3,085 from NYCLASS. CHIPS in the amount of \$72,000 was submitted for reimbursement. Taxes: 1.2 of 2 mil has been collected to date.

VOUCHERS – Read and approved for payment.

COMMUNITY CHOICE AGGREGATION-

The Mayor noted that based on recommendations from the Green Committee and the Boards own research the following motion was posted: Trustee Esmay made a motion that the village enter into a MOU with Joule Power as the Administrator of the CCA, seconded by Trustee Rothchild and so moved.

The Mayor will sign the MOU and the clerk will forward to Joule Assets Inc.

Daniel Wolff, Castle Heights Ave., arrived at the meeting for just this item and left after the Board took action.

**7:45 PM Public Hearing - Local Laws**

- 1) Local Law #2 of 2019 – Laws governing the use of River Hook Preserve (RHP)

The village Clerk read the public hearing notice

No one from the public attended

Discussion: The Board discussed the law and noted the address of the property should be included in the law. The clerk will add 626 N Broadway and 611 N Midland Ave.

Trustee Esmay motioned to open the public hearing, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

As no one from the public was in attendance, the Mayor asked for a motion to close the public hearing.

Trustee Rothchild motioned to close the public hearing, seconded by Trustee Esmay and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Trustee Dodge made a motion that the Board adopt Ordinance 16, an addition to the 1965 Code of General Ordinances, also known as Local Law #2 of 2019, seconded by Trustee Trustee Diamond and it was so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

2) Local Law #3 of 2019 - Extension of Temporary Moratorium

Village Clerk read the public hearing notice.

Trustee Diamond made a motion to open the public hearing, seconded by Trustee Rothchild and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

No one from the public attended.

Trustee Esmay made a motion to close the public hearing, seconded by Trustee Diamond and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Trustee Esmay made a motion that the Board adopt to the continuation of a moratorium for a period of six (6) additional months on all site plans, use variances, subdivisions, applications and special permit applications for commercial or residential structures located in the Office Business (OB) District, Laboratory Office (LO) District and the R-\$ Residential District that abuts the Route 9W corridor, seconded by Trustee Dodge and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

DISCLOSURE LAW FOR LAND USE APPLICATIONS

The Board discussed the law and Mayor Tarapata noted she had consulted the attorney at NYCOM who indicated that this is a very workable law and it has not been challenged at this time.

Trustee Diamond made a motion that the Board hold a public hearing on July 18, 2019 at 7:30 PM to consider adopting the Non-disclosure law on land use applications, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

MINUTES – Trustee Esmay made a motion to accept the minutes of the Regular Meeting of May 16, 2019, seconded by Trustee Rothchild and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

MEO I - Mayor Tarapata read the RC Personnel description of an MEO I  
Mayor Tarapata appointed James DeFeo as MEO I to the DPW of Upper  
Nyack

Trustee Rothchild made a motion that the Board ratify the appointment of  
James DeFeo as MEO I, noting he had received his CDL license, seconded  
by Trustee Dodge and so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

**8:34 PM** Trustee Rothchild exited the meeting

### EXECUTIVE SESSION

**8:35 pm** Trustee Esmay made a motion that the Board enter into executive  
session, seconded by Trustee Diamond and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge & Esmay

NOES: None      ABSENT: Trustee Rothchild

Discussion took place regarding pending legal matters

**9:05 pm** Trustee Esmay made a motion that the Board exit executive  
session, seconded by Trustee Dodge and on a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge & Esmay

NOES: None      ABSENT: Trustee Rothchild

Trustee Esmay motioned to adjourn, seconded by Trustee Diamond and so  
moved. The meeting was adjourned at 9:07 PM.

AYES: Mayor Tarapata, Trustees Diamond, Dodge & Esmay

NOES: None      ABSENT: Trustee Rothchild

Respectfully submitted,

Carol G. Brotherhood, Village Clerk